

Report of the Assistant Director Environmental & Regulatory Services to the meeting of the Licensing Committee to be held on 03 July 2015.

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Subject:

Proposed statement of Licensing Policy 2015-2020, for approval by full Council.

Summary statement:

This report sets out the outcome of a public consultation exercise with respect to the new Statement of Licensing Policy for the District, as required by the Licensing Act 2003, and proposes a final draft for recommendation for adoption by full Council on 14 July 2015.

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Overview & Scrutiny Area:
Environment & Waste Management



1. SUMMARY

- 1.1 Under the Licensing Act 2003, the Council's Licensing Authority is required to adopt a policy which sets out the basic principles of its approach to dealing with applications for licences and permissions under the Act and the promotion of the licensing objectives outlined in the Act.

The Act regulates the sale and supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment.

- 1.2 This report sets out the outcome of a public consultation exercise with respect to the Licensing Policy for the District and proposes a final draft for recommendation for adoption by Council on 14 July 2015.

2. BACKGROUND

Public Consultation

- 2.1 A public consultation exercise has been undertaken, with the draft licensing policy available for public comment since 9th December 2014. The draft was placed on the Council's website and the consultation exercise was reported in the local press. Licensing Officers directly consulted relevant authorities and organisations.

The consultation policy document is attached at Appendix 1 (circulation has been restricted to members of the Licensing Committee in the interests of sustainability).

- 2.2 The proposed amendments largely relate to a number of legislative changes to the Licensing Act, particularly further deregulation of entertainment, removal of obsolete provisions and updates to helpful terminology.
- 2.3 The main addition to the draft policy is the inclusion of information regarding the prevention of Child Sexual Exploitation within licensed premises, under the Protection of Children from Harm objective (sections 7.5, 7.6 and 7.7 of the policy document). This addition is supported by the Bradford Safeguarding Children Board and the West Yorkshire Police and supports the ongoing partnership work within the district to tackle sexual exploitation of children and young people.
- 2.4 The consultation draft policy also seeks to reflect substantial statutory guidance made under Section 182 of the Act. This sets the parameters of what can, or should not, validly be included within local statements of licensing policy.

Responses Received

- 2.5 City Centre Management & West Yorkshire Police

The Bradford City Centre Manager has requested that consideration be given to including the North Parade/Manor Row area of Bradford City Centre within the



'Prime Entertainment Areas' (section 8 of the policy document). Within the last 12 months there has been an increase in new licensed premises in the area and it is felt that it will continue to grow into a strong late night entertainment area. This request is also supported by the West Yorkshire Police.

Applications for licences within prime entertainment areas are treated on their merits. However the Licensing Authority encourages applicants to include additional information in their operating schedule relating to the management of premises, particularly premises operating beyond 2.00am.

A map of the proposed Prime Entertainment Area for Bradford City Centre is included in the policy document (page 54 of the document).

2.6 Bradford District Residents

Four responses were received from residents who live within the Bradford district.

Details of these responses are included at Appendix 2. Also included at Appendix 2 are officer comments on each particular issued raised and what action, if any, is proposed with regard to amending the Policy document or otherwise.

3. **FINANCIAL & RESOURCE APPRAISAL**

- 3.1 The cost of the consultation exercise has been funded from existing resources of the service.

4. **RISK MANAGEMENT AND GOVERNANCE ISSUES**

There are no apparent risk management or governance issues.

5. **LEGAL APPRAISAL**

- 5.1 When determining any applications under the Licensing Act, the Licensing Authority must seek to achieve four licensing objectives:

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

- 5.2 The consultation draft licensing policy sets out how the Authority proposes to achieve the licensing objectives when exercising its functions. When drafting the policy document, licensing authorities must have regard to guidance issued under the Act.

- 5.3 The Policy document has been updated to take account of changes in legislation since adoption of the policy and the updated statutory s182 guidance.

- 5.4 The Act sets out the minimum public consultation that is required, which has been



complied with.

6. OTHER IMPLICATIONS

6.1 EQUALITY & DIVERSITY

The draft licensing policy was prepared with awareness of the Council's duties under the Equality Act 2010.

6.2 SUSTAINABILITY IMPLICATIONS

The Council's Licensing Policy will address sustainability issues.

6.3 GREENHOUSE GAS EMISSIONS IMPACTS

None

6.4 COMMUNITY SAFETY IMPLICATIONS

Central to the Licensing Act are the objectives of the promotion of public safety, prevention of crime and disorder and protection of children from harm.

6.5 HUMAN RIGHTS ACT

The Council must consider Human Rights implications when establishing the Licensing Policy and when determining licence applications.

6.6 TRADE UNION

None

6.7 WARD IMPLICATIONS

No specific ward implications.

7. NOT FOR PUBLICATION DOCUMENTS

None

8. OPTIONS

- 8.1 The Committee has no powers to adopt the licensing policy, which is the function of full Council. Members can therefore recommend the document shown in Appendix 1 for adoption by Council, or make such recommendation subject to such amendments as the Committee may specify.



9. RECOMMENDATIONS

- 9.1 That the Committee recommends to Council that the document attached in Appendix 1 be adopted and published as the District's Statement of Licensing Policy 2015-2020, pursuant to the Licensing Act 2003 (subject to any amendments that the Committee feels are appropriate).
- 9.2 That the Assistant Director Environmental & Regulatory Services be given delegated authority to approve any necessary amendments of a minor or drafting nature prior to formal publication.

10. APPENDICES

1. Proposed final draft licensing policy (In the interests of economy, this document has been sent to Members of the Committee only. A public inspection copy is available in Committee Secretariat, Room 112, City Hall, Bradford or on www.bradford.gov.uk).
2. Schedule of responses from local residents.

11. BACKGROUND DOCUMENTS

1. The Licensing Act 2003
2. Guidance under Section 182 of the Licensing Act 2003
3. Existing Licensing Policy 2011-2014



Licensing Act 2003

Statement of Licensing Policy for the Bradford District

2015-2020

[DRAFT]

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May 2015

CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL

STATEMENT OF LICENSING POLICY 2015 - 2018

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1. The Licensing Authority's General Approach to Licensing

- 1.1 The Council's Licensing Authority takes a positive approach to the licensing and regulation of events and activities. It recognises the important role that well regulated, varied and safe entertainment can play in promoting the vitality and viability of the district's city and town centre's, particularly the evening economy. It is also aware that tastes and trends change over time and that, in the light of increasing competition within the entertainment industry, any licensing system must be sufficiently flexible and responsive to new initiatives from the licensing industry and individuals.
- 1.2 In the light of the above the Council's Licensing Authority has adopted a tailored Licensing Enforcement Policy that can, in consultation with other parties, be adjusted to demonstrate the Licensing Authority's commitment to be both flexible and responsive. This statement of policy should therefore be considered as complimentary to the Licensing Enforcement Policy.
- 1.3 The Council's Licensing Authority is however aware of the statistical link between places selling alcohol and providing entertainment and incidents of crime and disorder in the District and will seek to address this with the West Yorkshire Police and other agencies through the Stronger Communities Partnership.
- 1.4 This statement of Licensing Policy also acknowledges the role of licensing in contributing to the Community Strategy. Of particular relevance are the strategies that aim to secure safer communities and a prosperous district. The emphasis of these strategies on the need to work in partnership with all agencies with a role to play in licensing is of particular importance.
- 1.5 Careful consideration has also been given to Bradford Council's local Alcohol Harm Reduction Policy for the District and to the Council's Licensing Authority's obligations under section 17 of the Crime and Disorder Act 1998.
- 1.6 This Statement of Licensing Policy complies with the Council's Licensing Authority's duties under the Licensing Act 2003 and account has been taken of the guidance issued under section 182 of the Act.
- 1.7 The meanings of any technical words or phrases used in this document are set out in section 24 - Helpful Terminology.

2. Licensing Functions Covered by this Policy

- 2.1 This policy relates to all those licensing activities that fall within the provisions of the Act, namely:
 - The sale by retail of alcohol
 - The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club

- The provision of regulated entertainment
 - a performance of a play;
 - an exhibition of a film;
 - an indoor sporting event;
 - a boxing or wrestling entertainment;
 - a performance of live music;
 - any playing of recorded music;
 - a performance of dance;
 - entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance.
- The provision of late night refreshment – the supply of hot food or hot drink between 11pm and 5am whether for consumption on or off the premises.

2.2 As a result of amendments to the Licensing Act 2003, regulated entertainment held in certain circumstances is now exempt and a licence is no longer required. The exemptions generally cover the following entertainment, up to 11pm for an audience of up to 500:

- Live music in relevant alcohol licensed premises and workplaces.
- Recorded music in relevant alcohol licensed premises (not workplaces).
- Live and recorded music held by 3rd parties in schools, hospitals, local authority and community premises.
- Travelling circuses.
- Incidental films (where the film is incidental to another activity which is not regulated entertainment e.g. drinking or eating).
- The provision of entertainment by or on behalf of local authorities, health care providers or schools on their own defined premises (no audience limit).
- Greco-Roman and freestyle wrestling (audience of 1000).

2.3 When considering whether an activity constitutes the provision of regulated entertainment, each case will be treated on its own merits. Organisers of events are advised to check with the licensing authority if they are unsure.

3. Achievement of Licensing Objectives

3.1 Every application will be considered on its merits; however the Council's Licensing Authority has a duty under the Licensing Act 2003 to carry out its functions with a view to promoting four licensing objectives. These are:

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

3.2 Applicants will be expected to demonstrate in their application, the steps they propose to take to promote the licensing objectives.

Applicants that do not seek to address these objectives might receive a representation from a responsible authority or other person; defined as 'any individual, body or business', regardless of their geographic proximity to the premises. The Council's Licensing Authority will however, as far as possible, assist applicants on how best to adequately address these matters or where further advice and information can be obtained.

- 3.3 Where relevant representations have been made, applicants will only be expected to address issues that are in their direct control; but are encouraged to co-operate with official agencies in establishing precautions for minimizing any disturbance etc caused by patrons away from licensed premises.
- 3.4 Where no representations are made the council will grant a licence subject to conditions consistent with the operating schedule.

4. The Prevention of Crime and Disorder

- 4.1 The Council's Licensing Authority recognises public concern that places of entertainment can be associated with problems of crime and disorder. Associated problems of alcohol abuse, underage drinking, truancy and drug abuse are also evident from government data and academic research. It is essential therefore, that applicants for premises licences or club premises certificates can fully address issues concerning the prevention of crime and disorder.
- 4.2 When considering applications the Council's Licensing Authority will only expect applicants to take such action or precautions that are in their control, but would strongly advise applicants to take appropriate advice from relevant Responsible Authorities, such as the West Yorkshire Police, before making their licence submissions in order to mitigate the need for a hearing to consider valid objections.
- 4.3 Applicants may also need to consider issues relating to "designing out" potential problems. These may, where appropriate, include provision of appropriate lighting outside the premises and installation of CCTV cameras inside and outside of licensed premises etc.
- 4.4 The use of competent and professional door staff, where they are employed at premises, is key to the prevention of disorder and also to promoting public safety in premises. Where relevant representations are made from any responsible authorities, the Council's Licensing Authority will consider whether door staff should be provided at the premises and appropriate numbers. All door staff used at premises are also legally required to have received accreditation under the Private Security Industry Act 2001.

A mandatory condition in this regard will be attached to premises licences. Further information can be found at www.the-sia.org.uk. Premises Licence Holders are also reminded that where they directly employ security or door staff (as opposed to employing an agency to fulfil this task) then they themselves will need to be licensed by the Securities Industry Authority as a manager/supervisor of door staff.

- 4.5 Applicants are also advised to address the issue of how to anticipate and minimise any potential disorder that might be caused in the vicinity of their premises. Issues concerning liaison with local bus, taxi and private hire companies should be considered where necessary both as an element of customer care but also as a way of promoting the safety of their own staff.
- 4.6 The Council's Licensing Authority recognises concern expressed about the link between the supply of discounted alcohol and incidents of alcohol related disorder. Premises Licence Holders and Designated Premises Supervisors should be aware that mandatory conditions will be placed on all licences authorised for the sale of alcohol. The conditions prohibit irresponsible drinks promotions that encourage the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children.
- 4.7 Where relevant representations have been made, the Council's Licensing Authority will expect issues of crime and disorder to be given special consideration in the established "Prime Entertainment Areas", where applicants seek to provide entertainment and/or serve alcohol beyond 2am.
- 4.8 It is advisable that good communication links with the West Yorkshire Police are established to ensure that where difficult situations develop inside premises, and are likely to cause disturbances outside, preventive action can be taken before the problem arises. Where it is deemed necessary depending on the nature of the premises, and where requested by the police, licences for premises within the Prime Entertainment Areas may require a formal police radio link system to be established as a licence condition, in support of the licensing objectives.

