



*Knowsley Council*

KNOWSLEY METROPOLITAN  
BOROUGH COUNCIL

LICENSING ACT 2003

2021 - 2026

STATEMENT OF LICENSING POLICY

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**Knowsley Metropolitan Borough**  
**Council Statement of Licensing Policy**

**1. Introduction**

- 1.1 Section 5 of the Licensing Act 2003 (the Act) requires every Licensing Authority to prepare and publish a Statement of Licensing Policy every 5 years. Our initial Statement of Licensing Policy was published on 7 January 2005 and was last reviewed January 2016. Since the last full review, the policy has been kept up to date with legislative changes made as a result of the Policing and Crime Act 2017 and Immigration Act 2016. The Authority will continue to review this policy on a regular basis. This policy was prepared and revised in accordance with the provisions of the Act and the guidance issued by the Secretary of State for Culture, Media and Sport under Section 182 of the Act. This policy will take effect on 4 January 2021 and will remain in force for a period of not more than 5 years. When preparing this policy Knowsley Council (the Licensing Authority) undertook an extensive consultation exercise to ascertain the views of a wide range of stakeholders and partner agencies in Knowsley.
- 1.2 This policy sets out the manner in which the Licensing Authority will consider applications for licences under the Act. The policy aims to ensure that the Licensing Authority, in exercising its licensing functions, promotes the four Licensing Objectives specified by the Act which are;
- (i) **The prevention of crime and disorder;**
  - (ii) **Public safety;**
  - (iii) **The prevention of public nuisance and;**
  - (iv) **The protection of children from harm.**
- 1.3 Each objective is of equal importance and the Licensing Authority fully expects every applicant for a licence to demonstrate how they propose to address and promote each objective within their operating schedule within the application form.
- 1.4 The Policy will also seek underpin the other key aims of the legislation which are vitally important for all involved in the Licensing process. These are:
- Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;

- Giving the police and licensing authorities the powers, they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
- Recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
- Providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
- Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

1.5 Knowsley Council, in adopting this policy, recognises the need to secure the safety and amenity of residential communities, providing a safe and healthy environment for its residents to live and work in, whilst facilitating the growth of a sustainable leisure and culture industry, in line with wider regeneration of the borough as a whole. Well run leisure, retail and entertainment premises should add to the local economy and vibrancy of the borough. To achieve this aim Knowsley Council is committed to partnership working with the police, fire service, local businesses, licensing trade, residents and others towards the promotion of the licensing objectives set out in this policy.

1.6 Licensing is about the regulation of licensed premises and activities within the terms of the Act, and every condition attached to a licence or certificate will be focused on matters which are within the control of individual licence holders and others granted relevant permissions. The Licensing Authority wishes to encourage the provision of a wide range of entertainment activities at licensed premises throughout their opening hours and to promote live music, dance, theatre, and so on, for the wider cultural benefit of the community. However, licensed premises will be expected to demonstrate that those activities do not have a detrimental effect upon the amenity of the area. Where problems do arise then interested parties and/or responsible authorities can seek a review of that licence which may result in further conditions being attached and/or a restriction in the hours or types of activities permitted.

## **2. Scope of the policy**

2.1 Knowsley Council is the licensing authority for the purposes of the Licensing Act 2003 and is responsible for granting licences, certificates and notices in the Borough of Knowsley in respect of activities described by the Act as licensable activities. These activities include:

- **The retail sale of alcohol (for consumption on or off premises);**
- **The supply of alcohol to club members;**
- **The provision of late night refreshment;**
- **The provision of regulated entertainment (listed below)**

For information regulated entertainment includes the following activities:

- A performance of a play;
- An exhibition of a film;
- An indoor sporting event;
- 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.

### **Regulated Entertainment**

2.2 In order for regulated entertainment to be licensable, the activities need to take place in the presence of an audience, or if in private, be subject to a charge with a view of making a profit. As a result of deregulatory changes that have amended the Act, all licensable activities detailed above are permissible without permissions being applied for on the licence between 8am and 11pm provided the entertainment takes place in a certain kind of premises and within the limits stated for maximum audience numbers. The deregulatory exemptions, as well as other exemptions are detailed in full in the Guidance issued under Section 182 of the Act, as well as our Premises Licence Guidance notes published on our website. In all other circumstances, a licence will be required and we would encourage all applicants to familiarise themselves with the exemptions before making an application. In cases of doubt applicants are advised to seek their own legal advice. Where premises provide licensable regulated entertainment, or other licensable activities, without a licence then appropriate

enforcement action will be taken.

### **Late Night Refreshment**

- 2.3 Late night refreshment relates to the sale of hot food and/or drink to members of the public on or from any premises for consumption on or off the premises between the hours of 11.00pm and 5.00am. Hot drinks sold by way of a vending machine are exempt, as are hot drinks containing alcohol which are covered the licensing provisions relating to sale or supply of alcohol. Applicants are advised to seek independent legal advice if they have any queries on what constitutes late night refreshment.

### **Sale/Supply of Alcohol**

- 2.4 Alcohol includes alcohol in any state, which will include liquids, vaporised or powdered alcohols, and some foodstuffs as long as the alcohol by volume (ABV) exceeds 0.5 percent. Alcohol **sales** can include sale by retail for consumption on the premises where it is sold (on sales), or for consumption elsewhere (off sales). Alcohol **supply** refers to a qualifying club supplying alcohol to a member of that club. Clubs can also makes sales by retail of alcohol to guests of members. Wholesale of Alcohol, sold direct to another retailer of Alcohol or qualifying club for supply, is exempt from requirement for a licence.
- 2.5 Alcohol cannot be sold from a vehicle or house to house, unless there is a premises licence at each location visited. Remote sales of alcohol are permitted in the Act, but a premises licence is required for the place where the alcohol is appropriated to the contract for sale, usually a warehouse. Applicants intending to run premises providing alcohol delivery services by remote means should make this clear in their application, as stringent measures are advisable in order to uphold the licensing objectives, particularly for the prevention of underage sales

### **Application of this Policy**

- 2.6 Every application received under the Act will be considered on its merits and in accordance with the provisions of the Act. Nothing in this policy will prevent any (eligible) person from applying for a variety of licences and permissions under the Act. This policy will be subject to a periodic review every 5 years. The policy may also be reviewed during that 5 year period, particularly where there is legislative change, renewed Guidance, or feedback indicates that the licensing objectives are not being adequately promoted.

2.7 The Act provides for the Licensing Authority to have considerable influence on the quality of life for residents through promoting the licensing objectives. The Licensing Authority is also keen to support local businesses to comply with the Act with the aim of promoting the licensing objectives and will actively seek to balance these two sometimes conflicting demands.

### **3. Consultation and development of the licensing policy**

3.1 Before publishing this policy, in accordance with section 5(3) of the Act, the Licensing Authority was required to consult with;

- Merseyside Police;
- Merseyside Fire and Rescue Service;
- Director of Public Health;
- Persons/bodies representative of Local Premises Licence holders/Club Premises Certificate holders;
- Persons/bodies representative of Local Personal Licence holders in the area; and
- Persons/bodies representative of businesses and residents in the area

3.2 Knowsley's consultation exercise was publicised on the Council Website and as well as those prescribed bodies above, numerous other bodies were also consulted including, amongst others:

- All Knowsley Council Service Areas with an interest in the Licensing Act 2003 (e.g Planning, Trading Standards, etc)
- All Town Councils within the Knowsley Area; and
- All Elected Members.

### **4. Strategic links and other regulatory systems**

4.1 The Licensing Act 2003 is part of a wider Government strategy to tackle crime, disorder and anti-social behaviour and reduce alcohol harm but the Licensing laws are not the primary mechanism for the general control of individuals once they are away from a licensed premise and therefore beyond the direct control of individual licence holders and clubs. There are a range of strategic influences, statutory controls and initiatives which link to the licensing regulatory system including.

#### ***Planning and Building Control***



The Licensing Authority recognises that there should be a clear separation of the planning, building control and licensing regimes in order to avoid duplication and inefficiency. The granting of a licence or permit under the Licensing Act 2003 will not replace any requirement of the planning or building control system or override the requirement to obtain the necessary permissions through those regimes. The Planning Authority may make representations as a responsible authority where those representations relate to the Licensing Objectives.

- 4.2 The Licensing Authority advises applicants to obtain the necessary planning permission prior to making an application for a licence. While this is not a legal requirement, it should be noted that even if a licence were granted, the premises could not open until the relevant planning permission is obtained.
- 4.3 The Licensing and Planning regimes involve consideration of different, albeit related, matters. As such, licensing applications will not simply be a re-run of the planning application and will not review decisions taken by the Planning Authority. When considering applications the Licensing Authority is not bound by decisions of the Planning authority, and vice versa. There may be circumstances when as a condition of a planning permission, a terminal hour has been set for the use of a property for commercial purposes. Where these hours are different to the licensing hours, the applicant should observe the earlier closing time. Premises operating in breach of their licensing hours would be liable for prosecution under the Licensing Act 2003. Premises operating in breach of their planning permission would be liable to planning enforcement action.

### ***Human Rights Act 1998***

- 4.4 The Licensing Authority will aim to implement the Licensing Act 2003 in a manner consistent with the Human Rights Act 1998. In particular, by giving due consideration to the rights under the following articles of the European Convention on Human Rights and Fundamental Freedoms:
- (i) Article 1 – property right (including the right to hold a licence and operate a business);
  - (ii) Article 6 – right to a fair hearing;
  - (iii) Article 8 – respect for private and family life.

### ***Transport***

- 4.5 It is important that transport facilities are accessible to customers of

licensed premises to ensure the swift and safe dispersal of people in order to minimise the potential for crime, disorder and noise. The availability of public transport may be an important issue for the Licensing Authority to consider when assessing the cumulative impact of licensed premises in an area.

#### ***The Health Act 2006 – workplace smoking ban***

- 4.6 The ban on smoking in all enclosed workspaces and public spaces (including licensed premises) came into force on 1 July 2007. Smoking is therefore banned where bar or other staff are employed in licensed premises. In accordance with the statutory guidance, the Licensing Authority acknowledges that licensing conditions in respect of the smoking ban cannot be imposed on licensed premises.

#### ***Alcohol Plan for Knowsley***

- 4.7 The current Alcohol Plan for Knowsley outlines how the council will work together with partner agencies to address the issue of alcohol-related harm and reduce the burden in Knowsley. The aim of the Alcohol Plan is to reduce the harm caused in Knowsley by alcohol and the attendant issues such as ill health and alcohol-related crime. In particular it aims to reduce alcohol-related hospital admissions and reduce the number of alcohol dependent people who do not access treatment.

The Licensing Authority will be mindful of the contents of the Alcohol Plan for Knowsley when making decisions when it is appropriate to do so.

#### ***Avoidance of duplication***

- 4.8 The Licensing Authority will, so far as is possible, avoid duplication with other legislation and regulatory regimes that already place obligations on employees and operators. Applicants should be aware of the legislation referred to above, as well as other legislation which place responsibilities on them, including the Gambling Act 2005, Health and Safety at Work Act 1974, the Environmental Protection Act 1990, The Noise Act 1996, The Clean Neighbourhoods and Environmental Act 2005, The Equality Act 2010, The Regulatory Reform (Fire Safety) Order 2005, The Immigration Act 2016, Regulators' Code under the Legislative and Regulatory Reform Act 2006, Food Safety Act 1990, Food Safety and Hygiene (England) Regulations 2013, and copyright legislation as appropriate.

## **5. Fundamental principles**

- 5.1 The Act sets out four licensing objectives which the Licensing Authority has a duty to promote when determining licensing applications. Each objective is considered to be of equal importance for the purposes of this policy. The licensing objectives are:
- (i) **The prevention of crime and disorder;**
  - (ii) **Public safety;**
  - (iii) **The prevention of public nuisance and;**
  - (iv) **The protection of children from harm.**
- 5.2 Nothing in this policy will undermine the rights of any person to make an application under the Act and have such an application considered on its individual merits,
- 5.3 Nothing in this policy will override the right of any person to make representations on any application or seek a review of a licence or certificate where provision has been made for them to do so under the Act.
- 5.4 Licensing is about the control of licensed premises, qualifying clubs and temporary events within the terms of the Act. Conditions attached to various authorisations will be proportionate, and focused on matters which are within the control of individual licence holders and others with relevant authorisations. The licensing function cannot be used for general control of anti-social behaviour once consumers are beyond the direct control of the licensed premises. The Licensing Authority expects every holder of a licence, certificate or permission to make every effort to minimise the impact of their activities and anti-social behaviour by their patrons within the immediate vicinity of their premises. Furthermore they should ensure that, as required by the Act, alcohol is not served to persons who are intoxicated.
- 5.5 Knowsley Council is committed to eliminating unlawful discrimination and ensuring equal opportunities, encouraging community cohesion in line with the Councils 'corporate equalities policy. This policy and all applications administered in line with this policy will be subject to an equality impact assessment. This policy will continue to be monitored for adverse impact on the promotion of equality as part of the regular review process.
- 5.6 The Licensing Authority advises that in order to minimise problems and the necessity for hearings, it would be sensible for applicants to consult with

responsible authorities and residents (as appropriate) when operating schedules are being prepared. This would allow for proper liaison before representations prove necessary. We have also, with input from the responsible authorities, formulated a pool of model conditions which may assist applicants in formulating a sensible operating schedule which will genuinely uphold the Licensing Objectives.

5.7 The Licensing Authority is keen to encourage a broad range of entertainment throughout the borough. In particular, live music, film, dancing and theatre provide for the wider cultural benefits of the community and the Licensing Authority will monitor the impact of licensing on regulated entertainment, ensuring that only necessary, proportionate and reasonable licensing conditions impose any restrictions on such events that are necessary to promote the licensing objectives.

