



# **Statement of Licensing Policy 2021-2026**

**Licensing Act 2003**

## Important Note

In producing this Statement of Licensing Policy the Licensing Authority is aware that the government may amend the Licensing Act 2003, subordinate legislation and statutory guidance.

Any such amendments made in the future will not be incorporated into this policy document and readers of this document are advised to check on the Home Office/Gov.uk website to ensure they have the latest information.

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# STATEMENT OF LICENSING POLICY

## 1 INTRODUCTION

1.1 Rugby Borough Council ('the Council') has a duty under the terms of the Licensing Act, 2003 ('the Act') to carry out its functions as the Licensing Authority with a view to promoting the following licensing objectives:

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

1.2 The promotion of these objectives is the paramount consideration when determining an application and any conditions attached to an authorisation.

1.3 The Borough of Rugby covers an area of 138 square miles located in central England, within the County of Warwickshire. The Borough is on the eastern edge of the West Midlands Region, bordering directly on to the counties of Northamptonshire and Leicestershire, both of which are in the East Midlands Region. The Borough has 41 parishes and the largest centre of population is the attractive market town of Rugby with two thirds of the Borough's 100,100 residents living in the town and the remainder residing in the rural area. The villages in the Borough range in size from 20 to 3,000 people.

1.4 This Statement of Licensing Policy relates to all those licensing activities identified as falling within the provisions of the Act, namely: -

- **The sale by retail of alcohol**
- **The supply of alcohol by clubs**
- **The provision of regulated entertainment**
- **The provision of late night refreshment**

For the purposes of this document any reference to an "authorisation" means a Premises Licence, Club Premises Certificate, Temporary Event Notice (TEN) and where appropriate to the context, a Personal Licence.

1.5 The Council recognises that the licensing function is only one means of promoting delivery of the above objectives and should not therefore be seen as a means for solving all problems within the community. The Council will therefore continue to work with other agencies including neighbouring local authorities, Warwickshire Police ('the police'), the Community Safety Partnership, local businesses, arts organisations, performers, local people and those involved in child protection to promote the common objectives as outlined. In addition, the Council recognises its duty under S.17 of the Crime and Disorder Act, 1998, with regard to the prevention of crime and disorder.

1.6 This policy statement has been prepared in accordance with the provisions of the Act and the Guidance issued under Section 182 of the Act. The Policy statement is valid for a period of 5 years from 7<sup>th</sup> January 2016. This policy statement will be subject to review and further consultation prior to any substantial changes.

### **Responsible Authorities**

1.7 A list of contact details for responsible authorities authorised under the Act is available on the Council's website.

- 1.8 The Council has recognised Warwickshire County Council's Multi-Agency Commissioning Team as the local body competent to advise it on the protection of children from harm and has designated it as a responsible authority for the purpose of Section 13 of the Act.

### **The Licensing Authority as a Responsible Authority**

- 1.9 The Licensing Authority will, when acting as a responsible authority, act in accordance with the Government Guidance issued under Section 182 of the Act wherever possible. In particular, it will not normally intervene in applications where the issues are within the remit of another responsible authority and will ensure an appropriate separation of responsibilities between the officer administering an application and an officer acting as a responsible authority.

#### **Public Health as a Responsible Authority**

- 1:10 There is no specific licensing objective related directly to health within the current legislation. When making representations and available data to other licensing objectives. This may include prevention of accidents, injuries and other immediate harms that can result from alcohol consumption, such as unconsciousness, alcohol poisoning attendance at Accident and Emergency and underage drinking.
- 1:11 Health bodies hold valuable information which may not be recorded by other agencies, including analysis of data on attendance at emergency departments and the use of ambulance services following alcohol related incidents. Sometimes it may be possible to link ambulance callouts and attendance to irresponsible practices at specific premises and presented to Licensing Sub-Committee when representations are made

## **2 CONSULTATION**

- 2.1 Before publishing this policy statement the Council has consulted with and given proper consideration to the views of the following in line with the statutory guidance:
- Chief Constable of Warwickshire Police;
  - Warwickshire Fire & Rescue Authority;
  - Director of Public Health – Warwickshire County Council (Public Health Warwickshire);
  - Other responsible authorities;
  - Representatives of current licence and certificate holders;
  - Representatives of local businesses;
  - Representatives of local residents.

