



Knowsley Council

KNOWSLEY METROPOLITAN
BOROUGH COUNCIL

LICENSING ACT 2003

2016 - 2021

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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, was reviewed and re-published in January 2011, and again in January 2016. This policy has been 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 took effect on 7 January 2016 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. The Policing and Crime Act 2017 and Immigration Act 2016 made amendments to the Licensing Act 2003 which came into force on 6 April 2017, resulting in this latest update to our policy.
- 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 function, 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 application form.
- 1.4 The aim of the policy is to secure the safety and amenity of residential communities whilst facilitating a sustainable entertainment and cultural industry. Knowsley Council in adopting this policy recognises the needs of residents for a safe and healthy environment to live and work in and the importance of prosperous and well run retail and entertainment premises to the local economy and vibrancy of the borough. It also recognises the need to provide opportunities and support for leisure and culture within 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.

1.5 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:

- i. the retail sale of alcohol (for consumption on or off premises);
- ii. the supply of alcohol to club members;
- iii. the provision of regulated entertainment (listed below) to the public, to club members or with a view to profit;
- iv. a performance of a play;
- v. an exhibition of a film;
- vi. an Indoor sporting event;
- vii. boxing or wrestling entertainment;
- viii. a performance of live music;
- ix. the playing of any recorded music;
- x. a performance of dance;
- xi. entertainment of a similar description;
- xii. provision of late night refreshment.

2.2 The incidental performance of live music and incidental playing of recorded music may not, in certain circumstances, be regarded as regulated entertainment activities under the terms of the Act. The Act does not define “incidental” and in cases of doubt applicants are advised to seek their own legal advice or contact the Licensing Authority for advice. Where premises provide regulated entertainment, or other licensable activities, without a licence then appropriate enforcement action will be taken.

- 2.3 Late night refreshment relates to the supply 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. Applicants are advised to seek legal advice or contact the Licensing Authority for advice if they have any queries on what constitutes late night refreshment.
- 2.4 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 feedback indicates that the licensing objectives are not being adequately promoted. This update has been triggered by an amendment to the Act.
- 2.5 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
 - 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 will ordinarily expect applications for premise licences in respect of permanent commercial premises to be from businesses with the relevant planning consent for the property concerned and the hours pursued. Where this is not the case, applicants will be requested to provide a satisfactory explanation as to why the property does not have the relevant planning and/or building regulation consent.
- 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.

Avoidance of duplication

- 4.7 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. This legislation includes, but is not limited to, those referred to above and other legislation including the Health and Safety at Work Act 1974, the Environmental Protection Act 1990, the Equality Act 2006, Fire Safety 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. 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 will be subject to an equality impact assessment and 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.
- 5.7 The Licensing Authority is keen to encourage a broad range of entertainment throughout the borough in support of its Cultural Strategy. 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 Safeguarding and Social Care 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 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 The Licensing Authority is keen to promote the artistic and cultural life of the Borough and licensing will be approached with a view to encouraging cultural activities and innovative forms of public entertainment for the wider cultural benefit of communities generally. Only conditions strictly necessary will be attached to a licence for activities of this nature as the Licensing Authority is aware of the need to avoid imposing substantial indirect costs. Where there is any indication that licensing requirements are deterring such events, the policy will be reviewed with a view to investigating how the situation can be remedied.

7. The licensing objectives

Objective 1 -The prevention of crime and disorder

- 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 LA may impose whatever conditions it considers appropriate on licenses or certificates. 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 an applicant may wish to include in their operating schedule;
- (i) adoption of best practice guidance (for example, Safer Clubbing and the National Alcohol Harm Reduction Toolkit);
 - (ii) adoption of a 'proof of age' scheme;
 - (iii) employment of a sufficient number of door supervisors licensed by the Security Industry Authority (SIA);
 - (iv) provision of toughened or plastic glasses and bottles and;

- (v) 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.

