

Report to Executive

Agenda
Item:

A.1

Meeting Date: 19th October 2015
Portfolio: Finance, Governance and Resources
Key Decision: KD25/15
Within Policy and Budget Framework YES
Public / Private Public

Title: END OF CONSULTATION DRAFT STATEMENT OF LICENSING POLICY 2016-2021
Report of: Director of Governance
Report Number: GD56/15

Purpose / Summary:

Under the Licensing Act 2003, one of the duties of the Local Authority is to consult and publish a statement of its Licensing Policy every 5 years (previously 3 yearly). The fourth statement must now be published by 7th January 2016 following a consultation process, which commenced on 29th June 2015 and ended on 18th September 2015. This Policy will be drawn up jointly between the Licensing Committee and Executive.

Recommendations:

1. Consider responses to the consultation.
2. Consider the amended draft Licensing Policy with a view to adoption by Council on 10th November and publishing by 7th January 2016.

Tracking

Council:	10 th November 2015

1. BACKGROUND

1.1 The Licensing Act 2003 requires that the Council consult and formulate its “Statement of Licensing Policy”.

1.2 Paragraph 5 of the Act reads: Statement of Licensing Policy: Each licensing authority must in respect of each three year period

- a) determine its policy with respect to the exercise of its licensing functions and;
- b) publish a statement of that policy (a licensing statement) before the beginning of the period.

1.3 Since the Council last published its Licensing Policy, the relevant Policy period has been extended from three to five years. In addition, Care Trusts and the Council itself are now deemed to be ‘responsible authorities’ for the purpose of the legislation, thus being able to make representations in the same manner as, say, the Police. The legislation has been further amended so that ‘interested parties’ are now ‘everyone’.

1.4 Before determining its policy for a five year period, the licensing authority must consult with:

- a) the chief officer of police for the licensing authority’s area
- b) the fire authority for that area
- c) all other responsible authorities
- d) such persons as the licensing authority considers to be representative of:
 - i) holders of premises licences issued by that authority
 - ii) holders of club premises certificates issued by that authority
 - iii) holders of personal licences issued by that authority
 - iv) The public

During each five year period, a licensing authority must keep its policy under review and make such revisions to it, at such times, as it considers appropriate. Responsibility for the formulation of the Licensing Policy rests jointly with the Executive and the Licensing Committee.

1.5 During the original consultation in 2004, a county wide officer working group was formed to discuss the possibility of a common policy. Whilst it was appreciated that each authority is autonomous, there would be clear advantages if the greater part of the policy was consistent throughout the county. All six authorities adopted the final draft of the policy with only minor differences to recognise local circumstances. A similar procedure was followed in 2007 and 2010.

2. Current Review

2.1 On 8 April 2015 the first meeting of the county wide officer working group met to discuss the consultation process and commence the statement. It was agreed that consultation would take place between 29 June and 18 September 2015.

2.2 The draft Policy statement was prepared and set out the four main purposes:

- a. To provide Members of the Licensing Committee with a decision making framework. (The policy will be taken into account at any hearing following representations).
- b. To inform applicants of the parameters within which the Authority are able to make licensing decisions and allow them to take this into account when making applications.
- c. To provide guidance to local residents and businesses of the boundaries within which the Licensing Authority will make licensing decisions. This will assist those parties if making representations in relation to various applications.
- d. To support the Licensing Authority if it has to demonstrate in a court of law how it arrived to its licensing decisions.

2.3 The draft outlined the scope of the policy and the Authority's duty to promote the four licensing objectives.

2.4 The draft carried forward information from previous policies but also includes a range of other legislation which is relevant to the provisions of the Act, including:

- a) The Police Reform and Social Responsibility Act 2011 amended Temporary Events Notices and introduced late TENS.
- b) The option of introducing a Late Night Levy
- c) The option of introducing an Early Morning Restriction Order
- d) The deregulation of certain activities including live and recording music between the hours of 08.00am and 23.00 which came into force on 1st October 2012 under the Live Music Act 2012.
- e) From 1 April 2015 it is also no longer necessary to renew a Personal Licence. Section 115 of the Licensing Act 2003 has been amended by section 69 of the Deregulation Act 2015, removing the requirement to renew personal licences. All new licences issued after this date will be issued for an 'indefinite period'

2.5 The draft set out The Council's administration, exercise and delegated functions and includes details of our enforcement policy.

2.6 Consultation has now ended with the trade, responsible authorities, council members and individuals. The draft was also advertised in the local newspaper and on our website.

2.7 On 25th September 2015, the Licensing Working Group met to consider the consultation responses, along with the Licensing Committee on 14th October 2015.

2.8 A further county wide meeting of Licensing Authorities met on 21st September 2015 to collate responses.

3. NATIONAL, LOCAL and COUNTY AUTHORITY RESPONSES

3.1 Responses were received throughout the consultation period and are listed as **Appendix A**. This table also details the Licensing Manager's comments and amendments made to the Policy, as agreed with the Licensing Policy Working Group and Licensing Committee.

4. CONCLUSION

That the Executive approves the content of amendments prior to the Policy being recommended for consideration to full Council on 10th November 2015 and publishing on 7th January 2016.

Contact Officer: Sue Stashkiw
Licensing Manager

Ext: x7029

Appendices	Appendix A – Table of responses
attached to report:	Appendix B – Consultee response dated 6th July 2015
	Appendix C – Consultee response dated 9th September 2015
	Appendix D – Consultee response dated 9th September 2015
	Appendix E – amended Policy for final approval

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

- None

CORPORATE IMPLICATIONS/RISKS:

Chief Executive's -

Deputy Chief Executive –

Economic Development –

Governance -

Local Environment –

Resources - The financial implications of adopting this policy can be accommodated from within existing base budgets.

Schedule of Responses to draft Licensing Policy 2016-2021

Appendix A

Reference	Respondent	Comments	Action taken /comments
Letter rec'd 6 th July 2015 App B	Martin Slowe Solicitors on behalf of Workstones Ltd.,	'the Council should review the Licensing Policy so that every premises should close at midnight, as this would make life much easier for the Police and establish sensible control over anti-social behaviour'	<i>The Licensing Act 2003 introduced flexible opening hours for licensed premises, with the potential for up to 24 hour opening, seven days a week. This flexibility is intended to minimize public disorder resulting from standard closing times. The Council has set out its range of enforcement services aimed at safeguarding the environment and community and at providing a level playing field on which businesses can trade fairly. It works closely with all Responsible Authorities. It further sets out its policy on cumulative Impact Polices, EMROS and Late Night Levy's if there was sufficient evidence to support the future need for these.</i> Noted: no amendment necessary
Email rec'd 9 th Sept 2015 App C	British Board of Film Classification	'Please amend guidelines and helpline link	Page 31 amended

<p>Email rec'd 31st August & 9th Sept 2015</p> <p>App D</p>		<p>Mr David M Ward</p>	<p><u>Pavement licences:</u> Does the Policy require the Council to publish & keep a list of these & commenting that there needs to be more pro-active monitoring of these.</p> <p><u>Para 11: Cumulative Impact Policy</u> – strongly disagrees with 11.5 & questions why Carlisle is not adopting such measures when other cities are?</p> <p><u>Para 5.6 – Prevention of Public Nuisance</u> – commenting that Devonshire St residential area needs protection from noise etc.,</p>	<p><i>The Licensing Act does not require the council to publish a register of these. CCMT grant & monitor.</i></p> <p><i>To introduce a CIP would be as a result of identifying an area that has increased crime & disorder – Police have forwarded figures of crime & Disorder both in the Botchergate area and Devonshire Street area and these figures suggest there has been a consistent decrease in figures reported from 01/01/12 to date. The Council will take any request seriously if accompanied by documented reasons and figures to support a request.</i></p> <p><i>A Late Night Levy should only be introduced where it can be demonstrated that there is significant alcohol related anti-social behavior issues within the night time economy and where existing controls have failed. A levy must not be used as an income generation stream. Police have many controls in place such as dispersal orders.</i></p> <p><i>A Local Authority will normally explore the possibility of introducing a levy at the request of the Police. Present figures suggest there is not data</i></p>
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		<p><u>Para 12: Late night levy</u> – asking if the Council take assaults into account & asking for LNL to be applied.</p> <p><u>Para 13: EMRO:</u> - Can the council look into considering this.</p>	<p>demonstrating the need for the levy. The Home Office is currently undertaking a survey regarding the take up of LNLs & the information collated from help them review local tools and powers to help address issues associated with the night time economy.</p> <p>A Late Night Levy should only be introduced where it can be demonstrated that there is significant alcohol related anti-social behavior issues within the night time economy and where existing controls have failed. A levy must not be used as an income generation stream. Police have many controls in place such as dispersal orders.</p> <p>A Local Authority will normally explore the possibility of introducing a levy at the request of the Police. Present figures suggest there is not data demonstrating the need for the levy. The Home Office is currently undertaking a survey regarding the take up of LNLs & the information collated from help them review local tools and powers to help address issues associated with the night time economy.</p> <p>Again, we need to be satisfied that an</p>
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			<p><i>EMRO is appropriate in a particular area for the promotion of the licensing objectives. Similar to LNL, figures relating to crime & disorder do not show such a need at present.</i></p> <p>no amendments to the statement are proposed with a full explanation of the Council's view on all matters be sent to Mr Ward and thank him for his response.</p>
<p>3.4 bullet point 6 Page 5</p> <p>5.8 Page 11</p>	<p>South Lakes Council</p>	<p>Confiscation of alcohol from adults and children in designated areas and dispersal powers</p> <p>It is recognised that the licensing function is only one means of securing the delivery of the licensing objectives and should not therefore be seen as a cure-all for solving all problems within the community. The Licensing Authority will therefore continue to work in partnership with its neighbouring authorities, the Police, the Fire Authority, the Health Authority, local businesses and local people towards the promotion of the objectives as outlined.</p>	<p>Amended to: Confiscation of alcohol from adults and children in designated areas protected by Public Space Protection Orders and dispersal powers</p> <p>Amended to: It is recognised that the licensing function is only one means of securing the delivery of the licensing objectives and should not therefore be seen as a cure-all for solving all problems within the community. The Licensing Authority will therefore continue to work in partnership with its neighbouring authorities, the Responsible Authorities,</p>

<p>6.6 Page 12</p>		<p>Applicants should produce a Criminal Records Check certificate within 1 calendar month, with the application form.</p>	<p>the Health Authority, local businesses and local people towards the promotion of the objectives as outlined.</p> <p>Amended to: Applicants should produce a Disclosure and Barring Services Certificate (formally known as a Criminal Records Check certificate)....</p>
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Mr SJ Stashwic
Licensing Manager
Carlisle City Council
Civic Centre
Carlisle
Cumbria CA3 8QG

6th July 2015

Our Ref: Botcher

Dear Mr Stashwic,

Re: Review of Statement of Licensing Policy 2016 Draft

Further to your letter of the 23rd June please note our new address as per our letterhead.

Our clients view is that you should review the licensing policy so that every licence premises should close by midnight, this would make like much easier for the police and establish sensible control over anti-social behaviour.

Yours sincerely,

MARTIN SLOWE

Direct Line: 020 82361062

Direct Fax: -020 82361051

Email: mslowe@martinslowe.com

Cc; KM PD



Governance Directorate

Director of Governance: M D Lambert LLB (Hons)
Civic Centre Carlisle CA3 8QG Telephone (01228) 817000 Fax (01228) 817023
Document Exchange Quote DX 63037 Carlisle Type talk 18001 01228 817000
Council Website www.carlisle.gov.uk

Workstone Limited
Star House
104/108 Grafton Road
London
NW3 0JJ

Enquiries to: Sue Stashkiw
Direct Dial: 01228 817523
Susan Stashkiw

23 June 2015

Dear Sirs

Review of Statement of Licensing Policy 2016 Draft

In accordance with the terms of the Licensing Act 2003, the Council's Statement of Licensing Policy has to be reviewed every five years. The current Statement of Licensing Policy came into effect in January 2011 and must, therefore, now be reviewed and a revised statement published by January 2016.

