

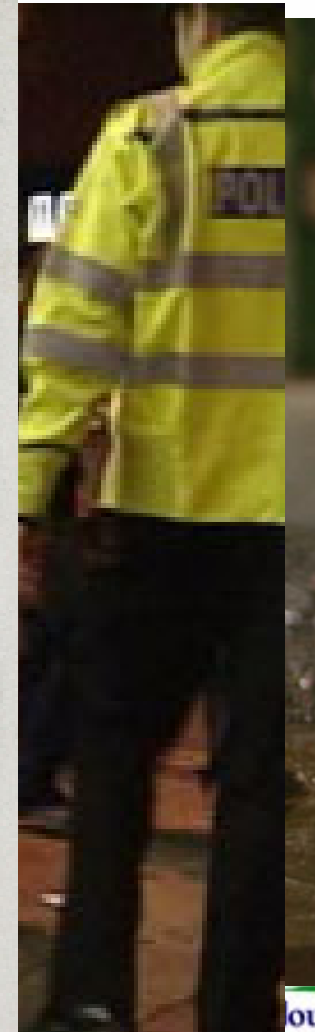
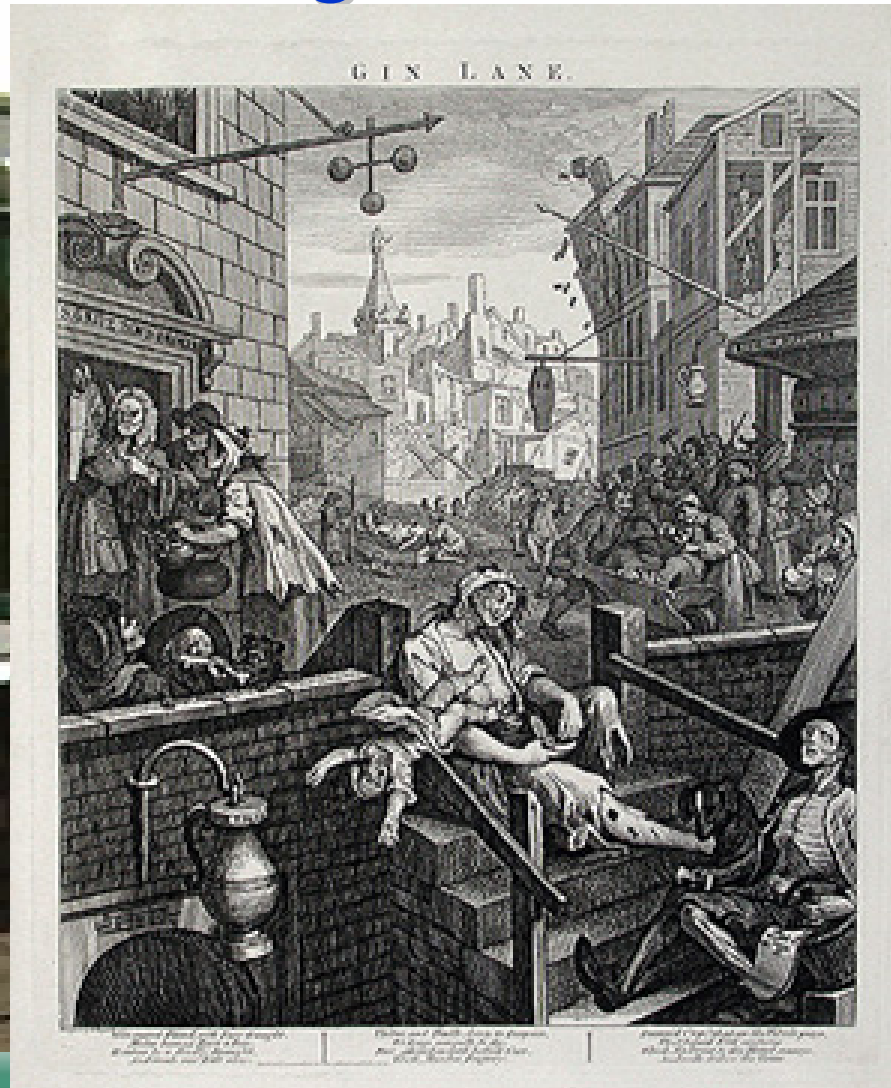
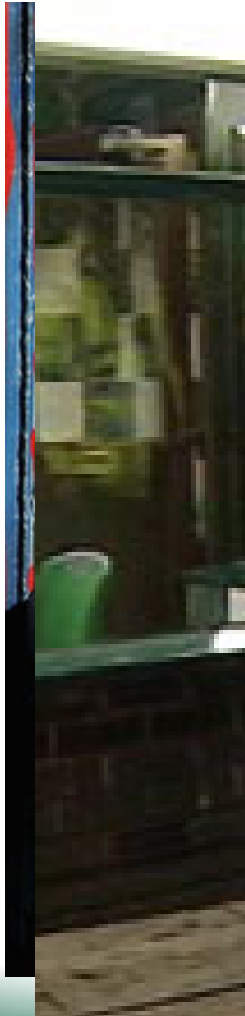
# Strategic Lead and Trading Standards & Licensing

