



LICENSING COMMITTEE (LICENSING ACT 2003)

Monday, 18th March, 2013

**At the rising of the Licensing
Committee**

Town Hall, Watford

Publication date: 8 March 2013

CONTACT

If you require further information or you would like a copy of this agenda in another format, e.g. large print, please contact Jodie Kloss in Legal and Property Services on 01923 278376 or by email to legalanddemocratic@watford.gov.uk .

Welcome to this meeting. We hope you find these notes useful.

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COMMITTEE MEMBERSHIP

Councillor J Brown (Chair)

Councillor P Jeffree (Vice-Chair)

Councillors I Brandon, I Brown, J Connal, K Crout, G Derbyshire, J Dhindsa, K Hastrick, M Hofman, M Meerabux, M Mills, D Scudder, L Scudder and D Walford

AGENDA

PART A - OPEN TO THE PUBLIC

1. **APOLOGIES FOR ABSENCE/ COMMITTEE MEMBERSHIP**
2. **DISCLOSURE OF INTERESTS (IF ANY)**
3. **MINUTES**

To approve the minutes of the meeting held on 12 November 2012.

4. **LICENSING SUB-COMMITTEE MINUTES AND UPDATE**

Since the last Committee the following Licensing Sub-Committee hearings have taken place:

- **Great Poland Deli** (14 December 2012) Councillors Jeffree (Chair), Brandon and D Scudder
- **Yellow and Red Lion Review** (25 February 2013) Councillors Derbyshire (Chair), Meerabux and D Scudder
- **Whippendale Food and Wine Review** (6 March 2013) Councillors J Brown (Chair), I Brown and Connal (adjourned)

The minutes of these meetings to be submitted for signature.

Licensing Sub-Committee minutes are available to view on the Council's website:

<http://watford.moderngov.co.uk/ieListMeetings.aspx?Committeeld=133>

5. **REVIEW OF LICENSING ACT 2003 STATEMENT OF LICENSING POLICY**
(Pages 1 - 54)

Report of the Head of Environmental Services
6. **LICENSING ACT 2003 ANNUAL REPORT FOR 2012** (Pages 55 - 78)

Report of the Head of Environmental Services

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PART A

Report to: Licensing Committee (Licensing Act 2003)
Date of meeting: 18 March 2013
Report of: Head of Environmental Services
Title: Review of Licensing Act 2003 Statement of Licensing Policy

1.0 SUMMARY

1.1 In its role as the licensing authority under the Licensing Act 2003 the Council has a duty to prepare, and keep under review, a statement of licensing policy (SLP). This sets out how the authority approaches its responsibilities under the Act. A number of legislative and other changes have prompted a need to review the policy, which must be publicly consulted upon before it can be adopted.

1.2 A number of changes to the policy are being proposed in this review of which the most significant are:

- (1) recognising the introduction of the Live Music Act 2012
- (2) clarifying our policy on licensing alcohol sales at petrol-filling garages
- (3) acknowledging that we may consider the need for an Early Morning Restriction Order in the town centre at some future date
- (4) clarifying that “café bars” and “other entertainment venues” can be considered exceptions to policy LP3
- (5) impose additional requirements on premises granted licences to sell alcohol within the town centre
- (6) deleting a cumulative impact policy for off-licences and introducing Sensitive Licensing Areas in three specific areas of the Borough
- (7) recognising changes made to the temporary event notice system and the new role for Environmental Health Officers
- (8) enhancements to protect children from harm
- (9) a move away to more pro-active licensing inspections
- (10) clarification on the scheme of delegation under the Licensing Act
- (11) acknowledgement of the future role to be played by the Police and Crime Commissioner for Hertfordshire and the Director of Public Health in Hertfordshire.

1.3 A more detailed list of the amendments appears below at paragraph 3.6.

2.0 RECOMMENDATIONS

2.1 That the Licensing Committee adopts the draft statement of licensing policy at

appendix 1, with any amendments it thinks appropriate.

- 2.2 That officers consult with the parties set out in paragraph 3.8 below and report to the Licensing Committee at its meeting on 15 July 2013.

Contact Officer:

For further information on this report please contact: Jeffrey Leib (Licensing Manager) on telephone extension: 8429 and email jeffrey.leib@watford.gov.uk

Report approved by: Alan Gough, Head of Environmental Services

3.0 **DETAILED PROPOSAL**

- 3.1 The Council is the licensing authority under the Licensing Act 2003 for alcohol, regulated entertainment and late-night refreshment within the Borough. It is required to prepare, consult and keep under a review a statement of licensing policy (SLP) that sets out how it approaches its responsibilities under the Act, so that applicants, other statutory bodies and local bodies can ascertain its general approach to particular situations.
- 3.2 In preparing the SLP, the authority must have regard to the statutory guidance published under the Act by the Secretary of State and approved by Parliament.
- 3.3 The Act has been amended and clarified on a number of occasions since it was implemented in November 2005. Most significantly, as part of the Government's commitment in the Coalition Agreement to "rebalance" the Act.¹ In November 2012, it published a further consultation paper concerning its alcohol strategy, and measures to reduce red-tape associated with the licensing process.²
- 3.4 This commitment resulted in a number of amendments in the Police Reform and Social Responsibility Act 2011 (PRSR Act), which also additionally introduced the concepts of Early Morning Restriction Orders and Late Night Levies. The Live Music Act 2012 made further changes by exempting some live and amplified musical performances from the need for a licence. The statutory guidance was updated in October 2012 to reflect those changes in government policy.
- 3.5 As a consequence of these changes officers have reviewed the current SLP, which would otherwise be in force until January 2014. Under the PRSR Act the SLP can now be in force until 2018 unless it is revised beforehand.
- 3.6 The changes in the draft SLP printed at appendix 1 are shown in the table below:

¹ See <http://www.homeoffice.gov.uk/publications/consultations/cons-2010-licensing-act/alcohol-consultation?view=Binary>.

² See <http://www.homeoffice.gov.uk/media-centre/news/alcohol-consultation-launched>.

| Page | Description of change |
|---------|---|
| 3 | Confirmation that the policy will now last for five years until 2018, and a description of the consultation exercise that was undertaken. |
| 3 | Changing the annual report to the Licensing Committee from each January to each Spring. |
| 4 | Updating the details and description of the Borough. |
| 6 | Amending the SLP to acknowledge the award of Purple Flag status for the town centre. |
| 7 | Amended to recognise the introduction of the Live Music Act 2012 and that the Government is proposing to deregulate “regulated entertainment” even further. |
| 8 | When the Act was first implemented, officers established a Licensing Consultative Group of local licensees, statutory bodies and residents’ groups to keep the SLP under review. Although this was replaced in 2011 by an open annual meeting, officers instead will use existing consultation structures and report on the Act’s operation to the Licensing Committee each Spring. |
| 9 | The term “interested parties” has been deleted from the Act and has been deleted from the SLP. |
| 9 | Make it clear that conditions, when added following relevant representations, will be tailored to the style and characteristics of the individual premises in question. |
| 9 | Include a reference to Environmental Health being able to object to a temporary event notice. |
| 13 - 14 | The reference to paragraph 13.41 of the <u>previous</u> statutory guidance, which refers to providing choice and flexibility for consumers whilst balancing the rights of local residents to peace and quiet, has been replaced with a reference to paragraph 13.42 of the <u>current</u> guidance that different licensing approaches may be required for different areas, that licensing authorities – in consultation with others – are best placed to make those decisions, providing that opening hours must not be pre-determined without each case being considered on its own merits. |
| 14 | Amend policy LP2 to state the aim of the policy is for all parties to be clear as to whether a licence granted for a petrol filling station is effective or not. |
| 14 | Strengthen paragraph 1 of policy LP2A to show that evidence of how intensively a petrol filling station is used will be required before a licence can be granted. |

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| 14 | Inserts a new paragraph 2 into policy LP2A. |
| 15 | Amends the SLP to reflect the Government's proposals to abolish the need for circuses to obtain licences for regulated entertainment. |
| 16 | Included a new paragraph to recognise the possibility of an Early Morning Restriction Order being considered later in 2013. |
| 16 | Include café-bars and other entertainment venues as the types of premises within policy LP3 which will be considered as an exception to the general policy, and where the starting point will be to grant applications subject to conditions if representations have been made. |
| 17 | Paragraph 6 has been strengthened. When applicants wish to show they should be an exception to policy LP3 (which restricts alcohol sales in the town centre), they may need to demonstrate that they have an effective dispersal management plan in place and an electronic identification entry system in addition to the existing requirements of installing CCTV and having use of a Pubwatch radio. |
| 18 | The crime and disorder statistics for the town centre covered by policy LP3 has been updated, and reference is also made for the first time to statistics of alcohol-related injuries provided by Watford General Hospital. |
| 18 | The list of measures in the town centre to combat alcohol-related crime has been updated. |
| 18 | Updated the number of times the Council has successfully defended appeals involving the SLP before the magistrates' courts. |
| 18 | Introducing a new concept of Sensitive Licensing Areas. There are three areas of the Borough where licensable activities have either caused concern to local residents and businesses or have resulted in licence reviews initiated by the police. However, there is no evidence that the problems in those areas are so considerable as to justify a cumulative impact policy similar to the one for the town centre under policy LP3. The new policy LP4 (which also replaces the cumulative impact policy for Whippendell Road) means that (a) the licensing authority itself is particularly likely to make representations about applications in those areas; and that policies LP6, LP7 and LP8 will be strictly applied to applications for premises in those three areas where representations have been made. |
| 20 | The justification for policy LP4 (Sensitive Licensing Areas) is set out here. Evidence will be particularly requested during the consultation period in order to support this in the final published policy. |
| 22 | A number of changes to the temporary event notice scheme are set out here: that "late" notices of five working days can now be given; that Environmental Health as well as the police are now consulted once |

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| | notices are received; and that conditions from a pre-existing premises licence or club premises certificate can be added to temporary event notices following police or Environmental Health representations. |
| 22 | The SLP confirms that licensing sub-committees will consider the individual merits of a TEN should the police or Environmental Health object to a temporary event notice within the town centre (LP3 area). |
| 23 | Reference to a licensing enforcement officer visiting many events held under a TEN has been deleted. |
| 24 | The current policy recommends that where an applicant for a personal licence has a current criminal conviction, they should first discuss their application with both licensing authority and police licensing officers. This has been deleted to bring the policy in line with the established statutory process which is for the licensing authority to advise the police where applicants have relevant criminal convictions and for the police to decide whether those convictions are likely to undermine the crime prevention objective. |
| 24 | A recommendation that a joint interview with the police is conducted when the police are minded to object to the transfer of a designated premises supervisor (on the grounds that the crime prevention objective may be undermined) has been deleted. |
| 24 | A new paragraph has been inserted setting out the authority's expectations of the responsibilities of designated premises supervisors. |
| 25 | References to Off-Watch schemes have been deleted. |
| 31 | Two new paragraphs have been added setting out the licensing authority's expectations in relation to age verification procedures for selling alcohol to under 18s, and for internet or telephone sales. |
| 32 | Policy LP9 has been amended so that appropriate conditions will be added following representations that an application does not adequately address age verification sufficiently. |
| 32 | The licensing authority has a long-standing power to restrict films viewed at public screenings. This is delegated to officers and policy LP10 codifies the existing position, making it clear that they will apply the same guidelines that the British Board of Film Classification would apply. |
| 33 | The first paragraph has been revised to reflect that anyone within the Borough who may have an interest in an application may now make representations, and not just "interested parties" (which have now been abolished). The chapter heading and the first paragraph have also been amended to make clear that representations can be either for or against applications. |
| 33 | A new paragraph has been added setting out the circumstances in |

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| | which the licensing authority is likely to make representations in its own right in one of three particular situations. |
| 36 | A paragraph has been deleted which stated the licensing authority cannot start reviews of licences itself, as the PRSR Act now allows that to happen. |
| 37 | Policy LP14, which set out how licensed premises were inspected on a proactive risk-based approach, has been deleted as a change in the way we now conduct monitoring of premises means that we target high risk premises that give rise to complaints or concerns. Regular proactive night time operations are still undertaken in the town centre. |
| 38 | The scheme of delegation from the licensing authority has been amended so that the full Licensing Committee will consider evidence relating to an Early Morning Restriction Order if necessary and make recommendations to the full Council. |
| 38 | The scheme of delegation also sets out the specific powers delegated to officers which are not explicit in the Act. |
| 40 | The role of the Police and Crime Commissioner, and of the Director of Public Health, are acknowledged. |

3.7 For the sake of simplicity, changes to the paragraph numbering in the October 2012 version of the statutory guidance have not been included in the above table.

3.8 Consultation

The licensing authority is under a statutory duty to consult with representatives of residents and businesses in its area, representatives of licence-holders and responsible authorities. Previous Cabinet Office guidelines which recommended a 12-week written consultation exercise have now been superseded by more flexible arrangements.

3.9 Officers propose consulting with the bodies set out on page 3 of the draft SLP. In addition, it is proposed to place a copy on the Council website for comments to be made by other parties, either online or by paper. It is suggested that the consultation runs until 30 April 2013, in order that comments can be reported to the Committee at its next meeting on 15 July 2013. Officers believe that most of the proposed amendments – with the exception of the new LP4 Sensitive Licensing Areas – are largely uncontroversial and technical in nature, justifying a shorter than normal consultation period.

4.0 **IMPLICATIONS**

4.1 **Financial**

4.1.1 The Head of Strategic Finance comments that there are no financial implications associated with this review.

4.2 **Legal Issues** (Monitoring Officer)

4.2.1 The Head of Legal and Property Services comments that the SLP is not only important in setting out the licensing authority's approach to the Licensing Act, but it must also be applied by the magistrates' courts on appeal unless they have good reason to depart from it otherwise. The Committee must be satisfied that the SLP is not irrational, beyond the legal powers of the Committee, or so unreasonable that no other reasonable licensing authority would have adopted it.

4.3 **Equalities**

An Equalities Impact Assessment has been conducted. As the licensing process is regulated by statute and regulation, any negative effects would have to be addressed by Parliament. However, the council can ensure that:

- (a) licence conditions are not imposed that have a negative impact on an equality group
- (b) information and awareness about the licensing scheme is made available (commensurate with the information provided by the council for other regimes, e.g. planning permissions)
- (c) steps are put into place to accommodate people from equality groups who might wish to put forward their representations to licensing sub-committees (and this equally applies to any member of the public who wishes to address a Council or committee meetings)
- (d) officers follow the published enforcement policy which itself has been the subject of an equalities impact assessment

4.4 **Potential Risks**

| Potential Risk | Likelihood | Impact | Overall score |
|---|------------|--------|---------------|
| Further legislation or reported cases during the revision process | 1 | 4 | 4 |
| <i>Policy departed from by court on appeal</i> | 1 | 4 | 4 |
| Legal challenge arising from failure to properly adopt the policy | 2 | 3 | 6 |
| Legal challenge from failure to properly consult | 1 | 3 | 3 |
| Deadlines for consultation, committee meetings etc not met | 1 | 1 | 1 |
| Policy is unreasonable, irrational, discriminatory etc | 1 | 3 | 3 |

Appendices

- Appendix 1 – draft statement of licensing policy 2013 - 2018.

Background Papers

The following background papers were used in the preparation of this report. If you wish to inspect or take copies of the background papers, please contact the officer named on the front page of the report.

