



Worcester
CITY COUNCIL

**Statement
Of
Licensing Policy**

2011 – 2014

Licensing Act 2003

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1. INTRODUCTION

- 1.1 Worcester is a city with its own distinctive character. It has a proud heritage spanning more than 1,500 years which has seen events and produced people that have influenced and shaped the nation's democracy, culture and identity. The City's economic base is now characterised by a large number of companies supplying a whole range of products and services. The service sector now accounts for the bulk of the city's employment, reflecting its position as the County town and important commercial centre. Much of Worcester's charm and character remains and it is a centre for national and international tourism.
- 1.2 Worcester is home to a host of sporting attractions including the country's oldest racing course, the world famous Worcestershire cricket ground, and a premiership rugby club just outside its borders.
- 1.3 Worcester's historic importance as a centre for trade saw links develop abroad, especially in the Orient and America. The city is officially twinned with the German town of Kleve, Le Vesinet in France and Worcester in Massachusetts, USA.
- 1.4 Our ambitions for the City of Worcester are best expressed in our vision of 'Making Worcester a Great Place to Live, Work and Visit'. We recognise that we cannot achieve this on our own, but that by working in partnership with others and demonstrating community leadership we can. To this end we led the formation of the Worcester Alliance in 2000. The Alliance brings together key partners from major agencies such as police, County Council, Business, Health and the Voluntary Sector as well as the support and commitment of local organisations.
- 1.5 The Worcester Alliance (our Local Strategic Partnership) published its first Community Strategy in January 2003. This is a ten year plan addressing the issues that the people of Worcester have said are important to them. The Alliance partners are committed to work together to make sure that those who live, work and visit Worcester receive the best possible services and benefit from an enhanced quality of life by addressing key issues grouped under four thematic areas: -
- 1.6 A Prosperous City – attracting new businesses, developing retail variety, increasing visitors, reducing traffic congestion and improving public transport;
- 1.7 A Green and Healthy City – reducing litter, increase recycling, improve health services, enhanced litter facilities;
- 1.8 A Safe City – reducing fear of crime, increasing visible policing, tackling youth crime and drug and alcohol related offences;
- 1.10 An Inclusive City – tackling poverty and discrimination, equality of access to services, better access to housing and increased educational achievement.
- 1.11 This policy seeks to ensure that Worcester City Council as the Licensing Authority combine these themes and provide that the four licensing objectives of the Act are met.

2. LICENSING POLICY STATEMENT

- 2.1 As a Licensing Authority, the Council has based this policy on the requirements of the Licensing Act 2003 and statutory guidance from the Department of Culture, Media and Sport (DCMS). This policy has effect from 7 January 2011.
- 2.2 The Council has delegated its Licensing function to its Licensing and Environmental Committee, Sub Committees and Licensing Officers. In the remainder of this Statement of Licensing Policy they are referred to collectively as the 'Licensing Authority'.
- 2.3 The current scheme of delegation is available from the Director of Legal and Democratic Services of the Council.
- 2.4 If an application for a premises licence or club premises certificate has been made lawfully and there have been no representations from responsible authorities or interested parties, the licensing authority must grant the application subject only to conditions that are consistent with the operating schedule and relevant mandatory conditions.
- 2.5 If there are representations that cannot be resolved informally, the applicant and objectors will be invited to a public hearing. After considering submissions from applicants and objectors, the Licensing Sub-Committee will make a decision in the light of this Statement of Licensing Policy and the Secretary of State's Guidance on the Act.

The licensing authority must give appropriate weight to:

- the steps that are necessary to promote the licensing objectives;
 - the representations (including supporting information) presented by all parties;
 - guidance under Section 182 of the Licensing Act 2003;
 - the Councils own Licensing Policy statement.
- 2.6 This policy applies to activities that the Licensing Authority has to licence by law, on licensed premises, by qualifying clubs and at temporary events. These are:
 - retail sale of alcohol;
 - supply of alcohol to club members;
 - provision of entertainment to the public, or club members or with a view to making profit;
 - theatrical performance;
 - film exhibition;
 - indoor sporting event;
 - boxing or wrestling entertainment;
 - live music performance;
 - playing of recorded music;
 - dance performance;
 - provision of facilities for making music;
 - provision of facilities for dancing, and
 - supply of hot food and/or drink from premises between 2300 and 0500 hours.

