STAFFORDSHIRE moorlands DISTRICT COUNCIL

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STATEMENT OF LICENSING POLICY 2026-2031

Licensing Section, Moorlands House, Stockwell Street, Leek, Staffordshire Moorlands ST13 6HQ

Important Note

In producing this Statement of Licensing Policy the Licensing Authority is aware that the Government may from time to time amend the Licensing Act 2003, supporting regulations and statutory guidance.

The Council does not intend to revise this policy document because of any such amendments and readers of this document are advised to check on the www.gov.uk website to ensure they have the latest information.

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1.0 Executive Summary

1.1 Under the provisions of the Licensing Act 2003 (the Act), Staffordshire Moorlands District Council (the Council) is the licensing authority for the administration and enforcement of the Act and associated orders and regulations within its area. The 2003 Act requires Licensing Authorities to prepare and publish a statement of Licensing Policy every 5 years. This document is the Council's Licensing Policy for the period 2026-2031.

1.2 In exercising its duties and responsibilities under terms of the Licensing Act 2003, the Council will operate within the statements and procedures mentioned in this policy statement. Not withstanding this statement, all applications will be treated on their merits and judged accordingly. The Council will have regard to any relevant guidance issued by the Secretary of State in exercising its powers under the Act.

1.3 This policy sets out how the licensing authority will deal with applications made under the Act. It sets out in detail who can make a representation under the Act. The policy contains a clear commitment not to use licensing provisions to duplicate other legislation.

1.4 The policy refers to the impact of licensing on cultural ~~strategies~~ development, regeneration , public safety and community wellbeing ~~the possible impact of live entertainment~~ and supports wider government ambitions around economic growth, public health and the evolving role of hospitality, leisure and entertainment in modern society. The policy also sets out the licensing authority's approach to integrating licensing with respect to other local plans and strategies, and to cumulative impact and special policies.

1.5 The licensing authority's approach to licensing hours and the presence of children on licensed premises is set out. The policy states that standard conditions will not be applied to licences. The policy considers the process of reviewing a premises licence or club premises certificate and sets out the approach to enforcement.

2.0 Purpose and scope of the Licensing Policy

2.1 The aim of the statement of licensing policy ("the policy") is to secure the safety and amenity of residential communities whilst facilitating a sustainable entertainment and cultural and community life ~~industry~~ within the scope of the Licensing Act 2003 ("the 2003 Act"). In adopting this policy, the licensing authority recognises the need to:

- secure the safety and amenity of our communities

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- facilitate a safe and sustainable licensed trade that contributes to the economy and vibrancy of the district by giving responsible operators the freedom and flexibility to meet changing consumer expectations, diversify their offer, and invest in innovation.
- reflect the needs of the district's community in relation to its cultural needs and diversity by supporting licensable activities, including live music, dancing, theatre and the other cultural experiences offered by such activities.
- Offer consumer choice and tourism by supporting a diverse range of venues and experiences that reflect the UK's rich hospitality and leisure offer and meet the needs of both domestic and international visitors.

2.2 The licensing authority will seek to promote the four licensing objectives contained in the Licensing Act 2003 when carrying out its licensing functions. These objectives are:

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

2.3 The Licensing Act 2003 regulates the following activities:

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club, or to the order of a member of the club
- The provision of regulated entertainment
- The provision of late-night refreshment

2.4 "Regulated entertainment" means: the performance of a play; film exhibitions, indoor sporting events, boxing or wrestling events, performing live music and playing recorded music (except incidental music), dance performances, and entertainment of similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance

2.5 "Late night refreshment" means: the supply of hot food or hot drink to members of the public on or from any premises at any time between the hours of 11pm and 5am.

2.6 The licensing authority recognises that each licence application must be dealt with on its own individual merits, taking into account the four licensing objectives. Unless relevant representations are received from responsible authorities or other persons (see section 4.4), the licensing authority cannot impose conditions on a licence other than those proposed within the application. Only conditions which have been volunteered by the applicant, or which have been determined by the Licensing Sub-Committee can be attached to a Premises Licence or Club Premises Certificate. If no relevant representations are made in

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respect of an application, the licensing authority is obliged to issue the licence on the terms sought.