5.8 In order to promote the licensing objective to protect children from harm, the Licensing Authority acknowledges the Local Safeguarding Children's Board. The Director of Children's Services is recognised by the Licensing Authority as the responsible authority for child protection (safeguarding children) matters.

5.9 The Licensing Authority will continue to work in partnership with other bodies such as the Police, Home Office, Fire Service, the Planning Authority, Environmental Health, Trading Standards, Public Health and representatives of local licence holders, residents and businesses in order to promote the licensing objectives. Existing protocols will be developed, supported and maintained with the responsible authorities and other enforcement agencies to ensure effective and co-operative working arrangements.

## **6. Authorising the sale of alcohol**

6.1 Because the sale of alcohol has an impact on the community and on crime and anti-social behaviour, there is a greater responsibility than with other licensable activities. For this reason, sales of alcohol may not be made under a premises licence unless there is a designated premises supervisor specified on the licence. This person must hold a personal licence. Every sale of alcohol must be authorised by the holder of a personal licence.

6.2 Where the personal licence holder is absent from the premises they will still be ultimately responsible for the actions of those they authorise to make such sales. The Licensing Authority recommends that written authorisation is provided, as it helps to demonstrate due diligence in the

event of any review of prosecution.

- 6.3 Only one DPS may be specified in a single premises licence, but there is nothing to stop any number of staff at a premises obtaining a personal licence to improve their knowledge and provide a back-up. The same DPS can be named on more than one premises, provided the DPS is able to ensure that the licensing objectives are properly promoted and that each premises complies with its conditions of licence.

## **7. The Licensing Objectives**

- 7.1 The Licensing Authority acknowledges that its duties under the Licensing Act 2003 are a key way of reducing crime and disorder in the Borough and is aware that licensed premises, especially those open late at night and the early morning, can be a source of crime and disorder problems. The Licensing Authority will look to the Police as a principal source to advise on crime and disorder matters within the Borough.
- 7.2 Licence holders play a key role in the prevention of crime and disorder and when addressing crime and disorder, the Licensing Authority expects applicants to identify any particular issues (having regard to the particular type of premises and/or activities) which are likely to adversely affect the promotion of the crime and disorder objective and address those issues within their application form. Measures that are required to address those matters should be included within the operating schedule.  
*(See paragraph 15.1 of this policy for further information on operating schedules).*
- 7.3 This policy applies to a wide range of premises and the Licensing Authority may impose conditions on licenses or certificates where it is deemed appropriate and proportionate. The decision to impose conditions and their extent will depend upon the risks of crime and disorder at the particular premises.
- 7.4 The Licensing Authority will carefully consider Police representations and other conditions relating to the deterrence and prevention of crime and disorder and initiatives to reduce crime will be drawn up in liaison with the police to deal with particular premises or types of premises where concerns arise.
- 7.5 The following are examples of control measures given to assist applicants and are an indication of the type of measures which may be necessary to uphold this licensing objective and could be included in an applicant's

operating schedule;

- (i) Adoption of a 'Challenge 25' proof of age scheme;
- (ii) Employment of a sufficient number of door supervisors licensed by the Security Industry Authority (SIA);
- (iii) Provision of toughened or plastic glasses and bottles and;
- (iv) Provision of effective closed circuit television (CCTV) in and around the premises.

**Note:** As this policy applies to a wide range of premises the above may not be applicable in all cases, and applicants should ensure that their operating schedule addresses the individual needs of their business. For further guidance on operating schedules, see section 15.1 of this policy and our pool of optional model conditions.

- 7.6 The Licensing Authority accepts that only a small minority of customers are likely to behave badly and this policy should be viewed as part of a framework of measures that will be used to tackle anti-social and criminal behavioural problems in any area where licensed premises are situated.
- 7.7 Glass can be a major factor in disturbances in and around licensed premises and if relevant representations are received, and if necessary and/or appropriate, the Licensing Authority may attach conditions on certain premises in relation to glass control inside and outside the premises. This may include conditions regarding regular glass collection services, control of waste bottle/glass receptacles, and the use of toughened or plastic glasses and bottles.
- 7.8 The Licensing Authority will not use this policy to control prices or hinder free and fair competition in the licensed trade.
- 7.9 Where relevant representations are made to the Licensing Authority that crime and disorder implications mean that licensed door supervisors should be employed at particular premises (either at all times or during certain times), the Licensing Authority may attach a condition to that effect. Where such a condition is attached, all door supervisors employed at that premise must be licensed with the Security Industry Authority (SIA) and will be required to display their identification at all times when they are employed on the licensed premises.
- 7.10 Where relevant representations are made to the Licensing Authority,

special conditions may be imposed in respect of particular venues to prevent the sale and use of drugs and to create a safer environment for those who may have already taken them.

- 7.11 If relevant representations are received, and if appropriate, the Licensing Authority may attach conditions to licences to prevent crime and disorder both inside and immediately outside the premises. Conditions that are attached to licences and certificates will only seek to manage the behaviour of customers when they are in the direct control of the licence holder and their staff.
- 7.12 The Policing and Crime Act 2017 came into effect on the 6 April 2017. This has brought with it a more specific definition of 'alcohol' which now includes powdered and vaporised alcohol, and clarification on the Summary Review process with particular regard to Interim Steps, and the Licensing Authority also has a new power to suspend or revoke Personal Licences when it becomes aware of a relevant offence. New relevant offences have been added to Schedule 4 of the Licensing Act 2003 covering offences of a sexual or violent nature, fraud offences and Immigration offences.
- 7.13 The Immigration Act 2016 requires that Premises and Personal Licences may only be granted to individuals if they have provided evidence of their lawful immigration status and proven their eligibility to undertake work relating to the carrying on of a licensable activity in line with the requirements of the legislation and guidance. The Licensing Authority must also Review a premises licence if the premises it relates to becomes the subject of a Compliance Order. The Home Office (Immigration Enforcement) are now a Responsible Authority under the Licensing Act 2003, and will be consulted with (if sale/supply of alcohol or late night refreshment are to be carried out) regarding new applications for premises licences, variation and some minor variation applications, transfer of premises licences, and interim authority notices. The Licensing Authority will also consult on applications for personal licences where there is a relevant offence disclosed or a civil immigration penalty. Any licence issued after 6 April 2017 will lapse automatically if and when the licence holder's lawful leave or permission to work ends.

### ***Objective 2 - Public Safety***

- 7.14 The Licensing Authority wishes to promote high standards of public safety in relation to premises and activities within the scope of the Act. Public safety is concerned with the physical safety of people and the Licensing

Authority is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. Applicants are therefore expected to demonstrate that issues with regard to public safety have been considered and addressed and to indicate within their operating schedule the steps which will be taken to ensure public safety.

- 7.15 Each of the various types of premises requiring a licence under the Act present a mixture of different risks, with many common to most premises and others unique to specific operations. These will range from fire safety arrangements including fire precautions and means of escape in all types of premises, to the use of scenery and pyrotechnics for theatrical performances and plays, and special lighting effects. It is essential that premises are constructed (and/or adapted) and operated so as to acknowledge and safeguard occupants against these risks.
- 7.16 When addressing the issue of public safety, applicants should demonstrate that those matters impacting on public safety have been considered. These may include;
- (i) The number of people attending the premises;
  - (ii) Customer profile (age of customers for example);
  - (iii) The use of special effects such as lasers, pyrotechnics, smoke machines and so on;
- 7.17 The following examples of control measures are given to assist applicants and are an indication of the type of measures an applicant may wish to include in their operating schedule, having due regard to the type of premises and their activities:
- Suitable and sufficient risk assessments.
  - Provision of effective CCTV in and around the premises;
  - Ensuring appropriate access for emergency services such as ambulances ,
  - Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
  - Implementation of crowd management measures and ensuring the safety of people leaving the premises for example through the provision of information on late-night transportation;
  - Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks;
  - Maintenance and regular testing (& certification where appropriate) of



appliances/ systems.

**Note:** As this policy applies to a wide range of premises the above may not be applicable in all cases and applicants should ensure that their operating schedule addresses the individual needs of their business. For further guidance on operating schedules, see section 15.1 of this policy and our pool of optional model conditions

- 7.18 Where relevant representations are received, and if necessary and/or appropriate, the Licensing Authority may consider attaching conditions to licences to promote public safety.

***Objective 3 - the prevention of public nuisance***

- 7.19 The Licensing Authority recognises the need to protect the amenities of people living, visiting and working in the vicinity of licensed premises, while balancing the rights of businesses to develop. Licensed premises can give rise to a range of public nuisances which may impact adversely on local communities. These concerns relate to, amongst others, noise and disturbance, light pollution, noxious smells and litter and due regard will be taken of the impact these may have upon the wider community.

- 7.20 When addressing the prevention of public nuisance, applicants should demonstrate that they have considered those matters which may include:

- The location of the premises and proximity to residential or other noise sensitive premises (hospitals and schools for example);
- The design and layout of the premises including the presence of noise limiting features;
- The number of people attending the premises and customer profile (age for example)
- The nature and frequency of the activities to be provided;
- A wind down period between the end of the licensable activities and the closure of the premises; and
- A last admission time policy.

- 7.21 The Licensing Authority encourages applicants to identify any particular issues (having regard to the particular type of premises and or activities) which are likely to adversely affect the promotion of the objective to prevent public nuisance. Measures that are required to deal with the identified issues should be included within the operating schedule and these could include:

- Control of opening hours for all or part of the premises, including times when deliveries take place and the operation of generating equipment;

- Closing of windows and doors during periods of regulated entertainment;
- Installation of acoustic insulation, suitably controlled, sited and silenced ventilation or air conditioning systems and sound insulation and limiting devices;
- Managing people arriving and leaving the premises, including patrolling entrance queues;
- Liaising with transport providers or taxi companies;
- Siting and operation of necessary external/security lighting;
- Suitable arrangements for collection and disposal of litter/bottles and; effective ventilation systems to prevent nuisance from odour.

**Note:** As this policy applies to a wide range of premises the above may not be applicable in all cases and applicants should ensure that their operating schedule addresses the individual needs of their business. For further guidance on operating schedules, see section 15.1 of this policy and our pool of optional model conditions.

7.22 Conditions relating to noise nuisance will normally concern steps appropriate to control the levels of noise emanating from premises. Any conditions considered appropriate to promote the prevention of public nuisance will be tailored to suit the style and characteristics of the specific premises, and the approach of the Licensing Authority, and indeed the responsible authorities will, wherever possible, be one of prevention.

7.23 If relevant representations are received, any appropriate conditions will ordinarily focus upon the most sensitive time periods which will normally be from mid to late evening and into the early morning when residents may be attempting to go to sleep or are sleeping. Conditions will be focused upon measures that are within the direct control of the licence holder or the club. Conditions relating to public nuisance caused by the antisocial behaviour of customers once they are beyond the control of the licence holder or club are unlikely to be justified Applicants are strongly encouraged to consider these matters when completing their application form.

***Objective 4 – protection of children from harm***

7.24 The Licensing Authority acknowledges that its work may impact directly or indirectly on the children and young people of Knowsley and therefore the Licensing Authority has an important role in the safeguarding and promotion of their welfare. In order to achieve this, the Licensing Authority will work in partnership with relevant agencies to effectively promote children’s safeguarding and young people’s welfare through education, awareness raising and enforcement. In addition the Licensing Authority will

work in partnership with the Knowsley Safeguarding Board to raise awareness and analyse related enforcement activity.

7.25 The Licensing Authority recognises the wide variety of premises for which licences may be granted a licence and that there will be many circumstances where it is appropriate for children to be present on licensed premises. However, it is also recognised that there are circumstances where it may be appropriate to limit or prevent access by children to protect them from any physical, moral, or psychological harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). The Licensing Authority will also consider the need to protect children from sexual exploitation when undertaking licensing functions.

7.26 The Licensing Authority will not seek to limit the access of children to licensed premises unless it is appropriate to protect children from harm. If relevant representations are received and if it is appropriate, the Licensing Authority may attach conditions limiting access to children.

- The following give some examples of areas that may give rise to particular concern in respect of children; Where there have been offences in respect of selling alcohol and/or other age restricted products to minors (including proxy sales - ie adults purchasing alcohol on behalf of minors);
- Premises with a reputation for underage drinking;
- Premises with a known association with drug taking and/or dealing;
- Where there is a strong element of gambling on the premises (but not for example the simple presence of a small number of cash prize gaming machines);
- Where entertainment of an adult or sexual nature is commonly provided.

7.27 The range of options available to the Licensing Authority to limit the access of children to licensed premises include:

- Limitations on the hours when children may be present; age limitations;
- Exclusions when certain activities are taking place; requirements for an accompanying adult;
- Full exclusion of people under 18 from the premises (or a particular part of the premises) when any licensable activities are taking place.

7.28 The Licensing Authority encourages applicants, when addressing the

protection of children, to initially identify any particular issues (having regard to the particular type of premises and/or activities) which are likely to cause concern in relation to children. Measures that are required with the identified concerns should be included within the operating schedule which could include;

- Provision of a sufficient number of people employed or engaged to secure the protection of children, including child performers, from harm;
- Appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm;
- Limitations on the hours when children may be present;
- Limitations or exclusions by age when certain activities are taking place; a requirement for children to be accompanied by an adult; adoption of a proof of age scheme such as 'Challenge 25' which includes proposals to minimise the likelihood of unlawful supply, consumption and use of alcohol and other age-restricted products;
- The manner in which alcohol is displayed in premises with particular reference to its ease of accessibility.

