



City of
Stoke-on-Trent

Licensing Act 2003

Statement of Licensing Policy

2021 - 2026

Adopted 10 December 2020

Effective from 01 January 2021

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1.	Introduction
1.1	The Licensing Act 2003 (“The Act”) requires Licensing Authorities to prepare and publish a Statement of Licensing Policy every five years. This document is the City Council's Licensing Policy for Stoke-on-Trent for the period 2021 to 2026 and comes into operation with effect from 01 January 2021.
1.2	Through this Licensing Policy the Council aims to promote the four licensing objectives contained within the Licensing Act 2003 when making licensing decisions regarding licensable activities on licensed premises, qualifying clubs, and at temporary events, as defined by the Act.
1.3	In addition to the licensing objectives, and the guidance on the Act issued by the Secretary of State, under Section 182 of the Licensing Act 2003, regard has also been had to the Council's responsibilities under the Crime and Disorder Act 1998 in respect of the likely effect of their decisions on crime and disorder, and to the provisions of the European Convention on Human Rights in relation to the right to respect for home and private life, and the entitlement to peaceful enjoyment of possessions including a licence.
1.4	The scope of this Policy covers new applications, and where appropriate renewals, transfers and variations of licences, certificates and notices.
1.5	In appropriate cases the Council may choose to deviate from its Policy if the individual circumstances of any case merit such a decision in the interests of promoting the licensing objectives. In such cases it will record and publish the decision and the justification for the deviation.
1.6	Although the Policy has a life of five years before it is formally reviewed, the Council will continue to review the operation and content of the Policy on an on-going basis. This will ensure that the Policy continues to meet the objectives of the legislation while addressing the local circumstances that exist within Stoke-on-Trent.
2.	Licensing Objectives
2.1	In carrying out its duties under the Licensing Act 2003, and implementing this Policy, the Council will actively promote the four licensing objectives set out by the Act namely; <ul style="list-style-type: none"> • The prevention of crime and disorder • Public safety • The prevention of public nuisance, and • The protection of children from harm
2.2	The Council views each objective with equal importance and will pay due regard to any guidance issued by the Secretary of State under section 182 of the Act regarding actions to achieve or promote these objectives.
2.3	It should be noted that licensing law is not the primary mechanism for controlling nuisance and anti-social behaviour by individuals once they are away from licensed premises. Licensing law is one aspect of a series of controls that aim to manage the evening and night-time economy within an area.

3.	Consultation on the Policy
3.1	In developing this Policy the City Council has carried out consultation as advised in guidance issued by the Secretary of State, and received and considered submissions in respect of the inclusion of a Cumulative Impact Assessment for areas of the City Centre. Details of the groups formally consulted are contained at Appendix 5. Wider consultation with the general public and other groups was conducted over a four week period via the city council's website and Facebook pages.
3.2	In producing the Policy, all consultation comments have been given appropriate weight and considered in an objective and reasoned way.
4.	Scope of the Licensing Regime
4.1	<p>The Licensing Act 2003 refers to four licence permissions all of which are issued by the Council in appropriate circumstances:</p> <ul style="list-style-type: none"> • Premises Licences for the retail sale of alcohol, the provision of regulated entertainment or late night refreshment • Club Premises Certificates for the supply of alcohol or the provision of regulated entertainment in certain clubs • Temporary Event Notices permitting certain licensable activities on a temporary basis • Personal Licences which identify an individual responsible for retail sales of alcohol
4.2	<p>Descriptions of regulated entertainment are:</p> <ul style="list-style-type: none"> • performance of a play • an exhibition of a film, • an indoor sporting event, • boxing or wrestling entertainment, • a performance of live music, (see section 9 for exemptions) • any playing of recorded music, • a performance of dance, • entertainment of a similar description
4.3	<p>There are certain exemptions to the licensing regime. In particular no licence is required for the following activities to the extent that they take place between 08.00-23.00 hours on any day:</p> <ul style="list-style-type: none"> • A performance of a play in the presence of any audience of no more than 500 people • An indoor sporting event in the presence of any audience of no more than 1,000 people • Most performances of dance, in the presence of any audience of no more than 500 people.

4.4	The provision of "late night refreshment" is defined as the supply of hot food or drink to the public or a section of the public on or from the premises whether for consumption on or off the premises (mobile units included) between 23.00 and 05:00.
5.	The Application Process
5.1	All applications for the grant, variation or transfer of a premise licence or club premise certificate must be made in accordance with the 2003 Act and appropriate statutory guidance. Where they do not they will be returned to the applicant. All applications must be accompanied by the appropriate fee.
5.2	Where requested to, the Council will provide applicants with advice and guidance regarding the Act, and the application process.
5.3	Each valid application will be determined in accordance with this Policy, statutory requirements and current guidance issued by the Secretary of State. Each will be considered on its own merits with any conditions attached by the Council's decision tailored to the individual style and characteristics of the premises/event.
5.4	As part of determining valid applications the Council will send copies of the application to each responsible authority, as defined by the Act, to enable them to make representations in relation to the licensing objectives.
5.5	<p>When considering licence applications the Council will take into account the needs, concerns and priorities of the neighbourhood within which the application falls. While each application is unique, the matters the Council will generally wish to consider include:</p> <ul style="list-style-type: none"> • type and density of the residential population and their liability to be affected by the dispersal of customers from licensed premises • amount, location and time of alcohol-related crime by or on customers at present, and any impact anticipated if the application is granted • any assessment of the causes of crime at present, which may include bad management, demographics and design of town or City Centre, profile or age of customers. Lack of these factors will be taken into account when considering what, if any, impact the proposed application would have on the crime and disorder objective • number of complaints about noise in the neighbourhood and consideration of the World Health Organisation guidelines on community noise • representations by the Police as to their resources and ability to cope with existing or increased demand • views and concerns expressed by residents and local businesses

