



**LIVERPOOL CITY COUNCIL**  
**LICENSING POLICY STATEMENT**  
**2008 / 2011**

**LICENSING ACT 2003**

*(To have effect from 7 January 2008)*

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## **INTRODUCTION**

The City of Liverpool has a population of approximately 430,000 and is mainly urban in character, with a coastline of 19 kilometres and a total area of 111 square kilometres (a map can be seen at Appendix A).

The main concentration of premises providing late night licensable activities is in the city centre with the suburbs benefiting from public houses and members clubs. There are presently 1757 premises for which Premises Licences under the Licensing Act 2003 have been issued and 55 Club Premises for which Club Premises Certificates have been issued.

Annually, the city hosts numerous large events attracting many thousands of visitors such as the Mersey River Festival, the Mathew Street Festival during August Bank Holiday weekend and Africa Oye held in Sefton Park. These events are just some of the cultural events occurring regularly in the city. During Liverpool's Capital of Culture Year in 2008 it is expected that there will be a huge increase in cultural events across the City in anticipation of which the City Council obtained Premises Licences (without provision for the supply of alcohol) for a large part of the City Centre and several public parks in order to facilitate to the management of such events.

Premises and events that are licensed under the Licensing Act 2003 provide invaluable contribution to the city's economy and provide much needed employment. The development of a safe, modern and confident European City with diverse cultural activities and tourism are vitally important to the City, complementing Liverpool's award of European Capital of Culture 2008.

### **1.0 BACKGROUND**

- 1.1 It is the Government's belief that, prior to the introduction of the Licensing Act 2003, fixed and artificially early closing times (established under the Licensing Act 1964) were one of the key causes of rapid binge drinking prior to closing times; and one of the causes of disorder and disturbance when large numbers of customers were required to leave the premises simultaneously.
- 1.2 The aim of the Licensing Act 2003 through the promotion of the licensing objectives is to reduce the potential for concentrations and achieve a slower dispersal of people from licensed premises through flexible opening times. Arbitrary restrictions that would undermine the principle of flexibility should therefore be avoided.
- 1.3 Nonetheless, the Government Guidance states that there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount considerations at all times. With this in mind, Liverpool City Council as Licensing Authority under the Licensing Act 2003 aims to help safeguard the rights of local residents and others, who might be affected by licensable activities. The Licensing Authority welcomes the opportunities afforded to the local economy by the 2003 Act and will strive to protect the rights of all interested parties based on the principles laid down in this document.

- 1.4 Any reference in this Policy to “the Act” or “the 2003 Act” is to the Licensing Act 2003.
- 1.5 Any reference in this Policy to “the Licensing Authority” is intended to refer to the City Council in its role as Licensing Authority. Any reference to “the Council” or “the City Council” is intended to refer to the City Council when exercising a function other than that contained in the Licensing Act 2003.
- 1.6 Any reference in this Policy to “the Government Guidance” refers to the revised Guidance issued under Section 182 of the Licensing Act 2003 by the Department of Culture, Media and Sport which came into force on 28 June 2007.

## **2.0 SCOPE OF POLICY**

2.1 The Act requires Liverpool City Council as the Licensing Authority, to prepare and publish a Statement of its Licensing Policy every three years. This is the Licensing Authority’s second Statement of Licensing Policy and it will have effect from 7 January 2008. It has been prepared in accordance with the Act’s provisions concerning statutory consultation with the following persons:

- Merseyside Police
- Merseyside Fire and Rescue Service
- such persons as the Licensing Authority considers to be representative of existing holders of premises licences, club premises certificates and personal licences
- such persons as the Licensing Authority considers to be representative of businesses and residents

A full list of consultees can be found at Appendix B to this policy.

2.2 The Licensing Authority will keep its policy under review during its three year duration and may make such revisions to it, at such times, as it considers appropriate, for instance in the light of feedback from the local community on whether the four licensing objectives are being met. When revisions are made, the Licensing Authority will publish a statement of the revisions or the revised licensing statement.

2.3 Activities which require a licence under the Act and covered by this policy include (subject to certain specific exemptions, for example entertainment provided for religious meetings or at a place of public religious worship and entertainment provided at garden fetes or similar functions so long as the proceeds of such an event are not wholly or partly for private gain):

- the sale by retail of alcohol;
- supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;

- provision of regulated entertainment to the public or club members or for consideration and with a view to making profit, including raising money for charity where the entertainment takes place for the purpose of entertaining an audience and involves:-
  - a performance of a play;
  - film exhibition;
  - indoor sporting event;
  - a boxing or wrestling entertainment;
  - live music performance or entertainment of a similar description;
  - playing of recorded music or entertainment of a similar description;
  - dance performance or entertainment of a similar description;
  - provision of facilities for making music;
  - provision of dancing facilities;
- the provision of facilities for enabling persons to take part in making music, dancing and entertainment of a similar description
- the supply (subject to certain specific exemptions) of hot food or hot drink from any premises (including parked vehicles) between 11.00pm and 5.00 am

It should be noted that the incidental performance of live music and incidental playing of recorded music may not be regarded as the provision of regulated entertainment in certain circumstances (reference should be made to Paragraph 3.20 – 3.23 of the Government Guidance).