**Note:** as this Policy applies to a wide range of premises the above may not be applicable in all cases and applicants should ensure that their operating schedule addresses the individual needs of their business. For further guidance on operating schedules, see section 15.1 of this policy and our pool of optional model conditions

- 7.29 Specific arrangements relating to the supervision and safety of children may be required for occasions when children attend (or participate) in regulated entertainment arranged especially for them such as a pantomime or a children's disco. Applicants should consider how best to prevent children being harmed in and around the premises. This may include considering the number of children to be present, the type of entertainment, the characteristics of the premises, the number of suitable adults required to supervise the children and activities and any other relevant factors.
- 7.30 Premises that sell alcohol should have due regard to proof of age schemes such as Challenge 25. In addition, the Portman Group operate on behalf of the alcohol industry a code of practice on the naming, packaging and promotion of alcoholic drinks. This code seeks to ensure that drinks are marketed in a socially responsible manner and only to those over 18 years of age. The Licensing Authority therefore recommends that premises selling alcohol follow this code of practice and copies are available from the Portman Group (see Annex C).
- 7.31 The Licensing Authority strongly recommends that training should be given to all persons who might be in a position to refuse the sale or supply of alcohol (or other age restricted products such as cigarettes, fireworks and DVDs) or access to a regulated entertainment on the grounds of age. Such training should include knowledge of the law relating to the sale of age restricted products (including new psychoactive substances), the adoption

of a 'no proof no sale' philosophy and the means by which age can be established (for example the types of proof of age cards available). Further information on age restricted issues can be obtained from Trading Standards on 0151 443 4712.

- 7.32 Licence holders are of course required to comply with the law, including the Act which details a number of specific offences designed to protect children in licensed premises. The Licensing Authority will work closely with Trading Standards, Merseyside Police and other responsible authorities to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to underage children.
- 7.33 Where the exhibition of films is authorised in premises, the Licensing Authority expects licence holders to prevent the viewing of films by children below the age of any restriction for a film as classified according to the recommendations of the British Board of Film Classification. Applicants may wish to consider providing adequate numbers of attendants to ensure the safety and proper supervision of children. These issues are an indication of the matters that could be addressed in the operating schedule.
- 7.34 If relevant representations are received and if appropriate, the Licensing Authority may consider attaching conditions to licences and certificates to protect children from harm.

## **8. Adult entertainment**

- 8.1 Nudity, striptease and other adult entertainment of a sexual nature no longer fall within the remit of the Licensing Act. Such premises providing adult entertainment are now regulated under the Local Government (Miscellaneous Provisions) Act 1982 (LGMPA 1982), which classify them as sexual entertainment venues. Such adult entertainment is known as 'relevant entertainment'. In summary, this covers lap dancing, pole dancing and similar venues.
- 8.2 It is acknowledged that the LGMP Act 1982 allows for premises to offer adult entertainment up to 11 times in a calendar year without the need for a licence. In such circumstances the Licensing Authority will pay attention to the conduct of the premises and the activities being offered and will enforce the law diligently. The Licensing Authority will seek to ensure that applicants applying for the performance of a dance on their licence are able to make clear that it will not involve any adult entertainment as a condition on their licence.

8.3 The Licensing Authority recognises that the Indecent Displays (Control) Act 1981 prohibits the public display of indecent material and shall not therefore seek to impose conditions concerning such displays inside or outside the premises. The Licensing Authority shall, however, consider imposing conditions, following a hearing that addresses the exclusion of minors.

## **9. Early Morning Alcohol Restriction Orders (EMROS)**

9.1 Under Section 172 A to E of the Act, the Licensing Authority has the power to make an EMRO prohibiting the sale of alcohol for a specified period between the hours of 24:00 and 06:00. They are designed to address recurring problems with licensed premises, serious public nuisance and other instances of alcohol-related and/or anti-social behaviour which is not directly attributable to specific premises.

9.2 The Licensing Authority will consider evidence that such a decision is appropriate for the promotion of the Licensing Objectives. Consideration will be given to evidence provided by partners, Responsible Authorities and the

Local Community Safety Partnership as well as evidence the Licensing Authority has gathered to determine whether an EMRO would be appropriate for the promotion of the licensing objectives. The Licensing Authority will consider the problems that have been identified. A range of evidence may be considered, including local crime and disorder statistics, statistics on anti-social behaviour offences, health related statistics (e.g. alcohol related emergency attendances and hospital admissions, environmental health complaints, complaints recorded by the Council, residents' questionnaires, evidence from local councillors and evidence obtained through local consultation).

9.3 It is acknowledged by the Licensing Authority that an EMRO is restrictive, whilst also being a powerful tool to address recurring problems of alcohol-related crime and disorder, serious public nuisance and alcohol-related anti-social behaviour. Prior to making an EMRO the Licensing Authority will consider whether any other measures (implemented by themselves or with partners) may address the problems that have been identified in particular other measures might include:

- Development of a Cumulative Impact Policy
- Reviewing the licenses of specific problem premises

- Encouraging the creation of business-led practice schemes
- Use of powers of the Council to designate an area where alcohol may not be consumed publicly (Designated Public Places Order)
- The confiscation of alcohol in designated areas
- Police enforcement of the general law concerning disorder and anti-social behaviour
- Prosecution for the offence of selling (or allowing such a sale) alcohol to a person who is drunk
- Use of powers under the Anti-social Behaviour, Crime and Policing Act 2014 to close down any premises instantly for up to 48 hours where the use of the premises has or is likely to result in nuisance or where there has been or is likely to be disorder associated with the use of the premises.

In taking any decision to make an EMRO, the Licensing Authority will follow the statutory process and will invite representations.

## **10. Late Night Levy**

Under Section 125 of the Police Reform and Social Responsibility Act 2011 the Council can adopt a Late Night Levy, following a consultation process, outlined by the Home Office. This type of levy allows the Council to charge an additional fee to any licensed premises that has a licence for the sale of alcohol (on and off sales) after 12 midnight and up to 06:00 in order to cover the additional costs associated with late night alcohol trading. Legislation allows this to start from midnight but it is up to the Council to decide when they wish to apply it. Any income raised by the Levy must be split with the local Police force; the Police would receive a minimum of 70% of funds raised and the Council's 30% must be used to fund services which make the late night economy a more welcoming place.

The Council will consider implementing a Late Night Levy if and when appropriate.

## **11. Licensing hours**

- 11.1 The Licensing Authority will consider licensing hours on the individual merits of each application. The Licensing Authority recognises that variable licensing hours for the sale of alcohol may be desirable to avoid large concentrations of customers leaving premises at the same time. This



can help remove some of the friction caused by sudden excessive peaks of demand at fast food outlets, taxi ranks, etc. However, there is no general presumption in favour of extending licensing hours, and the promotion of the licensing objectives will be the paramount consideration at all times.

- 11.2 Shops, stores and supermarkets will normally be permitted to sell alcohol (for consumption off the premises) during their normal trading hours unless there are good reasons (based upon the licensing objectives) for restricting those hours. For example, a restriction on hours may be appropriate following a Police representation in the case of a shop known to be a focus of disorder and disturbance because youths gather there, and the granting (or varying) of a licence may exacerbate the problem. The Licensing Authority will consider any such matter on its merits.
- 11.3 Where relevant representations are received and if appropriate, limitations on hours may be imposed by the Licensing Authority in the case of specific premises known to be a focus of crime, disorder and/or disturbance late at night. Stricter conditions with regard to licensing hours may be required for licensed premises situated in or immediately adjacent to residential areas to ensure that disturbance to local residents is avoided.

## **12. Cumulative impact**

- 12.1 The Licensing Authority recognises that the assessment of commercial need and market forces are not matters for licensing controls. However, the cumulative impact of a number of licensed premises on the promotion of the licensing objectives is a matter for the Licensing Authority to consider.
- 12.2 The Licensing Authority recognises that having many licensed premises in a particular area may result in a saturation effect. This may lead to an increase in the number of people either walking through and/or congregating in streets and may cause adverse effects in an area. This in turn may have a number of undesirable consequences such as;
- An increase in crime against both property and persons;
  - An increase in noise causing disturbance to residents;
  - Traffic congestion and parking difficulties;
  - Littering and fouling
  - Increased pressure on public services like transport, street cleaning.
- 12.3 Representations may be received from a responsible authority or other interested party that an area has become saturated with licensed premises

making it a focal point for large groups of people to gather and circulate away from the licensed premises themselves, creating problems of crime, disorder and nuisance over and above the impact from a premise.

- 12.4 If such representations are received, the Licensing Authority may consider that attaching conditions on individual licences is unlikely to address these problems. The Licensing Authority, in such cases, may therefore consider the adoption of a special policy of refusing new premises licences or club premises certificates because the area is saturated with licensed premises and the granting of any more would undermine the licensing objectives. The onus will be on the person or group making such representations to provide evidence to the Licensing Authority of the problems caused by the number of licensed premises in that area.
- 12.5 When considering whether to publish a Cumulative Impact Assessment and adopt a saturation policy, the Licensing Authority will;
- (i) Identify serious and chronic concerns from a responsible authority or an interested party concerning crime, disorder and/or public nuisance;
  - (ii) Consider whether there is good evidence to demonstrate that the crime, disorder and/or public nuisance is arising as a result of customers of licensed premises, and if so identify the area from which the problems are arising and the boundaries of that area;
  - (iii) Consult with same persons and groups that would ordinarily be consulted on the overall statement of licensing policy and following that consultation, decide whether a saturation policy is appropriate for that area.
- 12.6 Where the assessment of cumulative impact determines that a saturation policy would be appropriate, the Licensing Authority will continue to consider each application for a licence on its merits and may decide that a particular application would not add significantly to the cumulative impact and grant an application, notwithstanding a Special Saturation Policy being in place. In these circumstances the Licensing Authority would expect the applicant to show why the Special Saturation Policy should be departed from in that particular instance.
- 12.7 If the Licensing Authority adopts a saturation policy in respect of a particular area, then this policy document will be amended accordingly (subject to appropriate consultation) and notice published in the local press. Current licence holders will be informed and any new applicants wishing to apply for a licence in that area will be advised on making their

initial enquiry. At the time of publishing this Policy (January 2021) Knowsley has **not** adopted a Special Saturation Policy for any designated area within the Borough. The Licensing Authority will be guided by the Responsible Authorities and other Interested Parties on such matters and at this stage we are not aware of any areas that are currently causing adverse effects on the licensing objectives.

## 12.8 Other mechanisms for controlling cumulative impact

Once away from the licensed premises, a minority of consumers may behave badly and unlawfully. There are other mechanisms both within and outside the licensing regime that are available for addressing such issues. For example:

- i. Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- ii. Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the Council;
- iii. The provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;
- iv. Powers of the Council to designate parts of the area as places where alcohol may not be consumed publicly (see section 13)
- v. The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
- vi. The confiscation of alcohol from adults and children in designated areas;
- vii. Police powers to close down instantly for up to 24 hours any licensed premises or temporary event on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance; and;
- viii. The power of the Police, other responsible authorities, and interested parties to seek a review (see section 19) of a licence or certificate.

## 13. Designated Public Place Orders

- 13.1 Under section 13 of the Criminal Justice and Police Act 2001 the Council has power to make “*designated public place orders*” to control the consumption of alcohol in public places. A prohibition on the consumption of alcohol in public places can also be imposed by way of a Public

Spaces Protection order under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014.

- 13.2 Where designated public place orders' are made they will be subject to regular review. When considering applications for licences, certificates or permits that fall within the area of a designated public place order', and where relevant representations are received, the Licensing Authority may impose conditions, if necessary and/or appropriate
- 13.3 At the time of writing this policy, there are not currently any designated public place order in force in the Borough.

## **14. Types of Licences**

### **Personal licences**

- 14.1 A personal licence authorises the holder to sell alcohol, or supply of alcohol, in accordance with a Premises Licence. A personal licence has effect indefinitely and is valid throughout England and Wales. An application must be made to this Licensing Authority only if the applicant lives in Knowsley. Once issued a personal licence will remain with that licensing authority for the period of the licence, even if the licence holder moves out of the Borough.
- 14.2 A personal licence is required by individuals who may be engaged in making and authorising alcohol sales and supplies. Not every person selling alcohol at premises licensed for that purpose needs to hold a personal licence, but every sale or supply of alcohol must at least be authorised by a nominated personal licence holder (The DPS, see section 14.7). This does not mean that personal licence holders must be physically present at all times when alcohol is being sold. A personal licence holder may authorise other members of staff to sell alcohol on their behalf, but the personal licence holder is however ultimately responsible for all sales of alcohol authorised by them. This is why training of staff in prevention of underage sales and due diligence records are very important. Any premises where alcohol is sold or supplied must employ at least one personal licence holder but can employ more if they wish. In any case, only one can be the person responsible for authorising sales of alcohol (The DPS).
- 14.3 Any applicant for a personal licence must satisfy the following criteria:
- a) Be aged 18 or over;
  - b) Have provided evidence of their lawful immigration status and

- c) Proven their eligibility to undertake work relating to the carrying on of a licensable activity;
- d) Possess an appropriate licensing qualification accredited by the Secretary of State;
- e) Not had a personal licence forfeited within 5 years of their application;
- f) Have paid the appropriate fee to the Licensing Authority;
- g) The Police or Home Office (Immigration Enforcement) have not given an objection notice about the grant of a Personal Licence following notification of any unspent relevant or foreign offences or civil Immigration penalties and where;
- h) The Licensing Authority has not considered it necessary to reject the application on crime prevention or the prevention of illegal working grounds

14.4 Applicants are required to produce a basic criminal record check certificate, or produce the results of a subject access search of the Police National Computer by the National Identification Service, and make a declaration as to whether or not they have been convicted of any relevant or foreign offence(s) outside England and Wales.