6.	Making representations about an application
6.1	<p>Responsible authorities are defined by the Act as the public bodies that must be fully notified of applications and that are entitled to make representations to the Council in relation to licence applications. They include:</p> <ul style="list-style-type: none"> • The relevant Licensing Authority and any other Licensing Authority in whose area part of the premises is situated • The Chief Officer of Police • The local Fire and Rescue Authority • The relevant enforcing authority under the Health and Safety at Work Act 1974 • The Council's Environmental Health section • The Council's Planning section • The Council's Child Protection section • The Council's Director of Public Health • The Council's Trading Standards section • Alcohol Licensing Team, Home Office <p>Contact addresses for these responsible authorities are shown in Appendix 1.</p>
6.2	Any responsible authority and/or other person may make a representation in respect of an application for the grant, variation, minor variation or review of premises licences and club premises certificates, or the grant of a provisional statement. 'Other Person' is defined as any individual, body or business regardless of their geographic proximity to the premises which is the subject of application or review.
6.3	Representations will be encouraged by the process of publication and consultation prescribed by the 2003 Act.
6.4	Where a relevant representation is received in relation to the grant or renewal of a licence the matter will be determined in accordance with this Policy. It is for the Council to decide in the first instance whether or not representations are relevant. The representation will be considered in accordance with the delegation criteria listed in Appendix 2.
6.5	Where the representation is judged to be irrelevant, frivolous or vexatious, the matter will not proceed and the objector will be advised of this in writing.
6.6	Relevant representations must specifically relate to how the grant of the application would affect one or more of the four licensing objectives. Where relevant representations are received, the Council will hold a hearing conducted by the licensing sub-committee to consider them (except in the case of a minor variation). Representations can be made in opposition to, or in support of, an application.
6.7	The names and addresses of all persons making relevant representations will be disclosed to the applicant. All parties involved will be informed of the time, date, and place of the sub-committee hearing.
6.8	The hearing enables responsible authorities and 'other persons' to present their representations, and to allow the applicant to present their application, before a decision is made.

6.9	During the consultation period advertising an application, the Council will encourage discussions between the applicant and any authority or other person indicating they wish to make representations to see if a compromise can be agreed between the parties.
6.10	Where no representations are received, representations are withdrawn, or agreement is reached that a hearing on an application is unnecessary, the application is automatically deemed granted. In such circumstances, the Council can only impose conditions that are consistent with the operating schedules accompanying the application, or which are statutorily required.
6.11	After the sub-committee hearing a decision notice will be issued, within five working days of the hearing. Where the application is refused the notice will set out the decision, the sub-committee's reasons for it, and the appeal process against it which either party to the hearing may take.
7.	Suspension of Premises Licence/Club Premises Certificate
7.1	Premises Licence or Club Premises Certificate annual fees are due to be paid to the Licensing Authority on the anniversary of the grant of the authorisation.
7.2	When annual fees fail to be paid, the Licensing Act 2003 (section 55A) requires licensing authorities to suspend the Premise Licence or Club Certificate.
7.3	The Premises Licence or Club Premises Certificate is to be suspended unless the holder has failed to pay the fee at the time it became due because of an administrative error, or before or at the time the fee became due, the licence holder notified the authority, in writing, that the licence holder disputed liability for, or the amount of, the fee.
7.4	The suspension can only take place after a 21 day period of grace is afforded to the licence holder which begins on the day after the fee became due.
7.5	When the 21 day grace period has expired, a notice of intended suspension will be sent to the licence holder and a copy forwarded onto the premises. The notice will advise the Premises Licence holder or Club Premises Certificate Holder and the premises that the licence or certificate will be suspended within ten days of the date of the letter. The suspension date must be specified in the letter.
7.6	The suspension will end on the date that the Licensing Authority receives payment of the outstanding fee.
8.	Reviewing Licences
8.1	Responsible authorities and other persons can apply for a review of a premises licence or club premises certificate that has already been issued where the licensed activity may be undermining one or more of the four licensing objectives.
8.2	Where an application for review has been submitted by a person other than a responsible authority and is deemed to be irrelevant, frivolous or vexatious, the review will not proceed and the applicant will be notified of this in writing.
8.3	When a relevant review application is received a licensing sub-committee will hear submissions from the review requestor and the premises licence holder or club premises certificate holder. The sub-committee may decide to;