- 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 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. Such conditions will take into account the "Safer Clubbing" guidelines issued by the Home Office.
- 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 2016 came into effect on the 6 April 2017. Sections 135 to 140 of the Act implemented a number changes to the Licensing Act 2003. The definition of alcohol has been clarified to regulate powdered and vaporised alcohol in the same way as liquid alcohol. There has also been 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, foam 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;
- provision of toughened or plastic glasses;
- implementation of crowd management measures;
- 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.

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, especially those operating late at night and in the early hours of the morning, 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:

- adoption of best practice guidance;
- control of opening hours for all or part of the premises, including times when deliveries take place and the operation of generating equipment;
- 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;
- ensuring that glasses and bottles are not taken off the premises; liaising with transport providers;
- 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.

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 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 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, mental or psychological harm.
- 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.

7.27 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.

7.28 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.

7.29 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 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.

- 7.30 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.
- 7.31 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).
- 7.32 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.
- 7.33 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.
- 7.34 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.

- 7.35 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

- 9.3 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).
- 9.4 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.
- 9.5 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 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.
- 12.3 Representations may be received from a responsible authority or other person's 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 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 adopt such a Special 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 appropriate persons and groups and decide whether a Special Saturation Policy is appropriate for that area.

12.6 In the event of determining that a Special 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 Special Saturation Policy in respect of a particular area then this policy 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 2016) Knowsley has not adopted a Special Saturation Policy for any designated area within the Borough.

Other mechanisms for controlling cumulative impact

12.8 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 10);

- 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;
- (i)
- viii. the power of the Police, other responsible authorities, and interested parties to seek a review (see section 14) 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

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 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 personal licence holder. 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, and may be absent at times from the premises when alcohol is sold, a personal licence holder is however ultimately responsible for all sales of alcohol authorised by them. Any premises where alcohol is sold or supplied must employ at least one personal Licence holder.

14.3 Any applicant for a personal licence must satisfy the following criteria:

- a) be aged 18 or over;
- b) must have provided evidence of their lawful immigration status and
- c) proven their eligibility to undertake work relating to the carrying on of
- d) a licensable activity;
- e) possess an appropriate licensing qualification accredited by the Secretary of State;
- f) have not had a personal licence forfeited within 5 years of their application;
- g) have paid the appropriate fee to the Licensing Authority;
- h) 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;
- i) 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) or (e) at paragraph 13.3 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, t 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, they 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). A wide range of individuals and bodies may apply for a premises licence including the tenant(s) of the premises, the owner(s) of the premises, a Council Department, school, and so on, providing the applicant has lawful authority to use a premise for the purposes sought. 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 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' namely:

- a) the supply of alcohol by or on behalf of the club to or to the order of a member of the club;
- b) the sale by retail of alcohol by or on behalf of a club to a guest or a member of the club;
- c) the provision of regulated entertainment where that provision is by or on behalf of the club for members of the club or members of the club and their guests.

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 in relation to each of the recognised club activities.

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 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, on matters relating to noise Environmental Health Officers may be contacted. The contact details of the responsible authorities are shown at annex D. 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.

15.4 When relevant representations are received, the Licensing Authority will seek to liaise with applicants and/or mediate between applicants and those who made the representations. The aim of this 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 Minor variations can only be used in cases where the variation sought shall not impact adversely on the licensing objectives. 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. A minor variation will generally fall into the following categories but in all cases the overall test is whether the proposed variation could impact adversely on any of the four licensing objectives:-
- Minor changes to the structure or layout of the premises small adjustments to licensing hours
 - the removal of out of date, irrelevant or unenforceable conditions the addition of volunteered conditions
 - the addition/removal of certain licensable activities
- 15.8 A variation application should be submitted to the Licensing Authority, and a copy sent to each appropriate responsible authority. Applications 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. 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

- 15.11 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 unless an application for a transfer of the licence has been made in the meantime.
- 15.12 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

- 15.13 In the vast majority of cases, it is expected that a transfer application will be a simple administrative process. Notice of a transfer application must also be given to 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

- 15.14 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 48 hours 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.