- 2.4 This policy aims to ensure a consistent approach to licensing within Liverpool and promote fairness, equal treatment and proportionality. The policy is to assist officers and members in reaching a decision on a particular application, setting out those matters that will normally be taken into account. In addition the Policy seeks to provide clarity for applicants and residents to enable them to understand the objectives being promoted and the matters that will be considered in determination of licenses. In addition the Policy will provide clarity to other occupiers of property and investors to enable them to make plans to move to, remain or invest in the City.
- 2.5 This policy will cover all applications for Premises, Personal Licences and Club Premises Certificates for Qualifying Clubs and notification of temporary events, together with applications for renewals, transfer and variations.

### **3.0 THE FOUR LICENSING OBJECTIVES**

- 3.1 In carrying out its licensing functions the Licensing Authority will promote the following licensing objectives which are all of equal importance:-
- the prevention of crime and disorder;

- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

These four objectives are paramount considerations at all times.

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

- 3.2 Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, are often associated with elevated levels of crime and disorder.
- 3.3 The Licensing Authority expects individual licence holders, new applicants and temporary event organisers to regularly review their arrangements in addressing crime and disorder issues pertinent to their particular licensable activities and/or premises. Information and advice can be obtained from regulatory agencies, business network groups and other sources. The Licensing Authority also encourages local residents and other businesses to discuss issues of concern directly with individual businesses or, to contact the Police and Licensing Unit if they believe that a particular licensed premises is failing to achieve this objective.
- 3.4 The City Council will through its Crime and Disorder Reduction Partnerships, devise and help deliver strategies to tackle the misuse of alcohol, identified in the Cabinet Office's Alcohol Harm Reduction Strategy as being a precursor to crime and anti-social behaviour. The Licensing Authority expects existing licence holders, new applicants and the organisers of temporary events, to be able to demonstrate the measures they use, or propose to adopt, to prevent and actively discourage underage retail and hospitality sales/supply of alcohol. In general, conditions will reflect local crime prevention strategies. The Licensing Authority supports the adoption by licence-holders of any "Code of Good Practice" arising from the Alcohol Harm Reduction Strategy.
- 3.5 The risk assessment approach remains fundamental. Licence holders and applicants are strongly recommended to work closely with the Police and Licensing Unit in particular, in bringing into effect appropriate control measures to either overcome established or potential problems. A combination of short and longer-term strategies may need to be deployed by the licence holder to sustain and promote the prevention of crime and disorder.
- 3.6 Any premises which require door supervisors by virtue of the Private Security Industry Act 2001 must be licensed by the Security Industry Authority (SIA). If a licensee directly employs security operatives he/she will need to be licensed by the SIA as a supervisor/manager.
- 3.7 The Licensing Authority will expect new applicants, existing licence holders and organisers of temporary events to adopt recognised good practices in whatever area of operation they are engaged. For example, the 'Safer Clubbing Guide' provides essential advice for clubs and pubs providing public entertainment.

- 3.8 The Licensing Authority encourages relevant businesses to participate in local Pubwatch schemes or similar forums where it is set up, and where this helps secure and/or promotes the Licensing Objective(s).
- 3.9 The Licensing Authority will encourage small businesses to network locally with other businesses and to seek advice from regulatory agencies.
- 3.10 The City Council has specific duties under Section 17 of the Crime and Disorder Act 1998 that underpins any control strategy that is employed. The Council will continue to work in partnership with the Police in addressing crime and disorder issue.
- 3.11 The Licensing Authority will review the adequacy of transport provision, in relation to the ability to disperse customers of licensed premises, in a safe and timely manner, from the city centre and suburban drinking and entertainment circuits. Swift dispersal of patrons of licensed premises will help reduce the incidence and opportunity for crime and disorder.
- 3.12 The objective of preventing crime and disorder will include the Licensing Authority taking appropriate action upon a representation being received containing evidence that a licensed premises has a music policy which might incite violence, crime or disorder or the threat of such against minority groups.
- 3.13 In order to improve the quality and effectiveness of CCTV recorded images and thereby promote the licensing objectives, the Licensing Authority encourages all applicants for the grant of premises licences in Liverpool, who include the provision of CCTV in their operating schedule, to consult with Merseyside Police with regard to the installation and maintenance of equipment which will meet a minimum specification that will provide recorded images of evidential value. Failure to refer to this specification in the operating schedule could lead to Merseyside Police making a representation.
- 3.14 The Licensing Authority is of the view that generally, in order to promote the licensing objectives, all licensed premises within Liverpool are encouraged to be members of the relevant local Pubwatch Scheme, if any. Therefore, all applicants for the grant of premises licences in Liverpool are encouraged to state within their operating schedule that they will become a member of their local Pubwatch Scheme and will maintain their membership whilst the Licence is in existence. This is not a strict requirement but failure to include this provision in the operating schedule could lead to Merseyside Police making a representation.

### **Promotion of Public Safety**

- 3.15 Public safety is not defined within the Act, but is concerned with the physical safety of people, not specifically with public health matters, which are covered by other legislation such as the Health and Safety at Work etc, Act 1974 and the Regulatory Reform (Fire Safety) Order 2005.

- 3.16 Applicants and event organisers will be expected to assess not only the physical environment of the premises (or site) but also operational practices, in order to protect the safety of members of the public visiting the site, those who are permanently employed in the business, those who are engaged in running an event or anyone else that could be affected by site activities.
- 3.17 Holders of premises licences, and club certificates, or those organising temporary events, should interpret safety widely to include freedom from immediate danger or physical harm, and a sense of personal security e.g., freedom from personal abuse.
- 3.18 For licensed or certificated premises and for temporary events, public safety must be kept under review and where changes to operational practices occur, a review of risk assessment must be undertaken.
- 3.19 Fire safety and means of escape remain an essential consideration to the Licensing Authority when determining applications. The Licensing Unit will work in partnership with the Fire Authority and other Council departments (e.g. Building Control and Environmental Health) to ensure that appropriate standards are applied and maintained. Applicants are encouraged and reminded to consult with all relevant parties prior to submission. Temporary event organisers must include such considerations in their planning.
- 3.20 In the context of providing safe access to licensed premises for disabled members of the community, the Licensing Authority urges all licensees to familiarise themselves with The Disability Discrimination Act 1995.