	<ul style="list-style-type: none"> • Suspend or revoke the licence / certificate • Modify the times and permissions of licensable activities • Modify or add new conditions • Remove the Designated Premises Supervisor (if applicable) • Take no action
8.4	<p>After the review hearing a decision notice will be issued which sets out the decision, the sub-committees reasons for it, and the appeal process against it which either party to the review may take. The decision of the sub-committee will take effect 21 days after the decision notice is served on the relevant parties unless the premises licence holder or the club premises certificate holder has exercised their right to appeal to the Magistrates' Court within the 21-day appeal period. If an appeal is lodged at the Magistrates' Court then the decision will take effect only after the appeal process has been finalised and the Court has upheld the decision of the licensing sub-committee.</p>
8.5	<p>The Police can call for a summary review of any premises licensed to sell alcohol if they certify that those premises are associated with serious crime or serious disorder. The review application must be heard within 28 calendar days of receipt but first of all, within 48 hours of receipt, the Council must consider whether to impose any interim steps, which take immediate effect pending the determination of the review application. The interim steps available to the Council are:</p> <ul style="list-style-type: none"> • Modifying the conditions of the licence; • Excluding the sale of alcohol from the licence; • Removing the designated premises supervisor; • Suspending the licence
8.6	<p>Only the premises licence holder is able to make representations against any interim steps imposed and where such representations are made, the Council must hold a hearing to consider them within 48 hours of receipt. At the hearing to determine the summary review application the Licensing Sub-Committee can decide to:</p> <ul style="list-style-type: none"> • Modify the licence • Exclude a licensable activity • Remove the designated premises supervisor • Suspend the licence for a maximum of three months • Revoke the licence
9.	Temporary Events
9.1	<p>There are two types of Temporary Event Notices (TENs), 'standard' and 'late'. These are subject to different processes.</p> <p>A Standard TEN is given no later than ten working days before the event (not including the day it is submitted or the day of the event) to which it relates</p> <p>A Late TEN is given up to five working days but no earlier than nine working days before the event is scheduled (not including the day it is submitted or the day of the event) and unless it is served electronically to the Council a copy</p>

	<p>must also be sent to the Police and Environmental Health section.</p> <p>If there is an objection to a late TEN, the event cannot go ahead.</p> <p>All temporary event notices are subject to limitations.</p>
9.2	<p>If a premises is not authorised by a premises licence or club premises certificate to carry on licensable activities but wishes to do so then a TENs is required. A TEN is also required if a premises currently holds a licence/certificate but wishes to carry on other licensable activities that are not included in the licence/certificate or to extend their permitted hours. The Police and Environmental Health section are the only responsible authorities that can object to a TEN.</p>
10.	Public Health
10.1	<p>The local authority's Director of Public Health exercises functions as part of the responsible bodies group and should have sufficient knowledge of the licensing policy and health issues to ensure they are able to fulfil such obligations and support licensing decisions where relevant to the health of the community. If the authority wishes to make representations the information and knowledge in regards to the detrimental impact that alcohol and some foods can have on people's health would be fundamental to support such functions.</p>
10.2	<p>This information may be used by the Public Health team to make representations in its own right or to support representations by other responsible authorities.</p> <p>Such representations can potentially be made on the grounds of all of the current four licensing objectives.</p>
10.3	<p>The Statement of Licensing Policy provides an important opportunity to incorporate relevant local public health knowledge and concerns within the wider policy context of the local licensing authority. The Director of Public Health has a key role in identifying and interpreting health data and evidence in order to improve the health of the residents of Stoke-on-Trent.</p>
10.4	<p>Alcohol is a causal factor in more than 60 medical conditions, including circulatory and digestive diseases, liver disease, a number of cancers and depression. Alcohol is the leading risk factor for ill-health, early mortality and disability among people aged 15-49 years in the UK. Alcohol-related harm falls disproportionately on families from lower socio-economic groups.</p> <p>In support of the cumulative impact assessment the Joint Strategic Needs Assessment 2020 for Stoke-on-Trent highlights the detrimental impact of alcohol use has on our communities. Binge drinking can lead to injuries, anti-social behaviour and other harm to communities. Alcohol misuse also causes losses to business and the local economy through absenteeism, poor performance and workplace accidents. Alcohol also causes harm to others. It is associated with family and relationship problems, and is a significant contributory factor in offences of violence and disorder including domestic violence.</p>
10.5	<p>Latest data from the Local Alcohol Profiles for England show that (when compared with England) Stoke-on-Trent had significantly higher levels of the following:</p>

