

# **West Suffolk Statement of Licensing Policy**

Licensing Act 2003

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## Foreword

Welcome to the first edition of the West Suffolk Statement of Licensing Policy, created from the latest editions from the former councils of Forest Heath and St Edmundsbury.

Our policy encompasses our desire to encourage growth and diversity while considering impacts on existing businesses and residents. It is essential to ensure our residents can peacefully enjoy their homes and environment while also encouraging responsible and positive investment and economic growth.

We want to make sure that West Suffolk continues to offer a diverse range of high quality and well managed venues and experiences; valued by those who live here, work here and come to visit.

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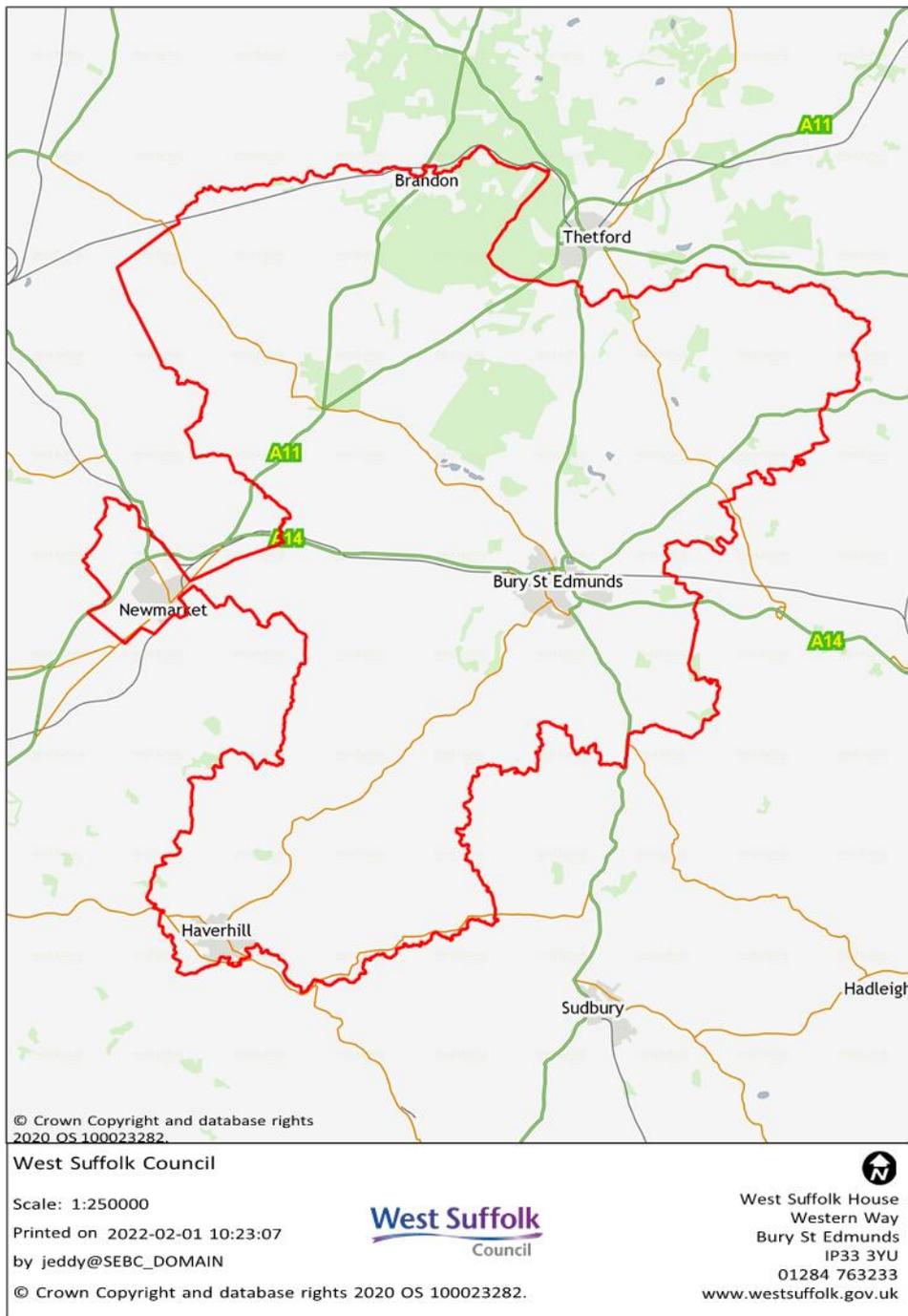
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# 1. Introduction

- 1.1. The Licensing Act 2003 became fully implemented on 24 November 2005. The act integrates six separate licensing regimes covering:
  - the sale and supply of alcohol
  - the provision of regulated entertainment
  - the provision of late-night hot food or drink (between the hours of 11pm and 5am)
  - night café
  - theatres
  - and cinemas.
- 1.2. In drawing up this Policy, the Authority has had regard to the nature of the area and the needs and wishes of local communities and business. The Authority has consulted with all the statutory consultees and businesses and given due consideration to all comments received. This is in accordance with the requirements of the act, and with due regard to the Guidance. Guidance on the licensing objectives is available on the [Government's culture website](#).

## About the area

- 1.3. West Suffolk Council is a district authority situated in the West of Suffolk. Predominantly rural, it has five main market towns: Brandon, Bury St Edmunds, Haverhill, Newmarket and Mildenhall.
- 1.4. As of 2020, the population of West Suffolk was estimated to be 177,302. While the population is aging (21.6 per cent over the age of 65), West Suffolk has the lowest proportion of over 65s in Suffolk outside of Ipswich. West Suffolk also has a slightly more youthful profile than much of the rest of Suffolk, with 59.2 per cent being working age (16-64) and 19.1 per cent aged between 0-15 years.
- 1.5. Population projections, however, indicate that the proportion of residents aged 65+ is likely to increase to 26.1 per cent by 2035. In comparison, working age (16-64) and young residents (0-15) will decrease to 55.8 per cent and 18.1 per cent, respectively.
- 1.6. The West Suffolk population is also more transient than in many other rural areas. This is due to the United States Air Force in Europe (USAFE) bases in Mildenhall and Lakenheath, as well as a number of migrant works in the district's horse racing and agricultural industries.



- 1.7 Today, West Suffolk has a diverse economy that embraces numerous business sectors – such as tourism, food and drink, life sciences and advanced manufacturing. The West Suffolk economy also accommodates a number of businesses trading with the two major US Air Force bases in West Suffolk.
- 1.8 Many residents benefit from a good quality of life. However, some areas have suffered more than others from the impact of COVID-19 and economic downturn, and others are facing issues such as: rural isolation, a lack of skills or qualifications amongst young people, an ageing population with some in need of more specialist housing or care, poverty, or health deprivation.

## 2. Purpose of the licensing policy

2.1 The purpose of this licensing policy is to:

- inform the elected Members serving on the licensing committee of the parameters within which licensing decisions can be made
- inform applicants, residents and businesses of the parameters within which the licensing authority will make licensing decisions
- inform residents and businesses about how the licensing authority will make licensing decisions, and
- provide a basis for decisions made by the licensing authority if these decisions are challenged in a court of law.

2.2 This policy relates to the following licensable activities as defined in the act:

- Retail sale of alcohol
- The supply of alcohol by or on behalf of a club, or to the order of a member of the club
- The provision of regulated entertainment, which includes:
  - a performance of a play
  - an exhibition of a film
  - an indoor sporting event
  - a boxing or wrestling entertainment (indoors and outdoors)
  - a performance of live music
  - any playing of recorded music
  - a performance of dance
  - entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance
  - the provision of late-night refreshment.

2.3 It should be noted that the 2003 Act (Part 2 of Schedule 1) makes provision for exempt or unregulated activities or locations. Further information on some of these is available from the Department for Culture Media and Sport. Whether activities or locations may be entitled to benefit from an exemption would be assessed on a case-by-case basis.

2.4 The licensing authority will have due regard to the intention of the act to contribute to the overall economy of the borough and in particular to the potential benefits of longer opening hours, which the act foresees.

2.5 Where the guidance published by the government under s.182 is revised at any time the licensing authority will have regard to it where it departs from the Licensing Statement of Policy.

2.6 In some cases, additional licences may be required under separate legislation; for example, sexual entertainment venues may also require a licence under schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, or the venue may also require Performing Rights Society (PRS) permissions.

### 3. Licensing objectives

- 3.1 This policy must be read in conjunction with the Licensing Act 2003 section 4 (the act), secondary legislation and the latest guidance issued under s.182 of the Licensing Act 2003 (the guidance).
- 3.2 The licensing authority recognises that balancing the interests of owners, employees, customers and neighbours of licensed premises will not always be straightforward, but it has a duty to promote the four licensing objectives of the act:
- the prevention of crime and disorder
  - the prevention of public nuisance
  - public safety, and
  - protection of children from harm.
- These are the only four objectives in the act and as such they are paramount to all licensing considerations. The licensing authority's approach to addressing these four objectives is set out in section 16.
- 3.3 The licensing authority wishes to maintain and protect the amenity of residents and other businesses from the potential consequence of the operation of licensed premises while recognising the valuable cultural, social and business importance that such premises provide.
- 3.4 The aims of this Statement of Licensing Policy are to:
- encourage and support a strong and inclusive society that balances the rights of individuals and their communities
  - integrate the licensing authority's aims and objectives with other initiatives and strategies that will:
    - reduce crime and disorder
    - ensure the safety of the public engaging in licensable activities
    - encourage tourism and cultural diversity
    - reduce alcohol misuse
    - encourage the self-sufficiency of local communities, and
    - reduce the burden of unnecessary regulation on business
    - protect vulnerable children and others.
- 3.5 This Statement does not seek to undermine the right of any individual to apply for permissions under the terms of the act - all applications will be considered on their merits where the licensing authority's discretion has been engaged. Nor does it seek to override the right of any person to make representations on or about an application or seek a review of a licence or certificate where provision has been made for them to do so in the act.
- 3.6 The licensing process can only seek to regulate those measures within the control of the licensee or certificate holder (and their staff/agents), and in the immediate vicinity of the premises involved in licensable activities (for example, on the pavement, in a beer garden or smoking shelter). Licensing law cannot

prevent anti-social behaviour by individuals once they are away from such premises and beyond the direct control of the licence holder.

## **4. The role of the licensing authority in the decision-making process**

- 4.1 It is important for any person reading this Statement of Licensing Policy to note that the licensing authority's discretion and decision-making role, referred to throughout this statement of licensing policy, is only engaged following a relevant representation being lodged in respect of an application, and where that representation is not withdrawn. As the 'responsible authority', it is also within the remit of the Licensing Authority to submit representations to applications and apply for a Review of a Licence or Club Premises Certificate.
- 4.2 The application will then ordinarily be heard by a sub-committee of the council's licensing and regulatory committee. However, it must be noted that, in contrast, the process and determination in respect of minor variations and community premises mandatory conditions 'alternatives' are exceptions to these usual arrangements, as referred to later in this document.
- 4.3 The Licensing Act 2003 provides for a mediation process between parties. Where it is appropriate for the licensing authority to do so, following a relevant representation being made, the authority shall make all reasonable efforts to facilitate mediation. In doing so, the licensing authority will be mindful of the legislative framework and any relevant government guidance.
- 4.4 Where a premises licence application or club premises certificate has been lawfully made - and no responsible authority or other person has made a representation - the application must be granted on the terms sought. This is subject only to conditions consistent with the operating schedule and relevant mandatory conditions in the act. This is undertaken as an administrative process by the licensing authority's officers who will translate the licensing objectives into clear and understandable conditions. As above, there are different arrangements in place for some minor processes under the act.
- 4.5 It is the intention of the licensing authority to work closely with licensees and their representatives, responsible authorities, other persons and partner authorities to promote the licensing objectives. The authority also seeks to minimise the burden to ensure that the licensing arrangements work satisfactorily and successfully.

## **5. Other legislation, strategies and guidance**

- 5.1 When carrying out its functions the licensing authority must be aware of the following legislation:
  - Crime and Disorder Act 1998
  - Human Rights Act 1998
  - Race Relations Act 1976 (as amended by the Race Relations (Amendment) Act 2000)
  - Anti-Social Behaviour, Crime and Policing Act 2014 (within this, PSPO
  - 'Public Space Protection Order' which are active in West Suffolk)
  - Violent Crime Reduction Act 2006

- Environment Bill, 2021
- Health Act 2006
- Health and Safety at Work Act
- Clean Neighbourhoods and Environment Act 2005 (including powers for the local authority to issued fixed penalty notices to licensed premises emitting noise that exceeds the permitted level between 11pm and 7am)
- Policing and Crime Act 2009
- Police Reform and Social Responsibility Act 2011
- Equality Act, 2010
- Gambling Act, 2005
- Public Health Act 2006 (section 10)
- West Suffolk Council Safeguarding Policy
- West Suffolk Council Enforcement Policy.