### **Prevention of Public Nuisance**

- 3.21 The Licensing Authority recognises that some activities centring on licensed/certificated premises and on some temporary events will attract adverse public opinion as a result of actual or implied public nuisance. Typical concerns may relate to noise or light pollution, odours and accumulated waste.
- 3.22 Public nuisance is not narrowly defined within the context of the Act. The Licensing Authority will take a broader approach to its meaning. In effect, any nuisance arising from a licensable activity – ranging from major noise from an outdoor pop concert affecting a wide area, to a low-level nuisance affecting only a few people (e.g. vibrations from a poorly mounted extraction duct serving a night café), could be included.
- 3.23 The Licensing Authority remains sensitive to the expectations and needs of different parts of the community in respect of leisure and cultural pursuits, and will view applications accordingly. The Licensing Authority will consider the impact of those activities on people who have to live, work and sleep within the local vicinity of a licensed premises. Having regard always to the provisions of paragraph 6.3 of this policy, if the impact of licensed activities is disproportionate and unreasonable or markedly reduces the amenity value of the area to local people, then the Licensing Authority will take account of this when exercising its functions.

- 3.24 The Licensing Authority will always consider whether other legislation already provides sufficient protection of the rights of local people. For example, the Environmental Protection Act 1990, the Noise Act 1996 and the Antisocial Behaviour Act 2003 can be utilised to address noise nuisance issues. The Licensing Authority considers that the potential for public nuisance can be prevented or much reduced by good design and planning during new or ancillary construction works, and by the provision of good facilities. This will require appropriate advice at the planning and development stages of new projects. The Licensing Authority's Licensing Unit and the Environmental Health Department and other regulatory agencies such as the Police, should be viewed as being instrumental in this respect. Applicants should consider carefully the suitability of the premises for the type of activity to be undertaken, particularly in terms of ventilation, noise breakout and noise/vibration transmission to adjoining premises.
- 3.25 Businesses already in receipt of complaints should seek an early remedy to any confirmed problem, if necessary by engaging the services of a private consultant. The Licensing Authority can act as arbiters in situations where the complaint is disputed or where the nature of the problem needs to be better defined. The organisers of temporary events should pre-empt potential nuisance, especially when complaints have previously arisen at the same venue.
- 3.26 The Licensing Authority expects licence holders to use their risk assessments and Operating Schedules to review and, if need be, to make necessary improvements to the premises, or to operational practices, in order to prevent public nuisance.
- 3.27 Where the provision of existing legislation proves inadequate or inappropriate for control purposes, the Licensing Authority will consider imposing licence conditions subject always to the provisions of paragraph 6.3 of this policy. Any condition deemed appropriate and imposed by the Licensing Authority to promote the prevention of public nuisance will focus on measures within the direct control of the licence holder, and designated premises supervisor.

### **Protection of Children from Harm**

- 3.28 The Act details a number of offences designed to protect children in licensed premises. The Licensing Authority is concerned to ensure that licence holders of fixed premises or organisers of temporary events, create safe environments for children (in terms of their physical, moral and psychological welfare) who may be on the premises. Children should be unable to access alcohol or drugs and be subject to an appropriate level of care and supervision at all times. The Licensing Authority will work closely with the Police and other agencies to ensure appropriate and efficient enforcement of the law, and promotion of best practice, in these respects.
- 3.29 The Act prohibits children aged under 16 years old and unaccompanied by an adult, to access licensed premises:

- used primarily or exclusively for consumption of alcohol
  - and or in any event, between the hours of midnight and 5am.
- 3.30 The admission of children to any premises will otherwise normally be left to the discretion of the individual licensee, as the Act does not generally prohibit children from accessing licensed premises. Where children are accompanied and supervised by a responsible adult, additional measures should not normally be necessary. The Licensing Authority supports the view that children should enjoy access to a range of licensed premises where possible, but cannot impose conditions requiring the admission of children to any premises.
- 3.31 Subject always to the provisions of paragraph 6.3 of this policy, the Licensing Authority will judge the merits of each separate application before deciding whether or not to impose conditions restricting access by children. The Licensing Authority will refer any application involving children, to the Liverpool City Council Safeguarding Board for comment, who are deemed the “responsible authority”.
- 3.32 Particular scrutiny will occur where in relation to a particular premises or event:
- there have been convictions of members of the current staff at the premises for serving alcohol to minors, or with a reputation for underage drinking
  - there is a known association with drug taking or dealing
  - there is a strong element of gambling (but not, for example, the simple presence of a small number of cash prize gaming machines)
  - entertainment or services of an adult or sexual nature are commonly provided. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Common sense will be applied. However, such entertainment or services, for example, would generally include topless bar staff, striptease, lap, table or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.
  - the supply of alcohol for consumption on the premises is the exclusive or primary purpose
  - there is evidence that alcohol has been provided to drunken persons or there is evidence of drunk and disorderly conduct from patrons of the premises
- 3.33 In premises where alcohol is sold or supplied, the Licensing Authority would recommend that premises licence holders will include recognised “Proof of Age” schemes within the context of their Operating Schedules.
- 3.34 Potential underage drinkers should be confronted by clear and visible signs on the premises that underage drinking is not condoned, constitutes an offence in law and that they may well be required to produce proof of their age to a member of staff. Organisers of temporary events should apply similar safeguards in their undertakings.

