



# South Lakeland District Council

Licensing Act 2003

## Statement of Licensing Policy

For the period 2022 - 2027

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**1.0 Introduction**

- 1.1** South Lakeland District Council is situated in South Cumbria and covers the northern segment of Morecambe Bay, the Cartmel and Furness peninsulas, as well as portions of the Lake District National Park and Yorkshire Dales National Park.
- 1.2** South Lakeland has a strong services and tourism industry and the Licensing Authority recognises that entertainment, hospitality and leisure are a major contributor to the economy of the area. There are approximately one thousand businesses associated with the Licensing Act provisions and these include theatres, restaurants, public houses, off-licences, nightclubs, private members clubs and takeaway outlets. There is also a mixed provision of outlets ranging from village halls and small public houses in the rural area to community centres and nightspots in the town centres.
- 1.3** The Council is committed to developing South Lakeland'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.
- 1.4** 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.
- 1.5** 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.
- 1.6** If you require further clarification on the Licensing Policy please contact our Licensing Team.

**Purpose of policy**

- 1.7** This document sets out the revised Statement of Licensing Policy for South Lakeland District Council, which is the Licensing Authority, under the Licensing Act 2003 ("the Act"). The policy will be kept under review and as a minimum will be reviewed no later than 2026. During this period it may be

revised in light of experience or following revisions to guidance issued under section 182 of the Licensing Act 2003 (please also note paragraph 1.15 below which relates to Local Government reorganisation).

- 1.8** This statement of licensing policy is a requirement of Section 5 of the Act and has been prepared in accordance with the provisions of the it as well as Revised Guidance issued under Section 182 of the Act (currently dated April 2018). The Licensing Authority is, therefore, bound by the Act, any regulations made under it and the Section 182 guidance.
- 1.9** For the purpose of reviewing its Licensing Policy and in accordance with the requirements the Act, the Licensing Authority has consulted with:
- The Police
  - The Fire Authority
  - Director of Public Health
  - Representatives of existing holders of premises licences and personal licences
  - Representatives of existing holders of club premises certificates
  - Local businesses and their representatives
  - Local residents and their representatives
- 1.10** The Licensing Authority has thoroughly considered the responses received and has given appropriate weight to the views expressed by those consultees.
- 1.11** The policy will underpin how the Licensing Authority at South Lakeland District Council carries out any function in respect of individual applications made under the terms of Act. To achieve this it has four main purposes:
- To provide Members of the Licensing Committee with a decision making framework. This policy will be referred to and taken into account at hearings held under the provisions of the Act and associated regulations.
  - 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.
  - 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.
  - To support the Licensing Authority if it has to demonstrate in a court of law how it arrived to its licensing decisions.
- 1.12** The policy covers new applications, transfers of licence, variations of licences and certificates and provisional statements. It also includes the review of licences and certificates because they can lead to the revocation of an existing entitlement.

- 1.13** In line with Revised Guidance issued under section 182 of the Licensing Act 2003 the Licensing Authority aims to ensure that the responsibilities of the licensing function are 'self-financing'. This means the cost of dealing with all matters arising under the Act should be wholly met by the fees generated through it.
- 1.14** Since it was introduced the Act has been altered a number of times and supporting legislation has either been updated or changed. Therefore, applicants and current licence / certificate holders should ensure that they keep up to do with any legislative and / or procedural changes on an ongoing basis.
- 1.15** Local Government Reorganisation within Cumbria is proposing a structural change to the existing arrangements of Local Government organisation. The outcome determined by the Secretary of State, is that 2 unitary authorities are created, one in the east and one in the west. This will be enacted by an act of Parliament in March 2022 via a Structural Change Order. The new East authority will be formed by the existing authorities of South Lakeland District Council, Barrow Borough Council, Eden District Council and Cumbria County Council. This change is likely to result in a combined approach to the licensing strategy across the revised area.

### **Scope of this policy**

- 1.16** The Council as the Licensing Authority is responsible for authorising licensable activities, the issue of personal licences 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 to club members;
  - Provision of 'regulated entertainment' – to the public, to club members or with a view to profit; and
  - Supply of late night refreshment being supply of hot food and / or drink from any premises (subject to any statutory exemption) including food stalls, between 23:00 hours and 05:00 hours.
- 1.17** 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.
- 1.18** 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.
- 1.19** 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.

## **2.0 General matters**

- 2.1** All references to “the Act” in this document shall be deemed to mean the “Licensing Act 2003” unless otherwise stipulated.
- 2.2** South Lakeland District 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.
- 2.3** The Licensing Authority recognises that it operates services who act as ‘Responsible Authorities’ i.e. Environmental Health, Planning, Police, Fire Authority, Trading Standards, the Safeguarding Team at Cumbria County Council, and 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 having 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.
- 2.4** 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.
- 2.5** To comply with this requirement our register may be accessed on line by using the following link <http://www.southlakeland.gov.uk/licensing-and-permits/public-register/>

## Disclaimer

- 2.6** 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 South Lakeland District 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.

## Links to other Strategies

- 2.7** In preparing this Statement of Licensing Policy, the Licensing Authority has had regard to and consulted with those involved in South Lakeland District 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.

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

- 2.8** The Licensing Authority will ensure that planning, building control and licensing regimes will be separated to avoid duplication and inefficiency.
- 2.9** 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 being sought or granted by the planning authority. Applicants would be expected to ensure that all relevant permissions are obtained.
- 2.10** 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.
- 2.11** 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.
- 2.12** The Licensing Authority recognises that there are circumstances when, as a

condition of planning permission, a terminal hour has been set for the use of the premises for commercial purposes. Where these hours are different to 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. Revised Guidance issued under Section 182 of the Licensing Act 2003 makes it clear that proper integration should be assured by licensing committees, where appropriate, providing regular reports to the planning committee.

### **Special Events in the Open Air or in Temporary Structures**

- 2.13** 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.
- 2.14** However, the success of such events by 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 and live in the vicinity and the standard of provision of facilities for those coming to enjoy the event.
- 2.15** In recognition of the special factors that are relevant, particularly with respect to major open air events such as music festivals or similar large scale events, the Council has established an event coordination group 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.
- 2.16** Members of the co-ordination group 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.
- 2.17** The Health and Safety Executive website contains many useful guidance documents on event safety. In addition to this, event organisers may be minded to consider obtaining 'The Event Safety Guide' (known as the purple guide), published by the Events Industry Forum.
- 2.18** 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**

- 2.19** 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.
- 2.20** 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.