## **3 FUNDAMENTAL RIGHTS**

- 3.1 Under the terms of the Act any person may apply for a variety of authorisations and have each application considered on its individual merits. Equally, any person has a right to make relevant representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the Act.
- 3.2 Applicants and those making relevant representations in respect of applications to the Council have a right of appeal to the Magistrates' Court against the decisions of the Council.

## **4 LICENSING CONDITIONS**

- 4.1 Licensing is about regulating the carrying on of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Act. Premises include open spaces. 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. Accordingly, these matters will centre on the premises being used for

licensable activities and the vicinity of those premises. If there is an incident or other dispute, the Council will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activities in the area concerned.

- 4.2 The Council can only impose the national mandatory conditions, unless it has received a relevant representation. This then allows the Council to impose additional conditions, if considered necessary following a hearing.
- 4.3 When considering any conditions, the Council acknowledges that licensing law should not be seen as the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from 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 general control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy. For example, applicants should note that stricter conditions to control noise are likely to be imposed in the case of premises situated in largely residential areas.
- 4.4 The Council does not propose to implement standard licensing conditions on licences or other relevant types of authorisation across the board. Therefore, the Council will attach conditions to relevant authorisations which are tailored to the individual style and characteristics of the premises and events concerned and that are appropriate to promote the licensing objectives in the light of the representations received.

## **5 OPERATING HOURS**

- 5.1 The Licensing Authority welcomes the opportunities afforded to the local economy by the 2003 Act and will strive to balance this with the rights of local residents and others who might be adversely affected by licensable activities based on the principles laid down in this document.
- 5.2 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 can assist to avoid concentrations of customers leaving premises simultaneously. This is expected to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport which can 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 in the main welcomed by residents and visitors to the area.
- 5.3 The Licensing Authority will not set fixed trading hours within designated areas. However, an earlier terminal hour and stricter conditions with regard to noise control than those contained within an application, may be appropriate in residential areas where relevant representations are received and such measures are deemed appropriate to uphold the licensing objectives.
- 5.4 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 good reasons based on the licensing objectives for restricting those hours.

## **6 LATE NIGHT LEVY AND EARLY MORNING RESTRICTION ORDER**

- 6.1 The Licensing Authority, having not been presented with evidence to the contrary, does not consider that the application of a Late Night Levy or Early Morning Restriction

Order(s) are appropriate for the Council's area at the present time. The Licensing Authority will keep these matters under review and accordingly reserves the right, should the need arise, to introduce these measures during the life of this statement of licensing policy.

## **7 CUMULATIVE IMPACT**

- 7.1 For the purposes of this document 'cumulative impact' means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. Cumulative impact is a proper matter for the Council to consider in developing its licensing policy. This should not be confused with 'need', which concerns the commercial demand for another particular type of premises. The Government Guidance states that "need" is not a matter for the Licensing Authority but is a matter for the planning authority and the free market.
- 7.2 The Licensing Authority, having not been presented with sufficient evidence to the contrary, does not consider any area within the Borough to currently have a particular concentration of licensed premises causing a cumulative impact on one or more of the licensing objectives. The Licensing Authority will keep this matter under review and accordingly reserves the right, should the need arise, to introduce a special policy concerning cumulative impact during the life of this statement of licensing policy.
- 7.3 The absence of a special policy does not prevent any responsible authority or any other party from making representations on a new application for the grant 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. The Act allows for such consideration but the individual merits of each application must always be considered.

## **8 PROMOTION OF THE LICENSING OBJECTIVES**

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

- 8.1 Licensed premises, especially those offering late night/early morning entertainment or alcohol and refreshment for large numbers of people, can sometimes be associated with elevated levels of crime and disorder.
- 8.2 The Licensing Authority expects individual licence/certificate holders, new applicants and temporary event organisers, to regularly review their arrangements in addressing crime and disorder issues pertinent to their particular licensable activities, location and/or premises. Information and advice can be obtained from the Police, 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 if they believe that particular licensed premises are failing to promote this objective.
- 8.3 The Council will, through the Community Safety Partnership, devise and help deliver strategies to tackle the misuse of alcohol, which has been 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/certificate 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 the sale/supply of alcohol to children and the sale/supply of alcohol to individuals who are already drunk. In general, conditions will reflect local crime prevention strategies.
- 8.4 The risk assessment approach remains fundamental in the operation of all licensed premises. Licence holders and applicants are strongly recommended to work closely with the Police 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 authorisation holders to sustain and promote the prevention of crime and disorder.