	<ul style="list-style-type: none"> • All age alcohol-related mortality (2018) • All age alcohol-specific mortality (2016-18) • All age mortality from chronic liver disease (2016-18) <p>All age hospital admissions for alcohol-specific conditions (2018/19)</p> <ul style="list-style-type: none"> • All age hospital admissions for alcohol-related conditions (2018/19) • Admissions for alcohol-related conditions - ages 40-64, 65 and over (2018/19) • Admissions to hospital due to alcohol for a range of conditions such as circulatory disease, mental and behavioural disorders, and intentional self-poisoning are all significantly higher locally.
10.6	<p>In regards to monitoring the number of take away establishments in the town centres of Hanley & Burslem the JSNA further supports the cumulative impact assessment as is evidenced below with the local data.</p> <p>Poor diet (and obesity) are the leading causes of premature death and mortality, and are associated with a wide range of diseases including circulatory disease and some cancers. The costs of diet-related chronic diseases to the NHS are considerable. Average intakes of saturated fat, sugar, and salt are above recommended levels, while intakes of oily fish, fibre and some vitamins and minerals remain below recommendations.</p> <p>In 2019, 53.0% of food outlets in Stoke-on-Trent were classified as fast food outlets (compared with 37.5% in the UK).⁷⁵ Between 2010 and 2019, the average number of fast food outlets across the city increased from 48.5 (per 100,000) to 68.4.</p>
10.7	<p>Data from the Active Lives Survey found that just under half (48.5%) of adults aged 16 and over reported that they had eaten the recommended five portions of fruit and vegetables (on a usual day) in Stoke-on-Trent in 2018/19.⁷⁶ This was lower than the England average of 54.6%.</p> <p>This means locally that around 105,000 adults (aged 16 and over) are not eating the recommended five portions of fruit and vegetables on a daily basis in the city.</p>
10.8	<p>Public Health would advise of the detrimental impact of any fast food take away establishment & new alcohol related premise applications in the community settings below:</p> <ul style="list-style-type: none"> • locations where children and young people congregate such as schools, community centres and playgrounds • areas with high levels of obesity, deprivation and general poor health
11.	The Live Music Act 2012
11.1	<p>On 01 October 2012, the Live Music Act 2012 amended the Licensing Act 2003 by removing the provision of entertainment facilities as a licensing activity, and partially deregulating the performance of live music in the following circumstances:</p> <ul style="list-style-type: none"> • Removal of the licensing requirement for unamplified live music, taking place between 08:00 and 23:00 in all venues. The Council retains the power to impose conditions on such premises following a licence review

	<ul style="list-style-type: none"> • Removal of the licensing requirement for amplified live music, taking place between 08:00 to 23:00 before audiences of no more than 500 persons, on premises authorised to supply alcohol for consumption on the premises. The Council retains the power to impose conditions on such premises following a licence review • Removal of the licensing requirement for amplified live music, taking place between 08:00 to 23:00 before audiences of no more than 500 persons, in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment • Suspend any licence conditions related to live music, where licensable activities (such as the sale of alcohol) continue to take place on premises. It is possible to impose new or existing live music conditions following a review of a premises licence or club premises certificate, relating to premises authorised to supply alcohol for consumption on the premises. • Extended the licensing exemption for live music, integral to a performance of Morris Dancing or dancing of a similar type, so that the exemption applies to live or recorded music instead of unamplified live music.
12.	The Cumulative Impact of a Concentration of Licensed Premises
12.1	Cumulative impact is the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area.
12.2	The Licensing Act allows the Council to publish a Cumulative Impact Assessment (CIA) designating an area or areas, where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives. Copies of Stoke-on-Trent City Council's Cumulative Impact Assessments are attached as Appendix 5.
12.3	The commercial demand or "need" for particular types of licensed premises is a matter for planning consideration, or for the market to decide. It is not a matter for consideration as part of the Councils licensing function.
12.4	Although each new premises application will be considered on its own merits, the Licensing Act does allow the Council to consider the issue of 'cumulative impact' in a given area in relation to the promotion of the licensing objectives. The Council will therefore consider representations on applications relating to new premises licences and club premises certificates or for material variations of existing licences/certificates, on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.
12.5	Where relevant representations have been received about applications for the licensing of properties within the CIA area, the Licensing Sub-Committee will consider whether to refuse the application if it appears that the application is likely to add to the existing problems of crime and disorder in the area, or if public nuisance is more likely than not to be caused.
12.6	As part of the cumulative impact assessment, the Licensing Sub-Committee will not consider whether or not there is a need for any particular type of premises, but it will consider the cumulative impact that a new premises licensed to sell alcohol or applications to vary existing licences would have on the designated area.