- 2.21** 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 to promote the licensing objectives

### **3.0 Licensing Objectives**

- 3.1** The licensing objectives are listed within Section 4 of the Act. The Licensing Authority has a duty to ensure it promotes them when discharging its functions under Act. The objectives are as follows:

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

- 3.2** The objectives are of equal importance. They are also the only matters that may be taken into account when considering and determining an application made under the Act. Thus, any conditions attached to a licence following the consideration of relevant representations must be appropriate to promote the four 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.

Applications for new and full variations will be circulated to the ward councillors and town/parish council for the area (in addition to the Responsible Authorities) for consultation within the statutory timescales as contained within the Licensing Act 2003.

- 3.3** The Licensing Authority is of the view that the objective of the licensing process is to allow for the provision of alcohol, regulated entertainment and late night refreshment in a way which prevents crime and disorder, public nuisance and harm to children, ensures public safety and is not a detriment to the amenity of residents or businesses. This policy statement is therefore designed to deal with matters within the control of the licence holder and will focus on the impact of activities taking place on those living, working or otherwise engaged in the vicinity. Licensing law is not envisaged to be used as a mechanism to control anti-social behaviour by individuals once they are beyond the direct control of the licensee and / or any premises concerned.
- 3.4** The licensing functions are one means of securing the delivery of the licensing objectives. In addition to this their delivery must involve partnership working with neighbouring local authorities, the Responsible Authorities (now including Home Office (Immigration Enforcement) Alcohol Licensing Team), local businesses and local people towards the common promotion of the four objectives.

- 3.5** The Licensing Authority will consider each application on its own individual merits and in accordance with this document.
- 3.6** Where necessary, applicants are expected to consider the impact of their proposal on all the objectives both within and in the vicinity of the premises and to propose practical steps in their operating schedule. Such steps could include:

#### **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, Best Bar None or other relevant schemes;
- 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;
- Agreed protocols with police and other organisations and a commitment to co-operate and provide such evidence as the Police require;
- Ensuring that measures are in place to disperse customers over an extended period and ensure customers leave the venue in an orderly fashion and without bottles or glasses; &
- If delivery of alcohol is part of the operating schedule, to ensure sufficient safeguards are in place, including but not limited to, challenging age, safety of delivery drivers, protocols for delivering to prevent alcohol being delivered to children, recording orders, only carrying ordered alcohol and a maximum number of items for delivery.

#### **Drugs**

The Authority will expect licensees of venues likely to be affected by drugs to

take all reasonable steps to prevent the entry of drugs into licensed premises, to take appropriate steps to prevent drugs changing hands within the premises and to take practical measures to prevent problems arising as a result of drug misuse. This must include the provision of free water (in accordance with legislation) and a disposal policy for drugs, needles and the development of a drugs policy.

In particular the Authority will expect licensees and other staff in such venues to be familiar with the contents of the book “Safer Nightlife” issued by the London Drugs Policy Forum and endorsed by the Home Office and will expect licensees to follow the guidance it contains in relation to the operation of their premises.

In appropriate cases the Authority will consider imposing these recommendations by way of licence conditions.

Evidence indicates that more people are taking illegal drugs and are using a wider range than ever before. This is particularly true of what are often referred to as ‘recreational drugs’. Their misuse can hold grave dangers and has even led to fatalities.

Other factors coupled with the taking of the drugs may have contributed to these deaths, such as lack of drinking water, excessive drinking of water, an overly hot environment with inadequate ventilation, or a lack of adequate information about drugs.

Drugs alter the way people behave, so law controls their distribution and possession. Controlled drugs are usually manufactured and supplied illegally, which attracts criminal involvement in their distribution. Drugs manufactured illegally often vary in quality and strength. This puts people taking such drugs in danger.

The Authority recognises that drug use by young people in a club environment is not something that is relevant to all licensed premises. However, many entertainment venues such as nightclubs and dance venues can be popular both with drug misusers and suppliers. The Authority also recognises the difficulties for those running such premises in preventing the use and supply of drugs in their premises. However, it believes that steps can be taken to increase the safety of drug users on premises.

The purpose of this policy is to further the crime prevention objective and to ensure public safety by preventing a tragic loss of life caused by overheating and other factors brought about by and associated with drug abuse.

### **Public Safety**

The Authority may inspect any premises in respect of which an application has been made. Officers will determine on the basis of risk which premises require an inspection. They will inform the applicants and arrange an appointment as soon as practicable.

Where an inspection is to be carried out, the Authority’s licensing officers will aim to reduce inconvenience, confusion and inconsistency by co-ordinating

inspections and visits along with representatives of the relevant Responsible Authorities.

A premises licence will not normally be granted unless the premises meets the statutory and any reasonable additional requirements of the Responsible Authorities.

It is acknowledged that the Act covers a wide range of types of premises including cinemas, concert halls, theatres, pubs, night clubs, private members' clubs, shops, restaurants and takeaways. Each type of premises has different risks associated with it. It is essential that applicants assess all of the risks presented by their premises and proposes practical steps to ensure the safety of staff and customers.

The Authority considers it best practice for all applicants to assess the risks in relation to the following issues.

- 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 determined by the fire risk assessment;
- Regular removal of all glasses and bottles;
- Specific precautions for the use of special effects;
- 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;
- Sanitation;
- Safe seating; &
- Maintenance records of premises and equipment demonstrating compliance with statutory requirements any procedural requirements of relevant organisations (where such conditions will not duplicate requirements under existing legislation), for example electrical safety, fire alarm, emergency lighting, ceiling certificate etc.

The Authority expects premises that are open to customers to meet the highest standards of the relevant organisations in order to best secure the safety of staff and customers. This is also one of the licensing objectives. The Authority believes that customers should feel confident that when they enter premises they will be safe.

### **Prevention of Public Nuisance**

Practical steps to consider include:

- 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 deal 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 taxi 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/waste collections;
- Odour and light nuisance; &
- Measures to supervise customers use of beer gardens, smoking and external seating areas

In general, the Authority will deal with the issue of licensing hours on the individual merits of each application. However, when issuing a licence, stricter conditions are likely to be imposed with regard to noise control in the case of premises that are situated in predominantly residential areas and other noise sensitive locations.