- 5.2 Premises operators are normally responsible for compliance with any other statutory requirements which may apply, for example the Regulatory Reform (Fire Safety) Order 2005.
- 5.3 The licensing authority will seek to avoid duplication with other regulatory regimes when dealing with the licensing function. If other existing law already places certain statutory responsibilities on an employer or operator of premises, to the licensing authority will not impose the same duties on the premises licence holder or club.
- 5.4 Other local authority and government policies, strategies, responsibilities, and guidance documents may also refer to the licensing function, and the licensing authority may liaise with the relevant authorities or its directorates with regard to these. Whilst some of these may not be directly related to the promotion of the four licensing objectives, they can indirectly impact upon them. For example, a Home Office direction.
- 5.5 It is the licensing authority's intention to integrate its licensing function with other relevant strategies. To that end, the licensing committee will monitor how this impacts licensing and other functions.
- 5.6 The council may seek premises licences for public spaces in the community in its own name. With regard to those places, performers and entertainers may not need to obtain a licence or give a temporary event notice themselves in order to perform. Instead, they may require permission from the council as the premises licence holder. The council may use this method of licensing to encourage circus and street arts to our local communities.
- 5.7 Where it considers it appropriate, and in order to seek proper integration of the licensing function, the licensing authority may share data with other areas of the council. This may, for example, include instances where alcohol-related crime and disorder is having an impact on a local area.

## **6. Relationship with planning process**

- 6.1 It makes operational sense to ensure that planning and licensing are compatible. Any premises for which a licence is required should have either:
- a. planning consent, or

b. lawful use under the planning legislation in order to operate lawfully.

However, the lack of either a. or b. above must not prevent the licensing authority from considering and determining an application.

- 6.2 Planning matters are subject to the licensing authority's four objectives. Similarly, licensing and planning authorities are responsible for enforcing conditions attached under their respective licences and consents. Licensing applications will not, therefore, be treated as re-run of planning application.
- 6.3 The licensing and planning authorities are only responsible for enforcing conditions attached under their respective licences or consents.
- 6.4 Where the terminal hour for the operation of a premises is stated on a planning consent, but differs from that specified on the licence, the licence holder must observe the earlier closing time to operate lawfully.
- 6.5 The Licensing and Regulatory Sub-Committee may grant a variation of a licence, which involves a material alteration to a building. However, this would not relieve the applicant of the need to apply for planning permission or building control consent where appropriate.

## **7. Cumulative impact**

- 7.1 The licensing authority recognises that the cumulative effect of licensed premises may have negative consequences in line with the licensing authorities four objectives. Where there are licensed premises that cause concern or are within an area of concern, the licensing authority would first consider imposing conditions.
- 7.2 Licensing is only one means of addressing the problems identified above and cannot in isolation provide a solution to many of the problems that may be experienced. Other mechanisms to address problems could include:
- planning controls
  - positive measures to create a safe and clean town centre environment in partnership with local business, transport operators and other departments of the local authority using best practice schemes or BIDS
  - powers of local authorities or police to designate parts of the local authority area as places where alcohol may not be consumed publicly and confiscation of alcohol in these areas
  - the confiscation of alcohol from adults and children in designated areas
  - police powers to close down premises or temporary events for up to 48 hours on the grounds of preventing crime, disorder or nuisance
  - police enforcement of the general law concerning disorder and anti-social behaviour including the issuing of fixed penalty notices
  - prosecution of personal licence holders who sell alcohol to people who are drunk or underage
  - local authority powers under the Anti-Social Behaviour, Crime and Policing Act 2014 (which includes the adopted PSPO's and community protection notices)

- powers available to responsible authorities under the provisions of the Policing and Crime Act 2009 or Violent Crime Reduction Act 2006
- Early Morning Restriction Orders (EMRO's).

7.3 The cumulative effect of licensed premises selling alcohol for consumption on the premises can have a disproportionate detrimental effect on neighbouring businesses and residents and the operation of a number of premises in a defined area has the effect of undermining the licensing objectives. The licensing authority recognises that a concentration of shops, stores and supermarkets selling alcohol for consumption off the premises does not normally lead to significant problems.

7.4 In 2008 and 2014, the council agreed to implement a cumulative impact assessment (CIA) in Newmarket and Bury St Edmunds town centre respectively (See Appendix A and B for more information, including all evidence). These areas have significant numbers of licensed premises of all types. Although they have staggered closing times, their concentration still leads to large numbers of people on the street and has an impact on the capability of the transport system to disperse these numbers rapidly with minimal impact on crime and disorder and public nuisance.

7.5 The CIAs are intended to target premises that can act as a flash point for crime and disorder and public nuisance, such as:

- premises that will increase the numbers of customers
- premises serving alcoholic drinks and or takeaway food after 11.00pm.

7.6 It is the licensing authority's policy that:

- a all matters within CIA, which attract representation will be determined at a committee
- b there will be a rebuttable presumption that applications for new premises licences or club premises certificates, which are primarily drinking establishments or for the sale and consumption of alcohol, will be refused if relevant representations are received about the cumulative impact on the licensing objectives.
- c there will be a rebuttable presumption that applications for material variations from current licensees will be refused if relevant representations are received about the cumulative impact on the licensing objectives.
- d there will be a rebuttable presumption that applications for new premises seeking a licence to provide hot food between 11.00pm and 05.00am (especially where the food purchased will be eaten off the premises) will be refused if relevant representations are received about the cumulative impact on the licensing objectives.

7.7 In respect of other areas within West Suffolk, the licensing authority would need to be provided with evidence-based information and each area would be considered on its own merits. This evidence could be part of the information made available by the police, responsible authorities or other groups when they are reporting on matters affecting members of the public.

## **8. Licensing hours**

8.1 The licensing authority, through the exercise of its licensing function, will not seek to restrict the trading hours of any premises unless this is appropriate to

promote one or more of the licensing objectives. Each application will be considered individually on its own merits.

- 8.2 The consideration of hours of operation will be in the context of the particular circumstances of each application and the licensing objectives.
- 8.3 The licensing authority will aim, through the promotion of the licensing objectives, to reduce the potential for concentrations of patrons leaving the premises and achieve a slower dispersal of people from licensed premises through flexible opening hours.
- 8.4 While no part of West Suffolk is currently subject to any Early Morning Alcohol Restriction Order (EMRO), the Licensing Authority has the power to make, vary or revoke an EMRO, as set out in sections 172A to 172E of the 2003 Act. The exercise of the licensing authority's functions may be delegated by its committee to a sub-committee, other than the decision to make, vary or revoke an EMRO (which is exercised by full council).
- 8.5 The licensing authority has a published cumulative impact area in its Statement of Licensing Policy and will always consider the relationship between the CIA and proposed EMRO area and the potential overall impact on its local licensing policy.

## **9. Relevant representations**

- 9.1 A relevant representation is one that is made in writing and:
  - is about the likely effect of a licence on the promotion of the licensing objectives (for new applications representations may be
    - probative or speculative and it will be for the licensing authority in each case to determine what weight to attach to representations and any supporting evidence)
  - has been made by a responsible authority, or other person or elected councillor as defined by the act, within the relevant time period as prescribed by regulation
  - has not been withdrawn, and
  - has not been determined by the licensing authority as frivolous, vexatious or repetitious (or repetitious in respect of a review).
- 9.2 Electronic representations will be administered in accordance with the requirements of the Licensing Act 2003 (Premises licences and club premises certificates) (Amendment) (Electronic Applications etc.) Regulations 2009. They are accepted by the licensing authority provided that the representation is received within the prescribed time limits. An electronic representation is not deemed to be received until it is opened, which will be within office hours, and if the email is sent outside those hours and the consultation period finishes before the office is next open then the representation is late and will be refused.
- 9.3 In 'borderline' cases, the licensing authority will normally give the benefit of the doubt to the other person or responsible authority making the representation. Any subsequent hearing would provide an opportunity for the person or body making the representation to amplify or clarify it. However, the licensing

authority could decide not to take any action in respect of the application if, for example, the representation could not be supported.

9.4 It will be for the Licensing and Regulatory Sub-Committee to determine whether any ordinary and reasonable person would consider the issue raised in a representation as either vexatious or frivolous (or repetitious in respect of a review). Therefore, the representation will be deemed to be accepted by the licensing authority until such decision is made. A person aggrieved by a rejection of his representation on these grounds may challenge the licensing authority's decision by way of judicial review.

9.5 Local councillors play an important role in their communities. They can make representations in writing and subsequently at a hearing as:

1. a member of the relevant licensing authority, such as an elected councillor of the licensing authority for the area in which a premises is situated
2. on behalf of a named other person such as a resident or local business if specifically requested to do so
3. or as an individual in their own right.

Their involvement in or participation in meetings to discuss matters is subject to a code of conduct under the Localism Act 2011.

9.6 The licensing authority seeks to consider each representation on its merits, and taking into consideration the following matters:

- location of the premises which is the subject of the application
- the nature of the surrounding area.

9.7 Where a relevant representation is made in respect of an application or an existing licensed premises, a hearing will be held. However, if an agreement is reached between the licensing authority, the applicant and all the parties who have made relevant representations, a hearing is not required. It is not anticipated that a hearing will be held where the only representations received are in support of an application and without qualification.

9.8 The licensing authority will attempt mediation between the relevant parties wherever it may be practicable or appropriate to do so, to avoid unnecessary hearings. It may also extend the normal time limits for hearings where it is considered in the public interest to do so, for example where all parties are on the point of reaching agreement.

9.9 It should be noted that the usual hearing arrangements, following receipt of a relevant representation, do not apply to minor variations. For these processes the power to determine the application has been delegated to the licensing officers, and no hearing mechanism is involved. Relevant representations and statutory guidance will, however, be considered as part of this process, and applications shall be assessed individually and on merit by the relevant officer.

## **10. Administration, exercise and delegations of functions**

- 10.1 The council's published Scheme of Delegation for functions under the Licensing Act 2003 is set out in Section 4 of the council's constitution and is available on the [West Suffolk Council website](#) or by emailing Customer Services at [customer.services@westsuffolk.gov.uk](mailto:customer.services@westsuffolk.gov.uk).
- 10.2 The licensing authority will grant the application in accordance with the requirements of the act under authority delegated to an officer where an application has been made in accordance with the statutory requirements, and either
- no relevant representations have been received
  - or relevant representations have been received and have all been withdrawn.

The exceptions to these usual processes include applications for minor variations and community premises mandatory conditions disapplication requests as referred to earlier in this document.

- 10.3 Where an application does not meet the statutory requirements, it will be returned to the applicant with an explanation of the matters that need to be addressed in order to meet the statutory requirements.

## **11. Hearings**

- 11.1 Where a hearing is held, any relevant representations will be put before the Licensing and Regulatory Sub-Committee. The representations, including the name and address of the person making them will be part of a public document.
- 11.2 The hearing will be conducted in accordance with the licensing authority's published procedure available on [West Suffolk Council website](#) or directly from the licensing team upon request.
- 11.3 Where an application is determined at a hearing, the Licensing Act Sub-Committee will give appropriate weight to the:
- relevant representations
  - submissions and evidence presented by all parties
  - steps appropriate to promote the licensing objectives
  - licensing authority's statement of policy, and
  - guidance issued under s.182 of the act (as may be amended from time to time).
- 11.4 The licensing authority may use the power given within the hearings regulations to extend time limits where it considers this to be in the public interest. Extending time limits in the public interest will be assessed on a case-by-case basis.
- 11.5 The Licensing Act 2003 provides for a mediation process between parties. Where it is appropriate for the licensing authority to do so, following a relevant representation being made, the authority shall make all reasonable efforts to facilitate mediation. In doing so the licensing authority will be mindful of the legislative framework and any relevant government guidance. Any guidance provided by the authority will be available on the [West Suffolk Council website](#).

## 12. Conditions

- 12.1 Mandatory conditions are imposed by the act whether or not the application is opposed.
- 12.2 Except for mandatory conditions, which are imposed by the act, the licensing authority will only attach conditions to a premises licence or club premises certificate or, in certain circumstances, a temporary event notice where these:
- are consistent with the additional steps identified in the operating schedule which the applicant submits in support of their application, or
  - at a hearing following a relevant representation, the conditions are considered appropriate for the promotion of the licensing objectives and are proportionate and reasonable.