Local Government Association Best Practise Framework for the Review of Licensing Policy Statements (October 2012)

File Reference

- Licensing policy review 2013



**LICENSING ACT 2003
STATEMENT OF LICENSING POLICY**

APRIL 2013

Comments are invited on this document to:

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PROLOGUE

Watford Borough Council is the licensing authority under the Licensing Act 2003, and are required to publish and keep under review a policy setting out our approach to our responsibilities under the Act.

It is intended that this policy will be used by a wide range of people within the Borough – from organisations who need authorisations under the Act; residents and others who may be affected by their activities, and by the statutory bodies with responsibilities under the Act.

This policy is in force from XX July 2013 until XX July 2018, unless revised beforehand. We hope that organisations and individuals will use it before making licence applications, and that residents and statutory bodies will use it when responding to licensing applications or existing licensed activities.

In drawing up the policy, we have consulted with:

- Local residents and their representatives
- Local community, cultural and entertainment organisations
- Holders of various licences for premises in the Borough who will be affected by it
- Hertfordshire Constabulary
- Hertfordshire Fire & Rescue Service
- Hertfordshire Trading Standards
- Hertfordshire Local Safeguarding Childrens' Board
- Watford Community Safety Partnership
- One Watford

Our consultation was conducted between XX and XX 2013, during which time we [description of consultation exercise]. It was approved by the full Council – the Licensing Authority – on xx 2013.

Our licensing committee will consider each Spring how the policy has operated, and whether any changes to it are needed.

The Borough of Watford

Watford Borough Council is situated in the county of Hertfordshire, which contains ten district councils in total. The council area has a population of 90,301 (ONS mid-year population estimate, August 2011) making it one of the smallest in the county in terms of population and one of the most densely populated in the country.

Watford Borough was granted a Royal Charter in 1922. Traditionally a market town, it has developed into an attractive sub-regional shopping centre and important centre for cultural and recreational facilities. Watford has a catchment area population of approximately 500,000 within a travel time of 20 minutes from the town centre (CACI Ltd 2001).

Situated in the south west of Hertfordshire, Watford has several locational advantages due to its excellent communication links. The M1 motorway, with direct links to the town centre, and the London to Glasgow railway pass through the Borough. London Euston can be reached in 20 minutes, while the nearby M25 motorway has enhanced road access to the major airports at Heathrow, Gatwick, Stansted and Luton.

Watford has major A-road links to adjoining areas and is also connected to the underground rail network with the Metropolitan Line terminus adjacent to Cassiobury Park. A branch line railway serves St. Albans Abbey. By 2016 the London Underground is expected to be connected to Watford Junction mainline railway station via the Croxley Rail Link, providing additional stations in West Watford.

Watford Borough covers an area of 2,142 hectares (8.3 sq. miles). Watford is a major town in the region. It is a sub-regional shopping destination, centered around the Harlequin Shopping Centre in the town centre, and has one of the most vibrant night-time economies in Hertfordshire. It was traditionally a centre for the printing industry and now boasts the headquarters of a number of nationally known firms. Unemployment figures are well below Great Britain's average. However there are pockets of deprivation, characterised by a high concentration of minority ethnic groups, single parent families, low income households and a high incidence of long term health problems.

Potential operators should however refer to the adopted Core Strategy (through our Development Control Team or on our website at www.watford.gov.uk) for details about the local planning authority's approach to granting planning permission for developments where such activities may take place.

Further information about the Borough is contained in the Community Plan 2006 – 2026, which can be obtained from the Council's offices.

INTRODUCTION

We recognise that the four objectives of the Licensing Act – prevention of crime and disorder; public safety; prevention of nuisance; and child protection – are paramount.

Our vision is to create a safe and family-friendly environment within the Borough, particularly within the town centre. Whilst we recognise that each application must be considered on its individual merits and must be granted in the absence of any relevant representations, policies will be implemented to achieve our overall aims.

Our aspiration for the town centre is to :

create a vibrant, diverse and distinctive area at the top of Watford's town centre that, through effectively integrating a range of facilities, activities and open spaces, will act as a stimulating focal point for culture and heritage within the borough. The rejuvenated area will deliver key cultural, physical, economic and social improvements to the town and will make a major contribution to achieving the Council's vision of a family friendly town centre.

The area overall will exploit the best of current provision, whilst successfully blending it with new facilities and open spaces that will be designed and built to deliver a contemporary destination which will meet people's needs and aspirations and contribute to the borough's economic prosperity and civic pride in the town.

For more details visit <http://www.watford.gov.uk/ccm/content/strategic-services/watford-town-centre-cultural-study.en> or contact our licensing team.

This approach took us to being awarded Purple Flag accreditation from the Association of Town Centre Managers in September 2012 for our management with our partners of our town centre night-time economy.

Where we have discretion because relevant representations have been made about licensing applications, we may also take into account the following factors to fulfil our vision:

- (1) what contribution the application can make to creating a family-friendly town centre, specifically in terms of offer to a wide-range of customers; family-friendly policies and facilities; operating hours; and pricing;
- (2) entertainment aimed at over-25 year olds;
- (3) links with other activities in the town, to encourage day-time users to stay in the evening;
- (4) provision of a full food menu and not only alcohol;
- (5) the controlled and safe sale of alcohol;
- (6) transport/dispersal provision, particularly during periods when public transport is unavailable;

- (7) style and type of venue. The licensing authority wants to attract only high-quality operators who can provide a family-friendly environment, characterised by a range of activities and offers that would appeal to families of all backgrounds. A family-friendly environment may (but need not) be characterised by:
- a range of alcoholic and soft drinks suitable for all ages;
 - a food menu catering for different tastes and needs, available throughout the duration of the premises' operating times;
 - facilities suitable for assisting customers with young children, such as high-chairs and baby-changing facilities, and facilities for family groups such as suitably laid-out seating/table areas;
 - a range of activities or entertainment that appeals to a range of age groups, whether provided at the same time or at separate times.
- (8) involvement in local community events and organisations
- (9) commitment to involvement in community safety partnership initiatives.
- (10) use of street pavement licences for outdoor table areas.

Promoting and celebrating Watford's diverse cultures

We are keen to promote the artistic and cultural life of the town, and licensing will be approached with a view to encouraging new and innovative forms of public entertainment that are consistent with the licensing objectives and this aim.

We encourage greater live music, dance, theatre and other forms of entertainment for the wider cultural benefit of the community. We note that the Live Music Act 2012 already exempts live and recorded music from the need for a licence in specific circumstances. The Government has also recently signalled its intention to exempt many of those activities from the need for licensing in any case¹.

For those activities that will still require licensing, we will seek to strike a balance between the potential for limited neighbourhood disturbance and the benefits of cultural activities and we will not allow the views of vocal minorities to predominate over the general interests of the community.

We will as far as possible avoid measures that deter live music, dance, theatre and entertainment, for example by not imposing conditions that have indirect costs of a disproportionate nature.

¹ See <http://www.parliament.uk/business/publications/hansard/commons/todays-written-statements/>.

We are aware of the community value of a broad range of cultural entertainments, particularly live music, theatre and dancing. We want to encourage them for the benefit of all. We have issued a premises licence for the town centre for the use of community and other groups, and enquiries should be addressed to our Arts & Events team at community@watford.gov.uk.

GENERAL CONSIDERATIONS

Licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the licence-holder. However, as a matter of policy, we expect every holder of a licence, certificate or permission to be responsible for minimising the impact of their activities and anti-social behaviour by their patrons within the immediate vicinity of their premises and will require licence holders to demonstrate that they have taken appropriate action.

We will consider every application, on its own merits. We will have regard to the guidance issued by the Secretary of State under section 182 of the Licensing Act (available from www.culture.gov.uk). Where it is necessary to depart from the guidance – either in this policy or at any other time – we will give clear and cogent reasons for doing so.

We will consult with relevant stakeholders on the operation of this policy where appropriate, in advance of an annual report each Spring to our Licensing Committee on the operation of the Act. We will also take advantage of other forum, such as Pubwatch and Door Supervisor liaison meetings.

PRE-APPLICATION CONSIDERATIONS

Our experience in administering the licensing regime since 2005 shows us that many disputes start from poor communication – for example, the Act doesn't always allow applicants to fully explain their proposals, leading residents to misunderstand what is being proposed. In that case, formal representations are made and licensing hearings held to simply clarify what is being proposed.

We would strongly encourage applicants to hold pre-application discussions with us, other relevant statutory bodies and local residents or businesses before submitting all but the most straight-forward applications.

Applicants should note that all applications are detailed on a weekly email bulletin, which is published on our website. Applications for the grant and variation of premises licences and club premises certificates are also circulated by letter to the fifteen nearest properties to the premises affected by the application, to ensure those potentially affected are aware of the application. Applicants are requested to submit a copy of their public notice to our officers after it has been published in a local newspaper.

Licensing is about the regulation of licensed premises, qualifying members' clubs and temporary events. We may only impose conditions on premises licences and club premises certificates in one of two circumstances:

- (1) where the applicant volunteers them as part of their operating schedule; or
- (2) on receipt of relevant representations from potentially affected parties or responsible authorities, which the licensing authority accepts as being relevant.

We have produced a separate document containing pools of model conditions for premises licences and club premises certificates. Applicants are under no compulsion to use these when preparing their operating schedules, but doing so may reduce the likelihood of representations being made about the application. Should relevant representations be received, we will (unless policies LP2 or LP4 are involved) use those pools of conditions to address the concerns raised before we consider whether to refuse an application.

Terms and conditions attached to premises licences or club premises certificates in these circumstances will be reasonable, proportionate, and relevant and will be focused on matters within the control of the individual licence-holders and others granted relevant permissions. Conditions will be tailored to the style and characteristics of the individual premises. These matters will centre on the premises and places being used for licensable activities and in the vicinity of those premises or places.

Our officers will draft appropriate conditions for premises licence and club registration certificates from the information supplied in operating schedules accompanying premises licence and club premises certificate applications.

We recognise that we have no statutory power to place conditions where a temporary event notice has been given and no objections have been received from the police or Environmental Health, but urge premises users to take note of the guidance in this policy in appropriate circumstances.

Where no representations have been received, we must grant the authorisation in the terms sought.

**POLICY LP1
PREMISES DEFINITIONS**

For the purposes of policy LP2 and LP3, we define licensed premises as set out below:

| Premises | Use |
|--|--|
| Restaurants | The sale of food and drink for consumption on the premises with full waiter service and/or full food menu throughout the trading period, and which typically has only incidental background music. Alcohol sales do not predominate over activities. It may occasionally include the provision of other licensable activities such as recorded or amplified music and limited facilities for the provision of dancing. |
| Public houses, wine bars or other drinking establishments | Primarily for the sale of alcohol and food for consumption on the premises, and which may include the provision of other licensable activities. Will include a "drinking up period" between the last sale of alcohol and the closing time of the premises. |
| Café-bars | The sale of food and or light refreshments, and where alcohol sales are not a predominant feature of the premises |
| Hotel bars | The sale of alcohol and/or food, either to hotel residents or to non-residents |
| Night-clubs | Primarily for the provision of licensable activities at night (typically including music and dancing), where alcohol sales are a strong feature |
| Off-licences | The sale of alcohol for consumption away from the premises |
| Pavement licences | The sale of alcohol and/or food on the highway outside of other premises licensed for such activities |
| Qualifying clubs | Qualify for a club premises certificate under the Licensing Act 2003 |
| Take-aways | The provision of late night refreshment (hot food and drink) between 11 pm and 5 am for consumption away from the premises |
| Other entertainment venues | The sale of alcohol and provision of late night refreshment (hot food and drink) is either absent or only ancillary to other licensable activities |

**POLICY LP2
LOCATION AND OPERATION OF PREMISES**

1. The table below sets out our approach to licensing premises when we have received relevant representations to a licensing application, notwithstanding that each application will be considered on its merits:

| Premises type | Town centre (see also policy LP3) | Leisure or shopping area | Residential area |
|--|--|---|--|
| Café-bars | Will generally be granted according to the application | | |
| Hotel bars | Will generally be allowed alcohol sales and late night refreshment to residents 24-hours a day and to non-residents on the same basis as restaurants (see below) | | |
| Night-clubs (including lap- dancing clubs*) | Will generally be allowed licensable activities to 1 am only and until 10.30 pm on Sunday (other than for special occasions) | Will generally be allowed licensable activities to 1 am only (other than for special occasions) | Will generally be allowed licensable activities to midnight only (other than for special occasions) |
| Off-licences | Will generally be allowed alcohol sales to 8 pm only | Will generally be allowed alcohol sales in accordance with the normal opening hours of the shop | Will generally be allowed alcohol sales in accordance with the normal opening hours of the shop |
| Other entertainment venues not listed | Will generally be granted for the hours and activities requested | | May be limited to midnight |
| Pavement licences* | Will generally be allowed alcohol sales to 10 pm only | Will generally be granted according to the application | Will not generally be granted for alcohol sales in residential areas outside pubs, but will if outside restaurants and café-bars |
| Public houses, wine bars and | Will generally be allowed alcohol | Will be allowed alcohol sales to midnight only (other than for special occasions). | |

* We have published separate policies about pavement and about sex entertainment venue licences, which are available on our website and from our licensing team.

| | | | |
|--------------------------------------|--|---|--|
| other drinking establishments | sales to midnight only, and until 10.30 pm on Sunday (other than for special occasions). | | |
| Qualifying clubs | Will generally be granted for the hours and activities requested | | |
| Restaurants | Will generally be allowed licensable activities to 2 am only (other than for special occasions) | | Will generally be allowed alcohol sales to midnight only (other than for special occasions) |
| Take-aways | Will generally be allowed late-night refreshment sales to 1 am only (other than for special occasions) | Will generally be allowed late-night refreshment sales to 1 am only | Will generally be allowed late-night refreshment sales to midnight only (other than for special occasions) |

2. Where alcohol is sold for consumption on the premises, our policy will be to generally grant an additional 60 minutes between the end of any sales of alcohol and the closing time of the premises (which we refer to as the “terminal hour”).
3. Where we have considered representations for licences that do not involve alcohol sales, we reserve the right to set a final hour for licensable activities and for the closing time of the premises (the “terminal hour”).

Justification for LP2

We recognise that flexible licensing hours for alcohol sales can help to reduce concentrations of customers from leaving premises simultaneously, and to reduce conflict at late-night take-aways and taxi ranks. At the same time, we recognise that taxis/private hire vehicles (and private vehicles) are effectively the only form of post-midnight transport in the Borough.

We are adopting this policy with the Government’s recommendations at paragraph 13.42 of the statutory guidance in mind. This states that the Government acknowledges different licensing approaches may be appropriate for promoting the licensing objectives in different areas, and licensing authorities – in consultation with others – are best placed to make those decisions subject to the over-riding principle that opening hours must not be pre-determined without giving individual consideration to the merits of each application.

This justifies a more restrictive approach in residential areas when relevant representations have been made. A more restrictive approach for take-aways within the LP3 area is justified to reduce conflict late at night, and for off-licences to reduce the availability of alcohol being drunk on the streets (“pre-loading”) during the evening.

PETROL FILLING STATIONS

Section 176 of the Licensing Act prohibits alcohol sales from premises that are used primarily as, or are part of premises that are primarily used, as garages for one or more of the retailing of petrol or derv; or the sale and maintenance of vehicles.

If premises that are primarily used as a garage are granted a licence, that licence is “of no effect” This means that although a licence might have been granted, it cannot be used to sell alcohol whilst the premises are being used as a garage.