## LA 2003

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# A Modern Menace? Binge Drinking



# Statement of Principles (Licensing Policy)

- To be reviewed this year
- Template for consistent decision making on applications
- Has regard to Statutory Guidance
- Underwent public consultation
- Reflects local circumstances e.g., Cumulative Impact Policy

# Membership of the Group

- Licensing Authority
- Police
- Fire
- Children & Young People
- Planning
- Trading Standards
- Health & Safety
- Environmental Protection – Noise
- Safer South Gloucestershire

# Group Aims

- Multi Agency response
- Gathering and use of intelligence
- Graduated enforcement approach
- Tackle problem premises
- Proactive and reactive
- Use of best practice

# How can you feed in?

- Gather evidence
- Make complaints, they are not wasted, used as intelligence
- Make representations – follow procedure!
- Be specific, don't generalise and link to licensing objectives.
- Present at the hearing

# The Licensing Objectives

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

# Licensable Activity

- Sale by retail of alcohol
- Supply of alcohol at a Club
- Provision of regulated entertainment
- Provision of late night refreshment

# Types of Licence

- Premises Licence
- Personal Licence
- Club Certificate
- Temporary Event Notice
- Personal License Holders
- Designated Premises Supervisors

# Premises licences must have

- **Operating Schedule**
- **The Licensable activities taking place**
- **Times when retail sales will take place**
- **Name and address of the designated Premises Supervisor**
- **For alcohol – where it will be consumed i.e. “on” or “off” the premises**
- **Steps to be taken to meet the 4 licensing objectives**
- **A plan of the premises (1:100)**



- **Designated Premises Supervisor (DPS)**
- **Alcohol sales carry an important responsibility**
- **Impracticable for all alcohol sales to be made by a Personal Licence Holder**
- **Concept: An identified person is on the premises to **authorise** alcohol sales**
- **Police can object to a nominated person (rare)**
- **Must be a Personal Licence holder**

# The Licensing Authority

- Set up to take administrative functions away from the Courts
- Very process driven and in most cases objective.
- Can enter premises
- Can prosecute
- Can call reviews, soon, dangers?

# The Licensing Officer

- Authorised person, powers of entry, except clubs.
- Prepare the report (factual representation)
- Summary of application and agreed representations (may change)
- Interested Parties (IP's) make own representation
- Licensing Officer cannot offer opinion
- Licensing Officer cannot retire with the committee

# Dealing with applications

- Have a fair and unbiased mind
- Cannot decline a hearing
- No preconceived opinions or resolutions
- Act without prejudice or partiality
- Consider both the rights of applicant and the public
- Treat all applicants fairly

# Decision Making

- Non-contested applications dealt with by Officers
- Contested applications dealt with by the Licensing Panel
- “Dubious” applications can be referred to the Licensing Panel

# Objections

- Responsible Authorities: Police; Fire Authority; Local Authority (various)
- Interested Parties: Person living in the vicinity; person involved in a local business; Bodies representing residents or local businesses
- Objections must be relevant to one or more of the licensing objectives



- **Contested Applications**
- Heard by the Council's Licensing Committee
- Dates set according to statutory timescales
- Not a court of law and sets its own procedures
- Fair with equal opportunity to all parties
- Aim is to inform the panel in order for them to make a decision
- All parties able to have their say
- Decisions made on evidence
- Reasons will be given for decisions made

# What can the Committee decide?

- Modify the conditions of the premises license
- Exclude a licensable activity e.g. performance of live music
- Remove DPS: poor management
- Suspend the license for up to 3 months
- Revoke the license

# New Minor Variation Procedure

- The minor variation process may be used to remove conditions which are out of date or invalid and to revise conditions which are unclear.
- It can also be used to add a new condition volunteered by the applicant or mutually agreed between the applicant and an RA.

# Under Ages Sales

- Trading Standards are a Responsible Authority
- Conduct Test Purchasing Operations
- Advice and education
- Prosecute
- Call Reviews
- Two (Three) strikes and you are out.