### **Location of Premises**

The Authority will assess the potential impact of the premises against the characteristics of the area in which they are situated. For example, in the event of representation being made, there would be close scrutiny of applications for a closing time of later than 11pm in respect of premises situated in quiet residential areas with low background noise. Greater flexibility on closing times would be considered where for example, applicants could demonstrate that:

- There is a high level of accessibility to public transport services;
- There is an appropriate amount of car parking, readily accessible to the premises, and in places where vehicular movement will not cause demonstrable adverse impact to local resident;
- The operating schedule indicates that the applicant is taking appropriate steps to comply with the licensing objective of preventing public nuisance;
- The licensable activities would not be likely to cause adverse impact especially on local residents, or that, if there is a potential to cause adverse

impact, appropriate measures are to be put in place to prevent or minimise that impact.

This part of the policy dealing with opening hours is based on a broad distinction between the approach to be taken in certain predominantly commercial areas like parts of the town centres and the rest of the District. Any activity involving public entertainment or eating or drinking on the premises has the potential to impact adversely on the surrounding area due to noise, smells, or congestion on the footway. Public nuisance may also be caused by customers being noisy when leaving, leaving litter or taking up on-street car parking space needed by residents. The impact of noise generated by these activities, especially customers departing either on foot or in cars, is particularly intrusive at night when ambient noise levels are much lower.

Parts of the District are sensitive to the impact of licensable activities because they are either residential in character or close to residential areas. Many shopping areas are abutted by residential areas, including housing above commercial premises. The impact of traffic and parking related to licensed premises can be considerable. Even where a majority of customers arrive on foot or by public transport, the additional parking demand may be significant, especially where there are already a number of licensed premises. The impact may be felt by local residents in preventing them from parking close to their homes and by increasing the danger from traffic in residential streets.

However, some commercial areas in the District, such as parts of town centres, may be more suitable locations for licensed activities, especially for those, which have late opening hours or attract significant numbers of people. In town centres, more customers are likely to travel by public transport and the activities may help bring vitality to the area after normal shopping hours. The ambient noise levels are also likely to be higher in the evening particularly when compared with predominantly residential areas so that additional noise may be less objectionable.

An entertainment use attracting large numbers of people should be very close to bus routes or taxi ranks, for instance. For the same reasons, the level of public transport accessibility will be an important factor in considering any exception to the normal closing times in any location.

## **Noise**

In the event of representations being made, the Authority will not normally grant a premises licence in terms which are, in its opinion, likely to result in increased noise disturbance to people living or working in the vicinity.

In particular, the Authority will give careful consideration to an application for a licence for premises situated in an area where there are residences in the vicinity which would be adversely affected, such that the proposed hours of operation would be likely to result in unreasonable noise disturbance between the hours of 11pm and 7am.

The Authority expects the applicant to assess the likely sources of noise disturbance that could arise due to the proposed use, consider the existing

noise context of the area and propose practical steps to prevent noise disturbance or minimise its effects.

Potential sources of noise include:

- Sound leakage from the licensed premises (from entertainment provided, customers on the premises, mechanical equipment etc);
- Customers and staff arriving and leaving the premises (including car doors slamming);
- Excessive noise from outside entertainment; &
- Customers occupying outside areas for the purpose of smoking and/or the consumption of alcohol

The Authority may impose conditions to ensure that appropriate steps are taken to minimise noise disturbance.

The prevention of public nuisance is a licensing objective. Noise disturbance can be a public nuisance. The Authority is required to promote the licensing objectives. Granting a licence in circumstances where nuisance is likely to be caused will undermine that objective. The Council recognises that noise from licensed premises can cause great disturbance to people living and working near those premises. The Authority recognises that noise can be a nuisance during the day and at night in both residential and commercial areas and other noise sensitive locations if not properly managed or controlled.

### **Littering**

Licences for premises, in particular for the provision of late night refreshment for consumption off the premises, will not normally be granted where nuisance is likely to be caused by way of litter/food refuse being deposited on streets surrounding the premises and such nuisance is expected, due to the nature of the premises and likely customers, to exceed the level of nuisance caused by similar premises open during the day (for which no licence is required). Single use plastic items are discouraged and take away containers should be recyclable or compostable. In their operating schedule, applicants are expected to propose practical steps to reduce the likelihood of such problems arising, which could include:

- Provision of litter bins and smoking bins on/in vicinity of premises
- Litter patrols in the area after premises close

Conditions may be imposed seeking to limit the nuisance caused by litter.

Litter and food waste can be detrimental to the amenity of an area and can also represent a public health risk and encourage vermin. This policy seeks to prevent such nuisance occurring in promotion of the relevant licensing objective.

### **Protection of Children from Harm**

The Authority will not normally impose conditions prohibiting the admission of

children to any premises, unless relevant representations have been made, believing this should remain a matter of discretion for the licence holder. Licence holders should be aware that there may be restrictions imposed by legislation. In some cases, however, it may be necessary to impose conditions designed to protect children.

The Authority will take strong measures to protect children from harm where it believes from the nature of the premises or proposed activities that harm would be likely. Measures considered may include:

- Limitation of access dependent on nature of activities;
- Limitation on the hours when children may be present;
- Limitation on the age at which children are to be permitted to enter the premises;
- Requirements for accompanying adults;
- Use of British Board of Film Classification for film exhibition;
- Robust proof of age provisions to include the prevention of under 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 proof of age scheme identity card. It is recommended that any systems should be accredited and approved by the British retail consortiums Proof of Age Standards Scheme (PASS);
- 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

Where there is provision of entertainment specifically for children (for example, a children's disco) the Authority will require the presence of sufficient adults to control the access and egress of the children and assure their safety.

Where children are working in licensed premises or are taking part in any regulated entertainment the Authority will expect the responsible adult to obtain guidance from Cumbria County Council Children's Services.

Children are vulnerable and can easily become the victims of crime or get drawn into crime. If they were allowed unrestricted access to all licensed premises, they could witness or become involved in activities inappropriate for their age. These policies are designed to allow flexibility for the licensee, to ensure that where appropriate licensed premises are "user friendly" for children but to ensure they are adequately protected. The policy seeks to ensure that children are adequately protected whilst still able to enjoy licensed premises.

### **Adult Entertainment**

No-one under the age of 18 should be permitted to enter premises whilst entertainment of an adult nature is being provided.

Adult entertainment should not take place in such a location as could be viewed from the outside of the premises. Advertising of adult entertainment should not include any photographs of the entertainment.