2.7 The licensing authority will take this statement of licensing policy into account at Licensing Sub-Committee hearings held following representations being made to the licensing authority.

2.8 The licensing authority recognises that the 2003 Act is not a mechanism for the general control of anti-social behaviour by individuals once they are beyond the control of the individual, club or business holding the licence, certificate or permission concerned. The licensing authority will not, therefore, attempt to control such through its exercise of licensing functions. The licensing process can only seek to control those measures within the control of the Designated Premises Supervisor. Whether or not incidents can be regarded as being "in the vicinity" of licensed premises is a question of fact and will depend on the particular circumstances of each individual case. The licensing authority will focus primarily on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area.

2.9 The licensing authority may depart from this policy if the individual circumstances of any case merit such a decision in the interests of promoting the licensing objectives. Full reasons must be given to justify any departure from this policy.

2.10 Those persons and bodies that have been consulted on this policy are listed in Appendix D and the draft policy will also be placed on the Council website. The consultation will take place between 1st July 2026 to 12th August 2026 and when due consideration has been given to all of the responses, the policy will come into force on ********.

3.0 The licensing authority's approach to applications

3.1 The licensing authority recognises that each licensing application must be dealt with on its own individual merits.

3.2 Applicants should set out their proposals for addressing the licensing objectives particularly in their Operating Schedules. These proposals should reflect the appropriate safeguards capable of being attached to licences. With respect to underage alcohol sales, the proposals would normally be expected to take into account guidance issued by Staffordshire County Council Trading Standards and Staffordshire Police Licensing.

3.3 The details provided in the Operating Schedule accompanying any application for a premises licence, club premises certificate or variation thereto represents the key provision for an applicant to demonstrate to the licensing authority and the responsible authorities the steps intended to be taken to promote the four licensing objectives. The applicant should provide suitable and sufficient details, based on the licensable permissions sought and the location,

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character, condition, nature & extent of the proposed use and the customer profile likely to resort to the premises and any other relevant matter. A scale plan of the premises must be provided with all Premises Licence applications and applications for a Club Premises Certificate, where applicable, with variation applications. The premises to be licensed must be clearly marked in red outline with sufficient detail to show licenced and unlicenced areas within the premises and including, where relevant, any external areas.

3.4 Any application which is not made in accordance with the 2003 Act and this policy will not be accepted by the licensing authority. The application will be returned to the applicant and the timescale contained in the 2003 Act will not begin until an appropriately made application is received.

3.5 Nothing in the policy will prevent any person from applying for a variety of permissions.

4.0 Representations

4.1 In relation to applications for premises licences and a club premises certificates, the licensing authority must consider relevant representations as part of its determinations. Relevant representations can only be made by responsible authorities or other persons within prescribed time periods. Where the licensing authority is of the opinion that representations are frivolous, vexatious or irrelevant, the 2003 Act, prohibits them being considered as relevant representations.

4.2 'Other Persons' are defined as any individual, body or business ~~including a member of the relevant licensing authority~~ regardless of their geographic proximity to the premises which is the subject of application or review.

4.3 Responsible Authority means any of the following:

- The Chief Officer of Police;
- The local fire and rescue authority;
- The local enforcement authority for the Health and Safety at Work etc Act 1974;
- The local authority with responsibility for environmental health;
- The local authority planning authority;
- A body that represents those who are responsible for, or interested in, matters relating to the protection of children from harm;
- The local weights and measures authority (trading standards);
- The local authority' Director of Public Health and
- The relevant licensing authority and any other licensing authority in whose area part of the premises is situated
- Home Office Immigration Enforcement Team.

Contact addresses for these responsible authorities are shown in Appendix B.