12.7	It will be for applicants to demonstrate to the Council that their application will not add to the existing cumulative problems of crime, disorder and nuisance within the designated area.
12.8	<p>Even in the light of valid representations, acceptable grounds for exceptions to be considered may include:</p> <ul style="list-style-type: none"> • The applicant can demonstrate that the primary activity in the premises will not be the consumption of alcohol. This may be evidenced by the general nature of the business activity e.g. restaurant or other considerations such as the proportion of the floor space available for other activities that do not involve alcohol consumption and/or • The applicant can demonstrate that the general age profile of customers will be 25+ and/or family groups. The sub-committee may consider evidence such as marketing plans showing examples of advertising and promotions.
12.9	Where an applicant wishes an exception to be considered, the responsibility is on the applicant to show why an exception should be considered, not on the sub-committee to demonstrate why an exception should not be made.
12.10	In general, the Council wishes to encourage entertainment that appeals to all age groups and not just 18-25 year olds, in the city centre and discourage anti-social behaviour especially that associated with excessive alcohol consumption.
12.11	<p>Where the Licensing Authority's discretion is engaged, grounds that will not be considered as an exception to the Policy include:</p> <ul style="list-style-type: none"> • That the building design will be of a high standard. It is assumed that all applicants will want to ensure the highest design standards possible. • That the applicant is of good character. It is a legal requirement that premises selling alcohol must be under the management of a designated premises supervisor, who must hold a personal licence to sell alcohol. • The premises are small. A small business can still contribute to crime, disorder and nuisance suffered by interested parties in the vicinity of the special saturation area.
13.	Licensing Hours
13.1	When considering licensing hours where representations have been received the Council has to judge each application on its merits, having regard to the overall impact of the licensed premises on the local amenity and any proposals the applicant might submit to mitigate such impact. It is recognised that staggered licensing hours can be a means of preventing large concentrations of people accumulating in areas which then become overly congested.
13.2	The opening hours granted on a premises licence are the maximum hours the premise can be open. Many licensed premises actually open for less hours than are permitted under their licence.
13.3	For premises where alcohol is only available for consumption off the premises, it is recommended that the applicant applies for the sale of alcohol times to be the same as the opening hours of the premises, however the Licensing Sub-committee may consider restricting the licensable hours where representations

	are received.
14.	Licensing Conditions
14.1	Standard licensing conditions cannot be applied in respect of licence applications unless previously agreed with the Police by the applicant.
14.2	Conditions may only be attached to a licence / certificate, if they are volunteered by the applicant or imposed by the licensing sub-committee following a hearing. Ideally, applicants will identify the conditions that are appropriate to their premises to address the four licensing objectives, and include them within their operating schedule.
14.3	The Council is only able to attach conditions that are reasonable, proportionate and appropriate for the promotion of the licensing objectives.
14.4	A number of mandatory conditions may be attached to a premise licence depending on the licensable activities permitted. These are detailed in Appendix 4.
15.	Sexual Entertainment Venues
15.1	The Council has adopted powers to regulate Sexual Entertainment Venues (SEVs), including lap dancing clubs. Under these powers a separate Sexual Entertainment Venues Licensing Policy has been produced and adopted such that this policy does not consider these establishments.
15.2	Premises providing such entertainment on an infrequent basis do not require a SEV licence if sexual entertainment occurs on no more than 11 occasions within any period of 12 months and provided the entertainment lasts no longer than 24 hours and no such occasion begins less than one month from the end of the last one.
16.	Considerations for Applicants regarding the Licensing Objectives
A	The Prevention of Crime and Disorder
A.1	The Council is committed to reducing crime and disorder. Applicants should consider the following when completing their operating schedule: <ul style="list-style-type: none"> • Installation of CCTV • Incident log / record • Drug awareness training • Underage alcohol sales training • Security Industry Authority (S.I.A) registered door supervisors • The use of polycarbonate containers and/or toughened glass • Crime prevention notices
A.2	A Nightlife Partnership Scheme operates throughout Stoke-on-Trent and aims to deter individuals who threaten or damage premises, or engage in disorder and violence, or who use or deal in drugs by excluding them from licensed premises. The Council is particularly supportive of such schemes and considers premises should join where it is appropriate to do so. Licensed premises sited within the City Centre and Burslem town centre are particularly

	encouraged to join the Nightlife Partnership Scheme and if they are not members, will be expected to demonstrate alternative controls, of at least the same effect, to counteract crime and disorder in relation to their premises.
A.3	The Security Industry Authority also plays an important role in preventing crime and disorder by ensuring door supervisors are properly licensed. The Council will work in partnership with the security industry.
A.4	Human Trafficking and Modern Slavery are serious crimes and a terrible violation of human rights. This problem is recognised as having relevance to licensed premises which the Licensing Authority is committed to tackling with partners.
A.5	Human trafficking is the movement of a person from one place to another into conditions of exploitation, using deception, coercion, the abuse of power or the abuse of someone's vulnerability. It is possible to be a victim of trafficking even if your consent has been given to being moved. Although human trafficking often involves an international cross-border element, it is also possible to be a victim of human trafficking within your own country.
A.6	Modern Slavery occurs when: (a) a person holds another person in slavery or servitude and the circumstances are such that the person knows or ought to know that the other person is held in slavery or servitude, or (b) a person requires another person to perform forced or compulsory labour and the circumstances are such that the person knows or ought to know that the other person is being required to perform forced or compulsory labour.
A.7	The Licensing Authority encourages premises licence holders and operators of licensed premises: <ul style="list-style-type: none"> • To ensure that they and their staff are aware of the definitions of human trafficking and modern slavery and understand that such matters are a crime and that they should not engage in such activity. • To provide intelligence to the appropriate authorities about concerns and about perpetrators who may be operating in their areas.
B	Public Safety
B.1	The public safety objective is concerned with the physical safety, including fire safety, of the people using the relevant premises and not with public health, which is dealt with in other legislation. Public safety includes the safety of performers appearing at any premises.
B.2	The Council has noted that since 01 October 2006 the Regulatory Reform (Fire Safety) Order 2005 replaced previous fire safety legislation. Responsibility for complying with the order rests with the 'responsible person' who has control of premises.
C	The Prevention of Public Nuisance
C.1	The public nuisance objective is designed to deal with the impact of licensable activities at specific premises on persons living and working in the vicinity, that are disproportionate and unreasonable. The main issues for concern will be