- 15.15 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.
- 15.16 Temporary events must be for less than 500 people at a time and last for no longer than 168 hours over a maximum period of 21 days. 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. The number of times a particular premise can be used for temporary events in one year is limited to 12 (with a maximum aggregate of 15 days). 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.
- 15.17 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. The late temporary event notice process however is limited to 2 every year for each premises.
- 15.18 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

- 15.19 The Council, where 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.

- 15.20 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

- 15.21 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. 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

- 15.22 Under the Act it is a mandatory condition to be included in all premises licences and club registration 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 by the Licensing Authority.
- 15.23 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

- 15.24 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 advice, guidance and relevant information upon request. However, applicants should note that officers cannot complete an application form on behalf of an applicant.
- 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).

- 16.3 Applications can be made on the prescribed forms that can be found on the Home Office website.
- 16.4 Applications can also be made via the government website www.gov.uk. In order to fulfil its obligations under the Provision of Services Regulations 2009 (and the EU Services Directive) the Council will continue to enable the application process and payment online. Tacit consent is however not applicable for applications under the Licensing Act 2003 since the suitability of an applicant and the suitability of premises are under consideration.
- 16.5 The Licensing Authority will advertise 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.
- 16.6 The applicant must also display a brief summary of the application on an A4 size notice immediately on or outside the premise.
- 16.7 Although not legally obliged to do so the Licensing Authority will notify persons and businesses in writing of applications received within approximately 50 metres of the premises as it feels it is important to ensure that the community are fully aware of licensing applications in their area and will ensure that local people have a voice in licensing decisions. Elected Councillors will also be notified of applications within their ward. It should be noted that any representations received will be judged on their merits and must be 'relevant' in accordance with the Act.

Relevant representations

- 16.8 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 person
- 16.9 Where relevant representations are received regarding an application, if mediation fails to resolve the matter or it is not appropriate to mediate then the matter will be referred to a Licensing Sub Committee. When considering applications the Licensing Authority will apply appropriate weight to all representations received.

- 16.10 If in the Licensing Authority's opinion representations received are irrelevant, frivolous, vexatious or repetitive then they will not be considered.
- 16.11 The Licensing Authority is required to provide to an applicant copies of the relevant representations that have been made. In some exceptional and isolated circumstances, other persons 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 because of this, the Licensing Authority may decide to withhold some of the other person's details from the applicant. Withholding such details will only be considered where the circumstances justify such action and the Licensing Authority is satisfied that the complaints 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 (see annex D). An appeal must be lodged at the Magistrates Court within a period of 21 days of the applicant being notified of the decision of the Licensing Authority.
- 17.2 Appeals heard by the Magistrates Court will be heard afresh, that is in there 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 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.
- 18.2 If relevant representations are received, the Licensing Authority may also attach such other conditions as appropriate in order to promote the 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.
- 18.3 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 he has no legal right to do, for example monitoring noise in another person's property.
- 18.4 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 he 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.
- 18.5 When considering licence conditions the Licensing Authority will have regard to the following paragraphs in the guidance issued under the Act;

paragraph 10.4 - *The conditions that are appropriate for the promotion of the licensing objectives should emerge initially from the risk assessment carried out by a prospective licence or certificate holder, which they should carry out before making their application for a premises licence or club premises*

certificate. This would be translated into the steps recorded in the operating schedule or club operating schedule, which must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public.

paragraph 10.8 *-The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. This provision also applies to minor variations.*

- 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.
- 18.7 Failure to comply with any conditions attached to a licence or certificate is a criminal offence which, on conviction, would be punishable by a fine of up to £20,000 or up to 6 months imprisonment, or both.

19. Licence reviews

- 18.8 Licence reviews represent a key protection for the community where problems associated with disorder, public safety or nuisance 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.