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4.4 In relation to a vessel:

- A navigation authority having functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is or is proposed to be navigated at a time when it is used for licensable activities;
- The Environment Agency;
- The Canal and River Trust; and
- The Secretary of State for Transport, acting through the Maritime and Coastguard Agency;

4.5 Relevant representations may only relate to:

- matters about the likely effect of the grant/variation of the premises licence or club premises certificate on the promotion of the licensing objectives;
- a proposed designated premises supervisor if made by the Chief Constable'
- a proposed premises licence holder if made by the Chief Constable/Home Office Immigration Enforcement Team.
- a proposed personal licence holder if made by the Chief Constable'

4.6 Where a relevant representation is received in relation to the grant or variation of a licence the matter will be determined in accordance with this policy. It is for the Licensing Authority to decide in the first instance whether or not representations are relevant in line with the Licensing Act 2003 and Home Office S182 guidance. The representation will be considered in accordance with the delegation criteria listed in Appendix A.

4.7 Relevant representations must specifically relate to how the grant of the application would affect one or more of the four licensing objectives. Any representation must be in writing, and the Licensing Authority has a representation form that can be requested via the Licensing Section. The representation must include your full name, address and contact information (telephone number and e-mail address) Any person (including members of the public) needs to be aware that their personal details will be made available to the applicant. The Licensing Section will keep contact details (telephone number and e-mail address) as confidential. The Licensing Authority IS NOT able to accept anonymous representations. Representations can be made in opposition to, or in support of, an application.

4.8 ~~The names and addresses of all persons making relevant representations will be disclosed to the applicant~~. Where relevant representations are received, the Council will hold a hearing conducted by the licensing sub-committee to consider them (except in the case of a minor variation). All parties involved will be informed of the time, date, and place of the sub-committee hearing. In the event that the application proceeds to a public hearing, all persons making

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relevant representations will be informed that their names and addresses will be included within the application report and will therefore be in the public domain.

4.9 The hearing enables responsible authorities and 'other persons' to present their representations, and to allow the applicant to present their application, before a decision is made.

4.10 During the consultation period advertising an application the Council will encourage discussions between the applicant and any authority or other person indicating they wish to make representations to see if a compromise can be agreed between the parties.

4.11 After the sub-committee hearing a decision notice will be issued. The notice will set out the decision, the sub-committees' reasons for it, and the appeal process against it which either party to the hearing may take. In coming to a decision on individual licensing applications, licensing committees should have regard to relevant local plans and strategies, such as those relating to town planning, the night-time economy, or business support, provided these considerations are consistent with the licensing objectives.

4.12 In promoting the licensing objectives, the licensing authority will, for reasons of appropriateness and efficiency, refer complaints about licensed premises/club premises/temporary events or licensed individuals to its own appropriate service team (e.g. Health and Safety, Pollution Control) or to another agency (e.g. Staffordshire Police, Staffordshire Fire and Rescue Service) for their consideration, in accordance with any enforcement protocols.

4.13 Councillors may make representations in writing and at a hearing on behalf of other persons if specifically requested to do so. They can also make representations as an other person in their own right. Councillors have a duty to act in the interests of all their constituents. Their role as community advocate must therefore be balanced with their ability to represent specific interests.

4.14 Nothing in this policy will override the right of any person to make representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the Act.

5.0 Conditions

5.1 Any conditions that are attached to licences and certificates will be tailored to the individual style and characteristics of the premises and events concerned. Conditions will be drawn from the applicant's operating schedule and conditions agreed between the applicant and the ~~Licensing Authority~~ Responsible Authorities as defined in the Licensing Act 2003 during the application consultation period. Conditions (other than the statutory mandatory conditions, reproduced at Appendix C) will only be imposed where relevant representations are made showing that there is a need to promote the licensing objectives,

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and following a Licensing Sub-Committee hearing. The licensing authority will not impose "blanket" standard conditions.