The six district Councils within Cumbria (Allerdale, Barrow, Carlisle, Copeland, Eden and South Lakeland) have recognised that many local and national businesses in the leisure industry have undertakings across the county and it is helpful if the approach to licensing matters is consistent from one licensing authority to another. They have, therefore, worked together in partnership, to produce a common revised draft licensing policy, which sets out how each of the six Councils will undertake their duties towards licensing alcohol, entertainment and late-night refreshments, over the next five years. A copy of the draft policy that this council has produced and consultation form can be viewed at http://www.carlisle.gov.uk/business/licensing/liquor_entertainment.aspx or can be obtained, upon request, from the licensing office.

The document recognises that the licensed leisure and entertainment industry is important to the social and economic life of the area, and seeks to establish "sensible controls and appropriate guidance" to help prevent and deal with anti-social problems which can arise from licensed activities. It takes account of the guidance issued under Section 182 of the Licensing Act 2003, together with the experiences of all six Councils as licensing authorities.

All representations will receive due consideration prior to the final draft being placed before Full Council for adoption. If you wish to make any comments on any of the aspects of the revised draft policy it would be appreciated if you could please use a "Consultation Response Form" also available on our Website.

Responses to the consultation must be returned to this office either by post or by email to licensing@carlisle.gov.uk no later than 18th September 2015.

Please contact this office if you have any queries on the consultation.

Yours faithfully
SJ Stashkiw
Licensing Manager

Susan Stashkiw

From: Licensing (Carlisle)
To: ghill@bbfc.co.uk
Subject: RE: Licensing Consultation

Dear Graham,

Many thanks for your help on this, I can confirm that these amendments have now been made.

Kind regards,
Sue

Sue Stashkiw
Licensing Manager
Carlisle City Council
01228 817029
susan.stashkiw@carlisle.gov.uk

From: ghill@bbfc.co.uk [mailto:ghill@bbfc.co.uk]
Sent: 09 September 2015 16:14
To: Licensing (Carlisle)
Subject: Licensing Consultation

Dear Sir or Madam

We read Carlisle City Council's draft Statement of Licensing Policy 2016-2021 with interest. May we suggest two small amendments in relation to weblinks provided for the BBFC, as follows?

- p.32 - the URL leading directly to the BBFC's Guidelines is <http://www.bbfc.co.uk/what-classification/guidelines> rather than www.bbfc.co.uk
- p.39 - the correct URL for the BBFC Helpline is helpline@bbfc.co.uk rather than [hrlpline.bbfc.co.uk](http://helpline.bbfc.co.uk)
-

Many thanks,
Graham Hill
Graham Hill
Policy & Public Affairs Officer
3 Soho Square
London W1D 3HD

Tel. +44 (0) 207 440 0394
ghill@bbfc.co.uk



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British Board of Film Classification, 3 Soho Square, London, W1D 3HD
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Visit the [BBFC web site](http://www.bbfc.co.uk)

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APP D

Susan Stashkiw

From: Licensing (Carlisle)
Sent: 09 September 2015 11:30
To: [REDACTED]
Subject: RE: RE: statement of licensing policy-draft-comments from David M Ward

David,
I have Late Night levy on my list from your previous email that will be discussed with the working group & will include this additional information.
Many thanks,
Sue

LNL

From: DAVID WARD [REDACTED]
Sent: 09 September 2015 10:08
To: Licensing (Carlisle)
Subject: Re: RE: statement of licensing policy-draft-comments from David M Ward

Sue

thankyou for your e-mail.

One additional point I would like to make (and could you attach to my comments) is that Carlisle should consider a late night levy for Botchergate...as per extract below it is becoming more commonplace and supports the cost of policing/monitoring/cleaning up an area such as Botchergate.

I would suggest that the council/licensing panel assess how much monies could be brought in by such a levy

Also the public consultation would be welcome and show enagement with the wider community of Carlisle

Late night levy proposed for East Yorkshire: East Riding of Yorkshire Council is considering introducing a late night levy across the county. The authority is proposing to force pubs, bars and clubs to pay for the extra policing and licensing costs it says that late opening causes. The proposal, which is due to be discussed by the council's safer and stronger communities overview and scrutiny sub-committee tomorrow (Thursday, 10 September), said a post-1am levy would see 650 licensees pay between £209 and £4,440 a year, depending on their business rates and whether they are in a council accreditation scheme. If the levy was effective from midnight, a further 202 premises would be affected. In a written report, the council's director of environment and neighbourhood services Nigel Leighton said such levies elsewhere looked to have been effective in raising money, but said their impact on crime and disorder was not yet clear. He said 70% of any revenue would go to the police and suggested the council seek an assurance from Humberside Police that the extra income would be used on late-night policing before introducing any levy. Council projections suggest a post-1am levy could make £104,000 a year for the police and £45,000 a year for the council. If the council agrees to impose a levy, it would be subject to public consultation. Newcastle, Cheltenham, Islington in London, Nottingham, Chelmsford and Southampton have all introduced such levies.

-----Original message-----

From : Licences@carlisle.gov.uk
Date : 03/09/2015 - 12:27 (GMTDT)
To : [REDACTED]
Subject : RE: statement of licensing policy-draft-comments from David M Ward

Mr Ward,

Thank you for your comments. These will be put forward to the working group after the consultation has ended, along with other responses to be considered.

I can confirm that the Licensing Act does not require the council to keep/publish a list of pavement licences. These licences are issued by the City Centre Management Team & Legal services department & I will forward your question on to them to respond to.

Kind regards,

Sue Stashkiw
Licensing Manager
Carlisle City Council
01228 817029
Susan.stashkiw@carlisle.gov.uk

From: DAVID WARD [mailto:David.Ward@carlisle.gov.uk]
Sent: 31 August 2015 22:07
To: Licensing (Carlisle)
Subject: statement of licensing policy-draft-comments from David M Ward

Sir/Madam

please find set out below my principal concerns re the draft statement of licensing policy.

PAVEMENT LICENCES

Para 4.4 Can you confirm whether the Act requires the council to keep/publish a list of pavement licences held as I cannot see this on the licence section of the website.

Also, in my experience, such licences are often ignored with operators ignoring the requirement for such licences and/or not ensuring that the terms of the licence are abided by- say having the requisite barriers/operating within the permitted curtilage.

There needs to be a more proactive monitoring of this aspect of the pavement licences.

Para 11 CIPS

This aspect needs to be considered much more fully/carefully and I disagree strongly with the sentiments of para 11.5.

As you will note from the following article (<http://www.telegraph.co.uk/news/uknews/law-and-order/11308576/Alcohol-saturated-areas-soar-as-measures-fail-to-dilute-late-night-drinking-culture.html>) there is increasingly a need/desire from the relevant population to control the number of takeaways/licensed premises.

In Carlisle this is in particular in Botchergate and in Carlisle.

To have the main Southern end of Carlisle blocked off to cater for a minority is an affront to the (majority of) people of Carlisle.

My question is why are all these other cities adopting such measures.....but Carlisle isn't are we really that different? or just behind the curve?

<http://www.newsandstar.co.uk/news/botchergate-barriers-should-have-been-removed-not-replaced-1.1099302>

<http://www.newsandstar.co.uk/news/county-council-treating-carlisle-with-contempt-over-botchergate-barriers-claim-1.1003521>

Additionally the Devonshire Street area of Carlisle needs protected for the increased residential element of this street-(where the needs of residents need protected more- as set out in para 5.6- do we really need such late night licences???)

PUBLIC NUISANCE - DEVONSHIRE ST

In many cities any new applicant for a licence in say Botchergate (and the Crescent) and/or Devonshire Street/Lowther Street area need to be able to demonstrate that they will not affect the area-i.e. the onus is on the applicant- not on the population of Carlisle/the licensing authority.

This is particularly important as you will note get households moving back into the core of our city (say in flats over shops) if they cannot sleep due to all the noise!!

Para 12

LNL

Given the above, and that my understanding is that it is the Botchergate area of Carlisle that absorbs police time on an evening/weekends (I am constantly reading about various serious assaults that take place in Botchergate in the News and Star....are these monitored/details supplied/reviewed by the licensing panel?) etc that I can see no reason, in these austere times, why a late night levy cannot be applied to Botchergate.

We need a combination of carrot and stick in this area- and the late night levy would encourage these licensed premises to get their house in order...and in turn help the police (and ambulance service)

ST PASTORS

On this note I have read about the role of the street pastors in Botchergate <http://www.carlislestretpastors.org.uk/> which is quite humbling but at the same time testament to the drink (and drug) fuelled atmosphere in this area- it needs to be sorted.

Separately with the new Cumbria County Council offices being constructed- do we really need these offices (and their workers) to have to deal with aftermath of the Botchergate weekend?

Para 13

EMROS

Given Botchergate is 'broke' in terms of having a drink/takeaway fuelled culture- can the council not consider trying an EMRO? What is the worst that can happen if it seen as being proactive????

Most people who care about Carlisle will applaud the licensing authority

Overall

Having a draft licensing policy is all well and fine- but what we need to work on as a city/council/licensing authority is a greater consideration as to 'what we/they are trying to achieve' and being more proactive.

Botchergate is a mess that needs sorted.

Devonshire Street/Lowther Street (and Lowther Arcade and surrounding area) is becoming, even more, overflowing with pubs. (I note that a new pub has just opened on the Crescent and a new pub is planned for Lowther Arcade and it is not long since the new pub opened where Carrs the jewellers once was)

Public nuisance/disorder is resulting....late night noise is awful

The tools to resolve some/all of the above are in the draft policy- but the panel need to use these tools to improve our city.....just as other councils are doing in their respective city's.

As needs be I am more than happy to discuss any aspect of the above.

Please just e-mail me/call me on [REDACTED]

Regards

David M Ward

Carlisle City Council's priorities are the local environment and the local economy

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'Alcohol saturated' areas soar as measures fail to dilute late-night drinking culture

Official figures show number of problem alcohol areas has jumped, while Government measures to crack down on 'booze'-fuelled problems have had little take-up

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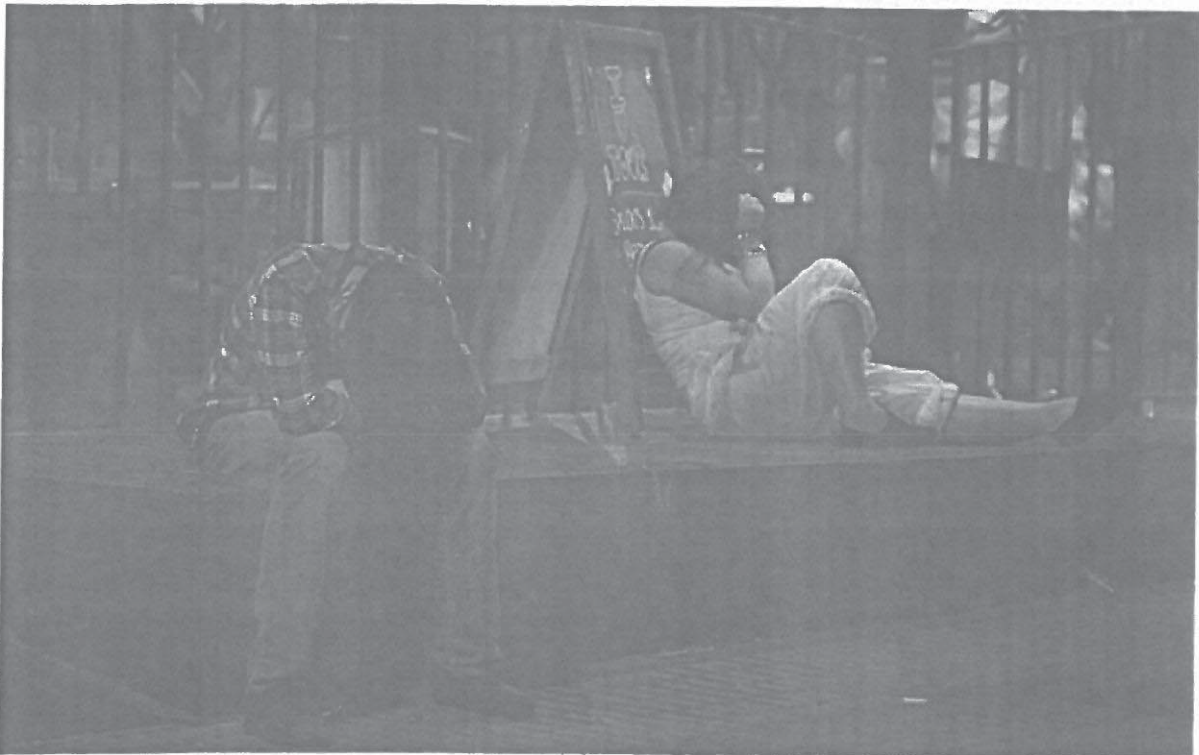
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Home Office figures revealed there are now more “cumulative impact areas” Photo: Christopher Pledger



Thrilling driving in the Noble M600

Watch former Top Gear Stig Ben Collins taking the Noble M600 for a few tyre-squealing laps

Sponsored by Michelin



By David Barrett, Home Affairs Correspondent

7:00AM GMT 26 Dec 2014

 203 Comments

The number of towns and cities which are officially “saturated” with alcohol has rocketed by a third in just two years.