	noise nuisance, light pollution, fouling and litter.
C.2	The provision of welfare facilities such as toilets within licensed premises is relevant to the prevention of public nuisance. Adequate welfare provisions may prevent nuisance activities taking place within the street, such as urination. Licensees should therefore ensure that adequate facilities are provided within the premises.
C.3	Public nuisance is not defined within the Act but is given a broad common law definition. The prevention of public nuisance does therefore include low-level nuisance perhaps affecting a few people living locally as well as major disturbances affecting the whole community.
D	The Protection of Children from Harm
D.1	The Licensing Authority is committed to protecting children from harm and views this as an important licensing objective. The Council's licensing team works in partnership with Staffordshire Police, Children's Services and others during the development or review of the Licensing Policy where the protection of children is concerned. Intelligence sharing and the exchange of current strategy developed by Staffordshire and Stoke-on-Trent Safeguarding Children's Boards ensure that the protection of children from harm remains key.
D.2	The Licensing Authority is aware that alcohol use, misuse and abuse is one of the recurring key 'parental factors' in child protection and safeguarding, often contributing to parental neglect of children and domestic abuse and violence within families.
D.3	Alcohol is also often a factor in child sexual exploitation, where young people may be encouraged or coerced to drink, or alcohol maybe a factor in risk taking behaviour by young people who drink irresponsibly and then get involved in activities they otherwise would not. Nationally, evidence has been found of the sexual exploitation of children taking place on licensed premises, or licensed premises being used for the purposes of grooming and enticement.
D.4	Staffordshire and Stoke-on-Trent Safeguarding Children's Board's work with other statutory authorities and will engage with the licensing trade to promote risk management in relation to child sexual exploitation. The Children's Board can provide advice to assist licensees to identify risk and report concerns at different types of licensed premises so that children remain safe and businesses operate responsibly. Further information about child safety, child sexual exploitation, policies and procedures including risk factors and signs and symptoms can be found at: http://www.safeguardingchildren.stoke.gov.uk/ccm/portal/ http://www.youthbox.info/HelpAdvice/StaySafe/Stay-Safe.aspx
D.5	The Licensing Authority encourages premises licence holders and operators of licensed premises: <ul style="list-style-type: none"> To ensure that they are fully aware of the signs of child sexual exploitation and to understand that the sexual exploitation of a child is sexual abuse and a crime

	<ul style="list-style-type: none"> To raise the awareness of their staff about child sexual exploitation and provide intelligence to the appropriate authorities about concerns and about perpetrators who may be operating in their areas
D.6	The Licensing Act strengthened the controls relating to the sale and supply of alcohol to children with new and further principal offences contained within the Act itself. However the intention of the Act was to make licensed premises accessible to families and only limit access to children where it is necessary in order to prevent physical, moral or psychological harm to them. When deciding whether access restrictions should be imposed, the Council will examine the individual merits of each application and only impose conditions when the circumstances justify them.
D.7	<p>Where conditions are required for the prevention of harm to children, a range of alternatives will be considered as methods for limiting access. These will include:</p> <ul style="list-style-type: none"> Limitations on 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 the 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.
D.8	The Council, Public Protection service, and Staffordshire Police take a very serious view of the persistent and illegal sale of alcohol and other age-restricted goods. The Council will continue to work with our partners to ensure that illegal sales of alcohol and other age-restricted goods are reduced and where possible eradicated.
D.9	The Council will encourage partnership working, including the sharing of intelligence between the Police, Young Offender's Team, and Trading Standards officers regarding unlawful activities.
D.10	The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older. The Code is an important weapon in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner that may appeal to or attract minors. The Council commends the Code to licence holders and applicants.
D.11	In the case of premises holding film exhibitions, the Licensing Authority will expect licensees or clubs to include in their operating schedules arrangements for restricting children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification. A mandatory