3. DECISION MAKING PROCESS

- 3.1 The Licensing Authority will consider every application on its individual merits and will promote the four statutory licensing objectives:
- prevention of crime and disorder;
 - protection of public safety;
 - prevention of public nuisance;
 - protection of children from harm;
- 3.2 The Licensing Authority will combine licensing with the full range of regulatory powers and policies to help achieve the licensing objectives, for example:
- Planning and environmental health powers for controlling development, health and safety and nuisance;
 - Use of the power of the police, other responsible authorities, local residents and business to seek review of the licence or certificate in question;
 - Use of powers preventing public consumption and allowing confiscation of alcohol from adults and children in named parts of the district;
 - Positive measures to create safe and clean town centres including use of CCTV surveillance;
 - Police enforcement of general law concerning disorder and anti-social behaviour and specific law enabling instant closure of premises or temporary events where there is disorder, likelihood of disorder or noise nuisance;
 - Informing local transport policies as to the need to disperse people swiftly and safely, and
 - 'Crime and disorder' policies and powers.
- 3.3 Licensing is not the primary mechanism for general control of nuisance and the antisocial behaviour of people once they are away from licensed premises.

4. INTEGRATING STRATEGIES

- 4.1 The Licensing Authority has consulted widely when deciding this policy, to ensure that it is integrated with all relevant local strategies, policies and initiatives.
- 4.2 The Licensing Committee, when appropriate, will be informed of relevant County and local strategies. The report may include information relating to:
- local crime prevention strategies;
 - needs of the local tourist economy;
 - any cultural strategy for the area;
 - employment issues in the area;
 - any relevant planning matters so as to ensure the clear distinction between licensing and planning functions, and
 - local relevant partnerships and their objectives.

5. LIVE MUSIC, DANCING AND THEATRE

- 5.1 The Licensing Authority recognises the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community, and that providing consumers with greater choice and flexibility is an important consideration. It will balance these wider cultural benefits with the natural concern to prevent disturbance in neighbourhoods and the duty to promote the licensing objectives.
- 5.2 When a solution is not agreed at a hearing, conditions may be imposed on a licence. Such conditions will be appropriate, and the Licensing Authority will try to avoid indirect costs, which may deter live music, dancing or theatre.
- 5.3 This policy will be reviewed if evidence is obtained that licensing requirements are deterring broader cultural activities and entertainment.

6. PROMOTION OF RACIAL EQUALITY

- 6.1 The Licensing Authority is committed to eliminating unlawful discrimination and promotion of equality of opportunity, and good relations between persons of different racial groups.
- 6.2 It recognises its obligations under the Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000.

7. CONDITIONS

- 7.1 Unless there are relevant representations, the Licensing Authority must grant applications subject only to conditions consistent with the applicant's operating schedule and to any mandatory conditions prescribed in the Licensing Act 2003.
- 7.2 If there are relevant representations, the Licensing Authority will only impose conditions to promote the licensing objectives.
- 7.3 The Licensing Authority will use conditions issued in guidance by DCMS and reserve the right to impose unique conditions when necessary.
- 7.4 Where any licence conditions are applied, the Licensing Authority will tailor them to suit the particular premises. Those conditions will have regard to local crime prevention strategies and will only relate to matters that the licence holder can control. They will focus on the premises being used for licensable activities and the immediate vicinity of those premises.
- 7.5 The Licensing Authority will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned.
- 7.6 The Licensing Law is not the primary mechanism for the general control of nuisance and anti social behaviour by individuals once they are away from licensed premises, and therefore, beyond the direct control of the individual club, or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and Licensing Law will always

be part of a holistic approach to the management of the evening and night time economy in the town centres.

- 7.7 The Licensing Authority will not duplicate requirements of other legislation in licence conditions, such as duties imposed by health and safety or fire safety law, and the requirement to obtain approval under town and country planning law for development or use of land.
- 7.8 Licensing Authority may consider adoption of a 'special saturation policy' for particular areas, if evidence is received of problems due to the overall number of licensed premises. It will follow the procedure for adopting such a policy outlined in the DCMS guidance.

8. CUMULATIVE IMPACT

- 8.1 The cumulative impact of licensed premises on the promotion of the licensing objectives is a matter which the Licensing Authority may take into account. This should not, however be confused with 'need' which relates more to the commercial demands for a particular type of premises, e.g. a pub, restaurant or hotel. The justification of 'need' is a matter for the market to decide and does not form part of this licensing policy statement.
- 8.2 The Licensing Authority, following consultation both in writing and at a public meeting, has identified a serious concern about crime and disorder and public nuisance arising from the conduct of customers of licensed premises in Worcester City Centre. (The list of those consulted is given at annexe 6).
- 8.3 The Police have recorded 905 incidents of disorder/anti-social behaviour within the central area of the city between the 1st October 2003 and 30th September 2004. Due to the location and time frame of these incidents it is considered that they are largely linked to either the location of licensed premises or the consumption of alcohol. Police statistics show that during this period 23% of all arrests identified alcohol as being a contributory factor to the commission of the offence. This percentage increased dramatically between the core hours of 21.00 to 04.00 hours.
- 8.4 The location of existing licensed premises and fast food outlets are linked and contribute to a drinking circuit effect in the City Centre. The results are increased pedestrian movement being concentrated along identified corridors in which the premises are located. Associated with this movement it is recognized that sub-criminal activity, especially late at night and into the early hours of the morning, occurs. Such activity includes noise, boisterous behaviour, minor damage and litter. These areas also support residential accommodation and in addition, three almshouses occupied by elderly people are situated in Shaw Street/The Foregate, New Street and Friar Street.
- 8.5 The public meeting, to which all consultees identified in Annex 6 were invited, was held on 7th December 2004. Further evidence was produced by the police of incidents in the city centre requiring police involvement from 1st May to 31st October 2004 between the hours of 21.00 and 04.00. A significant number of these incidents were linked with the consumption of alcohol.