18.9 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.

18.10 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.

18.11 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.

18.12 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 dvds.
- xii. Employment of illegal workers

18.13 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.

20. Enforcement

18.14 It is essential that licensed premises are maintained and operated so as to ensure the continued promotion of the licensing objectives. The Licensing Authority recognises the interests of both its citizens and businesses and will work closely with all its partners to help ensure compliance with the law and promotion of the licensing objectives.

18.15 Knowsley Council has adopted a Corporate Enforcement Policy in accordance with the Better Regulation Delivery Office —Regulators

Codell which is designed to ensure efficient and effective public protection services. The Licensing Authority is committed to complying with the principles of good enforcement practice by carrying out its regulatory functions in a fair, open and consistent manner. Proportionate but firm action will be taken against those who commit offences.

- 18.16 Enforcement protocols will be implemented and developed with other enforcement authorities to support this policy and to provide a robust and joined up approach to enforcement of the Licensing Act 2003 by Council officers and our partners. It is essential that the range of powers available to each enforcement authority is fully utilised to promote the licensing objectives, and the protocols will be monitored to ensure effectiveness. The protocols will be based upon the Regulators Code and will provide for targeting of agreed problem and high risk premises, but with a lighter touch for those premises which are shown to be well managed and maintained. It is hoped that targeted enforcement of this kind should have a positive impact on the immediate vicinity of the licensed premises concerned.
- 18.17 New premises and premises subject to a variation application may require an inspection depending on the type and nature of the application. The Licensing Authority and appropriate responsible authorities will determine which applications require an inspection on a case-to-case basis. Applicants will be notified as soon as practicable following receipt of their application whether an inspection is required and by whom. Where an inspection is required, the Licensing Authority will aim to reduce inconvenience and promote consistency by co-ordinating joint inspections (where possible) with responsible authorities. Once licensed, premises may also be subject to inspections based on a risk assessment approach which will be developed further.

21. Pubwatch and Responsible Retailing

Pubwatch

- 18.18 The Licensing Authority supports and is keen to contribute to the development of a pubwatch scheme within Knowsley. The basic working principle underpinning a pubwatch scheme is that licence holders of the premises involved agree on a number of matters and policies to counter individuals who threaten disorder, damage, violence and/or who use or deal in drugs in their premises. Licence holders are encouraged to participate in any local pubwatch scheme.
- 18.19 National Pubwatch is a voluntary organisation set up to support existing

pubwatch schemes and encourage the creation of new ones with the key aim of achieving a safe, secure social drinking environment in licensed premises and helping to reduce alcohol related crime. The National Pubwatch Good Practice Guide (see useful publications at annex D) provides advice on how schemes can be established.

Responsible retailing

- 18.20 The Licensing Authority supports the principle of promoting and recognising good management practice which contributes towards the promotion of the licensing objectives. The introduction of a „responsible retailing“ scheme would provide an incentive for businesses to raise management standards and key elements may include customer care, age restricted sales, care for the local environment, the sensible promotion of alcohol, and a commitment to reducing alcohol related crime and disorder.
- 18.21 The Licensing Authority would welcome, and indeed would be keen to contribute, to such a scheme in Knowsley. If a scheme is introduced in Knowsley then it would not be mandatory that licence holders subscribe. However, the Licensing Authority would encourage subscription as it may help licence holders promote the licensing objectives and demonstrate their commitment to doing so.
- 18.22 A person responsible for a premises who is convicted of underage sales of alcohol can be fined by the court which also has the power to suspend the premises licence for a maximum of 3 months. As an alternative to prosecution a notice can be served prohibiting the sale of alcohol from the premises for a minimum period of 48 hours and a maximum period of 336 hours (14 days).

22. Licensing Fees

- 18.23 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.
- 18.24 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.