- 8.5 The Licensing Authority will expect new applicants, existing licence/certificate holders and organisers of temporary events to adopt recognised good practices in whatever area of operation they are engaged. The Licensing Authority regards the Police as the primary source of advice in relation to preventing crime and disorder and will normally expect Police advice/recommendations to be followed unless there are good reasons for not doing so.
- 8.6 Queues at late night take-aways can be a source of disorder and applicants for premises licences for this type of premises are expected to address this in their operating schedule.
- 8.7 The Council has a specific duty under Section 17 of the Crime and Disorder Act 1998 to exercise its functions with regard to the likely effect of doing so on crime and disorder, and also to do all that it reasonably can to prevent crime and disorder in the area. This duty will underpin any control strategy that is employed by the Council who will continue to work in partnership with the Police in addressing crime and disorder issues.
- 8.8 The Licensing Authority is of the view that generally, in order to promote the licensing objectives; all licensed premises within the Borough are encouraged to be members of the relevant local Pubwatch Scheme, where one exists.
- 8.9 The Licensing Authority and Police have a zero tolerance of illegal drug use in licensed premises but recognise that drug use is not something that is relevant to all licensed premises. However, it is recognised that special conditions may need to be imposed for certain venues in an effort to prevent the likelihood of drugs being sold and consumed and to create a safer environment for those who may have taken them.
- 8.10 Once away from licensed premises a minority of consumers may behave badly and unlawfully. There are other mechanisms both within and outside the licensing regime that are available for addressing such issues. The Council will address a number of these issues through the Community Safety Partnership in line with the strategic objectives for crime and disorder reduction and drug and alcohol misuse within the Borough.
- 8.11 In relation to premises seeking or holding a Premises Licence and where alcohol will be sold under the terms of that licence, the Licensing Authority expects that:
- (a) any designated premises supervisor will have been given sufficient management authority and to be able to exercise effective day-to-day control of the premises; and
- (b) authority to make alcohol sales when given by the DPS or any other Personal Licence holder should be clearly evidenced in writing.

This is to ensure that premises selling alcohol are properly managed in accordance with the Act and that premises operate in a way that promote the prevention of crime and disorder. This will also benefit operators themselves through being able to demonstrate a commitment to the proper management of premises, particularly if enforcement becomes necessary.

### **Promotion of Public Safety**

- 8.12 Public safety is not defined within the Act, but the Government Guidance advises that it is concerned with the physical safety of people using the premises and not with public health, which is covered by other legislation.
- 8.13 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 employed in the business, those who are engaged in running an event or anyone else that could be affected by site activities. This assessment would normally take place within a risk assessment framework.

- 8.14 Holders of premises licences, and club certificates, or those organising temporary events, should interpret 'public safety' widely to include freedom from danger or harm.
- 8.15 For licensed or certificated premises and for temporary events, public safety must be kept under review and where changes to operational practices/events occur, or the customer profile changes, a review of risk assessments must be undertaken.
- 8.16 Fire safety is governed by the Regulatory Reform (Fire Safety) Order 2005 and is not something with which the Licensing Authority will normally become involved.

Where a responsible authority has recommended a safe capacity limit on all or part of a premises the Licensing Authority will normally expect an applicant/authorisation holder to follow such a recommendation unless there are good reasons for not doing so.

### **Prevention of Public Nuisance**

- 8.17 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 impact of those activities on people who have to live, work and sleep within the local vicinity of a licensed premises or event will also be considered. 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.
- 8.18 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, by the provision of good facilities and effective management. This will require appropriate advice at the planning and development stages of new projects. 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.
- 8.19 Licence holders already in receipt of complaints should seek an early remedy to any confirmed problem. The organisers of temporary events should pre-empt potential nuisance, especially when complaints have previously arisen at the same venue.
- 8.20 The Licensing Authority expects authorisation 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 or statutory nuisance.
- 8.21 Where the provisions of existing legislation proves inadequate or inappropriate for control purposes, the Licensing Authority will consider imposing licence conditions. 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 or designated premises supervisor.