In these circumstances, it is the intention of the licensing authority to express any such conditions in unequivocal and unambiguous terms and such conditions will be tailored to the specific premises concerned.

- 12.3 In so far as conditions proposed by any applicant is concerned, the guidance states that it is not acceptable for the licensing authorities to simply replicate the wording from the operating schedule. The authority will endeavour to interpret any condition in accordance with the applicant's intention.
- 12.4 The Violent Crime Reduction Act 2006 amends the Licensing Act 2003 enabling the licensing authority, on the application of a senior police officer to attach interim conditions to licences pending a full review of the licence.
- 12.5 The Regulatory Reform (Fire Safety) Order 2005 provides that any conditions imposed by the licensing authority that are or could be imposed by the order automatically cease to have effect, with certain exceptions.
- 12.6 Although the guidance confirms that the conditions should be tailored to the specific premises, the licensing authority has produced an operating schedule tool kit that is regularly reviewed and updated which the applicant and others may draw upon as appropriate. In addition, the Home Office has produced supporting guidance in respect of pools of conditions and which can be located on the [Home Office website](#).
- 12.7 A committee or board of individuals with responsibility for the management of community premises ('the management committee') may apply to have an alternative licence condition included in a premises licence in place of the normal mandatory conditions. The alternative condition is that every supply of alcohol under the licence be made or authorised by the management committee.

## 13. Appeals

- 13.1 Entitlement to appeal against any decision of the licensing authority is set out in Schedule 5 of the act.

- 13.2 Please note that there are no provisions for appeals to the magistrates' court in respect of applications for minor variations or disapplication for requirement for designated premises supervisor.
- 13.3 Where the police make application for summary review under section 53A of the Licensing Act 2003 the relevant licensing authority will normally consider whether it is necessary to take interim steps pending the determination of the review applied for. Such consideration may take place without the holder of the premises licence having been given an opportunity to make representations to the relevant licensing authority. The interim steps the relevant licensing authority must consider taking are:
- a. modification of the conditions of the premises licence
  - b. exclusion of the sale of alcohol by retail from the scope of the licence
  - c. removal of the designated premises supervisor from the licence; and
  - d. suspension of the licence.
- 13.4 Should a summary review be instigated; the licensing authority shall follow the procedures as set out in the Licensing Act 2003 (Summary Review of Premises Licences) Regulations 2007.

## **14. Enforcement**

- 14.1 West Suffolk Council has a commitment to effective enforcement practices and will work with partners to ensure that licenced premises comply with licensing objectives. Enforcement action will be considered in accordance with the compliance code, and the council's general enforcement policy ([West Suffolk Council Enforcement Policy](#)).
- 14.2 Risk assessment will be carried out through inspections concentrating on those premises which either:
- present a greater risk, or
  - have a history of non-compliance with conditions or regulations, or
  - demonstrate poor management practice which undermines the licensing objectives.
- 14.3 The council will normally act as the enforcing authority in respect of offences under the act, unless the circumstances of the particular case are such that it is appropriate for another responsible authority.
- 14.4 The Suffolk Constabulary will retain responsibility as the enforcing authority in respect of the following offences under the act:
- Section 97 Power to enter and search
  - Section 143 Failure to leave
  - Section 144 Keeping of smuggled goods
  - Section 155 Confiscation of alcohol, and
  - Part 8 Offences with respect to closure of premises.

Suffolk County Council Trading Standards will retain responsibility as the enforcing authority in respect of the following offences under the act:

- Section 146 Sale of alcohol to children
- Section 147 Allowing the sale of alcohol to children
- Section 147A Persistently selling alcohol to children
- Section 154 Enforcement role for weights and measures authorities.

14.5 Where expedient for the promotion or protection of the interests of the inhabitants of their area, the licensing authority may also take action under Section 222 of the Local Government Act 1972 and other relevant provisions including Section 80 of the Anti-Social Behaviour, Crime and Policing Act 2014. The council will also have due regard to section 17 of the Crime and Disorder Act 1998 whilst carrying out its functions.

## **15. Closure of premises (section 19)**

15.1 (Closure by magistrate) Sections 19-21 of the Criminal Justice and Police Act 2001. of the Licensing Act 2003 (closure notices are not relevant to part 8 of LA03, relates to closure of premises) provides for the arrangements relating to closure orders, and there are also powers available to the local authority and/or responsible authorities or court to close premises via other legislation on grounds of serious crime or disorder, persistent nuisance or protection of children - for example under the Violent Crime Reduction Act 2006, Criminal Justice and Immigration Act 2008 and Anti-Social Behaviour, Crime and Policing Act 2014.

- The Anti-Social behaviour, Crime and Policing Act 2014 makes provision for the closure of premises for up to 24 hours where the noise from any licensed premises is causing a public nuisance. Should be together with 15.1
- Closure notice Sections 19, 20, 21 Criminal Justice and Police Act 2001

15.2 An authorised licensing officer or police officer who is satisfied that a premises has been used within the past 24 hours for the unauthorised sale of alcohol for consumption on or in the vicinity the officer may serve a notice in respect of those premises. The notice shall contain the details of the complaint and if the complaint is not satisfied within seven days the officer may make an application to a justice of the peace for a closure order in relation to those premises to be made.

15.3 Where the magistrates' court has determined to exercise any of its powers in respect of closure orders under any existing legislation, the licensing authority will:

- serve notices on the premises licence holder and responsible authorities and advertise the review in accordance with the regulations
- hold a hearing in accordance with the procedure outlined in section 11 above to review the premises licence, and
- determine the review at the conclusion of the hearing and within 28 days of receipt of the notice of the closure order from the magistrates' court.

15.4 When determining a review following the notice of a closure order, the licensing authority will consider:

- the closure order and any extension of it
- any magistrates' directives in relation to the order; and
- any relevant representations.

The authority will take such steps as it considers appropriate to promote the licensing objectives as outlined in section 3.4 of this Statement of Licensing Policy.

15.5 The licensing authority will notify the licence holder, the chief officer of the police and any person who made relevant representations of the outcome of the review hearing and the reasons for the decision. The licensing authority may suspend the operation of its decision until the end of the period given to appeal, or until the appeal is disposed of (if not already suspended by the magistrates' court).

15.6 The Anti-Social Behaviour, Crime and Policing Act 2014 makes provision for the closure of premises for up to 24 hours where the noise from any licensed premises is causing a public nuisance.

## **16. Late night levy**

16.1 The Police Reform and Social Responsibility Act 2011 introduces the principle of a late-night levy, which is a power for licensing authorities to introduce a charge for premises that have a late alcohol licence. At the time of this policy adoption, there is no late-night levy order in place within West Suffolk Council.

## **17. Addressing the licensing objectives**

### **17.1 General**

17.1.1 In respect of each of the four licensing objectives, when completing their operating schedule, applicants should consider:

- the nature and style of the venue
- the activities being conducted there
- the location
- any special effects or risks, and
- the anticipated or target clientele.

17.1.2 Applicants are encouraged to carry out a risk assessment before completing the operating schedule and identifying those additional measures appropriate to promote the licensing objectives. Any risk assessment completed would not need to be provided to the licensing authority as part of the application, although responsible authorities would find this information helpful when assessing whether to make a representation. Reference should be made as to whether additional measures will be taken on an occasional or specific basis such as when a special event or promotion is planned, which is intended to, or likely to attract larger audiences.

- 17.1.3 Applicants should be aware that any measures included in their operating schedule will be converted into conditions consistent with these measures attached to the licence. For this reason, applicants should, where possible, identify measures that specifically set out the action to be undertaken and who is responsible for that action.
- 17.1.4 Where a relevant representation is made and the discretion of the licensing authority is engaged, the proposed operating schedule submitted by the applicant may be amended by the licensing authority where it considers this appropriate and proportionate to address the licensing objectives.
- 17.1.5 Organisers of large, temporary outdoor events (such as music festivals, fairs, shows and carnivals) are strongly encouraged to engage as early as possible with the responsible authorities to ensure that their planned event is developed in a way likely to promote the licensing objectives. They should also seek the advice of the Suffolk Safety Advisory Group or any successor body.

## **17.2 Prevention of Crime and Disorder**

- 17.2.1 The council is committed to further improving the quality of life in its area by continuing to help reduce crime and disorder and the fear of crime. To this end, the licensing authority strongly encourages applicants and licensees to ensure that relevant factors within their control that impact on crime and disorder have been considered, for example:
- underage drinking
  - drunkenness on the premises
  - drunkenness in public
  - drugs
  - violent behaviour
  - criminal damage at the premises or in the immediate vicinity, and
  - antisocial behaviour.
- 17.2.2 In order to promote the prevention of crime and disorder objective, the licensing authority encourages licence holders to become active partners with the licensing and responsible authorities. Applicants are encouraged to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of their premises.
- 17.2.3 Examples of control measures given to assist applicants when developing their operating schedule can be viewed in Appendix 5.
- 17.2.4 Within the operating schedule for premises where alcohol will be sold, a premises supervisor must be designated ('designated premises supervisor' (DPS)), unless a relevant community premises disapplication has been applied for/authorised. The licensing authority will expect the DPS to be the first point of contact for authorised officers. In exceptional circumstances, the Suffolk Constabulary may object to the designation of a new premises supervisor where they believe this would undermine the crime prevention objective.
- 17.2.5 Where the Suffolk Constabulary object to an individual being appointed as a designated premises supervisor, or object to an application made by community premises management committee for the inclusion of the

alternative licence condition, the licensing authority will arrange for a hearing. The hearing will consider the issue and both parties may put forward their arguments.

17.2.6 The sub-committee considering the matter will confine their consideration to the issue of crime and disorder.

17.2.7 Certain events (see section 22 below), which may require authority under the Licensing Act 2003, must be notified to the licensing authority using the temporary event notice procedure. Depending on the nature and location of such events these may, on occasion, have serious crime and disorder implications. Organisers of these events are encouraged to submit their notification as soon as reasonably practicable before the event, in line with existing statutory requirements, to enable the Suffolk Constabulary, the environmental health department of West Suffolk Council and the licensing authority to work with them to identify and reduce the risk of crime and disorder.

### **17.3 Public safety**

17.3.1 The licensing authority is committed to ensuring that the safety of any person visiting or working at a licensed premises is not compromised. To this end, applicants will be encouraged to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety.

17.3.2 When addressing the issue of public safety, an applicant should demonstrate that those factors that impact on the standards of public safety have been considered. Examples of what this may include can be viewed at Appendix 6.

17.3.3 Examples of control measures given to assist applicants when preparing their operating schedules can also be viewed under Appendix 6.

17.3.4 The design and layout of licensed premises are important in determining capacity, as is the availability and size of exits within recommended travel distances. Other factors should also be considered when assessing the appropriate capacity for premises or events. These include, but are not limited to:

- the nature of the premises or event
- the nature of the licensable activities being provided
- the provision or removal of such items as temporary structures, (for example, stages, or furniture)
- the number of staff available to supervise customers both ordinarily and in the event of an emergency
- instruction, training, and supervision of staff
- the age of the customers
- the attendance by customers with disabilities, or whose first language is not English
- availability of suitable and sufficient sanitary accommodation, and
- nature and provision of facilities for ventilation.

17.3.5 Where the applicant identifies a capacity limit for a premises or events, this should not be interpreted as a requirement to also provide permanent

monitoring arrangements. However, where the capacity is likely to be reached (such as on known busy evenings) and particularly where a special event or promotion is planned, the applicant will be expected to detail the additional arrangements that will be put in place to ensure that the capacity of the premises is not exceeded.

## **17.4 Prevention of public nuisance**

17.4.1 Licensed premises may have a significant potential to adversely impact on communities through public nuisances that arise from their operation.

17.4.2 Subject to case law, the licensing authority interprets 'public nuisance' in its widest sense. This includes such issues as noise (whether music or speech), light, odour, litter and antisocial behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in the vicinity of a premises.

17.4.3 Applicants and licensees are encouraged to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance, relevant to the individual style and characteristics of their premises and events.

17.4.4 The licensing authority expects the licensee to apply a high standard of control to minimise the potential for and mitigate the effects of any public nuisance that may arise from their operation of the premises, particularly where:

- they are situated in a residential or noise sensitive area, or
- where extended opening hours are proposed.

The licensing authority recognises that beyond the immediate vicinity of the premises the control that a licence holder can exert over its patrons diminishes, and individuals who engage in antisocial behaviour are accountable in their own right.