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

ANNEX A –Decision Making

Matter to be dealt with	Licensing Committee	Sub Committee	Officers
Application for personal licence		If a representation made	No representations made
Application for personal licence with unspent convictions			All cases
Application for premises licence/club premises certificate		If a representation made	No representations made
Application for provisional statement		If a representation made	No representations made
Application to vary premises licence/club premises certificate		If a representation made	No representations made
Minor variations			All cases
Application to vary designated premises supervisor		If a representation	No representations
Request to be removed as a designated premises supervisor			All cases
Application for transfer of premises licence/club premises certificate		If a representation made	No representations made

Application for interim authority		If a representation made	No representations made
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious etc.			All cases
Decision to object when Local Authority is a consultee and not the lead authority		If a representation made	No representations made
Determination of a Police representation to a temporary event notice			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

2. No Irresponsible Drinks Promotions

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

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).

3. Free Water

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

4. Age Verification Policy

- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible

person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

- (a) a holographic mark, or
- (b) an ultraviolet feature.

5. 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.

6. 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

Web: www.knowsley.gov.uk

Merseyside Police

Licensing Unit, Walton Lane Police Station,
Walton Lane, Liverpool, Merseyside L4 5XF

Tel: (0151) 777 4648

E-mail:

E.BCU.Licensing.Unit@merseyside.pnn.police.uk

Merseyside Fire & Rescue Service

Knowsley District Protection, Kirkby Community Fire
Station Webster Drive, Kirkby, Knowsley L32 8BJ

Tel: 0151 296 6679

E-mail: protectionknowsley@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

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

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
5th Floor, Municipal Buildings,
Archway Road, Huyton, Knowsley L36
9YU
Tel: (0151) 443 4903

Home Office Immigration Enforcement Merseyside, Cheshire and Lancashire

Leader: Karen McDonough
Level 0
The Capital
New Hall Place
Liverpool
L3 9PP Alcohol@homeoffice.gsi.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

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
Web: 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
Web: www.portmangroup.org.uk

Performing Rights Society (PRS)

Tel: 0800 068 4828
Email 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

Useful publications

Licensing Act 2003 / Section 182 Guidance
/ Regulations are available on www.gov.uk

The Purple Guide to Health, Safety and Welfare at Music and Other Events
www.thepurpleguide.co.uk

KEVSAG – Knowsley Events and Venues Safety Advisory Group
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

National Pubwatch Good Practice Guide; Available on
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 meaning of each term. These lists are not exhaustive, nor are all the definitions legally comprehensive. It stands as the legal reference for the terms.

Appeals	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.
Authorised persons, Other Persons and Responsible Authorities	<p>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.</p> <p>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.</p> <p>Other person(s) includes any individual, body or business entitled to make representations to licensing authorities regardless of their geographic proximity to the premises</p> <p>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.</p>
Closure order	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.
Club premises certificate	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.
Conditions	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.
Designated premises supervisor (DPS)	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.

Interim authority notices	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.
Late night refreshment	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.
Licensable activities	Activities that must be licensed under the Act: The sale by retail of alcohol, supply of alcohol by a club, provision of regulated entertainment and provision of late night refreshment.
Licensing Committee/ Licensing Sub Committee	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 Licensing Sub Committee consists of three Members and will consider licensing applications (and relevant representations) are received.
Licensing objectives	The objectives of licensing set out in the Act: The prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm. The Licensing Authority must carry out its functions under the Act with a view to promoting the licensing objectives.
Mandatory conditions	Conditions that the Act requires 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.
Objection Notice	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.
Operating schedule	A document in a prescribed form that sets out information about how the applicant for a premises licence intends to operate his business. It sets out information such as the relevant licensable activities, the proposed licensed hours, any other opening hours, the name of the proposed premises supervisor and steps 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.

Personal licence	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.
Premises licence	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.
Provisional statement	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 grantll 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 persc about which the Police may serve an objection notice. The offences are listed in s Act and generally relate to alcohol, dishonesty, drugs, duty, copyright, food safety, 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 r e s possible 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