

Table of Proposed Amendments to the Statement of Principles: Licensing Act 2003

Paragraph	Current Policy	Proposed Wording	Reason for Change
1.6	<p>In preparing and publishing this Policy Statement due regard has been given to the guidance issued by the Secretary of State under section 182 of the Act, and to good practice advice issued by approved government advisory bodies. In particular the Authority has consulted those persons and bodies as required by the guidance and given proper weight to their views. Partnership working between licensing authorities in Derbyshire has enhanced the production of this Policy Statement and will help ensure consistency in terms of both policy and enforcement where licensing boundaries meet.</p>	<p>In preparing and publishing this Policy Statement due regard has been given to the guidance issued by the Secretary of State under section 182 of the Act, and to good practice advice issued by approved government advisory bodies. In particular the Authority has consulted those persons and bodies as required by the guidance and given proper weight to their views. A full list of the persons consulted is at Appendix 2. Partnership working between licensing authorities in Derbyshire has enhanced the production of this Policy Statement and will help ensure consistency in terms of both policy and enforcement where licensing boundaries meet.</p>	<p>Clarification of persons consulted in determining the Policy.</p>
1.10	<p>New Addition</p>	<p>The Policy will remain in effect from XXXXX until XXXXX. During this period, this Licensing Authority will keep the Policy under review and make any changes as it thinks appropriate following consultation with the above persons.</p>	<p>Clarification of period of validity.</p>

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4.3	New Addition	The Council has a local plan in place which sets out the vision and strategy for planning and economic development in the district. Where it is reasonable and necessary for the promotion of the licensing objectives, the Council will aim to harmonise decisions where overlapping issues of interest have been identified.	Clarification of the link between the planning and licensing regimes. With an added encouragement to harmonise planning and licensing decisions where the situation dictates.
4.4	New Addition	The Licensing Authority will work in partnership with neighbouring authorities, the Police, other agencies, local liaison groups, businesses, and individuals towards the promotion of licensing objectives. The Licensing Authority is involved in a number of collaborative working groups such as Pub Watch, Derbyshire Licensing Group and Community Alcohol Partnership which aim to tackle localised issues.	Clarification of active partnerships.
6.2	New Addition	To ensure the application is completed fully, applicants must consider the contents of this policy statement, the government guidance issued under section 182 of the Licensing Act 2003 and relevant guidance published by the licensing authority. Applicants are encouraged to seek advice from the licensing authority and responsible authorities before submitting an application. Failure to comply with the statutory requirements may result in an application or notice being rejected or returned as invalid.	Clarification of application processes.

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6.5	New Addition	<p>Right to work in the UK</p> <p>Under changes made to the Licensing Act 2003 by the Immigration Act 2016, the Licensing Authority is required to undertake checks to ensure that applicants have the right to work in the UK. This is to assist in the prevention of illegal working in licensed premises.</p> <p>These new provisions apply to, applications for the grant of a premises licence, to transfer a premises licence and for the grant of a personal licence. Individuals who apply for these types of licence must provide evidence of their right to work in the UK.</p> <p>Further information on what evidence is required to prove applicants have the right to work in the UK can be found at https://www.gov.uk/prove-right-to-work .</p> <p>Where a premises licence holder or a personal licence holder ceases to be entitled to work in the UK the licence will lapse. Where a licence holder has extended their right to work in the UK, documentary evidence must be provided to the Authority to ensure the continuation of the licence.</p>	To provide additional guidance on right to work in the UK requirements.
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7.1	New Addition	<p>When considering the nature of the area within which the premises are situated the Licensing Authority expects all relevant parties to demonstrate that they have considered all relevant local issues, including, but not limited to:</p> <ul style="list-style-type: none"> i) Locality of nearby sensitive premises (i.e. schools, domestic property) ii) Levels of local crime in the area, including: <ul style="list-style-type: none"> a. Alcohol related crime b. Drug related crime c. Violence against women and girls d. Modern slavery e. Violent crime f. Knife crime g. Hate crime iii) Levels of anti-social behaviour; iv) Local health statistics; v) Underage drinking; vi) Counterfeit goods; vii) Environmental restrictions; and viii) Planning restrictions. 	<p>Provision of further guidance on what information should be considered when formulating an application.</p>
7.2	New Addition	<p>It is recommended that applicants conduct a risk assessment in an aim to identify local issues which could undermine the licensing objectives. Conducting a risk assessment which focuses on the licensing objectives will help applicants to formulate robust conditions and management practices in line with Policy 2 below.</p>	<p>Provision of practical guidance on how to create an effective operating schedule.</p>