17.4.5 When addressing the issue of prevention of public nuisance, the applicant is encouraged to carry out a risk assessment to identify whether there are any factors which impact on the likelihood of public nuisance, and, if so, to address these in their operating schedule. Examples of what this may include can be viewed under Appendix 7.

17.4.6 Examples of control measures given to assist applicants when preparing their operating schedules can also be viewed under Appendix 7.

## **17.5 Protection of children from harm and other vulnerable persons**

17.5.1 A child is an individual under the age of eighteen (or any subsequent age of majority determined by Government) and the current West Suffolk Council safeguarding policy can be found on the [West Suffolk Council website](#).

17.5.2 The act places responsibilities upon licence holders, while recognising that parents and others accompanying children also have responsibilities. Licensees should be aware that children will normally see licensees and their staff as

responsible adults – and that children are particularly vulnerable to adults who are 'responsible' and 'in authority' if those adults use their position to develop inappropriate relationships or otherwise abuse children's trust.

- 17.5.3 The protection of children from harm means that children should be protected from moral, psychological and physical harm. This includes the exhibition of films, or transmission of programmes or videos, and avoiding exposure to strong language and sexual expletives or acts. In certain circumstances, children are more vulnerable, and their needs require special consideration. This vulnerability includes their susceptibility to suggestion, peer group influences, inappropriate examples, the unpredictability of their age and their lack of understanding of danger.
- 17.5.4 While it is not possible for the licensing authority to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature, examples would generally include topless bar staff, striptease, lap-dancing, table-dancing, pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language, whether regularly or occasionally. It should be noted that premises deemed as 'sexual entertainment venues' under the Policing and Crime Act 2009 will in most cases to require an additional licence under the Local Government (Miscellaneous Provisions) Act 1982. The council has adopted a policy on the licensing of sex entertainments venues which may be found on the [West Suffolk Council website](#).
- 17.5.5 Where its discretion is engaged following a relevant representation, the licensing authority will take into account the nature of the activities proposed to be provided and the history of a particular premises, when considering an application for a premises licence and any options appropriate to prevent harm to children. This may include, but is not limited to:
- the purchase, acquisition or consumption of alcohol
  - exposure to drugs, drug taking or drug dealing
  - exposure to a strong element of gambling (but not, for example, the presence of a small number of cash prize gaming machines)
  - exposure to activities of an adult or sexual nature
  - exposure to incidents of violence or disorder, and
  - where there have been convictions of members of the current staff at the premises for serving alcohol to minors, or premises with a reputation for underage drinking.
- 17.5.6 Where its discretion is engaged following a relevant representation, the licensing authority will not:
- impose conditions restricting or prohibiting the admission of children to any licensed premises, or
  - limit the access of children to licensed premises, or parts thereof, unless appropriate for their protection from harm.

The licensing authority considers that, unless restriction of access is appropriate to protect children from harm, this is a matter for the discretion of the licensee.

- 17.5.7 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to protect children from harm.
- 17.5.8 In these circumstances, where included in the operating schedule, or where the discretion of the licensing authority's discretion is engaged, conditions may be attached to any licence to:
- a. limits on the hours during which children may be present
  - b. limiting or excluding the presence of children under certain ages when particular activities are taking place
  - c. limits on the parts of premises to which children might be given access
  - d. age limitations (below 17)
  - e. requirements for accompanying adults, and
  - f. full exclusion from those under 18 from the premises when any licensable activities are taking place.
- 17.5.9 Examples of control measures given to assist applicants when preparing their operating schedules can be viewed under Appendix 8.
- 17.5.10 Where film exhibitions are given at premises, licensees must ensure that children are restricted from viewing age-restricted films classified according to the British Board of Film Classification, or by the licensing authority.
- 17.5.11 The licensing authority recognises the Suffolk Safeguarding Partnership, or its designated nominee for the time being as being competent to advise on matters relating to the protection of children from harm. The contact details are set out in the guidance to applicants.
- 17.5.12 Suffolk County Council Trading Standards service and the Suffolk Constabulary, in conjunction with other appropriate agencies may, through making purchases, test the compliance of retailers with the prohibition on underage sales of alcohol.

## **18. Personal licences**

- 18.1 The licensing authority will grant a personal licence if the applicant has met the requirements set out in the act and no objection notice is received from the Suffolk Constabulary.
- 18.2 Where the Suffolk Constabulary object to the application on the grounds that an applicant has an unspent conviction for a relevant offence or a foreign offence, the application will be referred to sub-committee.
- 18.3 All personal licence holders must ensure they are aware of the offences relating to personal licences. It is the duty of the licence holder to advise the court of the existence of their personal licence if charged with a relevant offence and advise the licensing authority of changes to name or address.
- 18.4 The licensing authority considers that, when establishing whether an authorisation for the retail sale of alcohol has been granted, the following factors are relevant:

- there should be an overt act of authorisation from the DPS, (this could, for example, a specific written statement given to the individual being authorised)
- the person(s) authorised to sell alcohol at any particular premises should be clearly identified in writing
- the authorisation should specify the acts which may be carried out by the person authorised
- there should be in place sufficient arrangements for the personal licence holder to monitor the activity authorised on reasonably regular basis, and
- training records should be kept relevant to the training provided to each individual authorised by the personal licence holder.

18.5 Individuals applying for a personal licence must have the right to be granted a licence. The Immigration Act 2016 amended the Licensing Act 2003 with effect from 6 April 2017 to assist in the prevention of illegal working in the UK. The licensing authority must be satisfied that an applicant has the right to work in the UK and will require applicants to produce a document listed at Annex A to demonstrate their entitlement to work in the UK.

## **19. Applications for premises licences**

19.1 The Department for Culture, Media and Sport (DCMS) provides a written guide to making an application, and this is available free of charge by contacting the licensing team or visiting the [Government's culture website](#). Local guidance information, such as contact details for responsible authorities and other guidance documents, is available on the [West Suffolk Council website](#) or by contacting the licensing team.

19.2 Section 182 guidance recommends pre-application discussions with responsible authorities are encouraged to assist applicants to develop their operating schedule in a way that is likely to promote the licensing objectives.

19.3 The licensing authority may make provision for a negotiation procedure to mediate between the applicant, responsible authorities and interested parties where relevant representations are made. This would be within the restrictions of the statutory time limits and in accordance with any relevant government guidance. It may also extend the normal time limits for hearings where it is considered in the public interest to do so (for example where all parties are on the point of reaching agreement, or so as to ensure that it is possible for a party to attend the hearing).

19.4 An application may be made to the licensing authority for any place within its area to be used for licensable activities or recognised club activities. The application must be accompanied by:

- the prescribed fee
- an operating Schedule, which may be supported by any appropriate risk assessments the applicant has undertaken
- a plan of the premises, in accordance with the regulations. The council may reduce plans submitted to a scale suitable for publishing on the public register, and

- if it is intended that the premises be authorised to sell alcohol, a form of consent given by the person the applicant wishes to have specified in the premises licence as the designated premises supervisor, or else an application to disapply the mandatory condition must be contemporaneously applied for to disapply this usual requirement if for an eligible 'community premises'. This is only relevant if it is intended that the premises be authorised to sell alcohol
- a document from Schedule A showing the applicants right to work in the UK (if required).

19.5 Where a valid representation is received about an application and those representations are not withdrawn, the application will be referred to a licensing and regulatory sub-committee.

## **20. Transfer of premises licences**

20.1 Where an application is made under the act for a transfer of a licence for any reason and the Suffolk Constabulary submit an objection to an application, the licensing authority will hold a hearing. This hearing will be confined to consideration of the crime and disorder objective. The application may be rejected where the licensing authority considers it appropriate for the promotion of the crime prevention objective.

## **21. Club premises certificates**

21.1 An application for a club premises certificate must be accompanied by:

- the relevant fee
- the club operating schedule, which may be supported by any appropriate risk assessments the applicant has undertaken
- a plan of the premises, in accordance with the regulations. The council may reduce plans submitted to a scale suitable for publishing on the public register
- a copy of the rules of the club, and
- evidence that the club is a qualifying club (see the Guidance to Applicants).

21.2 The club operating schedule must contain the following:

- details of the recognised club activities to which the application relates
- the times during which it is proposed the recognised club activities take place
- any other times during which it is proposed the premises are open to members and their guests
- the steps which it is proposed to take to promote the licensing objectives, and
- any other prescribed matters.

21.3 Where valid representations are received in respect of an application, and those representations are not withdrawn, the application will normally be referred to the Licensing and Regulatory Committee or one of its sub-committees.

## 22 Temporary events notices (TEN)

- 22.1 The act sets out the terms and conditions under which a person submits a notice of a Temporary Event Notice of licensable activities. Where reference is made to the minimum period for the submission of a standard TEN, the licensing authority understands this to mean 10 days exclusive of the day on which the event is to start and exclusive of the day on which the notice is given. Should any statutory modifications be made to the TEN system, for example relating to service requirements, then the licensing authority shall have due regard to these and publicise any such changes including via the [West Suffolk Council website](#).
- 22.2 There is provision for making an application for a late TEN. Such application may be made no earlier than nine working days before the event and no less than five working days before the event. Again, the licensing authority understands this to mean nine or five days exclusive of the day on which the event is to start and exclusive of the day on which the notice is given.
- 22.3 Where either a standard TEN or late TEN is given and one or more of the relevant statutory limits are exceeded, the licensing authority will serve a counter-notice in accordance with section 107 of the Licensing Act 2003. This will prevent the licensable activities from going ahead. There is no provision under the act to appeal against the issue of a counter-notice.
- 22.4 Where a TEN complies with the statutory requirements, the licensing authority will record the notice in its register and send an acknowledgement to the premises user. The event may then proceed in accordance with the submission. If it is believed that the notice was not served in accordance with the legislation, or an objection notice was subsequently received from either the Suffolk Constabulary or environmental health, the event will not take place.
- 22.5 Where either the Suffolk Constabulary or environmental health issue an objection notice to a standard TEN, the licensing authority will normally consider this at a hearing (unless the objection notice is withdrawn before the hearing date).
- 22.6 If the TEN is submitted, and there is an objection notice for an event that is at a premises, with either a premises licence or club premises certificate for all or part of the premises, then the licensing authority can add conditions to the TEN. The conditions added must support the promotion of the licensing objectives and are consistent with the carrying out of the licensable activities under the TEN.
- 22.7 Where either the Suffolk Constabulary or environmental health issue an objection notice to a late TEN, there is no provision either for the licensing authority to consider a hearing or add conditions.
- 22.8 The licensing authority will notify the applicant of its decision at least 24 hours before the beginning of the event period specified in the temporary event notice.

## 23. Provisional statements

- 23.1 The act sets out the terms and conditions under which an application for a provisional statement may be made.
- 23.2 Where a provisional statement has been issued and a person subsequently applies for a premises licence in respect of the premises, in accordance with the provisions of the Licensing Act representations made by a person to the licensing authority will not be taken into account, if:
- the information in the application for a provisional statement the person objecting could have made the same, or substantially the same, representations about the application but failed to do so without reasonable excuse, and
  - there has been no material change in circumstances relating either to the relevant premises or to the area in the vicinity of those premises.

## 24. Variations of licences

- 24.1 An application for the variation of a premises licence or a club premises certificate will be required for any circumstances set out in the act and where any change to the premises has an impact on any of the four licensing objectives, for example:
- varying the hours during which a licensable activity is permitted
  - adding or removing licensable activities
  - amending, adding or removing conditions within a licence, and
  - altering any aspect of the layout of the premises which is shown on the plan.
- 24.2 It should be noted that there is no provision in the act for a variation application to be made in respect of a substantial variation. The licensing authority considers this to mean that any proposed increase in the size of the premises of greater than 50 per cent of the existing licensed area, should result in an application for a new premises licence. However, each proposed application will be considered on its merit.
- 24.3 In certain circumstances, there is provision for a limited consultation where the proposed changes are unlikely to adversely impact on the licensing objectives. This is known as a minor variation. The licensing authority will normally consider the following proposals as suitable for an application for a minor variation:
- minor changes to plans
  - removal of extant conditions to include those carried through from the Licensing Act 1964
  - changes to the operating schedule to promote the licensing objectives as the result of discussions with any responsible authority.
- 24.4 The Legislative Reform (Supervision of Alcohol Sales in Church and Village Halls etc.) Order 2009 (SI 2009/1724) amends the 2003 Act to allow certain 'community premises' which have, or are applying for, a premises licence that authorises alcohol sales to also apply to include the alternative licence condition in sections 25A(2) and 41D(3) of the 2003 Act. This is instead of the usual mandatory conditions in sections 19(2) and 19(3) of the 2003 Act. These new

provisions took effect from 29 July 2009.