In the event of representations being made, applications that include provision for adult entertainment to be provided will not normally be granted unless the applicant can demonstrate that performers will be safe and that unlawful activities will not take place.

In considering the grant of applications involving striptease, nudity (partial or otherwise) and other forms of adult entertainment the Authority will also have regard to the increased risk of nuisance to nearby residents and will consider rejecting the application or attaching appropriate conditions.

The Authority has adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by section 27 of the Policing and Crime Act 2009 in relation to the licensing of sex establishments. This is subject of a separate policy - <https://www.southlakeland.gov.uk/media/5539/sex-establishment-licensing-policy.pdf>.

These policies are designed to further the licensing objective of protecting children by preventing them being exposed to unsuitable material or acts. They are also designed to further the crime prevention and prevention of nuisance objectives by recognising the increased risk of nuisance or illegal activities such as performers offering “extras” to customers or the plying for trade by prostitutes.

### **Exhibition of Films**

Where the exhibition of films is permitted, the Authority will expect the age restrictions of the British Board of Film Classification (BBFC) in respect of the films to be exhibited to be complied with and will normally impose conditions to that effect. Only in exceptional cases will variations to this general rule be granted by the Authority and then only with appropriate safeguards.

Applicants will be expected to include in the operating schedule arrangements for restricting children from viewing age related films classified according to the recommendations of the BBFC.

The Licensing Authority anticipates that the BBFC’s recommendations will apply to the vast majority of films shown at licensed premises within the borough. However, in a small number of cases, the Licensing Authority may be called upon to exercise its powers and issue an overriding recommendation, which would only apply to licensed premises within the borough. Such situations can be approximately characterised in one of the three groups:

In cases where the Licensing Authority has concerns about a particular film, and has of its own volition made an alternate recommendation. This may allow admission of persons of a higher or lower age than the recommendation made by the BBFC, or in extreme circumstances may prevent the showing of a particular film. This power will be rarely, if ever, utilised.

In cases where a film has not been classified by the BBFC. This is likely to be the case with small, local, independent films, or foreign films, where a wider UK release is not intended.

In cases where the Licensing Authority is approached by a third party asking the authority to override a recommendation made by the BBFC.

The third of these groups may include films intended to be shown at 'parent and baby' screenings, which have increased in popularity in recent years. The Act and Guidance are silent on the admission of babies to a film which is subject to an age-related recommendation therefore on a strict interpretation of the Act, babies must be excluded from such screenings. The Licensing Authority is aware that some cinemas across the country have agreed schemes whereby the applicable Licensing Authority makes an alternate recommendation in respect of a specified film, expressly permitting the admission of babies and very young children to special screenings of that film with only parents of such children in attendance.

It is recommended that any premises considering the provision of such screenings contacts the Licensing Authority to discuss the proposals first. The authority will typically expect special provisions to be made for such screenings, including higher light levels and reduced sound levels, in order that parents can better ensure the safety of their children.

If satisfied that the content will not present any issues if viewed by children under 24 months of age, the authority may agree to issue an alternate recommendation, consistent with the BBFC's original classification but including a specific exemption for accompanied children below 24 months of age, at screenings advertised and restricted to 'parent and baby' only. Issues will be assessed on a film-by-film basis, but it is anticipated that scenes of strong violence and gore, sex and strong threat will lead to greater concern around viewing by children of that age than strong language, mild nudity and discriminatory content will. No alternative recommendation would be issued unless the authority is satisfied that allowing young children below 24 months of age to be admitted will not lead to the child protection licensing objective being undermined.

Licensees will not generally be permitted to exhibit any films that are not classified by BBFC without the prior written consent of the Authority.

To achieve consistency and the protection of children the Authority will use the guidelines published by the BBFC. Where it is desired to show films not classified by the BBFC the Authority will, provided at least 4 weeks' notice has been given, classify the films concerned. Where licensees wish the Authority to reconsider the BBFC classification of a film, a similar procedure will be followed. In such circumstances, the authority will require the organiser of the exhibition to provide a copy of the film for classification purposes, or to arrange a viewing for representatives of the Licensing Authority.

The purpose of this policy is to protect children from exposure to films containing adult themes including scenes of violence or of a sexual nature inappropriate to their age.

## Staging of Plays

The Authority would not wish to impose any restriction as to the plays which may be performed on premises licensed for that purpose. The law does not allow any conditions to be imposed regarding the nature of plays which may be performed or the manner in which they may be performed. However, where a play involves:

- The use of bad language;
- Nudity or the portrayal of sexual activity;
- Violence;
- Drug use; &
- Other 'adult' themes or content

The Authority may impose a condition in relation to the age of children who shall be permitted to watch the play. In this regard, the Authority will be guided by the BBFC guidelines relating to films and would encourage theatres and other venues which intend to stage plays to consider each play they intend to stage in the light of those guidelines and impose an age restriction where appropriate and/or ensure that sufficient information is given to parents in the promotional material for plays to allow them to make an informed choice as to whether to allow their child to attend.

This is to protect children from exposure to adult themes or content which is not appropriate to their age.

## Designated Premises Supervisor (DPS)

- 3.7** In line with Revised Guidance issued under section 182 of the Licensing Act 2003 the Licensing Authority recognises that it is ultimately for the Designated Premises Supervisor to decide how best to manage their premises. However, the Authority expects that the DPS or another personal licence holder should normally be on the premises when alcohol is supplied (except where a community premises and mandatory licence condition in S19 of the Act has been disapplied). In instances where they are absent from the premises they will still be responsible for the actions of those they authorise to permit sales of alcohol. Thus, it is considered good practice that any such authorisations are maintained in writing. Where any person who does not hold a personal licence and is authorised to sell alcohol, the DPS is encouraged to provide, or ensure that, the authorised person has received some training on the requirements of the Licensing Act, and any conditions attached to the licence for the premises concerned. It is recommended that a record of such training be maintained.
- 3.8** 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.
- 3.9** 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.

**3.10** 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 licenced premises

## **4.0 Personal licences**

**4.1** 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 a 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 they will not be able to escape responsibility for the action of those authorised to make such sales.

**4.2** 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 where alcohol is sold or supplied may employ one or more Personal Licence holders. This paragraph should be read in conjunction with paragraphs 3.7 to 3.10 above, which outline the role of the Designated Premises Supervisor.