Home Office figures revealed there are now 208 “cumulative impact areas” blighted with so many pubs, bars and nightclubs local councillors are refusing to grant any more licences. There were just 160 in 2012, a 30 per cent increase.

Official figures disclosed the total number of alcohol premises licences in England and Wales is at a high, with 204,300 or more than 2,000 more than when the Coalition came to power.

The number of takeaways and other late-night eateries holding late licences to cater for revellers has also reached a new peak.

There were 87,700 with a “late night refreshment” licence – required to serve hot food between 11pm and 5am - a surge of 1,200 in a year and more than 6,000 more than there were five years previously.

Related Articles



- [Drink-driver arrested after crashing car into a police station](#)

02 Jan 2015

- [Alcohol licences at record levels but traditional pub under threat](#)

30 Sep 2010

- [Huge increase in towns blighted by alcohol trouble since drink laws relaxed](#)

31 Dec 2013

- [We need to think again about 24 hour drinking, says Alistair Campbell](#)

23 Oct 2013

Police have expressed concern that **trouble often flares** as binge drinkers leave the clubs and bars and queues at **kebab** shops and other fast food joints since the Labour government relaxed licensing laws in 2003.

The Local Government Association said the figures showed alcohol laws needed a total overhaul, and demonstrated how measures created in a series of licensing Acts have proved too unwieldy to be effective.

The cumulative impact areas are an official category used by local authorities, which are also known as “saturation zones” or “stress areas”.

They are used to designate areas where alcohol-fuelled disorder or public nuisance is so severe that no new drinking establishments will be allowed, and existing premises will be banned from extending their hours or other capacity.

In England and Wales overall the total number of alcohol licences - held by establishments and landlords - has topped 800,000 for the first time.

There were 204,300 premises licences in force at the end of March, up 300 on the previous year and 15,400 club licences, a small fall year-on-year.

There were 581,000 "personal" licences held by pub and club managers and others, up nearly 34,000, marking a change in the way licences operate.

There was also a significant rise in the number of supermarkets licensed to sell alcohol around the clock.

At the end of March 2,200 supermarkets and stores held 24 hour licenses, up 100 year-on-year.

The number of pubs and clubs with the controversial licence to serve all day remained static at 1,000, while there was a fall in other categories such as hotels.

Professor Sir Ian Gilmore, chairman of the Alcohol Health Alliance, expressed concern about the figures.

"We are awash with outlets selling cheap drink," he said.

"I don't think actually the general public is in favour of this and I don't think they know what to do about it.

"It beggars belief you can buy a bottle of wine at a garage at 2am in the morning.

"The whole direction of policy is in deregulation, to make alcohol an ordinary product just like soap powder rather than realising it is a drug of dependence"

Sir Ian said clubs staying open until 5am in the morning selling alcohol were not the problem.

"The problem is supermarkets, convenience stores, small shops and petrol stations selling cheap drink. That is driving this problem."

The data also revealed how measures originally intended to combat binge drinking are having little impact.

There were no "early morning alcohol restriction orders" in force at the end of March anywhere in England and Wales.

They were created in 2003 to allow town halls to restrict alcohol sales in their areas between midnight and 6am if there was a problem with drink-related disorder.

Another Home Office measure allowing local authorities to impose a "late night levy" on licensed premises has only been taken forward in one city.

Newcastle City Council imposed a £300,000 charge on its city centre venues to help pay for the impact of revellers.

But nowhere else in the country has made use of the legislation, which was introduced with fanfare by the Coalition in the Police Reform and Social Responsibility Act 2011.

Police receive 70 per cent of the levy and the rest can go to fund other activities such as council marshals and cleaning.

Ann Lucas, chairman of the Local Government Association's safer and stronger communities board, said: "This document reinforces the LGA's position that licensing is in need of reform.

"Councils want to use every tool in their armoury to protect residents, but these figures show that not every tool is easy to use.

"Councils are being hamstrung by the current systems for implementing early morning restriction orders and late night levies, which are unwieldy, bureaucratic, and extremely costly and time consuming.

"Local authorities are forced to hold numerous hearings, and call scores of witnesses as a result of multiple representations by the alcohol industry.

"However, residents, who do not have access to expensive lawyers, struggle to be heard because of the number and complexity of forms that they must fill out."

She went on: "Late night levies must be introduced across councils' entire areas, which makes it extremely difficult to target them effectively.

"There is a better way, such as allowing councils to revoke personal licences where a licence holder has behaved irresponsibly or inappropriately.

"At the moment, there is no central database of licence holders so a person who has been barred from running a premises in one area can simply move to a neighbouring area and restart their business.

"Equally valuable would be enabling councils to set licence fees locally, thereby ending 'subsidy' to industry – which amounts to well over £150 million since the Licensing Act was introduced a decade ago.

"This is money that could be spent on providing businesses with advice on how to better comply with their licences and taking action against those who wilfully ignore that responsibility."

County council 'treating Carlisle with contempt' over Botchergate barriers - claim

By Julian Whittle

Last updated at 12:49, Wednesday, 10 October 2012

A storm is brewing over proposals to get rid of the barriers that close Carlisle's Botchergate to traffic on Friday and Saturday nights.



Elsie Martlew

Labour city councillor Elsie Martlew has asked Cumbria County Council to remove the gates, which she says make Botchergate look like Belfast at the height of the troubles.

Her request is due to be considered today by a county highways and transport working group.

But Mrs Martlew claims the county council has not taken her seriously.

She said: "I went through the agenda papers with a fine-tooth comb.

"There is a 10-page report on traffic issues in Crosby-on-Eden and six pages on a bus stop in Currock.

"There is one line on Botchergate. All it says is, 'A6, request to reconsider requirement for Botchergate night-time closure'.

"That is the county treating the city council with utter contempt.

"This is a serious issue. They should have researched it thoroughly.

"All I want is a full and detailed debate. Then I can accept the outcome, whatever that is."

Mrs Martlew is a Labour councillor for the city-centre Castle ward.

She is also the city council's environment portfolio holder and sits on the county's highways working group as the city council representative.

Conservative John Mallinson, who chairs the working group, spent a Saturday evening in September observing behaviour in Botchergate with a view to reporting his findings at today's meeting.

He said: "There was no intention to treat the city council with contempt, it was just a question of getting it on the agenda.

"Having seen the gates in operation and having spoken to police officers, door staff and the public, I am persuaded that the gates keep people safe.

"The atmosphere changes completely and becomes much more relaxed when the gates are closed.

"And I say that as one of the people rather sceptical about putting the gates there in the first place."

The county council installed the gates in 2008 at the request of the police following a fatal accident.

Initially, they were closed from 9pm on Thursdays, Fridays and Saturdays until 5am the next day.

Thursday-night closures were dropped the following year but the Friday and Saturday closures continued.

Police reported that complaints about anti-social acts fell 16 per cent the year after the gates arrived.

But Mrs Martlew says they are "brutal" and give the impression that Botchergate is a no-go area.

She said: "They are ugly and they remind me of Belfast in the 1970s."

First published at 12:29, Wednesday, 10 October 2012
Published by <http://www.newsandstar.co.uk>

Welcome to Carlisle Street Pastors ...

Carlisle Street Pastors is part of the national Street Pastor network - we have been engaging with people on the streets of Carlisle since Saturday 5th June 2010.

We currently have 23 active street pastors and 18 prayer pastors, with our age ranging from 18 – 78.

"I absolutely embraced the chance to work with the Pastors and welcomed them onto Botchergate for the first time and have witnessed their patrols many times during the first eight months. They have all gone through a standardised and professional training programme and with their recognisable uniform have become a reassuring presence in the city on a Saturday night. The Pastors' remit was always to act as caring eyes and ears, performing acts of kindness, looking after people's welfare, especially during the early hours when alcohol can leave people especially vulnerable. However their role has extended far beyond that. Police patrols can now contact the pastors to assist the vulnerable and the Pastors themselves are alert to safety issues and have removed 460 bottles and 121 glasses, sometimes as many as 64 in one evening, from potentially dangerous locations within the City centre. This has undoubtedly prevented these being used as weapons or causing accidental injury. The presence of the Street Pastors is always very well received by people on Saturday night, and they have brought with them a visibly calming influence."

Inspector Di Bradbury (City Centre Neighbourhood Policing Team, June 2010)

CARLISLE CITY COUNCIL



Licensing Act 2003

Statement of Licensing Policy

For the period 2016-2021

English

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1 Introduction

- 1.1 Welcome to Carlisle City Council's Statement of Licensing Policy. It will apply for a maximum of five years. The policy will be kept under review and may be revised in light of experience or revisions to guidance issued under section 182 of the Licensing Act 2003.
- 1.2 Carlisle is the largest city in England by area with a population of over 100,000. The city is at the northern extreme of the North West of England only 10 miles from the border with Scotland and is the urban capital of the county of Cumbria.
- 1.3 Carlisle dominates a huge area of geography with its nearest city neighbors being Newcastle 58 miles to the East, Glasgow 96 miles to the North, Lancaster 68 miles to the South with the Irish Sea to the West. Carlisle is easy to get to and the perfect Centre to explore further afield, with the Lake District right on its doorstep.
- 1.4 Carlisle has a thriving daytime, evening and night-time economy and is the base for many culture and leisure activities. There are approximately 2,500 businesses and people associated with the Licensing Act provisions. Licences include supermarkets, restaurants, public houses, off-licences, nightclubs and takeaway outlets. These are based in venues ranging from village halls and small public houses in the rural area to community centres and nightspots in the city centre.
- 1.5 The Licensing Act 2003 requires Carlisle City Council as the Licensing Authority, to prepare and publish a statement of Licensing Policy. The policy sets out principles that the Council generally applies to promote the licensing objectives when making decisions on applications made under this act. An extensive consultation exercise was held before the policy was published.
- 1.6 The Council is committed to developing Carlisle's regional status and appreciates the importance leisure businesses have for the local economy. The Council's policies and priorities aim to reflect the needs and aspirations of existing and new local businesses. The thriving food, drink and entertainment businesses in the area are an important part of the local economy and this policy is critical to their continuing success and for attracting further investment and opportunity to the area. Balanced against this are the Council's legal duties with regard to public safety, nuisance and commitment with its partners to reducing crime and fear of crime.
- 1.7 It is also important to protect and maintain our environment so that residents, visitors and other businesses can enjoy the opportunities for living, visiting and working within the area safely and free from nuisance. The Council values its younger people and is active in ensuring they are offered a wide

range of opportunities and experiences to develop while seeking to protect them from harm.

- 1.8 Guidance such as the Licensing Policy aims to advise businesses and individuals on how they can develop, as well as clarifying the national licensing legislation.
- 1.9 If you require further information on the Licensing Policy please contact our Licensing Section.

2 Purpose of Policy

- 2.1 Section 5 of the Licensing Act 2003 requires a Licensing Authority to prepare and publish a statement of this licensing policy every five years. Such a policy must be published before the authority carries out any function in respect of individual applications made under the terms of the Act. This is the fourth review our Licensing Policy and following a public consultation Carlisle City Council resolved to approve the revised policy on the 10 November 2015 to be effective from 7 January 2016 for the next five years.
- 2.2 This policy statement has amongst other things, four main purposes:
 1. To provide Members of the Licensing Committee with a decision making framework. The policy will be taken into account at any hearing following representations.
 2. To inform applicants of the parameters within which the Authority are able to make licensing decisions and allow them to take this into account when making applications.
 3. To provide guidance to local residents and businesses of the boundaries within which the Licensing Authority will make licensing decisions. This will assist those parties when making representations in relation to various applications.
 4. To support the Licensing Authority if it has to demonstrate in a court of law how it arrived to its licensing decisions.
- 2.3 The policy will be kept under review and the Licensing Authority will if necessary, after appropriate consultations, make such revisions to it as may be considered appropriate. Any amendments will be incorporated in the licensing statement after each review.