14.5 The Licensing Authority will reject the application if an applicant fails to meet the requirements of (a), (b), (c), (d), (e) or (f) at paragraph 14.3 above. If an applicant has been convicted of a relevant offence the Licensing Authority are required to notify the Police and Home Office (Immigration Enforcement) and ask whether they consider that the granting of a personal licence would undermine the crime prevention objective. If so, an objection notice will be issued to the Licensing Authority and the matter will be determined at a hearing before a Licensing Sub Committee. In accordance with the guidance, the Licensing Authority is likely to refuse an application where the Police or Home Office object unless there are exceptional and compelling circumstances which justify granting the application.

14.6 At any hearing of a Licensing Sub Committee to determine the grant of a personal licence, the panel will have regard to the crime prevention objective and will consider the seriousness and relevance of the conviction(s), the period that has elapsed since the offence(s) were committed and any mitigating circumstances.

### **Designated premises supervisor**

14.7 The sale of alcohol, because of its impact on the wider community and on crime and anti-social behaviour, carries with it greater responsibility than that associated with the provision of regulated entertainment and late

night refreshment. This is why premises (except for premises which hold a club registration certificate) which sell or supply alcohol must appoint a designated premises supervisor (DPS). This person must hold a personal licence and have sufficient authority and will be responsible for the day to day running of the premises. The DPS for the premises will therefore ordinarily occupy an important position as they will usually provide direct management and supervision of staff. A DPS should be easily identifiable and accessible to the Licensing Authority and representatives of responsible authorities upon request.

14.8 The Act requires that where a premises licence authorises the supply of alcohol, no supply of alcohol may be made when there is no DPS in place. This does not mean that the DPS must be in attendance throughout all of the opening hours of the premises. However, the Licensing Authority would have concerns about a person managing the premises 'remotely' (for example from a head office) without regular attendance at the premises. There can only be one DPS per licensed premise.

14.9 The Police may object to a new DPS where they believe the appointment would undermine the crime prevention objective. Where the Police do object, the Licensing Authority will arrange a hearing of a Licensing Sub Committee to consider the matter.

### **Premises licences**

14.10 A premises licence authorises premises to be used for one or more licensable activities (see paragraph 2.1). It is a matter for an applicant to decide who would be the most appropriate person(s) or body to hold the licence. Any applicant must be over 18 years of age and have the right to work in the UK and have provided evidence of their lawful immigration status and proven their eligibility to undertake work relating to the carrying on of a licensable activity.

14.11 An application for a premises licence must be made on the prescribed form and sent to the Licensing Authority. Applicants must also send a copy of their application to each appropriate responsible authority. An application to the Licensing Authority must be accompanied by:

- The appropriate fee;
- A plan of the premises (in the prescribed format)
- An operating schedule
- Evidence of the applicant's lawful immigration status and eligibility to undertake work relating to the carrying on of a licensable activity, and;

- If the application involves the sale or supply of alcohol, a form of consent from the proposed DPS.

Any application not containing the above will be rejected by the Licensing Authority. Applicants should ensure compliance with this as failure to do so may lead to further costs being incurred by the applicant (for example the cost of publishing a further public notice).

### **Club premises certificates**

- 14.12 Clubs are organisations where members have joined together for particular social, sporting or political purposes. These premises are different from ordinary premises as members of the club pay fees which are then combined to buy alcohol in bulk to supply in the club premises. This means that when members purchase alcohol, there is technically no sale as the member owns part of the alcohol stock in the first place. The money passing across the bar is merely a mechanism to preserve equity between members. True sales only take place to members' guests.
- 14.13 Only 'qualifying clubs' can hold a Club Premises Certificate, and there are a number of conditions set out in the Act and Statutory Guidance and it will be for the applicant to prove that they meet these conditions when they apply. Qualifying clubs should not be confused with proprietary clubs, which are clubs run commercially by individuals, partnerships or businesses for profit. These require a premises licence.
- 14.14 A club premises certificate may be issued by the Licensing Authority to a qualifying club allowing the premises to be used for one or more recognised club activities, with additional benefits relating to those activities to those holding a premises licence. The activities and benefits are:
- a) The supply of alcohol to members and sale of alcohol to members' guests on the premises, without the need for a designated premises supervisor (DPS) or any personal licence holders;
  - b) The provision of regulated entertainment where that provision is by or on behalf of the club for members of the club and their guests.
  - c) Late Night refreshment can be provided on club premises without any authorisation on the certificate.

An application for a club premises certificate must be made on the prescribed form and sent to the Licensing Authority. Applicants must also

send a copy of their application to each Responsible Authority. An application must be accompanied by:

- a) The relevant fee;
- b) The club operating schedule;
- c) A plan of the premises (in the prescribed format);
- d) A copy of the rules of the club and;
- e) Evidence that the club is a qualifying club.

Any application not containing the above will be rejected by the Licensing Authority. Applicants should ensure compliance with this as failure to do so may lead to further costs being incurred by the applicant (for example the cost of publishing a further public notice).

## **15. Applications and operating schedules**

15.1 The operating schedule comprises part of the application form and is an important document as the information contained within it will enable responsible authorities and interested parties to assess whether the steps to be taken to promote the licensing objectives are satisfactory. The steps put forward by applicants on their operating schedule will, in the event that a licence is granted, be transferred into conditions which the applicant must comply with. Failure to address issues satisfactorily may result in relevant representations being made and accordingly the application being referred to a Licensing Sub Committee for determination. The application form should include a general description of the style and character of the business to be conducted on the premises, together with the following details:

- i. The relevant licensable activities to be conducted on the premises;
- ii. The times during when it is proposed that licensable activities are to take place;
- iii. Any other times when the premises are to be open to the public;
- iv. Whether the applicant proposes that the licence or certificate should be in effect for a limited period;
- v. Where the licensable activities include the supply of alcohol, information in respect of the person who would be the DPS (in the case of a premises licence) and whether alcohol will be consumed on or off the premises, or both;



- vi. If it is proposed that dancing will take place then a clear indication of the type of dancing, whether it will be performed by members of the public and/or performers, whether the dancing will involve striptease and/or lap-dancing, and so on;
  - vii. If it is proposed to provide music then a clear indication of the type of music, whether it will be amplified, pre-recorded, and so on.
- 15.2 Applicants are encouraged to seek the views of the Responsible Authorities on the promotion of the licensing objectives before formally submitting applications. For example, on matters relating to crime and disorder, the applicant may wish to contact the Police, and on matters relating to noise, Environmental Health Officers may be contacted. The contact details of the responsible authorities are shown at Annex C. It is an important part of the licensing process that all parties co-operate and work together in order to minimise the number of disputes which may arise.
- 15.3 Where there are no relevant representations, the steps (set out in the operating schedule) will be translated directly into conditions that will be attached to licences/certificates and must be complied with along with the Mandatory conditions attached to all licences.
- 15.4 When relevant representations are received, the Licensing Authority will liaise with applicants as soon as practicable to give them as much opportunity as possible during the consultation period to carryout mediation with those making representations Applicants will be expected to instigate their own mediation in attempt to alleviate the concerns raised, the Licensing Authority stepping in to assist only in specific circumstances. The aim of mediation is to achieve a satisfactory outcome for all concerned. Where no agreement is possible, then the application will be referred to the Licensing Sub Committee.

#### **Variation of premises licences and club premises certificates**

- 15.5 Where a premises licence holder (or a club) wishes to amend their licence or certificate then an application to vary the licence can be made. There are simple administrative processes for some changes (such as changing the name or address of someone named on the licence or specifying a new DPS). Other changes require a variation application; this includes applications to vary the hours during which licensable activities are permitted, adding or removing licensable activities that may impact on the licensing objectives, adding, amending or removing conditions that may impact on the licensing objectives, or significantly

altering the layout of the premises.

- 15.6 A variation should not be used where changes are being made to the building such as using previously unlicensed parts of a building, this could result in an increase to the capacity of the licensed premises. In such instances the Licensing Authority will expect a new application to be submitted. Similarly, the Licensing Authority would also expect a new application to be submitted where the nature of the licensed premises is being substantially changed, for example a restaurant being converted to a night club.
- 15.7 In cases where the variation sought shall not impact adversely on the licensing objectives, an application can be made called a **Minor Variation**. There is no right to a hearing to take place to consider minor variations. The decision as to whether or not a minor variation is appropriate will be made by officers, and their decision shall be final. Some common examples of a minor variation are either minor changes to the structure or layout of a premises, the removal of out of date conditions, or the volunteering of new conditions. The overall test is whether the proposed variation could impact adversely on any of the four licensing objectives
- 15.8 A variation application should be submitted to the Licensing Authority, and a copy sent to each appropriate responsible authority. In the case of a minor variation, the application should be submitted to the Licensing Authority only as officers will determine which Responsible Authorities to inform. Application forms must be accompanied by:
- the appropriate fee;
  - a plan of the premises (where appropriate);
  - an amended operating schedule (where appropriate) and; the current licence or certificate
- 15.9 In some limited circumstances a variation application may not be required if the Licensing Authority considers that the amendment would not have any likely impact on the licensing objectives and there is no statutory requirement for the amendment to be shown on the plan, for example, moveable furniture (altering the position of tables and chairs) and beer gardens (installation of a smoking shelter that will not affect the use of fire exits or escape routes). Every case will be must be considered on its individual merits and licence holders should contact the Licensing Authority for advice.

## **Provisional statements**

- 15.10 Where premises are to be, or are being constructed (or amended or extended) for the purpose of being used for licensable activities (whether or not they are already being used for that purpose), a person aged over 18 years of age may apply for a provisional statement if they have an interest in the premises and may be of assistance to prove to investors or other interested parties that a premises licence would be granted if applied for when the works are completed.
- 15.11 At a later date, when an application for a premises licence is submitted, provided there are no changes to the proposed licensable activities or timings, the works are complete in line with the schedule, and there have been no material changes in circumstances in the area or premises since the provisional statement was made, the any new representations will normally be excluded as they should have been made in relation to the original provisional statement.
- 15.12 An application for a provisional statement must be accompanied by a schedule of works that includes details of the licensable activities for which the premises will be used, a plan of the premises, and other relevant information. Applications for provisional statements will be dealt with in a similar manner as applications for a premises licence.

### **Interim authority**

- 15.13 Generally, a premises licence remains in force for as long as the licence holder continues to operate the business, unless the licence is revoked or it is granted for a limited time. Regardless of this, if the premises licence holder dies, becomes mentally incapable or becomes insolvent then the licence will lapse. If, within seven days of such circumstances a person gives the Licensing Authority an interim authority notice, the licence will be reinstated for two months. At the end of the two months it will lapse again unless an application for a transfer of the licence has been made in the meantime.
- 15.14 Interim authority notices must also be served upon the Police and the Home Office (Immigration Enforcement). If either of these responsible authorities object to the notice, the Licensing Authority will arrange a hearing to consider the matter.

### **Transfer of premises licences**

- 15.15 In the vast majority of cases, it is expected that a transfer application will be a simple administrative process. An application should be submitted,

along with a consent form signed by the outgoing holder of the licence. A copy of the transfer application must also be served on the Police and the Home Office (Immigration Enforcement). If there are no objections, the Licensing Authority will transfer the licence accordingly. If either of these responsible authorities object, the Licensing Authority will arrange a Licensing Sub Committee to consider the matter.

### **Temporary event notices**

- 15.16 Certain events which include licensable activities can be held without the need for a premises licence. Such temporary events do not have to be authorised as such by the Licensing Authority, instead the premises user notifies the Licensing Authority the Police and Environmental Health of the event. The Police and Environmental Health may object to an event on the grounds of any of the licensing objectives, and any such objection must be made within 3 working days of being notified of the temporary event. The Licensing Authority will then arrange a hearing to consider the matter and conditions may be imposed on the event if the Licensing Authority consider it promotes the licensing objectives. If the Police or Environmental Health do not object then the event can proceed as applied for.
- 15.17 The Local Authority can seek to control noise from such events through discussions with the applicant but ultimately if it feels necessary to do so by using powers under the Anti-Social Behaviour, Crime and Policing Act 2014 to close the premises down for up to 48 hours or the issuing of an Abatement Notice under the Environmental Protection Act 1990.
- 15.18 Temporary events must be for less than 500 people at a time and last for no longer than 168 hours. One premises can hold up to 15 separate Temporary Events in a calendar year, and the maximum total duration of events authorised in that premises is 21 days per calendar year. The number of temporary event notices that a personal licence holder can give is limited to 50 a year. People who are not personal licence holders can only give notice of 5 events in any one year. In any other circumstances a full premises licence or club premises certificate would be required for the period of the event involved. Additionally, there must be at least 24 hours between each temporary event notice.
- 15.19 While the standard process should be used wherever possible, applicants for temporary events can also submit a limited number of **Late Temporary Event Notices** which can be submitted up to 5 working days prior to the day of the event. A personal licence holder can submit 10 Late TENs per calendar year, and other people can submit 2 per year.

Late TENS count towards the total number of permitted TENS per calendar year (e.g. 15 per premises per calendar year). Whilst the Late Temporary Events Notice process provides further convenience, should any objections be received from the Police or Environmental Health, the notice will be deemed invalid and cannot go ahead.

- 15.20 It should be noted that giving a temporary events notice does not relieve the premises user from any requirements under planning law for appropriate planning permission (if required).