- 8.6 The Licensing Authority has therefore decided to adopt as part of its Licensing Policy a Special Policy relating to the cumulative impact of licensed premises in certain named streets in this area. This will mean that, in those streets to which the Special Policy relates, and where relevant representations relating to cumulative impact have been received, any application for grant of a new premises licence or club premises certificate (or any application for variation of an existing licence) which would add to the cumulative impact, will normally be refused.
- 8.7 Streets to which the Special Policy relates are as follows:
- Angel Place
 - Angel Street
 - Broad Street
 - Cornmarket
 - Foregate Street
 - Friar Street
 - Lowesmoor
 - New Street
 - Shaw Street
 - St. Nicholas Street
 - The Butts
 - The Cross
 - The Foregate
 - Trinity Street
- 8.8 The Licensing Authority, in addition to adopting the Special Cumulative Impact Policy, has also undertaken the following initiatives outside the licensing regime in order to address the issues of crime, disorder and public nuisance within the Worcester City Centre, which has been recognized as an area of concern by both the police and partner agencies:
- increased provision of CCTV in the town centre
 - street cleaning and litter patrols
 - designation of areas where alcohol may not be consumed in public
 - confiscation of alcohol from adults and children in designated areas
 - pub/club net radio
 - use of exclusion areas
- 8.9 The Licensing Authority may also undertake the following measures;
- positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the Council
 - other local initiatives to address crime, disorder and public nuisance
- 8.10 It is important to note that each application for grant or variation will still be considered on its own merits. If no representations have been received by the Licensing Authority in respect of any one given application, the presumption of refusal does not arise, and the application must be granted.
- 8.11 While this Special Policy is in existence, it will be for the applicant to show that the licensable activities which are being applied for will not add to the cumulative impact.

- 8.12 if a responsible authority or interested party identifies a concern about crime and disorder or public nuisance in any other area, the licensing authority may consider adopting a similar special policy. Before doing so, the licensing authority will consult with the statutory consultees and discuss the matter in a public meeting. The licensing authority expects the responsible authority or interested party to lay the evidential base for the consideration of special policies in other areas.

9. LICENSING HOURS

- 9.1 The Licensing Authority will have a flexible approach to hours when alcohol can be sold or supplied. It will give more freedom to responsible licensees, but may impose stricter controls on particular licensed premises, such as those effecting residential properties.
- 9.2 The Licensing Authority will not generally restrict times when shops, stores or supermarkets can sell alcohol for consumption off the premises but may do so if the Police consider individual premises to be a focus of disorder and disturbance.
- 9.3 When the Licensing Authority's discretion is engaged consideration will be given to the individual merits of an application but the presumption will be to grant the hours requested unless there are objections to those hours raised by the responsible authorities or interested parties on the basis of the licensing objectives.
- 9.4 Shops, stores and supermarkets will normally be able to provide sales of alcohol for consumption off the premises at any time when the retail outlet is open for shopping unless representations raise reasons, based on the licensing objectives, for restricting those hours.
- 9.5 The Licensing Authority recognizes that in some circumstances, flexible licensing hours for the sale of alcohol can help to ensure that concentrations of customers leaving premises simultaneously are avoided.

10. PROTECTION OF CHILDREN

- 10.1 The Licensing Act 2003 does not stop children having access to licensed premises of all kinds.
- 10.2 The Licensing Authority will not generally impose any conditions relating to the access of children to licensed premises, unless it is necessary for the prevention of harm to children. It will expect licence holders to restrict access by children where they think it is appropriate.
- 10.3 Following representations under any of the licensing objectives the Licensing Authority may decide that restrictions are necessary on premises where:
- there have been convictions of members of the current staff for serving alcohol to minors;

- there is evidence of underage drinking, or failure to operate in line with the Portman Group Code of Practice on naming, packaging and promotion of alcoholic drinks;
- there is a known association with drug taking or dealing;
- there is a strong element of gambling on the premises;
- entertainment or services of an adult or sexual nature are commonly provided or
- the main purpose of the premises is supply of alcohol for consumption on the premises.