This policy is intended to be applied flexibly, as we acknowledge there are many types of premises where people can drive to in order to buy and consume alcohol.

Policy LP2A

1. In determining applications for garages, we require applicants to demonstrate that their premises are not primarily used as a garage. Such evidence must be based on sales and footfall data over the previous two years to show that petrol and derv sales, and vehicle maintenance and sales, are not the premises' main feature to show the intensity of use. Where such information is not available (because for example the premises have only just started trading), we will consider imposing a condition requiring this information to be provided to the licensing authority on a regular basis for the following two years to ensure the premises are not primarily a garage.
2. Where insufficient evidence exists to establish primary use, we will decide whether or not to grant a licence on the basis of any representations relating to the licensing objectives. Any subsequent issues will be dealt with using our enforcement powers in conjunction with other responsible authorities.
3. Where relevant representations have been made and a premises licence is granted in these circumstances, we shall treat it as an off-licence for the purposes of policy LP2 and grant hours accordingly.

Justification for LP2A

Paragraph 5.22 of the statutory guidance issued under the Act makes it clear that we must decide whether or not any premises are used primarily as a garage. We are aware that different licensing authorities take a number of different approaches to this question. This approach allows us to obtain the necessary information for us to reach that decision.

CIRCUSES

It is clear that authority is needed under the Licensing Act should a circus sell alcohol or provide late night refreshment.

The position is less clear in terms of regulated entertainment, and we are aware of extremes in approaches by licensing authorities across the country. The incidental music to a circus performance is not licensable, clowns may not necessarily be playing a dramatic role qualifying as a theatrical performance, trapeze artistes are not engaged in

indoor sports and film performances are rarely included. We are also conscious of the Government's proposal to exempt such entertainment from the Licensing Act in the future.

Policy LP2B

1. It is our policy that circuses do not require authorisations under the Licensing Act 2003 for regulated entertainment, unless a significant proportion of the performance amounts to regulated entertainment. This policy is intended to be applied flexibly.

Justification for LP2B

It is our experience that circuses are low risk, pose no significant risk to the licensing objectives, add value to the cultural activities of the town, and are regulated by other means including compliance with the Health and Safety at Work etc Act 1974.

POLICY LP3 CREATING A FAMILY FRIENDLY TOWN CENTRE

This policy applies in these parts of the town centre bordered by Rickmansworth Road, Beechen Grove and Exchange Road, specifically:

- Albert Road South
- Charter Place
- Church Street
- Clarendon Road, between The Parade and Beechen Grove
- George Street
- High Street (between The Parade and Beechen Grove)
- King Street, between High Street and Exchange Road
- Market Street, between High Street and Exchange Road
- New Street
- Wellstones
- Queens Road between High Street and Beechen Grove
- The Parade

Our starting point is to seek a reduction in crime and disorder, consistent with our statutory duty under the Licensing Act and under section 17 of the Crime and Disorder Act 1998 (as amended), and an improvement in local amenity through the reduction in alcohol-related anti-social behaviour.

We have adopted a special policy for this part of the town centre, which is intended to be strictly applied. We want to encourage more restaurants, cafes, food establishments and venues offering entertainment licensable activities and would positively encourage applications for those type of premises whilst discouraging alcohol-led premises. Whether there is a need or not for further premises of a particular type, in accordance with the Secretary of State's guidance at paragraph 13.18, will not be a consideration.

This policy does not apply where an application to review a premises licence or club premises certificate has been made (Secretary of State's guidance, paragraph 13.36).

We have identified this area as one where it may be appropriate to introduce an Early Morning Restriction Order under the Police Reform and Social Responsibility Act 2011. We will continue to monitor levels of crime, disorder and nuisance in this area with a view to beginning a consultation on the issue if levels of recorded crime and disorder have not shown a marked reduction.

Policy LP3

1. When we have received relevant representations about an application for a pub, night-club or bar (as defined in policy LP1) in this part of the town centre, our starting point will be to refuse the application.
2. Where relevant representations about an application for a restaurant, café-bar, other entertainment premises, café or premises providing other non-alcohol

licensable activities (as defined in policy LP1) are received, our starting point will be to grant the application subject to conditions to address those representations.

3. Where exceptions can be shown and we have received relevant representations, variations to extend the hours of alcohol-led premises will not generally be allowed until the premises have been operating for at least 12 months without having an adverse impact on the licensing objectives.
4. Where relevant representations have been received, we will consider granting applications which limit the hours of operation to those set out in policy LP2 unless the exceptions to LP3 can be shown.
5. Where relevant representations have been received and exceptions can be shown for applications for public houses and night-clubs, we will consider whether to require waiter/table service for alcohol sales between 9 pm and the final time for the sale of alcohol.
6. Where relevant representations have been received to sell alcohol after 10 pm and exceptions can be shown, we will consider whether premises shall be required to demonstrate they have an effective dispersal management plan in place; to operate a closed-circuit television system that meets the reasonable requirements of Hertfordshire Constabulary; operate an electronic identification entry system; and to have use of a Pubwatch radio.
7. Where relevant representations have been received in relation to applications for late-night refreshment premises that provides a delivery service, we shall consider imposing a condition that those deliveries are only made to a fixed physical address.

Exceptions to LP3

1. Exceptions will not be made on the grounds that:
 - (1) the building design is of a high standard; we would expect all applicants will want to ensure the highest design standards possible;
 - (2) that the applicant is of good character. It is a legal requirement that premises selling alcohol must be under the management of a designated premises supervisor, who must themselves hold a personal licence to sell alcohol;
 - (3) the premises are small. Even small premises can contribute to crime, disorder and nuisance.
2. We will consider whether to grant an application, even when relevant representations have been received, if the application:
 - (1) contributes to the family-friendly development of the town centre; or
 - (2) effects a real reduction in capacity of alcohol sales; or

(3) replaces vertical drinking establishments with seated consumption and waiter service.

3. In any case where an applicant wishes an exception to be considered, the responsibility is with them to show why it should be considered and not on our licensing committee to show why an exception should be made.

Justification for LP3

Over the last decade we are aware there has been a link in levels of violent crime and anti-social behaviour linked to an increase in alcohol-licensed premises. Nearly 80% of all alcohol related offences between September 2008 and August 2009 occurred within the town centre, where over half of Watford's pubs and clubs are located and 40% of the town's licensed premises. Between September 2009 and April 2010, the town centre area experienced a 23% increase in violent crime, much of which is committed between 1 am and 3 am. Other types of crime, such as public order offences, also increased during this period and much of it is linked to the night-time economy.

Information supplied by the Watford Community Safety Partnership shows that there are on average around 876 alcohol-related offences within the Borough each year, with the figures for the year ending July 2011 up by 0.6% on the previous 12 months. Watford records the highest number of alcohol-related crimes in Hertfordshire, at 9.7 crimes per 1000 population. Just over two-thirds of alcohol-related crimes were also of a violent nature (as classified by the Home Office). Nearly two-thirds of all of those offences take place on Watford Central (C1A) beat – which includes the area covered by policy LP2, with 575 of the 876 offences occurring here.

Information supplied from the Emergency Department at Watford General Hospital also shows the majority of alcohol-related injuries presenting arise from town centre locations.

Reducing these levels is currently a strategic priority for the Watford Community Safety Partnership

With our partners we have introduced a number of measures to help prevent more people becoming victims of crime:

- Additional policing resources at times of peak volumes (with an impact on policing at other times of the week)
- Town centre CCTV and requiring town centre premises to install CCTV
- Employing Council and police licensing enforcement officers
- Establishing door supervisor liaison arrangements
- Playing a full part in the town centre Pubwatch scheme (which includes a radio network linked to the CCTV control)
- Establishing a night-time economy focus group
- Implementing a late-night taxi marshal scheme
- A data-sharing scheme to record the number of alcohol-related injuries treated at Watford General Hospital

- Increasing the number of licensed taxis (although these are now currently limited in number)
- Encouraging the installation of electronic identification checking systems at the entrances to licensed premises
- Specific police operations such as Operations Carbine and Chansom and use of police powers such as dispersal orders under section 27 of the Violent Crime Reduction Act 2009
- Police conducting random weapons and drugs searches at the entrances to premises, with the consent and co-operation of premises' managers

Working with local residents and the police, we have successfully demonstrated to the courts on more than ten occasions since 2001 the impact that more alcohol-licensed premises has on community safety in the Borough. However, we recognise that the correct approach is to work with and not to penalise good operators and to review the licences of poor operators. We have granted applications when it has been right to do so.

We are satisfied, on receipt of numerous representations from the police and the Watford Town Centre Residents' Association, that the level of violent crime, anti-social behaviour and nuisance caused by people visiting pubs and bars in the area defined in policy LP3 undermines the crime prevention, public safety and prevention of nuisance objectives. This policy accords with the Secretary of State's guidance at paragraph 13.33 to consider the contribution to cumulative impact made by different types of premises within the area.

POLICY LP4 SENSITIVE LICENSING AREAS

We have identified Sensitive Licensing Areas within the Borough. These are areas where we are particularly likely to make representations ourselves suggesting additional conditions to reduce any impact on the licensing objectives to address concerns about:

- (1) availability of beers and lagers above 6% ABV to street drinkers leading to anti-social behaviour in the immediate vicinity of the premises
- (2) alcohol and/or late-night refreshment being available at times that are significantly different from other premises in that area likely to have an adverse impact on the licensing objectives
- (3) litter and other nuisances from a concentration of late-night take-aways

The Sensitive Licensing Areas are:

- (1) Whippendell Road, between its junction with Cassio Road and Hagden Lane
- (2) Queens Road, between Derby Road and Loates Lane and
- (3) Market Street between Exchange Road and Merton Road/Cassio Road.

We may add to these areas where evidence of the problems identified above exist.

Policy LP4

1. Where an application for alcohol sales or late-night refreshment has been received in a Sensitive Licensing Area, the licensing authority will consider making representations and will strictly apply policies LP6, LP7, L8 and LP9 in relation to those premises.
2. Where additional representations have been made by other parties, our strict starting point in these areas will be to consider whether conditions will be appropriate to address those concerns or whether a refusal is justified on the basis that the licensing objectives would be undermined.

Justification for LP4

The Sensitive Licensing Areas are a mix of commercial and residential properties in densely built-up areas. Each has a relatively high number of licensed premises (7 in Whippendell Road; 9 in Queens Road; and 9 in Market Street). Although the concentration of premises has caused considerable concern in terms of the three issues identified above leading to licence reviews or significant levels of representations against licence applications, levels of recorded crime, disorder, anti-social behaviour and nuisance are not significantly different from other parts of the Borough. The impact of these issues will be greater because of the density and mixture of property uses in those areas.

PLANNING PERMISSION

The use of any licensed premises or places is subject to planning controls. There are several differences between licensing and planning control. The most significant is that planning is concerned with how land is used and its impact on the surrounding amenity, whilst licensing concentrates on protecting public safety in its widest sense.

New occupiers are not normally required to obtain planning permission unless there is a material difference in the use of the premises, before use of it begins. Material changes by existing operators may also require additional planning permission, and advice should be sought from the planning authority.

To avoid the risk of the planning authority raising representations against a proposed licensing application, applications are advised to ensure they have the correct planning consents in place before making a licensing application.

Policy LP5

1. Where representations have been made by the Local Planning Authority on grounds that the application will undermine the licensing objectives unless planning permission has been obtained, and we resolve to grant a premises licence or club premises certificate, it shall be subject to a condition that it will be

of no effect until the appropriate planning permission has been granted by the Local Planning Authority.

Exceptions to LP5

1. Exceptions to this policy may be considered where, for example, the applicant has simultaneously applied for a licence and planning permission.

Justification for LP5

The Secretary of State's guidance at paragraph 13.55 reinforces the view that planning and licensing are separate regulatory regimes and that licence applications may be made before a planning application. However, in the light of experience, whilst wishing to ensure the independence of the two regimes we also wish to see consistency between the two.

LICENSING AND OTHER LEGISLATION

Operators of licensed premises will have to comply with planning, environmental health, health and safety at work, fire safety and building control legislation when opening or adapting premises licences.

We will seek to avoid confusion or duplication by not imposing licensing conditions that are required under other legislation, except where they can be exceptionally justified to promote the licensing objectives.

TEMPORARY EVENTS

Most temporary events will not present any problems – for example, a temporary event notice may be needed to allow a special occasion in a pub or restaurant to be celebrated, or for wine to be sold at a parent-teacher association dinner.

In other circumstances, there may be slightly more risks involved. In these cases, we recommend that organisers consider the following points.

It would be helpful for organisers to give at least three months' notice to hold all but the smallest events, to allow us to help plan their events safely. Any longer period than this may mean that organisers do not have all the details available at the time of submitting the notice, and any lesser time means that planning may be rushed and haphazard. The law states that at least ten working days notice must be given (or five working days in the case of "late" notices) but the less time that is given will increase the likelihood of the police objecting.

Our Safety Advisory Group, consisting of the emergency services and other statutory agencies such as the highways authority, advise and co-ordinate planning for public events in the borough, whether or not a premises licence or a temporary event notice is needed. Event organisers are encouraged to use the Safety Advisory Group as part of their event planning process and may find it useful to refer to the Watford Event Guide. Contact can be made through our Community Services team on 01923 226400 or email community@watford.gov.uk.

Conditions may be added to a temporary event notice for existing licensed premises if representations have been made by the police or Environmental Health. Event organisers should be aware that an event cannot take place if an objection is made to a "late" temporary event notice, whereas objections to "standard" temporary event notices will usually result in the notice being considered by a licensing sub-committee.

Temporary event notices within the LP3 policy area that are objected to by the police or Environmental Health will be considered on their own merits by a licensing sub-committee, unless all parties agree a hearing is not necessary.

When organising any small-scale event (whether or not requiring a temporary event notice), organisers are recommended to consider:

- the fire alarm in the premises – how does it work? Has it been tested and maintained? Are all staff aware of how to raise the alarm in an emergency?
- fire extinguishers – are the correct number and type available? Have they been serviced within the last year?
- is emergency lighting needed and is it suitable for the purpose? Has it been tested and maintained?
- have any crime prevention measures been considered – for example, are steps taken to regularly bank large amounts of cash during the event, or to keep it in a

secure location? Are there a suitable number of stewards or door supervisors available?

- have nearby occupiers been considered – have you notified neighbours of the event and provided a contact telephone number?
- have you considered noise-reduction measures (such as keeping windows and doors shut or turning noise down late at night)? Have you considered how visitors will arrive and leave the event?
- have you considered whether you need to make any provision for First Aid should anyone need it, and the means for calling the emergency services?

Organisers of temporary events should be aware that although a licence or authorisation may not be needed under the Licensing Act, other legislation might apply. This can include:

- Health and Safety at Work etc Act 1974
- Fire Precautions Act 1971
- Environmental Protection Act 1990.
- Anti-Social Behaviour Act 2003.

The licensing authority's licensing enforcement officer and the police have powers to enter premises where temporary event notices are in force to ensure the crime prevention objective is not being undermined.

Organisers of large, occasional events that do require a premises licence (as opposed to the temporary event notice provisions) are advised to have regard to the following documents in preparing their operating schedules:

- The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999) (“The Purple Book”) (see <http://www.hse.gov.uk/pubns/books/hsg195.htm>)
- Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X
- 5 Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 07176 15804
- Fire Safety risk assessment: Open air event and venues (Department for Communities and Local Government, 2007) ISBN 9781851128235
- The Guide to Safety at Sports Grounds (The Stationery Office, 1997) (“The Green Guide”) ISBN 0 11 300095 2
- Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by the Independent Street Arts Network, copies of which may be obtained through www.streetartsnetwork.org/pages/publications

DESIGNATED PREMISES SUPERVISORS

We strongly believe in the value of working in partnership with the police, other agencies and designated premises supervisors to promote the licensing objectives that may be associated with licensed premises.