3 Scope of this policy

- 3.1 The Council as the Licensing Authority is responsible for authorising licensable activities, the issue of personal licenses and other matters set out in the Act within this district. This policy relates to all those licensable activities identified as falling within the provisions of the Act, namely:

- Retail sale of alcohol
 - Supply of alcohol by or on behalf of club members
 - Provision of regulated entertainment under certain circumstances i.e. entertainment (unless exempted by the Act) which is provided for the public, club members or for consideration with a view to profit.
 - Supply of late night refreshment being supply of hot food and/or hot drink from any premises (subject to any statutory exemption) including food stalls, between 23:00 hours and 05:00 hours.
- 3.2 In addition to the above the Act also makes the provision of licensing individuals to sell alcohol (personal licences); the permitting of certain licensable activities on a temporary basis (temporary event notice); and provisional statements.
- 3.3 A minority of consumers will behave badly and unlawfully once away from premises, and it would be unreasonable to expect licence holders to have control over these individual people.
- 3.4 The Licensing Authority recognises that the Act is not a cure-all for all anti-social behaviour. There is a breadth of other strategies for addressing these problems, for example:
- Planning controls
 - Powers of local authorities to designate parts of the local authority areas as places where alcohol may not be consumed publicly
 - Powers of Police and Local Authorities under the Anti-Social behaviour legislation
 - Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices
 - The prosecution of any personal licence holder or member of staff selling alcohol to people who are drunk
 - **Confiscation of alcohol from adults and children in areas protected by Public Space Protection Orders and dispersal powers**
 - 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 excessive noise emanating from the premises.
 - The power of the Police, other responsible authorities or other person to seek a review of the licence or certificate
 - Promotion of positive activities.

4 General matters

- 4.1 All references to the “the Act” in this document shall be deemed to mean “Licensing Act 2003” unless otherwise stipulated.
- 4.2 Carlisle City Council is the Licensing Authority for this district under the terms of the Act who are responsible for determining all applications for licensable activities, as defined in Section 1 of the Act.

- 4.3 The Licensing Authority recognises that it operates services who act as 'Responsible Authorities' i.e. Environmental Health, Planning, Police, Licensing Authority and the local authority's Director of Public Health, who are able to make representations on any licence application submitted under the terms of the Act. The Licensing Authority will treat these submissions with the same consideration as any other representations have regard to the terms of the Section 182 Statutory Guidance on this Licensing Policy for the purpose of the Act, Cumbria County Council's Safeguarding and Review team is the responsible authority in relating to the protection of children from harm.
- 4.4 The Act requires the Licensing Authority to keep a register containing a record of each premises licence, club premises certificate, personal licence issued and temporary event notice received and in doing so this will have regard to the information set out in Schedule 3 of the Act.
- 4.5 To comply with this requirement our register may be accessed on line by using the following link http://www.carlisle.gov.uk/business/licensing/public_registers.aspx

Disclaimer

- 4.6 Advice and guidance contained in the Statement of Licensing Policy is intended only to assist readers and should not be interpreted as legal advice or as constituent of Carlisle City Council's Statement of Licensing Policy. Readers are strongly advised to seek their own legal advice if they are unsure of the requirements of the Licensing Act 2003 or of the Guidance or Regulations issued under the Act.

Consultation

- 4.7 There are a number of groups which have a stake in the leisure industry, including providers, customers, residents and enforcers, all of which have views and concerns that require consideration as part of the licensing function and promotion of the licensing objectives.
- 4.8 In developing this policy statement, the Licensing Authority consulted widely. Along with the statutory consultees (the Responsible Authorities), the views of existing license holders, businesses, voluntary groups and residents were also taken into account. Due consideration was given to the views of all those who responded to that consultation process.

Links to other Strategies

- 4.9 In preparing this Statement of Licensing Policy, the Licensing Authority has had regard to and consulted with those involved in Carlisle City Council's local strategies on crime prevention, planning transport, culture, tourism, community, eGovernment and economic development, to ensure the proper co-ordination and integration of the aims and actions of these policies. Review and amending of these strategies will be considered for their impact upon this Statement of Licensing Policy.

- 4.10 Where appropriate, the licensing authority will co-ordinate and liaise with the planning authority and will provide information regarding licensed premises in the area, including evidenced alcohol related crime and disorder information where available, to enable Planning Committee to have regard to such matters when making decisions.

Planning and Building Control

- 4.11 The Licensing Authority will ensure that planning, building control and licensing regimes will be separated to avoid duplication and inefficiency.
- 4.12 The licensing authority would normally expect that applications for premises licenses for permanent commercial premises should normally be from businesses with planning consent for the property concerned. However, the licensing authority acknowledges that applications for premises licences or club premises certificates may be made prior to any relevant planning permission having been sought or granted by the planning authority. Applicants would be expected to ensure that all relevant permissions are obtained.
- 4.13 The licensing authority recognises that licensing applications should not be a re-run of planning applications nor should they cut across decisions taken by planning committee or following appeals against decisions taken by the Council's planning committee. The licensing authority's licensing committee will not be bound by decisions made by the Council's planning committee and vice versa.
- 4.14 Where the granting of any variation to a premises licence or club premises certificate involves a material alteration to a premises, the licensing authority would expect the applicant to apply for relevant planning permission or building control consent where appropriate.
- 4.15 The Licensing Authority recognises that when, as a condition of planning permission a terminal hour has been set for the use of the premises for commercial purposes, and where these hours are different from the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.

Special Events in the Open Air or in Temporary Structures

- 4.16 The promotion and the organisation of live musical and similar entertainment in the open air or in temporary structures like marquees etc. can provide opportunities for community involvement, civic pride and can attract visitors to the district.
- 4.17 However, the success of such events by the way of contribution to the Council's cultural and tourist strategies depends upon the quality, levels of

safety and consideration for the rights of people who work in the vicinity and the standard of provision of facilities for those coming to enjoy the event.

- 4.18 In recognition of the special factors that are relevant, particularly with respect to major open air events such as pop festivals or other large events , the Council has established a multi-agency forum to assist organisers in co-ordinating such events. This includes council departments who have an interest in or legislative role relevant to such events, together with representatives of the various emergency services.
- 4.19 Members of the forum are notified about all proposals to hold such events and where necessary special meetings will be organised in order to consider any communication with organisers.
- 4.20 A useful document which organisers are recommended to obtain is 'The Event Safety Guide' (known as the purple guide), published by the Health and Safety Executive. This is currently being revised and organisers are advised to check online for the latest version (www.thepurpleguide.co.uk)
- 4.21 Guidance on the planning of such events is available to organisers but it is important that substantial notice is given so that proper preparations and precautions can be put in place for the event. This also applies if the event is proposed under a Temporary Event Notice.

Community Applicants

- 4.22 Whilst this policy is aimed at all licensable activities under the Act it should be noted that the Council sees a distinction between large or permanent activities, such as those proposed by commercial operations and small or temporary activities such as those which might be proposed by cultural or community groups.
- 4.23 Where events are proposed by cultural or community groups, it is recognised that those groups may not have the same skill or the expertise or access to professional advice. Such groups may seek assistance and guidance from the Council by contacting the Licensing Section.
- 4.24 Whatever the nature of the applicant and activity proposed, the overriding matter is that the Council will consider the individual merits of the application and act as to promote the licensing objectives

5 Licensing Objectives

- 5.1 The Act sets out four licensing objectives which the Licensing Authority has a duty to promote when carrying out its licensing function, namely:
- The Prevention of Crime and Disorder
 - Public Safety

- The Prevention of Public Nuisance
- The Protection of Children from Harm

5.2 These objectives are the only factors that can be taken into account in determining an application and any conditions attached to the licence must be necessary to promote the licensing objectives. If there are no relevant representations, then an application must be granted and subject only to mandatory conditions and conditions consistent with the applicants operating schedule. Any conditions offered by the applicant within their operating schedule will become conditions on the licence.

5.3 Where it is appropriate to promote these licensing objectives, the controls the licensing authority and responsible authorities will expect to see where relevant:

5.4 Prevention of Crime and Disorder:

- The use of toughened glass/polycarbonate or other plastic/non glass bottles/receptacles
- Measures to prevent open bottles or other drinks containers being carried from premises
- Restriction of drinks promotions and responsible retailing
- Means of providing free water
- Marketing promotions do not encourage excessive consumption and should be socially responsible
- Measures to prevent binge drinking
- Participation in pub/club watch schemes and attendance at meetings
- Use of appropriate numbers of security personal and stewards ensuring effective controls at all times. Training staff in crime prevention measures
- Search procedures
- Use of CCTV inside and outside premises, ensuring digital systems comply with Home Office minimum requirements
- Adequate lighting
- Design premises to minimise the opportunity for crime and disorder
- Quality supervision and surveillance in premises
- Regular checks by staff of all public areas including toilets
- Assessment of customer profile ensuring the effective management of customers both inside premises and in outside smoking/external seating areas
- Anti-discriminatory policies and practice covering e.g. homophobia and racism
- Provision of a means of communication to other venues and the Police

5.5 Public Safety:

- Promotion of responsible drinking
- Awareness of drink spiking

- Zero tolerance drug policies including the appropriate use of searching/amnesty boxes to combat drug crime
- Assessment of the safe capacity for the venue and adequate monitoring and control measures to avoid overcrowding
- Regular removal of all glasses and bottles
- Specific precautions for the use of special affects
- Adequate provision for ventilation/temperature control
- Assessment, monitoring and management of noise exposure
- Assessment for crowd dynamics
- Safety of gas and electrical services
- Fire safety and emergency lighting
- Easy accessible free drinking water

5.6 Prevention of Public Nuisance:

- Assessment of the likelihood of nuisance affecting local communities through an assessment of the location of premises, character of the surrounding area and the proximity to residential and other sensitive premises. Nuisance could be from noise, odour or light
- Latest admission times
- Measures for the limitation of noise emissions from the premises. These may include as appropriate noise limitation devices, sound insulation, whether windows are to be opened, the installation of acoustic lobbies and double glazing
- Measures to dealing with queuing, where necessary
- Use and management of outdoor areas
- Measures to deal with dispersal of customers from the premises as necessary, including the employment of door supervisors, use of dedicated cab firms, notices in the premises requesting customers to respect neighbours
- Winding down periods particularly in public houses and nightclubs etc.
- Disposal of waste, particularly glass
- Use and maintenance of plant, including air extraction and ventilation systems
- Litter collection in vicinity
- Consideration of an adequate traffic management plan
- Noise from deliveries/collections
- Odour and light nuisance
- Measures to supervise customers use of beer gardens, smoking and external seating areas

5.7 Protection of Children from Harm:

- Limitation of access dependant on nature of activities
- Use of British Board of Film Classification for film exhibition
- Robust proof of age provisions to include preventions of fewer than 18s entering the premises where appropriate and the requirement for anyone looking under 18 to provide proof of age in the form of a photo

driving licence, passport or accredited photo ID card bearing the PASS hologram. PASS is the UK's national guarantee scheme for proof-of-age cards.

- Adoption of the Challenge 21/25 policy
- Adequate staff training on age restricted sales
- Adequate warning signage
- Measures to avoid proxy sales
- Control measures to protect child performances
- Records of refusals (refusal log)
- Suitable design and layout of alcohol display

5.8 It is recognised that the licensing function is only one means of securing the delivery of the licensing objectives and should not therefore be seen as a cure-all for solving all problems within the community. The Licensing Authority will therefore continue to work in partnership with its neighbouring authorities, **the responsible Authorities, the Health Authority**, local businesses and local people towards the promotion of objectives as outlined.

Designated Premises Supervisors (DPS)

5.9 The main purpose of the 'designated premises supervisor' is to ensure that there is always one specified individual who can be readily identified for the premises where a premises licence is in force. The Licensing Authority will normally expect the DPS to have an active role in the day to day operation of the licensed premises, in particular the sale and supply of alcohol. A DPS does not have to be on site all the time, but should authorise individuals to supervise the day to day management of the premises in his absence.

5.10 A DPS should have sufficient experience and knowledge appropriate for the operation under their control. A DPS should be able to control the activities on site and respond quickly and efficiently to problems.

5.11 A DPS should be able to demonstrate that they:

- Have sufficient knowledge and experience appropriate to the premises that they intend to control
- Are able to respond to problems quickly and to meet with responsible authorities, local residents and ensure adequate direct management of individual premises in a timely manner.