6.0 Duplication

6.1 When considering any application, the Council will avoid duplication with other regulatory regimes so far as possible. Therefore, the Council will not attach conditions to an authorisation in relation to a matter covered by another regulatory regime unless going beyond such a regime is considered appropriate for the promotion of the licensing objectives in the particular circumstances. Licensing authorities and licensees should be mindful of requirements and responsibilities placed on them by other legislation. Legislation which may be relevant includes:

- The Gambling Act 2005
- The Environmental Protection Act 1990
- The Noise Act 1996
- The Clean Neighbourhoods and Environmental Act 2005
- The Regulatory Reform (Fire Safety) Order 2005
- The Health and Safety at Work etc. Act 1974
- The Equality Act 2010

7.0 Considerations for Applicants regarding the Licensing Objectives

7.1 The Prevention of Crime and Disorder

7.1.1 The Council is committed to reducing crime and disorder in the district and look to the Police as the main source of advice on the matter. Conditions attached to premises licences and club premises certificates will, so far as possible, reflect local crime prevention strategies. The licensing authority will expect the applicant to detail in the operating schedule the steps ~~he/she~~ they proposes ~~s~~ to take to ensure the deterrence and prevention of crime and disorder.

7.1.2 Applicants should consider the following when completing their operating schedule:

- Provision of CCTV for inside and outside the premises and recording equipment
- ~~Radio network communication~~
- Search facilities, including, as appropriate, metal detection equipment for concealed weapons etc.
- Use of plastic containers and/or toughened glass/polycarbonate glasses/receptacles;
- Measures to address the incidence supply and consumption of drugs
- Signage and crime prevention notices
- Door supervision
- Recording of incidents
- Any other relevant matter(s)

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7.2 Public Safety

7.2.1 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective.

7.2.2 A fire risk assessment will be required for the premises under the Regulatory Reform (Fire Safety) Order 2005.

This applies to most non-domestic premises.

you must:

- Carry out a suitable and sufficient fire risk assessment and record the significant findings.

This should include the following;

- Consider how many persons can safely be present in the licensed areas
- Create an emergency plan that would outline what to do in the event of a fire. In most cases, you should keep a written record of your plan.
- Test and maintain fire protection equipment
- Provide adequate fire training for employees on induction and periodically thereafter

7.2.3 Applicants should also consider the following when completing their operating schedule:

- Emergency Services access
- First Aid provisions
- Ensuring safety of customers leaving their premises
- Capacity Limits
- Frequent collection of glasses
- Counter Terrorism – The Terrorism (Protection of Premises Act) 2025 (also known as Martyn's Law) received Royal Assent on 03 April 2025 and is scheduled to come into force in Spring 2027. This legislation requires public venues and events to prepare for and mitigate the threat of terrorist attacks.

  Martyn's Law Factsheet – Home Office in the media

  ProtectUK | Home
- Any other relevant matter(s)

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7.3 The Prevention of Public Nuisance

7.3.1 Public nuisance is not defined within the Act but is given a broad common law definition. The prevention of public nuisance does therefore include low-level nuisance perhaps affecting a few people living locally as well as major disturbances affecting the whole community.

7.3.2 The public nuisance objective is designed to deal with the impact of licensable activities at specific premises on persons living and working in the vicinity that is disproportionate and unreasonable. The main issues for concern will be noise nuisance, light pollution and litter.

7.3.3 Applicants should consider the following when completing their operating schedule:

- Measures to limit noise and light escaping from the premises;
- Signage to request that customers leaving must respect local residents
- Managing the location that customers congregate outside of the premises.

7.4 The Protection of Children from Harm

7.4.1 The licensing authority will not impose conditions that restrict access to children to any type of premises unless it is considered appropriate to protect them from harm. Examples of premises which would give rise for concern include those:

- where entertainment or services of an adult or sexual nature are commonly provided
- where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking
- with a known association with drug taking or dealing
- where there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines)
- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises

7.4.2 It would be unusual for the licensing authority to completely prohibit access of children from premises. The following options may be appropriate for inclusion in the operating schedule in order to protect children from harm:

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- limitations on the hours when children may be present
- age limitations
- limitations or exclusions when certain activities are taking place
- requirements for accompanying adult
- full limitations of people under 18 years old from the premises when certain licensable activities are taking place.
- Proof of age monitoring arrangements (e.g. Proof of Age Standards Scheme, photo driving licence or passport) Challenge 25 Policy.

7.5 Where the licensing authority imposes no restriction on access by children, it is at the discretion of the Designated Premises Supervisor or club to ensure the licensing objectives are observed.