Designated premises supervisors (and the holders of premises licences or club premises supervisors) for any other premises may be invited to a meeting where the police or licensing authority feel it is appropriate – for example, where there has been a prior history of the premises being run badly, or following a licence review or enforcement action.

We do not expect the premises supervisor to be physically present at the premises at all times it is open as a matter of course. However, we expect the premises supervisor to be able to exercise sufficient management control over the premises and for the responsible authorities to be able to contact them easily in the event of problems at the premises. We would also expect premises supervisors to give specific written authorisation to their staff who are authorised to sell alcohol on their behalf in accordance with paragraphs 10.28 – 10.33 of the Secretary of State's guidance.

THE LICENSING OBJECTIVES PREVENTION OF CRIME AND DISORDER

We strongly recommend that before submitting applications involving premises licences or club registration certificates, you should discuss crime prevention procedures with the police, and consider inviting a police crime reduction officer or a licensing authority officer to conduct a crime prevention audit.

Not only does this demonstrate your commitment to reducing crime and disorder within Watford, but would also reduce the likelihood of the police making representations on those grounds.

We strongly encourage all premises licence holders to play an active role in local schemes such as Pubwatch, in order to share information and exchange best practise with other venues and the responsible authorities under the Act. Not adopting this co-operative approach could lead to adverse representations being made to licensing applications from the responsible authorities.

Policy LP6

1. Where relevant representations have been made, we shall either consider the report of a crime prevention assessment where voluntarily produced as part of the operating schedule, or consider whether to require one to be conducted and the recommendations implemented as conditional on the grant of a licence or certificate.
2. Where relevant representations have been made, we will particularly consider the following:
 - (1) the ability of the person in charge of the premises to monitor the premises at all times it is open for licensable activities, particularly the sale of alcohol for consumption on the premises;
 - (2) the training given to staff in crime prevention measures and licensing law appropriate to those premises;
 - (3) physical security features installed in the premises. This may include matters such as the position of cash registers, where alcohol is stored in 'off-licences', the standard of CCTV that is installed, the use of toughened drinking glasses in pubs and clubs and secure storage of waste materials;
 - (4) the employment of licensed door supervisors. We recommend that at least one male and one female door supervisor is employed where the venue has a policy of searching customers;
 - (5) management attitudes and practices, such as the willingness to stagger trading hours with nearby competing businesses to avoid all of their patrons subsequently competing for the limited public transport late at night, their willingness to limit sales of bottled alcohol for immediate consumption, and the use of responsible pricing promotions;

(6) any other such measures as may be appropriate, such as participation in a local Pubwatch or Shopwatch scheme, 'music wind—down policies', restrictions on 'happy hours';

(7) use of plastic or polycarbonate glasses either as a matter of routine or during particular times of high risk;

(8) the measures employed to prevent the consumption or supply of illegal drugs, including any search procedures and entry policies;

(9) where premises are subject to age-restrictions, the procedures in place to conduct age verification checks;

(10) the likelihood of any anti-social behaviour, violence, public order or policing problem if the licence is granted.

Justification for LP6

We are under a statutory duty under the Licensing Act to promote the prevention of crime and disorder, and have a duty under the Crime and Disorder Act 1998 to seek a reduction in crime and disorder throughout the Borough.

PUBLIC SAFETY

We are aware that applicants are legally responsible for complying with a range of legislation relating to public safety, such as the Health and Safety at Work Act 1974, the Regulatory Reform (Fire Safety) Order 2005 and conducting suitable and sufficient risk assessments of their activities under both.

A failure to comply with these provisions could lead to representations being submitted by the statutory responsible authorities, particularly the Health and Safety at Work enforcing authority or Hertfordshire Fire & Rescue Service.

Applicants are advised to seek appropriate advice on public safety matters either before opening or making variations to licensed premises.

We want to ensure the safety of everyone on licensed premises. In some cases, setting an occupancy limit for premises may be an important factor in promoting public safety where other legislation, such as the Regulatory Reform (Fire Safety) Order, is not sufficient.

Policy LP7

1. Where a relevant representation relating to occupancy limits and its impact on public safety is received, we will consider setting an occupancy limit for nightclubs and other premises where regulated entertainment is to be provided. In doing so we will consider:
 - (1) advice from Hertfordshire Fire & Rescue Service to ensure any occupancy limit we set does not exceed that which would be considered acceptable for fire safety purposes;
 - (2) the design and layout of the premises;
 - (3) the nature of the premises, event or licensable activities being provided, including known busy times, special events or promotions;
 - (4) the provision or removal of temporary structures such as staging or furniture;
 - (5) the number of staff available to supervise customers both ordinarily and in emergencies, and the training they are to be given;
 - (6) the customer profile;
 - (7) the applicant's crowd management strategies and policies.
2. We will not consider imposing conditions that duplicate, enhance or 'gold-plate' existing health and safety requirements except in the following circumstances:
 - (1) where relevant representations have been received that a specific hazard has not been addressed by a suitable and sufficient risk assessment;

(2) where relevant representations have been received, to require equipment of a particular standard to be provided, and maintained and checked on the premises at specified intervals. We would not however require possession or production of specific certificates relating to such equipment where this is already covered by other legislation.

3. Other relevant factors we may take into account and which may not be adequately addressed by other legislation could include:

- (1) access by emergency services;
- (2) facilities for disabled people, particularly in an emergency;
- (3) prior notification to the emergency services of special events;
- (4) lighting levels;
- (5) staffing levels, including the numbers of licensed door supervisors;
- (6) seating arrangements;
- (7) special effects such as pyrotechnics, imitation firearms, lasers, real flame, strobe lighting, etc;
- (8) temporary electrical installations;
- (9) safety checks (before, during and after regulated entertainment);
- (10) First Aid facilities for members of the public.

Justification for LP7

Applicants are under a duty to comply with Health and Safety at Work and associated legislation. In some cases, where other legislation does not adequately address risks posed from licensable activities, we shall address those risks through the premises licence or club premises certificate.

PREVENTION OF PUBLIC NUISANCE

We are determined to protect the amenity of residents and businesses in the vicinity of licensed premises. For these purposes 'vicinity' is taken to mean the immediate area around licensed premises where the individual's residence or business is likely to be directly affected by disorder and disturbance occurring or potentially occurring on those premises or immediately outside.

The statutory guidance issued by the Secretary of State makes clear that 'nuisance' has the broad definition retained at common law. When deciding whether something is a nuisance, consideration must be given to the following:

- it is a persons' basic right to peacefully enjoy their property, but there is no right to total silence
- trivia cannot be taken into account when determining nuisance
- isolated acts, unless extreme, cannot be considered a nuisance. The problem must normally be continuous and regularly occurring
- the person complained of needs to substantially affect the enjoyment of comfortable living, that is it must interfere with a person's use, enjoyment or rights connected with their land. In the case of noise complaints the loss of a good night's sleep would be sufficient to meet these criteria. There would however have to be consideration for
 - the time the noise occurs
 - the area and
 - any precautions taken to minimise the disturbance.
- nuisance can only be established in law if there is material interference with comfort from normal standards. It does not give protection to abnormally sensitive people. The problems of noise or smell must therefore be considerable.
- neighbourhood character needs to be taken into account. What might be a nuisance in a residential area may not be so in the town centre and vice-versa.

POLICY LP8

1. In considering all licence applications where appropriate representations have been received, we will consider any necessary measures to deal with the potential for nuisance and/or anti-social behaviour having regard to all the circumstances of the application including

(1) the steps taken or proposed to be taken by the applicant to prevent noise and vibration escaping from the premises, including music; noise from ventilation equipment, and human voices. Such measures may include the installation of

soundproofing, air conditioning, acoustic lobbies, keeping external windows and doors closed and sound limitation devices;

(2) the steps taken or proposed to be taken by the applicant to prevent disturbance by customers arriving at or leaving the premises. This will be of greater importance between 10 pm and 7 am than at other times of the day;

(3) the steps taken or proposed to be taken by the applicant to prevent queuing (either by pedestrian or vehicular traffic). If some queuing is inevitable then queues should be diverted away from neighbouring premises or be otherwise managed to prevent disturbance or obstruction;

(4) the steps taken or proposed to be taken by the applicant to ensure staff leave the premises quietly;

(5) the steps taken to identify food and drink packaging from the premises in questions and the steps to reduce litter as far as is reasonably practicable (particularly from off-licences and late night refreshment establishments);

(6) the arrangements made or proposed for parking by patrons, and the effect of parking by patrons on local residents;

(7) whether there is sufficient provision for public transport (including taxis and private hire vehicles) for patrons;

(8) whether licensed taxis or private hire vehicles are likely to disturb local residents;

(9) the installation of any special measures where licensed premises are or are proposed to be located near sensitive premises such as nursing homes, hospitals, hospices or places of worship;

(10) the use of gardens and other open-air areas, including those used for smoking;

(11) delivery and collection areas and times;

(12) the siting of external lighting, including security lighting that is installed inappropriately;

(13) whether the premises would lead to increased refuse storage or disposal problems, or additional litter (including flyposters, smoking materials or illegal placards) in the vicinity of the premises;

(14) the history of previous nuisance complaints proved against the premises, particularly where statutory notices have been served on the present licence-holders.

PROTECTION OF CHILDREN FROM HARM

Other than the sale of alcohol, we wish to encourage licensable activities that are suitable for people of all ages, including children.

We strongly encourage applicants to give full details of proposed adult entertainment on their application forms to allow the responsible authorities to assess the merits of the proposal. Policy LP9 is intended to be strictly applied.

Alcohol sales to those under 18

We expect applicants for the sale of alcohol to adopt an acceptable age verification scheme in order to comply with the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010. We would expect applicants to adopt as a minimum a "Challenge 21" scheme, and that the only accepted identification to be a passport, driving licence or Proof of Age Scheme (PASS) card. We would expect premises licence holders and/or designated premises supervisors to have an appropriate training scheme in place for their staff.

Remote alcohol sales

Where alcohol is sold remotely such as via the internet or telephone ordering, age verification should take place both when the sale takes place (that is, when it is ordered), and when it is delivered to ensure both the buyer and the recipient are over the age of 18.

Policy LP9

1. Where we receive relevant representations, we may impose conditions to restrict entry by children under 18:
 - (1) to all or part of the licensed premises;
 - (2) at certain times of the day;
 - (3) when certain licensable activities are taking place; or
 - (4) by children under specific ages unless accompanied by an adult.
2. Where we receive relevant representations we may impose conditions relating to the advertising or external display of licensable activities that may be harmful to children.
3. We will particularly take into account where:
 - (1) significant authorised gambling taking place such as gaming machines or poker games (taking note that under-18s and alcohol are generally prohibited from most licensed gambling premises anyway)
 - (2) there is a history or likelihood of under-age sales or consumption of alcohol

- (3) activities or entertainment (whether licensed under the 2003 Act or not) or a clearly adult or sexual nature
 - (4) criminality at the premises likely to harm children
 - (5) licensable activities are taking place during times when children under 16 may be expected to attending compulsory full-time education
 - (6) other hazards to children that are not sufficiently controlled
 - (7) events or activities are specifically targeted at those under 18 without appropriate safeguarding measures being proposed (eg running youth discos without a sufficient dispersal plan to ensure young people can leave the premises and get home safely)
4. Where we receive representations that an application does not appear to have sufficient safeguards to prevent the sale and/or delivery of alcohol to people under 18, we will impose appropriate conditions (modified if necessary) from our pool of model conditions.

Film exhibitions

We would expect operating schedules for the display of films to include a stipulation that children will be restricted from viewing age-restricted films certified by the British Board of Film Classification (BBFC) in line with the mandatory condition under the Licensing Act for showing films to children under 18.

Where it is proposed to show films that are not classified by the BBFC (such as at amateur film festivals), our officers will determine the classifications in accordance with the current guidelines published by the BBFC.

Policy LP10

1. We will only consider substituting a classification by the BBFC for one of our determination in the light of exceptionally strong representations that the BBFC classification provides insufficient protection for children. Those making representations in this respect will be expected to provide compelling reasons as to which other classification should be substituted in place of the BBFC's.
2. We will determine the classifications of films that have not been classified by the BBFC, in line with the BBFC's current guidelines.

Justification for LP10

The BBFC are the acknowledged experts with the experience and expertise who have been entrusted by the Government to classify films for viewing by all sections of society. As such, we should not lightly over-turn its decisions, and we have not had previous cause to do so under either the Licensing Act or its predecessor Cinemas Act 1985.

REPRESENTATIONS ABOUT APPLICATIONS

Representations may be made by people who live, or are involved in a business, within the Borough of Watford about an application for a new licence/certificate, a variation to an existing licence/certificate or when a licence/certificate is reviewed. Representations may be positively in support of an application, or may oppose an application.

Representations may also be made by organisations representing such bodies, such as residents' associations or chambers of commerce. Organisations such as churches, schools or hospitals may also make representations.

Ward councillors may represent 'interested parties' in their role as a representative of the community, make representations either in their own right, or may make representations as a member of the licensing authority about any relevant application, but may not sit on the committee dealing with that particular application.

We shall not generally make representations ourselves where other responsible authorities have done so. We shall generally only make representations where we have evidence that is not in the possession of anyone else; where an application conflicts with our statement of licensing policy; or in order to improve upon conditions that might be offered in an operating schedule and which has not been resolved through negotiation.

We recommend that representations should:

- (1) be made in writing (a legal requirement)
- (2) indicate the name and address of the person or organisation making the representation
- (3) indicate the premises to which the representation relates
- (4) indicate the proximity of the premises to the person making the representation
- (5) clearly set out the ground for making the representation.

Representations can only be considered if they are concerned with one of the four licensing objectives:

- (1) crime prevention;
- (2) public safety;
- (3) prevention of nuisance;
- (4) prevention of harm to children.

In accordance with statutory regulations, we will forward copies of representations to the applicants in order that they may respond. Representations which are not previously withdrawn are included in reports that are considered by councillors at hearings and are published on our website.

In some exceptional and isolated cases, we may consider that an interested party has a genuine and well-founded fear of intimidation from divulging their name and/or address to the applicant. We will consider an alternative approach in these circumstances providing we are satisfied that the circumstances justify such an action and the representations or concerns are not frivolous or vexatious.

Policy LP11

1. Where a person has made a valid representations or a valid application for a licence to be reviewed, we will where practicable attempt to arrange a voluntary mediation meeting to address, clarify and try to resolve issues of concern.
3. We may reject representations if it appears the representations are frivolous (lacking in seriousness) or vexatious (made repeatedly on the same or similar grounds). Where a representation is not accepted because it is frivolous or vexatious, we will give reasons why that is the case in writing. In such cases, our officers will make the determination, giving interested parties the benefit of the doubt where appropriate.
3. Decisions as to whether representations are irrelevant, frivolous or vexatious must be made objectively and not on the basis of any political judgement. Accordingly, our officers will make the decisions on whether representations or applications for licence reviews should be referred to the licensing committee or sub-committees, giving the maker of the representation the benefit of the doubt. Where representations are rejected, the person making that representation will be given a written reason as to why that is the case. A report will be made to the licensing committee indicating only the general grounds of the representation and the reason it was rejected.