- 3.35 The Licensing Authority endorses the work of the Portman Group on ensuring that drinks are packaged and promoted in a socially responsible manner to those who can legally purchase alcohol, and to help prevent the targeting of minors in marketing promotions. The Licensing Authority therefore commends to those selling and providing alcohol, the Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic drinks.
- 3.36 Venue operators seeking premises licences and club premises certificates can volunteer prohibition and restrictions in their operating schedules because their own risk assessments have determined that the presence of children is undesirable or inappropriate. These will become conditions attached to the licence or certificate where no relevant representations are received by the Licensing Authority.
- 3.37 Subject always to the provisions of paragraph 6.3 of this policy, the Licensing Authority will attach appropriate conditions where these appear necessary to protect children from moral, psychological or physical harm. The Licensing Authority will consider any of the following options where restricted child access is deemed appropriate:
- limitations on the hours when children may be present
  - limitations on the exclusion of the presence of children under certain ages when particular specified activities are taking place
  - limitations on the parts of premises to which children might be given access
  - age limitations (below 18)
  - requirements for accompanying adults (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult) and
  - full exclusion of those people under 18 from the premises when any licensable activities are taking place.
- 3.38 In order to prevent children from seeing films incompatible with their age, cinema licence holders will be expected to impose and enforce viewing restrictions in accordance with the recommendations of the British Board of Film Classification. Subject always to the provisions of paragraph 6.3 of this policy, the Licensing Authority will impose such conditions where it considers this appropriate.
- 3.39 The Licensing Authority has not adopted its own system of classification and therefore abides by the recommendations of the British Board of Film Classification. A mandatory condition attached to all premises licences and club premises certificates authorising the exhibition of films requires that all films should have been classified by a body designated under Section 4 of the Video Recordings Act 1984 (the British Board of Film Classification is the only body designated as such) or by the Licensing Authority itself. Where the Licensing Authority itself is to classify a film, the Authority expects:
- A synopsis of the exhibition or young person's film programmes shall be sent to the Licensing Unit 21 days in advance, where possible, of

any exhibition, giving sufficient information on any potentially controversial issues such as theme, swearing, violence, imitable techniques, horror, drugs, nudity, flashing lights etc, and in particular anything considered over 18 – R18 for example.

- Information as to the steps that will be taken to display notices inside and outside the premises so that persons entering can readily read them and be aware of the category attached to the film.
- Information on active and thorough Child Protection policies.
- Information on how staff are informed on policies and matters that may be significant at the time of the exhibition.
- Information on feedback & evaluation procedures.
- To ensure that whenever children are in the vicinity of a film or exhibition that is being shown in a multi purpose premises, sufficient ushers/stewards (minimum 18 years old) shall be in attendance at the entrance to the viewing room at all times to ensure children cannot enter or view the film or exhibition.

Officers from the Licensing Unit will reserve the right, following receipt of the above written information, to view the film to determine the appropriate recommendation. On viewing, Officers may decide that elected Members should view the film to determine the appropriate recommendation in which case the film will be referred to a Licensing and Gambling Sub-committee for determination.

3.40 Children have access to a range of regulated public entertainment venues and may be present as members of a viewing audience or as performers in their own right. The Licensing Authority expects licence holders and those organising temporary public events, to make proper provision for child safety and welfare during such events. Notwithstanding public safety issues, supervisory arrangements must be reflected within operating schedules. Suitable monitoring strategies should also be in place to ensure that supervisory levels are appropriate.

#### **4.0 DELEGATION OF FUNCTIONS**

4.1 The City Council as Licensing Authority has established a licensing committee in accordance with the Act, known as the Licensing and Gambling Committee, consisting of not more than 15 Councillors.

- 4.2 All matters relating to the discharge of the Licensing Authority's licensing functions will be discharged by the Licensing and Gambling Committee (with the exception of determining and reviewing the licensing policy which will be dealt with by the full Council as Licensing Authority). Sub Committees consisting of three members of the Licensing and Gambling Committee have been established to carry out many of the functions and other administrative matters will be dealt with by Officers. The full table of delegations is set out at Appendix C to this Policy.

## **5.0 LEGISLATION, POLICIES and STRATEGIES**

### **5.1 Legislation**

In undertaking its licensing function, the Licensing Authority is also bound by other legislation, which is set out below;

1. Section 17 of the Crime and Disorder Act 1998 requires a local authority to do all that it reasonably can to prevent crime and disorder in its locality.
2. The European Convention on Human Rights, which is given effect by the Human Rights Act 1998, places a duty on public authorities to protect the rights of individuals in a variety of circumstances.
3. Health and Safety at Work etc Act 1974
4. Environmental Protection Act 1990
5. The Anti-social Behaviour Act 2003
6. The Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000

### **5.2 National Strategies**

The Licensing Authority will also seek to discharge its responsibilities identified by other Government Strategies, so far as they impact on the objectives of the Licensing Function. These will include;

1. Action Plan for Tackling Alcohol Related Crime, Disorder and Nuisance;
2. Safer Clubbing;
3. LACORS/TSI Code of Best Practise on Test Purchasing;
4. The Portman Group Code of Practice on Naming, Packaging and Promotion of Alcoholic Drinks.