	condition to this effect will be applied to all premises licences and club premises certificates where the exhibition of films is included as part of the application.
17.	Integrating Strategies
17.1	The Council recognises that this Statement of Licensing Policy should not stand alone but integrate with other local strategies and policies, for example local crime prevention, planning, transport, tourism, race equality schemes, and cultural strategies as well as plans introduced for the management of the town centre.
17.2	The Council recognises that the licensing regime should not be used to duplicate existing regulatory regimes. Where existing regimes already provide adequate controls in relation to licensable activities then it will not be considered necessary to duplicate these with licensing conditions. The only provisos to this are: <ul style="list-style-type: none"> • That the Act is designed to be preventative i.e. anticipates potential problems and proactively introduces controls to prevent them occurring. Some existing regulatory regimes do not operate proactively and therefore licensing conditions may be a more appropriate means of exercising control. • That existing regulatory regimes may not address the unique circumstances that arise in connection with licensable activities, particularly regulated entertainment, at specific premises and tailored conditions may be necessary.
17.3	Planning, building control and licensing regimes will be properly separated to avoid duplication and inefficiency. Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. Licensing applications will not be a re-run of the planning applications and should not cut across decisions taken by the local planning authority. Similarly, the granting by the Licensing Sub-committee of any variation of a licence, which involves a material alteration to a building, will not relieve the applicant of the need to apply for planning permission or building regulation approval. Although the regimes are separate, the Council will do its utmost to give applicants advice about the other regimes that are relevant to their application and signpost them to help and assistance where this is needed.
17.4	The Council recognises that the Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, and to promote equality of opportunity between persons with one or more relevant 'protected characteristics' as identified in Section 149(7) of the Equality Act 2010.
17.5	The Council will have regard to the government's alcohol harm reduction strategy "Safe. Sensible. Social." which is part of the National Alcohol Strategy.
18.	Enforcement
18.1	The Council recognises that efficient and effective enforcement is of paramount importance in ensuring that the licensing objectives contained within the Act are met. Enforcement responsibilities under the Act fall principally to the licensing section and the Police.
18.2	The Council's Corporate Enforcement Policy will be used. This policy conforms

	<p>to the requirements of the Enforcement Concordat and supports the fundamental principles for good enforcement recommended by the Better Regulation Taskforce, namely:</p> <ul style="list-style-type: none"> • Targeting – i.e. focusing on activities that give rise to the most serious risks or where hazards are least well controlled • Consistency – i.e. similar approaches in similar circumstances to achieve similar ends • Transparency – i.e. helping duty holders to understand what is expected and distinguishing between statutory requirements and guidance • Proportionality – i.e. action taken should be proportional to the risk
18.3	In applying good enforcement practice, the Council will operate a ‘light touch’ inspection regime for well managed and well maintained premises, with a targeted and graduated inspection and enforcement for problem and high-risk premises.
18.4	The Council, Police and other responsible bodies will share information about licensees, licensed premises and activities associated with them. Such information sharing is permitted under Section 185 of the Licensing Act. The Council and Police will work closely in order to ensure consistency, transparency and proportionality in their enforcement activities. The Council will investigate complaints and conduct proactive enforcement exercises to ensure that licences and the conditions attached to them are complied with and that unlicensed activity is dealt with as appropriate to ensure the highest standards of licensees and premises throughout the City.
18.5	The Council will work in partnership with other local authorities in Staffordshire and observe a multi-agency approach to alcohol licensing and enforcement.
19.	Early Morning Restriction Orders (EMROs)
19.1	Early Morning Restriction Orders can be introduced where it is considered that restricting the sale of alcohol between Midnight and 0600 hours is appropriate to promote the four licensing objectives in the Licensing Act. An EMRO can apply either every day or for certain days, and for an unlimited or time-limited period. Prior to introducing an EMRO the Council must consult directly with responsible authorities and licensed premises, and more widely with residents and any other party likely to be affected. EMROs create an offence of selling alcohol during the times specified in the order, whether under a premises licence, club premises certificate or TENs (subject to certain exceptions).
19.2	Any consultation in relation to a possible Early Morning Restriction Orders or decision to implement an Early Morning Restriction Orders will be undertaken separately to this Policy.
19.3	Currently there are no Early Morning Restriction Orders in Stoke-on-Trent.

20.	Late Night Levy (LNL)
20.1	A Late Night Levy allows Councils to raise a contribution from late opening alcohol retailers towards the policing costs generated by the late night economy. The LNL applies to all premises (on or off trade), throughout the Council's area, which are authorised to sell or supply alcohol in the time period set by the Council. This can be any time between Midnight and 0600 hours. A consultation process is necessary before a LNL can be introduced which includes the Police, licence holders and other interested parties. Unlike an EMRO a LNL does not apply to TENS.
20.2	Any consultation in relation to a LNL or decision to implement a LNL will be undertaken separately to this Policy.
20.3	Currently there is no Late Night Levy in Stoke-on-Trent.