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7.11	New Addition	It is recommended that applicants conduct a risk assessment in an aim to identify issues which could undermine the licensing objectives. Risks identified should subsequently be addressed in the operating schedule.	Provision of practical guidance on how to create an effective operating schedule.
7.13	Use of CCTV both within and outside the premises.	<ul style="list-style-type: none"> • Having clear policies and procedures in place for the recording and reporting of incidents and crimes. • Having clear policies and procedures in place for the prevention, detection and reporting of sexual harassment, misconduct, and violence against women and girls. • Having clear policies and procedures in place for the prevention, detection and reporting of spiking. • Provide staff training on drug awareness • Use of glass alternatives • Introduction of bottle bans • Provision of seating for customers • Restriction of open containers being removed from the premises. • Employment of SIA door supervisors. • Having clear admission policies for entry to the premises. i.e., bag searches, last admission, ID verification • Installation and maintenance of a CCTV system (both inside and outside of the premises) together with a policy and procedure for its use and handling data. • Written authorisation of staff for alcohol sales. 	To include recommendations for more robust premises management in response to local crime and health data and updates to the guidance issued under s.182 of the Licensing Act 2003.

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7.14	<p>Examples of recommended management practice to ensure public safety:</p> <ul style="list-style-type: none"> • The preparation and application of appropriate risk assessments. • The setting and monitoring of occupancy levels for the premises. • Reasonable facilities, access, and egress for people with disabilities. • Having glassware policies. 	<p>Examples of recommended management practice to ensure public safety:</p> <ul style="list-style-type: none"> • The preparation and application of appropriate risk assessments. • Adequate provision of staff • The setting and monitoring of occupancy levels for the premises. • Reasonable access and egress. • Reasonable facilities, access and egress for people with disabilities. • Ensuring the premises is adequately lit • Having glassware policies. • Appropriate waste disposal • Appropriate internal and external communication facilities. • Appropriate access for emergency services • Provision of staff training in the detection and prevention of excessive alcohol consumption and addiction, to include remote sales. 	<p>To include recommendations for more robust premises management in response to local crime and health data and updates to the guidance issued under s.182 of the Licensing Act 2003.</p>
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<p>7.15 and 7.16</p>	<p>New Addition</p>	<p>Counter Terrorism Premises are expected to take all necessary steps to ensure a robust counter terrorism plan is in place and all staff are suitably trained to respond appropriately to terrorist incidents.</p> <p>The Authority expects premises, as a minimum, to:</p> <ul style="list-style-type: none"> • Have a terrorism risk assessment in place • Ensure all staff complete the Action Counters Terrorism (ACT) e-learning training available at https://www.protectuk.police.uk/ within the last 12 months • Ensure all staff are aware of the current terrorist threat level • Ensure all staff are trained to respond appropriately to a terrorist incident • Ensure robust procedures are in place to record and report suspicious activity • Ensuring appropriate security staff are employed 	<p>To include recommendations for robust counter terrorism plans.</p>
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7.17	<p>Examples of recommended management practice for the protection of children:</p> <ul style="list-style-type: none"> • Exclusion from the premises in certain circumstances. • Implementation of a robust proof of age scheme 	<p>Examples of recommended management practice for the protection of children:</p> <ul style="list-style-type: none"> • Exclusion from all or part of the premises in certain circumstances. • Implementation of a robust age verification policy, to be consistent with any current national age verification policy. • Provision of age verification training for members of staff. • Provision of safeguarding training for members of staff. • Having a designated safeguarding lead. • Having clear policies and procedures in place for recording any refusal of alcohol sales. • Having an EPOS (electronic point of sale) system installed at the premises, configured to prompt the operator to check proof of age when an alcoholic product is scanned. • Making appropriate checks on members of staff who are to have unsupervised access to children. • Conducting additional risk assessments for events where an increase in the number of children is expected. • Having clear policies and procedures in place for keeping children safe from harm, including recording and reporting any safeguarding concerns. Links to this information can be found on the Council's web pages. 	<p>To include recommendations for more robust premises management in response to local crime and health data and updates to the guidance issued under s.182 of the Licensing Act 2003.</p>