COMPLAINTS AGAINST LICENSED PREMISES

We will investigate complaints against any licensed premises, including in conjunction with other responsible authorities where appropriate. In the first instance, we encourage complaints to be raised directly with the licence-holder or business concerned.

Policy LP12

1. Where a person has made a valid representations or a valid application for a licence to be reviewed, we will where practicable attempt to arrange a voluntary mediation meeting to address, clarify and try to resolve issues of concern.
2. This process will not override the right of any person to ask that the licensing committee consider their valid representations or an application for a licence review, or for any licence holder to decline to participate in a mediation meeting.

LICENCE REVIEWS

It is important to recognise that the promotion of the licensing objectives relies heavily on a partnership between licence holders, authorised persons, local residents or businesses and responsible authorities in pursuit of common aims. It is therefore equally important that reviews are not used to drive a wedge between these groups in a way that would undermine the benefits of co-operation. Responsible authorities are encouraged to give an early warning of concerns about problems identified at the premises concerned and of the need for improvement although it is recognised this is not always practicable or desirable. It is expected that a failure to respond to such warnings would lead to a decision to request a review.

Policy LP13

1. We can only review a licence where it is alleged that the licensing objectives are not being kept. An application for a licence review is an acknowledgment that existing systems have broken down. We view particularly seriously applications for the review of any premises licence where it involves the:
 - (1) use of licensed premises for the sale or distribution of illegal drugs and the laundering of the proceeds of drugs crimes;
 - (2) use of licensed premises for the sale or distribution of illegal firearms;
 - (3) evasion of copyright in respect of pirated films and music;
 - (4) underage purchase or consumption of alcohol;
 - (5) use of licensed premises for prostitution or the sale of unlawful pornography;
 - (6) use of licensed premises for unlawful gaming;
 - (7) use of licensed premises as a base for organised criminal activity;
 - (8) use of licensed premises for the organisation of racist, homophobic or sexual abuse or attacks;
 - (9) use of licensed premises for the sale of smuggled tobacco or goods;
 - (10) the use of licensed premises for the sale of stolen goods;
 - (11) where the police are frequently called to attend to incidents of disorder;
 - (12) prolonged and/or repeated instances of public nuisance and/or anti-social behaviour;
 - (13) where serious risks to public safety have been identified and the management is unable or unwilling to correct those;

- (14) where serious risks to children have been identified;
 - (15) continuous breaches or contraventions of licence conditions;
 - (16) not operating the premises according to the agreed operating schedule.
2. Representations made by another department which is a responsible authority will be treated by the licensing authority in precisely the same way that they would treat representations made by any other body or individual. In every case, an evidentiary basis for the allegations made will need to be laid before the licensing authority.
 3. We would not expect a responsible authority which is also alleging criminal conduct on the part of a licence holder, (such as allowing underage sales of alcohol), to first exhaust the relevant legal powers at their disposal before making an application for a review.
 4. Where a review follows convictions or the failure of a prosecution in the criminal courts, it is not for the licensing committee to attempt to go behind the finding of the courts, which it will treat as a matter of undisputed evidence before it.
 5. It is envisaged that the responsible authorities will use the review procedures effectively to deter unlawful activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance - could be seriously considered.
 6. We will expect that any party making an application for a licence to be reviewed will prove the facts that they are relying on to support their allegations on the balance of probabilities, that is, that it is more likely than not that the circumstances being complained of did actually occur. Because of the potentially serious consequences to a licence holder following a licence review, mere anecdotal or hearsay evidence will not be sufficient.
 7. In considering our response to an application for a review, we will adopt the approach set out at appendix 1.

ENFORCEMENT AND COMPLIANCE POLICY

We no longer conduct regular pre-programmed premises inspections where information is not present to suggest this is justified. We will instead conduct inspections where there are concerns about the ability of the designated premises supervisor or premises licence holder to promote the licensing objectives or to meet the conditions on their permission. This enables resources to be targeted on the higher risk businesses and is supportive of responsible businesses.

Enforcement

We have a long-established licensing enforcement policy based around the principles of consistency, transparency and proportionality set out in the Government's Enforcement Concordat and the statutory Regulators' Compliance Code, which also takes into account the Attorney-General's Guidelines to Crown Prosecutors for bringing prosecutions.

Our licensing enforcement policy proposes that a graduated response is taken where offences against licensing legislation are found or where licence conditions have been contravened. An isolated and minor offence may be dealt with purely by way of a written warning whilst more serious offences which have either been committed over a period of time or which jeopardise public safety may result in a referral for prosecution.

We continue to work actively with other responsible authorities in enforcing licensing legislation. We share information about licence-holders and licensed premises under the Crime and Disorder Act 1998, and expect to be closely consulted when any enforcement action may be required. We have signed the Hertfordshire Licensing Enforcement Protocol in conjunction with the other responsible authorities within the county.

THE LICENSING COMMITTEE

Our licensing committee will consist of fifteen Councillors that will sit at least once annually.

The chair of the licensing committee shall be elected at the annual meeting of the Licensing Authority in May. The chair of the licensing sub-committees shall be elected at the meeting of the sub-committee.

We will ensure that members and officers are appropriately trained to carry out their duties under the Licensing Act. In accordance with the Council's Constitution, no councillor shall sit on any licensing committee unless they have received appropriate training.

Scheme of delegation

Sub-committees of three councillors will sit to consider applications where valid representations have been received. Where a sub-committee does not have all three members present, it may only meet with the approval of the chair of the licensing committee in consultation with the Head of Legal and Property Services.

Applications referred to sub-committees will be accompanied with a report prepared by our officers. This will include recommendations relating to the operating schedule, representations, the Licensing Act and other legislation, statutory guidance, national and local policy, good practise, or recommended conditions that could be considered to alleviate any concerns raised in the representations.

The licensing committee will also sit to determine general licensing policies not associated with the Licensing Act 2003, such as those policies under taxi and private hire vehicle legislation.

The licensing committee and its sub-committees will also sit to determine matters arising under the Gambling Act 2005.

The full Licensing Committee will hear and consider any representations relating to a proposed Early Morning Restriction Order, and will make its recommendation to the Council acting as the Licensing Authority. A specific protocol will be approved and published for this purpose in advance of the committee hearing should this be necessary.

Our licensing officers will deal with all other licence applications where either no representations have been received, or where representations have been received and it is agreed by the parties that a hearing is not necessary. Officers will also

1. make representations on its behalf in appropriate cases. It will normally be clear that there is a separation of roles between officers who make representations and those who process the application
2. review and certify unclassified films in accordance with policy LP10, with the power to refer applications to a licensing sub-committee in cases of doubt.

3. consult with the responsible authorities they think are relevant to application for minor variations to premises licences and club premises certificates. They will also consult with the chair of the Licensing Committee (or, in their absence, the vice-chair) before deciding whether to allow or refuse the application
4. suspend a premises licence or club premises certificate under sections 55A(1) or 92A(1) of the Act for non-payment of annual fees, and to specify the date (with at least two working days' notice) on which this takes effect
5. impose existing conditions from a premises licence or club premises certificate on a temporary event notice where all parties agree under section 106A of the Act that a hearing is not necessary.

Role of councillors

Local councillors play an important role in their local communities. They can act on behalf of people who might be affected by licence applications. Local councillors with a prejudicial interest in an application may attend sub-committee or committee meetings to make representations, answer questions or give evidence (providing other parties may also do so). Councillors must however withdraw from the meeting immediately afterwards and on no account play a part in the decision-making process.

The licensing sub-committee will also refer to the licensing committee any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.

This does not apply to applications made by the Council itself for licences or permissions under the Act. In those circumstances, it is unlikely that councillors would have a prejudicial interest in the matter before them, as defined in the Model Code of Conduct for Councillors issued under the Local Government Act 2000.

Committee decisions

The licensing committee will refer to the licensing authority any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.

Every determination of a licensing decision by the licensing committee or a licensing sub-committee shall be accompanied with clear, cogent reasons for the decision. A summary of the decision shall be posted on the licensing authority's website as soon as possible after the decision has been confirmed, where it will form part of the statutory licensing register required to be kept by the licensing authority.

RELATIONSHIP TO OTHER POLICIES AND LEGISLATION

1. Although the four objectives are the only matters that the licensing authority may take into account when making licensing decisions, as a public body the licensing authority is also required:
 - (1) Under the Crime and Disorder Act 1998 to have due regard of the crime and disorder implications of any of its decisions, including the adoption of this policy;
 - (2) To implement the Licensing Act in a manner consistent with the Human Rights Act 1998 by giving due consideration to the rights contained in the European Convention on Human Rights and Fundamental Freedoms;
 - (3) To implement the Licensing Policy in a manner consistent with its equality scheme under the Race Relations (Amendment) Act 2000).
2. This policy also integrates with other Council policies and strategies such as:
 - (1) Corporate Plan 2009 – 2014
 - (2) Watford Community Plan 2006 – 2026
 - (3) 24-hour strategy for the town centre 2008
 - (4) Local Development Framework Core Strategy (Family Friendly Town Centre)
 - (5) Safer Watford Community Safety Plan
3. During the life of this policy the licensing authority is also likely to work closely with the Police and Crime Commissioner for Hertfordshire, and the county's Director of Public Health. Reducing alcohol-related harm is a feature of the Hertfordshire Joint Strategic Needs Assessment (see <http://atlas.hertslis.org/IAS/hwb/priorities/alcohol.html>).

APPENDIX 1

Licence review guidelines

The Licensing Committee and sub-committees when holding licence review guidelines to maintain a degree of consistency and transparency in decision-making will apply the guidelines below. The Committee reserves the right to amend and republish these guidelines in the light of operational experience.

| | Aggravating factors | Mitigating factors |
|---|---|--|
| Prevention of crime and disorder | <ul style="list-style-type: none"> • Failure to heed police advice • Encouraging or inciting criminal behaviour associated with licensed premises • Serious injury results • Previous track record | <ul style="list-style-type: none"> • Minor breach of condition not justifying a prosecution • Confidence in management ability to rectify defects • Previous track record • Voluntary proposal/acceptance of additional condition |
| Prevention of public nuisance | <ul style="list-style-type: none"> • Noise late at night in breach of condition • Previous warnings ignored • Long and prolonged disturbance • Excessive nuisance during unsocial hours (relating to locality and activity concerned) | <ul style="list-style-type: none"> • Noise limiting device installed • Licence-holder apologised to those disturbed by nuisance • Hotline complaints telephone available • Short-term disturbance • Undertaking/commitment not to repeat activity leading to disturbance • Willingness to attend mediation • Voluntary acceptance/proposal of additional conditions |
| Public safety | <ul style="list-style-type: none"> • Death or serious injury occurred • Substantial risk in view of a responsible authority to public safety involved • Previous warnings ignored • Review arose out of wilful/deliberate disregard of licence conditions | <ul style="list-style-type: none"> • Minor or technical breach of licence condition • Confidence in management to rectify defects • Confidence in management to avoid repetition of incident • Voluntary acceptance/proposal of additional condition |

| | Aggravating factors | Mitigating factors |
|---|--|--|
| Protection of children from harm | <ul style="list-style-type: none"> • Age of children • Previous warnings ignored • Children exposed to physical harm/danger as opposed to other threats • Activity arose during normal school hours • Deliberate or wilful exploitation of children • Large number of children affected • Children not allowed on premises as part of operating schedule | <ul style="list-style-type: none"> • Conduct occurred with consent of person with parental responsibility for child • Short duration of event • No physical harm • Short-term disturbance • Undertaking/commitment not to repeat activity • Voluntary acceptance/proposal of additional conditions • Children permitted on the premises as part of operating schedule • Not involving under-age exposure to alcohol |
| Following enforcement action by responsible authorities | <ul style="list-style-type: none"> • Penalty imposed by court • Previous warnings ignored • Offender previously convicted or cautioned for same or similar offence • Offences over prolonged periods of time • Offences resulted in significant danger or nuisance • Offences as a result of deliberate actions or reckless disregard of licensing requirements • Offence likely to be repeated | <ul style="list-style-type: none"> • Compensation paid by offender or agreement towards mediation • Voluntary acceptance/proposal of additional conditions • Offence disposed of by way of simple caution or penalty notice for disorder ("fixed penalty notice") • First offence or warning • Single offence • No danger to the public or nuisance • Offences merely administrative in nature • Offence unlikely to be repeated |
| POSSIBLE OUTCOMES | | |
| <ol style="list-style-type: none"> (1) To take no action (2) To issue a written warning (3) To modify the conditions of a premises licence or club premises certificate, including the addition of new conditions or deletion of old conditions (4) To exclude a licensable activity or qualifying club activity from the scope of the premises licence or club premises certificate (5) To remove the designated premises supervisor from the licence (6) To suspend the licence for a period not exceeding three months (7) To revoke the premises licence or withdraw the club premises certificate | | |

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PART A

Report to: Licensing Committee (Licensing Act 2003)
Date of meeting: 18 March 2013
Report of: Head of Environmental Services
Title: Licensing Act 2003 Annual Report for 2012

1.0 **SUMMARY**

1.1 The Council is responsible under the Licensing Act 2003 for licensing alcohol, regulated entertainment and late night refreshment within the Borough, which came into force on 24 November 2005. This is the sixth annual report on the operation of the Act within the Borough.

1.2 The national economic position has continued to affect local premises, with several premises being closed, transferred or changed as a result. However, a number of new licensed premises have opened with enquiries received about obtaining other licences within the town centre. Nationally, the Government has both introduced and proposed new legislation to amend the Licensing Act, which was also a feature of 2011.

2.0 **RECOMMENDATIONS**

2.1 That the Licensing Committee notes the report and makes any recommendations it thinks appropriate

Contact Officer:

For further information on this report please contact: Jeffrey Leib (Licensing Manager) on telephone extension: 8429, email: jeffrey.leib@watford.gov.uk

Report approved by: Alan Gough, Head of Environmental Services

3.0 **Introduction**

3.1 Under the Licensing Act 2003, Watford Borough Council has responsibility for licensing alcohol, regulated entertainment and late night refreshment. This encompasses the determination, grant, administration and enforcement of premises licences, club premises certificates, personal licences and temporary event notices to authorise those activities to take place.

3.2 The Act requires the licensing authority to produce a statement of licensing policy in consultation with specified stakeholders. Any decisions in relation to the Act must be in furtherance of the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm. The licensing authority is required to have regard to statutory guidance issued by the Secretary of State and approved by Parliament in the exercise of its functions.

3.3 There are now 299 premises (included qualifying clubs) licensed under the Act, an increase of 5 from the previous year. During 2012 we received eight applications for new premises licences, five fewer than 2013. Of those, one was for a circus on King George V Playing Fields; one was to replace an existing premises licence; and another replaced an off-licence whose previous licence had been revoked, further detail is shown in 3.6 below

3.4 Twenty--eight hearings were scheduled for licensing sub-committees during 2012, one more than the previous year. Eleven of those were cancelled (vacated), two less than in 2010 and one less than 2009.

Interested parties made representations concerning five applications, compared to eighteen the previous year. The police made representations about three applications (four fewer than in 2011). Councillors made representations on two applications. The Primary Care Trust made a representation for the first time in its new role as a responsible authority, but no other responsible authorities made representations. These all relate to representations that were not withdrawn.

| | 2008 | 2009 | 2010 | 2011 | 2012 |
|--------------------|------|------|------|------|------|
| Scheduled hearings | 30 | 21 | 28 | 27 | 28 |
| Vacated hearings | 7 | 7 | 13 | 7 | 11 |

Nationally, on average 12 applications per local authority go to committee (based on 2010 statistics).