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

- 8.22 The Act details a number of legal requirements designed to protect children in licensed premises. The Licensing Authority is concerned to ensure that authorisation holders including organisers of temporary events, create safe environments (in terms of physical, moral and psychological welfare) for children 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.

- 8.23 The Act prohibits children aged under 16 years old and unaccompanied by an adult, from being present in licensed premises (including premises operating under a TEN) that are being used primarily or exclusively for consumption of alcohol
- 8.24 The admission of children to any premises will otherwise normally be left to the discretion of the individual licensee/event organiser, 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.

The Licensing Authority will judge the merits of each separate application before deciding whether or not to impose conditions restricting access by children. Conditions which may be relevant in this respect are outlined in the Government Guidance.

- 8.25 In premises where alcohol is sold or supplied it is a mandatory condition that premises licence holders will operate a recognised "Proof of Age" scheme. The Council supports the Challenge 25 scheme and where this is not proposed within the operating schedule, alternative and similarly rigorous controls should be detailed.
- 8.26 The Licensing Authority expects that customers should be confronted by clear and visible signs on the premises that underage drinking 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.
- 8.27 Venue operators seeking premises licences and club premises certificates can volunteer prohibitions 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.
- 8.28 The Licensing Authority regards Warwickshire County Council's Multi Agency Commissioning Team as being the primary source of advice and information on children's welfare and would normally expect any advice/recommendations from them to be followed unless there are good reasons for not doing so. The Licensing Authority will attach appropriate conditions where these appear appropriate to protect children from moral, psychological or physical harm, or sexual (or, indeed, any form of) exploitation.
- 8.29 In order to prevent children from seeing films incompatible with their age, licence holders who exhibit films will be expected to impose and enforce viewing restrictions in accordance with the recommendations of the British Board of Film Classification.
- 8.30 It is expected that authorisation holders will ensure that, whenever children are in the vicinity of a film or exhibition that is being shown/staged in a multi purpose premises, sufficient ushers/stewards (minimum 18 years old) will be in attendance at the entrance to the viewing rooms at all times to ensure children cannot enter or view the film or exhibition.
- 8.31 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 authorisation holders including 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.

- 8.32 Where a large number of children are likely to be present on any licensed premises, for example, a children's show or pantomime, the Council may require that there is an adequate number of adult staff at places of entertainment to control access and egress of children and to protect them from harm. Children present at events as entertainers will be expected to have a nominated adult responsible for each child performer.

## **9 MANDATORY LICENSING CONDITIONS**

- 9.1 The Government has introduced a range of mandatory conditions aimed at establishing minimum standards for the way alcohol is sold. The conditions apply in some form to all alcohol retailers.

## **10 OTHER CONSIDERATIONS**

### **Relationship with Planning**

- 10.1 The planning and licensing regimes involve consideration of different (albeit related) matters. The Licensing and Safety Committee and Sub-committees are not bound by decisions made by the Council's Planning Committee, and vice versa.
- 10.2 The grant of any application or 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 approval, where appropriate.
- 10.3 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 consent would be liable to enforcement action under planning law.
- 10.4 The Local Planning Authority may also make representations against a licensing application in its capacity as a responsible authority, where such representations relate to one or more of the licensing objectives (see Paragraph 1.1 above).

### **Applications**

- 10.5 An applicant may apply under the terms of the Act for a variety of authorisations 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.  
Representations should be made directly to the Licensing Authority by writing to Rugby Borough Council, FAO Public Health and Licensing Team, Town Hall, Evreux Way, Rugby CV21 2RR or [licensing@rugby.gov.uk](mailto:licensing@rugby.gov.uk)
- 10.6 The Licensing Authority expects each and every applicant for a premises licence, club premises certificate or variation to demonstrate how they intend to meet the licensing objectives. Where no information is given by the applicant, there may be circumstances where the Licensing Authority considers the application to be incomplete and the application is returned without further processing.
- 10.7 In determining a licence application the Licensing Authority will take each application on its merits. Licence conditions, other than those volunteered by the applicant in the Operating Schedule or by agreement with a responsible authority, will only be imposed in order to promote the licensing objectives following a hearing and will only relate to matters within the control and ability of the applicant. Licence conditions will not normally be imposed where other regulatory provision is in force (e.g. planning, environmental health, fire safety, and building control legislation) so as to avoid confusion and duplication, except where they can be exceptionally justified to promote the licensing objectives.
- 10.8 The Licensing Authority will impose only such conditions as are proportionate towards promoting the licensing objectives and which do not propose unnecessary burdens and which are appropriate to the individual size, style and characteristics of the premises and events concerned.
- 10.9 In considering 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.