### **Licensing public land**

- 15.21 The Council, wherever appropriate, will seek to obtain premises licences in its own name for public spaces within the boundaries of the Borough. This could include, for example, playing fields, town centre areas, community centres and other similar public places. This would mean that various performers and entertainers would not need to obtain a licence or give a temporary event notice in order to perform in such licensed areas, however, they would require permission from the Council, as the premises licence holder, to use the land.

- 15.22 In respect of licensing public land, the same considerations apply in that if relevant representations are received then a hearing will be arranged and conditions may be imposed.

### **Large Scale Events**

- 15.23 The sections above outline the temporary event notice system which is subject to various limitations including a capacity of 499 persons. Larger scale events require a premises licence, which may be time limited or indefinite. Outdoor music or similar events can attract large crowds and there will be numerous and potentially complex issues to consider. These will be in respect of promoting the licensing objectives and ensuring all the relevant arrangements are in place for the safety of all those taking part in, watching or delivering the event. Such events will involve the preparation of a comprehensive event safety documents which are proportionate to the nature and scale of your event including an event safety plan, risk assessments and emergency planning documents. The Licensing Authority expects to be given very early notice (at least 4 months) of such proposed large scale events **before** a formal application is submitted. The Council operates a Safety Advisory Group (KEVSAG – Knowsley Events and Venues Safety Advisory Group) consisting of key Responsible Authorities. The Licensing Authority would require that the event planning process includes engagement with KEVSAG to allow

responsible authorities to discuss the event arrangements with event organisers. There is further guidance that applicants would find useful when planning large scale events including 'The Purple Guide to Health, Safety and Welfare at Music and Other Events'(See useful publications.)

## **Films**

- 15.24 Under the Act it is a mandatory condition to be included in all premises licences and club premises certificates authorising the exhibition of films, that the admission of children to any film is restricted in accordance with the recommendations given to films by the British Board of Film Classification or if not, by the Licensing Authority itself.
- 15.25 In accordance with the recommendations in the guidance the Licensing Authority will rely on the classification recommendation of the British Board of Film Classification. The Licensing Authority expects applicants wishing to show films on their premises to include in their operating schedule arrangements for restricting children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification.

## **Tables and chairs outside licensed premises**

- 15.26 Under section 115 of the Highways Act 1980 permission is required from the council's highways authority to place amenities such as tables and chairs on the public highway but permission is not required to place tables and chairs on private frontages. The Licensing Authority will scrutinise operating schedules indicating that tables and chairs are to be included in the licensed area to ensure that relevant applications are made to cover those areas that the hours of use are stated on the application, and that measures have been put in place to minimise the potential impact of any noise nuisance.

## **16. Processing of applications and decision making**

- 16.1 The licensing process will be administered by officers who will aim to deliver a quality service to customers and will provide guidance notes and relevant information upon request. However, applicants should note that officers cannot complete an application form on behalf of an applicant and any guidance given will not amount to legal advice. The Licensing Authority would recommend all applicant's employ the assistance of a Solicitor or Licensing Consultant to assist with an application to avoid any unnecessary errors and further costs.

16.2 The following circumstances may lead to the rejection of an application. When this occurs then the applicant may be required to pay a further fee when a new application is made;

- Errors or omissions in the application forms, public notices or accompanying documents, consent forms, plans, and so on;
- Non-compliance with statutory requirements such as the public display of notices, publishing notices in local newspapers, time limits, and so on identical copies of applications not served on responsible authorities on the same day as the application is given to the Licensing Authority;
- Missing or part-payment of fees.

Applicants are required to submit their applications to the Licensing Authority, and to send copies of their application to each appropriate Responsible Authority (see contact details at annex D). We also have the facility to accept applications electronically by email, and in these cases the Authority call the applicant to take payment, and will serve the application on the Responsible Authorities on the applicant's behalf. Applications can be made on the prescribed forms which can be found on the Home Office website or our website.

16.3 Tacit consent does not apply for applications under the Licensing Act 2003 since the suitability of an applicant and the suitability of premises are under consideration.

16.4 The Licensing Authority will consult on applications in a manner which is prescribed and likely to bring the application to the attention of the persons who are likely to be affected by it.

16.5 The applicant must also place a public notice of the application in a local newspaper or similar publication circulating in the area where the premises is located, and also display a an A4 size public notice on blue paper in a prominent location immediately on or outside the premise.

16.6 In addition to the public notices in the press and on the premises and publication of applications on the Council website, to ensure that local people have a voice in licensing decisions, Elected Councillors who may act on behalf of their constituents will also be notified of applications received within their ward. It should be noted that any representations received in respect of applications from residents, businesses, ward Councillors and other interested parties will be judged on their merits and must be 'relevant' in accordance with the Act.

## **Relevant Representations**

- 16.7 A relevant representation is a representation about the effect of a premises licence or club registration certificate on the promotion of the licensing objectives. Representations submitted by a responsible authority are considered to be relevant and the Licensing Authority's discretion cannot be engaged. The Licensing Authority will also consider representations from any other interested parties.
- 16.8 Where relevant representations are received regarding an application, if mediation fails to resolve the matter, then the application will be referred to a Licensing Sub Committee to be determined. When considering applications, the Licensing Authority will apply appropriate weight to all representations received.
- 16.9 If in the Licensing Authority's opinion representations received are irrelevant, frivolous, vexatious or repetitive then they will not be considered.
- 16.10 The Licensing Authority is required by law to provide to the applicant copies of the relevant representations that have been made. This includes the name and address of an objector. In some exceptional and isolated circumstances, a person may be reluctant to make representations because of fears of intimidation or violence if their personal details (such as name and address) are divulged to the applicant. Where the Licensing Authority considers that the other person has a genuine and well- founded fear of intimidation and may therefore be deterred from making a representation, the Licensing Authority may decide to withhold some of the other person's details from the applicant, but a full copy of the comments only would be provided to the applicant, and would form a part of any report to the Licensing Sub Committee (which are also required to be published on the Council website).
- 16.11 In cases where an objector requests to remain anonymous for the above reasons, they would be unable to speak at any Sub Committee hearing and would only be able to observe proceedings from the public gallery to protect their identity. Withholding personal details breaks down the lines of communication and mediation between parties which is encouraged in the Act and Guidance, and a decision to withhold details will only be considered where the circumstances are justified and the Licensing Authority is satisfied that the comments are relevant.

## **Decision making**



- 16.12 One of the major principles of the Licensing Act 2003 is that licensing functions should be delegated such as to ensure a speedy, efficient and cost effective service to all parties involved in the licensing process. Many and functions are largely administrative in nature such as the grant of non- contentious applications and the Act itself creates a presumption that applications will be granted unless relevant representations are received. The decision making in respect of licensing functions is shown at Annex A.
- 16.13 The Licensing Authority has a general duty under the Act to exercise their licensing functions with a view to promoting the licensing objectives. A number of processes require licensing authorities to take steps which are appropriate for the promotion of the licensing objectives.

## **17. Appeals**

- 17.1 Applicants or other parties to an application not satisfied with a decision of the Licensing Authority following a Sub Committee hearing may lodge an appeal to the Magistrates Court. An appeal must be lodged at the Magistrates Court within a period of 21 days of the party being notified of the decision of the Licensing Authority.
- 17.2 Appeals heard by the Magistrates Court will be heard afresh, that is in their complete entirety and the Licensing Authority as respondent will be entitled to rely on such evidence as it sees fit. The Court after hearing the application may dismiss the appeal, substitute its own decision for the Licensing Authority's decision or remit the case back to the Licensing Authority to dispose of it in accordance with the Magistrates' direction. The Court may make an order for costs as it thinks fit.

## **18. Licence conditions**

- 18.1 Conditions include any limitations or restrictions attached to licences/certificates and essentially are steps or actions that premises will be required to take or refrain from taking in order to uphold the licensing objectives. Failure to comply with conditions placed on a licence or certificate is a criminal offence punishable by an unlimited fine or up to 6 months imprisonment, or both; so it is important that conditions are clear achievable and enforceable.
- 18.2 Appropriate conditions should emerge initially from the applicant's risk assessment before making an application and should be included in the applicant's operating schedule on the application form. This may form a list

of 'do's and don'ts' or appropriate steps the business will carry out on a regular basis. The Licensing Authority will take the operating schedule information and interpret conditions in accordance with the applicant's intention. Therefore, it is equally important that operating schedules are made clear by the applicant.

- 18.3 Conditions to be attached to licences and certificates will be tailored to the style, characteristics and location of the premises, and the type of activities expected to take place there. Conditions will focus on the direct impact of the activities taking place at the premises and the impact on any local residents and businesses in the vicinity of the premises and aim to promote one or more of the licensing objectives. If any applicant needs ideas or assistance in creating their operating schedule, the Licensing Authority has liaised with the Responsible Authorities in creating a pool of model conditions, which a potential applicant can pick and choose which may be appropriate for their particular premise. Picking conditions from our list is optional, and some applicants may prefer to create their own.
- 18.4 If relevant representations are received from a Responsible Authority or interested party, and the Licensing Authority is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate, it may impose conditions as necessary to promote one or more of the four licensing objectives. The Licensing Authority will endeavour to ensure that conditions are clear, unambiguous and proportionate and not beyond the control or responsibility of the licence holder. Licence conditions will be focused on matters that are within the control of individuals named on the licence. Licence holders will not be expected to take action that they have no legal right to do, for example monitoring noise in another person's property.
- 18.5 Conditions may be set that are based on achieving an outcome or require a specific action by the licensee, or both. There are merits to both approaches and the nature of the conditions will be dependent on the circumstances of each case. An example of an outcome based condition is where noise is required to be barely audible at the boundary of a nearby residential premise so that it will be inaudible within it, thereby fulfilling the requirement for prevention of public nuisance. This approach allows the licence holder to determine how the standard is achieved and they can find the best solution for this. In other cases a specific condition, such as the requirement to turn lights off after a specified time, may provide better control and transparency.
- 18.6 There a number of mandatory licence conditions and these will be

added to all licences and certificates. The Licensing Authority acknowledges and supports the Policing and Crime Act 2009 which has been introduced against a national background of increasing alcohol related anti-social behaviour and subsequent hospital admissions. This Act has introduced a set of additional mandatory licence conditions affecting the way that all premises and clubs that sell alcohol on the premises are allowed to operate. The introduction of this legislation signals a shift back from deregulation towards offering greater support for communities being adversely affected. The mandatory conditions are detailed at Annex B to this Policy.

## **19. Licence reviews**

- 19.1 Licence reviews represent a key protection for the community where problems associated with disorder, public safety, nuisance or failure to protect children are occurring after the grant or variation of a licence or certificate. A responsible authority or any other person may ask the Licensing Authority to review a licence because of matters arising at a premise in connection with the licensing objectives. The Licensing Authority must first consider whether the request/complaint is relevant and, if so, a hearing of a Licensing Sub Committee will be arranged to consider the matter. The Licensing Authority will attempt to mediate between parties to narrow the issues of contention. Further information about the review process can be obtained from the Licensing Authority.
- 19.2 In every case, the representation (which must be in writing) must relate to a particular premise and must be relevant to the promotion of the licensing objectives. A review of a licence will follow any action by the Police to close down a premise on grounds of disorder or public nuisance. The Licensing Authority must also review a premises licence if the premises to which it relates was made the subject of a compliance order to prevent illegal working.
- 19.3 When reviewing a licence, the Licensing Authority will take steps with a view to the promotion of the licensing objectives in the interests of the wider community, and not those of the individual holder of the premises licence. The Licensing Authority has several options including:
- Deciding that no action is necessary; issuing a written warning;
  - Modifying or adding to the conditions of the premises licence (for example reducing the hours of opening or requiring door supervisors at particular times);
  - Excluding a particular licensable activity from the scope of the licence (for example excluding the performance of live music);

- Suspending the licence for a period not exceeding three months; or
- Revoking the licence.

19.4 On occasion, a licence review may arise in connection with crime that is not directly connected to licensable activities. For example, drug problems at the premises or the sale of smuggled goods. When determining reviews that arise in respect of premises being used for criminal activities, the role of the Licensing Authority is to determine what steps are appropriate to be taken for the promotion of the crime prevention objective. The Licensing Authority recognises that certain criminal activity may have taken place (or be taking place) at the premises despite the best efforts of the licence holder. Notwithstanding this the Licensing Authority will take such steps as are appropriate to promote the licensing objectives.

19.5 There are certain criminal activities that may arise in connection with licensed premises, which the Licensing Authority considers should be treated particularly seriously. These are the use of the licensed premises:

- i. For the sale and distribution of class A drugs and the laundering of the proceeds of drugs crime;
- ii. For the sale and distribution of illegal firearms;
- iii. For the purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- iv. For prostitution or the sale of unlawful pornography;
- v. By organised groups of paedophiles to groom children;
- vi. As the base for the organisation of criminal activity;
- vii. For the organisation of racist activity or the promotion of racist attacks;
- viii. For unlawful gaming and gambling;
- ix. For the sale of smuggled tobacco and alcohol;
- x. For the evasion of copyright in respect of pirated or unlicensed films and/or music and;
- xi. For the purchase by minors of other age restricted products such as

cigarettes, fireworks and DVD's.

xii. Employment of illegal workers

19.6 Responsible authorities will use the review procedure effectively to deter such activities and crime. Where reviews arise and the Licensing Authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, revocation of the licence, even in the first instance, will be seriously considered.

19.7 In very serious cases, another type of application can be submitted by the Police on premises that are associated with serious crime and disorder. There is an expedited application and within 48 hours of receiving an application from the Police, the Licensing Authority must consider whether any interim steps are necessary in the meantime before the review is heard. This could mean:

- The modification of the conditions of the premises licence,
- The exclusion of the sale of alcohol by retail from the scope of the licence,
- The removal of the designated premises supervisor from the licence, or
- The suspension of the licence.