5.12 Following a Police representation the Licensing Authority may refuse an application or remove a DPS where:

- A problem premises exists and the DPS is not capable of fulfilling the duties and expectations of a DPS
- A proposed DPS cannot demonstrate their suitability for the licensed premises

6 Personal licences

- 6.1 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a Personal Licence. The Act does not require the presence of Personal Licence holder at all material times but if any sales are made when a Personal Licence holder is not present, then they must have been authorised by somebody who holds a Personal Licence. Regardless of whether a Personal Licence holder is present or not he will not be able to escape responsibility for the action of those he authorises to make such sales.
- 6.2 The Council recommends that authorisations for the sale of alcohol be made in writing to ensure that those authorised are clear on their legal responsibilities. Any premises which alcohol is sold or supplied may employ one or more Personal Licence holders. This paragraph should be read in conjunction with paragraphs 5.9 to 5.12 above, which state the role of the Designated Premises Supervisor.
- 6.3 The Council recognises it has no discretion regarding the granting of Personal Licences where:
- The applicant is 18 years or over;
 - Possesses a licensing qualification;
 - Has not had a licence forfeited in the last five years; and
 - Has not been convicted of a relevant offence
- 6.4 An application for a Personal Licence to sell alcohol must be made on the form specified in government guidance or regulations. The application form must be accompanied by the requisite fee. The applicant should also be able to produce evidence of the relevant qualifications.
- 6.5 From 1 April 2015 it is no longer necessary to renew a Personal Licence. Section 115 of the Licensing Act 2003 has been amended by section 69 of the Deregulation Act 2015, removing the requirement to renew personal licences. All new licences issued after this date will be issued for an 'indefinite period'
- 6.6 Applicants should produce a **Disclosure and Barring Service** certificate (**formally known as Criminal Record Check certificate**) within 1 calendar month, within the application form. Applicants are also expected to make a clear statement as to whether or not they have been convicted outside England and Wales of a relevant offence or similar offence.
- 6.7 Where an application discloses relevant unspent convictions the council will notify the police of that application and the convictions. The police may make objections on the grounds of crime and disorder. If an objection is lodged a hearing must be held.
- 6.8 The Council will, at such a hearing, consider carefully whether the grant of the licence will compromise the promotion of the crime prevention objective. It will consider the seriousness and relevance of the convictions(s), the period that

has elapsed since the offence(s) were committed and any mitigating circumstances. The Council will normally refuse the application unless there are exceptional and compelling circumstances which justify granting it.

7 Applications for Premises Licence

- 7.1 When considering applications, the Licensing Authority will have regard to:
- The Licensing Act and licensing objectives
 - Government guidance issued under Section 182 of the Licensing Act 2003
 - Any supporting regulations
 - This statement of Licensing Policy
- 7.2 This does not, however, undermine the rights of any person to apply under the 2003 Act for a variety of permissions and have the application considered on its individual merits, nor does it override the right of any person to make representations on any application to seek a review of a licence or certificate where they are permitted to do so under the 2003 Act.
- 7.3 The Licensing Authority recognises that, in some circumstances, longer licensing hours for the sale of alcohol may help to avoid concentrations of customers leaving premises simultaneously and reduce the potential for disorder. It also recognises that overly restrictive hours may inhibit the development of the night time economies that are important for investment, employment and tourism.
- 7.4 When determining applications by the Licensing committee, the Licensing Authority will seek to balance those factors against its duty to promote the four licensing objectives and the rights of residents to peace and quiet.
- 7.5 This policy is not intended to duplicate existing legislation and other regulatory regimes that place duties on employers and operators e.g. Health and Safety at Work etc. Act 1974, Environmental Protection Act 1990, Equality Act 2010, Building Regulations and the Regulatory Reform (Fire Safety) Order 2005. The Licensing Authority will therefore only impose conditions which are appropriate in promoting licensing objectives.
- 7.6 When one part of Carlisle City Council seeks a premises licence from the Licensing Authority, the Licensing Committee and its officers will consider the matter from an entirely neutral standpoint. If relevant representations are made, for example, by local residents or the police, they will be considered fairly by the committee. Those making representations, genuinely aggrieved by a positive decision in favour of a local authority application by the Licensing Authority are entitled to appeal the Magistrates' Court and thereby receive an independent review of any decision made.
- 7.7 In all cases, applicants and those making representations in respect of applications to the Licensing Authority have a right of appeal to the Magistrates' Court against the decision of the Licensing Authority.

- 7.8 It should be noted that incomplete applications will not be accepted but returned with an explanation of why it is incomplete.
- 7.9 The Licensing Authority welcomes applications made via Carlisle City Council's electronic application facility.

Community Halls

- 7.10 The Legislative Reform (Supervision of Alcohol Sales in Church and Village Halls etc.) Order 2009 amends the Act to allow management committees of community premises to make an application for a premises licence or to vary an existing premises licence which includes an application to remove the requirement of a designated premises supervisor and the authorisation of the sale of alcohol by a personal licence holder.

New and Varied Premises Licences/Club Premises Certificates

- 7.11 Where no premises licence or club premises certificate exists in respect of a premises, an application for a new premises licence or club premises certificate must be made to enable the carrying out of licensable activities.
- 7.12 An application to vary an existing premises licence or club premises certificate should be made where the proposed variation is in respect of changes to the types of licensable activities that are to be undertaken and/or the hours that those activities are to take place, or where structural changes are made to the premises.
- 7.13 Where the proposed variation to a premises licence or club premises certificate is in respect of structural alterations, the application must always be accompanied by a plan of the proposed alterations in additions to the existing premises licence or club premises certificate and the plan of which it relates.
- 7.14 Where a premises licence holder or club premises wishes to amend a premises licence or club premises certificate, the licensing authority will allow for an application to vary to be made rather than requiring an application for a new premises licence or certificate. The process the applicant will undertake will depend on the nature of the variation and its potential impact on the licensing objectives. The variation process will include:
- Change of name and address of a person named in the licence;
 - Variation of the licence to specify a new individual as designated premises supervisor;
 - Request to be removed as designated premises supervisor;
 - Request of community premises to display the mandatory condition concerning the supervision of alcohol sales by a personal licence holder and the need for a designated premises supervisor who holds a personal licence;
 - An application for minor variation of a premises licence or club premises certificate.

- 7.15 In addition, when completing section 3 of the application, it is important applicants ensure they provide sufficient time for the alterations to be carried out when stating the date upon which the variation is to take effect. This is to ensure that when the premises licence or club premises certificate comes into force, the plan to which it relates reflects accurately the layout of the building.
- 7.16 If the actual date when the alterations have been completed differs from that requested, applicants must inform the licensing authority so that the premises licence or club premises certificate can be issued correctly. Failure to do so may result in an offence being committed under Section 136 of the Licensing Act 2003 of carrying on a licensable activity otherwise than under and in accordance with an authorisation.

Minor Variations

- 7.17 In August 2009, the Government introduced a streamlined process for applicants to make minor variations to their premises licences and club premises certificates where the change is considered to have 'no adverse impact' on the promotion of any of the four licensing objectives.
- 7.18 Minor variations **can be** used to:
- Make minor changes to the structure or layout of a premises
 - Make small adjustments to the licensing hours
 - Remove out of date, or unenforceable conditions
 - Add or remove certain licensable activities
 - Add volunteered conditions to a premises licence or club premises certificate
- 7.19 Examples of where the new minor variation process **cannot be** used to:
- Extend the period for which the licence or certificate has effect
 - Specify, in a premises licence, an individual as the premises supervisor
 - Add the sale by retail or supply of alcohol as an activity authorised by a licence or certificate
 - Authorise the sale by retail or supply of alcohol at any time between 23:00 hours and 07:00 hours
 - Authorise an increase in the amount of time on any day during which alcohol may be sold by retail or supplied
 - Vary a licence for community premises so as to apply the condition that every supply of alcohol under that licence must be made or authorised by the management committee
 - Substantially vary the premises to which the licence or club premises certificate relates
- 7.20 On receipt of a minor variation application, the Licensing Authority will consider the appropriate and consult the relevant responsible authorities as it considers appropriate. In deciding on the application the Licensing Authority will consider any relevant representations received within the statutory time

limit (ten working days from the day after the application was received by the Licensing Authority). The Licensing Authority will either grant the application or refuse it where it considers that the proposed application could impact adversely on any of the four licensing objectives.

- 7.21 If the Licensing Authority fails to determine the application within 15 working days, the application will be treated as being refused and the fee returned. However in such cases the Licensing Authority and applicant may agree instead that the undetermined application should be treated as a new minor variation application and that the fee originally submitted may be treated as a fee for the new application thus avoiding the need for a new application to be submitted.

8 Review of Premises Licence and Other persons

- 8.1 In addition to Responsible Authorities, any other person can be involved in a number of licensing processes under the Act. This includes any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates regardless of their geographic proximity to the premises. These persons may themselves seek a review of a premises licence.
- 8.2 Any representations made by these persons must be 'relevant', in that the representation relates to one or more of the licensing objectives. The Licensing Authority should also consider whether the representation made is frivolous or vexatious. In the case of applications for reviews, there is an additional requirement that the grounds for the review should not be considered by the Licensing Authority to be repetitious.
- 8.3 While any of these persons may act in their own right, they may also request that a representative makes the representation to the Licensing Authority in their behalf. A representative may include a legal representative, a friend, a Member of Parliament, a Member of the Welsh Government, or a local ward or parish councillor who can all can in such a capacity.
- 8.4 The Licensing Authority acknowledges that local councillors can make representations in their own right if they live, or are involved in a business in the vicinity of the premises in question or if they have concerns about any premises regardless of whether they live or are involved in a business in the vicinity of the premises.
- 8.5 The Licensing Authority considers that Trading Associations, Trade Unions and residents and Tenant's Associations qualify as other persons.
- 8.6 The Licensing Authority will not generally view these bodies as other persons unless they have a member who can be classed as an Interested Party.

- 8.7 The Licensing Authority will generally require written evidence that a person is authorised to represent other persons in any case other than that is mentioned in paragraph 8.4 above.

Representations

- 8.8 Any Responsible Authority or other persons may make relevant representations on applications for the grant of a premises licence or club premises certificate and request reviews of licence or certificates that have been granted.
- 8.9 A representation will only be 'relevant' if it relates to the likely effect of the grant of the licence on the promotion of at least one of the four licensing objectives. In addition, the representation must not be frivolous or vexatious.
- 8.10 The police may object to the designation of a new designated premises supervisor (DPS) where, in exceptional circumstances, they believe that the appointment would undermine the crime prevention objective.
- 8.11 Where the police do object, the licensing authority must arrange for a hearing at which the issue can be considered and both parties can put forward their arguments. The 2003 Act provides that the applicant may apply for the individual to take up post as DPS immediately and, in such cases, the issue would be whether the individual should be removed from this post. The licensing authority considering the matter must restrict its consideration to the issue of crime and disorder and give comprehensive reasons for its decision. Either party would be entitled to appeal if their argument is rejected.
- 8.12 The 2003 Act also provides for the suspension and forfeiture of personal licences by the courts following convictions for relevant offences, including breaches of licensing law. The police can at any stage after the appointment of a DPS seek a review of a premises licence on any ground relating to the licensing objectives if problems arise relating to the performance of a DPS.
- 8.13 The Police and Environmental Health department may make representations in respect of a notification of a temporary event notice on the basis of any of the licensing objectives.
- 8.14 The Licensing Authority must be satisfied that the representation is made by another person, who can generally only be determined by reference to the name and address of the person making it, this authority will not consider and representations that fail to provide those details.
- 8.15 Where relevant representations are made, the Licensing Authority must provide copies of those representations to the applicant or his/her representative. The Licensing Authority accepts that in exceptional circumstances an Interested Party may not wish for his/her personal details to be disclosed to the applicant.

- 8.16 Where the Licensing Authority considers that a relevant representation has been made and that exceptional circumstance exists, details of the name and address made be withheld from the copy of the representation that is provided to the applicant or his/her representative.
- 8.17 In all cases, applications and those making representations that are genuinely aggrieved by a decision of the Licensing Committee are entitled to appeal to the Magistrates' Court against the decision of the committee.
- 8.18 Where the Responsible Authorities or other persons do not raise any relevant representations about the application made to the Licensing Authority, the Licensing Authority will grant the premises licence or club premises certificate subject only to conditions that are consistent with the operating schedule and any mandatory conditions prescribed by the Licensing Act 2003.