5. Public Safety

- 5.1 The Council's Licensing Authority recognises that different types of premises will present differing issues of public safety that will need to be addressed. However, the prime responsibility for securing the safety and well being of their customers and staff is placed on those providing entertainment, refreshment or events. It is advisable therefore, that operating schedules identify risks and precautions that will need to be taken to address these issues. The Fire Authority will be able to provide practical advice if required.
- 5.2 Any conditions the Council's Licensing Authority may need to attach to licences (where it has received relevant representations from a responsible authority or other person) to address safety issues will seek to secure the most effective solution, taking account of the nature of the premises, and the scale or type of entertainment to be provided.
- 5.3 It is recognised that entertainment to be provided in purpose built "night clubs" presents special considerations. Entertainment organisers are therefore recommended to read the Safer Nightlife Guide published by the London Drug Policy Forum in conjunction with the Home Office.

- 5.4 The Council's Licensing Authority recognises that the Fire Authority has its own legislation and powers to deal with fire safety issues. These are largely set out in the Regulatory Reform (Fire Safety) Order 2005. The Council's Licensing Authority will therefore avoid using the licensing system to address such issues where they are adequately addressed in the Fire Safety Order.
- 5.5 Licensees are also encouraged to address positively the need to secure reasonable access and safety for people with disabilities who wish to visit their premises. In this regard licensees are reminded of their obligations under the Equalities Act 2010.
- 5.6 The Equalities Act is a separate piece of legislation. However, for the assistance of operators only, the following information and examples of good practice should be helpful. Specific types of adjustments licensees should consider in order to comply with their obligations under the Act, depending on the type of premises concerned, would include:
- making adjustments to the premises such as improving access routes and ensuring that they are free of clutter or redecorating part of their premises to provide better contrast to someone with a visual impairment;
 - providing appropriate or additional training for staff who may come into contact with customers to help them provide services for people with different types of disabilities;
 - acquiring or using modified equipment, for example a telephone with text display for use by deaf customers;
 - making service literature and instructions more accessible for example providing a Braille version for blind customers and ensuring service, reception and payment points are designed to facilitate ease of use by all; and
 - accessible sanitary provisions.
- 5.7 Guidance and assistance to help a service provider meet the general needs of disabled customers and meet the requirements of the Equalities Act is available from the Equality and Human Rights Commission website at www.equalityhumanrights.com.

6. The Prevention of Public Nuisance

- 6.1 The Council's Licensing Authority accepts that different people may have differing levels of tolerance to the unavoidable ordinary activity involved in the provision of entertainment or refreshment. The Council's Licensing Authority also acknowledges the role that a vibrant and varied entertainment scene can have in promoting tourism, leisure opportunities, and on the local economy.
- 6.2 The Council's Licensing Authority will however, when considering relevant representations or review applications, look carefully at the impact of licensed premises and events with regard to potential noise and disturbance to nearby local residents or businesses.

It is also recognised that the later the entertainment takes place, the greater may be the need to take steps to ensure that activities do not cause unreasonable disturbance.

- 6.3 Applicants are therefore advised to consider such factors as noise insulation, noise attenuation measures, the positioning of amplification equipment etc in order to lessen the risk of adverse representations being received. Advice on such issues can be obtained from the Council's Environmental Health Officers. The Council's Licensing Authority considers that prevention is better than cure and it may be possible to design measures for minimising disturbance and therefore complaints about noise pollution leading to applications for review of licences or objections.
- 6.4 Applicants are also advised to address the issue of encouraging orderly conduct of customers leaving their premises. Properly trained door and other staff can assist in this and may be required by condition of licence where relevant representations concerning this issue are received, particularly regarding premises in the Prime Entertainment Areas. Appropriate announcements or reminder notices may also be of assistance. The establishment of good working relationships with transport operators can also often assist in encouraging clientele to leave their premises in an orderly manner.
- 6.5 When considering valid representations at hearings the Council's Licensing Authority generally will seek to balance the rights of local residents and others with those wishing to provide entertainment or other activities. Conditions may be attached, where necessary, tailored to address public nuisance issues that may arise in particular premises, having regard to any relevant representations received.
- 6.6 In considering all licence applications where relevant representations have been received, the Council's Licensing Authority will consider the adequacy of measures proposed to deal with the potential for undue disturbance, public nuisance and/or anti-social behaviour having regard to all the circumstances of the application. The Council's Licensing Authority will in appropriate cases particularly consider:
- a. The steps taken or proposed to be taken by the applicant to prevent noise and vibration escaping both from the premises and from external sources under the control of the licensee. These may include: -
- Amplified and non-amplified music levels;
 - Singing and speech;
 - Disposal to waste and bottle bins;
 - Plant and machinery;
 - Food preparation, the cleaning of premises and equipment and ventilation.

Measures to combat this may include the installation/adoption of soundproofing, air conditioning to allow windows to be kept closed, sound limitation devices and adopting hours of operation appropriate to the activities in question and the location.

- b. The use of gardens, play areas, car parks, access roads other open-air areas and temporary structures.
- c. The steps taken or proposed to be taken by the applicant to prevent disturbance by customers arriving at or leaving the premises;
- d. The steps taken or proposed by the applicant to prevent queuing (either by pedestrians or vehicles). If some queuing is inevitable then they should be formed away from neighbouring premises or be otherwise managed to prevent disturbance or obstruction, for example, making provision for queuing inside the premises;
- e. The steps taken or proposed by the applicant to ensure staff leave the premises quietly. There may be a need to agree with staff established procedures for ensuring staggered and orderly dispersal of customers at the end of the evening and that none of them are carrying bottles, cans or glasses when they leave the premises
- f. The arrangements made or proposed for parking by patrons and the effect of parking by patrons on local residents including the closing of vehicle doors, vehicle horns, vehicle stereos, noise from engines idling and vehicle exhaust fumes etc.
- g. The arrangements for liaising with providers of public transport during the proposed hours of opening, including taxis and private hire vehicle operators;
- h. Whether the licensed taxi or private hire vehicles serving patrons are likely to disturb local residents and the measures proposed by the applicant to prevent disturbance from this source;
- i. The installation of any special measures where licensed premises are or are proposed to be located near sensitive premises such as nursing homes, hospitals, hospices or places of worship;
- j. The suitability of delivery and collection areas and the times frequency and method of operation, to the extent that these facilities are in the control of the licensee;
- k. The location of external lighting (including security lighting that is installed inappropriately) and the siting and operation of internal or external illuminated displays or illuminated advertising;
- l. Whether the premises would lead to increased refuse storage or disposal problems, including additional litter (e.g. fly posters, illegal placards, food waste and food packaging, cans, bottles, advertising 'flyers') in the vicinity of the premises and the measures proposed by the applicant to control this.
- m. The steps taken to prevent the release of odours passing to neighbouring premises.

- 6.7 Where the considerations apply to late-night refreshment premises, they will only be taken to be relevant to their operation between the hours of 11.00pm and 5.00am when a premises licence would be required.
- 6.8 Special considerations may arise where it is proposed to provide entertainment in the Prime Entertainment Areas (see part 8 of this Policy) or at special outdoor events (see part 9 of this Policy) and pavement cafes (see part 10 of this Policy).

7. The Protection of Children from Harm

- 7.1 The Council's Licensing Authority recognises the great variety of premises for which licences may be sought. These will include theatres, cinemas, restaurants, pubs, nightclubs, cafes, takeaways, community halls and schools. Access by children to all types of premises will not generally be restricted unless it is considered necessary to do so in order to protect them from harm in some way.
- 7.2 When deciding whether or not to limit access to children, the Council's Licensing Authority will consider representations received from responsible authorities or other persons and will judge each application on its own individual merits. In the Bradford District the Licensing Authority recognises the Bradford Safeguarding Children Board as the appropriate responsible authority for the protection of children. Examples that may give rise to concern in respect of children would include premises:
- where entertainment of an adult or sexual nature is provided;
 - where there is a strong element of gambling taking place;
 - with a known association with drug taking or dealing;
 - where there have been convictions for serving alcohol to those under 18;
 - with a reputation for underage drinking.
- 7.3 Where a large number of children are likely to be present on any licensed premises, for example, a children's discothèque, show or pantomime and representations in this regard are received from the Bradford Safeguarding Children Board or another responsible authority, then conditions may need to be imposed requiring the presence of an appropriate number of adult staff to ensure their safety and protection. The Council's Licensing Authority will also make careful checks where premises or entertainment are specifically targeted towards children, that all adults who are employed or involved with supervision or management have received the necessary Disclosure and Barring Service checks.
- 7.4 The options available for limiting access by children or otherwise protecting them from harm include –
- a limit on the hours when children may be present;
 - a limitation or exclusion when certain activities are taking place;
 - the requirement to be accompanied by an adult;
 - access may be limited to parts of the premises;
 - an age limit (for under 18s);

- appropriate training and supervision of those employed or engaged in the welfare of children while they are on the premises;
- adoption of best practice guidance or schemes regarding proof of age, e.g. the PASS National Proof of Age Standards Scheme or challenge 21 and challenge 25 initiatives.

- 7.5 The Licensing Authority is aware that alcohol is often a factor in child sexual exploitation, where young people may be encouraged or coerced to drink, or alcohol may be a factor in risk taking behaviour by young people who drink irresponsibly and then get involved in activities that otherwise they 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.
- 7.6 The Bradford Safeguarding Children Board works with other statutory authorities who will engage with the licensing trade to promote risk management in relation to child sexual exploitation. Information and advice on this work is available on the Bradford Safeguarding Children Board website: www.bradford-scb.org.uk.
- 7.7 The Council's Licensing Authority will 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.

The Licensing Authority encourages licence holders and operators of licensed premises 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; and
- 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 premises.

- 7.8 The Council's Licensing Authority will not impose any condition that specifically requires access for children to be provided at any premises. Where no restriction or limitation is imposed the issue of access will remain a matter for the discretion of the individual licensee or club.

8. Prime Entertainment Areas

- 8.1 The Council's Licensing Authority recognises that parts of the District have developed over time to be the prime areas for entertainment venues, cinemas, restaurants etc. The Council's Licensing Authority actively encourages the further development of these areas and their role in adding to the vibrancy of the Bradford District and believes that they are supportive of Bradford Council's cultural, tourism and evening economy strategies.
- 8.2 These areas are generally away from large concentrations of residential properties, as they are in or near to the City or Town Centres.

8.3 All applications made for licences within these areas will be treated on their merits.

However the Council's Licensing Authority recognises that there are special considerations that apply with respect to them, particularly where it is proposed by applicants to provide entertainment and/or alcohol after 2am. Applicants are advised, where appropriate, to consider inclusion of the following in the operating schedule:

Age Restriction

Consideration of age restriction policies, for example;

- Implementation of a recognised proof of age scheme
- Not allowing persons under the age of 18 years to be allowed in, or to remain in the premises, after 23.00 hours.

Drugs Prevention

Consideration of drug prevention measures such as:

- A drugs prevention strategy with appropriate staff training in detection and prevention;
- Installation of a drug safe at the premises with access only by authorised persons from the premises and West Yorkshire Police.

First Aid

That adequate first aid provisions are available at all times, for example:

- Having trained first-aid personnel and facilities on the premises at all times during the entertainment.
- Having people with paramedic skills on site for large events (of over 2000 people).
- Alerting local hospitals before large events.

Safety Measures

That appropriate safety measures are put in place that may protect the safety of those participating in dancing including:

- Preventing access to potentially dangerous dancing sites, such as on top of speakers or on balconies.
- Collecting glasses or issuing plastic or polycarbonate glasses and ensuring that the dance floor is not slippery.
- Providing crush barriers and queue corridors in large venues where over 1000 people may be present.
- Ensuring good queue management policies.

- Ensuring fixtures and fittings are able to withstand damp conditions caused by the build up of condensation created by large numbers of people dancing in an enclosed space.
- Ensuring venue staff provide supervision at all times.

Air Conditioning and Ventilation

That appropriate measures regarding ventilation are taken such as:

- Fully working air conditioning and room temperature regulation appropriate for the type of event.
- Temperature and air quality are monitored and ventilation improved if necessary.

Prevention of Overheating

That the following will be provided, where necessary:

- Rest facilities which are cooler, quieter and preferably separate from the main dance or entertainment areas. These areas should offer adequate seating.

Security Cameras

There should be evidence of co-operation with the Police in respect of provision of and access to information from security surveillance cameras and similar equipment.