**4.3** 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.

**4.4** An application for a Personal Licence to sell alcohol must be made on the form specified in relevant legislation. The application form must be accompanied by the requisite fee and the applicant should also be able to produce evidence of the relevant qualification. In addition to this applicants are required to produce a Basic Disclosure and Barring Certificate and, effective from 6 April 2017, evidence of right to work in the UK. Where the immigration status of an applicant is time limited a licence may still be granted but it will become invalid at such point when their immigration

permission has expired.

- 4.5** The police or Home Office (Immigration Enforcement) may make representations to the grant of a person licence to an individual. Such an objection can only be made where the applicant has been convicted of a relevant offence or any foreign offence or has received a civil penalty after 6 April 2017 and the police or Home Office consider that the grant of the licence would undermine the prevention of crime and disorder objective.
- 4.6** The Policing and Crime Act 2017 gives licensing authorities from 6 April 2017 the power to revoke or suspend personal licences where a licence has already been granted and the Authority becomes aware that the licence holder has been convicted of a relevant offence or a foreign offence or has been required to pay an immigration penalty.
- 4.7** Where an application discloses relevant unspent convictions the council will notify the Chief Officer of Police of that application and the convictions. In turn, the police may then make objections on the grounds of crime and disorder. Where representations are submitted by the police or Home Office a hearing must be held to determine the matter.
- 4.8** In considering a new application or licence already granted, the Licensing Authority will afford the applicant a right to a hearing before its Licensing Panel. It will, at such a hearing, consider carefully whether the grant of the licence will compromise the promotion of the crime prevention objective. Factors the Authority will take into account when considering representations in this matter include (but are not limited to) the nature and type of offence, how serious the offence was, whether the offence was premeditated or was the result of a genuine mistake, the period that has elapsed since the offence was committed, whether the applicant abused a position of trust when he committed the offence, whether the offence was motivated by discrimination and the conduct of the applicant since the commission of the offence and any mitigating circumstances.
- 4.9** The Authority has a duty when exercising its licensing functions to promote 'The prevention of crime and disorder' and the other licensing objectives equally. Unless the circumstances are exceptional, granting a licence to an individual with a relevant conviction would undermine the Authority's ability to promote the crime prevention objective. Personal licence holders are expected to act in accordance with the law and will be key to ensuring that the provisions of the Act, and any conditions attached to a premises licence, are complied with. The Authority also has a duty under the Crime and Disorder Act 1998 to have regard to the effect on crime and disorder on the exercise of any of its functions and to do all it can to prevent such crime and disorder.

## **5.0 Applications**

**5.1** When considering applications, the Licensing Authority will have regard to:

- The Licensing Act and licensing objectives;
- Revised Guidance issued under Section 182 of the Licensing Act 2003;

- Any supporting regulations;
- Representations made following consultation;
- Duties and obligations under other legislation; &
- This statement of Licensing Policy.

- 5.2** 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.
- 5.3** 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.
- 5.4** When determining applications where representations have been made 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.
- 5.5** 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.
- 5.6** Other than personal licences in all other 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. In the case of personal licences an appeal must be made to the Magistrates' Court for the petty sessions area of the Licensing Authority (or part of it) that made the decision is situated. (See Appendix 2.)
- 5.7** It should be noted that incomplete applications will not be accepted but returned with an explanation of why it is incomplete.
- 5.8** The Licensing Authority welcomes applications made via South Lakeland District Council's electronic application facility.

### **Community Halls**

- 5.9** 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**

- 5.10** 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.
- 5.11** 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.
- 5.12** 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 to which it relates.
- 5.13** 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.
- 5.14** 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 in to force, the plan to which it relates accurately reflects the layout of the building.
- 5.15** 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**

- 5.16** 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. It is typically expected that a Licensing Specialist will review a matter of this type and assess whether the proposal carries a risk of undermining a licensing objective. In instances where the proposal is deemed to carry a risk of undermining a licensing objective it should be referred through the full variation route under Section 34 of the 2003 Act. Where this happens the Licensing Specialist will advise the applicant of the decision and their reasons for it. Please note there is no route of appeal available to the person wishing to lodge the application if a decision is taken to reject the proposed application.

**5.17** 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

**5.18** 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

**5.19** On receipt of a minor variation application, the Licensing Authority will consider the application 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.

**5.20** 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.

## **6.0 Responsible Authorities and Other persons**

- 6.1** 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 in regardless of their geographic proximity to the premises. These persons may themselves seek a review of a premises licence.
- 6.2** 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.
- 6.3** 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 on 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 act in such a capacity.
- 6.4** 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.
- 6.5** The Licensing Authority considers that Trading Associations, Trade Unions and residents and Tenant's Associations qualify as other persons.
- 6.6** 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.
- 6.7** 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**

- 6.8** 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.
- 6.9** 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.
- 6.10** 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.

- 6.11** 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.
- 6.12** 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.
- 6.13** 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.
- 6.14** 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.
- 6.15** 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.
- 6.16** Where a relevant representation has been submitted and the Licensing Authority is satisfied that exceptional circumstances apply it may decide to withhold the personal details of the person making the representation from the applicant or their agent.
- 6.17** 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.
- 6.18** 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

- 6.19** 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.

- 6.20** 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.
- 6.21** An application for review will be only 'relevant' if the grounds upon which it is made relates to the promotion of at least one of the four licensing objectives and is not frivolous, vexation or repetitious. An evidentiary basis will be required to be presented to the Licensing Authority.
- 6.22** 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.
- 6.23** No more than one review from a 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

- 6.24** The Licensing Authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. This provision also applies to minor variations.
- 6.25** 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 representation
- 6.26** 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.
- 6.27** 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 the 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.

**6.28** 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.

**6.29** 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.

**6.30** If an applicant volunteer's 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.

**6.31** 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 premises, 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.

## **7.0 Temporary Event Notices (TEN's)**

**7.1** 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.

**7.2** A TEN is typically used to:

- Authorise 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.

**7.3** Where a TEN or any part of it, is submitted in writing, it is the responsibility of the person or body submitting the notice to ensure that a copy of the notice is sent to the Police as stipulated in the Act. Where a TEN has been submitted electronically copies of the notice will be forwarded to the responsible authorities by the Local Authority.

- 7.4** 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 notice 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.
- 7.5** 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 to which it relates will not be authorised.
- 7.6** 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.
- 7.7** 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. A TEN does not exempt the premises user from any requirements under planning law who should ensure that the appropriate planning consent is in place.