19.8 Interim steps will be applied if it is deemed necessary to prevent serious crime and disorder occurring, and the licence holder can make representations against the steps, which will be heard by the Sub Committee separate to the full review hearing. At the full review hearing, a final decision is made subject to the usual review outcomes outlined in section.

19.9 With the usual right of appeal to a Magistrates Court. This means that any decision made would not take effect for 21 days. For this reason, the Licensing Authority is also required to review any interim steps already taken prior to the review, and consider if they should remain in place, be modified or withdrawn. Any continued or modified interim steps decided at the review hearing would remain in place during the appeal period, until a lodged appeal is disposed of by the Court, or for a specified period determined by the Licensing Authority.

## **20. Enforcement Advice and Education, before Enforcement**

20.1 Knowsley Council's corporate enforcement policy sets out the Council's

approach to dealing with regulatory non-compliance. In line with this, Licensing Enforcement Officers will assist with help and advice on relevant legislative requirements and will be committed to the principle of avoiding unnecessary regulatory burdens on business.

- 20.2 However, the Council will take firm action against those who flout the law or act irresponsibly.
- 20.3 Any regulatory enforcement action taken will be proportionate, accountable, consistent, transparent and targeted.
- 20.4 This Policy allows for the targeting of problem and high risk premises which require greater attention, while providing a lighter touch in respect of low risk premises which are well run.

### **Compliance checks and Conditions of Licence**

- 20.5 Persons trading under a Premises Licence or Club Premises Certificate, under the Licensing Act 2003 will be subject to enforcement action where they are found to be operating in breach of either a condition of licence agreed with KMBC Licensing Authority, or a legal requirement imposed by The Licensing Act 2003, enforced by either KMBC Licensing Authority or Merseyside Police.
- 20.6 The inspection of premises will be undertaken on an annual basis, with planned annual inspections in addition to any other deemed necessary on a risk and intelligence led basis. This ensures resources are concentrated on high risk and problem premises and activities, taking into account the Hampton principles.
- 20.7 Persons carrying out an activity that is licensable, within the context of the Licensing Act 2003, without having an appropriate premises licence or club premises certificate in place, will be the subject of enforcement action.
- 20.8 Attached at Appendix E to this Policy are a list of suggested conditions of licence that are considered by KMBC Licensing Authority to be best practice for premises to adopt.
- 20.9 The suggested conditions of licence are not to be read as an exclusive list however, and additional, bespoke conditions of licence will be suggested and agreed on a case by case basis, judging each new licence application, enforcement action and/or licence variation on its own merits.

- 20.10 Standard conditions may be attached to every street trading consent detailing the holder's responsibilities to maintain public safety, avoid nuisance and preserve the amenity of the locality.
- 20.11 Failure to comply with conditions of licence, or legal obligations under The Licensing Act 2003 will result in one or more of the following enforcement sanctions being taken:
- **Provision of advice/guidance to Premises Licence Holder and/or Designated Premises Supervisor**
  - **Verbal warning**
  - **Written warning**
  - **Licence Review – new conditions of licence applied**
  - **Licence Review – change of Designated Premises Supervisor required**
  - **Licence Review – Licence Revocation**
  - **Prosecution for breach of Licensing Act 2003**
- 20.12 Where a KMBC premise, licensed under The Licensing Act 2003 serves food in addition to carrying out licensed activity, the premises will be the subject of food hygiene inspections in addition to Licensing Authority compliance checks. The Licensing Authority will endeavour to carry out its compliance checks at the same time as food hygiene inspections are undertaken to minimise the disruption to the premises.
- 20.13 There may be occasions where officers authorised by KMBC Licensing Authority conduct compliance and/or enforcement visits accompanied by colleagues from other KMBC Services and/or from third party enforcement partners such as Merseyside Police, HMRC Customs and Excise, and officers from HM Immigration Service / Border Force.
- 20.14 Compliance visits will be conducted by appointment where practicable to do so. Officers will make contact with the Designated Premises Supervisor and organise a mutually convenient time/date for the visit to take place.
- 20.15 Enforcement visits will not be conducted by appointment and will take place at a time/date to be arranged by KMBC Licensing Authority Enforcement Officers as appropriate.
- 20.16 Further compliance checks may be carried out at the discretion of Authorised Officers on an ad-hoc basis during the course of the year.

20.17 We expect that Designated Premises Supervisors and Personal Licence Holders will ensure that all their staff, including door supervision staff, will be fully trained in the law relating to the rights of entry of authorised persons.

20.18 Licence holders must allow access to Authorised Officers of the Council and Police Officers at all reasonable times. We will view obstruction of authorised persons by staff or employed agents of the licensee as a serious matter. 20.19 Council Officers will carry with them, and produce on request, official identification

### **Complaints**

20.19 Where a complaint is received from either the public or another authority, such as the police or local authority, the complaint will be investigated and the Council may take appropriate enforcement action where The Licensing Act 2003 and/or a condition of licence has been breached.

### **Enforcement Action**

20.20 The Council recognises that the effective management of licensed premises is fundamental to maintaining a safe environment in and around licensed premises.

20.21 If the Council consider that on a balance of probabilities that an offence has been committed or the reputation of the Council may be undermined by the activities of a consent holder or for any reasonable cause, and where it is deemed appropriate, necessary and proportionate for enforcement action to be taken, the options open to Licensing Officers consists of verbal warning, written warning, and/or prosecution.

20.22 Enforcement action will be taken in accordance with KMBC Enforcement Policy, will follow the Hampton principles and will be intelligence led, targeted, proportionate and transparent.

20.23 The Licensing Authority has power to institute criminal proceedings in respect of any offence under The Licensing Act. Authority to institute proceedings has been delegated in accordance with the Council's Constitution – Scheme of Delegation.

20.24 The sufficiency of evidence and public interest criteria will be applied to any decision on prosecution in accordance with the Prosecution of Offences Act. Elected members will be precluded from this decision making process to enable them to retain independence, should conviction result in a subsequent licence review.



## **Revocation**

20.25 Where, during the course of the licence, there are any relevant charges, police investigations, and/or convictions against the premises licence holder or designated premises supervisor, or the way the premises is operated, the licence may be reviewed with a view to seeking to have it revoked.

## **Pubwatch**

20.26 Knowsley Licensing Authority encourage any licensed premises to consider becoming a member of a Pubwatch scheme, to support their licensing objectives with regard to crime, disorder and prevention of harm. Furthermore, Guidance issued in relation to Section 182 of The Licensing Act 2003 endorses the Good Practice associated with the National PubWatch scheme/initiative.

20.27 At the present time there is no Knowsley Licensing Authority led Pub watch scheme/initiative, however in the event one is established, we would encourage all Knowsley Licensed premises to participate.

## **Responsible Retailer Scheme**

20.28 Knowsley Licensing Authority would like to encourage any premise licensed under the remit of The Licensing Act 2003 to put its employees through a responsible alcohol retailing award in order to show recognition and acknowledgement of the responsibilities, duties concerning under age sales and serving drunk persons, and of the licensing legislation applicable to them. Furthermore this supports the Designated Premises Supervisor in operating a successful and compliant business.

## **21. Licensing Fees**

21.1 The Licensing Authority expects all fees due under the Act to be paid on time. The Act requires that the licensing authority must suspend a premises licence if the holder has failed to pay an annual fee when due. Fees for Licensing applications are set centrally by statute and any further costs incurred by the Council in setting and applying this policy have to be absorbed by the Authority.

21.2 Furthermore licensing authorities have the power to set certain fees, on a cost recovery basis. In addition to administrative costs and the costs acting as the licensing authority costs incurred by the licensing authority acting in a capacity other than as the licensing authority, e.g. planning

authority can also be included.

21.3 Regulations will specify constraints on the licensing authority's power to determine the amount of the fee.

## ANNEX A –Decision Making

<b>Matters to be dealt with</b>	<b>Sub Committee</b>	<b>Officers</b>
Application for personal licence	If a police objection	If no objection made
Application for personal licence with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	If a police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a police objection	All other cases
Applications for interim authorities	If a police objection	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a representation is irrelevant frivolous vexatious etc		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of an objection to a temporary event notice	All cases	
Determination of application to vary premises licence at community premises to include alternative licence condition	If a police objection	All other cases
Decision whether to consult other responsible authorities on minor variation application		All cases
Determination of minor variation application		All cases

## **ANNEX B – Mandatory Licensing Conditions**

1. No supply of alcohol may be made under the premises licence;
  - (a) At a time when there is no designated premises supervisor in respect of the premises licence, or
  - (b) At a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

### **Exhibition of Films**

Where a premises licence authorises the exhibition of films:-

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
3. Where—
  - (a) the film classification body is not specified in the licence, or
  - (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

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

4. In this section-

"children" means persons aged under 18; and

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

### **Performance of Plays**

In relation to a Premises Licence which authorises the performance of plays, no condition may be attached to the licence as to the nature of the plays which may be performed, or the manner of performing plays, under the licence.

But subsection (i) above does not prevent a Licensing Authority imposing, in accordance with Section 18(2)(a) or (3)(b), 35(3) or 52(3), any condition which it considers appropriate on the grounds of public safety.

## **Door Staff**

- (1) Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must—
  - (a) Be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
  - (b) Be entitled to carry out that activity by virtue of section 4 of that Act.
2. But nothing in subsection (1) requires such a condition to be imposed—
  - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c. 12) (premises with premises licences authorising plays or films), or
  - (b) in respect of premises in relation to—
    - (i) Any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
    - (ii) Any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
3. For the purposes of this section—
  - (a) “*Security activity*” means an activity to which paragraph 2(1)(a) of that Schedule applies; and
  - (b) Paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

## **ADDITIONAL MANDATORY CONDITIONS**

Conditions 1, 2 and 4 below do not apply to premises licences where it authorises only the sale of alcohol by retail for consumption off the premises

### **1. No Irresponsible Drinks Promotions**

- a. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on

the premises—

- (a) Games or other activities which require or encourage, or are designed to require or encourage, individuals to—
  - (i) Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
  - (ii) Drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) Provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) Selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) Dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

## **2. Free Water**

The responsible person shall ensure that free potable water is provided on request to customers where it is reasonably available.

## **3. Age Verification Policy**

- (2) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (3) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (4) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be

specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

- i. A holographic mark, or
- ii. An ultraviolet feature.

#### 4. **Small Measures to be Available**

The responsible person must ensure that—

- (a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:-
  - (i) Beer or cider: ½ pint;
  - (ii) Gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) Still wine in a glass: 125 ml;
- (b) These measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) Where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

#### 5. **Minimum Price of Alcohol**

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1—
  - (a) 'Duty' is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
  - (b) 'Permitted price' is the price found by applying the formula— where—
    - (i) P is the permitted price,
    - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
    - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added
    - (iv) Tax were charged on the date of the sale or supply of the alcohol;
  - (c) 'Relevant person' means, in relation to premises in respect of which there is in force a premises licence—
    - (v) The holder of the premises licence,
    - (vi) The designated premises supervisor (if any) in respect of such a licence, or
    - (vii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;

- (d) 'Relevant person' means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - (e) 'Valued added tax' means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub- paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (the first day) would be different from the permitted price on the next day (the second day) as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day



## **ANNEX C – Responsible Authorities, contacts and useful publications**

### **Licensing Authority**

Knowsley MBC, Environmental Health and Consumer Protection Service  
2nd Floor Yorkon Building, Archway Road,  
Huyton, Knowsley, L36 9FB  
Tel: 0151 443 2300  
E-mail: [licensing@knowsley.gov.uk](mailto:licensing@knowsley.gov.uk)  
Web: [www.knowsley.gov.uk](http://www.knowsley.gov.uk)

### **Merseyside Police**

Licensing Unit, Merseyside Police 5th Floor HQ,  
Canning Place, Liverpool, L1 8JX  
Tel: (0151) 777 4648  
E-mail: [licensing.unit@merseyside.pnn.police.uk](mailto:licensing.unit@merseyside.pnn.police.uk)

### **Merseyside Fire & Rescue Service**

St Helens & Knowsley District Protection, Belle Vale Community Fire Station,  
Childwall Valle Road, Liverpool, L25 2PY  
Tel: 0151 296 6570  
E-mail: [ProtectionStHelens&Knowsley@merseyfire.gov.uk](mailto:ProtectionStHelens&Knowsley@merseyfire.gov.uk)

### **Planning Authority**

Development Control  
Municipal Buildings, Archway Road, Huyton  
Knowsley, Merseyside L36 9YU  
Tel: 0151 443 2381  
E-mail: [dcsubmissions@knowsley.gov.uk](mailto:dcsubmissions@knowsley.gov.uk)

### **Environmental Health**

Environmental Health and Consumer Protection  
2nd Floor, Yorkon Building, Archway Road, Huyton,  
Knowsley, Merseyside L36 9FB  
Tel: (0151) 443 4728  
E-mail: [environmentalhealth@knowsley.gov.uk](mailto:environmentalhealth@knowsley.gov.uk)

### **Trading Standards**

Environmental Health and Consumer Protection 2nd  
Floor, Yorkon Building, Archway Road, Huyton,  
Knowsley, Merseyside L36 9FB  
Tel: (0151) 443 4744

### **Children and Families Team**

Municipal Buildings, Archway Road, Huyton,  
Knowsley, Merseyside, L36 9YU Tel: (0151)  
443 4079

### **Public Health**

Public Health and Wellbeing  
5<sup>th</sup> Floor Municipal Buildings  
Archway Road, Huyton Knowsley L36 9YU

Tel: 0151 443 4992

### **Home Office Immigration Enforcement**

Home Office  
Immigration Enforcement  
Alcohol Licensing Team  
Lunar House  
40 Wellesley Road  
Croydon  
CR9 2BY  
Email: Alcohol@homeoffice.gov.uk

### **The Enforcing Authority with Responsibility for the Health and Safety at Work, etc Act 1974 (\*see note below)**

\*Note - Depending upon the nature of the premise, the authority with responsibility for the Health and Safety at Work, etc, Act 1974 will **either** be the Council or the Health and Safety Executive (HSE). Generally, the HSE carry out health and safety enforcement in respect of premises owned by the Council, and the Council is responsible for health and safety enforcement for all other premises.