Staff Issues

That a high level of staff training will be evident in order to:

- Ensure that operating managers and supervisors of the venue concerned are trained in all aspects of the safe and efficient running of the venue. This training may include licensing regulations, first aid, fire regulations, environmental health issues, health and safety issues, legal requirements and drug awareness.
- Ensure that all security staff/venue staff receive appropriate training. This training may cover first aid, fire regulations and precautions, health and safety legislation, self-defence, customer care, policing and legal requirements, drugs prevention, crowd control, search and surveillance procedures and incident witness recording.
- That appropriate levels of trained security staff are in attendance at all times while regulated activities are taking place.
- Secure compliance with all measures and requirements of any safety Management Plan that may be reasonably requested by a responsible authority.

Transportation Issues

Effective liaison with taxi, private hire, bus and any other public transport operators in order to show that efficient arrangements are in place for speedy transport to, entrance into and transport away from the venue.

- 8.4 Bradford Council as a whole continues to encourage more people to live in the city and town centres. The proximity of such settlements will be taken into account when considering applications in Prime Entertainment Areas.

However, the Council's Licensing Authority takes the view that those who choose to live in these areas will generally be expected to accept the normal and reasonable activities associated with living close to such venues. This fact will therefore be taken into consideration when considering representations with regard to licence applications.

- 8.5 The cumulative impact of several licensed premises in a particular area on the promotion of the licensing objectives is a matter that the Council's Licensing Authority is able to take into account. This should not, however, be confused with 'need' which relates more to the commercial demand for a particular type of premises e.g., a pub, restaurant or hotel. The issue of 'need' is therefore a matter for planning consideration or for the market to decide and not an issue of licensing policy.
- 8.6 The Council's Licensing Authority remains of the view that it is unnecessary to adopt a policy that restricts the number of licences in the Prime Entertainment Areas or any other part of the District on the grounds of cumulative impact or saturation. However, it intends to continue to keep the situation under review during the life of this policy.

It will take into consideration any representations from either a responsible authority or other person that the cumulative impact of new licences is leading to an area becoming saturated with premises of a certain type, making it a focal point for large groups of people to gather, thereby creating exceptional problems of disorder and nuisance over and above the impact from the individual premises themselves.

In such cases the issue of cumulative impact can also be taken into account when considering the individual merits of an application, and if there is sufficient supporting evidence the Council's Licensing Authority may consider reviewing its policy in this regard.

- 8.7 In determining whether to adopt a 'saturation' policy for a particular area the Council's Licensing Authority will, among other things –
- consider evidence of any identified serious and chronic concern from a responsible authority or other person about nuisance and disorder;
 - consult with those bodies, individuals or groups listed in section 5(3) of the Licensing Act 2003;
 - identify the area from which problems are arising and the boundaries of that area and the particular types of premises at issue;
 - make an assessment of any evidence presented in identifying the causes;
 - adopt a policy about future applications for specified types of premises within that area;
 - publish the special policy as an amendment to this statement of licensing policy;
 - regularly review any need to maintain or relax the special policy.

- 8.8 The Council's Licensing Authority does not intend to operate a quota system that would effectively pre-determine any application in particular areas nor will it seek to impose general limitations on trading hours in particular areas.

Instead, regard will be given to the individual characteristics of the premises concerned within a given area. It is recognised that pubs, nightclubs, restaurants, hotels, theatres and other clubs all sell alcohol, serve food and provide entertainment but with contrasting styles and characteristics. Proper regard will be given to those differences and the impact they are likely to have on the local community. However special considerations and issues will be of relevance in the Prime Entertainment Areas.

- 8.9 It should be stressed that each application in the Prime Entertainment Areas will be treated on its own merits and conditions attached including any proposed restriction of hours, will be tailored according to the circumstances. The Council's Licensing Authority may only take account of relevant representations from other persons or responsible authorities. In the absence of such representations a licence will be granted as applied for.
- 8.10 The plans attached to this document show what the Council's Licensing Authority considers to be the Prime Entertainment Areas. These include Bradford City Centre, Little Germany, the West End, Leisure Exchange, Shipley, Bingley and Keighley Prime Entertainment Areas.

9. Special Events in the Open Air or in Temporary Structures

- 9.1 The Council's Licensing Authority is keen to encourage and promote live musical and similar entertainment in the open air or in temporary structures like marquees etc. Such events can provide opportunities for community involvement and civic pride and can attract visitors to the District. For small events (involving less than 500 spectators) it may be possible to apply for a limited number of temporary event notices (see the Useful Terminology section of this Document). This part of the statement of Policy, therefore applies only to events that require a premises licence.
- 9.2 The success of such events depends on the quality, levels of safety, and consideration for the rights of people who live or work in the vicinity as well as the standard of facilities for those coming to enjoy the event.
- 9.3 In recognition of the special factors that are relevant, particularly in respect to major open air events, e.g. Bingley Live music festival or the Bradford Festival, the Council's Licensing Authority has established a Public Safety Liaison Group (PSLG) to assist organisers in co-ordinating such events. The PSLG is made up of various Council Departments that have an interest in or legislation relevant to such events, together with representatives of the various emergency services.

Some of the members of the PSLG also represent responsible authorities as defined by the Act and those responsible authorities will adopt a coordinated approach when making representations to the Council's Licensing Authority.

- 9.4 Members of the PSLG are notified about all proposals to hold such events and, where necessary, a special meeting will be organised in order to consider any issues that will need to be addressed and to open up lines of communication with organisers.
- 9.5 General guidance on planning such events is also available to organisers but it is important to appreciate that substantial notice should be given so that proper preparations and precautions can be put in place for the event.
- 9.6 The Council's Licensing Authority advises applicants to give at least three months notice for larger events as the responsible authorities in particular need sufficient time to assess any implications of any proposal. This would ensure that responsible authorities or other persons are less likely to object on the grounds of lack of information.
- 9.7 The following issues will, in most cases, need to be addressed:
- A detailed risk assessment identifying all inherent risks concerned with the event and the precautions that will be put in place to address these.
 - A contingency plan to deal with any emergency situations that may arise during the event.
 - A central location for all safety and insurance certificates and other documents relevant to the promotion of the event and equipment used.
 - Ticketing arrangements and estimation of maximum number of visitors to the event.
 - Detailed planning of sanitary conveniences, first aid provision, temporary structures, temporary road closures, parking arrangements and any banners or signs to be used.
 - Early liaison and discussion with local residents on how to minimise disturbance and disruption to them.
 - Positive proposals for ensuring the access, safety and comfort of people with disabilities.
 - Arrangements for reuniting children who may have become separated from their guardians.
 - Properly trained security staff should be used who have been trained and registered in accordance with any requirements of the Security Industries Act.
- 9.8 With respect to public spaces which are owned by Bradford Council, the Council has applied for Premises Licences for various designated public areas or parks in the District. These are included on the Department of Culture Media and Sports informal national register of licensed public spaces. The register can be accessed at www.gov.uk/government/publications/licensed-spaces-register.
- Organisers of events or community groups wishing to hold licensable events in these areas should initially contact the Council's Parks and Landscape Service.
- 9.9 When considering applications for Premises Licences relating to relevant open-air events such as large scale concerts, and where relevant representations have been received, the Council's Licensing Authority will have regard to the "HSE Guide to Health, Safety and Welfare at music and similar events" and to the "Code of Practice on Environmental Noise Control at Concerts", published by The Noise Council.

10. Pavement Cafes

- 10.1 The Council's Licensing Authority encourages the provision of pavement café areas. However, it is recognised that there are special considerations that apply to applications that wholly or partly involve the provision of pavement café areas.

These include issues relating to possible nuisance to highway users, including those with mobility or sensory needs. In particular, where it is proposed to serve alcohol, account will be taken of any representations from the police or other responsible authority or other person concerning the potential for disorder or anti social behaviour. Consideration will also be given to the style of operation - for example whether it is primarily food or alcoholic drink focused and the level of supervision proposed over the area where the café will be situated.

- 10.2 Formal permission and agreement will also be required from the Council's Highways Department. Details of this department can be found in the useful contacts section below. Where alcohol is to be provided within areas covered by anti social drinking orders, applications may still be considered. However, applicants must take steps to ensure that drinking is confined to the permitted areas and that anti social behaviour is discouraged. It is also advisable to consider whether plastic containers should be used.

Applicants for licences involving the provision of a café on the public highway are therefore advised to address the following in their operating schedules:

- a. A minimum clear width of 1.8 metres will be maintained between the boundaries of the pavement café and the kerb at all times. In a pedestrianised area there must be at least 3.5 metres of unobstructed space in front of the café.
- b. There will be an unobstructed corridor to the entrance to the premises of two metres at all times.
- c. A physical barrier of approximately 1 metre in height should usually be provided to guide persons with disabilities safely around the area. Such barriers must not be permanently fixed to the ground where this is a public highway.
- d. No storage of furniture, signboards etc or anything else associated with the business will occur outside the barriers at anytime without the prior written consent of the Licensing Authority.
- e. All tables, chairs and any associated structures should usually be removed from the public highway after trading hours.
- f. Chairs, tables and boundary treatment will be of a design and materials agreed in writing by the Licensing Authority before the use commences.
- g. The area of the pavement café will be kept free of litter and cleaned regularly, with food debris and other waste removed immediately. Umbrellas and awnings may also be required where birds pose a potential food hygiene risk.

- h. Noise, disturbance, smells or litter which causes a nuisance to other premises will be avoided and amplified music will not be permitted unless specifically approved.
 - i. Food and drink will in most circumstances be transferred from indoor premises to the outdoor area by waitress or waiter service.
 - j. Toilet and hand washing facilities will be available within adjoining premises or in close proximity for staff, and where possible customers.
 - k. Cold drinks will normally be required to be served in polycarbonate or plastic glasses after 7pm (with lids available on request by patrons).
- 10.3 Conditions will only be attached where relevant representations have been received from a responsible authority or other person. However, the above sets out what is likely to be the minimum requirement in order to address the licensing objectives.

11. Stage Hypnotism

- 11.1 Whilst provision of stage hypnotism is not a licensing activity under the Licensing Act 2003, licensees are reminded that, where regulated entertainment is provided in premises, performances by stage hypnotists require a separate permission under the Hypnotism Act 1952. Information on making such applications is available from the Licensing Team or on its web site at: www.bradford.gov.uk/licensing.

12. Amusement with Prizes Permits

- 12.1 The issue of permits for amusement with prizes machines in alcohol licensed premises is the responsibility of Bradford Council. However, there is a separate application procedure set out in the Gambling Act 2005. Information on making such applications is available from the Licensing Team on its web site at: www.bradford.gov.uk/licensing.

13. The Health Act 2006 – Smoking in Public Places

- 13.1 Smoking is not a licensable activity controlled under the Licensing Act 2003. However, licensees must now ensure compliance with the ban on smoking in all enclosed workplaces and public spaces which came into force on 1 July 2007. The ban includes smoking in pubs, restaurants and members' clubs where bar or other staff are employed.

In this context 'enclosed' means anywhere with more than 50% of wall and ceiling space in-filled. Information on securing practical compliance with public smoking legislation can be found on the Smoke Free England website at www.smokefreeengland.co.uk.

14. Licensing Hours

- 14.1 The Council's Licensing Authority recognises that fixed and artificially early closing times in certain areas can lead to peaks of disorder and disturbance on the streets when large numbers of people tend to leave licensed premises at the same time. It accepts that a variety of opening hours related to the circumstances, and the requirements of different licensees may assist in reducing friction at late night food outlets, taxi ranks and other sources of transport in areas where customers tend to gather.
- 14.2 Shops, stores and supermarkets will generally be permitted to sell alcohol for consumption off the premises during the normal hours they intend to open for shopping purposes. However, in the case of individual shops that are known to be a focus of disorder and disturbance then, subject to due consideration being given to valid representations from the police, a limitation on licensing hours may be appropriate.
- 14.3 The Council's Licensing Authority will deal with the issue of licensing hours on the individual merits of each application, and will grant the hours as applied for in the absence of any valid relevant representations. However, where valid relevant representations have been received that raise issues of merit, conditions are likely to be imposed in regard to noise control for premises in largely residential areas.

15. Creative Enforcement

- 15.1 The Council's Licensing Authority has established a protocol for carrying out inspections with the Police, the Fire Authority and appropriate Bradford Council departments. This will help to target agreed problem and higher risk premises while reducing the number of inspections made of lower risk premises that are well managed and maintained. The Council's Licensing Authority will properly investigate any complaints received about the running of premises. However, the views of vocal minorities will not be allowed to predominate over the general needs of the community or the rights of licensees unless those views are well founded and relate to the licensing objectives.
- 15.2 In accordance with the Council's licensing Enforcement Policy, the Council's Licensing Authority adopts a multi-agency approach to the enforcement of licensing breaches. Consideration will be given as to the appropriate powers that should be used to address a problem where other agencies like the Police, Fire Authority or Environmental Health Department also have their own powers.