## **8.0 Cumulative Impact Policy**

### **Cumulative Impact of a Concentration of Licensed Premises**

- 8.1** The concept of 'Cumulative impact' is outlined within Section 14 of Revised Guidance issued under section 182 of the Licensing Act 2003. 'Cumulative impact assessments' were introduced in the 2003 Act by the Policing and crime Act 2017, with effect from 6 April 2018.
- 8.2** "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 discharging its responsibilities under the Licensing Act 2003.
- 8.3** 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.

**8.4** 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.

**8.5** 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.

**8.6** However, the cumulative impact of licensed premises in a particular area may, at a future time, on representation from residents or businesses 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.

**8.7** 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 Spaces 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.

**8.8** 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.

**8.9** 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.

## **9.0 Early Morning Restriction Orders (EMRO)**

**9.1** The power for Licensing Authorities to make, vary or revoke an EMRO are set out in sections 172A to 172E of the Act. Additionally, full guidance on the EMRO process can be found at section 17 of Revised Guidance issued under section 182 of the Licensing Act 2003.

**9.2** 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 objectives.

**9.3** 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.

**9.4** 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.

**9.5** An EMRO:

- Applies to the supply of alcohol authorised by premises licences, club premises certificate and temporary event notices
- Applies for a limited or unlimited period (e.g. an EMRO could be introduced for a few weeks to apply for a specific event)
- 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 any premises on New Year's Eve (defined at 12:00 a.m. to 06:00 a.m. on 1 January every year)
- Will not apply to a relaxation of licensing hours by virtue of an order made under section 172 of the Act

## EMRO Request

**9.6** 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.

**9.7** It is anticipated that the request would be referred to the licensing authority where a designated procedure will be applied to determine if an EMRO is appropriate. Where applicable the request will be referred to the Licensing Committee. In instances such as these members must be supplied with evidence of the issues being experienced in the area to demonstrate the necessity of an EMRO being implemented. 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 if 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 licence holders should engage with the authorities in an attempt to rectify matters before the request is considered further.

## Evidence

**9.8** Revised Guidance issued under section 182 of the Licensing Act 2003 outlines that 'when establishing its evidence base for making an EMRO, a licensing authority may wish to consider the approach set out in paragraphs 14.24 to 14.28 of this Guidance which includes indicative types of evidence, although this should not be considered an exhaustive list of the types of evidence which may be relevant. These matters are not necessarily determinative. They include but are not necessarily limited to:

- local crime and disorder statistics, including statistics on specific types of crime and crime hotspots, statistics on local anti-social behaviour offences;
- environmental health complaints, particularly in relation to litter and noise;
- complaints recorded by the local authority, which may include complaints raised by local residents or residents' associations;
- residents' questionnaires;
- trends in licence applications, particularly trends in applications by types of premises and terminal hours;
- changes in terminal hours of premises; &
- Capacities of different premises at different times of night and the expected concentrations of drinkers who will be expected to be leaving premises at different times.

**9.9** Revised Guidance issued under section 182 of the Licensing Act 2003 states that the Licensing Authority “should be satisfied that it has sufficient evidence to demonstrate that making the EMRO would be appropriate for the promotion of licensing objectives. The requirement to take an evidence- based decision to promote the licensing objectives should enable licensing authorities to draw on their experience from other licensing decisions they make under the 2003 Act, such as the determination of applications for the grant of a premises licence. 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.”

**9.10** In instances where the licensing authority identifies a problem in a specific area and it is attributable to supply of alcohol at two or more premises in that area, and there is sufficient evidence to demonstrate that it is appropriate for the promotion of the licensing objectives, it can propose making an EMRO. As a prerequisite measure the licensing authority should first decide on the matters which must be subject of the proposal. These are:

- The days (and periods on those days) on which the EMRO would apply
- The area to which the EMRO would apply
- The period for which the EMRO would apply (if it is a finite period); &
- The date from which the proposed EMRO would apply.

### **Consultation**

**9.11** Revised Guidance issued under section 182 of the Licensing Act 2003 makes it clear that a proposed EMRO must be advertised, that the licensing authority should include a short summary of the evidence that underpins proposition, include information in the document outlining the manner in which representations can be made and include details of the proposed EMRO. The proposed EMRO must be advertised for at least 42 days. The proposal will be published on the Council’s website and in a local newspaper (either Westmorland Gazette or North West Evening Mail). A notice will be sent to all affected people in the area. They are:

- holders of (and applicants for) premises licences or club premises certificates to which the proposed EMRO would apply;
- premises users in relation to TENs to which the proposed EMRO would apply; &
- Those who have received a provisional statement in respect of a premises to which the proposed EMRO would apply.

**9.12** In addition to the above requirements, the Licensing Authority at South Lakeland District Council is required to ensure that a notice relating to proposal is displayed within the area to which it relates and in a manner likely to bring the proposal to the attention of those who may have an interest in it. Alongside this, the responsible authorities for the area and neighbouring licensing authorities should be informed of the proposal to make an EMRO. The Council may also consider what future (if any) steps may be taken and this may include taking

opportunity to publicise the proposal to a wider audience who are likely to have an interest in it.

**9.13** Those affected by the proposal have 42 days in which to make a representation (this period commences on the first day after which the proposal is advertised). Where 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.

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

- To determine that the proposed EMRO is appropriate for promotion of the licensing objectives;
- To determine that the proposed EMRO is not appropriate for the promotion of the licensing objectives and therefore the process should be ended;
- To determine that the proposed EMRO should be modified. (In this instance it may be necessary to advertise the proposal again – further information relating to this can be viewed within Revised Guidance issued under section 182 of the Licensing Act 2003).

### **Formal Decision**

**9.15** Where 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 (no time is specified in legislation by which full council must make this decision). No later than 7 days after the day on which the EMRO is made, the authority will send a notice to all affected persons and make the order available for 28 days on the website and by displaying a notice in the relevant area.

**9.16** Any 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.

**9.17** At this time there are no EMROs in place within the controlled district of South Lakeland. Should an EMRO be put in place this section of the policy will be updated to include reference to it.

## **10.0 Late Night Levy**

**10.1** The Police Reform and Social Responsibility Act 2011 has also introduced via the Act the power for the Licensing Authority to charge a late night levy (“the levy”) to all premises within the Local Authority area. The late night levy is a discretionary power allowing Councils to collect an annual fee from all licensed premises in the Council area that are authorised to sell alcohol between the hours of midnight and 6am as a means of raising a contribution towards the costs of policing the night time economy.