Review of Licences

- 8.19 Where possible and appropriate, the Licensing Authority and Responsible Authorities will give early warning to licence holders of any concern about problems identified at premises and of the need for improvement.
- 8.20 Any Responsible Authority or other person may apply for a review of a premises licence or a club premises certificate by serving a notice containing details of the application on the holder of a licence or certificate and to each of the Responsible Authorities.
- 8.21 An application for review will be only 'relevant' if the grounds upon which it is made relate to the promotion of at least one of the four licensing objectives and is not frivolous, vexatious or repetitious. An evidentiary basis will be required to be presented to the Licensing Authority.
- 8.22 Where other person applies for a review, the Licensing Authority must be satisfied that a review is relevant. There is no appeal to the decision of the Licensing Authority other than by the way of Judicial Review.
- 8.23 No more than one review from person other than responsible authorities will be normally permitted within any 12 month period on similar grounds except in exceptional and compelling circumstances or where it arises following a closure order.

Conditions

- 8.24 Licensing is about the appropriate control of licensed premises, qualifying clubs, temporary events and the people who manage them or hold personal licences within the terms of the 2003 Act.
- 8.25 The Licensing Authority may not impose any conditions unless its discretion has been engaged following the making of relevant representations and it has been satisfied at a hearing of the necessity to impose conditions due to the representations raised. It may then only impose such conditions as are

necessary to promote the licensing objectives arising out of consideration of the representations.

- 8.26 The Licensing Authority actively promotes the benefits of partnership working between the Council and local businesses to enhance business operations and thereby achieve the community benefits of minimisation of waste, enhancement of the street scene, promotion of community safety, reduction of the fear of crime and the encouragement of tourism and inward investment. It is recommended that Premises Licence holder contact the Licensing Authority to ensure up to date mandatory conditions are on display.
- 8.27 To maximise the efficiency of administering licences and reduce the necessity for hearings, the Licensing Authority will actively encourage applicants and clubs to consult with Responsible Authority and seek professional guidance from Council services, when operating schedules are being prepared to allow for proper liaison to take place in such areas as noise reduction, CCTV, refuse and litter etc., to avoid representations being necessary. The Licensing Authority accepts that while some applicants may find it useful to contact the Responsible Authorities and Council services for advice and professional assistance, others will not need to do so, and that applications cannot be refused on the basis that such consultation has not taken place.
- 8.28 Where relevant representations are made, the Licensing Authority will seek to make objective judgements as to whether conditions may need to be attached to various authorisations and others in possession of relevant authorisations, to secure achievement of the licensing objectives.
- 8.29 Any conditions arising from the operating schedule or as a result of representations will focus primarily upon the direct impact of the activities taking place at licensed premises on those attending the premise and members of the public living, working or otherwise engaged in normal activity in the areas concerned and will cover matters that are within control of the individual licensees.
- 8.30 If an applicant volunteers a prohibition or restriction in his/her operating schedule because his/her own risk assessment had determined such prohibition or restriction to be appropriate, such volunteered prohibitions or restrictions will become conditions attached to the licence or certificate and will be enforceable as such.
- 8.31 The Licensing Authority recognises that all applications should be considered on an individual basis and any condition attached to such a licence will be tailored to each individual premise, to avoid the imposition of disproportionate and other burdensome conditions on those premises. Standard conditions, other than mandatory conditions, will, therefore, be avoided and no condition will be imposed that cannot be shown to be necessary for promotion of the licensing objective.

9 Temporary Event Notices (TEN's)

- 9.1 The Act sets out the legal requirements relating to TEN's. A TEN is a notification given by an individual to the Licensing Authority where it is proposed to use premises for one or more licensable activities during a period not exceeding 168 hours and can be used to authorise relatively small-scale ad hoc events held in or any premises involving no more than 499 people at any one time.
- 9.2 A TEN is typically used to:
- Authorised a licensable activity at a premises not currently licensed e.g. selling alcohol at a fete
 - Temporarily extending the hours for providing a licensed activity at an existing licensed premises for a specific event
 - Provide for licensable activities not authorised by the existing licence.
- 9.3 The organiser must give the Licensing Authority notice of the proposed event and give a copy of the notice to the Police and Environmental Health.
- 9.4 Where an application or any part of it, is submitted in writing, it is the responsibility of the applicant to ensure that a copy of the application has been sent to the Police and Environmental Health, as stipulated in the Act. Where an application has been submitted electronically copies of the application will be forwarded to the responsible authorities by the Local Authority.
- 9.5 The organiser must normally give the Licensing Authority a minimum of 10 clear working days' notice. This does **NOT** include the date of submission, the date of the event, weekends or bank holidays. In a significant number of cases this time period does not allow sufficient time for the organiser to liaise with the Police or Environmental Health and other relevant bodies to ensure that the event passes off safely with minimum disturbance to local residents. Therefore the Licensing Authority will normally expect that the application be submitted no earlier than 28 days before the planned event. The giving of 28 days' notice allows for responsible discussions to take place with the Police and Environmental Health. The Licensing Authority will consider any breach of previous informal agreements to be an important matter when considering an objection to a TEN.
- 9.6 Late TENs can be submitted up to five working days but no earlier than nine working days before the event due to take place, and unless given electronically to the Licensing Authority, must also be sent to the Police and Environmental Health. A late TEN given less than five days before the event to which it relates will be returned as void and the activities returned as void and the activities to which it relates will not be authorised.

- 9.7 A key difference between standard and late TENs is the process following an objection notice from the Police or Environmental Health. Where an objection notice is received in relation to a standard TEN the Licensing Authority must hold a hearing to consider the objection, unless all parties agree that a hearing is unnecessary. If the Police or Environmental Health gives an objection to a late TEN the notice will not be valid and the event will not go ahead as there is no scope for a hearing or the application of any existing conditions.
- 9.8 The Licensing Authority will also actively encourage the organiser to notify other relevant agencies such as the Fire Authority (crowd safety and management) in order to obtain expert advice on how best to minimise the risk of injury and public nuisance. In addition, whilst under the Act applicants do not have to notify the Planning Authority in respect of a temporary event, however they are encouraged to do so to ensure that any relevant planning consent is in place.

10 Live Music Act 2012

- 10.1 The Live Music Act came into force on the 1 October 2012 and has made a number of changes to the Licensing Act 2003. This is designed to encourage more performances of 'live' music.
- 10.2 Live and recorded music is generally licensable under the Licensing Act but there are now many exemptions.

Live Music : no licence permission is required for:

- a performance of unamplified live music between 8.00am and 11.00pm on any day on any premises;
- a performance of amplified live music between 8.00am and 11.00pm on any day on premises authorised to sell alcohol for consumption on those premises provided that the audience does not exceed 500;
- a performance of amplified live music between 8.00am and 11.00pm on any day in a workplace that is not licensed to sell alcohol on those premises provided that the audience does not exceed 500;
- a performance of amplified live music between 8.00am and 11.00pm on any day in a church hall, village hall, community hall or other similar community premises that is not licensed by a premises licence to sell alcohol provided that the audience does not exceed 500 and the organiser obtains consent for the performance from a person who is responsible for the premises;
- a performance of amplified live music between 8.00am and 11.00pm on any day at the non-residential premises of a local authority, school or hospital provided that the audience does not exceed 500 and the organiser obtains consent.

Recorded music : no licence permission is required for:

- any playing of recorded music between 8.00am and 11.00pm on any day on premises authorised to sell alcohol for consumption on those premises provided that the audience does not exceed 500;
- any playing of recorded music between 8.00am and 11.00pm on any day in a church hall, village hall, community hall or other similar community premises that is not licensed by a premises licence to sell alcohol provided that the audience does not exceed 500 and the organiser obtains consent for the performance from a person who is responsible for the premises;
- Any playing of recorded music between 8.00am and 11.00pm on any day at the non-residential premises of a local authority, school or hospital provided that the audience does not exceed 500 and the organiser obtains consent.
- Any existing conditions on a premises licence which relate to live or recorded music are suspended between 8.00am and 11.00pm provided the premises are open for the supply of alcohol for consumption on the premises at the time that the entertainment is taking place and that, if the music is amplified, the audience does not exceed 500 people. Such conditions may be reinstated, or new conditions added, as a result of a review of a premises licence or club premises certificate.

10.3 When considering whether an activity constitutes ‘the provisions of regulated entertainment’ each case will be treated on its own merits. There will inevitably be a degree of judgement as to whether a performance is live music or not, so organisers of events are encouraged to check with the Licensing Authority if in doubt

None of the exemptions affect the need to apply for copyright licensing or the requirement not to cause a noise nuisance. Regulated Entertainment is a complex area and there are other minor exemptions – the council recommends seeking legal advice if in any doubt.

11 Cumulative Impact Policy

Need for Licensed Premises

11.1 There can be confusion about the difference between “need” and the “cumulative impact” of premises on the licensing objectives. “Need” concerns the commercial demand for another pub or restaurant or hotel. This is not a matter for a Licensing Authority in discharging its licensing functions or for its Statement of Licensing Policy.

Cumulative Impact of a Concentration of Licensed Premises

- 11.2 “Cumulative Impact” means the potential impact upon the promotion of the licensing objectives of a significant number of licenced premises concentrated in one area. The cumulative impact of licenced premises on the promotion of the licensing objectives is a proper matter for a Licensing Authority to consider in developing its Statement of Licensing Policy.
- 11.3 The Licensing Authority acknowledges that a concentration of licensed premises in a particular area can result in an increased number of people walking through or congregating in streets during the night with the potential impact of an increase in crime, anti-social behaviour, noise pollution and other disturbance to residents, together with an increase in littering or fouling. In such cases, the amenity of local residents can be placed under severe pressure but may not be attributable to any individual premises.
- 11.4 The Licensing Authority can only adopt a special policy on cumulative impact if there is evidence that a significant number of licensed premises concentrated in one area are resulting, or likely to result, in unacceptable levels of crime and disorder or public nuisance.
- 11.5 The Licensing Authority, having regard to the evidence currently available, considers that there is no particular part of the district causing a cumulative impact on any part of the licensing objective.
- 11.6 However, the cumulative impact of licensed premises in a particular area may, at a future time, on representation from residents or businesses and/or a responsible authority, trigger the consideration of whether any additional licences or substantial variations to existing licences, to increase such aspect as capacity or operating hours, would lead to an unacceptable saturation in an area. The onus will be upon the objectors to provide evidence that additional licences or the variation of existing licences would produce the cumulative impact claimed.

Advice and Guidance

- 11.7 The Licensing Authority recognises the valuable cultural, social and business importance that premises and events requiring a licence under the Licensing Act 2003 provide and welcomes the diversity of activities that are provided by licence holders. For this reason, pre-application discussions will be encouraged to assist applicants to develop their operating schedule. The Licensing Authority and the Responsible Authorities will offer as much advice and guidance to applicants as resources permit.
- 11.8 The Licensing Authority will also seek to liaise with applicants and/or mediate between applicants and others who may make representations, to achieve a satisfactory outcome for all involved, wherever possible and where resources permit. Where an applicant considers that mediation and liaison may be likely or probable, it is recommended that he/she discusses his/her proposal with

the Licensing Team and those from who they think representations are likely prior to submitting an application. Once an application has been logged, there are statutory timescales imposed upon the application and determination process, which restricts the opportunity for such discussions, liaison and mediation.

11.9 Other mechanisms for controlling cumulative impact include:

- Planning controls
- Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority
- The provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late night, street cleaning and litter patrols
- Powers of local authorities to designate parts of the local authority areas where alcohol may not be consumed publicly, namely the issuing of Public Protection Orders to these areas
- Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices
- The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk
- The confiscation of alcohol from adults and children in areas with Public Protection Orders
- Police powers to close down instantly for up to 24 hours any licensed premises to temporary event on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance
- The power of police, other responsible authorities or local resident or business to seek a review of the licence or certificate in question.

12 Late Night Levy

This is a power conferred on Licensing Authorities by the Police Reform and Social

Responsibility Act 2011 which enables a levy to be charged to premises that are licensed to sell alcohol late at night in the authority's area, as a means of raising a contribution towards the costs of policing the late-night economy.

The option of introducing such a levy will be kept under review by the Council and would not be introduced without the required consultation.