- 24.5 The act and guidance set out the terms, conditions and considerations under which an application for a minor variation, may be made. Minor variation processes may be applied for in some circumstances, subject to some specific exclusions, to reduce the normal service, advertising and consultation requirements (and associated financial impacts in cost and time).
- 24.6 The minor variation process is intended for some small variations to licences or certificates that will not adversely impact on promotion of the licensing objectives (for example small variations to layout or some minor alterations to activities, timing or conditions). In each case, the licensing authority will consult the relevant responsible authorities and decide on whether the variation could impact adversely on the licensing objectives.
- 24.7 This process also makes a more limited provision for interested parties to make comment on the proposals. In determining these applications, under his or her delegated authority on behalf of the licensing authority, the licensing officer shall carefully assess each application on a case-by-case basis in the light of government guidance and all relevant factors. In advance of submitting an application, the licence or certificate holder may wish to seek advice from responsible authorities regarding whether the licensing objectives are likely to be affected by the proposals.
- 24.8 At its discretion, the licensing authority may determine a Premises Licence or Club Premises Certificate so that different conditions may apply to:
- different parts of the premises concerned, and
  - different licensable activities.
- 24.9 If the Suffolk Constabulary consider that granting it would undermine the Crime and Disorder Objective, a hearing will be held. In these circumstances, this only applies to:
- an application to vary a designated premises supervisor
  - a community premises to disapply the usual mandatory conditions.

## **25. Reviews**

- 25.1 The review of a premises licence or club premises certificate is a key protection for local communities where problems associated with one or more of the licensing objectives are occurring and these are linked to the operation of the licensed premises.
- 25.2 Where an application has been made by any party for a review of an existing licence, the licensing authority will normally hold a hearing to consider them unless:
- the application is considered to be a repetition (that is, identical or substantially similar to a ground specified in an earlier application for a licence, provisional statement or review), or
  - the licensing authority, the applicant and everyone who has made an application agree that the hearing is not necessary

- where a representation in relation to a review application is considered to be a repetition (that is, identical or substantially similar to a ground specified in an earlier application for a licence, provisional statement or review), it can be disregarded.

25.3 A review of the premises licence will normally also follow:

- any action by the Suffolk Constabulary or local authority to close the premises for up to 48 hours on grounds of disorder or public nuisance
- any exercise of the summary review powers of the police pursuant to section 21 (regarding serious crime and disorder) of the Violent Crime Reduction Act 2006, or
- any exercise of the closure order powers available to the magistrates' court.

25.4 Where a responsible authority seeks review of a premises licence or club premises certificate, the licensing authority will only consider noncompliance with other statutory requirements where this has or continues to undermine one or more of the licensing objectives.

25.5 In determining a review application, the licensing authority will take such steps as it considers appropriate to promote the licensing objectives, which may include:

- modifying the conditions of the licence (by inclusion, amendment or omission)
- excluding a licensable activity from the scope of a licence
- removing a designated premises supervisor
- suspending the licence for a period not exceeding three months, or
- revoking the licence.

25.6 Where the police make application for summary review under section 53A of the Licensing Act 2003, the licensing authority will normally consider whether it is necessary to take interim steps pending the determination of the review. Such consideration may take place without the holder of the premises licence having been given an opportunity to make representations to the licensing authority. The interim steps the licensing authority must consider taking are:

- a. the modification of the conditions of the premises licence
- b. the exclusion of the sale of alcohol by retail from the scope of the licence
- c. the removal of the designated premises supervisor from the licence, and
- d. the suspension of the licence.

Should a summary review be instigated, the licensing authority shall follow the procedures as set out in the Licensing Act 2003 (Summary Review of Premises Licences) Regulations 2007.

25.7 Applications may also be made for the review of licences that are held by a management committee in respect of community premises, and which include the alternative licence condition instead of the normal mandatory conditions. In relation to such applications, the licensing authority may determine that the normal mandatory conditions should apply instead of the alternative condition. This is only if it considers this to be appropriate for the promotion of the licensing objectives.

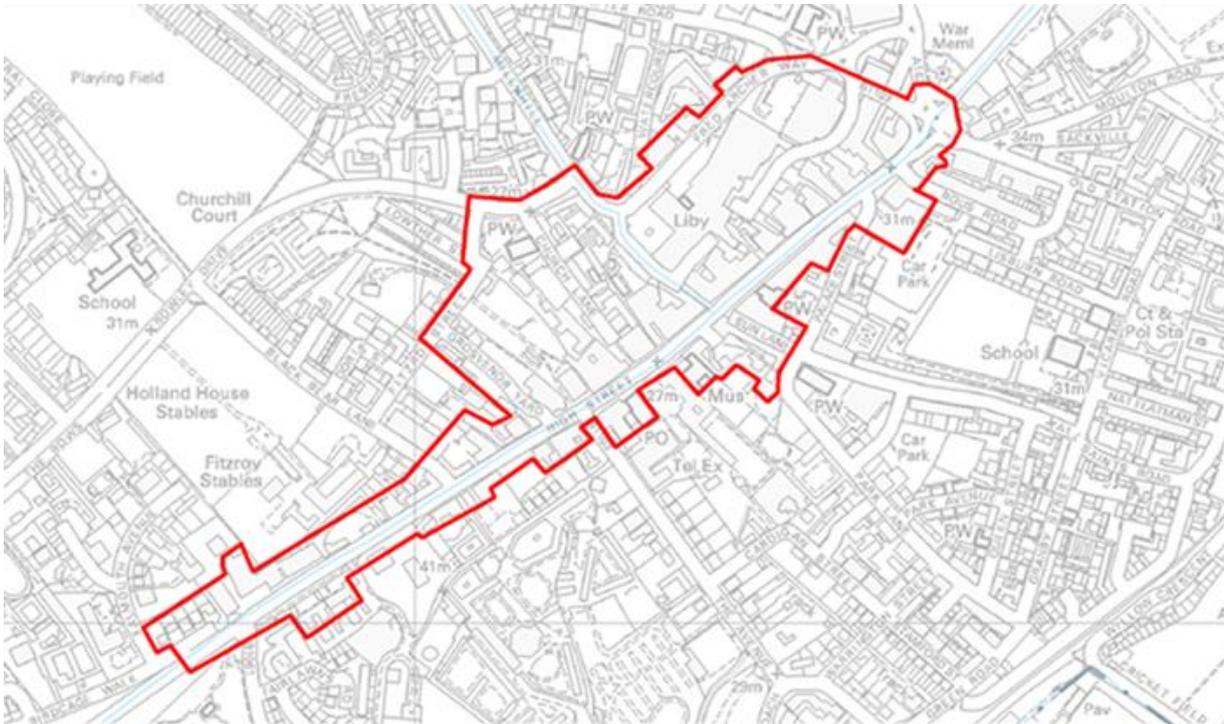
25.8 The outcome of the hearing will not have effect until such time as the period given for appealing (21 days) expires or an appeal is disposed of.

## **26. Deliveries**

26.1 For information on Ancillary Delivery of Alcohol and/or Late-Night Refreshment, please see Appendix 9.

## Appendix 1

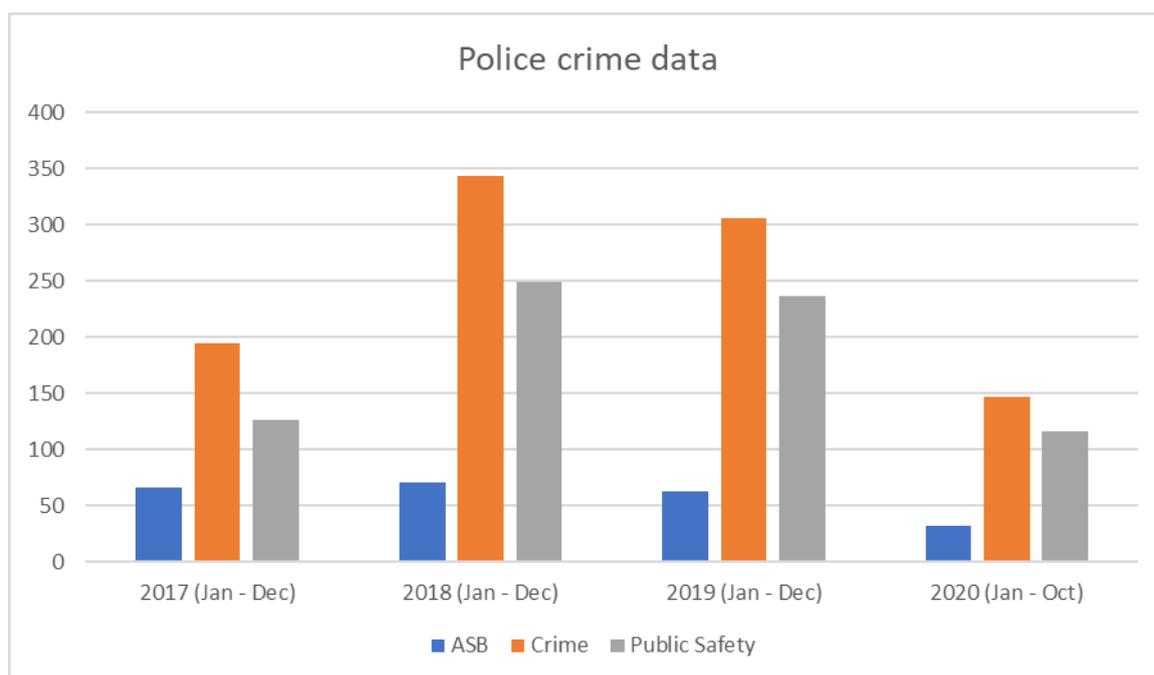
### Newmarket Town Centre Cumulative Impact Area Expires January 2024



## Appendix 2

### Crime Statistics and complaints to Support consultation of Newmarket Cumulative Impact Assessment

- On reviewing the consultation feedback, the authority has considered whether there is good evidence that crime and disorder are happening and are caused by customers of licensed premises and that the risk of cumulative impact is imminent.
- The information provided includes a broad sweep of incidents in Newmarket from 2017 to 2020. The incidents recorded cover ASB, Public Safety issues and Crime as shown in the graph below



- The data indicates that ASB increased between 2017 and 2018, but that it has been on a downward trend between 2018-2020. The overall trend suggests that the number of incidents of ASB in the town are at a stable level. However, public safety and crime have increased significantly since 2017. Public safety incidents have increased from 126 in 2017 to 249 in 2018. Similarly, crime incidents increased from 194 in 2017 to 1343 in 2018. This trend is on a downward trajectory following 2018, however.
- The Police information for 2017-2020 also provides some location data. Three locations in Newmarket account for 87 per cent of all incidents. The most incidents are recorded in Newmarket High Street (1047), Guineas Centre (241) and Fred Archer Way (185).