- 10.2** Any decision to introduce, vary or cease a levy will be made by full Council in conjunction with the Police and Crime Commissioner and Local Constabulary. However any decision in relation to the administration and design of the levy will be delegated to the Licensing Committee.
- 10.3** The Licensing Authority recognises that a levy would cover the whole of the Council area and not just those premises that may be associated with problems or those premises within any cumulative impact area. Therefore, serious consideration will always be given to the introduction of a levy. Furthermore, the Licensing Authority will always give serious consideration as to whether or not a levy would be an economically viable proposal.

## **11.0 Enforcement**

- 11.1** South Lakeland District 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. The Authority has adopted the Better Regulation Delivery Office Regulators' Code designed to ensure effective and efficient Public Protection services. South Lakeland District Council is committed to accordance with the principles of good enforcement practice by carrying out its regulatory functions in a fair, open and consistent manner.
- 11.2** 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 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.
- 11.3** In the event of the Licensing Authority receiving evidence of an offence under the Licensing Act 2003, it will consider what action should be taken this may take the form of informal action (advice and warnings), the issue of a caution or if permitted a fixed penalty notice or prosecution. The action taken will depend on the circumstances of the case and will take into account the seriousness of the matter and past history. Formal action by way of prosecution will be a last resort and proportionate to the degree of risk.
- 11.4** 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.

## **12.0 Administration, Exercise and Delegation of functions**

- 12.1** The Licensing Authority is involved with a wide range of licensing decisions and functions. In order to administer them it has established a Licensing Committee.
- 12.2** 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 Licensing Panels to deal with them.

- 12.3** 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.
- 12.4** The Licensing Committee will consist of 15 Councillors. Where hearings are necessary a Licensing Panel (also known as the Sub-Committee) of three Councillors are expected to consider the bulk of applications. To mitigate potential conflicts of interest Ward Councillors will not sit on a panels involving an application within their ward.
- 12.5** Every determination of a licensing application by the Licensing Committee or Licensing Panel shall be accompanied with clear, cogent reasons for the decision.
- 12.6** It is expected that the authority's licensing officers will handle 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.
- 12.7** The authority will ensure that members and officers are appropriately trained to carry out their duties under the Act.
- 12.8** The table at Appendix 1 sets out the agreed delegation of decisions and functions to Licensing Committee, Sub-Committee and Officers.
- 12.9** Officers, a Licensing Panel 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 Panel, the Panel to full Committee and the full Committee to the full Council.

## Appendix 1 – Table of delegations and licensing functions

Matter to be dealt with	Sub Committee	Officers
Application for personal licence with no convictions		All cases
Application for personal licence with unspent convictions	If objection notice or immigration objection notice is given and not withdrawn.	If no objection notice or immigration objection notice given / objection notice has been withdrawn.
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Determination of a minor variation application		All cases
Application to vary designated premises supervisor (DPS)	If police object	All other cases
Request to be removed as designated premises supervisor		All cases
Application to transfer of premises licence	If police object	All other cases
Application for interim authorities	If police object	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a representation is irrelevant, frivolous, vexatious, etc.		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of an objection to a temporary event notice	All cases	
Determination of application to vary premises licence at community premises to include alternative licence condition	If police object	All other cases
Decision on whether to consult other responsible authorities in relation to a minor variation application		All cases

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

## Appendix 2 – Appeals procedure

With the exception of appeals in relation to closure orders, an appeal may be made to any magistrates' court in England or Wales. Despite this it is expected that appellants commence the process at the magistrates' court in the area which they or the premises are situated. In South Lakeland the appeal process can be commenced by giving notice to the designated officer at Cumbria Magistrates Court Service, South Cumbria Magistrates Court, Abbey Road, Barrow-in-Furness, Cumbria, LA14 5QX.

An appeal has to 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; or
- Remit the case to the licensing authority to dispose of it in accordance with the direction of the court and make such order as to costs as it thinks fit.

All parties should be aware that a court may make an order for one party to pay the costs of the other party.

### Appendix 3 – Guides of best practice

1. Health and Safety Executive Website – Events Industry Forum Purple Guide and many other guidance documents [www.hse.gov.uk](http://www.hse.gov.uk)
2. The Guide to Safety at Sports Grounds (“The Green Guide”) plus supplementary guidance [www.sgsa.org.uk](http://www.sgsa.org.uk)
3. Good Practice Guide on the Control of Noise from Pubs and Clubs 2003 – The Institute of Acoustics [www.ioa.org.uk/publications](http://www.ioa.org.uk/publications)
4. Safer Nightlife – Managing drugs at pubs, clubs and festivals [www.safernightlife.info](http://www.safernightlife.info)
5. Talk to Frank – Drugs A – Z [www.talktofrank.com](http://www.talktofrank.com)
6. The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks and the Code of Practice on Alcohol Sponsorship - [www.portmangroup.org.uk](http://www.portmangroup.org.uk)
7. British Board of Film - Classification Guidelines – [Classification Guidelines|BBFC](#)
8. The Government Alcohol Strategy – [www.gov.uk](http://www.gov.uk)
9. Alcohol Change UK – [www.alcoholchange.org.uk](http://www.alcoholchange.org.uk)
10. Independent Street Arts Network – [Independent Street Arts Network | Arts Council England](#)
11. British Beer & Pub Association – assorted policies - [www.beerandpub.com](http://www.beerandpub.com)
12. DCMS – Alcohol Licensing - [www.gov.uk/guidance/alcohol-licensing](http://www.gov.uk/guidance/alcohol-licensing)
13. National Pubwatch – [www.nationalpubwatch.org.uk](http://www.nationalpubwatch.org.uk)
14. Best Bar None – [www.bbuk.com](http://www.bbuk.com)

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

## **Appendix 4 – List of consultees**

### **South Lakeland District Council**

All Town / Parish Councils within the South Lakeland District  
All Elected Members  
Specialist Health & Environment Team  
Specialist Planning and Development Management Team  
Communications Team Website

### **Cumbria Constabulary**

Cumbria Constabulary, Busher Walk, Kendal.  
Chief Constable, Carleton Hall, Penrith