10.4 Options that the Licensing Authority will consider may include:

- limitations on the hours when children may be present;
- age limitations (below 18);
- limitations or exclusions when certain activities are taking place or on particular parts of premises; and
- requirements for accompanying adult.

10.5 The Licensing Authority will not impose conditions requiring the admission of children to any premises.

11. RESPONSIBLE AUTHORITY AND CHILDREN

11.1 The Licensing Authority has nominated the Worcestershire Safeguarding Children Board, Worcestershire County Council as being competent to act as the responsible authority in relation to the protection of children from Harm.

12. CHILDREN AND CINEMAS

12.2 In the case of premises giving film exhibitions, the Licensing Authority expects licensees or clubs to include in their operating schedules arrangements for restricting children from viewing age restricted films according to the recommendations of the British Board of Film Classification .

13. GUIDANCE TO APPLICANTS

13.1 The Licensing Authority will provide detailed guidance for applicants and others involved in the licensing process, including contact details for responsible authorities.

13.2 To minimise likelihood of representations and subsequent sub-committee hearings, applicants and clubs should liaise with the responsible authorities when they are preparing Operating Schedules.

14. SEPARATION OF LICENSING, BUILDING CONTROL AND PLANNING FUNCTIONS

14.1 The Licensing Authority will make sure that there is a proper separation of licensing, building control and planning functions. The Licensing and Environmental Committee will report to the Committee dealing with planning

matters where appropriate, outline the situation relating to licensed premises in its area, including the general impact of alcohol related crime and disorder.

15. TEMPORARY EVENTS NOTICES

- 15.1 The Licensing Authority requires an application for a temporary event to be received at least 10 clear “working” days before the day of the event. Late applications will be rejected.
- 15.2 Section 193 of the Licensing Act 2003 defines “working day” as any day other than a Saturday, a Sunday, Christmas Day, Good Friday, or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in England and Wales. “Ten working days” notice means ten working days exclusive of the day on which the event is to start, and exclusive of the day on which the notice is given.

16. LICENCE REVIEWS

- 16.1 It is important that responsible authorities should give an early warning of any concerns identified at premises.
- 16.2 An application for the Review of a Premises Licence is limited to:
- Responsible Authorities,
 - Interested parties (eg. local residents, local organisations and Councillors).
- 16.3 The Licensing Authority itself cannot initiate the review process. The Authority’s role is to administer the process and to determine its outcome at a hearing where an evidential basis for the allegations made will be submitted.
- 16.4 The Licensing Authority will generally expect that attempts should be made to offer a solution to problems at premises in terms of:
- Informal warning/advice.
 - Written warning
 - Application for Review
- 16.5 In cases where the crime prevention objective is being undermined it is expected that revocation of the licence, even in the first instance, will be seriously considered.

17. ENFORCEMENT

- 17.1 The Licensing Authority has established protocols with West Mercia Police about enforcement of the Licensing Act 2003 in licensed premises and will target inspection and enforcement at problem premises and higher risk activities.
- 17.2 The Licensing Authority will act in line with the Council’s Environmental Health Enforcement Policy, which follow the principles of consistency,

transparency and proportionality. Copies of the Policy can be obtained from the Council.

ANNEXE 1

Definitions – Clubs

The general conditions which a club must satisfy if it is to be a qualifying club are the following:

Condition 1 is that under the rules of the club persons may not —

- (a) be admitted to membership, or
- (b) be admitted, as candidates for membership, to any of the privileges of membership, without an interval of at least two days between their nomination or application for membership and their admission.

Condition 2 is that under the rules of the club persons becoming members without prior nomination or application may not be admitted to the privileges of membership without an interval of at least two days between their becoming members and their admission.

Condition 3 is that the club is established and conducted in good faith as a club

Condition 4 is that the club has at least 25 members.

Condition 5 is that alcohol is not supplied, or intended to be supplied, to members on the premises otherwise than by or on behalf of the club.

In determining whether a club is established and conducted in good faith the matters to be taken into account are —

- (a) any arrangements restricting the club 's freedom of purchase of alcohol;
- (b) any provision in the rules, or arrangements, under which —
 - (i) money or property of the club, or
 - (ii) any gain arising from the carrying on of the club, is or may be applied otherwise than for the benefit of the club as a whole or for charitable, benevolent or political purposes;
- (c) the arrangements for giving members information about the finances of the club;
- (d) the books of account and other records kept to ensure the accuracy of that information;
- (e) the nature of the premises occupied by the club.