- 10.10 Conditions include any limitations or restrictions attached to a licence, certificate or other authorisation and essentially are the steps or actions the holder of the authorisation will be required to take or refrain from taking at all times when licensable activities are taking place at the premises in question.

### **Live Music Act**

- 10.11 The Live Music Act came into force on 1<sup>st</sup> October 2012 and is designed to encourage more performances of 'live' music. The Act removed live music from the scope of Licensing Authority control, subject to certain criteria. However, controls may be added or reinstated at a review hearing if the manner in which live music has been provided has been undermining the licensing objectives.

## **11 BEST PRACTICE SCHEMES**

- 11.1 The Council supports best practice schemes for licensed premises. If your premises are in an area covered by a scheme, you are encouraged to become a member of the scheme. Schemes, set up by local businesses, have adopted an agreed approach to reduce crime and disorder in the area by excluding those whose presence on their premises pose a risk to a safe drinking environment.

## **12 INTEGRATING STRATEGIES AND THE AVOIDANCE OF DUPLICATION**

- 12.1 By consulting widely prior to this policy statement being published, the Council has taken full account of local policies covering crime prevention, anti-social behaviour, culture, transport, planning and tourism. Many of these strategies may not be directly related to the promotion of the licensing objectives, but indirectly impact upon them.
- 12.2 There are a number of wider issues which may need to be given due consideration when dealing with applications. The Council's Licensing and Safety Committee can request reports, where it thinks it is appropriate on the following areas:-
- the needs of the local tourist economy to ensure that these are reflected in their considerations;
  - the employment situation and the need for new investment and employment where appropriate; and
  - the general impact of alcohol related crime and disorder, by providing regular reports to the planning committee. This will enable the planning committee to have regard to such matters when taking its decisions and avoid any unnecessary overlap.

### **Duplication**

- 12.3 When considering any application, the Council will avoid duplication with other regulatory regimes so far as possible. Therefore, the Council will not attach conditions to a licence in relation to a matter covered by another regulatory regime unless going beyond such a regime is considered appropriate for the promotion of the licensing objectives in the particular circumstances.

### **Promotion of Equality**

- 12.4 The Licensing Authority in carrying out its functions under the Act is obliged to have 'due regard' to the need to eliminate unlawful discrimination harassment and victimisation, to advance equality of opportunity and to foster good relations between persons with different protected characteristics. The protected characteristics are age, disability,

gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Government Guidance advises that conditions should not be attached to authorisations which would duplicate existing statutory requirements. The Council therefore takes this opportunity to remind operators of premises of their duties towards disabled persons (including performers) on their premises under the Building Regulations and the Equalities Act 2010. This includes a duty that any person who provides a service to the public must make reasonable adjustments to any physical feature that makes it impossible or unreasonably difficult for a disabled person to access a service, or to provide the services by a reasonable alternative means.