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7.18	New Addition	Premises shall implement appropriate measures to prevent and limit nuisance which may occur from light, noise, vibration, odour, dust, smoke, fumes, pests, drainage, and waste.	To provide clarity for applicants on what factors may constitute a public nuisance.
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7.19	<p>Examples of recommended management practice for preventing nuisance:</p> <ul style="list-style-type: none"> • Keeping doors and windows of licensed premises closed to minimise noise break out. • Sound limiting devices, or insulation to contain sound and vibration so as to address noise break out not only from music but also, for example, from air handling equipment, generators or patrons. • With popular premises that attract queues ensuring that the direction of any queue is away from residential accommodation. • Proper and adequate door supervision. • Erecting prominent notices at the exits to premises asking customers to leave quietly and not to slam car doors and repeating such requests verbally. • Reducing the volume of music towards the end of the evening and where appropriate playing quieter, more soothing music as the evening winds down. • Arrangements with licensed taxis or private hire vehicles to take patrons from the premises. • In appropriate cases door supervisors or a manager patrolling nearby streets to assess for themselves whether there 	<p>Examples of recommended management practice for the prevention of public nuisance:</p> <ul style="list-style-type: none"> • Keeping doors and windows closed where performances of regulated entertainment take place. • Sound limiting devices, or insulation to contain sound and vibration so as to address noise break out not only from music but also, for example, from air handling equipment, generators or patrons. • With popular premises that attract queues ensuring that the direction of any queue is away from residential accommodation. • Proper and adequate SIA door supervision. • Controlling the use of external areas to prevent nuisance. • Erecting prominent notices at the exits to premises asking customers to leave quietly and not to slam car doors and repeating such requests verbally. • Reducing the volume of music towards the end of the evening and where appropriate playing quieter, more soothing music as the evening winds down. • Provision of adequate parking and traffic management • Arrangements with licensed taxis or private hire vehicles to take patrons from the premises. • In appropriate cases SIA door supervisors or a manager patrolling nearby streets to assess for themselves whether there is a problem and 	<p>To include recommendations for more robust premises management in response to local crime and health data and updates to the guidance issued under s.182 of the Licensing Act 2003.</p>
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	<p>is a problem and how best to deal with it.</p> <ul style="list-style-type: none"> • Banning people who regularly leave in a noisy fashion and liaising with other premises on such bans. • Where the premises have a membership scheme, including provisions in the conditions of membership concerning conduct and noise when leaving the premises. • Adequate provisions for dealing with litter/refuse arising from the operation of premises. • Appropriate times for and methods of dealing with bottle delivery, disposal and collection. • The licensee providing a help line or contact number for concerned residents. 	<p>how best to deal with it.</p> <ul style="list-style-type: none"> • Banning people who regularly leave in a noisy fashion and liaising with other premises on such bans. • Where the premises have a membership scheme, including provisions in the conditions of membership concerning conduct and noise when leaving the premises. • Adequate provisions for dealing with litter/refuse arising from the operation of premises. • Appropriate times for and methods of dealing with bottle delivery, disposal and collection. • The licensee providing a help line or contact number for concerned residents. 	
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7.28	New Addition	Where a premises is to offer adult entertainment, the Council expects licensees to demonstrate effective and responsible management in relation to that entertainment.	To include recommendations for more robust premises management in response to local crime and health data and updates to the guidance issued under s.182 of the Licensing Act 2003.
7.29	New Addition	<p>Examples of recommended management practice in relation to adult entertainment include:</p> <ul style="list-style-type: none"> • Having a code of conduct for performers and customers • Having suitable controls in place for the exclusion of children • Employment of SIA door supervisors • Having clear policies and procedures in place for the prevention, detection and reporting of incidents, including sexual harassment, misconduct, and violence against women and girls. • Having a designated area for adult entertainment away from the view of the public. • Discreet advertising • Making suitable employment checks to ensure performers are employed on a voluntary basis free of coercion. 	To include recommendations for more robust premises management in response to local crime and health data and updates to the guidance issued under s.182 of the Licensing Act 2003.