Formal enforcement will always be a last resort and proportionate to the perceived degree of risk. To this end the key principles of consistency, transparency and proportionality will be maintained.

16. A Partnership and Multi-Disciplinary Approach

- 16.1 It should be emphasised, the licensing function is only one means of achieving the broad licensing objectives. There are, for example, a number of other mechanisms for addressing problems of unruly behaviour that may occur in the vicinity of or away from licensed premises. These include:
- planning controls;
 - powers to designate parts of the District as places where alcohol may not be consumed publicly in an anti social manner;
 - confiscation of alcohol from adults and others in designated areas;
 - police enforcement of the law with regard to disorder and anti-social behaviour;
 - powers to close premises for up to 48 hours in extreme cases of disorder, excessive noise or other anti-social behaviour;
 - the power of police, local businesses or residents to apply for a review of the licence;
 - enforcement action against those selling alcohol to people who are already drunk.
- 16.2 Bradford Council as a whole adopts a partnership approach with the police, local businesses and local people to address a number of these issues through the Safer Communities strategy, in line with the strategic objectives for crime and disorder reduction within the District.
- 16.3 Licensees should also be aware that the Clean Neighbourhoods and Environment Act 2005 empowers the Council's Environmental Health Department to issue a fixed penalty notice to any licensed premises emitting noise that exceeds the permitted level between the hours of 11pm and 7am.

17. Conditions of Licence

- 17.1 Where valid relevant representations have been received and considered at a Hearing the Council's Licensing Authority will only impose conditions that are necessary in order to address the licensing objectives. In the absence of any valid relevant representations, only conditions necessary to give effect to the steps set out by applicants in the operating schedule to address the licensing objectives will be attached (together with any related mandatory conditions).

Where these can be addressed in different ways, the most effective solution will be required. In particular, the Council's Licensing Authority wishes to encourage live music, dancing, street arts, circus entertainment and theatre, so will not impose excessive requirements that will discourage such events.

The Council's Licensing Authority will not impose standard conditions of licence across the board but, instead, will principally draw on a model pool of conditions and attach conditions tailored to individual applications. The model conditions can be found in the Appendix to this document.

17.2 The model conditions address, among other things, issues surrounding –

- [crime and disorder](#);
- [public safety](#);
- [theatres and cinemas \(promotion of public safety\)](#);
- [public nuisance](#);
- [protection of children from harm](#).

17.3 The Council's Licensing Authority will not attach conditions where the matter at issue can be more appropriately addressed by other legislation. It should also be stressed that this is not intended to be exhaustive; other conditions may be appropriate depending on the circumstances and in the light of representations received by the Council's Licensing Authority.

See also the separate considerations with respect to entertainment in the open air or in temporary structures, activities in the prime entertainment areas, and issues related to pavement cafes as set out earlier.

18. Cinemas

18.1 All films exhibited at local premises will require classification from the British Board of Film Classification or the Council's Licensing Authority itself. Conditions will be attached to licences specifying how such classification should be displayed on-screen, outside the premises and in any advertisement for their exhibition.

18.2 It should also be noted that the Council's Licensing Authority reserves the right to pre-view, re-classify or prohibit the showing of any film, irrespective of whether it has been classified by the British Board of Film Classification, where it feels there are reasonable grounds for doing so.

19. The Licensing Process

19.1 The Council's Licensing Authority encourages applicants for licences to address the licensing objectives in operating schedules having regard to the type of premises, the licensable activities to be provided, the operational requirements, the nature of the location and the circumstances of the local community.

Application forms and guidance notes are available from the Licensing Team on the Council's website at www.bradford.gov.uk/licensing.

Early consultation with the Police, Fire Authority, other responsible authorities and local residents or businesses is recommended as this will make it less likely that objections will be received to the application.

- 19.2 Applicants are encouraged to make themselves aware of any relevant planning and transport policies, tourism and cultural strategies or local crime prevention strategies and to ensure that these are taken into account, where appropriate, when preparing operating schedules.
- 19.3 When determining applications the Council's Licensing Authority will have regard to any guidance issued by the Home Office. In particular, account will be taken of the need to encourage and promote live music, dancing and theatre and public performances etc for the wider cultural benefit of the community as a whole.
- 19.4 If representations are made concerning the potential for limited disturbance in a particular neighbourhood, the Council's Licensing Authority's consideration of these issues will be balanced against the wider benefits to the community. The Council's Licensing Authority will particularly adopt a positive approach to applications that seek to provide for a more varied entertainment and refreshment scene in the district catering for all age groups and tastes or venues that provide options for an alcohol free environment.
- 19.5 It is recognised that most decisions made under the legislation are administrative in nature and therefore not contentious. For example, the Council has a duty to grant personal, premises or club premises certificate licences as applied for (subject to any mandatory conditions) unless a valid relevant representation has been received from a responsible authority or other person. For the sake of efficiency, therefore, officers under delegated authority will make most decisions. Only contentious applications or policy matters will be referred to the Area Licensing Panel or the Licensing Committee. A scheme of delegation for dealing with various applications and decisions has been agreed and is set out below.

20. Scheme of Delegation of Functions (Licensing Matters)

<u>Matter to be dealt with</u>	<u>Licensing Committee</u>	<u>Area Licensing Panels</u>	<u>Officers</u>
Recommendation and development of Licensing Policy for consideration by Council's Licensing Authority	All cases		
Application for personal licence		If a representation made	All other cases
Application for personal licence for unspent convictions		If a representation made	All other cases

<u>Matter to be dealt with</u>	<u>Licensing Committee</u>	<u>Area Licensing Panels</u>	<u>Officers</u>
Application for premises licence/club premises certificate		If a representation made	If no representation made
Application for provisional statement		If a representation made	If no representation made
Application to vary premises licence/club premises certificate		If a representation made	If no representation made
Application for minor variation of premises licence/club premises certificate			All cases
Application to vary designated personal licence holder		If a representation made	All other cases
Request to be removed as designated personal licence holder			All cases
Application for removal of requirement for a designated premises supervisor in community premises		If a representation made	All other cases
Application for transfer of premises licence		If a representation made	All other cases
Applications for Interim Authorities		If a representation made	All other cases
Submit an application to review a premises licence/club premises certificate as a Responsible Authority			All cases
Consideration and determination of an application to review premises licence/club premises certificate		All cases	

<u>Matter to be dealt with</u>	<u>Licensing Committee</u>	<u>Area Licensing Panels</u>	<u>Officers</u>
Decision on whether a representation or (request for review) is irrelevant frivolous vexatious etc			All cases in consultation with the chair of the Licensing Committee
Decision to object when Local Authority is a consultee and not the lead authority			All cases
Determination of a Police or Environmental Health representation concerning a temporary event notice		All cases	

- 20.2 The Area Licensing Panels can decide to refer a decision to the Licensing Committee for a decision where it considers that it is appropriate to do so.
- 20.3 Decisions made generally under the legislation are covered by the Member's Codes of Conduct.

21. The Consultation and Review Process

- 21.1 The Council's Licensing Authority has consulted with a wide range of stakeholders in preparing this policy. Consultees include the statutory consultees under the Licensing Act, representatives of local residents, local businesses and existing licence holders, trade representatives and other Council Services.
- 21.2 This policy statement comes into effect on the *[DATE]* and will be operational for a period of 5 years thereafter. Its effectiveness in assisting in the achievement of the Licensing Objectives will be monitored during this period with a view to a further review before the *[DATE]*.

22. Responsible Authorities in the Bradford District

22.1 Responsible Authorities:

- Licensing Team, Jacobs Well, Bradford, BD1 5RW
- West Yorkshire Police, Licensing Section, Trafalgar House Police Station, Nelson Street, Bradford, BD5 0DX
- West Yorkshire Fire & Rescue Service, Fire Protection, Oakroyd Hall, Birkenshaw, Bradford, BD11 2DY
- West Yorkshire Trading Standards, Nepshaw Lane South, Morley, Leeds, LS27 0QP
- Planning Services, Jacobs Well, Bradford, BD1 5RW
- Environmental Protection Services, Jacobs Well, Bradford, BD1 5RW

- Bradford Safeguarding Children Board, c/o Child Protection Unit, Social Services, Sir Henry Mitchell House, 4 Manchester Road, Bradford, BD5 0QL
- Primary Care Trust, Public Health, Jacobs Well, Bradford, BD1 5RW
- Health & Safety Executive, Marshalls Mill, Marshall Street, Leeds, LS11 9YJ
- Responsible Authorities for licensable activities on vessels only;
 - Environment Agency, Yorkshire Area Office, Lateral, 8 City Walk, Leeds, LS11 9AT
 - British Waterways, Fearn's Wharfe, Neptune Street, Leeds, LS9 8PB
 - Maritime & Coastguard Agency, Crosskill House, Mill Lane, Beverley, HU17 9JB

22.2 Licensing Authorities are included within the prescribed list of Responsible Authorities under the Licensing Act 2003.

As a responsible authority, we will not generally make representations on behalf of other parties such as residents, local councillors or local community groups, as provisions are already in place to enable such parties to make representations regarding licensing applications.

In instances where a representation is submitted by the licensing authority, the representation will be submitted by an officer who has the approved delegation, and has not been a part of the administrative process of the application in concerned.

23. Useful Contacts

Contact	Details
Licensing Service Application forms, guidance and policy issues etc. Complaints about premises or applications for review of licences	Licensing Service City of Bradford Metropolitan District Council Environmental & Regulatory Services Jacobs Well, Bradford, BD1 5RW Telephone: 01274 432240 Email: licensingteam@bradford.gov.uk
Building Control Department Alterations to premises, structural alterations, access and facilities for disabled people etc.	Building Control Department City of Bradford Metropolitan District Council Jacobs Well, Bradford, BD1 5RW Telephone: 01274 433807 Email: buildingcontrol@bradford.gov.uk
Environmental Protection Noise, food safety, cleansing and health & safety etc.	Environmental Protection Department City of Bradford Metropolitan District Council Jacobs Well, Bradford, BD1 5RW Telephone: 01274 434366 Email: ep.admin@bradford.gov.uk

Contact	Details
Regeneration and Culture Events in City Park.	Regeneration and Culture City of Bradford Metropolitan District Council City Hall, Bradford, BD1 1HY Telephone: 01274 434783
Parks & Landscape Service Use of Council's owned parks.	Parks & Landscape Service City of Bradford Metropolitan District Council Jacobs Well, Bradford, BD1 5RW Telephone: 01274 432648
Equalities Services Advice and information on access and facilities for disabled people	Equalities Service City of Bradford Metropolitan District Council Jacobs Well, Bradford, BD1 5RW Telephone: 01274 432034
Public Safety Liaison Group Event planning.	Emergency Planning Office City of Bradford Metropolitan District Council Jacobs Well, Bradford BD1 5RW Telephone: 01274 432011
Traffic & Highways Department Pavement Café's-licences to use the highway	Traffic and Highways Department Planning, Transportation and Highways Jacobs Well, Bradford, BD1 5RW Telephone: 01274 431000
West Yorkshire Police Crime and disorder.	West Yorkshire Police Licensing Section Trafalgar House Police Station Nelson Street, Bradford, BD5 0DX Telephone: 01274 471446
West Yorkshire Fire & Rescue Service Fire Safety.	West Yorkshire Fire & Rescue Service Fire Protection Dept Oakroyd Hall Birkenshaw, BD11 2DY Telephone: 0113 3875738 Email: fire.safety@westyorksfire.gov.uk
West Yorkshire Metropolitan Ambulance Service Medical cover.	WYMAS HQ Springhill Unit 41 Business Park Brindley Way, Wakefield, WF2 0XQ Telephone: 0845 124 1241

Contact	Details
Social Services Child Protection.	Child Protection Unit City of Bradford Metropolitan District Council Sir Henry Mitchell House, 4 Manchester Road Bradford, BD5 0QL Telephone: 01274 434361
Phonographic Performance Ltd Public Performance and Broadcasting Rights.	Phonographic Performance Ltd 1 Upper James Street London W1R 3HG Telephone: 0207 534 1000 Email: info@ppluk.com
Performing Rights Society Copyright of music composers.	Performing Rights Society 29/33 Berners Street London W1P 4AA Telephone: 0207 580 5544
British Beer & Pub Association Business interests of the UK's brewing and pub sectors.	British Beer & Pub Association Ground Floor, Brewers' Hall Aldermanbury Square London EC2V 7HR Telephone: 020 7627 9191 Email: contact@beerandpub.com Web: www.beerandpub.com
British Board of Film Classification	British Board of Film Classification 3 Soho Square London W1D 3HD Telephone: 020 7440 1570 Web: www.bbfc.co.uk
British Institute of Innkeeping Information and qualifications for the licensed retail sector.	British Institute of Innkeeping Wessex house 80 Park Street Camberley, Surrey, GU15 3PT Telephone: 01276 684449 Email: reception@bii.org Web: www.bii.org

Contact	Details
<p>Equality & Human Rights Commission</p> <p>Advice, information and support for disabled people, employers and service providers.</p>	<p>Equality & Human Rights Commission Equality Advisory Support Services Freepost FPN4431</p> <p>Telephone: 0808 800 0084 Web: www.equalityhumanrights.com Email: correspondence@equalityhumanrights.com</p>
<p>Security Industry Authority</p> <p>Door Supervisors registration.</p>	<p>Security Industry Authority PO Box 1293 Liverpool L69 1AX</p> <p>Telephone: 0844 892 1025 Email: info@sia.homeoffice.gov.uk Web: www.sia.homeoffice.gov.uk</p>
<p>Portman Group</p> <p>Responsible drinking advice and support for the government, media, industry and consumers.</p>	<p>The Portman Group 4th Floor, 20 Conduit Street London, W1S 2XW</p> <p>Telephone: 020 7290 1460 Email: info@portmangroup.co.uk Web: www.portmangroup.org.uk</p>
<p>Trading Standards</p>	<p>West Yorkshire Trading Standards Nepshaw Lane South Morley, Leeds, LS27 0QP</p> <p>Telephone: 0113 253 0241 Web: www.ts.wyjs.org.uk</p>

24. Helpful Terminology

Closure Notice & Closure Order

Allows the police or local council to close premises which are being used, or likely to be used, to commit nuisance or disorder.