### Instances of crime (ASB, Crime and Public Safety) by street: 2017 – October 2020

Street name	2017	2018	2019	2020	Grand total
Fred Archer Way	49	79	60	37	<b>185</b>
Grosvenor Yard	2	11	19	7	<b>39</b>
Guineas Centre	64	97	77	48	<b>241</b>
High Street	240	408	385	172	<b>1,047</b>
Palace	5	10	5	8	<b>25</b>
Sun Lane	7	24	27	5	<b>61</b>
Wellington Street	20	33	32	18	<b>86</b>
<b>Grand total</b>	<b>387</b>	<b>662</b>	<b>605</b>	<b>295</b>	<b>1,949</b>

### Instances by time category (ASB, Crime and Public Safety): 2017 – October 2020

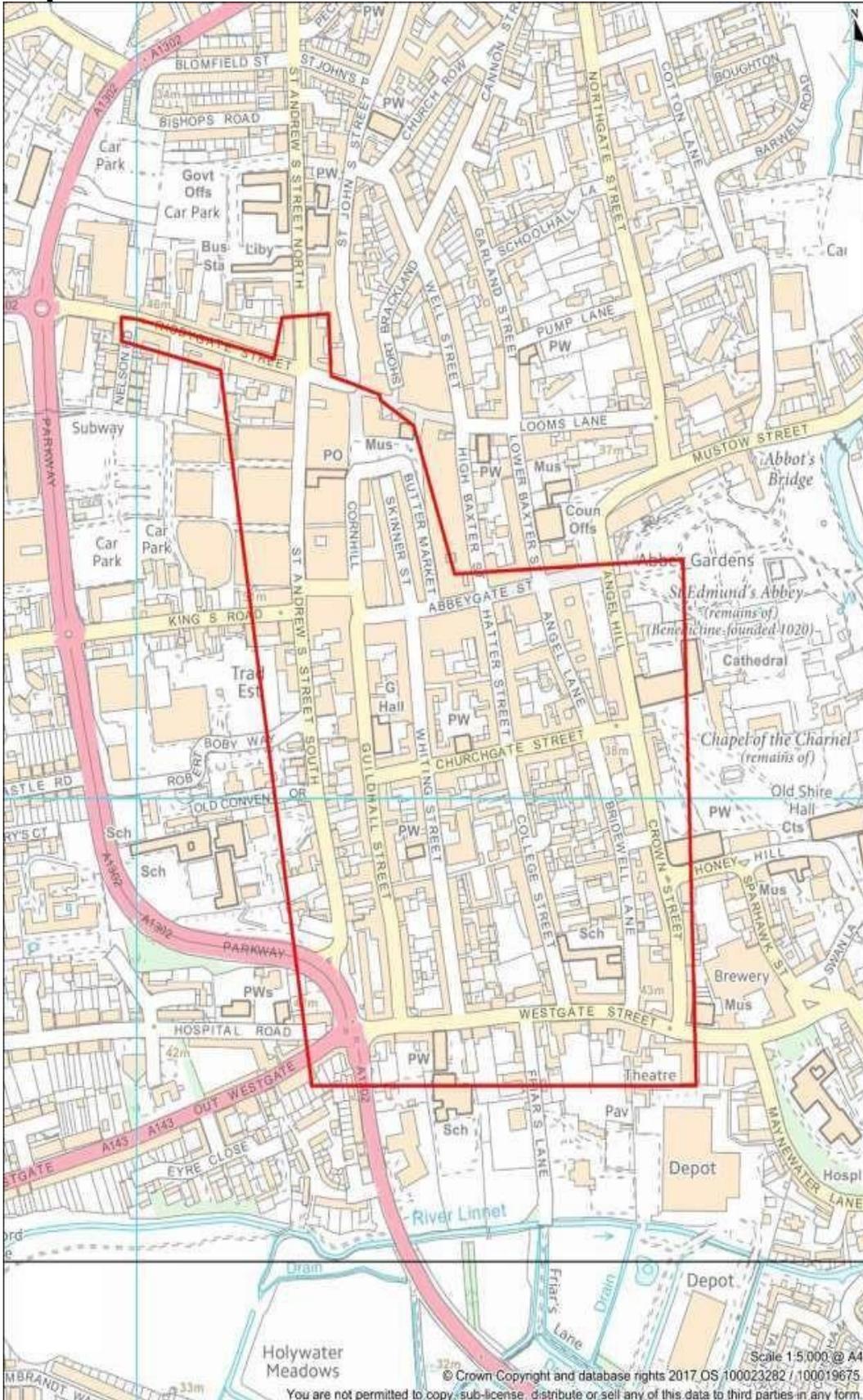
<b>Time categories</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>Grand total</b>
Daytime (5am to 7pm)	315	409	393	197	<b>1,314</b>
Evening (7.01pm to 11.59pm)	45	132	120	69	<b>366</b>
Late evening (midnight to 4am)	25	107	87	26	<b>245</b>
Early morning (4.01am to 4.59am)	2	14	5	3	<b>24</b>
<b>Grand total</b>	<b>387</b>	<b>662</b>	<b>605</b>	<b>295</b>	<b>1,949</b>

## **Newmarket Cumulative Impact Area Noise Complaints 2013-2021 (January)**

<b>Details of complaint</b>	<b>Complaint</b>	<b>Date</b>
Resident complained of noise from amplified music from Innocence	CNOI Noise Complaint	October 2014
Resident complained of amplified music coming from The White Lion PH	CNOI Noise Complaint	September 2014
Resident complains of amplified music from The Waggon and horses PH	CNOI Noise Complaint	June 2014
Resident complains of amplified music from The Yard PH	CNOI Noise Complaint	May 2014
Resident complains of amplified music from The Yard PH	CNOI Noise Complaint	June 2015
Resident complains of amplified music from The Yard PH	CNOI Noise Complaint	June 2016
Resident complained of amplified music from Innocence	CNOI Noise Complaint	June 2016
Resident complains of amplified music from The Yard PH	CNOI Noise Complaint	July 2016
Resident complained of alarm noise from Co-operative	CNOI Noise Complaint	July 2016
Resident complains of amplified music from the Wagon and Horses	CNOI Noise Complaint	July 2016
Resident complains of amplified music from the Wagon and Horses	CNOI Noise Complaint	September 2016
Resident complains of amplified music and people noise using garden from The Wagon and Horses	CNOI Noise Complaint	May 2017
Resident complains of amplified music from The Yard PH	CNOI Noise Complaint	July 2018
Residents have also complained of buskers (twice) and alarm of the shell garage and old De Niro's premises	CNOI Noise Complaint	July 2016 and June and July 2017 respectively

# Appendix 3

## Adopted Bury St Edmunds Cumulative Impact Assessment Area Expires December 2023



## Appendix 4

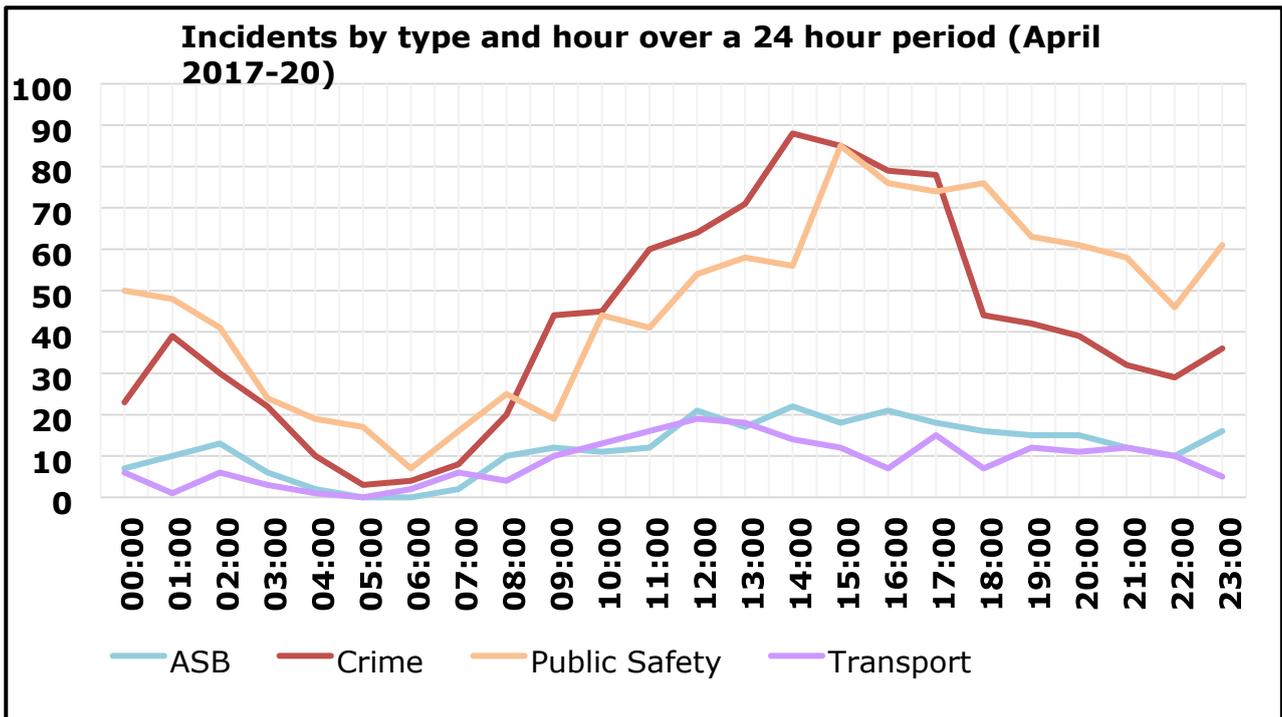
### Cumulative Impact Assessment (CIA) - Bury St Edmunds Crime Statistics (2017-20): Summary crime statistics covering the period 1 April 2017 to 30 April 2020

#### Incidents by type and time period (April 2017 to 2020)

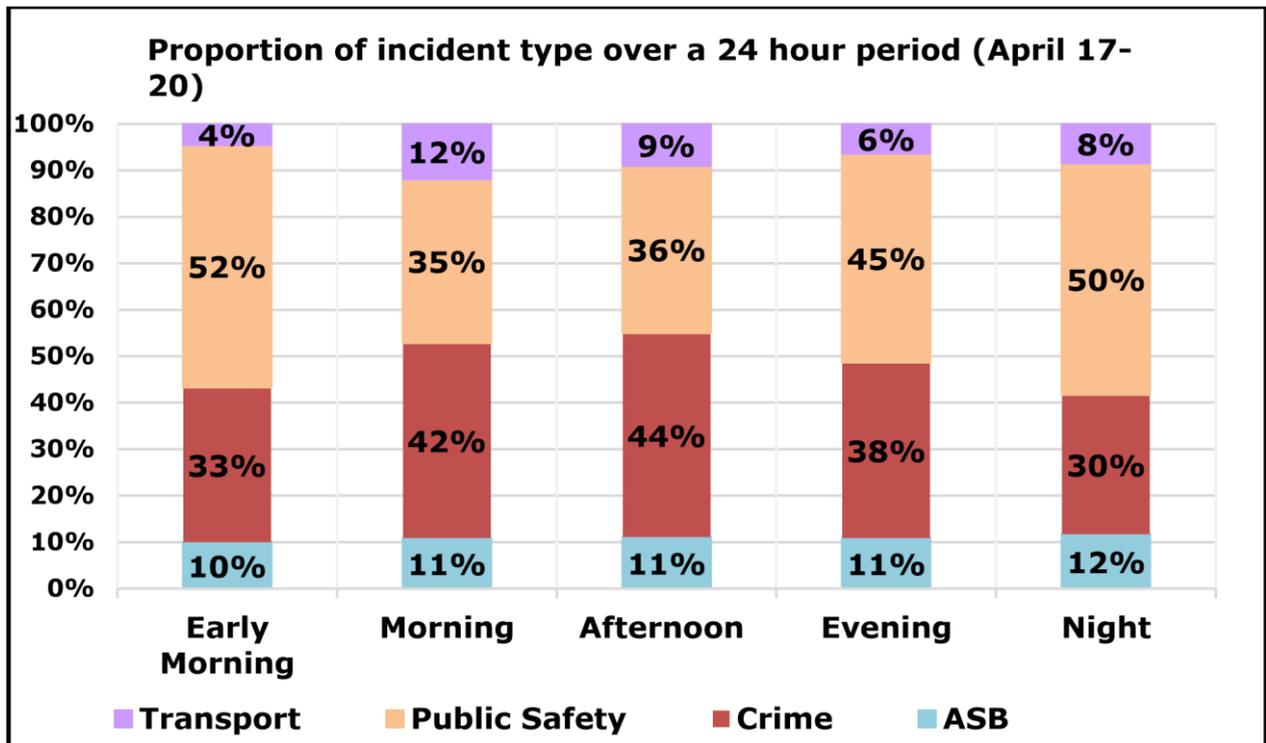
- Over the three-year data period, public safety accounted for almost 50% of all incidents recorded (1,119 incidents of 2,610) and Transport less than 10% (286 incidents).
- With the exception of public safety, the fewest incidents in all other categories were recorded between the hours of midnight and 6am.
- The time period where the largest number of incidents were recorded was the afternoon period (702), which is almost double the number recorded during the early morning period (381).
- Throughout the time sectors, public safety and crime dominate, accounting for between 77% and 83% of all incidents recorded.
- Public safety accounts for the Highest percentage of incidents during the early morning, evening and night (52%, 45% and 50%).
- Crime accounts for the highest percentages of incidents during morning and afternoon (42 and 44% respectively).
- Crime reaches a peak between 1pm and 3pm and public safety between 3pm and 5pm. With both categories falling significantly afterwards, before starting to increase again between the hours of 10pm and midnight.
- Antisocial behaviour (ASB) and transport incidents were highest during the afternoon and evening hours (noon to 8pm) with a peak in ASB incidents between 1pm and 3pm, and a peak in transport incidents between 4pm and 6pm.