ANNEXE 2

Definitions – Regulated Entertainment

SCHEDULE 1

SECTION 1 PROVISION OF REGULATED ENTERTAINMENT

PART 1 GENERAL DEFINITIONS

The provision of regulated entertainment

- 1 (1) For the purposes of this Act the "provision of regulated entertainment" means the provision of-
- (a) entertainment of a description falling within paragraph 2, or
 - (b) entertainment facilities falling within paragraph 3,
- where the conditions in sub-paragraphs (2) and (3) are satisfied.
- (2) The first condition is that the entertainment is, or entertainment facilities are, provided-
- (a) to any extent for members of the public or a section of the public,
 - (b) exclusively for members of a club which is a qualifying club in relation to the provision of regulated entertainment, or for members of such a club and their guests, or
 - (c) in any case not falling within paragraph (a) or (b), for consideration and with a view to profit.
- (3) The second condition is that the premises on which the entertainment is, or entertainment facilities are, provided are made available for the purpose, or for purposes which include the purpose, of enabling the entertainment concerned (whether of a description falling within paragraph 2(1) or paragraph 3(2)) to take place.
- To the extent that the provision of entertainment facilities consists of making premises available, the premises are to be regarded for the purposes of this sub-paragraph as premises "on which" entertainment facilities are provided.
- (4) For the purposes of sub-paragraph (2)(c), entertainment is, or entertainment facilities are, to be regarded as provided for consideration only if any charge-
- (a) is made by or on behalf of-
 - (i) any person concerned in the organisation or management of that entertainment, or
 - (ii) any person concerned in the organisation or management of those facilities who is also concerned in the organisation or management of the entertainment within paragraph 3(2) in which those facilities enable persons to take part, and
 - (b) is paid by or on behalf of some or all of the persons for whom that entertainment is, or those facilities are, provided.

- (5) In sub-paragraph (4), "charge" includes any charge for the provision of goods or services.
- (6) For the purposes of sub-paragraph (4)(a), where the entertainment consists of the performance of live music or the playing of recorded music, a person performing or playing the music is not concerned in the organisation or management of the entertainment by reason only that he does one or more of the following-
 - (a) chooses the music to be performed or played,
 - (b) determines the manner in which he performs or plays it,
 - (c) provides any facilities for the purposes of his performance or playing of the music.
- (7) This paragraph is subject to Part 2 of this Schedule (exemptions).

Entertainment

- 2 (1) The descriptions of entertainment are-
 - (a) a performance of a play,
 - (b) an exhibition of a film,
 - (c) an indoor sporting event,
 - (d) a boxing or wrestling entertainment,
 - (e) a performance of live music,
 - (f) any playing of recorded music,
 - (g) a performance of dance,
 - (h) entertainment of a similar description to that falling within paragraph (e), (f) or (g), where the entertainment takes place in the presence of an audience and is provided for the purpose, or for purposes which include the purpose, of entertaining that audience.
- (2) Any reference in sub-paragraph (1) to an audience includes a reference to spectators.
- (3) This paragraph is subject to Part 3 of this Schedule (interpretation).

Entertainment facilities

- 3 (1) In this Schedule, "entertainment facilities" means facilities for enabling persons to take part in entertainment of a description falling within sub-paragraph (2) for the purpose, or for purposes which include the purpose, of being entertained.
- (2) The descriptions of entertainment are-
 - (a) making music,
 - (b) dancing,
 - (c) entertainment of a similar description to that falling within paragraph (a) or (b).
- (3) This paragraph is subject to Part 3 of this Schedule (interpretation).

Power to amend Schedule

4 The Secretary of State may by order amend this Schedule for the purpose of modifying-

- (a) the descriptions of entertainment specified in paragraph 2, or
- (b) the descriptions of entertainment specified in paragraph 3,

and for this purpose "modify" includes adding, varying or removing any description.

ANNEXE 3

Definitions – Late Night Refreshment

SCHEDULE 2

Section 1

PROVISION OF LATE NIGHT REFRESHMENT

The provision of late night refreshment

- 1 (1) For the purposes of this Act, a person "provides late night refreshment" if-
 - (a) at any time between the hours of 11.00 p.m. and 5.00 a.m., he supplies hot food or hot drink to members of the public, or a section of the public, on or from any premises, whether for consumption on or off the premises, or
 - (b) at any time between those hours when members of the public, or a section of the public, are admitted to any premises, he supplies, or holds himself out as willing to supply, hot food or hot drink to any persons, or to persons of a particular description, on or from those premises, whether for consumption on or off the premises,unless the supply is an exempt supply by virtue of paragraph 3, 4 or 5.
- (2) References in this Act to the "provision of late night refreshment" are to be construed in accordance with sub-paragraph (1).
- (3) This paragraph is subject to the following provisions of this Schedule.