### **5.3 Local Policies and Practices**

The **Licensing Authority** will consider applications with reference to other adopted local policies and practices, as set out below;

1. Enforcement Policy
2. Community Safety Strategy
3. 'Night Alert'
4. Pubwatch Schemes and Licensee's Forum
5. Recognised Proof of Age Schemes

## **5.4 Integrating Strategies**

By consulting widely prior to this policy statement being published the Licensing Authority will endeavour to secure proper integration with local crime prevention, planning, transport, tourism and cultural strategies.

Where any protocols to be agreed with the police identify a particular need to disperse people from town centres swiftly and safely to avoid concentrations which could lead to disorder and disturbance the Licensing Authority will aim to inform those responsible for providing local transportation so that arrangements can be made to reduce the potential for problems to occur.

There are a number of wider issues which may need to be given due consideration when dealing with applications. The Licensing and Gambling Committee will therefore receive reports from time to time on the;

1. Needs of the local tourist economy
2. Cultural strategy for the area
3. Employment situation in the area and the need for new investment and employment where appropriate
4. Planning considerations which might affect licensed premises

The Licensing Authority intends to hold regular public meetings at which the community can express how well it feels the licensing objectives are being met.

## **5.5 Relationship with Planning**

5.5.1 In accordance with the Government Guidance, the Authority expects, although not a legal requirement, that applicants for premises licences and variations thereof should have already obtained any necessary planning consent before making their application under the Licensing Act 2003. The Authority will not, however, require the applicant to advise the Authority as to the current position concerning planning matters.

5.5.2 The planning and licensing regimes involve consideration of different (albeit related) matters. For instance, licensing considers public nuisance whereas planning considers amenity. As such licensing applications should not be a re-run of the planning application and should not cut across decisions taken by the local authority planning committee or following appeals against decisions taken by that committee. The Licensing and Gambling Committee and Sub-committees are not bound by decisions made by the City Council's Planning Committee, and vice versa.

5.5.3 The granting by a Licensing and Gambling Sub-committee of any variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building control where appropriate.

5.5.4 There are also circumstances when as a condition of planning permission, a terminal hour has been set for the use of premises for

commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.

- 5.5.5 The Licensing and Gambling Committee will, where appropriate, provide regular reports to the Council's Planning Committee on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder. This would enable the Planning Committee to have regard to such matters when taking its decisions and avoid any unnecessary overlap.

#### 5.6 **Relationship with Street Trading**

Any licensed street trader who wishes to apply for a Premises Licence should be aware that, because the two types of licences operate under separate legislation with different considerations, it will be necessary to ensure that both types of licence will authorise the particular type and hours of trading desired, which will require a separate application form to be submitted in respect of each type of licence.

### **6.0 APPLICATIONS AND CONDITIONS**

- 6.1 An individual may apply under the terms of the Act for a variety of permissions and any such application will be considered on its individual merits. Any person may make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the Act.
- 6.2 The terms and conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others in possession of relevant authorisations.
- 6.3 The Licensing Authority may not impose any conditions unless its discretion has been engaged following the making of relevant representations (see paragraph 12) and it has been satisfied at a hearing of the necessity to impose conditions due to the representations raised. It may then only impose such conditions as are necessary to promote the licensing objectives arising out of the consideration of the representations. However, in order to minimise problems and the necessity for hearings, it would be sensible for applicants and clubs to consult with responsible authorities when operating schedules are being prepared. This would allow for proper liaison before representations prove necessary.
- 6.4 In addressing applications, the Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of public living, working or engaged in normal activity in the area concerned. The Licensing Authority recognises that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned.

Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy given that irresponsible alcohol consumption can lead to anti-social behaviour. As such, licensees and certificate holders should take reasonable steps to prevent the occurrence of crime and disorder and public nuisance immediately outside their premises, for example, on the pavement, in a beer garden or in a smoking shelter, where and to the extent that these matters are within their control. In this regard, all authorisation holders, designated premises supervisors and employees authorised to sell alcohol under the 2003 Act are reminded of their legal responsibility under Section 141 not to sell, attempt to sell or allow alcohol to be sold to a person who is drunk. The occurrence of anti-social behaviour by customers in the immediate vicinity of a particular premises could result in an investigation as to whether offences under Section 141 have been committed.

- 6.5 In determining a licence application the Licensing Authority will first and foremost take each application on its merits. Licence conditions will be tailored to meet the four licensing objectives and be within the control and ability of the licensee. Licence conditions will not be imposed where other regulatory provision is in force (e.g. planning, environmental health, fire safety, licensing and building control legislation) so as to avoid confusion and duplication, except where they can be exceptionally justified to promote the licensing objectives.
- 6.6 The Licensing Authority will seek, as far as possible, to impose only such conditions as are proportionate and which are not unnecessarily burdensome. The Licensing Authority does not intend to implement standard conditions of licence across the board, but instead attach conditions as appropriate given the individual size, style and characteristics of the premises and events concerned.
- 6.7 Conditions include any limitations or restrictions attached to a licence or certificate and essentially are the steps or actions the holder of the premises licence or the club premises certificate will be required to take or refrain from taking at all times when licensable activities are taking place at the premises in question.
- 6.8 Failure to comply with any conditions attached to a licence or certificate is a criminal offence, which on conviction would be punishable by a fine of up to £20,000 or up to six months imprisonment or both.