### **13 ENFORCEMENT**

- 13.1 The Licensing Authority has an established working relationship with the Police and other enforcing authorities on enforcement issues. This will provide a more efficient deployment of resources targeting high risk premises and activities.
- 13.2 The Council's enforcement regime in relation to licensing follows the Government's Regulators' Code in that it follows the basic principles of Openness, Helpfulness, Proportionality and Consistency.
- 13.3 Licensed premises may be visited by the responsible authorities and the Licensing Authority to carry out targeted inspections to check that the premises licence/certificate is being complied with, to check compliance with other legislation and/or to deal with a complaint that has been received.
- 13.4 On occasions a multi-agency group (representing a number of responsible authorities) may visit the premises. Officers will inspect the areas of the premises relevant to their particular role.
- 13.5 There are several enforcement options available depending on the outcome of an inspection or complaint which include:
  - Verbal advice – this covers minor complaints/infringements where advice is seen as the most appropriate way to deal with the issue.
  - Written warning – this is a step-up from verbal advice and authorisation holders are given a letter recording the warning given and containing the details of any necessary remedial action.
  - Action planning – this plan will be written down and given to the authorisation holder. It explains what actions are required in order to comply with the licensing objectives, specific legislation or conditions and within what time period. The action plan will be regularly reviewed will be terminated if complied with. If there are areas of non-compliance, the authorisation holder may face prosecution or the authorisation may be called for a review.
  - Review – when there is evidence to show that the licensing objectives are not being met then a review application may be made and this will be heard by a Licensing Sub-Committee. A decision will be made by the Sub-Committee based on the evidence put forward as to what action, if any, should be taken. This can be removal of the DPS and/or revocation, suspension or amendment of the authorisation or the imposition of additional conditions.
  - Prosecution – under the Licensing Act, certain offences can be instituted by the Licensing Authority / Director of Public Prosecutions / the Weights and Measures Authority (Trading Standards). In addition, responsible authorities have a wide range of powers to institute prosecution under other specific legislation depending on the nature of evidence found.
  - Closure – several of the responsible authorities have the power to close licensed premises whilst on site if they deem it necessary e.g. the Police, Health & Safety,

Environmental Health, Trading Standards and the Fire Service. The Licensing Team also have powers to request closure through the Magistrates' Court for continuing unauthorised alcohol sales.

## **14 ADMINISTRATION, EXERCISE AND DELEGATION OF FUNCTIONS**

### **Licensing and Safety Committee**

- 14.1 The powers of the Council under the Act may be carried out by the Licensing and Safety Committee, by a Sub-Committee or by one or more Council officers acting under delegated authority.
- 14.2 It is considered that many of the decisions and functions will be purely administrative in nature. In the interests of speed, efficiency and cost effectiveness, the Licensing and Safety Committee may delegate these functions to Sub-Committees, or in appropriate cases, to officers supporting the licensing function.
- 14.3 Where under the provisions of the Act there are no relevant representations on an application these matters will be dealt with by officers. Should there be relevant representations then an oral hearing will usually take place before a Licensing Sub-Committee, except where all parties agree to proceed in writing. A licence/certificate review will normally take place before a Licensing Sub-Committee. The Council's scheme of delegation can be found in its Constitution which is available at [www.rugby.gov.uk](http://www.rugby.gov.uk).



<b>Matters to be dealt with</b>	<b>Full Committee</b>	<b>Sub Committee</b>	<b>Officers</b>
Application for a personal licence		If a police/home office objection	If no objection made
Application for a premises licence/club licence 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 designated premises supervisor		If a relevant representation made	If no relevant representation made
Application to transfer of premises licence		If a police objection	All other cases
Application for interim authorities			All cases
Application to review premises licence/club premises certificate		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 or/and vexatious etc.			All cases
Decisions to object when local authority is a consultee and not the relevant authority considering the application	All cases		
Determination of a police/EHO objection to a temporary event notice		All cases	
Determination of a Minor Variation application			All cases
Removal of the requirement for a designated premises supervisor at community premises		If a police objection	All other cases

## **Application forms and process**

- 14.4 The application form will be in the prescribed format. The operating schedule will form part of the completed application form for a premises licence and a club premises certificate. The form will need to contain information that describes the style of the venue, the licensable activities to be provided, the operational procedures, hours, nature of the location, needs of the local community, etc. Most importantly, the applicant will have to detail the steps that will be taken to promote the licensing objectives. Applicants should carry out a risk assessment before they apply for a licence.
- 14.5 Applicants are encouraged to fully consult the Police and other statutory services well in advance of carrying out their risk assessments and submitting their applications. Application forms and guidance leaflets will be available from the Licensing Team, including contact names for each of the responsible authorities that will be receiving copies of applications. Most applications will require additional documentation and a fee to be included with the form. Incomplete applications will not be considered and will be returned to the applicant.
- 14.6 Where national guidance permits, on line applications will be accepted providing the necessary documentary attachments are uploaded into the application and the appropriate fee paid. Rugby uses the Electronic Licence Management System (GOV.UK) which is supported by the Department of Business Innovation and Skills.
- 14.6 Applicants are encouraged to make themselves aware of any relevant planning and transportation policies, tourism and cultural strategies and local crime, alcohol, drug and disorder strategies in order to take these into account, where appropriate, when formulating their operating schedule.