Hot food or hot drink

- 2 Food or drink supplied on or from any premises is "hot" for the purposes of this Schedule if the food or drink, or any part of it,-
 - (a) before it is supplied, is heated on the premises or elsewhere for the purpose of enabling it to be consumed at a temperature above the ambient air temperature and, at the time of supply, is above that temperature, or
 - (b) after it is supplied, may be heated on the premises for the purpose of enabling it to be consumed at a temperature above the ambient air temperature.

Exempt supplies: clubs, hotels etc. and employees

- 3 (1) The supply of hot food or hot drink on or from any premises at any time is an exempt supply for the purposes of paragraph 1(1) if, at that time, a person will neither-
 - (a) be admitted to the premises, nor
 - (b) be supplied with hot food or hot drink on or from the premises,except by virtue of being a person of a description falling within sub-paragraph (2).
- (2) The descriptions are that-

- (a) he is a member of a recognised club,
 - (b) he is a person staying at a particular hotel, or at particular comparable premises, for the night in question,
 - (c) he is an employee of a particular employer,
 - (d) he is engaged in a particular trade, he is a member of a particular profession or he follows a particular vocation,
 - (e) he is a guest of a person falling within any of paragraphs (a) to (d).
- (3) The premises which, for the purposes of sub-paragraph (2)(b), are comparable to a hotel are-
- (a) a guest house, lodging house or hostel,
 - (b) a caravan site or camping site, or
 - (c) any other premises the main purpose of maintaining which is the provision of facilities for overnight accommodation.

Exempt supplies: premises licensed under certain other Acts

- 4 The supply of hot food or hot drink on or from any premises is an exempt supply for the purposes of paragraph 1(1) if it takes place during a period for which-
- (a) the premises may be used for a public exhibition of a kind described in section 21(1) of the Greater London Council (General Powers) Act 1966 (c. xxviii) by virtue of a licence under that section, or
 - (b) the premises may be used as near beer premises within the meaning of section 14 of the London Local Authorities Act 1995 (c. x) by virtue of a licence under section 16 of that Act.

Miscellaneous exempt supplies

- 5 (1) The following supplies of hot food or hot drink are exempt supplies for the purposes of paragraph 1(1)-
- (a) the supply of hot drink which consists of or contains alcohol,
 - (b) the supply of hot drink by means of a vending machine,
 - (c) the supply of hot food or hot drink free of charge,
 - (d) the supply of hot food or hot drink by a registered charity or a person authorised by a registered charity,
 - (e) the supply of hot food or hot drink on a vehicle at a time when the vehicle is not permanently or temporarily parked.
- (2) Hot drink is supplied by means of a vending machine for the purposes of sub-paragraph (1)(b) only if-
- (a) the payment for the hot drink is inserted into the machine by a member of the public, and
 - (b) the hot drink is supplied directly by the machine to a member of the public.
- (3) Hot food or hot drink is not to be regarded as supplied free of charge for the purposes of sub-paragraph (1)(c) if, in order to obtain the hot food or hot drink, a charge must be paid-
- (a) for admission to any premises, or
 - (b) for some other item.

(4) In sub-paragraph (1)(d) "registered charity" means-

- (a) a charity which is registered under section 3 of the Charities Act 1993 (c. 10), or
- (b) a charity which by virtue of subsection (5) of that section is not required to be so registered.

Clubs which are not recognised clubs: members and guests

6 For the purposes of this Schedule-

- (a) the supply of hot food or hot drink to a person as being a member, or the guest of a member, of a club which is not a recognised club is to be taken to be a supply to a member of the public, and
- (b) the admission of any person to any premises as being such a member or guest is to be taken to be the admission of a member of the public.

ANNEXE 4

Delegations

Matter to be dealt with:	Decision to be made by:	
	Sub Committee	Officers
Application for personal licence	If a police objection	If no objection made
Application for personal licence with unspent convictions	All cases	
Application for premises licence/ club premises certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	If a Police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a Police objection	All other cases
Applications for Interim Authorities	If a Police objection	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc		All cases
Decision to object when local authority is a consultee and not the lead authority	All cases	
Determination of a police representation to a temporary event notice	All cases	
In all of the above situations, the Licensing Committee reserves the right to consider any matter if it is of the opinion that it is appropriate to do so.		
The Licensing Committee will review the Statement of Licensing Policy and the adoption of a special area of cumulative impact as and when the need arises.		

ANNEXE 5

Committee/Sub-Committee procedure

GENERAL PRINCIPLES

1. Where valid representations are made on an application or an existing Licence, a temporary events notice or a request for a review is received, the matter will be referred to the Council's Licensing sub-committee for determination. In this section of the policy, any reference to "Committee" refers to both the Licensing Committee and any Sub-committee.
2. Prior to referring a matter to the Committee, consideration may be given to attempting to resolve matters informally, such as through the use of a mediation service. In some instances, however, this approach may not be appropriate.