3.5 The table at appendix 1 sets out a comparison of hearings and appeals over the last few years. Officers again conducted several successful mediation meetings that resulted in representations being withdrawn without the need for hearings.

3.6 Eight new premises licences were applied for in 2012 (compared to eighteen in 2011, eleven in 2010 and 19 in 2009) in respect of:

| | |
|---|---|
| <i>Alcohol on-sales and other licensable activities (1 application in 2011)</i> | Molly's* |
| <i>Alcohol off-sales (6 applications made in 2010, three</i> | D & D Newsagents Whippendale Food & Wine |

| | |
|--|---------------------------------------|
| refused) | Rani Superstores Great Poland Deli |
| <i>Restaurants</i> (10 applications made in 2011) | Nando's 101 The Harlequin |
| <i>Late-night refreshment only</i> (0 applications made in 2011) | None |
| <i>Regulated entertainment only</i> (0 applications made in 2011) | Great Russian Circus |

* New application for previously licensed premises

3.7 Changes to licences

The table below sets out the amount of licence variations, transfers and variations of designated premises supervisors in 2007 - 2012. No objections to changes in designated premises supervisors or premises licence holders were lodged by the police.

| | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 |
|---|------|------|------|------|------|------|
| Licence variation | 25 | 20 | 11 | 12 | 37 | 9 |
| Licence transfer | 26 | 27 | 26 | 25 | 28 | 23 |
| Variation to designated premises supervisor | 22 | 91 | 94 | 55 | 80 | 50 |
| Interim authority notices | 0 | 2 | 2 | 0 | 3 | 0 |

3.8 During 2012, only two premises licences were surrendered – Sam's (a take-away in The Parade), and an off-licence at 258 – 260 St Albans Road). This compares to eight in 2011 and to nine in 2010.

A number of fees for licences were written off due to the businesses no longer trading and it not being possible to trace the former traders. In those circumstances the licences are technically still valid as they have not been surrendered to the licensing authority. Powers now exist for licences to be suspended in the event of unpaid fees.

3.9 Minor Variations

A procedure to allow minor variations to be made to premises licences and club premises certificates was introduced in July 2009. This allows minor changes to be made to premises (such as the addition of live music, or minor structural alterations) without the need for the full lengthy and expensive variation process. The table below illustrates the number of applications:

| | 2009 | 2010 | 2011 | 2012 |
|---------------------------------------|------|------|------|------|
| Minor variation applications received | 5 | 13 | 19 | 30 |
| Minor variation applications approved | 3 | 12 | 19 | 29 |

3.10 Premises supervisors in community premises

For the fourth year, there have been no applications under the

arrangements to allow community premises to sell alcohol under the authority of a management committee rather than a designated premises supervisor.

3.11 Temporary Event Notices

The chart below indicates the number of temporary event notices received each year by the council. The police issued 14 objection notices in 2011 (against 17 in 2010) on the grounds that the TEN would be likely to undermine the crime prevention objective.

| Year | Number of TENS Received |
|------|-------------------------|
| 2005 | 81* |
| 2006 | 177 |
| 2007 | 410 |
| 2008 | 207 |
| 2009 | 255 |
| 2010 | 338 |
| 2011 | 202 |
| 2012 | 207 |

* Only relates to 24 November (when the Act commenced) to 31 December

3.12 The police made representations about 13 temporary event notices (compared to 14 in 2011 and 13 in 2010). Environmental Health exercised its new powers to object to TENS twice during 2012. Five sub-committees were convened to consider those (two less than during the previous year). Eight TENS were refused (against seven in 2011), four were withdrawn following police or Environmental Health objections (compared to one the previous year) and a number were not valid.

3.13 From October 2012, premises users have been able to give “late” temporary event notices, with only five rather than ten working days notice of the proposed event. This system has been used by a number of premises so far. A further power to include conditions from existing premises licences/club premises certificates on a temporary event notice following objections from the police or Environmental Health has not been needed.

3.14 Personal licences

As initially predicted in 2005, the number of personal licence applications has declined considerably, partly because many licence-holders under the previous legislation now hold personal licences, and partly due to the factors mentioned elsewhere in this report. The table below shows the numbers of personal licences issued since 2005. There were no applications referred to the Licensing Sub-Committee owing to police representations during the year.

| Year | Number of personal licences |
|------|-----------------------------|
| 2005 | 303 |

| | |
|------|-----|
| 2006 | 115 |
| 2007 | 74 |
| 2008 | 80 |
| 2009 | 81 |
| 2010 | 72 |
| 2011 | 62 |
| 2012 | 80 |

3.15 As far as officers are aware, none of the personal licences issued by the licensing authority have been revoked by the courts following convictions for a relevant offence. However there remains concerns nationally that not all licensees appearing before criminal courts disclose the fact they are personal licence holders (as legally obliged to), and that the courts do not properly understand their powers in such circumstances.

3.16 **Statement of licensing policy**

The table below sets out applications for new and varied premises licences within the town centre covered by policy LP3 Creating a Family-Friendly Town Centre, although it should be borne in mind that the area was slightly enlarged from January 2011.

| | Applications | Hearings not required | Applications where cumulative impact policy did not apply ¹ | Appeals against sub-committee's decisions |
|---------------|--------------|-----------------------|--|---|
| 2005/6 | 27 | 3 | 12 | 3 |
| 2007 | 10 | 1 | 5 | 0 |
| 2008 | 14 | 2 | 4 | 2 |
| 2009 | 11 | 1 | 0 | 1 |
| 2010 | 7 | 0 | 1 | 1 |
| 2011 | 8 | 2 | 0 ² | 0 |
| 2012 | 6 | 5 | 1 | 1 |

3.17 According to Government figures, as of 31 March 2010 there were over 129 cumulative impact areas in England and Wales, an increase of 5 since March 2009, although it is understood Watford's is the only one in Hertfordshire and one of only five in the East of England.

3.18 Interaction with other policies:

The Council's approach to licensing continues to fit in with a number of other relevant strategies:

- (a) the corporate plan 2012 - 2016;
- (b) the Watford community safety partnership's alcohol harm

¹ This is because either alcohol sales were not the principal activity or where the application was not intended to extend the hours beyond midnight.

² New exceptions set out in policy LP3 applied to applications from January 2011

reduction plan. Reducing alcohol-related crime is a current strategic priority for 2011 – 2014;

- (c) the Council’s 24-hour economy strategy, agreed in 2009.
- (d) Hertfordshire County Council’s Alcohol Strategy.

3.19 Compliance and Enforcement

The Council’s licensing enforcement officers, Environmental Health officers, police (including Special Constables) and Trading Standards have continued to work proactively and reactively to ensure compliance with licensing legislation.

3.20 The licensing authority received 151 complaints from the public about all licensing activities during 2012 (up from 117 in 2011), of which just six concerned licensed premises compared to seventeen in 2011. This is partly due to the generally high standards of compliance amongst licence-holders and proactive enforcement by officers in co-operation with the police licensing team.

| | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 |
|-----------------------------|------|------|------|------|------|------|
| Premises opening hours | 3 | 4 | 1 | 4 | 1 | 1 |
| Door supervisors | 4 | 2 | 0 | 2 | 2 | 1 |
| Noise from premises | 11 | 11 | 5 | 8 | 5 | 1 |
| Underage sales | 1 | 4 | 3 | 0 | 2 | 1 |
| Advertisements | 1 | 0 | 2 | 0 | 0 | 1 |
| Unlicensed activities/other | 5 | 1 | 1 | 5 | 2 | 1 |
| Public safety | * | 0 | 0 | 1 | 3 | 0 |
| Child protection | * | 1 | 0 | 1 | 0 | 0 |
| Crime and disorder | * | 3 | 3 | 1 | 2 | 0 |

* Not separately recorded in 2007

3.21 Closure powers

Aside from reviews of premises licences and club premises certificates, the police and Council have various powers to deal with premises that are being operated noisily, in a disorderly manner, or in breach of licensing conditions. These were not used in 2009 or 2010. In 2011, both licensing authority officers and police licensing officers issued “closure notices” under section 19 of the Criminal Justice and Police Act 2001. In one case this was used where no appropriate designated premises supervisor was in place; the second was to prevent the sale of alcohol after the premises licence had been surrendered. These powers were not used during 2012. However, during 2012 the police did use their powers to immediately close one premises (Hot Stuff Balti House) on the grounds that they feared imminent public disorder would arise if the premises remained open at that time.

3.22 Test purchases

The Licensing Act 2003 allows the licensing authority to bring prosecutions for under-age sales and proxy sales (where adults buy alcohol for children under 18 from on- and off-licensed premises). Trading Standards have a duty to

conduct test-purchasing operations within off-licences and the police take the lead for test-purchasing within other licensed premises.

3.23 The table below sets out test purchase operations conducted by Trading Standards in the Borough:

| | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 |
|--|------|------|------|------|------|------|
| Number of operations | 6 | n/a | 1 | 2 | 1 | 2 |
| Number of premises tested | 19 | 9 | 5 | 12 | 4 | 5 |
| Number of failures, that is, sales made to under-age volunteer | 1 | 3 | 0 | 0 | 0 | 1 |
| Number of passes | 18 | 6 | 5 | 12 | 4 | 4 |
| Number of fixed penalty notices issued | 0 | 2 | 0 | 0 | 0 | 1 |
| Number of review applications made | 1 | 0 | 0 | 0 | 0 | 0 |

3.24 Licensing Reviews

| | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 |
|-------------------------------|------|------|------|------|------|------|------|
| Number of review applications | 4 | 1 | 0 | 0 | 3 | 0 | 3 |

3.25 Three premises licence reviews were initiated by the police in 2012 for Costcutter off-licence in Market Street; Hot Stuff Balti House in The Parade (following the issuing of an immediate closure notice); and Area nightclub. In each case additional conditions were imposed with the effect of restricting the licensable activities conducted on those premises. Each premises appealed to the magistrate's court. In the first case, the appeal was withdrawn; in the other two the court dismissed the appeals and upheld the licensing sub-committees' decisions.

It is worth noting at this point that a fourth appeal – against a refusal to vary a late-night refreshment licence in The Parade – was also dismissed in part.

3.26 Inspections and monitoring

The council has moved away from carrying out proactive risk-based premises inspections to reactive inspections where we either receive complaints or act on our own initiative.

3.27 Seventy-five premises were inspected in 2011. No formal inspections were conducted in 2012 due to this change of approach.

| Year | 2007 | 2008 | 2009 | 2010 | 2011 |
|--------------------------|------|------|------|------|------|
| No of inspections | 59 | 169 | 158 | 143 | 75 |

3.28 Gambling Act 2005

The Gambling Act imposes a duty on the licensing authority to issue permits for gaming machines in alcohol-licensed premises, and to regulate other low-stake gambling, eg poker. Premises have an automatic entitlement to two

gaming machines and may apply for a permit for more than two machines.

- 3.29 The number of *applications (including renewals) for permits* relating to alcohol-licensed premises are set out below. This does not reflect the number of *premises* that have gaming machines however, as many premises are still reliant on authorisations granted by the magistrates' court under the Gaming Act 1968.

| | 2005 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 |
|------------------------|------|------|------|------|------|------|------|
| Automatic entitlement | 0 | 0 | 8 | 10 | 12 | 5 | 3 |
| More than two machines | 1 | 4 | 6 | 5 | 11 | 6 | 4 |

- 3.30 Drinking Banning Orders
Powers under the Violent Crime Reduction Act 2006 for the Council or police to apply for a drink banning order (dubbed "alcohol ASBOs") in the civil courts came into force in 2009. The Council is only aware of two that have been issued concerning Watford's licensed premises over the last twelve months.
- 3.31 **Alcohol and health information**
Hertfordshire's Joint Strategic Needs Assessment shows that Watford had the highest rate of alcohol related admissions per 100,000 population in 2009/10 and Stevenage the highest estimated binge drinking prevalence. (Watford also had the highest drug treatment rate at 5.2 per 1000 population aged 18-74 in 2009/10).
- 3.32 Hertfordshire's standardised rates of alcohol related admissions per 100,000 population tend to be lower than national and regional comparators. However Watford, Broxbourne, Hertsmere and Three Rivers had rates higher than Hertfordshire as a whole; and Watford's were higher than the East of England. A statistical neighbour of Hertfordshire, Cambridgeshire, however, has a rate as high as England's over the three-year period.
- 3.33 Appendix 2 shows relevant alcohol-related statistics that have been obtained from the Local Alcohol Profiles on the North West Public Health Observatory (www.nwph.net). The information covers the year to 16 August 2012.
- 3.34 The Local Alcohol Profiles show that alcohol-related recorded crime, and alcohol-related violent crime, are both significantly worse than the England average.
- 3.35 Watford is significantly better than the English average in a number of areas:
- (a) alcohol-specific hospital admissions for under 18s (no change from the previous year)
 - (b) alcohol-specific hospital admissions for males and females over 18 (no change from the previous year, although those for women are at the regional average)

- (c) alcohol-attribute hospital admissions for males (and no significant difference for females) (no change from the previous year, although both are the same as the regional average)
 - (d) number of employees in bars as a percentage of all employees although there is no comment in the LAPE on whether a better or worse figure is more desirable.
- 3.36 There is no significant difference between the rates of binge drinking in Watford compared to the England average. However, the percentage of higher-risk drinking (20 – 50 units per week for men over 16 and 15 – 35 units per week for women over 16) is higher than the average for England, albeit not significantly so.
- 3.37 **Licensing initiatives**
The licensing team has continued to work on and develop a number of initiatives involving licensed premises and licensable activities:
- 3.38 Pubwatch
Officers have continued to work with pubs and clubs through the three Pubwatch schemes. Apart from the town centre scheme in latter months, attendance at meetings by venue managers has been patchy.
- 3.39 Monthly door supervisor meetings have continued throughout the year, attended by council and police officers.
- 3.40 Taxi marshalling
During the 2010 - 2011 financial year, the County Council funded 55% of the scheme for Friday and Saturday, with WBC securing funding from licensed premises for the remainder and for Monday evenings, and this continued during 2011 - 2012. In November 2011 the scheme was extended to provide two further marshals in Sainsbury's car park. Work started in December 2011 with Hertfordshire County Council to implement a permanent traffic regulation order in Albert Road South to facilitate a permanent taxi marshalling area, and this has been held up due to legal issues.
- 3.41 Three Strikes Scheme
Earlier this year the Community Safety Partnership agreed to end the Three Strikes Scheme which had been introduced several years earlier. The Three Strikes scheme provided a three-staged warning system to people arrested, charged or convicted of alcohol-related offences relating to the night-time economy, including a three-month Pubwatch ban. As licensed premises were finding it difficult to enforce the bans and other developments such as Purple Flag it was decided to end this initiative.
- 3.42 Safer Watford Partnership
During 2012, officers have helped to deliver the Council's alcohol harm reduction strategy by participating in the work of the Safer Watford's alcohol harm reduction plan, and in the work of the Anti-Social Behaviour Action

Group.

3.43 Purple Flag

The Committee will be aware that in September 2012 the town was formally awarded Purple Flag status by the Association of Town Centre Management in recognition of its stewardship of the night-time economy. A working group has since been established to implement the recommendations of the independent Purple Flag assessors in time for the next “light-touch” assessment in a few months’ time and to take forward management of the town centre generally.