13 Early Morning Restriction Orders (EMRO)

The power for Licensing Authorities to make, vary or revoke an EMRO set out in sections 172A to 172E of the Act.

- 13.1 An EMRO enables a Licensing Authority to prohibit the sale of alcohol for a specified time period between the hours of 12am and 6am in the whole or part of its area, if it is satisfied that this would be appropriate for the promotion of the licensing objective.

- 13.2 EMROs are designed to address recurring problems such as high levels of alcohol related crime and disorder in specific areas at specific times; serious public nuisance and other instances of alcohol related anti-social behaviour which is not directly attributable to specific premises.
- 13.3 It is the Council's intention to support businesses rather than hinder them whilst ensuring promotion of the licensing objectives. However where this has deemed to fail then an EMRO could be considered as a possible solution.
- 13.4 An EMRO:
- Applies to the supply of alcohol authorised by premises licences, club premises certificate and temporary event notices
 - Applies for any period beginning at or after 12am and ending at or before 6am. It does not have to apply on every day of the week and can apply for different time periods or unlimited time period (e.g. an EMRO could be introduced for a few weeks to apply to a specific event)
 - Applies to the whole or any part of the Licensing Authority's area
 - Will not apply to the supply of alcohol to residents by accommodation providers between 12am and 6am, provided the alcohol is sold through mini-bars/room service
 - Will not apply to a relaxation of licensing hours by virtue of an order made under section 172 of the Act

EMRO Request

- 13.5 It is expected that the need of an EMRO may be identified by a number of different organisations. For example the request for an EMRO may originate from Cumbria Police, Environmental Health or residents association. It may come via another Responsible Authority. It is likely more than one organisation may be involved in the process.
- 13.6 It is anticipated that the request would be referred to Licensing where a designated procedure will be applied to determine if an EMRO is appropriate. If appropriate, the request will be referred to the Licensing Committee. Members would be supplied with evidence of the issues being experienced in the area in support of the EMRO. The Licensing Committee will decide if, on the strength of the evidence provided, that an EMRO is appropriate for the promotion of the licensing objectives and further work is to be undertaken to support the case. Members may decide that other measures would be more effective in dealing with the problems, or that licensing holders should engage with the authorities in an attempt to rectify matters before the request is considered further.

Evidence

13.7 Section 182 Guidance to Licensing Authorities states that “The Licensing Authority should be satisfied that it has sufficient evidence to demonstrate that its decision is appropriate for the promotion of licensing objectives. This requirement should be considered in the same manner as other licensing decisions, such as the determination of applications for the grant of premises licences. The Licensing Authority should consider the evidence from partners, including responsible authorities and local community safety partnerships, alongside its own evidence, to determine where an EMRO would be appropriate for the promotion of licensing objectives.”

13.8 The level of evidence Licensing Committee will consider to support an EMRO is:

- Police evidence of reported alcohol related crime
- Nuisance statistics compiled from complaints made to Environmental Health in relation to noise, odour and litter nuisance
- Data gathered from complaints made to Licensing on matters which affect the licensing objectives
- Anecdotal evidence from residents organisations, ward members and other representatives of people living in specific areas
- Evidence obtained during the public consultation and associated public meetings

13.9 In addition the Section 182 guidance suggests other sources of evidence such as:

- Health related statistics such as alcohol-related emergency attendance and hospital admissions

13.10 This should, in part be provided by the organisation or group who are proposing an EMRO should be in force.

13.11 Once the Licensing Committee is satisfied that an EMRO is required to address the issues in an area, and all other measures have been tried and failed to address these issues, the formal process of implementing an EMRO will begin. The design of the EMRO will include:

- The days (period of those days) on which the EMRO would apply
- The area to which the EMRO would apply
- The period for which the EMRO would apply
- The date from which the proposed EMRO would apply

Consultation

13.12 The proposed EMRO will be advertised for at least 42 days. The proposal will be published on the Council's website and in a local newspaper. A notice will be sent to all affected people in the area who hold a premises licence or a club premises certificate, or people who use TENs or who would hold a provisional statement. A notice will be displayed in the area, and sent to responsible authorities and adjacent licensing authorities.

13.13 Any affected by the EMRO has 42 days in which to make a representation on any aspect of the EMRO design. If relevant representations are received then a hearing will be held to consider them. If there are a number of representations, the Licensing Authority may consider whether to hold the hearing over several days. The hearing will commence within 30 working days of the end of the notice period.

13.14 As a result of the hearing the Licensing Authority has three options:

- To decide that the proposed EMRO is appropriate for promotion of the licensing objectives
- To decide that the proposed EMRO is not appropriate and therefore the process should be ended
- To decide that the proposed EMRO should be modified. In this case it may be necessary to advertise again

Formal Decision

13.15 Once the Licensing Authority is satisfied that the proposed order is appropriate for the promotion of the licensing objectives, its determination will be put to full Council for its final decision. Once the EMRO is made, the authority will send a notice to all affected persons and make it available for 28 days on the website.

13.16 A variation or revocation of an order will follow the same process. However an order could be applied for a specified time and in this case the order ceases to apply on the final day.

13.17 Once an EMRO is in place, the Licensing Authority will update this policy as soon as possible to include reference to the EMRO in this section.

13.18 There are currently no EMROs in place for this area.

14 Enforcement

14.1 Carlisle City council delivers a wide range of enforcement services aimed at safeguarding the environment and the community, and at providing a 'level playing field' on which businesses can trade fairly. The administration and enforcement of the licensing regime is one of these services. Carlisle City Council is committed to the principles of good enforcement practice by carrying out its regulatory functions in a fair, open and consistent manner.

14.2 The Licensing Authority recognises the interests of both citizens and businesses and will work closely, with partners, to assist licence holders to comply with the law and the four licensing objectives that it seeks to promote.

However, proportionate but firm action will be taken against those who commit serious offences or break the law consistently.

- 14.3 The Licensing Authority works in partnership with all of the Responsible Authorities under the Act on enforcement issues. This joint working provides for the targeting of resources towards high-risk premises and activities that require greater attention, while providing a lighter touch in respect of low risk premises that are operated well.

15 Administration, Exercise and Delegation of functions

- 15.1 The Licensing Authority will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.
- 15.2 Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Committee has delegated certain decisions and functions and has established a number of Sub-Committees to deal with them.
- 15.3 Further, with many of the decisions and functions being purely administrative in nature, the grant of non-contentious applications, including for example, those licence and certificates where no representations have been made, has been delegated to Licensing Authority officers.
- 15.4 The Licensing Committee will consist of 12 Councillors. Licensing Sub-Committees of three Councillors are expected to consider the bulk of applications where a hearing is necessary. Ward Councillors will not sit on Sub-Committee involving an application within their ward.
- 15.5 Every determination of a licensing application by the Licensing Committee or Licensing Sub-Committee shall be accompanied with clear, cogent reasons for the decision.
- 15.6 It is expected that the authority's licensing officers will deal with the majority of licence applications and will decide whether representations are irrelevant, frivolous or vexatious. The person making a representation, which is considered to be frivolous or vexatious, will be given written reasons for that decision.
- 15.7 The authority will ensure that members and officers are appropriately trained to carry out their duties under the Act.
- 15.8 The table at Appendix 2 sets out the agreed delegation of decisions and functions to Licensing Committee, Sub-Committee and Officers.

- 15.9 Officers, a Licensing Sub-Committee and even the full Licensing Committee may decline to exercise their delegated powers in any particular case. On such occasions, officers may refer a matter to a Sub-Committee, the Sub-Committee to full Committee and the full Committee to the full Council.

Appendix 1 – Table of Delegated functions

Matter to be dealt with	Full Committee	Sub-Committee	Officers
Application for personal licence		If objection made	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for Premises Licence/Club Premises Certificate		If representation made	If no representation made
Application for Provisional statement		If representation made	If no representation made
Application to vary Premises Licence/Club Premises Certificate		If representation made	If no representation made
Application to vary Premises Licence/Club Premises Certificate by way of minor variation			All cases
Application to vary Designated Premises Supervisor (DPS)		If Police object	All other cases
Request to be removed as DPS			All cases
Application to transfer of Premises Licence		If a Police representation	All other cases
Application for Interim Authorities		If a Police representation	All other cases
Application to review Premises		All cases	

Licence/Club Premises Certificate			
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of Police objection to a TEN		All cases	
Determination of film classification		All cases	

A Full Committee will consist of 15 members. A Sub-Committee will consist of 3 members.

Appendix 2 – Appeals procedure

Other than in the case of personal licences, an appeal has to be made to the Cumbria Magistrates Court Service, South Cumbria Magistrates Court, Abbey Road, Barrow-in-Furness, Cumbria, LA14 5QX or Cumbria Magistrates Service, Kendal Magistrates Court, The Court House, Burnside Road, Kendal, Cumbria, LA9 4TJ. In the case of personal licences, the appeal must be made to the Magistrates' Court for the area in which the Licensing Authority (or any part of it) which made the decision is situated.

An appeal has be commenced by the giving of notices of appeal by the appellant to the Magistrates' Court with a period of 21 days beginning with the day on which the appellant was notified by the Licensing Authority of the decision to be appealed against.

On determining an appeal, the court may:

- Dismiss the appeal
- Substitute for the decision appeal against any other decision which could have made by the licensing authority
- Remit the case to the licensing authority to dispose of it in accordance with the direction of the court.

The court may make such order as to costs as it thinks fit.

Appendix 3 – Guides of Best Practice

1. Model National and Standard Conditions for Places of Public Entertainment and Associated Guidance ISBN 1 904031 11 0 (Entertainment Technology Press – ABTT Publications).
2. The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999) (“The Purple Book”) ISBN 0 7176 2453 6.
3. Guide to Fire Precautions in existing places of entertainment and like premises (The Stationery Office) (“The Primrose Guide”) ISBN 0 1 340907 9.
4. Managing Crowds Safely in Public Venues ISBN 0-11-882132-5
5. 5 steps to Risk Assessment: Case Studies (HSE 2006) INDG 163 (rev2)
6. The Guide to Safety at Sports Grounds (The Stationery Office, 2008) (“The Green Guide”) ISBN 978-0-11-702074-0
7. Good Practice Guide on the Control of Noise from Pubs and Clubs – The Institute of Acoustics.
8. Safer Nightlife – London Drugs Policy Forum <http://217.154.230.218/NR/rdonlyres/E4E0FE3A-9F8E-4182-AFBF-31C83E74C03A/0/SS LDPF safer nightlife.pdf>
9. Talk to Frank – The a-z of drugs www.talktofrank.com
10. The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks – <http://www.portman-group.org.uk/?pid=3&level=1>
11. British Board of Film Classification – Classification Guidelines – <http://www.bbfc.co.uk/what-classification/guidelines>
12. HSE Guide – The Radiation Safety of laser installation used for display purposes [HS(G)95] HSE Books ISBN 0-7-76-0691
13. Alcohol Harm Reduction Strategy for England – www.cabinetoffice.gov.uk
14. Alcohol Concern – www.alcoholconcern.org.uk/servlets/doc/80147
15. Safety Guidance for Street Arts, Carnivals, Processions and large scale performances Independent Street Arts Network www.streetartsnetwork.org/pages/publications.htm
16. National Alcohol Harm Reduction Strategy tool kit – www.alcoholconcern.org.uk/servlets/doc/801

17. Point of Sale Promotions – British Beer & Pub Association -
www.beerandpub.com
18. Fire safety risk assessment – small (up to 60) and medium (60-300) places of assembly ISBN – 10:1851128204
19. Fire safety risk assessment – large (300+) places of assembly ISBN – 10:1851128212
20. Fire Safety risk assessment – open air events and venues ISBN - 9781851128235

This is not intended to be an exhaustive list of reference guides but is offered for guidance and may be revised. Where an activity proposes an activity not covered by the above every effort should be made to research current best practice guidance.