### **Cumbria Fire and Rescue Service**

### **Cumbria County Council Children’s Services**

### **Cumbria County Council Trading Standards**

### **Health and Safety Executive**

### **Cumbria County Council Public Health**

### **All Responsible Authorities listed in appendix 5**

### **Advertisement in Westmorland Gazette and North West Evening Mail**

### **South Lakeland District Council newsletter subscribers**

**Neighbouring Licensing Authorities – Lancaster City Council,  
Eden District Council, Allerdale Borough Council, Barrow Borough Council  
Richmondshire District Council, Copeland Borough Council and Carlisle City  
Council**

**Cumbria Alcohol and Drug Advisory Service, Stephenson Centre, Ann Street,  
Kendal**



## Appendix 5 – Contact information for Responsible Authorities

### Contact information –

#### Completed applications and the applicable fee should be sent to -

Licensing Authority  
South Lakeland House  
Lowther Street  
Kendal  
Cumbria  
LA9 4UD  
Tel: 01539 733333  
Email: [licensing@southlakeland.gov.uk](mailto:licensing@southlakeland.gov.uk)

#### Responsible Authorities. Completed applications are circulated to the following agencies -

##### **Public Protection Group (Licensing, Environmental Protection, Health and Safety)**

South Lakeland District Council  
South Lakeland House  
Lowther Street  
Kendal  
Cumbria  
LA9 4UD  
Tel: 01539 733 333  
Email: [publicprotection@southlakeland.gov.uk](mailto:publicprotection@southlakeland.gov.uk)

##### **Home Office (Immigration Enforcement) Alcohol Licensing**

Team  
Lunar House  
40 Wellesley Road  
Croydon  
CR9 2BY  
Email:  
[alcohol@homeoffice.gsi.gov.uk](mailto:alcohol@homeoffice.gsi.gov.uk)

##### **Chief Officer of Police**

Cumbria Constabulary  
Busher Walk  
Kendal  
LA9 4RJ  
Email: [southevents@cumbria.police.uk](mailto:southevents@cumbria.police.uk)

##### **Cumbria Fire and Rescue Service**

Kendal Fire Station  
Busher Walk  
Kendal  
LA9 4RJ  
Email:  
[kendal.technical@cumbria.gov.uk](mailto:kendal.technical@cumbria.gov.uk)

##### **Planning: SLDC**

South Lakeland House  
Lowther Street  
Kendal  
Cumbria  
LA9 4UD  
Tel: 01539 733 333  
Email: [developmentmanagement@southlakeland.gov.uk](mailto:developmentmanagement@southlakeland.gov.uk)

##### **Planning: Yorkshire Dales**

Yoredale House  
Bainbridge  
North Yorkshire  
DL8 3EL  
Tel: 01969 652 310  
Email:  
[planning@yorkshiredales.org.uk](mailto:planning@yorkshiredales.org.uk)

**Planning: Lake District**

Murley Moss  
Oxenholme Road  
Kendal  
LA9 7RL  
Tel: 01539 792 609  
Email: [planning@lake-district.gov.uk](mailto:planning@lake-district.gov.uk)

**Trading Standards**

County Offices  
Stricklandgate  
Kendal  
LA9 4RQ  
Telephone: 01539 713 594  
Email:  
[trading\\_standards@cumbria.gov.uk](mailto:trading_standards@cumbria.gov.uk)

**Child Protection**

Cumbria Safeguarding Children Partnership  
Cumbria House  
117 Botchergate  
Carlisle  
CA1 1RD  
Email: [cscp@cumbria.gov.uk](mailto:cscp@cumbria.gov.uk)

**Director of Public Health**

Cumbria County Council  
Cumbria House  
117 Botchergate  
Carlisle  
CA1 1RD  
Email:  
[pauline.mitchell@cumbria.gov.uk](mailto:pauline.mitchell@cumbria.gov.uk)

**Appendix 6 Other Useful Addresses -****British Institute of Innkeeping**

Wessex House  
80 Park Street  
Camberley  
Surrey  
GU15 3PT  
Tel: 01276 684449  
Email: [reception@bii.org](mailto:reception@bii.org)

**Security Industry Authority (SIA)**

PO Box 74957  
London  
E14 1UG  
Tel: 0300 123 9298

**City and Guilds**

1 Giltspur Street  
London  
EC1A 9DD  
Tel: 020 7294 2468  
Email: [general.enquiries@cityandguilds.com](mailto:general.enquiries@cityandguilds.com)

**Disclosure and Barring Service**

DBS customer services  
PO Box 3961  
Royal Wootton Bassett  
SN4 4HF  
Tel: 0300 200 190  
Email: [customerservices@dbs.gov.uk](mailto:customerservices@dbs.gov.uk)

**Arts Council (North – Manchester office)**

49 Lever Street  
Manchester  
M1 1FN  
Web: [www.artscouncil.org.uk](http://www.artscouncil.org.uk)

**Disability Rights Commission**

DRC Helpline  
Freepost MID01264  
Stratford upon Avon  
CV37 9BR  
Tel: 08457 622 633  
Web: [www.drc.org.uk](http://www.drc.org.uk)

**Equity**

Guild House  
Upper Martins Lane  
London  
WC2H 9EG  
Tel: 0207 379 6000  
Email: [info@equity.org.uk](mailto:info@equity.org.uk)  
Web: [www.equity.org.uk](http://www.equity.org.uk)

**British Beer and Pub Association**

Ground Floor  
61 Queen Street  
London  
EC4R 1EB  
Tel: 020 7627 9191  
Email: [contact@beerandpub.com](mailto:contact@beerandpub.com)  
Web: [www.beerandpub.com](http://www.beerandpub.com)

**South Cumbria Magistrates Court**

Abbey Road  
Barrow in Furness  
Cumbria  
LA14 5QX  
Tel: 01229 820 161  
Email: [cumbria.south.magistrates@justice.gov.uk](mailto:cumbria.south.magistrates@justice.gov.uk)

**UK Hospitality**

10 Bloomsbury Way  
London, England  
WC1A 2SL  
Tel: 020 7404 7744  
Web: [www.ukhospitality.org.uk](http://www.ukhospitality.org.uk)

**British Board of Film Classification**

3 Soho Square  
London  
W1D 3HD  
Tel: 0207 4401 570  
Email: [helpline@bbfc.co.uk](mailto:helpline@bbfc.co.uk)  
Web: [www.bbfc.co.uk](http://www.bbfc.co.uk)