NOTIFICATIONS OF HEARING

3. The Council will notify the applicant/licensee and any representors of the date, time and venue of the hearing in accordance with Regulation 6 of The Licensing Act 2003 (Hearings) Regulations 2005, and Regulation 2 of The Licensing Act 2003 (Hearings) (Amendment) Regulations 2005,

ATTENDANCE AT HEARINGS

4. The applicant, licensee or representor may be represented (legally or otherwise) and may call witnesses. Details of who will be attending the hearing to address the Committee shall be supplied to the Council at least 2 working days prior to the date of the hearing.

In the case of a hearing under Section 48(3)(a) (cancellation of interim authority notice following police objection), or Section 105(2)(a) (counter notice following police objection to temporary event notice) the party shall give the notice no later than one working day before the day or the first day on which the hearing is to be held.

REPORT

5. A report will be prepared by the Head of Environmental Services of the Council. A copy of the report will be sent to the applicant/licensee and any representors in advance of the meeting. The report will not include an Officer's recommendation, unless the hearing takes the form of an appeal.

DOCUMENTARY EVIDENCE

6. Documentary evidence upon which any party intends to rely shall be submitted to the Head of Environmental Services not less than 7 days before the date of the Hearing. If documents are larger than A4 size or difficult to copy (e.g. photographs) then normally 5 copies of the document must be supplied.
7. Any document submitted to the Head of Environmental Services after the report has been dispatched to the parties and on which one party wishes to rely shall be the subject of the following procedure before it may be taken into account by the Committee in reaching its decision:

- (a) the document must be shown to all the other parties to the hearing wherever possible before the hearing commences
- (b) the party wishing to rely on the document shall be asked to explain why the document was not submitted in advance and may make any representations as to why it should be taken into account by the Panel in reaching its decision
- (c) the other party or parties to the hearing shall indicate whether, because of its late submission, they have any objection to the Panel taking the document into account in reaching its decision
- (d) the Committee/Sub-Committee may consider whether it is necessary to grant an adjournment to any party as a result of the late submission of any document
- (e) taking into account its power to grant an adjournment (including possible delay and cost caused thereby) and any representations or objections made by the parties the Panel shall consider whether it would be fair in all the circumstances for the document to be taken into account in reaching its decision.

VIDEO EVIDENCE

- 8. If one of the parties wishes to show video evidence at the hearing, the Head of Environmental Services must be advised wherever possible at least 14 days in advance of the hearing and at least 2 copies of the video must be supplied in standard VHS format so that the opposing party or parties may have the opportunity to view the evidence in advance of the hearing. The Council will inform representors or the applicant of the receipt of video evidence and will arrange for any necessary viewing equipment to be provided at the hearing.

COMMITTEE PROCEDURE BEFORE, AT AND AFTER HEARING

- 9. The following procedure note will be used as a basis for all hearings under the Licensing Act 2003, but is subject to alteration at the discretion of the Chairman.

COMMITTEE PROTOCOL – LICENSING SUB-COMMITTEE

The four licensing objectives, as given by the Licensing Act 2003, are:-

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

Each application that comes before this Sub-Committee will be treated on its own merits. This licensing authority will make its decision based on the merits of the application and the promotion of the four licensing objectives, and will also have regard to the Guidance issued under Section 182 of the Licensing Act 2003 and the Worcester City Council Statement of Licensing Policy.

Members of the Sub-Committee will meet prior to the hearing to note matters to be presented and read all written submissions, assisted by the legal and administrative clerks only. The actual application will not be discussed. The Head of Legal and Democratic Services will have drawn up a list of persons appearing at the hearing.

LICENSING HEARING PROCEDURE

The Hearing

1. The Chairman will open the meeting, identify all persons present, and read the following statement:

“Presentations to this Committee are not given under oath. However I should like to remind all parties that the highest standards are expected and any deviation from these high standards could possibly influence any decision of the Committee.”

2. The Chairman will remind each representor and applicants/licence holders that they can be represented by a legal representative at their own expense or by a Councillor. He/she shall seek confirmation that all parties are satisfied with the procedure.
3. All parties are to be limited to a maximum time of ten minutes in which to make representations to the Sub-Committee. This period may be extended at the discretion of the Chairman, where prior representation has been made to the Licensing Authority. If an extension is agreed, all parties are to be allowed the same time to make representations. Where appropriate, if several parties wish to make the same representation, a spokesperson may by consent be appointed, in which case the spokesperson is to be allowed the same period of time as other representatives. If a spokesperson is not appointed, the amount of time must be shared between the persons wishing to make the same representation.
4. The Licensing Officer will present the report, outlining any relevant representations and relevancies to the Worcester City Council Statement of Licensing Policy and Guidance issued under Section 182 of the Licensing Act 2003.
5. The Licensing Officer may be questioned by Members of the Sub-Committee, the Applicant, and other parties to the hearing if given permission by the Chairman.