The licensing authority recognises that the Staffordshire Safeguarding Children Board and Staffordshire County Council Trading Standards are the responsible authority for advising the licensing authority on all those matters in relation to the protecting children from harm licensing objective.

7.6 The licensing authority will liaise with Staffordshire Police and Staffordshire County Council's Trading Standards about the extent of unlawful sale and consumption of alcohol to minors and, as appropriate, will be involved in the development of any strategies to control or prevent these unlawful activities and to pursue prosecutions.

7.7 In the case of premises giving film exhibitions, the licensing authority expects the Premises Licence holder to include in the operating schedule conditions that children will be restricted from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification.

7.9 The Portman Group Codes of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks (6th edition, 2019) and Alcohol Sponsorship (1st edition, 2014) seek to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older. The Codes are an important weapon in protecting children from harm because they address the risks of naming, marketing, promotion and sponsorship of alcohol products sold in licensed premises in a manner that may appeal to or attract minors. The Council commends the Code to licence holders and applicants. It should also be noted that failure to have regard to the codes of practice might lead the licensing authority to conclude on a review that the Premises Licence holder is not doing all that is sufficient to promote the licensing objective to protect children from harm, which could jeopardise their licence.

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8.0 Licensing Hours

8.1 The licensing authority will determine licensing hours on the individual merits of each application. The licensing authority recognises that longer licensing hours for the sale of alcohol can avoid large numbers of people leaving premises at the same time, which in turn reduces the friction at late night fast food outlets, taxi ranks and other sources of transport, which can lead to disorder and disturbance. The licensing authority will not impose conditions that artificially fix opening hours for any premises or area of the district (referred to as "zoning").

8.2 The licensing authority may, following the making of relevant representations, impose stricter conditions with regard to noise control in areas which have denser residential accommodation, although this will not prejudice consideration of individual applications where the licensing objectives are addressed in the operating schedule.

8.3 With regard to shops, stores and supermarkets, the licensing authority will allow the sale of alcohol for consumption off the premises at any time when the retail outlet is open for shopping unless there is a good reason for restricting them, such as disorder or disturbance. Staffordshire Police would normally be asked to make comment on any alleged patterns of disorder or disturbance.

9.0 Deregulated Public Entertainment

9.1 On 01 October 2012, the Live Music Act 2012 amended the Licensing Act 2003 by removing the provision of entertainment facilities as a licensing activity, and partially deregulating the performance of live music in the following circumstances*:

- Removal of the licensing requirement for unamplified live music, taking place between 08:00 and 23:00 in all venues. The Council retains the power to impose conditions on such premises following a licence review
- Removal of the licensing requirement for amplified live music, taking place between 08:00 to 23:00 before audiences of no more than 500 persons, on premises authorised to supply alcohol for consumption on the premises. The Council retains the power to impose conditions on such premises following a licence review
- Removal of the licensing requirement for amplified live music, taking place between 08:00 to 23:00 before audiences of no more than 500 persons, in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late-night refreshment
- Suspend any licence conditions related to live music, where licensable activities (such as the sale of alcohol) continue to take place on premises. It is possible to impose new or existing live music conditions following a review of a premises licence or club certificate, relating to premises authorised to supply alcohol for consumption on the premises.
- Extended the licensing exemption for live music, integral to a performance of Morris Dancing or dancing of a similar type, so

that the exemption applies to live or recorded music instead of unamplified live music.

No authorisation is required where entertainment is being provided under these statutory exemptions as may apply at any given time. However, if exempt entertainment is or will be taking place as well as licensable activities (e.g. selling alcohol) then an authorisation covering the licensable activities will still be required. Operators of 'on-licensed' premises should also note that it is possible to re-introduce full licensing controls over public entertainment where a premises licence or a club premises certificate has been reviewed and a Licensing Sub-Committee determines that it is appropriate for such controls to be re-introduced.

10.0 Designated Premises Supervisor and Personal Licence holders

10.1 The sale and supply of alcohol, because of its impact on the wider community and on crime and anti-social behaviour, carries with it greater responsibility than that associated with the provision of regulated entertainment and late-night refreshment.