A closure notice can be issued for up to 48 hours. Following the issue of a notice, an application must be made to the magistrates' court for a closure order, unless the notice has been cancelled. A closure order of up to 3 months can subsequently be issued by the magistrates' court

Club Premises Certificate

A licence granted in respect of any premises, which authorises the premises to be used for one or more licensable activities or to supply alcohol for the benefit of members or guests of a bona fide members club. It can be granted to members clubs that comply with specific conditions e.g. membership rules, run by club committees, profits go to members not an owner etc.

There is no time limit on the duration of the certificate but it may be withdrawn, surrendered or suspended. Applications are dealt with by the local authority for the area where the premises are situated. Unlike a premises licence, a designated premises supervisor does not need to be named on the certificate when alcohol is supplied to members and guests.

Conditions

A premises licence and club premises certificate may be granted subject to different conditions and these may be in respect of different parts of the premises and different licensable activities. There is no power to impose conditions on a personal licence. Secretary of State's guidance provides "The only conditions which should be imposed on a premises licence or club premises certificate are those which are necessary for the promotion of the licensing objectives. Accordingly, if the existing law already places certain statutory responsibilities on an employer or operator of premises, it cannot be necessary to impose the same or similar duties on the premises licence holder". Conditions must be proportional and tailored to size, style, characteristics and activities taking place at the premises concerned.

Designated Premises Supervisor

This is the person designated in the premises licence as the person who is responsible for supervision of the premises e.g. the day-to-day manager. Any premises where alcohol is supplied as a licensable activity must have a designated premises supervisor.

Early Morning Restriction Orders (EMRO)

EMROs are designed to address recurring problems such as high levels of alcohol-related crime and disorder in specific areas at specific times; serious public nuisance; and other instances of alcohol-related anti-social behaviour which is not directly attributable to specific premises.

An EMRO:

- applies to the supply of alcohol authorised by premises licences, club premises certificates and temporary event notices;
- applies for any period beginning at or after 12am and ending at or before 6am. It does not have to apply on every day of the week, and can apply for different time periods on different days of the week;
- applies for a limited or unlimited period (for example, an EMRO could be introduced for a few weeks to apply to a specific event);
- applies to the whole or any part of the licensing authority's area;

- will not apply to any premises on New Year's Eve (defined as 12am to 6am on 1 January each year);
- will not apply to the supply of alcohol by those who provide hotel or similar accommodation to their residents between 12 am and 6am, provided the alcohol is sold at those times only through mini-bars and/or room service; and
- will not apply to a relaxation of licensing hours by virtue of an order made under section 172 of the 2003 Act.

The Council's Licensing Authority remains of the view that promotion of the licensing objectives can be achieved without the implementation of an EMRO. However it intends to keep the situation under review during the lifetime of this policy.

Late Night Levy

A late night levy enables licensing authorities to charge a levy to persons who are licensed to sell alcohol late at night in the authority's area, as a means of raising a contribution towards the costs of policing the late night economy and the reduction or prevention of crime and disorder.

The decision to introduce a levy is an option available to all licensing authorities in the whole of their respective areas. The levy will be payable by the holders of any premises licence or club premises certificate, in relation to premises in the authority's area, which authorises the sale or supply of alcohol on any days during the period beginning at or after midnight and ending at or before 6am.

There is a prescribed consultation and adoption process to follow in order to implement a late night levy.

The Bradford Licensing Authority does not currently have a late night levy. The requirement for a levy will be kept under review during the lifetime of this policy.

Late Night Refreshment

Supply of hot food or hot drink between 11pm and 5am whether for consumption on or off the premises e.g. covers late night takeaways and fast food outlets but also restaurants open after 11pm.

Licensable Activities

Activities that must be licensed under the Act: The sale by retail of alcohol, supply of alcohol by a club; provision of regulated entertainment; provision of late night refreshment.

Licensing Authority

Local authorities (district or county council) i.e. Bradford Council.

Licensing Committee

A committee of at least 10 but not more than 15 members of the local authority. The Committee may have one or more sub-committees consisting of at least three members.

Licensing Objectives

The objectives of licensing set out in the Act: The prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm. The Licensing Authority must carry out its functions under the Act with a view to promoting the licensing objectives.

Mandatory Conditions

Conditions that the Act requires to be imposed on a premises licence in specified circumstances. These include:

- No supply of alcohol unless there is a designated premises supervisor
- A requirement that the premises have a proof of age policy in order to prevent underage children obtain alcohol
- A prohibition on the promotion of irresponsible drinks promotions
- A requirement that tap water is freely available
- A requirement that certain alcoholic drinks are available in certain specified measures
- A requirement for all sales of alcohol to be charged at a price at or above the price of duty plus VAT
- Where films are exhibited, film classifications must be observed
- Where the premises licence includes a door supervision condition it must also require the door supervisors to be licensed by the Security Industry Authority.

Operating Schedule

A document in a prescribed form that sets out information about how the applicant for a premises licence intends to operate his business. It sets out information such as the relevant licensable activities, the proposed licensed hours, any other opening hours, the name of the proposed premises supervisor and steps proposed to promote the licensing objectives.

Where an applicant for a premises licence submits an operating schedule, and there are no relevant representations (objections), the licensing authority must grant the application and can impose only those conditions on the licence that are consistent with the operating schedule.

Other Person and Responsible Authorities

The Act creates two categories of people/bodies that can make representations to a licensing authority about an application for a licence. Only these groups can make representations about an application for a premises licence:

- 1) "Other Person" – These are defined as any individual, body or business, regardless of their geographic proximity to the premises.

Whilst any of these persons may act in their own right, they may also request that a representative makes the representation to the licensing authority on their behalf.

A representative may include a legal representative, a friend, a Member of Parliament, or a local ward or parish councillor who can all act in such a capacity

- 2) “Responsible authorities” – These include the police, fire, enforcing authority for health and safety, planning authority, environmental health, bodies responsible for child protection, director for public health, trading standards and the licensing authority.

Personal Licence

A licence granted to an individual and authorises that person to sell alcohol or authorise the sale of alcohol in accordance with a premises licence. It ceases to have effect when revoked, forfeited, surrendered or suspended. A personal licence holder is not required where the premises concerned do not supply alcohol as one of its licensable activities. A personal licence holder is also not required for the supply of alcohol in a club which holds a club premises certificate. Only the police can object to the grant of a personal licence.

Premises Licence

A licence granted in respect of any premises, which authorises the premises to be used for one or more licensable activities. Has effect until revoked, surrendered or death, insolvency etc of the holder. Applications are dealt with by the local authority for the area where the premises are situated. Where the licensable activities include the sale of alcohol a designated premises supervisor must be named on the licence.

Regulated Entertainment

Specified entertainment that takes place in the presence of an audience for their entertainment; performance of a play, exhibition of a film, indoor sporting event, performance of live music, playing of recorded music, performance of dance, other entertainment similar to music and dancing.

Relevant Offences

Offences relevant to the consideration of an application for the grant of a personal licence and about which the police may serve an “objection notice”. The offences are listed in schedule 4 of the 2003 Act and generally relate to drink, dishonesty, drugs, duty, copyright, food safety, sexual offences & violence.

Relevant Representations

The 2003 Act does not use the term “objections”. Instead authorised persons, responsible authorities and other persons may be able to make relevant representations about an application for a licence. Representations must relate to the licensing objectives and where made by other persons must not be frivolous or vexatious. When considering an application from a responsible authority or other person the local authority need only consider relevant representations.

The making of relevant representations engages the licensing authorities' discretion to take "steps" consistent with the licensing objectives when considering the application.

Review of Licences

Where a premises licence is in force a responsible authority or other person may apply to the licensing authority for it to be reviewed. The authority must hold a hearing to review the licence and as a result must take any necessary steps to promote the licensing objectives, such as the modification of conditions; exclusion of licensable activities; removal of the premises supervisor; suspension of the licence for up to three months; or the revocation of the licence. E.g. neighbours of a public house causing a public nuisance could apply to the licensing authority for the premises licence to be reviewed. Guidance on the review procedure can be obtained from the Licensing Team.

Sexual Entertainment

On the 14th December 2010 the Council adopted powers under Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended by section 27 of the Policing and Crime Act 2009). From this date the Council will licence premises used for sexual entertainment under the same legislation regulating sex shops and sex cinemas.

The meaning of 'relevant entertainment' for the purpose of the regulations is *"any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means)."*

Advice can be obtained from the Council's licensing team on the application procedure for making applications for sexual entertainment venue licences.

Where premises also sell alcohol, provide other regulated entertainment, or sell late night hot food or drink, then a separate premises licence under the Licensing Act 2003 is also required.

Statement of Licensing Policy

Each licensing authority must every five years determine and publish a statement of licensing policy. There is a requirement to consult on the policy and keep it under review.

Temporary Event Notices

Where it is proposed to use premises (the definition of which includes any place) for one or more licensable activities involving less than 500 people during a period not exceeding 168 hours (7 days) a "temporary event notice" may be given to the licensing authority.

The most important aspect of this system is that no permission is required for these events from the licensing authority – once the required notice is served in the specified way then subject to police objections on the crime prevention objective or environmental health on the public nuisance objective, the event can proceed. At least 5 clear working days notice must be given for a late TEN and 10 clear working days notice for a standard TEN, but it is advisable to give as much notice as possible.

If the Police or the Council's Environmental Health Service believe that allowing an event will undermine any of the licensing objectives, they must, no later than 3 working days after being given a copy of the TEN, give the premises user, licensing service and any other relevant person an objection notice.

The Council must hold a hearing to consider the notice at least 24 hours before the event, with the exception of a late TEN in which case a counter notice will be served by the licensing service, which prohibits the event from going ahead.

Where a valid objection to a standard TEN is received, the Council will hold a meeting of its Area Licensing Panel to consider whether to serve a Counter Notice prohibiting the event from going ahead.

The Panel is comprised of elected Members of the Council. They will listen to evidence from the Premises User, the Police and Environmental Health before making their decision. The Panel may decide to issue a Counter Notice prohibiting the event from going ahead, decide to impose conditions or decide the Council has no objections.

If there are no valid objections, the event can go ahead.

Applicants for temporary event notices do not have to hold a personal licence but non-licence holders are limited to 5 in one year, a personal licence holder can have up to 50 temporary events. There is a maximum of 12 temporary events per year allowed in respect of any one premises. However, no premises may be used on more than 21 days per calendar year in total.

Variation Procedures

Procedures set out in the Act that allow applications to be made to vary a premises licence (e.g. to modify/extend the opening hours allowed by the licence) or to vary/change the designated premises supervisor or licence conditions.