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7.30	New Addition	<p>Alcohol Delivery Services</p> <p>An applicant seeking a licence that will enable them to provide alcohol as part of an alcohol delivery service should include in their operating schedule the procedures that they intend to operate to ensure that:</p> <ul style="list-style-type: none"> · That the person they are selling alcohol to is over the age of 18 · That alcohol is only delivered to a person over the age of 18 · There is a clear document trail of the order process from order, despatch from the licensed premises and delivery to the customer is maintained (with times and signatures) and available for inspection by an authorised officer. · A refusals log will be maintained for deliveries and available for inspection on request · The time that alcohol is sold on the website/over the phone and the time the alcohol is delivered is within the hours stated on the licence for the sale of alcohol · Alcohol shall only be delivered to a residential or business address and may not be delivered to a public place 	To include provisions in relation to alcohol delivery services.
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		<ul style="list-style-type: none"> - Any delivery driver or third party courier will be required to have appropriate age verification training, and in particular they will be required to have undergone training in refusal of supply where age verification is not provided, or the recipient is clearly intoxicated - Operators to have systems in place to ensure alcohol is not delivered to problematic house parties or to people who appear drunk and, in such instances, alcohol should be refused and that refusal recorded 	
7.32	Where such a suspension takes place the Licensing Authority must give a minimum of two days' notice and may inform the police and other responsible authorities of the suspension. All licensable activities must cease when the suspension takes effect. The suspension will only cease on payment of the outstanding fee irrespective of any transfer or hearing which may take place.	Where such a suspension takes place the Licensing Authority must give a minimum of two working days' notice (starting the day after the authority gives notice) and may inform the police and other responsible authorities of the suspension. All licensable activities must cease when the suspension takes effect. The suspension will only cease on payment of the outstanding fee irrespective of any transfer or hearing which may take place.	To provide clarity of working days not calendar days.

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<p>7.35 – 7.39</p>	<p>Cumulative Impact</p> <p>In some areas concentrations of licensed premises may exist where the combined effect of all of the premises, causes problems for a wider area and undermines, or potentially undermines, the Licensing Objectives.</p> <p>This potential impact on the promotion of the Licensing Objectives by a significant number of licensed premises concentrated in one area is called “cumulative impact.” This should not be confused with the issue of “need” which relates to the commercial demand for licensed premises and cannot be taken into account when determining licensing applications.</p> <p>Having taken into account the evidence available the council is satisfied that there are no areas within the district presently suffering from cumulative impact. However, there is potential for a change in this situation. The Authority therefore considers it both necessary and appropriate to include an approach to this issue which can be applied in the event of evidenced need being established.</p>	<p>Cumulative Impact Assessments</p> <p>In some areas concentrations of licensed premises may exist where the combined effect of all the premises, causes problems for a wider area and undermines, or potentially undermines, the Licensing Objectives.</p> <p>This potential impact on the promotion of the Licensing Objectives by a significant number of licensed premises concentrated in one area is called “cumulative impact.” This should not be confused with the issue of “need” which relates to the commercial demand for licensed premises and cannot be taken into account when determining licensing applications.</p> <p>Where a cumulative impact is evidenced, the Authority can publish a Cumulative Impact Assessment to help limit the number or types of licence applications granted in areas suffering from cumulative impact from licensed premises.</p> <p>Having considered the evidence available the council is satisfied that there are no areas within the district presently suffering from cumulative impact. However, should the Authority propose to publish such an assessment during the lifetime of this Policy, a full consultation will be undertaken, and the details will be published on the Councils website.</p>	<p>To make the position on Cumulative Impact Assessments more succinct.</p>
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	<p>Any Cumulative Impact Policy adopted would create a rebuttal presumption that certain types of applications would be refused. The presumption would be rebutted where applicants can demonstrate through the Operating Schedule and, where appropriate, supporting evidence such as risk assessments, that the operation of the premises will not potentially add to the cumulative impact already being experienced.</p> <p>Whilst the policy would not be applied inflexibly, the circumstances in which the presumption of refusal may be rebutted will need to be exceptional and directly related to the reasons why the policy was adopted. An application is not likely to be classed as exceptional merely on the grounds that the premises have been or will be operated within the terms of its licence or that they are or will be well managed. This is to be expected of any application. An example of the type of application which might be granted could be where premises have been re-located or act as a direct replacement for others and where the impact is likely to be similar to the original location.</p>	<p>Responsible authorities and interested parties may still make representations on specific applications concerning cumulative impact even though those applications are not for premises in an area covered by a cumulative impact policy. In such circumstances the application may be refused (though there will be no presumption that this will be the case), and the Authority may then choose to review this Statement of Policy and consult as to whether the area should be designated an area to which a cumulative impact Policy should apply.</p>	
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	<p>A Cumulative Impact Policy however does not relieve Responsible Authorities, other persons, or businesses, of the need to make representations before such applications are considered. If no representations are received, then the applicant must be granted in terms consistent with the submitted operating schedule. The authority will regularly review any cumulative impact policy to assess its effectiveness.</p> <p>Responsible authorities and interested parties may still make representations on specific applications concerning cumulative impact even though those applications are not for premises in an area covered by a cumulative impact policy. In such circumstances the application may be refused (though there will be no presumption that this will be the case), and the Authority may then choose to review this Statement of Policy and consult as to whether the area should be designated an area to which a cumulative impact Policy should apply.</p>		
7.43	New Addition	The Council currently has no EMROs in place, However, should the Authority propose to introduce such an order during the lifetime of this Policy, a full consultation will be undertaken, and the details will be published on the Councils website.	To clarify whether the Council has any Early Morning Restriction Orders in place.