Category	Early morning (midnight to 6am)	Morning (6am to noon)	Afternoon (noon to 4pm)	Evening (4pm to 8pm)	Night (8pm to midnight)	Total
<b>Antisocial behaviour</b>	38	47	78	70	53	286
<b>Crime</b>	127	181	308	243	136	995
<b>Public safety</b>	199	152	253	289	226	1,119
<b>Transport</b>	17	51	63	41	38	210
<b>Total</b>	381	431	702	643	453	2,610

The table indicates that the categories with the highest occurrences are public safety incidents at 1,119 and crime at 995.



The graph indicates that the period between 2pm and 6pm is the time when incidents most regularly occur.



The graph indicates that during the evening, night and early morning, public safety is more frequent; crime is more frequent in the morning and afternoon.

- Akin to the three-year data period (April 2017-20), the April 2019-20 data mirrors the trend of public safety accounting for almost 50% of all incidents recorded (444 incidents of 1176). Transport related incidents account for less than 10% of those recorded during the year period.

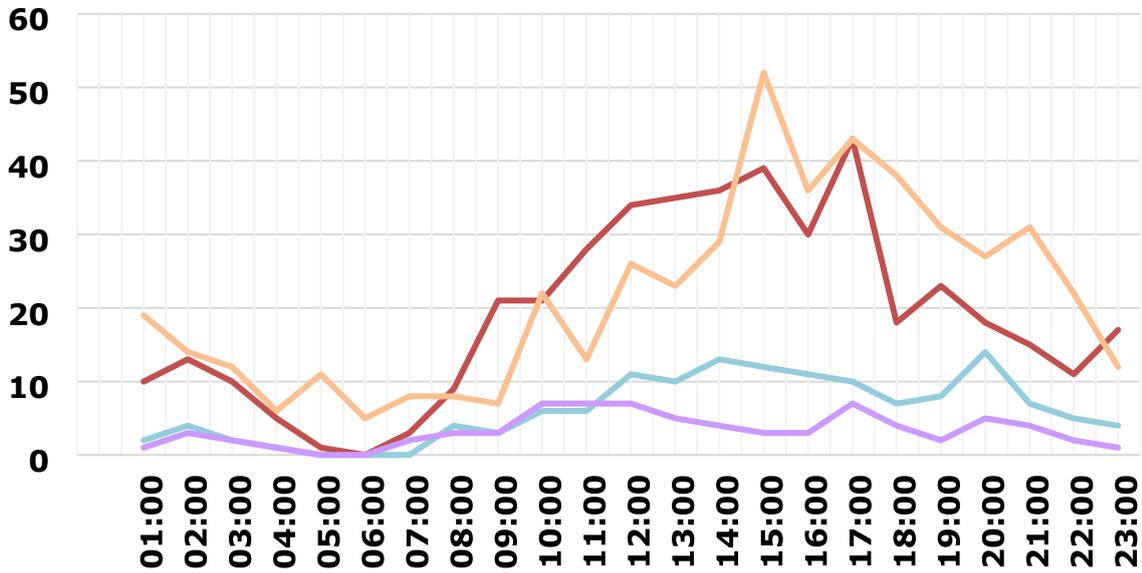
- The fewest incidents occurred during the hours of midnight and 6am and accounted for 12% of all incidents recorded.
- Afternoon incidents recorded were double that of the morning period (339 against 142) and accounted for the largest time sector of incident recording during the year period.
- Similar breakdowns by each category were observed in both evening Hours (4pm to 8pm) and hours of the night (8pm to midnight), with public safety accounting for 47% of all recorded incidents in both time sectors.
- Throughout all time sectors, public safety and crime dominated, accounted for between 78% and 86% of all incidents recorded.
- Public safety accounted for the highest percentage of incidents during the early morning, evening and night (56%, 47% and 47%).
- Crime accounted for the highest percentages of incidents during morning and afternoon (44 and 42% respectively).
- Crime incidents peaked between 4pm and 6pm and public safety between 2pm and 4pm. With a second peak in public safety between 5pm and 7pm.
- ASB incidents were highest during the afternoon hours with a peak between noon and 3pm. Transport incidents were highest during the morning period with a peak between 10am and noon.

### April 2019 to 2020

Category	Early morning (midnight to 6am)	Morning (6am to noon)	Afternoon (noon to 4pm)	Evening (4pm to 8pm)	Night (8pm to midnight)	Total
<b>Antisocial behaviour</b>	9	19	46	36	30	140
<b>Crime</b>	43	82	144	114	61	444
<b>Public safety</b>	80	63	130	148	92	513
<b>Transport</b>	10	22	19	16	12	79
<b>Total</b>	142	186	339	314	195	1,176

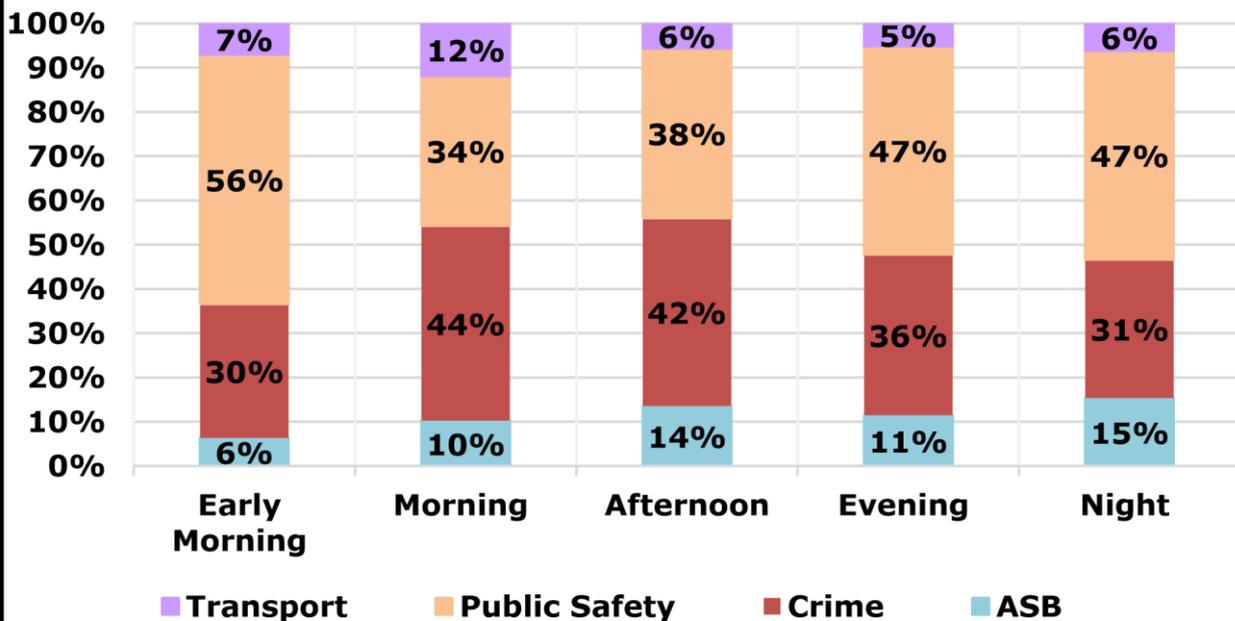
The table shows that of the total 1,176 incidents, the two most reported incident types in 2019-20 were crime at 444 and public safety at 513.

**Incidents by type and hour over a 24 hour period (April 2019-20)**



The graph indicates that in 2019-20 public safety incidents increase sharply at 3pm, while crime hits a peak at 5pm.

**Proportion of incident type over a 24 hour period (April 2019-20)**



The graph highlights that in 2019 public safety was the most frequent incident in the early morning, the evening and during the night; crime was the most frequent incident in the morning and afternoon.

## **Incidents by location and time period (April 2017-20)**

- The highest number of incidents were recorded on Cornhill (928 incidents). The fewest number of incidents were recorded in Lower Skinner Street, with just one incident noted in the data period.
- Public safety and crime collectively accounted for 81% of all incident types recorded across all streets in all time settings. With the largest volumes of these being reported in Cornhill (393 and 382 incidents).
- 50% more crime and public safety incidents than ASB incidents were recorded in all streets with the exception of Skinner Street, Angel Hill and Lower Skinner Street which all recorded roughly the same amount of incidents in each category.
- The top five streets with the highest number of recorded incidents were: Cornhill (928), St Andrews Street (464), Buttermarket (342), Abbeygate Street (289) and Risbygate Street (170). Collectively these streets accounted for 84% of all locations of incidents.
- Cornhill, Risbygate Street and St Andrews Street all see a peak in incidents between the Afternoon and Evening time sectors, with the highest numbers of incidents recorded in these locations during the hours of 4pm to 8pm.
- Half as many incidents occurred in Westgate Street during the evening (18) as during the early morning (44). Skinner street also noted half as many offences during the night period (1) as during the early morning period (2).
- The percentage of incidents that occurred during the morning period at least doubles from the values of the early morning period for all streets with the exception of Risbygate Street, Skinner Street, St Andrews Street and Whiting Street, whose figures almost decrease by 50%.

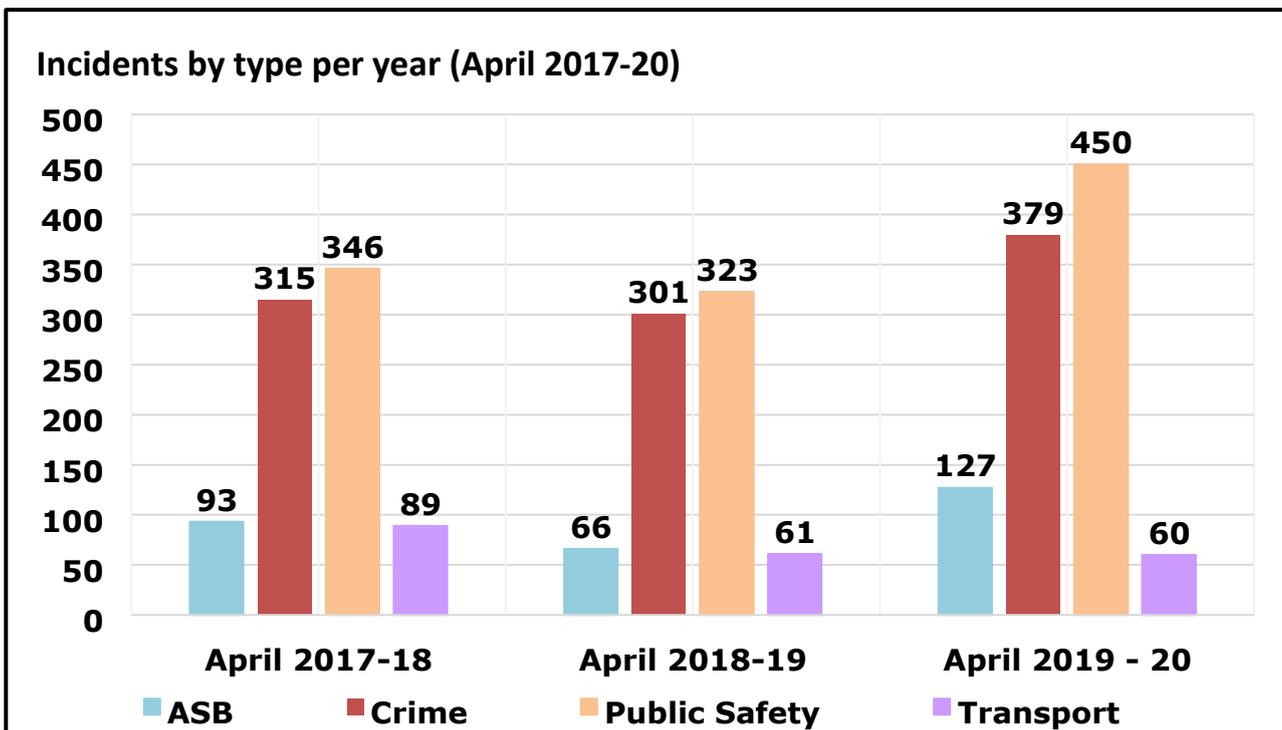
## **Incidents by location and time period (April 2019 to 2020)**

- Akin to the three-year data review, the highest number of incidents were recorded on Cornhill (452 incidents) which collectively accounted for 38% of the year's data.
- In total, almost 50% more ASB incidents were recorded compared to Transport incidents during the year.
- Public Safety and Crime collectively accounted for 81% of all incident types, with transport alone accounting for less than 10% of all incidents recorded.
- The largest proportion of incidents occurred during the afternoon period, with 62% of these occurring in the Buttermarket and Cornhill locus.
- The top five streets with the highest number of recorded incidents were: Cornhill (452), St Andrews Street (173), Buttermarket (152), Abbeygate Street (147) and Risbygate Street (82). Collectively these streets accounted for 85% of all locations of incidents.
- Abbeygate and St Andrews see a peak in incidents during the evening period (4pm to 8pm). Whereas the Buttermarket, Cornhill and Risbygate Street see their peak recording during the afternoon (noon to 4pm).
- Five times as many incidents are recorded in Abbeygate and Cornhill during the afternoon as during the early morning. However, half as many are recorded in St Andrews Street (51 against 22) and Westgate Street (18 against 7).

