

Appendix 9

Extracts from Licensing Policy

7.0 THE IMPACT OF LICENSABLE ACTIVITIES

7.1 Policy: When considering whether a licensable activity should be approved the Licensing Authority will, if relevant representations are received, assess the likelihood of it contributing to unacceptable, adverse impact in terms of crime and disorder and public nuisance, in particular to local residents and businesses.

Applicants should therefore consider the following when making an application:

- a) The proposed hours and days of operation and how often an activity occurs.**
- b) The location of the premises, particularly in relation to residential properties and such places as hospitals, hospices and places of worship.**
- c) The number and type of current and future customers.**
- d) The means of access and egress to the premises which should have public access on principal pedestrian routes.**
- e) The availability of public transport for patrons arriving at and leaving the premises compared to the anticipated level of private transport usage.**
- f) The likely effect of car parking demand on both principal roads and residential streets and the impact this may have on local residents and emergency access.**
- g) The need for provision of portable toilet facilities outside of the premises.**
- h) The cumulative impact of licensed premises within the area and the scope for mitigating such impact.**
- i) Waste disposal arrangements including bin storage and the collection and containment of litter from the vicinity of the premises.**
- j) Public nuisance caused by unauthorised advertising and fly-posting**

and, in considering any application from premises which are currently licensed, the Licensing Authority will, if relevant representations are received, take into account any evidence of:

- k) Past demonstrable adverse impact from the activity, particularly on local residents and businesses; or**
- l) If adverse impact has been caused, that appropriate measures have been agreed and put into place to address any future adverse impact. If measures are to be put into effect or alternatively if there has been insufficient time to assess their usefulness a licence may be granted for a limited period only.**

7.2 Reason: To achieve the licensing objective of preventing public nuisance. To promote this objective the Licensing Authority, in considering the likelihood of adverse impact, will take into account, among other matters:

- The precise nature of the activity, particularly in terms of entertainment, as this may impact in terms of the age of patrons and their behaviour.
- Noise levels and type of noise, which may be acceptable during daytime hours but may have greater impact at times when ambient noise levels are much lower.
- The impact of patrons arriving, queuing and exiting which should take place on main pedestrian routes rather than through residential areas.
- The impact of other sources of nuisance from smells, smoke, refuse storage, vermin and other similar causes of nuisance.

NB Where steps can be taken to mitigate adverse impact and such steps are reliable, practical and robust then an activity may be licensed.

7.3 Additional Information:

The Licensing Authority will focus on matters within the control of the individual licensee and the steps they can take to achieve the licensing objectives.

In making its decisions the Licensing Authority accepts the difficulties that licence holders face in preventing anti-social behaviour once patrons are beyond the direct control of the licensee. However, the licensing objective of preventing public nuisance will not be achieved if patrons from licensed premises regularly behave in an anti-social way which impacts on local residents and/or businesses.

The Licensing Authority recognises a the Council's responsibility under the Crime and Disorder Act 1998 to do all it can to prevent crime and disorder. The aim of this Policy therefore is to achieve a balanced approach to these difficult issues.

Noise Nuisance

9.8 Policy: The Licensing Authority will expect the operating schedule to effectively address the assessments made to minimise noise disturbance, both inside the premises and as patrons are leaving the premises. Operating schedules must also outline the measures identified as being required to prevent nuisance to patrons, local residents and local businesses.

Reason: One of the greatest causes of annoyance to residents trying to sleep is the noise including music emanating from licensed premises. Such noise might preclude the grant of a licence or if one has already been granted for it to be reviewed with a view to possible revocation. It might also lead to a Noise Abatement Notice being issued under the Environmental Protection Act 1990 and related environmental legislation subject to evidence and circumstances. Responsible applicants and licensees will wish to avoid the need for such action, as they will wish to comply with the licensing objective of preventing public nuisance.

9.8.1 In addition, residents are frequently disturbed when patrons leave entertainment venues in the early hours of the morning. While licence holders cannot be held solely responsible for the behaviour of their patrons after they have left the premises, they have a duty to put in place such measures that will assist in the quieter exiting and dispersal of such patrons.