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<p>7.44 – Policy 4</p>	<p>Individuals applying for a personal licence must be entitled to work in the UK. The Immigration Act 2016 amended the Licensing Act 2003, with effect from April 6 2017. Applications made on or after this date by someone who is not entitled to work in the UK must be rejected. The Licensing Authority must be satisfied that the applicant has a right to work in the UK, and will require applicants to submit copies of identification documentation.</p> <p>Where an applicant for a personal licence has relevant convictions, a licence will still be granted unless the Chief Officer of Police lodges an objection within the prescribed period that he is satisfied that the granting of the licence would undermine the Licensing Objectives. In such circumstances the application will be considered at a Hearing of the Licensing Panel.</p> <p>Policy 4 – Considering Relevant Offences for Personal Licences</p> <p>In determining an application for a personal licence where the Chief Officer of Police has lodged an objection notice the Authority will</p>	<p>Under changes made to the Licensing Act 2003 by the Immigration Act 2016, the Licensing Authority is required to undertake checks to ensure that personal licence applicants have the right to work in the UK. This is to assist in the prevention of illegal working in licensed premises. Further information regarding applicants right to work in the UK can be found at paragraph 6.5.</p> <p>Where an applicant for a Personal Licence has certain types of conviction (for relevant or foreign offences as defined by the act) or, has been required to pay an immigration penalty the Authority is required to notify the police, and, in the case of immigration offences and penalties, the Secretary of State.</p> <p>In these cases, a licence will still be granted unless an objection is received within the prescribed period.</p> <p>Where a licence holder is convicted of certain types of offences (for relevant or foreign offences as defined by the act) or, has been required to pay an immigration penalty the Authority is required to notify the police, and, in the case of immigration offences and penalties, the Secretary of State.</p> <p>Policy 4 – Considering Objections for Personal Licences</p>	<p>To include reference to immigration offences.</p>
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	<p>take the following matters into consideration: The circumstances in which the offences were committed; (ii) The period that has elapsed since the offence(s) were committed; (iii) Whether the offences reveal a pattern of offending or were a one off occurrence; and (iv) Any mitigating circumstances. The Authority will reject the application unless the applicant can show that it is unnecessary to do so in order to promote the Crime Prevention Objective.</p>	<p>When considering an objection notice or immigration objection notice the authority will take the following matters into consideration</p> <p>(i) The circumstances in which the offences were committed or the penalty imposed;</p> <p>(ii) The period that has elapsed since the offence(s) were committed or the penalty imposed;</p> <p>(iii) Whether the offences/penalty reveal a pattern of offending or were a one-off occurrence; and</p> <p>(iv) Any mitigating circumstances.</p> <p>In consideration of an objection notice the Authority will reject the application/revoke the licence if it considers it appropriate to do so for the promotion of the crime prevention objective and/or the prevention of illegal working in licensed premises.</p>	
7.53	New Addition	Further information regarding Temporary Event Notice's and event management is available on the Councils web pages.	To provide further guidance on information available to applicants.

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Policy 5	Where representations have raised concerns in respect of individual premises and it is felt that access of children should be restricted, the Authority will consider imposing conditions which may include the following:	Where representations have raised concerns in respect of individual premises and it is felt that access for children should be restricted in a bid to mitigate the risk of physical, moral, or psychological harm to children, the Authority will consider imposing conditions which may include the following:	Clarification of broad reasons for restricting access for children should be restricted.
12.1	New Addition	A copy of the Council's current table of delegations is at Appendix 3.	To provide clarity and easy access to the Council's delegation scheme.
Appendix 2	New Addition	List of Consultees added.	To provide clarification on the consultation process.
Appendix 3	New Addition	Table of Delegations added.	To provide clarity and easy access to the Council's delegation scheme.