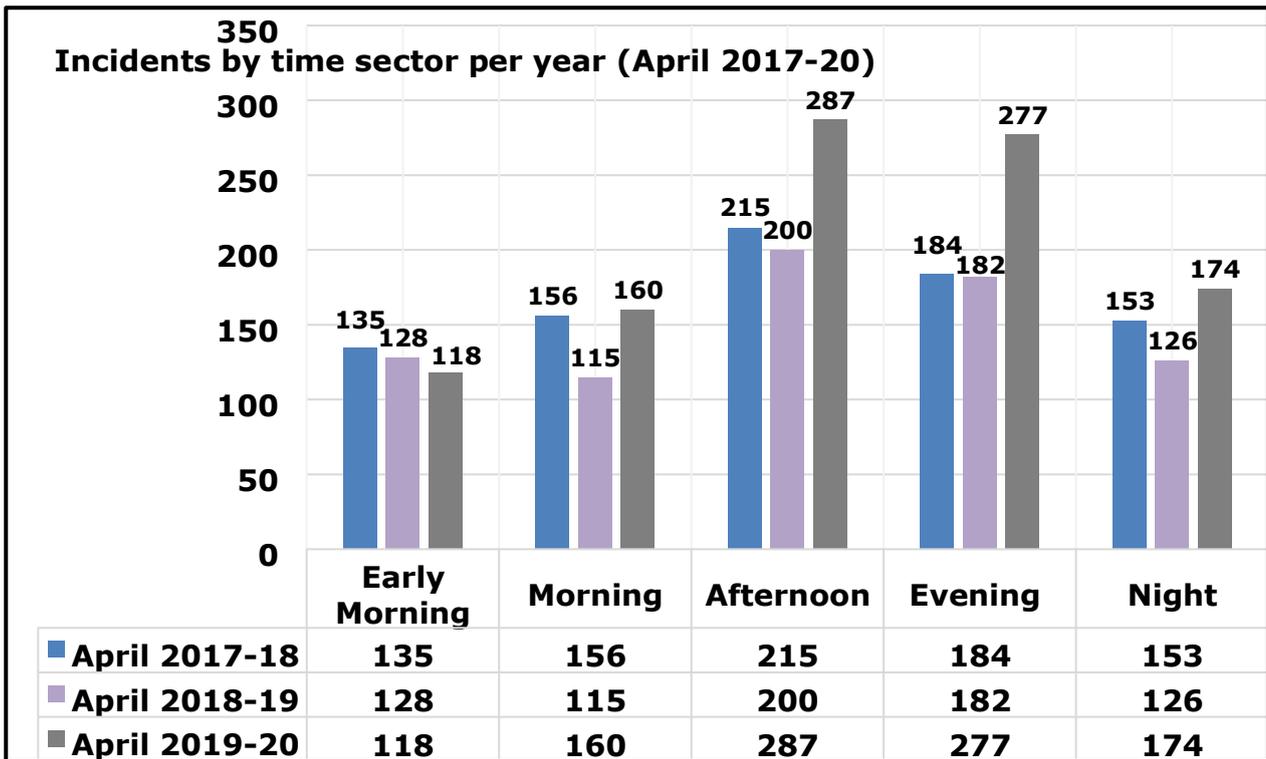
## **Incident trends year by year (April 2017 to 2020)**

- Of the 2610 incidents which were recorded during the three-year data period, 39% of these occurred in the period April 2019-20.

- Between the periods April 2017-18 to April 2018-19 the total number of incidents recorded decreased by 92, alongside the number recorded in each category also decreasing.
- During every year period, public safety accounted for the highest number of incidents and transport the fewest.
- In comparison to April 2017-18, April 2019-20 showed a 30% increase in Public Safety incidents (346 against 450) and a 20% increase in the number of crime incidents (315 against 379). Transport incidents however decreased by 32% (89 against 60).
- The total number of incidents recorded during April 19-20 was 35% higher than the number of incidents recorded during the previous year, and 20% higher than the figures recorded during April 2017-18.
- During each year period, the largest number of incidents were recorded in the afternoon, and the second largest during the evening. Across the three years' worth of data the number of events that occurred during the morning were comparable in magnitude to that of the night period (431 against 453).



The graph shows that the most frequent kind of incident over three years are public safety and crime. There is an upward trend.



The graph shows that more incidents occur in the afternoon and evening between 2017-20.

# Appendix 5

## Prevention of crime and disorder

The following examples of control measures are given to assist applicants when developing their operating schedule, having regard to their particular type of premises or activities:

- a. capacity limits (including prevention of overcrowding)
- b. maintaining records of training and supervision of staff
- c. specific actions identified from best practice guidance (for example Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit and other voluntary codes of practice, such as The Point of Sale Promotions published by BBPA and the Portman Group)
- d. use of accredited 'proof of age' schemes (for example Challenge 21 or Challenge 25) where it is intended to operate more stringent measures than those contained within mandatory conditions
- e. signing up to and participating in a crime prevention partnership scheme where it is in operation
- f. provision and use of effective CCTV in and around premises
- g. employment of Security Industry Authority licensed door staff
- h. provision of toughened, polyethylene terephthalate (PET) or plastic polycarbonate drinking glasses
- i. decanting glass bottles into toughened, polyethylene terephthalate (PET) or plastic polycarbonate drinking glasses
- j. provision of secure, deposit boxes for confiscated items ('amnesty bins')
- k. provision of litter bins and other security measures, such as lighting, outside premises
- l. provision for the disposal of waste on the frontage of the premises
- m. provision of:
  - a dispersal policy
  - a searching policy, and/or
  - risk assessment process to consider the crime and disorder implications of individual DJ's and promoters.
- n. control or prevention of customers entering and leaving with opened bottles or glasses – for example while they are observing smoke free regulations demarcation, capacity control, supervision and monitoring of areas immediately in the vicinity of the premises, used by smokers.

## Appendix 6

### Public safety

When addressing the issue of public safety, an applicant should demonstrate that those factors that impact on the standards of public safety have been considered. These may include, but are not limited to:

- a. the occupancy capacity of the premises (including staff and performers). Note: If a capacity has been imposed or set through other legislation, for example under fire safety legislation, it may not be appropriate to reproduce it in a premises licence. Anticipated maximum capacity or attendance for large, temporary outdoor events should be made clear
- b. the age, design and layout of the premises, including means of escape in the event of fire
- c. the nature of the licensable activities to be provided, in particular the sale or supply of alcohol, or provision of any special effects in conjunction with, or as part of regulated entertainment and including whether those activities are of a temporary, occasional or permanent nature
- d. the hours of operation (differentiating the hours of opening from the hours when licensable activities are provided, if different)
- e. customer profile (such as age, disability or culture), and
- f. the use of special effects such as lasers, pyrotechnics, smoke machines, foam machines, and so on
- g. demarcation, capacity control, supervision and monitoring of areas immediately in the vicinity of the premises, used by smokers.

The following examples of control measures are given to assist applicants when preparing their operating schedules, having regard to their particular type of premises or activities. These are not exhaustive, but include:

- a. suitable and sufficient risk-assessments. Some applicants may wish to consider a commitment in their operating schedule to providing the relevant authorities with a full risk assessment prior to the commencement of licensable activities (this may be particularly relevant to large temporary outdoor events)
- b. provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons
- c. appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and patrons
- d. Specific actions identified from best practice guidance (for example, Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit and other voluntary codes of practice)
- e. provision and use of effective CCTV in and around premises
- f. provision of toughened, polyethylene terephthalate (PET) or plastic polycarbonate drinking glasses and decanting glass bottles into toughened, polyethylene Terephthalate (PET) or plastic polycarbonate drinking glasses
- g. implementation of crowd management measures
- h. monitoring arrangements such as door staff, ticketing, attendance clickers or maintenance of attendance records, and
- i. regular or periodic review and testing (and certification where appropriate) of procedures, appliances, systems and so on, pertinent to safety (for example fire extinguishers, fire warning systems, emergency installations and building control certificates).

## Appendix 7

### Prevention of public nuisance

When addressing the issue of prevention of public nuisance, the applicant is encouraged to carry out a risk assessment to identify whether there are any factors which impact on the likelihood of public nuisance, and, if so, to address these in their operating schedule. These may include, but are not limited to:

- the location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices, care homes and places of worship
- the hours of operation, particularly between 11pm and 7am
- the nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside
- the design and layout of premises and in particular the presence of any noise limiting features
- the occupancy capacity of the premises
- the availability of public transport, taxi and private hire services to assist the speedy dispersal of patrons after events
- the hours during which licensable activities take place and closure of the premises
- last admission time
- a dispersal policy, and
- provision for the disposal of waste on the frontage of the premises.

The following examples of control measures are given to assist applicants when preparing their operating schedules, having regard to their particular type of premises or activities. These are not exhaustive, but include:

- appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance
- control of operating hours for all or parts (such as garden areas) of premises, including such matters as deliveries or the collection or disposal of glass ware
- impact on neighbours due to customers opening doors or going outside to observe smoke free regulations
- adoption of best practice guidance (such as the Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by Institute of Acoustics, Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit and other industry codes of practice)
- installation and effective maintenance of soundproofing, air conditioning, acoustic lobbies and sound limitation devices
- management of people, including staff, and traffic (and resulting queues) arriving and leaving premises (arrival and dispersal policy)
- liaison with public transport, taxi and private hire service providers
- siting of external lighting, including security lighting
- effective ventilation systems to prevent nuisance from odour
- any adverse noise created by any ventilation or air conditioning system, or any other machinery positioned outside the building.

## **Appendix 8**

### **Protection of children from harm and other vulnerable persons**

The following examples of control measures are given to assist applicants when preparing their operating schedules, having regard to their particular type of premises or activities. These are not exhaustive, but include:

- a. provision of a sufficient number of people employed or engaged to secure the protection of children from harm
- b. appropriate instruction, training, supervision and background checks of those employed or engaged to secure the protection of children from harm
- c. specific actions identified from best practice guidance
- d. limitations on the hours when children may be present in all or parts of the premises
- e. limitations or exclusions by age when certain activities are taking place
- f. imposition of requirements for children to be accompanied by an adult
- g. the presence of an adequate number of adult staff to control the access and egress of children and to protect them from harm whilst on the premises
- h. an adequate number of adult staff to be responsible for the child performers, and
- i. use of accredited 'proof of age' schemes or photo-id driving licences where it is intended to operate more stringent measures than those contained within mandatory conditions.

## Appendix 9

### Ancillary Delivery of Alcohol and/or Late-Night Refreshment

Applications for premises that intend to sell alcohol and/or late-night refreshment for delivery to customers at a residential or workplace address, which is ancillary to the main use of the premises, will generally be granted subject to not being contrary to other policies within this Statement of Licensing Policy and that it meets the criteria below:

- The hours when delivery will take place is within the relevant operating hours for that premises use
- The delivery of alcohol and/or late-night refreshment to customers at their residential address or workplace will be ancillary to the main premises use
- The applicant has demonstrated that they will not add to cumulative impact if the premises are located within Cumulative Impact Zones.
- That the applicant will:
  - implement their own age verification procedures for the sale and supply of alcohol for their delivery staff and ensure that they receive regular training in the company's age verification procedures, or
  - ensure that any third party, to which they have contracted the delivery of alcohol and/or food has sufficient age verification procedures in place for the sale of alcohol and has regular training for its delivery personnel on their age verification procedures.
- That the applicant will:
  - implement their own procedures and provide mitigation to reduce the risk that their delivery service and delivery personnel will create public nuisance either at the premises where the delivery originates and at the delivery destination, or
  - ensure that any third party, to which they have contracted their delivery service to have sufficient procedures and mitigation in place to ensure that their delivery personnel do not create public nuisance either at the premises where the delivery originates and at the delivery destination.

Applications that do not meet the above criteria will be considered on their own merits, subject to other relevant policies within this statement.