## **7.0 DISCOUNTING AND SALES PROMOTIONS**

- 7.1 The Licensing Authority will encourage the adoption of local voluntary industry codes of practice which cover irresponsible drinks promotions such as that produced by the British Beer and Pub Association (the BBPA's Guidelines on On-Trade Promotions).
- 7.2 When considering any relevant representations from responsible authorities, such as the police, or interested parties, such as local residents, which demonstrate a clear causal link between sales

promotions or price discounting and levels of crime and disorder on or in the vicinity of the premises, it may be appropriate for the Licensing Authority to consider the imposition of a new condition prohibiting irresponsible sales promotions or the discounting of prices of alcoholic beverages at those premises.

## **8.0 LIVE MUSIC, DANCING, THEATRE AND STREET ARTS**

- 8.1 The Licensing Authority recognises and supports the need to encourage and promote live music, dance, theatre and street arts for the wider cultural benefit of the community and will ensure that any conditions attached to a licence are necessary, proportionate and reasonable are not cost prohibitive to the detriment of the entertainment proposed. Applicants will need to address the licensing objectives in their operational plan within the context of the nature of the location, type of premises, entertainment to be provided, operational procedures and the needs of the local community.

The Licensing Authority endorses Article 15 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) 1976 which requires that progressive measures be taken to ensure that everyone can participate in the cultural life of the community.

## **9.0 LICENSING HOURS**

- 9.1 When dealing with licensing hours, each application will be dealt with on its individual merits. The Licensing Authority recognises that longer licensing hours with regard to the sale of alcohol are important to ensure that the concentrations of customers leaving premises simultaneously are avoided. This is expected to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport which lead to disorder and disturbance. The Licensing Authority does not wish to unduly inhibit the development of thriving and safe evening and night-time local economies which are important for investment and employment locally and attractive to domestic and international tourists.
- 9.2 The Licensing Authority will not set fixed trading hours within designated areas. However, stricter conditions with regard to noise control may be necessary in areas which have denser residential accommodation, but this will not limit opening hours without regard to the individual merits of any application.
- 9.3 Shops, stores and supermarkets will generally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are very good reasons for restricting those hours. For example, a limitation may be appropriate following Police representations in the case of isolated shops known to be a focus of disorder and disturbance because youths gather there.

## **10.0 CUMULATIVE IMPACT OF A CONCENTRATION OF LICENSED PREMISES**

- 10.1 Liverpool City Council Licensing Authority has not introduced a cumulative impact policy.
- 10.2 “Cumulative impact” means the potential impact on the promotion of the licensing objectives, for example on crime and disorder or public nuisance, of a significant number of licensed premises concentrated in one area. This is a matter for the Licensing Authority to consider in developing this policy. “Cumulative impact” should not be confused with whether there is a commercial demand or need for another pub, restaurant or hotel which is a matter for the Council’s Planning Committee and the market, not the Council as Licensing Authority.
- 10.3 In the event that the Licensing Authority becomes satisfied, after considering available evidence following consultation in accordance with Section 5(3) of the Licensing Act 2003, that it is appropriate and necessary to include an approach to cumulative impact in the licensing policy statement, it will indicate in the statement that it is adopting a special policy which will be kept under review of refusing new licences, or variations of existing licences, with regard to a particular area whenever it receives relevant representations about the cumulative impact on the licensing objectives from responsible authorities and interested parties which it concludes after hearing those representations should lead to refusal.
- 10.4 The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for new premises licences, club premises certificates or variations will normally be refused, if relevant representations to that effect are received, unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact already being experienced.
- 10.5 The absence of a special policy does not prevent any responsible authority or interested party making representations on an application for the grant or variation of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.
- 10.6 It would normally not be justifiable to adopt a special policy on the basis of a concentration of shops, stores or supermarkets selling alcohol for consumption off the premises. Special policies will address the impact of a concentration of licensed premises selling alcohol for consumption on the premises which may give rise to large numbers of people who have been drinking alcohol on the streets in a particular area.

## **11.0 PREMISES LICENCES**

- 11.1 Applicants for new premises licences (or club premises certificates) and variations to existing premises licences are encouraged where appropriate to conduct a thorough Risk Assessment to demonstrate compliance with the Licensing Objectives and produce an Operating Schedule to fully reflect how those objectives will be met. The Licensing Authority encourages applicants to obtain appropriate planning consents

prior to submitting applications for new premises licences or where variations are being sought.

11.2 A premises licence is required for any of the licensable activities described in paragraph 2.3 of this policy. Any individual over 18, a business or partnership who is carrying on or who proposes to carry on a business which involves the use of premises (which includes any place including one in the open air) for licensable activities may apply for a premises licence either on a permanent basis or for a time-limited period.

11.3 An application for a premises licence must be made in the prescribed form and be copied to each of the appropriate responsible authorities and be accompanied by;

- the required fee
- an operating schedule
- a plan of the premises in a prescribed form to which the application relates; and
- if the application involves the supply of alcohol, a form of consent from the individual who is to be specified in the licence as the designated premises supervisor

11.4 Generally, where a premises licence holder wishes to amend the licence an application to vary will be required. However, in some limited circumstances a formal application may not be needed if the Authority considers the amendment would not have any likely impact on the licensing objectives and there is no statutory requirement for the amendment to be shown on the plan forming part of the licence (such as altering the position of tables and chairs or installing a smoking shelter in a beer garden that will not affect the use of exits or escape routes). In such circumstances, the advice of the Licensing Unit should be sought as to whether an application is necessary.