Model Pool of Conditions

Annex A

Conditions Relating to Prevention of Crime and Disorder

It should be noted that certain matters are offences under the Licensing Act 2003. For example it is an offence to be party to the following:

- selling or supplying alcohol to a person who is drunk;
- knowingly allow disorderly conduct on licensed premises ;
- being the holder of a premises licence or a designated premises supervisor to knowingly keep or to allow to be kept on licensed premises any goods that have been imported without payment of duty or which have otherwise been unlawfully imported;
- allowing the presence of children under 16 who are not accompanied by an adult between midnight and 5am at any premises licensed for the sale of alcohol for consumption on the premises, and at any time in premises used exclusively or primarily for the sale and consumption of alcohol.

Conditions dealing with these matters are therefore not necessary and will not be attached to licences.

General

Communication systems

Mobile phones, radio systems and other communication systems connecting premises licence holders, designated premises supervisors and managers of premises clubs to the local police can provide for rapid response by the police to situations of disorder which may be endangering the customers and staff on the premises.

Communication systems also provide two-way communication, enabling licence holders, managers, designated premises supervisors and clubs to report incidents to the police, and enable the police to warn those operating a large number of other premises of potential trouble-makers or individuals suspected of criminal behaviour who are about in a particular area. Licence holders, door supervisors, managers, designated premises supervisors and clubs can also use such systems to warn each other of the presence of such people in an area.

In relevant circumstances conditions may be imposed requiring the use and maintenance of such systems.

Door supervisors

Conditions relating to the provision of door supervisors and security teams may be valuable in:

- preventing the admission and ensuring the departure from the premises of any person who is drunk or disorderly, without causing further disorder;

- keeping out excluded individuals (subject to court bans or imposed by the licence holder);
- searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons; and
- maintaining orderly queuing outside of venues prone to such queuing.

Where door supervisors conducting security activities are required as a condition of a licence, conditions may also be imposed dealing with the number of such supervisors, where and at what times door staff should be stationed on the premises, and whether at least one female supervisor should be available (for example, if female customers are to be the subject of body searches).

Door supervisors also have a role to play in ensuring public safety.

Bottle bans

Bottles may be used as weapons inflicting more serious harm during incidents of disorder. Conditions may therefore be necessary to prevent sales of drinks in their bottles for consumption on the premises. However, the Council's Licensing Authority notes evidence that many women consider that drinking from bottles to be safer as it is easier for them to prevent the possible spiking of drinks with drugs in bottles the openings of which may be readily covered. These issues will therefore need to be carefully balanced when specifying such conditions.

Plastic containers and toughened glass

Glasses containing drinks may be used as weapons during incidents of disorder and can cause very serious injuries. Consideration should therefore be given to conditions requiring either the use of plastic containers or toughened glass that inflicts less severe injuries. The location and style of the venue and the activities carried on there will be particularly considered in assessing whether such a condition is necessary. For example, the use of glass containers on the terraces of outdoor sports grounds may obviously be of concern, but similar concerns may also apply to indoor sports events such as boxing matches. Similarly, the use of such plastic containers or toughened glass during the televising of live sporting events, such as international football matches, when high states of excitement and emotion fuelled by alcohol might arise, may be a necessary condition.

The use of plastic or paper drinks containers and toughened glass may also be relevant as measures to promote public safety

CCTV

The presence of closed circuit television cameras can be an important means of deterring and detecting crime in and immediately outside licensed premises. Where there is a condition which requires there to be CCTV inside and outside of licensed premises, there is also likely to be the requirement that CCTV cameras are maintained in good working order and that recordings are retained for an appropriate period of time. The approval of the police will be required as to the type and positioning of the equipment to be used.

Open containers not to be taken from the premises

Drinks purchased in licensed premises or clubs may be taken from those premises for consumption elsewhere. Where premises are licensed for the sale of alcohol for consumption off the premises, this would be entirely lawful. However, consideration may be given to a condition preventing the taking of alcoholic and other drinks from the premises in open containers (e.g. glasses and opened bottles). This may be necessary to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises.

Restrictions on drinking areas

It may be necessary to restrict the areas where alcoholic drinks may be consumed in premises after they have been purchased from the bar. An example would be at a sports ground where it may be necessary to prevent the consumption of alcohol on the terracing of sports grounds during particular sports events. Such conditions will not only specify these areas, but indicate the circumstances in which the ban would apply and times at which it should be complied with.

Capacity limits

Although most commonly considered as a condition of a licence on public safety grounds, consideration may also be given to conditions that set capacity limits for licensed premises or clubs where it may be necessary to prevent overcrowding which can lead to disorder and violence. Where such a condition is considered necessary, consideration may also be given to appropriate door supervisors needed to ensure that the numbers are appropriately controlled.

Proof of Age cards

It is unlawful for children under 18 to attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them. Mandatory conditions will be applied to all licences requiring a proof of age policy to be in place. It may also be necessary after consideration of relevant representations for the licensing authority to impose a more restrictive Challenge 21 or Challenge 25 policy by condition where deemed necessary in order to promote the licensing objectives.

Crime prevention notices

It may be necessary at some premises for notices to be displayed that warn customers of the prevalence of crime that may target them.

For example, in certain areas, a condition attached to a premises licence or club premises certificate might require the displaying of notices at the premises which warn customers about the need to be aware of pickpockets or bag snatchers, and to guard their property. Similarly, it may be necessary for notices to be displayed, which advise customers not to leave bags unattended.

Consideration may also be given to a condition requiring a notice to display the name of a contact for customers if they wish to report concerns.

Signage

It may be necessary for the normal hours under the terms of the premises licence or club premises certificate at which licensable activities are permitted to take place to be displayed on or immediately outside the premises so that it is clear if breaches of the terms of the licence or certificate are taking place.

Similarly, it may be necessary for any restrictions on the admission of children to be displayed on or immediately outside the premises so that the consequences of breaches of these conditions would also be clear and to deter those who might seek admission in breach of those conditions.

Annex B

Conditions Relating to Public Safety

General

The following options will be considered as measures that, if necessary, would promote public safety. It should be recognised however that special issues may arise in connection with outdoor and large-scale events.

Whether or not any risk assessment shows any of the measures to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.

Necessary conditions of the licence or certificate will also depend on local knowledge of the character and vicinity of the premises. In addition, to considering the points made in this Annex, those preparing operating schedules or club operating schedules, and responsible authorities should consider:

- Model National and Standard Conditions for Places of Public Entertainment and Associated Guidance ISBN 1 904031 11 0 (Entertainment Technology Press – ABTT Publications)
- The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999) (“The Purple Book”) ISBN 0 7176 2453 6
- Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X
- 5 Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 07176 15804
- The Guide to Safety at Sports Grounds (The Stationery Office, 1997) (“The Green Guide”) ISBN 0 11 300095 2
- Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by the Independent Street Arts Network, copies of which may be obtained through www.streetartsnetwork.org.uk.

Disabled People

Consideration will also be given to conditions that ensure that;

- when disabled people are present, adequate arrangements exist to enable their safe evacuation in the event of an emergency; and
- disabled people and all employed staff on the premises are made aware of those arrangements.

Escape routes

It may be necessary to include conditions relating to the maintenance of all escape routes and exits including external exits. These might be expressed in terms of the need to ensure that such exits are kept unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified. In restaurants and other premises where chairs and tables are provided this might also include ensuring that internal gangways are kept unobstructed.

In certain premises where existing legislation does not provide adequately for the safety of the public, consideration might be given to conditions that ensure that:

- All exits doors are easily opened without the use of a key, card, code or similar means.
- Doors at such exits are regularly checked to ensure that they function satisfactorily and a record of the check kept.
- Any security fastenings are removed prior to the premises being open to the public.
- All fire doors are maintained effectively self-closing and shall not be held open.
- Fire resisting doors to ducts, service shafts, and cupboards shall be kept locked shut.
- The edges of the treads of steps and stairways are maintained so as to be conspicuous.

Safety checks

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might be given to conditions that ensure that:

- Safety checks are carried out before the admission of the public.
- Details of such checks are kept in a Log-book.

Curtains, hangings, decorations and upholstery

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might be given to conditions that ensure that:

- Hangings, curtains and temporary decorations are maintained in a flame-retardant condition;
- Any upholstered seating meets on a continuous basis the pass criteria for smouldering ignition source 0, flaming ignition source 1 and crib ignition source 5 when tested in accordance with section 5 of BS 5852:1990;
- Curtains, hangings and temporary decorations are arranged so as not to obstruct exits, fire safety signs or fire-fighting equipment; and
- Temporary decorations are not used without the prior written consent of the licensing authority.

Accommodation limits

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might be given to conditions that ensure that:

- Arrangements are made to ensure that any capacity limit imposed under the premises licence or club premises certificate are not exceeded; and
- The licence holder, a club official, manager or designated premises supervisor are aware of the number of people on the premises and required to inform any authorised person on request.

Fire action notices

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might be given to conditions that ensure that:

- Notices detailing the actions to be taken in the event of fire or other emergencies, including how the fire service should be summoned, are prominently displayed and protected from damage and deterioration.

Outbreaks of fire

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might be given to conditions that ensure that:

- The fire service must be called at once to any outbreak of fire, however slight, and the details recorded in a Fire Log-book.

Loss of water

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might be given to conditions that ensure that:

- The local Fire Control Centre are notified as soon as possible if the water supply to any hydrant, hose reel, sprinkler, drencher or other fire extinguishing installation is cut off or restricted.

Access for emergency vehicles

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might be given to conditions that ensure that:

- Access for emergency vehicles is kept clear and free from obstruction.

First Aid

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might be given to conditions that ensure that:

- Adequate and appropriate supply of first aid equipment and materials is available on the premises.
- If necessary, at least one suitably trained first-aider shall be on duty when the public are present; and if more than one suitably trained first-aider that their respective duties are clearly defined.

Lighting

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might be given to conditions that ensure that:

- In the absence of adequate daylight, the lighting in any area accessible to the public, members or guests shall be fully in operation when they are present.
- Fire safety signs are adequately illuminated.
- Emergency lighting is not to be altered without the written consent of the licensing authority.
- Emergency lighting batteries are fully charged before the admission of the public, members or guests.

Temporary electrical installations

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might be given to conditions that ensure that:

- Temporary electrical wiring and distribution systems are not provided without notification to the licensing authority at least ten working days before commencement of the work.
- Temporary electrical wiring and distribution systems shall comply with the recommendations of BS 7671 or where applicable BS 7909.
- Temporary electrical wiring and distribution systems are inspected and certified by a competent qualified person before they are put to use.

Ventilation

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might be given to conditions that ensure that:

- The premises are effectively ventilated and verified as such by the licensing authority.
- Where the ventilation system is designed to maintain positive air pressure within part of the premises, that pressure is maintained whenever the public, member or guests are present in that part of the premises.
- Ventilation ducting is kept clean.
- Air filters are periodically cleaned and replaced to maintain a satisfactory air supply.

Indoor Sports Entertainments

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might be given to conditions that ensure that:

- If necessary, an appropriately qualified medical practitioner is present throughout a sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature.
- Where a ring is involved, it is constructed and supported to the satisfaction of the licensing authority and any material used to form the skirt around the ring is flame-retardant.
- At any wrestling or other entertainments of a similar nature members of the public do not occupy any seat within 2.5 metres of the ring.
- At water sports entertainments, staff adequately trained in rescue and life safety procedures are stationed and remain within the vicinity of the water at all material times (see also *Managing Health and Safety in Swimming Pools* issued jointly by the Health and Safety Commission and Sport England).

Annex C
Conditions Relating to Theatres and Cinemas
(Promotion of Public Safety)

In addition to the points made above, there are particular matters in the context of public safety and fire safety, which should be considered in connection with theatres and cinemas. The points, which follow, are examples of the types of specialised conditions that may be necessary for these premises.

Premises used for Closely Seated Audiences

Attendants

- (a) The number of attendants on each floor in a closely seated auditorium be required in accordance with the following formula:

Number of members of the audience present on a floor	Minimum number of attendants required to be present on that floor
1 – 100	One
101 – 250	Two
251 – 500	Three
501 – 750	Four
751 – 1000	Five
And one additional attendant for each additional 250 persons (or part thereof)	

- (b) Attendants shall not be engaged in any duties that would hinder the prompt discharge of their duties in the event of an emergency or entail their absence from that floor or auditorium where they are on duty.
- (c) Any attendant shall be readily identifiable to the audience (but this need not entail the wearing of a uniform).
- (d) The premises shall not be used for a closely seated audience except in accordance with seating plan(s), a copy of which is available at the premises and shall be shown to any authorised person on request.
- (e) No article shall be attached to the back of any seat which would reduce the clear width of gangways or cause a tripping hazard or obstruction.
- (f) A copy of any certificate relating to the design, construction and loading of any temporary seating shall be kept available at the premises and shall be shown to any authorised person on request.