This is because people leaving the premises, particularly late at night or in the early hours of the morning, can be a significant problem. Patrons may be less inhibited about their behaviour and may be unaware of the noise they are creating. This is particularly the case when patrons have been exposed to high levels of sound within the premises, causing them to shout to be heard. Upon leaving the premises there may be then a tendency to continue to shout and this may cause more disturbance, in particular, to local residents.

9.8.2 Additional information:

The Licensing Authority will expect the applicant to propose practical steps to prevent nuisance or disturbance to local residents. In relation to noise from within the building the Licensing Authority will expect the applicant to have carried out a thorough acoustic assessment to ascertain the impact of any sound escaping from the licensed premises. This noise could relate not only to music but also from fixed plant equipment or from patrons themselves. If there is sound escape the Licensing Authority will expect this to have been addressed in practical ways such as:

- a) Working with the Council's Environmental Protection team to establish a suitable noise management scheme.
- b) Keeping doors and windows closed and providing adequate alternative ventilation.
- c) Reducing sound levels and installing a sound-limiting device to prevent sound exceeding the appropriate level.
- d) Installing and maintaining soundproofing measures to contain sound and vibration.
- e) Providing quieter areas for patrons.
- f) In the event of beer gardens or similar outdoor areas, ensuring that amplified music is not relayed to such areas and that these areas are properly screened.

The Licensing Authority will expect popular venues, which attract queues, to formulate a system to avoid disturbance to residents. This can sometimes be achieved by simply ensuring that the direction of the queue is away from any residential accommodation.

9.8.3 Excessive noise and/or disorder require more rigorous action. It is important that queues formed later in the evening are supervised to keep noise to a minimum. This action can also help stop drug dealers from passing on drugs during the queuing process but the prime purpose is to prevent noise and disturbance. Door Supervisors will generally carry out this role, but they must be given clear instructions as to their duties and responsibilities – where necessary they should be adequately supervised.

9.8.4 In terms of patrons leaving the premises particularly late at night or early in the morning the Licensing Authority will expect the applicant to have considered including in the operating schedule such practical steps as:

- a) Erecting prominent notices at the exits to premises asking customers to leave quietly and not to slam car doors.
- b) At appropriate times making loudspeaker announcements to the same effect.
- c) Instructing door staff to ask customers leaving the premises to leave the area quietly.
- d) Reducing the volume of music towards the end of the evening and having in place arrangements for playing quieter, more soothing music as the evening winds down.
- e) Availability of licensed taxis, private hire vehicles or public transport to take patrons from the premises.
- f) In appropriate cases, requiring Door Supervisors or a Manager to patrol nearby streets to assess for themselves whether there is a problem and how best to deal with it.
- g) Banning from the premises people who often leave in a noisy fashion.
- h) Increasing outside lighting levels without causing collateral intrusion.
- i) Installing outside CCTV systems.
- j) Where there is a private forecourt, preventing patrons from using it for eating and drinking etc after a specified time. NB this list is not exhaustive

13.3 Determination of Applications

Policy: In determining a licence application the overriding principle adopted by the Licensing Authority will be that each application will be determined on its individual merits, taking into account the law and Guidance. In the absence of any objection the licence will be granted, subject only to any mandatory conditions and those conditions which form part of the operating schedule

Reason: To comply with the legislative requirements of the Licensing Act and also Human Rights legislation.

13.4 Conditions

Policy: Licence conditions will be tailored to the individual style and characteristics of the premises and events and only be imposed to meet the licensing objectives. Licence conditions will not be imposed where the Licensing Authority considers other regulatory regimes provide sufficient protection to the public e.g. health and safety at work, fire safety legislation etc.

Reason: The Licensing Authority accepts that a “one size fits all” approach is not appropriate to achieving this outcome and that conditions should be tailored to the premises and activities to achieve the licensing objectives. Officers will seek to discuss proposed conditions in advance with the applicant and/or representative with the aim of achieving a mutually agreeable level of protection to the public and fulfilment of the licensing objectives. Club Premises Licences will so far as possible reflect local crime prevention strategies and the input of the Darlington Crime and Disorder Reduction Partnership.