3.44 Key recommendations made by the Purple Flag assessors were that:

- (a) more could be done to highlight what was actually happening in terms of the various initiatives in place to ensure visitors enjoy a safe night out;
- (b) there was concern about the apparent lack of partnership with businesses relating to the NTE and their input into the strategic elements of NTE management;
- (c) more work should be done to make the Palace Theatre and Coliseum into attractive night-time spaces for wider audiences, as both bars were completely empty after 10pm when the assessors visited and they could be turned into venues for older audiences and families;
- (d) there is a very narrow selection of eating and drinking venues in the Purple Flag area and there could be a strategy for encouraging a wider variety of venues and also that cater for wider age groups and tastes. It is envisaged that the next full Purple Flag application will include the new Met Quarter development, which has a variety of restaurants, and it is understood there are several enquiries about converting existing or empty units throughout the town centre into eating establishments.

3.45 Other initiatives

Other initiatives over the past twelve months have included:

- (a) Operations Carbine, Chansom and Advisory by the police, which have addressed various safety and crime aspects in the night-time economy
- (b) high-level policy discussions between Members, the police and officers about early morning restriction orders and a late night levy and the formation of an NTE strategy group
- (c) Members attended a licensing master-class on early morning restriction orders and late night levies
- (d) a successful night-time economy summit in November attended by the vast majority of town centre pubs and clubs
- (e) the implementation of the licensing team’s business process review, resulting in savings of £42,000. Although this has had little direct impact

on the Licensing Act due to most of the functions being subject to a strict legislative regime, it will mean greater resilience within the team generally

- (f) the police have reviewed some of the pool of model licensing conditions to make them more appropriate for town centre premises.

3.46 Safety Advisory Group

Officers continue to play a role in the non-statutory multi-agency Safety Advisory Group advising on safety and licensing. This included advice on the Imagine Watford and Cassiobury Fireworks events, and during 2013 also includes the Hertfordshire Pride and Inland Waterways Festival in Cassiobury Park as well as numerous smaller events.

3.47 **National changes**

The Live Music Act 2012 and the Police Reform and Social Responsibility Act 2011 both introduced new measures during the year, which have been outlined to Members elsewhere.

3.48 The Government is currently consulting on several more changes, including:

- (a) introducing a minimum unit price for alcohol
- (b) introducing a ban on multi-buy promotions in the off-trade
- (c) reviewing the mandatory licensing conditions
- (d) introducing “health” as a fifth licensing objective
- (e) exempting “ancillary” alcohol sales at premises such as hairdressers, bed-and-breakfast premises etc from the need for a premises licence in lieu of an “ancillary sales notice”
- (f) modifying the temporary event notice scheme so that licensing authorities can establish their own separate scheme to be used by local community groups
- (g) extending the limit of 12 temporary event notices that can be given a year per premises to 15 or 18
- (h) allowing licensing authorities to exempt late night refreshment premises (either by type of premises or by geographical area) from needing a licence
- (i) extending the type of late night refreshment that currently does not licensing (such as that providing in hospitals or workplaces) and including motorway service areas in that definition
- (j) removing or simplifying the need for personal licence holders to renew their licences every 10 years (with a substantial amount due to be renewed in 2015)

- (k) remove the need for licence applications to be advertised in newspapers.

3.49 Finally, the Government has announced its intention to legislate during 2013 to remove some existing licensing restrictions as set out in the tables below:

Plays *Deregulated between 0800-2300 for audiences up to 500*

Performance of Dance *Deregulated between 0800-2300 for audiences up to 500*

Indoor Sport *Deregulated between 0800-2300 for audiences up to 1000*

*Live Music ** *Licensing suspended for amplified live music between 0800-2300 in on-licensed premises and deregulated in workplaces for audiences up to 500 (raised from 200 in Live Music Act 2012)*

Recorded Music *Licensing suspended between 0800-2300 in on-licensed premises (but not in workplaces) for audiences up to 500*

Film *Consultation on partial deregulation for community film exhibition*

Boxing / Wrestling *Licensing requirement retained with the exception of deregulation for Olympic style Greco-Roman and Freestyle wrestling*

Mixed Martial Arts/Cagefighting style to be licensed in future

Activities hosted by local authorities, hospitals, nurseries and schools (except Higher Education establishments) on own premises

Exempt from all Schedule 1 licensing requirements between 0800-2300 with no audience limitations

Activities held on local authority, hospital, nursery and school premises (except Higher Education establishments) by others with their permission

Exempt from regulation for live and recorded music between 0800-2300 for audiences up to 500

Community premises (e.g.: church and village halls, community centres, etc)

Exempt from regulation for live and recorded music between 0800-2300 for audiences up to 500

Circuses

Exempt from regulation for live and recorded music, plays, dance and indoor sport (ie: not boxing/wrestling or film) between 0800-2300 with no audience limitations

3.50 **Future Plans**

Over the next year the licensing team will be contributing to the Purple Flag and strategic NTE group's plans, as well as contributing to the Community Safety Partnership's priorities (to be confirmed in the coming weeks) that are expected to include:

- (a) creation of an NTE plan to reduce alcohol, violent crime, theft from the person (predominately mobile phones) and criminal damage
- (b) develop a strategy for the use of polycarbonate glasses within premises
- (c) reviewing the licensing policy
- (d) working with hotels on anti-social behaviour and alcohol management
- (e) reviewing anti-social behaviour and alcohol hot-spots
- (f) tackling staff selling alcohol to people already drunk through education and enforcement
- (g) implementing a town centre-wide electronic identification screening system in pubs
- (h) preparing for the next "light-touch" Purple Flag inspection
- (i) assisting the town centre Pubwatch's aims to:
 - reduce night-time crime and disorder in C1A beat
 - reduce phone theft in the NTE
 - create a more interactive Pubwatch
 - implement a Pubwatch banning sub-committee
 - introduce a Purple Flag sub-committee and
 - introduce a Best Bar None scheme.

4.0 **IMPLICATIONS**

4.1 **Financial**

4.1.1 The Head of Strategic Finance comments that there are no financial implications arising from this report.

4.2 **Legal Issues** (Monitoring Officer)

4.2.1 The Head of Legal and Property Services comments that there are no legal implications arising from this report.

Appendices

Appendix 1 – Licensing hearings and appeals

Appendix 2 – Local Alcohol Profiles for Hertfordshire

Background Papers

Local Alcohol Profiles for England

File Reference

None

| Application type | 1 January - 31 December 2012 | | | | | |
|----------------------------|------------------------------|----------------------------------|------------------------------------|---|--|--------------------------------------|
| | Hearings | <u>Hearings not required</u> [3] | Refused by Licensing sub-Committee | Appeals against sub-committee's decisions | <u>Appeals dismissed by magistrates' court</u> [4] | Appeals upheld by magistrates' court |
| Premises licences | 25 | 3 | 1 | 1 | 1 | 0 |
| Club premises certificates | 0 | 0 | 0 | 0 | 0 | 0 |
| Temporary Event Notices | 5 | 3 | 2 | 0 | 0 | 0 |
| Provisional statements | 0 | 0 | 0 | 0 | 0 | 0 |
| Personal licences | 0 | 0 | 0 | 0 | 0 | 0 |
| Reviews | 3 | 3 | 0 | 3 | 3 | 0 |
| TOTAL | 28 | 11 | 1 | 4 | 4 | 0 |

| Application type | 1 January - 31 December 2011 | | | | | |
|----------------------------|------------------------------|----------------------------------|------------------------------------|---|--|--------------------------------------|
| | Hearings | <u>Hearings not required</u> [3] | Refused by Licensing sub-Committee | Appeals against sub-committee's decisions | <u>Appeals dismissed by magistrates' court</u> [4] | Appeals upheld by magistrates' court |
| Premises licences | 20 | 7 | 4* | 1 | 1 | 0 |
| Club premises certificates | 0 | 0 | 0 | 0 | 0 | 0 |
| Temporary Event Notices | 7 | 5 | n/a | 0 | 0 | 0 |
| Provisional statements | 0 | 0 | 0 | 0 | 0 | 0 |
| Personal licences | 0 | 0 | 0 | 0 | 0 | 0 |
| Reviews | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 27 | 13 | 4 | 1 | 1 | 0 |

* Including twice for the same premises

| Application type | 1 January - 31 December 2010 | | | | | |
|----------------------------|------------------------------|----------------------------------|------------------------------------|---|--|--------------------------------------|
| | Hearings | <u>Hearings not required</u> [3] | Refused by Licensing sub-Committee | Appeals against sub-committee's decisions | <u>Appeals dismissed by magistrates' court</u> [4] | Appeals upheld by magistrates' court |
| Premises licences | 10 | 13 | 2 | 1 | 1 | 0 |
| Club premises certificates | 0 | 1 | 0 | 0 | 0 | 0 |
| Temporary Event Notices | 8 | 0 | | 0 | 0 | 0 |
| Provisional statements | 0 | 0 | 0 | 0 | 0 | 0 |
| Personal licences | 0 | 0 | 0 | 0 | 0 | 0 |
| Reviews | 3 | 0 | 0 | 2 | 1 | 1 |
| TOTAL | 21 | 14 | 2 | 2 | 1 | 1 |

| Application type | 1 January - 31 December 2009 | | | | | |
|----------------------------|------------------------------|----------------------------------|------------------------------------|---|--|--------------------------------------|
| | Hearings | <u>Hearings not required</u> [3] | Refused by Licensing sub-Committee | Appeals against sub-committee's decisions | <u>Appeals dismissed by magistrates' court</u> [4] | Appeals upheld by magistrates' court |
| Premises licences | 21 | 7 | 3 | 1 | 1 | 0 |
| Club premises certificates | 1 | 0 | 0 | 0 | 0 | 0 |
| Temporary Event Notices | 1 | 0 | n/a | 0 | 0 | 0 |
| Provisional statements | 0 | 0 | 0 | 0 | 0 | 0 |
| Personal licences | 0 | 0 | 0 | 0 | 0 | 0 |
| Reviews | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 23 | 7 | 3 | 1 | 1 | 0 |

| 1 January – 31 December 2008 | | | | | | |
|------------------------------|-----------|----------------------------------|------------------------------------|---|--|--------------------------------------|
| Application type | Hearings | <u>Hearings not required</u> [3] | Refused by Licensing sub-Committee | Appeals against sub-committee's decisions | <u>Appeals dismissed by magistrates' court</u> [4] | Appeals upheld by magistrates' court |
| Premises licences | 27 | 23 | 3 | 3* | 1 | 2 |
| Club premises certificates | 0 | 0 | 0 | 0 | 0 | 0 |
| Temporary Event Notices | 4 | 3 | n/a | 0 | 0 | 0 |
| Provisional statements | 0 | 0 | 0 | 0 | 0 | 0 |
| Personal licences | 0 | 0 | 0 | 0 | 0 | 0 |
| Reviews | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 34 | 26 | 3 | 2 | 3 | 0 |

| 1 January - 31 December 2007 | | | | | | |
|------------------------------|-----------|----------------------------------|------------------------------------|---|--|--------------------------------------|
| Application type | Hearings | <u>Hearings not required</u> [1] | Refused by Licensing sub-Committee | Appeals against sub-committee's decisions | <u>Appeals dismissed by magistrates' court</u> [2] | Appeals upheld by magistrates' court |
| Premises licences | 21 | 5 | 1 | 0 | 0 | 0 |
| Club premises certificates | 0 | 0 | 0 | 0 | 0 | 0 |
| Temporary Event Notices | 2 | 1 | n/a | 0 | 0 | 0 |
| Provisional statements | 1 | 0 | 0 | 0 | 0 | 0 |
| Personal licences | 0 | 0 | 0 | 0 | 0 | 0 |
| Reviews | 2 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 26 | 6 | 1 | 0 | 0 | 0 |

24 November 2005 - 31 December 2006

| Application type | Hearings | Hearings not required ^[3] | Refused by LSC | Appeals against sub-committee's decisions | Appeals dismissed by magistrates' court ^[4] | Appeals upheld by magistrates' court |
|----------------------------|-----------|--------------------------------------|----------------|---|--|--------------------------------------|
| Premises licences | 85 | 8 | 4 | 9 | 8 | 1 |
| Club premises certificates | 7 | 0 | 0 | 0 | 0 | 0 |
| Temporary Event Notices | 2 | 1 | n/a | 0 | 0 | 0 |
| Provisional statements | 0 | 0 | 0 | 0 | 0 | 0 |
| Personal licences | 0 | 0 | 0 | 0 | 0 | 0 |
| Reviews | 3 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 97 | 9 | 4 | 9 | 8 | 1 |

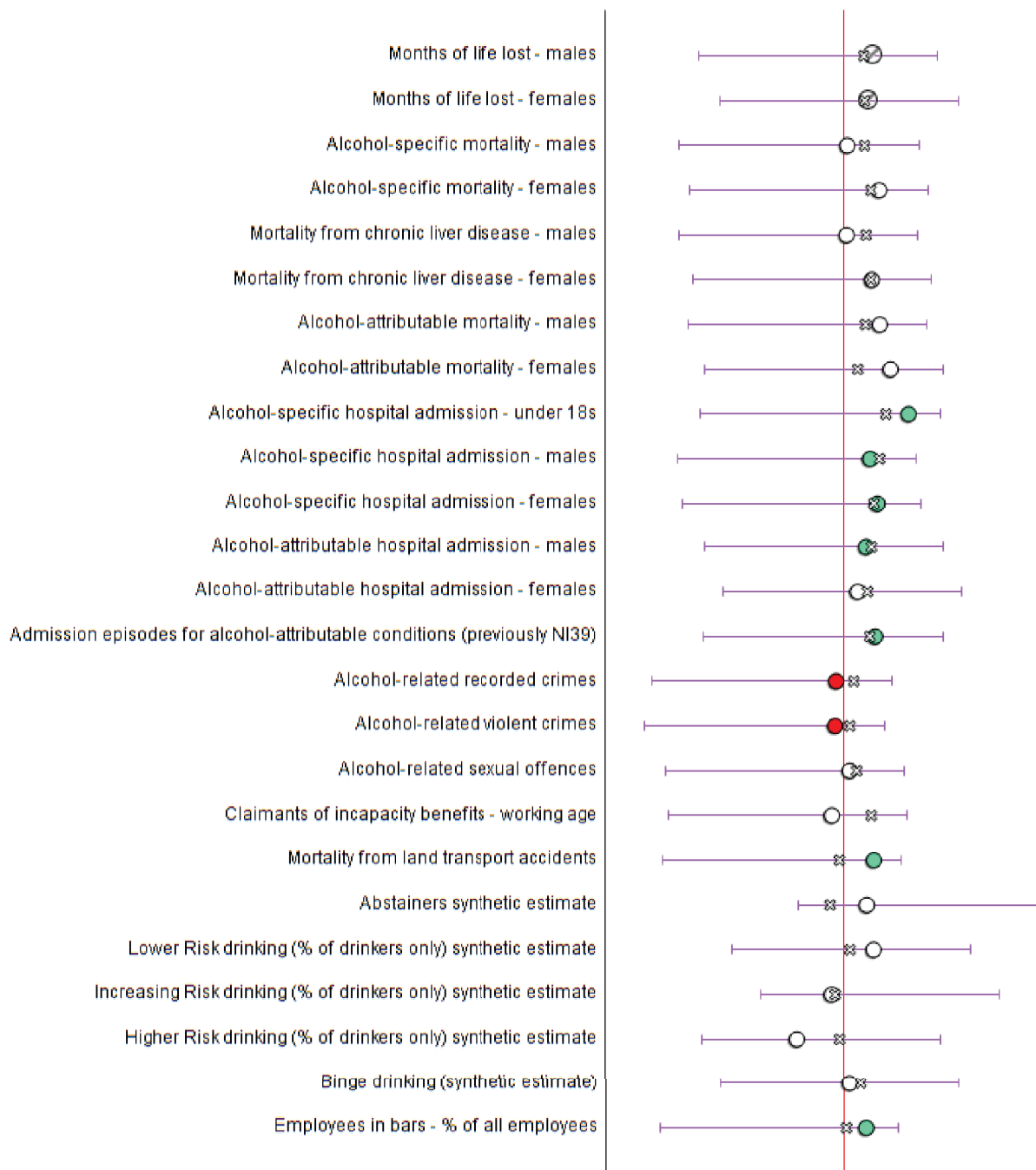
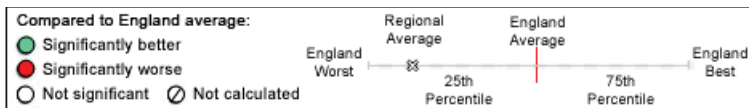
[1] [Due to withdrawal of application or withdrawal of representations before a hearing.](#)