Standing and Sitting in Gangways etc

- (a) Sitting on floors shall not be permitted except where authorised in the premises licence or club premises certificate.

- (b) Waiting or standing shall not be permitted except in areas designated in the premises licence or club premises certificate.
- (c) In no circumstances shall anyone be permitted to
- (i) sit in any gangway
 - (ii) stand or sit in front of any exit; or
 - (iii) stand or sit on any staircase including any landings.

Drinks

Except as authorised by the premises licence or club premises certificate, no drinks shall be sold to or be consumed by a closely seated audience except in plastic and paper containers.

Balcony Fronts

Clothing or other objects shall not be placed over balcony rails or upon balcony fronts.

Special effects

Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff. Special effects include:

- Dry ice machines and cryogenic fog
- Smoke machines and fog generators
- Pyrotechnics, including fireworks
- Real flame
- Firearms
- Motor vehicles
- Strobe lighting
- Lasers
- Explosives and highly flammable substances

In certain circumstances, it may be necessary to require that certain special effects may only be used with the prior consent of the licensing authority.

Scenery

Any scenery should be made of flame-retardant materials and maintained to current recognised British Safety Standards.

Safety curtain

Where a safety curtain is necessary, it should be arranged so as to protect the audience from the effects of a fire or smoke on stage for sufficient time to enable the safe evacuation of the auditorium.

Where a stage with a proscenium arch is not equipped with a safety curtain, any curtains provided between the stage and the auditorium should be heavyweight and be made of non-combustible material or inherently or durably treated flame-retarded fabric.

Ceilings

All ceilings in those parts of the premises to which the audience are admitted should be inspected by a suitably qualified person every five years and a certificate concerning the condition of the ceilings forwarded to the licensing authority.

Seating

Where the potential audience exceeds 250 all seats in the auditorium should, except in boxes accommodating not more than 8 persons, be either securely fixed to the floor or battened together in lengths of not fewer than four or more than twelve.

Premises used for Film Exhibitions

Attendants - premises without a staff alerting system

Where the premises are not equipped with a staff alerting system the number of attendants present should be as set out in the table below:

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty
1 - 250	Two
And one additional attendant for each additional 250 members of the audience present (or part thereof)	
Where there are more than 150 members of an audience in any auditorium or on any floor	At least one attendant shall be present in any auditorium or on any floor

Attendants – with a staff alerting system

(a) Where premises are equipped with a staff alerting system the number of attendants present should be as set out in the table below:

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty	Minimum number of staff on the premises who are available to assist in the event of an emergency
1 – 500	Two	One
501 - 1000	Three	Two
1001 - 1500	Four	Four
1501 or more	Five plus one for every 500 (or part thereof) persons over 2000 on the premises	Five plus one for every 500 (or part thereof) persons over 2000 on the premises

- (b) Staff shall not be considered as being available to assist in the event of an emergency if they are:
- (i) the holder of the premises licence or the manager on duty at the premises; or
 - (ii) a member of staff whose normal duties or responsibilities are likely to significantly affect or delay his response in an emergency situation; or
 - (iii) a member of staff whose usual location when on duty is more than 60 metres from the location to which he is required to go on being alerted to an emergency situation.
- (c) Attendants shall as far as reasonably practicable be evenly distributed throughout all parts of the premises to which the public have access and keep under observation all parts of the premises to which the audience have access.
- (d) The staff alerting system shall be maintained in working order.

Minimum Lighting

The level of lighting in the auditorium should be as great as possible consistent with the effective presentation of the film; and the level of illumination maintained in the auditorium during the showing of films would normally be regarded as satisfactory if it complies with the standards specified in BS CP 1007: Maintained Lighting for Cinemas.

Flammable films

No flammable films should be allowed on the premises without the consent of the licensing authority.

Annex D

Conditions Relating to the Prevention of Public Nuisance

It should be noted that provisions of the Environmental Protection Act 1990 and the Noise Act 1996 provide some protection to the general public from the effects of noise nuisance. In addition, the provisions in Part 8 of the Licensing Act 2003 enable a senior police officer to close down instantly for up to 24 hours licensed premises and premises carrying on temporary permitted activities that are causing nuisance resulting from noise emanating from the premises. These matters will be considered before deciding whether or not conditions are necessary for the prevention of public nuisance.

General

When applicants for premises licences or club premises certificates are preparing their operating schedules, the following options may be considered as measures that, if necessary, would promote the prevention of public nuisance.

Whether or not any risk assessment shows them to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.

Necessary conditions for licences and certificates will also depend on local knowledge of the character and the vicinity of the premises.

Hours

The hours during which the premises are permitted to be open to the public or to members and their guests may be restricted to less than those applied for by the imposing conditions of a premises licence or a club premises certificate for the prevention of public nuisance. But this will be balanced by the potential impact on disorder that could result from artificially early fixed closing times.

Restrictions may be necessary on the times when certain licensable activities take place even though the premises may be open to the public at such times. For example, the playing of amplified music after a certain time might be prohibited, even though other licensable activities are permitted to continue.

Restrictions might be necessary on the parts of premises that might be used for certain licensable activities at certain times. For example, while the provision of regulated entertainment might be permitted while the premises are open to the public or members and their guests, regulated entertainment might not be permitted in garden areas of the premises after a certain time.

Noise and vibration

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration may be given to conditions that ensure that:

- Noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties. This might be achieved by a requirement to keep doors and windows at the premises closed, or to use noise limiters on amplification equipment used at the premises.
- Prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
- The use of pyrotechnics and fireworks etc. which could cause disturbance in surrounding areas being restricted or prohibited.
- The placing of refuse such as bottles into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.

Noxious smells

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration will be given to conditions that ensure that:

- Noxious smells from licensed premises are not permitted so as to cause a nuisance to nearby properties and the premises are properly vented.

Light pollution

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration will be given to conditions that ensure that:

- Flashing or particularly bright lights on or outside licensed premises do not cause a nuisance to nearby properties. The need for any such condition will be balanced against the benefits to the prevention of crime and disorder of bright lighting in certain places.

Litter

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration will be given to conditions that ensure that:

- Litter is properly controlled through a waste management strategy agreed with the licensing authority, and that conditions to prevent unlawful advertising in relation to those premises are imposed.

Annex E

Conditions Relating to Protection of Children from Harm

It should be noted that it is unlawful under the 2003 Act to permit unaccompanied children under the age of 16 to be present on premises exclusively or primarily used for supply of alcohol for consumption on those premises (under the authorisation of a premises licences, club premises certificates or a temporary event notice) when open for the purposes of being used for the supply of alcohol for consumption there.

In addition, it is an offence to permit the presence of children under 16 who are not accompanied by an adult between midnight and 5am at all premises supplying alcohol for consumption on those premises (under the authorisation of any premises licence, club premises certificate or temporary event notice). Conditions duplicating these provisions are, therefore, unnecessary.

Access for children to licensed premises - in general

Restrictions on the access of children under 18 to premises where licensable activities are being carried on will be considered where it is necessary to protect children from harm.

For any premises with known associations (having been presented with evidence at a hearing) with underage drinking, drugs, significant gambling, or any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature, there will be a strong presumption against permitting any access at all for children less than 18 years.

Applicants wishing to allow access for children to premises where these associations may be relevant, when preparing operating schedules or club operating schedules or variations of those schedules for the purposes of obtaining or varying a premises licence or club premises certificate should:

- explain their reasons, and
- outline in detail the steps that they intend to take to protect children from harm on such premises.

For any premises, not serving alcohol for consumption on the premises, but where the public are allowed on the premises after 10 pm in the evening, there will be a presumption against the presence of children under the age of 12 who are not accompanied by adults.

Applicants wishing to allow access when preparing operating schedules or variations of those schedules or club operating schedules for the purposes of obtaining or varying a premises licence or club premises certificate should:

- explain their reasons, and
- outline in detail the steps that they intend to take to protect children from harm on such premises.

In any other case, subject to the premises licence holder's or club's discretion, the expectation would be for unrestricted access for children of any age to premises.

Where an applicant intends to exclude children totally from the premises then this should be made clear on the operating schedule.

Age Restrictions - specific

Under the 2003 Act a wide variety of licensable activities could take place at various types of premises and at different times of the day and night. It may be appropriate to allow children unrestricted access at particular times and when certain activities are not taking place. However, following representations made by responsible authorities and other persons it may be necessary to consider a range of conditions that are tailored to the particular premises and their activities where these are necessary. The Council's Licensing Authority will also consider:

- The times of day that it is appropriate for the age restriction to apply. For example, the fact that adult entertainment may be presented at premises after 8 pm does not mean that it will be necessary to impose age restrictions for earlier parts of the day. Any conditions imposed would clarify the position.
- Types of event or activity in respect of which no age restrictions are needed, for example, family entertainment.
- Similarly, types of event or activity which give rise to a more acute need for age restrictions than normal, for example, where adult orientated entertainment is being provided.

Age Restrictions – cinemas

In addition to the mandatory condition imposed requiring the admission of children to films to be restricted in accordance with recommendations of the British Board of Film Classification or by the Council's Licensing Authority, conditions restricting the admission of children to film exhibitions will also normally need to include:

- A condition that where the Council's Licensing Authority itself is to make recommendations on the admission of children to films, the cinema or venue operator must submit any film to the authority that it intends to exhibit 28 days before it is proposed to show it. This is to allow the Council's Licensing Authority time to classify it so that the premises licence holder is able to adhere to any age restrictions then imposed.
- A condition that when films are classified, by either the film classification body as specified in the licence or the licensing authority, they should be classified in the following way:
 - U Universal – suitable for audiences aged four years and over
 - PG – Parental Guidance. Some scenes may be unsuitable for young children
 - 12A – Passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult
 - 12 – Passed only for viewing by persons aged 12 years and over.
 - 15 – Passed only for viewing by persons aged 15 years and over.
 - 18 – Passed only for viewing by persons aged 18 years and over.

- That conditions specify that immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film.
- A condition that when the Council's Licensing Authority has made a recommendation on the restriction of admission of children to a film, notices are required to be displayed both inside and outside the premises so that persons entering are readily made aware of the classification attached to any film or trailer. Such a condition will be expressed in the following terms:

“Where a programme includes a film recommended by the licensing authority as falling into the 12, 12A, 15 or 18 category no person appearing to be under the age of 12, under 12 and unaccompanied, 15 or 18 as appropriate shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position at each entrance to the premises a notice in the following terms –

PERSONS UNDER THE AGE OF [INSERT APPROPRIATE AGE]
CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME

Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction.

This condition does not apply to members of staff under the relevant age provided that the prior written consent of the person's parents or legal guardian has first been obtained.”

Theatres

The admission of children to theatres, as with other licensed premises, is not expected to normally be restricted unless it is necessary to promote the licensing objective of the protection of children from harm. However, theatres may be the venue for a wide range of activities.

The admission of children to the performance of a play is normally expected to be at the discretion of the licence holder and no condition restricting the access of children to plays should be attached. However, theatres may also present entertainment including, for example, variety shows, incorporating adult entertainment. A condition restricting the admission of children in such circumstances may be necessary. Entertainment may also be presented at theatres specifically for children (see below).

In this circumstance consideration will be given to whether a condition should be attached to premises licences, which requires the presence of a sufficient number of adult staff on the premises to ensure the well being of children present on the premises during any emergency.

Entertainment especially for children

Where performances are presented especially for children in theatres, cinemas or other places of entertainment (e.g. children's disco) conditions are anticipated to be needed which require:

- An attendant to be stationed in the area(s) occupied by the children, in the vicinity of each exit, provided that on each level occupied by children the minimum number of attendants on duty should be one attendant per 50 children or part thereof.

The licensing authority will, having regard to any representations made by responsible authorities on the issue, also consider whether or not standing should be allowed. For example, there may be reduced risk for children in the stalls than at other levels or areas in the building.