14.7

### **Changes to the Licensing Act 2003, under The Immigration Act 2016**

- An “Entitlement to Work” test introduced for Personal Licence Holders and individual Premises Licence Holders, where the Premises Licence permits the sale of alcohol or late night refreshment;
- Applicants for Personal Licences must produce evidence of their entitlement to work in the United Kingdom;
- Where the applicant has committed immigration offences, the Licensing Authority to advise the Secretary of State (Home Office Immigration Enforcement (“HOIE”)) as it would the Police on conviction of a “Relevant Offence”;
- Applicants for Premises Licences, made by individuals, will likewise have to produce evidence of their entitlement to work in the United Kingdom, along with their nationality and date of birth;
- Individual applicants for a transfer of a Premises Licence must provide evidence of their entitlement to work in the United Kingdom, along with their nationality and date of birth;
- Applicants to become a Designated Premises Supervisor must provide their place of birth, date of birth and nationality and confirm on their consent to become the Designated Premises Supervisor that they are entitled to work in the United Kingdom;
- The Secretary of State (HOIE) is a Responsible Authority;
- Applications for the transfer of a Premises Licence also need to be served on the Secretary of State (HOIE), as well as the Police and Licensing Authority;
- If an individual holding a Premises Licence ceases to be entitled to work in the United Kingdom on or after 6th April 2017, the Premises Licence lapses immediately, and will lapse completely unless transferred or an Interim Authority lodged within 28 days;
- A Personal Licence will lapse when an individual is no longer entitled to work in the United Kingdom on or after 6th April 2017;
- Applications for transfers or new Premises Licences must not be signed by PA, since they contain a declaration of the individual's entitlement to work in the United Kingdom;

- Immigration Officers can now enter licensed premises as if they were a Police Constable, if premises are being used for the sale of alcohol or late night refreshment, to see if an offence under The Immigration Act 2016 has been committed.

These changes in processing, checking and determining applications has already come into force but were introduced after the final draft of the previous policy.

### **Who do the changes apply to?**

The amendments apply not only to licences permitting the sale of alcohol but also to those relating to late night refreshment.

The Secretary of State is entitled to object to an application when they consider that the exceptional circumstances of the case are such that granting the application would be prejudicial to the prevention of illegal working in licensed premises.

The Licensing Authority has responsibility to serve online applications on all Responsible Authorities and they too will now need to include the Secretary of State.

The address for postal applications is The Home Office, Alcohol Licensing Team, Lunar House, 40 Wellesley Road, Croydon CR9 2BY.

### **What effect will the changes have?**

The amendments to the Licensing Act establish that individuals resident in the UK will not be able to apply for a premises licence unless they are entitled to work here. Also, a premises licence will lapse if the holder ceases to be entitled to work.

Individuals resident in the UK who are not entitled to work will not be permitted to apply for a transfer, either. Transfers can be objected to within 14 days by the Secretary of State on the above mentioned ground.

Those not entitled to work in the UK will not be permitted to apply for a personal licence and if a personal licence holder's employment status changes and they are no longer allowed to lawfully work, then their licence lapses. This has an obvious implication if they are the Designated Premises Supervisor.

The amendments also make a number of offences under the Immigration Act relevant for the purposes of applying for personal licences.

Illegal Working Closure Orders can be issued by Immigration Officers if they are concerned that breaches of the requirements are being made.

This will prevent access to the premises and prohibit paid or voluntary work taking place therein. Such Orders can last for up to

## 15 COMMENTS ON THIS POLICY

- 15.1 The Statement of Licensing Policy will be reviewed on a regular basis. Individuals and organisations wishing to comment on the policy are invited to send their comments in writing to:

Public Health and Licensing Team  
Environmental Services  
Town Hall  
Evreux Way  
Rugby CV21 2RR

Telephone Number: 01788 533533  
e-mail: [licensing@rugby.gov.uk](mailto:licensing@rugby.gov.uk)  
website [www.rugby.gov.uk](http://www.rugby.gov.uk)

**If you need this information in  
another format please contact the  
Licensing Team:**

**Telephone: 01788 533533**