## **12.0 REPRESENTATIONS AND REVIEWS**

12.1 The Licensing Authority cannot impose conditions on, or refuse to grant or vary, a premises licence or club premises certificate unless it has received a relevant representation from a responsible authority, such as the Police or an Environmental Health Officer, or interested party, such as bodies or individuals who live in the vicinity of the premises, and residents associations, trade associations and other businesses operating in the vicinity.

12.2 Representations can be made concerning:-

- Applications for premises licences
- Variations of such licences
- A request to the Licensing Authority to review a premises licence
- Personal licence holders on criminal grounds (following police representation only)

The Licensing Authority will determine whether or not a representation qualifies as a “relevant representation” and therefore whether or not the representations may be taken into account by the Licensing Authority when it makes its decision. In determining whether or not a representation is a “relevant” representation, the Licensing Authority will have regard to Government guidance.

Representations can be made in opposition to, or in support of, an application. Whilst the content of relevant representations will always be considered, the outcome of an application will not be considered simply on the basis of the number of persons for or against an application. The Authority’s approach will always depend on an assessment of the application against the licensing objectives in the light of representations which have been made.

12.3 An application for review of a licence can be submitted where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate. However, the Licensing Authority will reject an application for review where it considers that the complaint is:

- a) Not relevant to any of the four Licensing Objectives
- b) Vexatious, frivolous or repetitious

In particular, a review will not normally be permitted within a period of twelve months of the grant of a licence or review on similar grounds. The Council in its capacity as Licensing Authority may not request a review of its own volition.

12.4 An interested party may request a third party, such as a friend or a local ward councillor, on their behalf to make a written representation, and attend to amplify their concerns at a Sub-committee hearing. However, the Licensing Authority will need to be satisfied as to the name and address of the interested party and that such person has given authority for the third party to act on their behalf.

### **13.0 PERSONAL LICENCES**

13.1 A personal licence will be required by anyone who wants to allow the sale of alcohol as part of his or her business.

13.2 The criteria set out in paragraph 13.3 below will apply. The four licensing objectives apply to consideration of applications for personal licences as to all other parts of the Act.

13.3 In the case of an application for a personal licence under Part 6 of the 2003 Act, the requirements are that the applicant;

- must be aged 18 or over
- must possess a licensing qualification accredited by the Secretary of State or is a person of a description prescribed by the Secretary of State by statutory instrument
- must not have had forfeited a personal licence within five years of his or her application; and
- the police have not given an objection notice about the grant of a personal licence following notification of any unspent relevant offence or foreign offence; or
- the police have given an objection notice because of a conviction for an unspent relevant offence or a foreign offence, but the licensing authority has not considered it necessary to reject the application on crime prevention grounds; and
- the applicant has paid the appropriate fee to the licensing authority

In addition, applicants for new personal licences will need to produce a current Criminal Record Disclosure as part of the application process.

Where the Police have issued an objection notice the applicant is entitled to a hearing. Generally, the applicant will be refused a licence unless there are, in the opinion of the Licensing Authority, exceptional and compelling circumstances which justify granting the application.

- 13.4 Personal licences are valid for ten years unless surrendered or suspended or revoked or declared forfeit by the courts. Once granted, the licensing authority which issued the licence remains the “relevant licensing authority” for it and its holder, even though the individual may move out of the area or take employment elsewhere.

#### **14.0 PERMITTED TEMPORARY ACTIVITIES (Temporary Event Notices)**

- 14.1 ‘Temporary Event Notice’ means a Permitted Temporary Activity involving one or more licensable activities , with each event lasting for up to 96 hours with no more than 499 people being allowed to attend at any one time.
- 14.2 The same premises cannot be used on more than 12 occasions in a calendar year but are subject to the overall aggregate of 15 days irrespective of the number of occasions on which they have been used.
- 14.3 Additionally a Personal Licence Holder is limited to 50 notices in one year, and any other person to five notices in a similar period. In any other circumstances, a full Premises Licence or Club Premises Certificate will be required for the period of the event involved.
- 14.4 In general, only the police may intervene to prevent such an event taking place or to agree a modification of the arrangements for such an event and it is characterised by an exceptionally light touch bureaucracy.

The Licensing Authority can only ever intervene of its own volition if the limits set out in the Act on the number of temporary event notices that may be given in various circumstances would be exceeded. Otherwise,

the Licensing Authority is only required to issue a timely acknowledgement.

- 14.5 The City Council has established a Safety Advisory Group (SAG), consisting of Council officers, representatives from the emergency services and other statutory agencies to advise and co-ordinate planning for public events within the Liverpool City Council area. This group will be advised of all events whether or not a premises licence or a temporary notice is needed.
- 14.6 Organisers of temporary events are strongly advised to contact the Licensing Unit for advice at the earliest opportunity when planning events. Where necessary, the advice of the SAG can be obtained, or discussions held with the police to avoid any unnecessary objections being made that may arise from misunderstandings or confusions as to what is being proposed.
- 14.7 A Temporary Event Notice must be served on the Licensing Unit at least ten clear working days prior to the proposed event. However, the Licensing Authority encourages event organisers to serve a Temporary Event Notice at least 28 days in advance of the event to ensure any potential Police concerns may be addressed in good time.
- 14.8 The Licensing Authority's authorised officers will visit events held under the terms of a temporary event notice on a prioritised basis.
- 14.9 It should be noted that the giving of a temporary event notice does not relieve the premises user from any requirements under planning law for appropriate planning permission where it is required.