Appendix 1 Responsible Authorities List

- Licensing Services, Stoke-on-Trent City Council, Hanley Town Hall, Albion Street, Hanley, Stoke-on-Trent, ST1 1QL.
- Staffordshire Police Licensing, Early Intervention & Prevention Unit, Staffordshire Police Headquarters, Block 9, Ground Floor, Weston Road, Staffordshire, ST18 0YY
- Staffordshire Fire and Rescue Service (Licence Applications), Lower Bethesda Street, Hanley, Stoke-on-Trent, ST1 3RP.
- Head of Child Protection (Licence Applications), Stoke on Trent City Council, Floor 2, Civic Centre, Glebe Street, Stoke on Trent, ST4 1HH
- Lead Officer (Trading Standards), Public Protection, Stoke on Trent City Council, Floor 3, Civic Centre, Glebe Street, Stoke on Trent, ST4 1HH
- Lead Officer (Environmental Health), Public Protection, Stoke on Trent City Council, Floor 3, Civic Centre, Glebe Street, Stoke on Trent, ST4 1HH
- Planning, (Licence Applications), Stoke-on-Trent City Council, 3rd Floor, Civic Centre, Glebe Street, Stoke-on-Trent, ST4 1HH.
- Directorate of Public Health, Stoke-on-Trent City Council, Civic Centre, Glebe Street, Stoke-on-Trent, ST4 1HH
- Lead Officer (Health and Safety), Public Protection, Stoke on Trent City Council, Floor 3, Civic Centre, Glebe Street, Stoke on Trent, ST4 1HH
- Alcohol Licensing Team, Home Office, Lunar House, 40 Wellesley Road, Croydon, Croydon, CR9 2BY.

Or if the premises is owned by Stoke-On-Trent City Council or inspected by the HSE

- Health and Safety Executive (HSE), Lyme Vale Court, Parklands Business Park, Newcastle Road, Trent Vale, Stoke-on-Trent, ST4 6NW

Appendix 2 Delegation of Functions

Matter to be dealt with	Licensing Act Sub Committee	Officers
Application for personal licence	If Police objection	If no objection made
Application for personal licence with unspent convictions	If Police objection	If no objection made
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 premises certificate	If a relevant representation made	If no relevant representation made
Application for a minor variation to a premises licence or club premises certificate		All cases
Application to vary designated premises supervisor	If a Police objection	If no objection made
Request to be removed as designated premises supervisor		All cases
Application for the mandatory alcohol condition under the Licensing Act 2003 requiring a designated premises supervisor in respect of a premises licence to be dis-applied	If a Police objection	If no objection made
Application for transfer of premises licence	If a Police objection	If no objection made
Applications for Interim Authorities	If a Police objection	If no objection made
Application to review premises licence/club premises certificate	All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc.		All cases
Determination of a Police / EH objection to a temporary event notice	If a Police or EH objection	If no objection made
Decision whether to consult other responsible authorities on minor variation		All cases
Issuing of counter notice for TENS		All cases
Issuing of counter notice for Late TENS		All cases
Suspension of licence for non-payment of fees		All cases

Appendix 3 Mandatory Conditions

MANDATORY CONDITIONS

The 2003 Act provides for the following mandatory conditions to be included on every premises licence and/or club premise certificate where applicable.

1. No supply of alcohol may be made under the premises licence -
 - (a) At a time when there is no designated premises supervisor in respect of the Premises Licence, or
 - (b) At a time when the designated premises supervisor does not hold a personal licence, or their personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:-
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
 - i. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - ii. drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social

behaviour or to refer to the effects of drunkenness in any favourable manner.

- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
6. The responsible person must ensure that:-
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:-
 - (i) beer or cider: ½ pint
 - (ii) gin, rum, vodka or whisky: 25ml or 35ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
7. (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- (2) For the purposes of the condition set out in paragraph 1—
- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - (b) “permitted price” is the price found by applying the formula—
$$P = D + (D \times V)$$
where—
 - (i) P is the permitted price,

- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

(3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Door supervisors.

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:
 - (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
 - (b) be entitled to carry out that activity by virtue of section 4 of the Act.
2. But nothing in subsection (1) requires such a condition to be imposed:
 - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c21) (premises with premises licences authorising plays or films); or

(b) in respect of premises in relation to:

(i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by a club with a club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence, or

(ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act.

3. For the purpose of this section:

(a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and

(b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Exhibition of Films.

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

2. Where the film classification body is specified in the licence, unless subsection (3) (b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

3. Where -

(a) the film classification body is not specified in the licence, or

(b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

4. In this section –

"children" means any person aged under 18; and

"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification)

Appendix 4 List of Consultees

Staffordshire Police
Staffordshire Fire and Rescue Service
Staffordshire County Council – Department of Social Care and Health
Staffordshire County Council – Highways Department
Health and Safety Executive
Stoke-on-Trent City Council – Elected Members
Stoke-on-Trent City Council – Legal Services
Stoke-on-Trent City Council – Public Protection
Stoke-on-Trent City Council – Children’s Services
Stoke-on-Trent City Council Public Health
Stoke-on-Trent BID
The Nightlife Partnership
Stafford Borough Council
Newcastle-under-Lyme Borough Council
Staffordshire Moorlands District Council
Marston’s
Mitchells & Butlers
Bargain Booze Limited
John Gaunt & Partners
Licensing Matters
Lockett and Co
Ford and Warren
Popleston and Allen
Fraser Brown Solicitors
Admiral Taverns
Wetherspoons
Co-op group
MacDonald’s
Asda
Tesco
Morrisons
Sainsburys
Aldi
Lidl
Trent Licensing Consultants
Public Health
Police Crime Commissioner

The document was also available on Stoke-on-Trent City Council’s website.