Appendix 4 – List of Consultees

Admiral Taverns (Nevada) Ltd, 150 Aldersgate Street, London, EC1A 4EJ
Aldi Stores, Holly Lane, Atherstone, Warwickshire CV9 2SQ
Amber Taverns, Victory Offices, 112 Victory Road, Blackpool FY11 3NW
Asda Stores Ltd., Gt Wilson Street, South Bank, Leeds LS11 5AD
Avebury Taverns, Sterling House, 20 Station Rd., Gerrards Cross, Bucks SL9 8EL
Bargain Booze, Unit 1 Weston Rd, Crewe, Cheshire CW1 6BP
Blackhursts Solicitors, 22 Edward Street, Blackpool
Boots UK., 1 Thane Rd West., Beeston, Nottingham. NG2 3AA
B&M Retail Ltd., Unit 1G, Squires Gate Ind Estate, Squires Gate Lane, lincs FY4 3RN
British Beer & Pub Association, P O Box 538, Halifax
British Institute of Innkeeping, 80 Park Street, Camberley
British Board of Film Classification, 3 Soho Square, London W1D 3HD
Butterfield Consultancy, 203 Dudley Hill Road, Undercliffe, Bradford
Cains Beer Company Plc, The Robert Cain Brewery, Stanhope Street, Liverpool.
Camerons Brewery Ltd., Lions Brewery, Hartlepool TS24 7QS
Cobbetts Solicitors, Ship Canal House, King Street, Manchester.
Co-operative Group, Licensing dept., 1 Angel Square, Manchester M60 0AG
Crutes law Firm, Gt North House, Newcastle. NE1 8ND
Daniel Thwaites, Star Brewery, Penny St, Blackburn BB1 6HL
Daryl Mansbridge, Licensing Solicitor, Somerfield Stores Ltd, Somerfield House, Bristol.
Debenhams Retail, Regents Place, London NW1 3FG
Denby & Co Solicitors, 119 Duke Street, Barrow-in-Furness.
English Heritage trust, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST
Enterprise Inns, 3 Monkspath Hall Road, Solihull, West Midlands B90 4SJ
First Quench Retailing Ltd, Enjoyment Hall, Bessamer Road, Welwyn Garden City, Herts.
Flint Bishop LLP, St Michaels Court, St Michaels Lane, Derby DE1 2HQ
Ford Warren Solicitors, Licensing Section, Westgate Point, Leeds
Freemans Solicitors, 7 St Mary's Place, Newcastle-upon-Tyne.
Gala Coral Group, New Cattle House, Castle Boulevard, Nottingham NG7 1FT
Gosschalks Solicitors, Queens Gardens, Hull HU1 3DZ
Greenwood Kyle Solicitors, 1 Finkle Street, Kendal.
Guest Walker & Co Solicitors, 12a The Shambles, York.
Hallmark Hotels, Fountain Court, 12 Bruntcliffe Way, Morley, Leeds LS27 0JG
Hartleys (Ulverston) Ltd, The Old Brewery, Ulverston.
Harvey Ingram Owston Solicitors, 20 New Walk, Leicester.
Honeycombe Leisure/Nectar Taverns, Derby House, Lytham Road, Fulwood, Preston.
Iceland Foods, Legal Dept., Second Ave., Deeside Ind Park, Deeside CH5 2NW
Intertain (bars) Ltd., IMEX, 3rd Floor, 575-599 Maxted rd, Hemel Hempstead Herts., HP2 7DX
Inn Court Licensing Consultants, 65 Mapplewell Crescent, Great Sankey, Warrington.

James Hall & Co Ltd, Spar Distribution Centre, PO Box 38, 89-91 Blackpool Rd, Preston.

Jennings Brewery, Castle Brewery, Cockermouth CA13 9NE

J D Wetherspoon, PO Box 616 Watford., WD24 4QU

Jockey Club Racecourses, Prestbury park, Cheltenham, Gloucestershire GL50 4SH

John Gaunt Solicitors, Omega Court, 372 Cemetary Road, Sheffield.

Kidd Rapinet Solicitors, 14 & 15 Craven Street, London.

Lidl UK GmbH, Licensing Dept., 10 Worple Rd., London. SW19 4JS

Majestic Wine Warehouse, Majestix House, The Belfrey, Colonial Way, Watford. WD24 4WH

Marks & Spencer, Waterside House 35 North Wharf Rd., London W2 1NW

Marstons PLC, Marstons House, Wolverhampton. WV1 4JT

McColls retail, Licensing dept., McColls House, Brentwood, Essex CM15 9ST

Mitchells of Lancaster, 11 Moor Lane, Lancaster.

Mitchells & Butlers plc, Licensing Dept., 27 Fleet Street Birmingham B3 1JP

Morrisons, Licensing Dept., Hilmore House, Gain Lane, Bradford BD3 7DL

Chief Executive, Association of Licensed Multiple Retailers, 9b Walpole Court, London.

Mr R Robinson, Director, Frederick Robinson Ltd, Unicorn Brewery, Stockport.

Mr P Howarth, Retail Director, Thwaites inn, P O Box 50, Star Brewery, Blackburn.

Punch Taverns PLC., Jubilee House., 2nd Ave., Burton on Trent DE14 2WF

Smithson Clarke Solicitors, Ward's Building, 31-39 High Bridge, Newcastle-upon-Tyne.

Spirit Group Ltd, 107 Station Street, Burton on Trent, Staffordshire

Stanley H Cross & Co Solicitors, 10 Ashfield Road, Chorley.

Star Pubs & Bars Ltd., 3-4 Boradway Park Couth, Gyle broadway, Edinburgh EH12 9JZ

Tesco, Licensing, PO Box 400, Cirrus Building C, Shire park, Welwyn Garden City, Herts AL7 1AB

TJ Morris, T/A Home bargains, Axis Business Park., Portal Way, Gillmoss, Liverpool L11 0JA

The Black Sheep Brewery, Wellgarth, Masham, North Yorkshire, HG4 4EN

The Association of Licensed Multiple Retailers, Third Floor, International House, Ealing.

United Co-op, Finance Department, Co-operative House, Civic centre, Wythenshawe.

Watson Burton, 20 Collingwood Street, Newcastle-upon-Tyne.

Berwin, Leighton Paisner, Bouverie House, 154 Fleet Street, London.

Mr R Hayward, British Beer & Pub Association, Market Towers, London.

Mr J McNamara, British Institute of Innkeeping, Wessex House, 80 Park St, Camberley.

Gala Group, Newcastle House, Castle Boulevard, Nottingham.

Hammonds Solicitors, Rutland House, 148 Edmund Street, Birmingham.

Joelson Wilsons Solicitors, 30 Portland Place, London.

Ladbrokes Betting & Gaming Ltd, Imperial House, London.

Leisure Link, 3 The Maltings, Rayners Lane, Harrow.

Poppleston Allen, 27 Stoney Street, The Lace Market, Nottingham.

Ms J Goode, Scottish & Newcastle Retail, Lakeside House, The Lakes, Northampton.

Showmans Guild, 8 Fitzroy Place, Glasgow.

Showmans Guild of Great Britain, 11 St Mary's Place, Bury.
Whitbread Group, PLC., Whitebread Court, Houghton Hall business park, Porz Ave.,
Dunstable LU5 5XE
Workstone Ltd., Star House, 104/108 Grafton Rd., London NW3 0JJ

Local Consultees

All Premises Licence Holders

Arts Development Officer, Tullie House, Carlisle
Bangladeshi Caterers Association, London Road, Carlisle
British Transport Police, Citadel Station, Court Square, Carlisle
Campaign for Real Ale, 67 Millcroft, Carlisle
Carlisle Access Group, 2 Carricks Court, Low Row, Brampton
Carlisle City Council - Community Overview and Scrutiny
Carlisle City Council - Corporate Policy Unit, Civic Centre, Carlisle
Carlisle Civic Trust, 6 Scotby Green Steading, Scotby, Carlisle
Carlisle College, Victoria Place, Carlisle
Carlisle Diocese, St Cuthbert's Vicarage, West Walls, Carlisle
Carlisle & District Law Society, Wellrash Barn, Wigton
Cumbria PCT, Wavell Drive, Rosehill, Carlisle
Carlisle & Eden Community Safety Partnership, Eden District Council, Town Hall, Penrith,
Carlisle Pubwatch, c/o Mr M Vose, The Kings Head, Carlisle
Carlisle & Rural Tenants Federation, 101 Briar Bank, Carlisle
Chinese Association, c/o King Lee Foods, Escott Works, Carlisle
Chiswick Residents Assoc. 15 Chiswick Street, Carlisle
Citizens Advice Bureau, Old Town Hall, Carlisle
Connexions Cumbria, 28 Lowther Street, Carlisle
Cumbria Ambulance Service, Infirmary Street, Carlisle
Cumbria Association of Local Councils, Penrith Library, Penrith
Cumbria Chamber of Commerce, Enterprise Centre, Carlisle
CADAS, 3-5 Victoria Place, Carlisle CA2 2EJ
Cumbria Food Liaison Group, Allerdale House, Workington
Cumbria Housing Group, Carlisle Housing Assoc. Botchergate, Carlisle
Carlisle City Council, Community Services, Pollution Liaison Group, Civic Centre, Carlisle
National Society for the Prevention of Cruelty to Children, Chatsworth Sq, Carlisle
North Cumbria Acute Hospitals NHS Trust, Cumberland Infirmary,
Carlisle Carlisle Library 11 Globe Lane, Carlisle CA3 8NX
Brampton Library 1 Market Place, Brampton CA8 1NW
University of Cumbria, Fusehill Street, Carlisle

Council Members

Chief Executive & Council Directors

Appendix 5 – Responsible Authorities: Application addresses

Licensing Manager Governance Directorate Carlisle City Council Civic Centre Carlisle CA3 8QG Tel: 01228 817523 Email: licensing@carlisle.gov.uk	Original application form, fee, plans etc.
Principle Environmental Health Manager Local Environment Carlisle City Council Health) Civic Centre Carlisle CA3 8QG Tel: 01228 817326 Email: EnvironmentalHealth@carlisle.gov.uk	Health & Safety Food Safety (Environmental
Development Management Manager Economic Development Carlisle City Council Civic Centre Carlisle CA3 8QG Tel: 01228 817175 Email: dc@carlisle.gov.uk	Planning Authority
The Police Licensing Officer Cumbria Constabulary 37 Shadygrove Road Carlisle CA2 7LD Tel: 101	Chief Officer of Police (Carlisle City area)
The Inspector Cumbria Constabulary Longtown Road Brampton Cumbria CA8 1SJ Tel: 101	Chief Officer of Police (Carlisle Rural area)

Fire Safety Officer
Cumbria Fire & Rescue Service
Carlisle East
Community Fire Station
Eastern Way
Carlisle
CA1 3RA

Tel: 01228 221689
Email: stuart.graham1@cumbriacc.gov.uk

Business Support
Harm
Performance Unit
Children's Services
Lower Gaol Yard, The Courts,
Carlisle
CA1 1PU

Tel: 01228 226794
Email: LSCB@cumbria.gov.uk

Trading Standards
Community Fire Station
Eastern Way
Carlisle
CA1 3RA

Tel: 01539 713594
Trading.standards@cumbria.gov.uk

Health and Safety Executive
2 Victoria Place
other
Carlisle
CA1 1ER
Tel: 01228 539321

Public Health Lead
Cumbria County Council
The Courts
Carlisle
CA3 8NA
Tel: 01228 606060
publichealthenquiries@cumbria.gov.uk

Chief Fire Officer

Protection of Children from

Weights and Measures

Health & Safety
(only Local Authority and
public buildings)

Other useful Addresses

Arts Council England
14 Great Peter Street
London SW1P 3NQ
Tel 0845 300 6200

Email: enquiries@artscouncil.org.uk

Web: www.artscouncil.org.uk Web: www.drc-gb.org

Disability Rights Commission
DCR Helpline
Freepost MID01264
Stratford Upon Avon CV37 9BR
Tel: 08457 622 633

Association of Licensed Multiple Retailers
3rd Floor International House
Ealing
London W5 5DB
Tel: 0208 579 2080
Email: info@almr.org.uk

Equity
Guild House
Upper Martins Lane
London WC2H 9E
Tel: 0207 379 6000
Email: info@equity.org.uk
Web: www.equity.org.uk

British Beer and Pub Association
Market Towers
1 Nine Elms Lane
London SW8 5NQ
Tel: 0207 627 9191
Email: web@beerandpub.com
Web: www.beerandpub.com

British Board of Film Classification
3 Soho Square
London W1D 3HD
Tel: 0207 4401 570
Email: helpline@bbfc.co.uk
Web: www.bbfc.co.uk

British Institute of Innkeeping
Wessex House
80 Park Street
Camberley
Surrey GU15 3PT
Email: reception@bii.org Tel: 01276 687 449