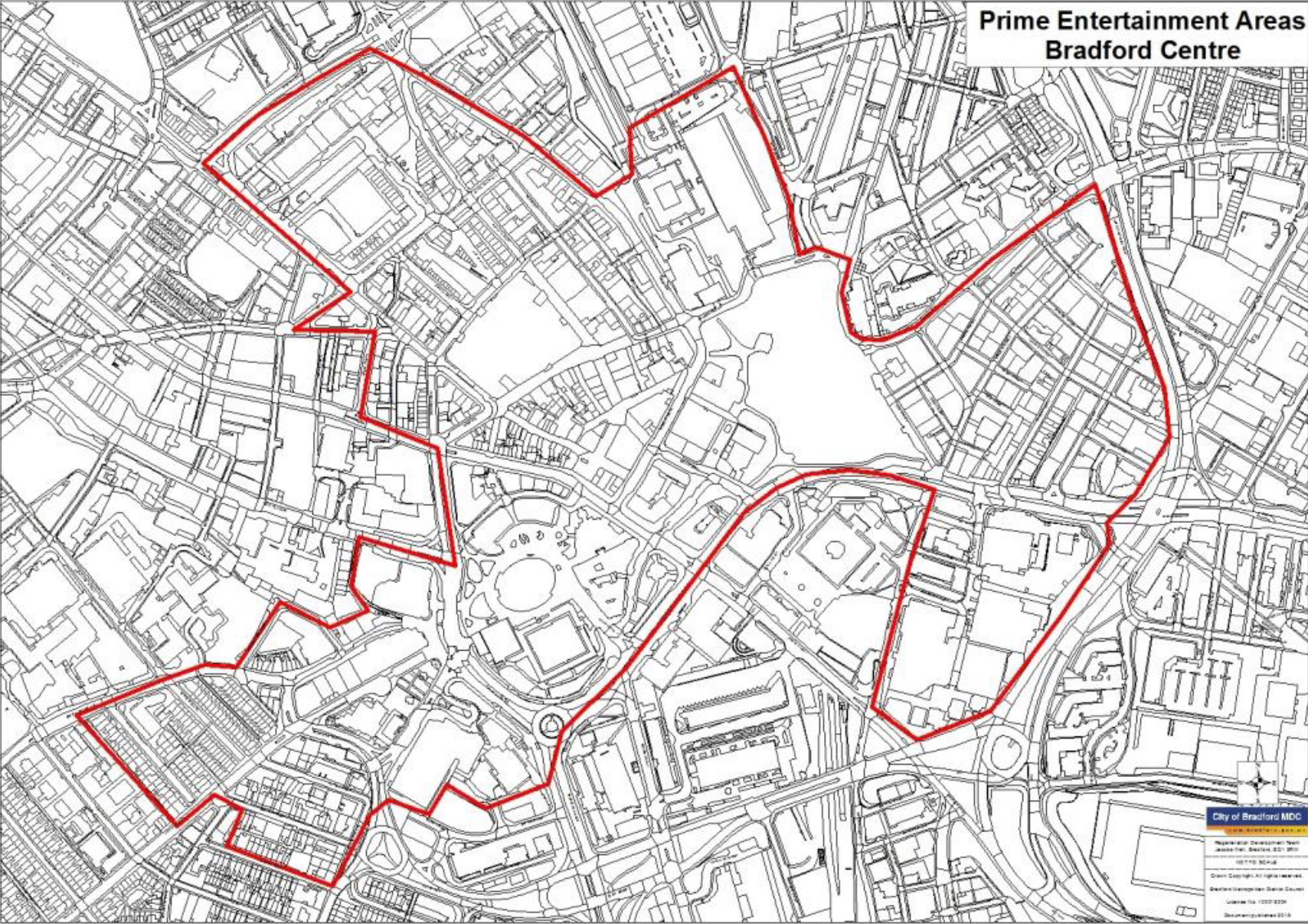
Children in performances

There are many productions each year that are one-off shows where the cast is made up almost entirely of children. They may be taking part as individuals or as part of a drama club, stage school or school group. The age of those involved may range from 5 to 18.

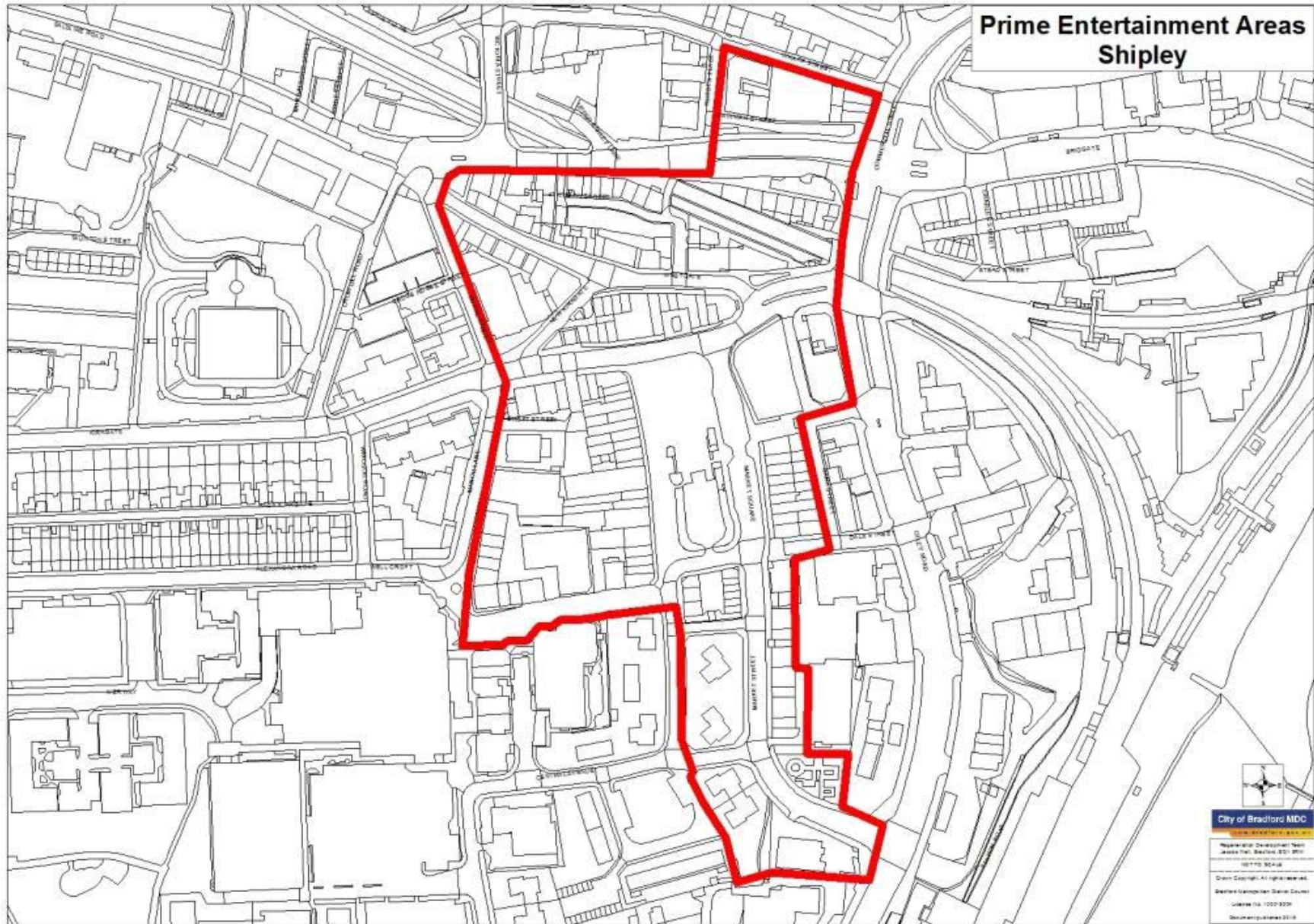
The Children (Performances) Regulations 1968, as amended, sets out requirements for children performing in a show. Conditions will not duplicate those regulations. However, if it is necessary to consider imposing conditions, in addition to these requirements, for the promotion of the protection of children from harm then the matters outlined below will be considered:

- Venue – the backstage facilities should be large enough to accommodate safely the number of children taking part in any performance.
- Fire safety – all chaperones and production crew on the show should receive instruction on the fire procedures applicable to the venue prior to the arrival of the children
- Special effects – it may be inappropriate to use certain special effects, including smoke, dry ice, rapid pulsating or flashing lights, which may trigger adverse reactions especially with regard to children
- Care of children – theatres, concert halls and similar places are places of work and may contain a lot of potentially dangerous equipment. It is therefore important that children performing at such premises are kept under adult supervision at all times including transfer from stage to dressing room and anywhere else on the premises. It is also important that the children can be accounted for at all times in case of an evacuation or emergency.

Prime Entertainment Areas Bradford Centre



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**CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL
SCHEDULE OF RESPONSES TO DRAFT LICENSING POLICY 2015-2020 – LOCAL RESIDENTS**

Comments	Appraisal	Response
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Part 4: Prevention of Crime and Disorder

<p>The level of policing in an area should be taken into account before granting licences for premises. Consideration should be given to refusal of licences and licence extensions where there is no police presence in the area after a certain hour.</p> <p>No police after midnight should mean a closing time of 11pm to ensure individuals have left the area and have not caused crime.</p>	<p>This is a police resource issue and not one that can be addressed through licensing policy.</p>	<p>Comments noted. No amendment to the policy document is proposed.</p>
<p>When someone becomes a "reveller" they become "loud" and "in your face". In many instances they become unaware of their environment and surroundings and become a "menace" to themselves and others. BMDC should follow a policy which restricts the ability of "revellers" to impose their menace. This may mean shorter hours of opening, or less bars, clubs, etc.</p> <p>Therefore, BMDC should follow a policy of restricting:</p> <ol style="list-style-type: none"> 1. Places to drink - especially late at night/early morning. 2. Ensure drink prices are at market price - abolish "Happy Hours" 3. Make those who "go too far" pay for their indiscretions and underwrite their own costs to those who are there to monitor their behaviour and ensure their safety - Police / Ambulance / Doctors / A+E / etc. 	<p>Each licence application must be considered on merit, in light of any representations received. 'Blanket' restrictions are not permitted under the Licensing Act 2003.</p> <p>Any licence which permits the sale of alcohol is currently subject to mandatory conditions which prohibit irresponsible drinks promotions and the sale of alcohol below duty / tax.</p> <p>The Licensing Authority can only address the licensing objectives, not wider social issues.</p>	<p>Comments noted. No amendment to the policy document is proposed.</p>

Comments	Appraisal	Response
<p>Far too many licences have been agreed for pubs and takeaways in particular to open much too late at night. Many are situated close to residential areas and the hours that have been agreed over the last few years have been far too long. There are also far too many such establishments that trade well after 11pm.</p> <p>There should be much tighter control and restrictions on openings after 11pm and these numbers need to be drastically cut down, and certainly not expanded. Many simply encourage unruly behaviour and unwanted noise late at night, not to mention the litter created.</p>	<p>The Licensing Authority does give weight to any valid representations made on these issues; but must also balance this with aspirations of premises users. Each application must be considered on its merits.</p> <p>The Act also allows responsible authorities or interested parties to apply for review of licences at any time where there are grounds for doing so.</p>	<p>Comments are noted. No amendment to the policy document is proposed.</p>

Part 6: Prevention of Public Nuisance

<p>Licences should not be granted in villages which extend pub opening hours.</p> <p>The Licensing Policy should take into account residents, rather than giving a blanket order to extend hours no matter the location of the pub.</p>	<p>Each application must be considered on merit.</p> <p>Government guidance issued under Section 182 of the Licensing Act prohibits standardised closing hours.</p> <p>The Policy document recognises that due care and consideration is required regarding licence applications for premises in residential or other sensitive locations.</p>	<p>Comments noted. No amendment to the policy is proposed.</p>
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Comments	Appraisal	Response
<p>Far more consideration should be given to the noise limitation devices in pubs. Currently people can set up live loud amplified music without any consideration for others.</p>	<p>The Policy makes clear that where necessary conditions will be attached in order to secure well regulated and orderly premises. Part 6 of the policy addresses noise attenuation measures.</p>	<p>Comments noted. No specific amendments to the policy are proposed. Certain live entertainment has also been deregulated under the Live Music Act 2012.</p>
<p>When publicising changes to a licence, this needs to be done effectively, not using the minimal methods possible.</p>	<p>The Licensing Authority cannot require applicants to exceed requirements of the procedural regulations, which state how licensing applications must be advertised.</p>	<p>Comments noted. Not a policy issue – stated in regulations.</p>
<p>As we now have a smoking ban the licensing policy should give consideration as to where people from licensed premises stand to smoke. This is definitely a cause of excessive noise outside and should be prevented if at all possible.</p>	<p>Although smoking is not a licensable activity, the policy makes clear that noise to neighbours is a consideration. Part 6 of the policy addresses external sources of noise which are within the control of the licence holder.</p>	<p>This issue is noted. No amendments required.</p>
<p>All takeaways should close at 11pm. Most of the public houses have now shut down and people buy cheap beer from super markets. There is hardly any business after 11pm and premises only stay open late because their competitors do. If businesses out of town only open until 11pm, this would be good for everyone.</p>	<p>Each application must be considered on merit. Government guidance issued under Section 182 of the Licensing Act prohibits standardised closing hours.</p>	<p>Comments noted. No amendment to the policy document is proposed.</p>