Premises owned by the Council should therefore send a copy of their application to the Health and Safety Executive North West Division, Grove House, Skerton Road, Manchester, M16 0RB.  
Tel: 0161 952 8200.

All other premises should send a copy of their application to Environmental Health (address and contact details shown above).

### **Other Authorities and Bodies**

#### **Liverpool and Knowsley Magistrates Court**

Queen Elizabeth II Law Courts, Derby  
Square, Liverpool L2 1AX  
Tel: 0151 243 5500

#### **British Beer and Pub Association**

Ground Floor, Brewers Hall,  
Aldermanbury Square, London EC2V  
7HR  
Tel: 020 7627 9191  
Web: [www.beerandpub.com](http://www.beerandpub.com)

#### **Disclosure and Barring Service**

DBS Customer Services  
PO Box 3961 Wootton Bassett SN4 4HF  
Tel: 0300 0200 190  
E-mail: [customerservices@dbs.gsi.gov.uk](mailto:customerservices@dbs.gsi.gov.uk)  
Web: [www.gov.uk/disclosure-barring-service-check](http://www.gov.uk/disclosure-barring-service-check)

**Portman Group**

4th Floor, 20 Conduit Street, London, W1S 2XW

Tel: 020 7290 1460

E-mail: [info@portmangroup.org.uk](mailto:info@portmangroup.org.uk)

Web: [www.portmangroup.org.uk](http://www.portmangroup.org.uk)

**Performing Rights Society (PRS)**

Tel: 0800 068 4828

Email [customer.musiclicence@prs.co.uk](mailto:customer.musiclicence@prs.co.uk)

**Security Industry Authority (SIA)**

PO Box 9, Newcastle Upon Tyne, NE82 6YX

Tel 08702 430100

Web: [www.the-sia.org.uk](http://www.the-sia.org.uk)

**Useful publications**

Licensing Act 2003 / Section 182 Guidance Regulations are available on [www.gov.uk](http://www.gov.uk)

The Purple Guide to Health, Safety and Welfare at Music and Other Events

[www.thepurpleguide.co.uk](http://www.thepurpleguide.co.uk)

KEVSAG – Knowsley Events and Venues Safety Advisory Group

[www.knowsley.gov.uk/things-to-do/organising-public-events.aspx](http://www.knowsley.gov.uk/things-to-do/organising-public-events.aspx)

Health and Safety Executive (HSE) Events Safety Guidance <http://www.hse.gov.uk/event-safety/>

Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X

5 Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 0 7176 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; Available on [www.streetartsnetwork.org](http://www.streetartsnetwork.org)

National Pubwatch Good Practice Guide; Available on [www.nationalpubwatch.org.uk](http://www.nationalpubwatch.org.uk)

## ANNEX D- Terminology

This section explains some of the key terms used in this policy and is only intended to clarify the general meaning of each term. These lists are not exhaustive, nor are all the definitions legally comprehensive.

The Act stands as the legal reference for the terms.

<b>Appeals</b>	Appeals against decisions of the Licensing Authority are to the Magistrates Court for the area in which the premises are situated. The appeal must be lodged within 21 days.
<b>Authorised persons, Persons Responsible Authorities</b>	The Act creates three categories of people and bodies that can make representations to the Licensing Authority about an application for a licence. Only these groups can make representations about an application for a premises licence.
<b>Other Persons and Responsible Authorities</b>	Authorised persons - are specified people who have statutory duties in relation to the inspection of premises, for example Licensing Officers, Police and Fire Service Officers.  Other person(s) includes any individual, body or business entitled to make representations to licensing authorities regardless of their geographic proximity to the premises  Responsible authorities include the Police, Fire Service, the enforcing authority for health and safety, the Planning Authority, Environmental Health, bodies responsible for child protection and other specified authorities.
<b>Closure Order</b>	Powers for the Police and the Courts to close premises. The Act significantly extends the existing powers of the Police to seek court orders in an area that is experiencing or likely to experience disorder, or to close down instantly individual licensed premises that are disorderly, likely to become disorderly or are causing noise nuisance.
<b>Club Premises Certificate</b>	A certificate which licences a qualifying club in order to carry out licensable activities. It can be granted to members clubs which comply with specific conditions – for example membership rules, run by club committees, profits go to members, and so on. There is no time limit on the duration of the certificate but it may be withdrawn, surrendered or suspended.
<b>Conditions</b>	A premises licence may be granted subject to conditions, which are proportional and tailored to the size, style, characteristics and activities taking place at the premises.
<b>Designated Premises Supervisor (DPS)</b>	The person designated in the premises licence as the person who is responsible for supervision of the premises – for example the day-to-day manager. Any premises where alcohol is supplied as a licensable activity must have a designated premises supervisor.
<b>Interim Authority Notices</b>	Where a premises licence lapses due to the death, incapacity or insolvency etc. of the holder, specified persons can within 7 days serve an interim authority notice on the Licensing Authority. This revives the licence, subject to Police objection, for a period of up to 2 months so the premises can continue trading.
<b>Late Night Refreshment</b>	The supply of hot food or hot drink between 11pm and 5am whether for consumption on or off the premises. This covers late night takeaways, fast food outlets and restaurants open after 11pm.

<b>Licensable Activities</b>	Activities that must be licensed under the Act: The sale by retail of alcohol, supply of alcohol by a club, provision of regulated entertainment and provision of late night refreshment.
<b>Licensing Committee/ Licensing Sub Committee</b>	The Licensing Committee consists of 15 Members of the Council and will consider Policy. Licensing functions have been delegated to Sub Committees and Officers. The Committee consists of three Members and will consider licensing applications (and relevant representations are received).
<b>Licensing Objectives</b>	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.
<b>Mandatory Conditions</b>	Conditions that the Act requires are imposed on a premises licence in specified circumstances. These include; no supply of alcohol unless there is a designated premises supervisor, where films are exhibited film classifications must be observed, and where the premises licence includes a door supervision condition it must also require the door supervisors to be licensed by the Security Industry Authority.
<b>Objection Notice</b>	A procedure whereby the Police or Home Office (Immigration Enforcement) can object to the grant of a personal licence on the grounds that where having regard to convictions of the applicant for relevant offences, the grant would undermine the crime prevention objective.
<b>Operating Schedule</b>	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 which it is proposed to take 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.
<b>Personal Licence</b>	A licence granted to an individual and authorises that person to supply alcohol or authorise the supply of alcohol in accordance with a premises licence. The licence lasts indefinitely. It ceases to have effect when revoked, forfeited, surrendered or suspended. A personal licence holder is not required where the premises concerned does 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.
<b>Premises Licence</b>	A licence granted in respect of any premises authorising the premises to be used for one or more licensable activities. The licence has effect until revoked, surrendered or death, insolvency, etc of the holder.
<b>Provisional Statement</b>	A procedure by which the Licensing Authority can give a statement approving for licensing purposes proposals for a premises being built or in the course of being constructed. Equivalent to a —provisional grant under the Licensing Act 1964. Where a provisional statement is made, subject to limited exceptions, the full licence must normally be granted once the premises are completed.

**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 Act and generally relate to alcohol, dishonesty, drugs, duty, copyright, food safety, sexual offences violence, and immigration offences.

**Relevant  
representations**

Responsible authorities and any other person(s) may be able to make relevant representations about an application for a licence. Representations must relate to the licensing objectives and where made by any other person must not be frivolous or vexatious. When considering a submission from a responsible authority or any other person(s) the Licensing Authority can only consider relevant representations.

**Transfer**

A procedure where an application can be made to transfer the premises licence into a new name. For example if a premises licence holder sells his premises an application may be made to transfer the premises licence to the new owner

## ANNEX E- Model Conditions



*Knowsley Council*

Licensing Act 2003 Pool of Suggested Conditions  
Version 1.0 dated April 2020

When deciding to grant or vary a premises licence under the Licensing Act 2003, we must do so subject to conditions which we consider are appropriate for the promotion of the licensing objectives.

In carrying out our licensing functions we must have regard to Guidance issued under the Act by the Secretary of State. Current Guidance provides pools of conditions (although not an exhaustive list), which relate to the four licensing objectives and which could be used where appropriate to the particular circumstances of an individual licensed premises. The Guidance states however, that it is important that conditions should not be applied universally and treated as standard conditions irrespective of circumstances. Under no circumstances should we regard the pools of conditions as standard conditions to be automatically imposed in all cases. Guidance also urges partnership working to promote the licensing objectives.

Conditions which are appropriate to promote the licensing objectives should emerge initially from the prospective licence holders risk assessment and be translated to form part of the operating schedule for the premises. This pool of model conditions has been produced to assist prospective licence holders where they consider that they would promote the licensing objectives in the circumstances of their application.

Once an application has been made, the Police, Environmental Health service, other responsible authorities, and interested parties are encouraged to engage with the applicant if they are considering making a representation to the application. This basket of model conditions has been produced to assist all parties and promote a consistent approach when proposing conditions on a premises licence.

This pool of model conditions is not an exclusive or exhaustive list of conditions which may be included on a premises licence. It does not restrict any applicant, responsible authority, or interested party from proposing any alternative conditions, nor would it restrict a licensing sub- committee from imposing any reasonable condition on a licence it considers appropriate for the promotion of the licensing objectives.

Where appropriate, conditions should specify who is responsible for its implementation and should state, for example, “The premises licence holder shall...” or “The designated premises supervisor will...”.

For ease, the conditions have been split into themes, as follows:

1. Provision of CCTV
2. Staffing
3. Glassware
4. Door Supervisors
5. Admission, queuing and identification systems
6. Entertainment and noise
7. Sale and supply of alcohol
8. Outside areas and seating
9. Rubbish and litter
10. Policies, procedures and record keeping
11. Construction and use of the premises
12. Under 18s
13. Deliveries
14. Advertising
  
15. Festivals and music events
16. For premises that are delivery only operating late at night

The conditions will be updated as required and the current version published on [www.knowsley.gov.uk](http://www.knowsley.gov.uk).

Comments on the content and use of the model conditions are welcomed. Please contact the licensing team on 0151 443 2300 or email [licensing@knowsley.gov.uk](mailto:licensing@knowsley.gov.uk).



## Provision of CCTV

The premises shall install and maintain a CCTV system. All entry, exit and point of sale areas will be covered by the cameras, and the images shall enable frontal identification of every person entering in any light condition. The system shall continually record whilst the premises is open for licensable activities and during all times when staff and customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available to a Police officer or an authorised officer of the licensing authority upon request throughout the preceding 31 day period, providing that such requests are in connection with the prevention or detection of crime.

A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show a Police officer or an authorised officer of the licensing authority data or footage upon request.

The premises shall keep a suitable store of necessary recording media (such as DVD's, SD cards or similar) to enable footage to be recorded from the CCTV system and provided to an authorised officer of the licensing authority or Police officer upon demand.

All faults/defects in the CCTV system must be reported to Knowsley Licensing Authority within one day of the fault being discovered. The Knowsley Police Licensing Unit must also be notified as soon as reasonably practicable.

All faults with the CCTV system shall be repaired as soon as possible and in any case within two working days after which time, if the system is still inoperative no licensable activities shall take place without the agreement of the Knowsley Police Licensing Unit and the licensing authority until the fault is rectified.

A monitor on which CCTV pictures can be displayed will be installed in an appropriate location for it to be viewed by the appropriate staff member.

## 2. Staffing

There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.

A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents in the vicinity.

<p>The designated premises supervisor shall attend and pass a formal training course on avoiding underage sales and provide evidence of attendance if requested.</p>
<p>The premises licence holder shall ensure that all tills in operation at the premises automatically provide age-related prompts to staff to check the age of the buyer when alcoholic products are passed through the till, or entered onto the till, for sale.</p>
<p>In addition to any other training, the premises licence holder shall ensure all staff are trained to prevent underage sales, to maintain the refusals book, enter sales correct on the tills so the prompts show when appropriate, and monitor staff to ensure their training is put into practice.</p>
<p>The premises licence holder shall ensure that at all times when the public are present on the licensed premises there is at least one competent person able to administer First Aid, also that an adequate and appropriate supply of First Aid equipment and materials is available on the premises. A record of the provision of any First Aid treatment shall be taken and maintained at the premises. This record must include:</p> <ul style="list-style-type: none"> <li>• the name of any person who was treated, or a description of the person if they are unable to communicate</li> <li>• the date and time of the treatment</li> <li>• the person providing the treatment</li> <li>• a description of the injury or ailment which requires treatment</li> <li>• details of the treatment provided, and</li> <li>• whether any emergency services were called to provide assistance</li> </ul>
<p>The Designated Premises Supervisor must be employed at the premises and be responsible for its day to day management. When the DPS is away from the Premises – for example on holiday – a nominated deputy who holds a personal licence and whose details have been provided in writing to the Knowsley Police Licensing Unit in advance shall fulfil this role.</p>
<p>The designated premises supervisor (or nominated deputy as defined above) is to be responsible for the bookings of all “significant events” at the Premises</p>
<p>The premises licence holder shall ensure that all staff and licensed door supervisors receive training on checking customer identification, and in not serving those under the influence of alcohol and drugs. Records of such training shall be maintained at the premises and made available to a Police officer or an authorised officer of the licensing authority upon request.</p>

### 3. Glassware

Drinks that are to be consumed outside the premises shall be served in glass containers at any time

Alcohol is to be served in polycarbonate, plastic or shatter-proof glasses [on specified days or events] when notified in writing at least 28 days in advance by the Knowsley Police Licensing Unit].