[2] [These include where the appeal was withdrawn before a hearing or dismissed by way of a consent order.](#)

[3] [Due to withdrawal of application or withdrawal of representations before a hearing.](#)

[4] [These include where the appeal was withdrawn before a hearing or dismissed by way of a consent order.](#)

* Includes one appeal lodged in 2007 but heard in 2008

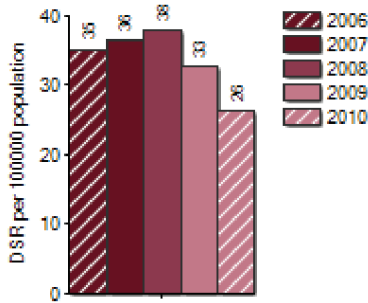


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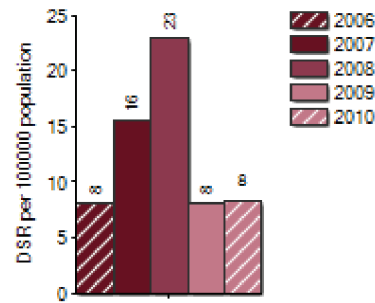
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<http://www.cph.org.uk>

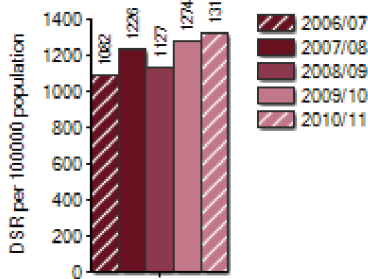
Alcohol-attributable mortality - males



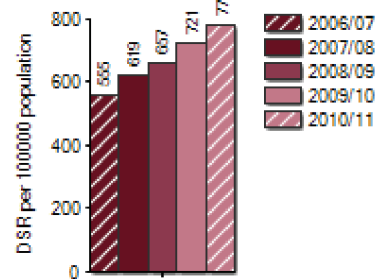
Alcohol-attributable mortality - females



Alcohol-attributable hospital admission
males



Alcohol-attributable hospital admission
females



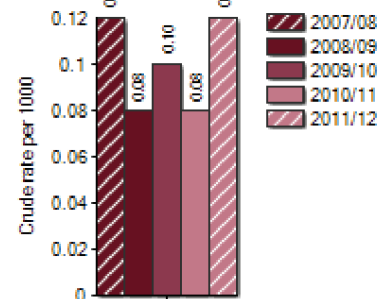
Alcohol-related recorded crimes - all



Alcohol-related violent crimes



Alcohol-related sexual offences



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<http://www.cph.org.uk>

| ID | Indicator | Measure (a) | National Rank (b) | Regional Average |
|----|--|-------------|-------------------|------------------|
| 1 | Months of life lost - males | 6.9 | 89 | 7.5 |
| 2 | Months of life lost - females | 3.4 | 107 | 3.4 |
| 3 | Alcohol-specific mortality - males | 12.4 | 196 | 9.4 |
| 4 | Alcohol-specific mortality - females | 3.5 | 79 | 4.1 |
| 5 | Mortality from chronic liver disease - males | 13.1 | 189 | 9.5 |
| 6 | Mortality from chronic liver disease - females | 4.7 | 97 | 4.8 |
| 7 | Alcohol-attributable mortality - males | 26.3 | 63 | 29.9 |
| 8 | Alcohol-attributable mortality - females | 8.2 | 17 | 12.7 |
| 9 | Alcohol-specific hospital admission - under 18s | 17.8 | 16 | 30.9 |
| 10 | Alcohol-specific hospital admission - males | 335.0 | 136 | 294.7 |
| 11 | Alcohol-specific hospital admission - females | 148.1 | 75 | 156.0 |
| 12 | Alcohol-attributable hospital admission - males | 1,319.3 | 152 | 1,281.5 |
| 13 | Alcohol-attributable hospital admission - females | 776.4 | 158 | 730.7 |
| 14 | Admission episodes for alcohol-attributable conditions (previously NI39) | 1,576.4 | 123 | 1,631.1 |
| 15 | Alcohol-related recorded crimes | 7.7 | 241 | 6.0 |
| 16 | Alcohol-related violent crimes | 5.7 | 248 | 4.4 |
| 17 | Alcohol-related sexual offences | 0.1 | 183 | 0.1 |
| 18 | Claimants of incapacity benefits - working age | 107.4 | 249 | 51.4 |
| 19 | Mortality from land transport accidents | 0.6 | 20 | 1.4 |
| 20 | Abstainers synthetic estimate | 18.8 | 40 | 15.3 |
| 21 | Lower Risk drinking (% of drinkers only) synthetic estimate | 72.3 | 75 | 73.0 |
| 22 | Increasing Risk drinking (% of drinkers only) synthetic estimate | 20.2 | 154 | 20.2 |
| 23 | Higher Risk drinking (% of drinkers only) synthetic estimate | 7.4 | 304 | 6.8 |
| 24 | Binge drinking (synthetic estimate) | 19.4 | 163 | 18.2 |
| 25 | Employees in bars - % of all employees | 1.3 | 44 | 1.9 |

Footnotes

Definition

Alcohol-specific

Conditions that are wholly related to alcohol (e.g. alcoholic liver disease or alcohol overdose). A list of alcohol-specific conditions with their ICD-10 codes and associated attributable fractions can be found at: <http://www.nwpho.net/nwpho/publications/AlcoholAttributableFractions.pdf>

Alcohol-attributable

Alcohol-specific conditions plus conditions that are caused by alcohol in some, but not all, cases (e.g. stomach cancer and unintentional injury). For these latter conditions, different attributable fractions are used to determine the proportion related to alcohol for males and females. A list of alcohol-attributable conditions with their ICD-10 codes can be found at: <http://www.nwpho.net/nwpho/publications/AlcoholAttributableFractions.pdf>

a)

The actual indicator value for the local authority as calculated in the definitions below.

b)

The rank of the local indicator value among all 326 local authorities in England. A rank of 1 is the best local authority in England and a rank of 326 is the worst. For indicators 20 to 24, a rank of 1 is the highest and a rank of 326 is the lowest value, as the desirability of the value (what is better or worse) has not been determined.



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Website: <http://www.nwpho.org.uk>
<http://www.cph.org.uk>

| ID | Definition |
|------------|---|
| 1,2 | Months of life lost- males/females - An estimate of the increase in life expectancy at birth that would be expected if all alcohol-attributable deaths among males/females aged under 75 years were prevented. (NWPHO from 2008-2010 England and Wales life expectancy tables for males and females [Government Actuary Department], alcohol-attributable deaths from Public Health Mortality File 2008-2010 in males/females aged under 75 and Office for National Statistics mid-year population estimates for 2008-2010). |
| 3,4 | Alcohol-specific mortality- males/females - Deaths from alcohol-specific conditions (all ages, male/female), directly standardised rate per 100,000 population (standardised to the European Standard Population). (NWPHO from Office for National Statistics Public Health Mortality File for 2008-2010 and mid-year population estimates for 2008-2010). |
| 5,6 | Mortality from chronic liver disease- males/females - Deaths from chronic liver disease including cirrhosis (ICD-10: K70, K73-K74) (all ages, male/female), directly standardised rate per 100,000 population (standardised to the European Standard Population). (Compendium of Clinical and Health Indicators, National Centre for Health Outcomes Development 2008-2010 pooled). |
| 7,8 | Alcohol-attributable mortality - males/females - Deaths from alcohol-attributable conditions (all ages, male/female), directly standardised rate per 100,000 population (standardised to the European Standard Population). (NWPHO from Office for National Statistics Public Health Mortality File for 2010 and mid-year population estimates for 2010). |
| 9 | Alcohol-specific hospital admission - under 18s - Persons admitted to hospital due to alcohol specific conditions (under 18s, persons), crude rate per 100,000 population. (NWPHO from Hospital Episodes Statistics 2008/09-2010/11 and Office for National Statistics mid-year population estimates 2008-2010). Numerator counts of less than 6 have been suppressed (indicated as *). Does not include attendance at A&E. |
| 10, 11 | Alcohol-specific hospital admission - males/females - Persons admitted to hospital due to alcohol-specific conditions (all ages, male/female), directly standardised rate per 100,000 population. (NWPHO from Hospital Episodes Statistics 2010/11 and Office for National Statistics mid-year population estimates 2010). Numerator counts of less than 6 have been suppressed (indicated as *). Does not include attendance at A&E. |
| 12, 13 | Alcohol-attributable hospital admission - males/females - Persons admitted to hospital due to alcohol-attributable conditions (all ages, male/female), directly standardised rate per 100,000 population. (NWPHO from Hospital Episodes Statistics 2010/11 and Office for National Statistics mid-year population estimates 2010). Numerator counts of less than 6 have been suppressed (indicated as *). Does not include attendance at A&E. |
| 14 | Admission episodes for alcohol-attributable conditions (previously NI39) - Admission episodes for alcohol-attributable conditions (previously NI39): directly age and sex standardised rate per 100,000 population. (Department of Health using Hospital Episode Statistics 2010/11 and Office for National Statistics 2010 mid-year population estimates). |
| 15, 16, 17 | Alcohol-attributable recorded crimes - Alcohol-related recorded crimes, crude rate per 1,000 population. (NWPHO from Home Office recorded crime statistics 2011/12). Office for National Statistics 2010 mid year population were used. Attributable fractions for alcohol for each crime category were applied, based on survey data on arrestees who tested positive for alcohol by the former UK Prime Minister's Strategy Unit. |
| 18 | Claimants of incapacity benefits - working age - Claimants of Incapacity Benefit or Severe Disablement Allowance whose main medical reason is alcoholism, crude rate per 100,000 (working age, persons) population. (NWPHO from Department for Work and Pensions data Aug 2011 and Office for National Statistics 2010 mid-year population estimates). NB Important Note Supplied by DWP - To qualify for Incapacity Benefit, claimants have to undertake a medical assessment of incapacity for work called a Personal Capability Assessment. The medical condition recorded on the claim form does not itself confer entitlement to Incapacity Benefit. So, for example, a decision on entitlement for a customer claiming Incapacity Benefit on the basis of alcoholism would be based on their ability to carry out the range of activities assessed by the Personal Capability Assessment; or on the effects of any associated mental health problems. It is also important to note that where someone has more than one diagnosis or disabling condition, only the predominant one is currently recorded. |
| 19 | Mortality from land transport accidents - Estimated number of deaths attributable to alcohol from land transport accidents (ICD-10: V01-V89) (all ages, persons) directly standardised rate per 100,000 population (standardised to the European Standard population). (NWPHO from Compendium of Clinical and Health Indicators, National Centre for Health Outcomes Development 2008-2010 pooled and Office for National Statistics mid-year population estimates 2008-2010). The Strategy Unit's alcohol-attributable fraction was applied to obtain the estimates. |



| ID | Definition |
|----|---|
| 20 | Abstainers synthetic estimate - Mid 2009 Synthetic estimate of the percentage within the total population aged 16 years and over who report in abstaining from drinking alcohol. Estimates were derived from a statistical model developed to estimate the percentage of abstainers, lower risk, increasing risk and high risk drinkers in local authority populations. *The LAPE 2012 refresh for this indicator was generated using an enhanced methodology (see metadata for details) and care should be taken when comparing these with previous estimates. |
| 21 | Lower Risk drinking (% of drinkers only) synthetic estimate - Mid 2009 Synthetic estimate of the percentage within the drinking population (not including abstainers) aged 16 years and over who report engaging in lower risk drinking, defined as consumption of less than 22 units of alcohol per week for males, and less than 15 units of alcohol per week for females. Estimates were derived from a statistical model developed to estimate the percentage of abstainers, lower risk, increasing risk and high risk drinkers in local authority populations. *The LAPE 2012 refresh for this indicator was generated using an enhanced methodology (see metadata for details) and care should be taken when comparing these with previous estimates. |
| 22 | Increasing Risk drinking (% of drinkers only) synthetic estimate - Mid 2009 Synthetic estimate of the percentage within the drinking population (not including abstainers) aged 16 years and over who report engaging in increasing risk drinking, defined as consumption of between 22 and 50 units of alcohol per week for males, and between 15 and 35 units of alcohol per week for females. Estimates were derived from a statistical model developed to estimate the percentage of abstainers, lower risk, increasing risk and high risk drinkers in local authority populations. *The LAPE 2012 refresh for this indicator was generated using an enhanced methodology (see metadata for details) and care should be taken when comparing these with previous estimates. |
| 23 | Higher Risk drinking (% of drinkers only) synthetic estimate - Mid 2009 Synthetic estimate of the percentage within the drinking population (not including abstainers) aged 16 years and over who report engaging in higher risk drinking, defined as more than 50 units of alcohol per week for males, and more than 35 units of alcohol per week for females. Estimates were derived from a statistical model developed to estimate the percentage of abstainers, lower risk, increasing risk and high risk drinkers in local authority populations. *The LAPE 2012 refresh for this indicator was generated using an enhanced methodology (see metadata for details) and care should be taken when comparing these with previous estimates. |
| 24 | Binge drinking (synthetic estimate) - Synthetic estimate of the proportion (%) of adults who consume at least twice the daily recommended amount of alcohol in a single drinking session (that is, 8 or more units for men and 6 or more units for women) (2007-2008). Estimates developed by APHO on behalf of Department of Health (2010) (Revised dataset published March 2011 and updated to LAPE resources in April 2012). Please see PHOs JSNA Datasets for further information: www.apho.org.uk/resource/view.aspx?RID=91736 |
| 25 | Employees in bars - % of all employees - The number of employees, employed in bars as a percentage of all employees. (Business Register and Employment Survey (BRES) 2010, National Statistics, from Nomis website: www.nomisweb.co.uk). Office for National Statistics single year of age mid 2010 population estimate for males aged between 16-64 years and females aged 16-60 years. A rank of 1 is the lowest local authority value in England and a rank of 326 is the highest. Values that are significantly lower than the England average have been highlighted green and values that are significantly higher have been highlighted red. The desirability of the value (what is better or worse) has not been determined. |



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