## **15.0 DRUGS POLICY**

The Licensing Authority recognises that drug use by young people in a club environment is not something that is relevant to all licensed premises. However, it is recognised that, subject always to the provisions of paragraph 6.3 of this policy, special conditions may need to be imposed for certain venues to reduce the likelihood of drugs being sold and consumed and to create a safer environment for those who may have taken them. These conditions will take into account the "Safer Clubbing" publication issued by the Home Office.

## **16.0 ENFORCEMENT**

- 16.1 The City Council has adopted the Government's Enforcement Concordat designed to ensure effective and efficient public protection services. Specifically, the Council is committed to accord with the principles of good enforcement practice by carrying out its regulatory functions in a fair, open and consistent manner and the Licensing Authority will abide by its own Licensing Enforcement Policy.
- 16.2 The Enforcement Concordat is based on the principles that businesses should:

- receive clear explanations from enforcers of what they need to do and by when;
- have opportunities to resolve differences before enforcement action is taken - unless immediate action is needed;
- receive an explanation of their rights of appeal.

This Licensing Enforcement Policy is freely available from the City Council, as are this Policy and details of the Council's corporate complaints' procedures.

- 16.3 The Licensing Authority will establish protocols with the police and other enforcing authorities. These protocols will provide for the targeting of agreed problem and high-risk premises with less focus on those premises which demonstrate they are well managed and maintained.

## **17.0 COMPLAINTS/CONTACTS**

- 17.1 The Licensing Authority will investigate relevant complaints against licensed premises. In the first instance, complainants will be encouraged to raise the complaint directly with the licensee or business concerned.

Where an interested party (such as a local resident, or a resident's association) or responsible authority has made;

1. valid representations about licensed premises or
2. a valid application for a licence to be reviewed

then the Licensing Authority will initially arrange a conciliation meeting to address and clarify the issues of concern.

This process will not override the right of any interested party to ask that the Licensing Authority consider their valid objections, or for any licence holder to decline to participate in a conciliation meeting.

### **17.2 Further information and Responsible Authorities**

Further information about the Licensing Act 2003 and the council's licensing policy can be obtained from the Licensing Unit. Applications for licences should be addressed to:

#### **The Licensing Unit**

Liverpool City Council

Room 219

Municipal Buildings

Dale Street

Liverpool

L2 2DH

Tel; 0151 233 3015

Fax; 0151 225 3493

E-mail; [licensing@liverpool.gov.uk](mailto:licensing@liverpool.gov.uk)

Website; [www.liverpool.gov.uk](http://www.liverpool.gov.uk)

Information is also available from;

**Department for Culture, Media and Sport**

2-4 Cockspur Street

LONDON

SW1Y 5DH

Tel; 020 7211 6200

E-mail; [enquiries@culture.gov.uk](mailto:enquiries@culture.gov.uk)

Website; [www.culture.gov.uk](http://www.culture.gov.uk)

**Responsible Authorities:**

**Merseyside Police Licensing Unit**

St. Anne Street Police Station

St. Anne Street

Liverpool

L3 3HJ

Tel; 0151 777 4830/1

Fax; 0151 777 4832

**Planning & Building Control**

Liverpool City Council

Municipal Buildings

Dale Street

Liverpool

L2 2DH

Tel; 0151 233 3021

**Merseyside Fire & Rescue Service**

Liverpool Fire Safety

Belle Vale Fire Station

Childwall Valley Road

Liverpool

L25 2PY

Tel; 0151 296 6620

Fax; 0151 487 8468

**Environmental Health  
(Includes Health & Safety)**

Liverpool City Council

Municipal Buildings

Dale Street

Liverpool

L2 2DH

Tel; 0151 233 3000

**Trading Standards**

Liverpool City Council

Municipal Buildings

Dale Street

Liverpool

L2 2DH

Tel; 0151 233 3002

The following department is the Responsible Authority for the Protection of Children from Harm:

**The Safeguarding Board**

Liverpool City Council

Municipal Buildings

Dale Street

Liverpool

L2 2DH

Tel; 0151 233 3029

**Appendix A - Map of District**



## Appendix B

### **List of Persons/Bodies consulted when preparing the Statement of Policy**

As part of the consultation process a list of stakeholders was developed with named individuals sent either postal versions of the consultation pack or emailed links direct to the documents on the Liverpool City Council Website. The full list of named organisations (a total of 1,705 organisations) can be made available on request and included:

- Representatives of the Licensed Trade
- Licensees (including hotels and licensed retailers)
- Solicitors and Agents
- All Councillors
- Local MP's
- Selected Council Officers (including Planning)
- Merseyside Police
- Merseyside Fire and Rescue Service
- Primary Care trusts
- Merseytravel
- Liverpool Vision
- Liverpool Chamber of Commerce
- Liverpool, John Moores and Hope Universities
- Local theatres and theatre trusts
- All organisations part of the Liverpool Community Network:
  - 0-25 Network
  - Arts and Culture Network
  - Black and Other Racial Minorities Network
  - Community Regeneration Forum
  - Disability Network
  - Environment Network
  - Faith Network
  - Senior Citizens Network
  - Welfare Organisation Committee.

## Appendix C

### Table of Delegation of Licensing Functions

<b>MATTER TO BE DEALT WITH</b>	<b>FULL COMMITTEE</b>	<b>SUB-COMMITTEE</b>	<b>OFFICERS</b>
Application for personal licence		If a Police objection	If no objection made
Application for personal licence, with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club registration certificate		If a relevant representation made	If no relevant representation made
Application to vary designated personal licence holder		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Application for Interim Authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a police objection to a temporary event notices		All cases	