The designated premises supervisor shall ensure that tables are cleared of all bottles and glasses [on a regular basis][at least once every 60 minutes] during trading hours to avoid an accumulation of glassware.

A number of bottle bins shall be provided in designated places as agreed in writing with the Knowsley Police Licensing Unit and/or an authorised officer of the Licensing Authority

### 4. Door supervisors

A minimum of (X) SIA licensed door supervisors shall be on duty at the premises at all times whilst it is open for business.

At least (X) SIA licensed door supervisors shall be on duty at the entrance of the premises at all times whilst it is open for business.

All licensed door supervisors and staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility jackets or vests of a type which is compliant with the requirements of the current British Standard (BS EN 471).

The Designated Premises Supervisor shall ensure there is a ratio of at least 1 door supervisor licensed by the Security Industry Authority for every 75 customers on duty at the premises at all times licensable activities are taking place (unless authorised by Merseyside Police Licensing Unit otherwise in writing for a particular event).

### 5. Admission, queuing and identification systems

There shall be no admittance or re-admittance to the premises after (insert time) hours.

Patrons permitted to temporarily leave and then re-enter the premises shall be limited to (XX) persons at any one time.

The premises licence holder or designated premises supervisor shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by licensed door supervisors so as to ensure that there is no public nuisance or obstruction to the public highway.
The number of persons permitted in the premises at any one time (including staff) shall not exceed the agreed capacity displayed at the entrance.
All functions in the <i>specified function room</i> shall be pre-booked or ticketed events.
Any customer who behaves inappropriately will be barred from the premises
The rules of admission to the premises shall be clearly and prominently displayed at each entrance to the Premises.

6. Entertainment and Noise
Amplified sound, from regulated entertainment, shall be controlled with the use of a noise limiting device. This device must operate at all times regulated entertainment takes place at the premises. Approval in writing of the limiter type, its location and the noise level which it is set at must be obtained in writing from an appropriate officer of the Council, prior to the device being installed. The limiter shall be secured so that access is only permitted by the licence holder or authorised manager.
Amplified noise from the premises shall not be audible inside the nearest affected property with its windows opened or closed, and shall not be at a level outside of the nearest affected property that is at a nuisance level, as determined by an officer of the council.
Music amplification systems shall not be located in the entrance lobby or outside the premises building. Music amplification systems must not be directed outwards towards any street or installed externally to the Premises.
The location and orientation of loudspeakers must be as specified on the attached premises plan.
All external windows and doors must be kept shut at all times when regulated entertainment is being provided. Doors may be opened for normal entrance and egress of people but must be shut immediately thereafter.
Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.

<p>Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the licensing authority where consent has not previously been given.</p> <ul style="list-style-type: none"> <li>• dry ice and cryogenic fog</li> <li>• smoke machines and fog generators</li> <li>• pyrotechnics including fire works</li> <li>• firearms</li> <li>• lasers</li> <li>• explosives and highly flammable substances.</li> <li>• real flame.</li> <li>• strobe lighting.</li> </ul>
<p>The premises licence holder will inform Knowsley Events and Venues Safety Advisory Group (KEVSAG) of any planned events to take place inside or outside the premises</p>
<p>Customers who have purchased late night refreshment to take-away must vacate the premises 15 minutes after the end of take-away service hours as permitted by this condition.</p>

7. Sale and supply of alcohol
<p>All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.</p>
<p>Outside of the hours authorised for the sale of alcohol, all alcohol within the trading area is to be secured behind locked grills/screens or secured behind locked cabinet doors to the satisfaction of the Knowsley Police Licensing Unit or the licensing authority.</p>
<p>No super-strength beer, lagers or ciders of 6.5% ABV (alcohol by volume) or above shall be sold at the premises. (with the exception of genuine artisan products)</p>
<p>No single cans or bottles of beer or cider shall be sold at the premises.</p>
<p>No sales of miniature or quarter bottles of spirits of any kind shall be permitted.</p>
<p>No more than (XX) % of the sales area to be used at any one time for the sale, exposure for sale, or display of alcohol.</p>
<p>There shall be no self-service of spirits on the premises.</p>
<p>Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.</p>

Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to, a substantial take-away meal.
The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
The sale of alcohol shall only be by waiter service to seated customers, and there shall be no sales of alcohol at the bar.
Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises during the periods when alcohol is authorised for sale. Note: there is no definition of substantial but provided food by way of table service would be appropriate.
With the exception of residents and their bona fide guests, no alcohol shall be consumed more than 30 minutes after the permitted hour for the supply of alcohol.
Clearly visible signage is to be displayed at the entrances and at points of sale indicating it is illegal to sell alcohol to people under the age of 18.
The Premises Licence holder shall ensure that no members of the public shall be admitted to the premises. All orders for alcohol shall only be accepted if they are made remotely.
The premises licence holder or designated premises supervisor shall ensure that orders for alcohol are dispatched to bona fide addresses only.
The premises licence holder shall advertise their age verification policy and inform customers before the sale is completed that age and identity verification may be required at delivery in accordance with the premises licence holder's age verification policy.

## 8. Outside areas and seating

Outside tables and chairs [in the beer garden] shall be rendered unusable by XX hours each day.
Customers are only allowed in the [define outdoor area] between the hours of XX:XX and XX:XX. Outside of these times access to the [define outdoor area] shall not be allowed.
All tables and chairs [in the beer garden] shall be removed from the outside area by XXXX hours each day.
Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.

The Licensee shall make arrangements to ensure so far as is reasonably practicable that no customers shall be permitted to remove from the Premises any open bottles, glasses or foodstuff for consumption or disposal outside the Premises.
Customers will not be permitted to drink outside the premises save for in any outdoor seating area/beer garden designated on the premises plan.
No more than XX customers are permitted in the outside [smoking] area at any one time (unless a different number is agreed in writing in advance with the Knowsley Police Licensing Unit in consultation with an Environmental Health Officer from Knowsley Borough Council).
(2) At least XX door supervisors must monitor the smoking area in person when the Premises is open for licensable activities (unless a different number or ratio of licensed door supervisors to customers is agreed in writing in advance with the Knowsley Police Licensing Unit).
(3) The Designated Premises Supervisor shall ensure that at all “significant events” (as defined in section 6) at least XX licensed door supervisors are tasked with specific responsibility for marshalling the public areas of the Premises to detect and deter the use of illegal drugs.
(4) No customers shall be permitted to take food or drink into the smoking area.

9. Rubbish and litter
No rubbish, including bottles, shall be disposed of in outside receptacles or outside areas between XXXX hours and XXXX hours.
The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge or XX metres from the premises (to be specified where the highway boundary is a significant distance from the front of the premises), shall be swept and or washed to keep it free from all litter and other deposits occurring as part of the business. This is to be done at regular intervals of XX hours between XXXX and XXXX hours and a log of cleaning kept for 3 months. Any Litter and sweepings collected must be stored in accordance with the approved refuse storage arrangements.
No glass waste including bottles shall be handled externally after (insert time) with the exception of the collection of empty glasses and bottles from outside drinking/smoking areas and streets in the vicinity of the premises

All litter to include discarded flyers, cigarettes, fast food packaging and any other litter, whether caused by the venue or not, shall be cleaned from an area of XX metres in all directions from the front of the Premises at regular intervals of (insert time) hours. All waste collected is to be disposed by the Premises of as trade waste. The details of all cleaning undertaken under this condition are to be recorded and maintained at the premises for 12 months.

Flame retardant ashtrays will be available in the smoking area during the times the premises are open and taken away when the premises are closed

#### 10. Policies, procedures and record keeping

A log (which may be electronically recorded) shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the licensing authority at all times whilst the premises is open.

An incident log shall be kept at the premises for at least 12 months, and made available on request to an authorised officer of the licensing authority or the Knowsley Police Licensing Unit, which will record the following:

- (a) all crimes reported to the venue, or by the venue to the Police
- (b) all ejections of patrons
- (c) any complaints received
- (d) any incidents of disorder
- (e) seizures of drugs, offensive weapons, fraudulent ID or other items
- (f) any failures or faults in the CCTV system or searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol
- (h) any visit by a responsible authority or emergency service
- (i) the times on duty, and the licence number, of all licensed door supervisors employed by the premises.
- (j) assaults or other injuries whether or not police or medical assistance is required
- (k) all times when CCTV and electronic identification system records have been supplied to Police and licensing authority officers
- (l) records of reasonable requests from authorised officers

A zero drugs policy shall be adopted by the premises. Staff will make regular checks of the toilets and any incidents recorded



<p>The Designated Premises Supervisor shall be responsible for implementing a dispersal management plan agreed (and revised from time to time) with the Knowsley Police Licensing Unit. They will also ensure that licensed door supervisors remain on duty outside the premises for 30 minutes after the premises close to assist with dispersal of persons from the premises and the vicinity of the premises.</p>
<p>The Designated Premises Supervisor shall maintain a register/log of licensed door supervisors indicating the number of licensed door supervisors on duty, their identity, and contact details including addresses and phone numbers and the times they were on duty. A copy should be available immediately upon request to the Merseyside Police Licensing Unit or an authorised officer of the licensing authority.</p>
<p>All assaults resulting in physical injury to a customer or member of staff must be reported immediately to the Police.</p>
<p>Any person found with illegal drugs must be reported to the Police immediately and barred from the premises.</p>
<p>The Premises Licence Holder and Designated Premises Supervisor are to co-operate with pre-arranged Police operations involving the searching of customers at entry for weapons and drugs.</p>
<p>Whilst licensable activities are taking place, the toilets at the premises must be checked at least hourly for illegal drug use or supply. A written log of all checks must be kept at the premises for at 31 days and made available for immediate inspection on the request of the Merseyside Police Licensing Unit or an authorised officer of the licensing authority.</p>
<p>The Premises must implement a “Challenge 25” policy whereby all customers who appear to be under 25 must produce photographic identification in the form of a passport, driving licence or Proof of Age Scheme (P.A.S.S) approved identification before being allowed to enter the Premises whilst licensable activities are taking place.</p>

## 11. Construction and use of the premises

<p>The premises will have an [intruder] [panic] alarm installed to the satisfaction of the Merseyside Police Licensing Unit, such alarm to be properly maintained and regularly tested and staff trained in its use.</p>
<p>Kegs, bottles, barrels, crates and other similar items are to be securely stored.</p>

## 12. Under 18s

Entry by children under the age of 18 to [the premises] [a specified part of the premises] is prohibited whilst the following licensable activities take place:[list activities]

Entry by children under the age of 18 to [the premises] [a specified part of the premises] is prohibited between XXXX hours and XXXX hours.

Entry by children under the age of XX to [the premises] [a specified part of the premises] is prohibited unless accompanied by an adult over the age of 18.

No events solely for those under 18 will be permitted on the premises.

The Premises Licence Holder or designated premises supervisor must ensure that there is a minimum of one member of staff on duty for every fifty children in the Premises at any one time to assist in the evacuation of children in an emergency. Such numbers of staff may include Licensed Door Supervisors.

The Premises Licence Holder or designated premises supervisor shall ensure that adequate arrangements, including transport, are implemented for ensuring the well-being of children at the conclusion of any regulated entertainment under this licence.

The Premises Licence Holder or designated premises supervisor shall ensure that adequate arrangements are implemented to prevent the consumption of alcohol or unlawful substances, or the carrying of any offensive items, on the premises by children.

## 13. Deliveries

All deliveries to the premises must be made via the entrance marked on the premises plan.

No deliveries may be made to the premises between XXXX hours and XXXX hours.

Deliveries of goods necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.

#### 14. Advertising

No licensable activities shall be advertised by posters, stickers, banners or other printed means which are displayed to the public or at any other premises or other location except for the licensed premises. This condition does not exclude the handling out of leaflets by a distributor.

#### 16. Festivals and music events

The premises licence holder will consult with the responsible authorities on its intention to hold any special events at the premises as soon as practicable so that the relevant guidance can be given on upholding the licensing objectives

The premises licence holder shall produce an Event Management Plan to KEVSAG for discussion and advice on the proposed event.

#### 17. For premises that are delivery only operating late at night

No members of the public shall be permitted to be in the premises while the premises are being used for licensing activities

All late night refreshment provided under this licence shall be for consumption off the premises only and shall be provided wrapped or packed in such a way so that it is supplied not for immediate consumption.

Premises Licence holder shall ensure that all orders taken by the premises shall be delivered to customers at a bona fide address.

The premises licence holder shall ensure that no external signage or advertisements shall be illuminated between the hours of XXXX and XXXX.

Signs shall be clearly displayed at the premises stating that the business is closed from XXXX hours until the start of business again the next working day with the exception of remote delivery orders.

The Premises Licence holder shall ensure that all windows and doors shall be closed at 23:00 hours and remain closed until the business reopens the following day, except for the immediate access or egress of staff.

Delivery vehicles shall switch off their engines whilst stationary and collecting orders for delivery. Delivery vehicle horns shall not be used at any time, except in accordance with the Highway Code.