6. The Applicant/Licence Holder and/or his/her representative will speak in support of the application.
7. The Applicant/Licence Holder may be questioned by Members of the Sub-Committee and other parties to the hearing if given permission by the Chairman.
8. Any witnesses in support of the application will then make representations to the Sub-Committee.
9. The witnesses may be questioned by Members of the Sub-Committee and other parties to the hearing if given permission by the Chairman.
10. Any Representor will be invited to make representations to the Sub-Committee, having stated the nature of his/her interest in the matter.
 - (i) In the case of any Representor who has made representations but fails to attend, the hearing will normally proceed, taking into consideration the written representations, but ensuring appropriate weight is given to the representations.
 - (ii) No Representor may raise any ground or objection at the hearing not previously referred to in the written submission, unless the Sub-Committee considers there to be good reasons for doing so.
 - (iii) The Applicant/Licence Holder or his/her representative may make representations to the Sub-Committee as to why any request to introduce a new ground should or should not be granted.
11. At the conclusion of the Representor's case he/she may be questioned by the Members of the Sub-Committee, the Applicant, and other parties to the hearing if given permission by the Chairman.
12. Any Councillor representing the area in which the subject premises are located, who wishes to make representations on his/her own behalf, on behalf of constituents or any other relevant party will be invited to make such representations to the Sub-Committee.
 - (i) Where a Councillor wishes to make representations to the Sub-Committee, he/she may not sit on any Sub-Committee deciding such matter. Prior to a Councillor making any representations to the Sub-Committee he/she shall publicly declare that there has been no prior discussion on the matter with any Members of the Sub-Committee.
13. The Chairman will give all Representors an opportunity to give any further information considered to be appropriate to the case.
14. The Licensing Officer is invited to make a closing statement.
15. The Applicant/Licence Holder or his/her representative is invited to make a closing statement.
16. The Chairman will announce an adjournment of the hearing to enable the Sub-Committee to deliberate in private.

All parties, with the exception of the Members of the Sub-Committee, the legal adviser and the committee administrator will leave the room.

17. The Sub-Committee may recall all parties to seek clarification on any point. The parties will then withdraw again.
18. The Chairman may depart from the above procedure if he/she considers it is in the interests of justice to do so, either of his/her own volition or upon application by any party. Before doing so he/she shall invite the views of the parties present and consider any representations that may be made.

Decision

19. The hearing will reconvene, all parties being recalled.
20. The Chairman will announce the decision, together with reasons for it in public at the conclusion of the hearing, together with any conditions placed upon the licence and the licensing objective they relate to.
21. The Decision will be confirmed in writing to the Applicant/Licence Holder and his/her representative (if appropriate), and to the other parties to the hearing, and also to the Chief Officer of Police, within 7 working days of the conclusion of the hearing.

NOTES

1. *The procedure to be adopted by anyone aggrieved at the decision will be explained by the Chairman if requested.*
2. *Late representations and evidence will only be considered with the agreement of all parties present.*
3. *It is not the general policy of the Council to enter into discussions or correspondence on matters relating to the hearing or any decision made at the hearing.*
4. *The Committee may require any person attending the hearing, who in its opinion is behaving in a disruptive manner, to leave the hearing and may*
 - *refuse to permit that person to return, or*
 - *permit that person to return only on such conditions as the Committee specify,*

but such person may, before the end of the hearing, submit in writing any such information which they would have given orally had they not been required to leave.
5. *Any irregularity resulting from any failure to comply with any provision of the relevant Regulations before the Committee has made a determination shall not of itself render the proceedings void. In the case of such irregularity, the Committee shall, if it considers that any person may have been prejudiced as a result of such irregularity, take such steps as it thinks fit to cure the irregularity prior to determination.*

6. *Clerical errors in any document recording a determination of the Committee or errors arising in such document from accidental slip or omission may be corrected by the Committee.*

General Requirements of Applicants/Representors at Hearings

10. At any hearing of an application, the applicant and any representors shall attend in person wherever possible.
11. If the application or representation is made by a body corporate, business firm, society, association or other group, a duly authorised representative shall wherever possible be present who is able to address the Committee.
12. In the case of the applicant/licence holder, the representative must be empowered to supply any undertaking requested by the Committee or demonstrate that any conditions attached to the licence will be complied with.

Statutory Provisions

13. Where a relevant statutory provision has been enacted that is in conflict with any of the arrangements in this section, the statutory provision will always take precedence.