10.2 The licensing authority accepts that not every person retailing alcohol at premises licensed for that purpose needs to hold a personal licence, but every sale or supply of alcohol must be at least authorised by such a licence holder. The licensing authority would ~~normally~~ expect that personal licence holders give specific written authorisation to individuals that they are authorising to ~~retail~~ sell alcohol. This would assist personal licence holders in demonstrating due diligence. Although the designated premises supervisor or a personal licence holder may authorise other individuals to sell alcohol in their absence, they are responsible for any sales made. The following factors would normally be relevant in considering whether or not an authorisation has been given:

- the person(s) authorised to sell alcohol at the premises should be clearly identified;
- the authorisation should have specified the acts which may be carried out by the person being authorised;
- there should be an overt act of authorisation e.g. a specific written statement given to the individual being authorised;
- there should be in place a sensible arrangement for the personal licence holder to monitor the activity that they have authorised on a reasonably regular basis.

10.3 The requirements relating to the designated premises supervisor and authorisation of alcohol sales by a personal licence holder do not apply to community premises where a successful application has been made to disapply the usual mandatory conditions in sections 19(2) and 19(3) of the Licensing Act 2003.

11.0 Temporary Event Notices

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11.1 Temporary event notices ~~must~~ (TENs) must be made to the licensing authority in the prescribed form as set out in section 100 (4) of the 2003 Act, together with the fee, and evidence that the notice has also been sent to the Police and Environmental Health (only applicable if not submitted via the Licensing Authorities online facility). All Temporary Event Notices where the event is outdoors/not held in a permanent structure must be accompanied with a clear site/location plan in addition to the event address.

TENs not submitted correctly will be rejected.

11.2 There are two types of Temporary Event Notices (TENs), 'standard' and 'late'. These are subject to different processes:

- A Standard TEN is given no later than ten working days before the event (not including the day it is submitted or the day of the event) to which it relates
- A Late TEN is given up to five working days but no earlier than nine working days before the event is scheduled (not including the day it is submitted or the day of the event) ~~and unless it is served electronically to the Council a copy must also be sent to the Police and Environmental Health section.~~
- If there is an objection to a late TEN, the event cannot go ahead.
- All temporary event notices are subject to limitations.

11.3 If a premises is not authorised by a premises licence or club premises certificate to carry on licensable activities but wishes to do so then a TEN is required. A TEN is also required if a premises currently holds a licence but wishes to carry on other licensable activities that are not included in the licence or to extend their permitted hours. The Police and Environmental Health section are the only responsible authorities that can object to a TEN.

11.4 The licensing authority would encourage applicants for a temporary event notice to give at least 28 days prior notice of the intended event, and preferably longer in case the procedures below are activated.

11.5 Where applications fall outside the criteria set down in Part 5 of the Act, e.g. the applicant has already served the maximum number of notices for that year, then the licensing authority will serve a counter notice which will prevent the licensable activities at the event from taking place.

11.6 If the Police or Environmental Health object to the notice on the basis that the event would undermine one of the licensing objectives, then the licensing authority will hold a hearing to decide whether or not the licensable activities at the event should take place. The licensing authority must serve a counter notice if it considers it appropriate for the promotion one of the licensing objectives. In circumstances prescribed by the Act the terms of the TEN may be modified prior to hearing, or conditions attached at a hearing.

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11.7 The individual giving the TEN should be aware that the serving of a temporary event notice does not remove their obligations under other legislation. The Council recommends that the individual familiarises themselves with their obligations in respect, but not exclusively to, the following:

- Planning permission
- Health & Safety
- Noise pollution
- The use of pyrotechnics
- Road closures
- Fire Safety.

12.0 Planning

12.1 The planning, building control and licensing regimes will be properly separated. Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. However, applications for licences may be made before any relevant planning permission has been sought or granted by the planning authority. Applications for licences should not be a re-run of the planning application and should not cut across decisions taken by the Planning Committee.

12.2 Licensing Sub-committees are not bound by decisions made by a planning committee, and vice versa. The licensing authority recognises that applications for a provisional statement may not have progressed beyond outline planning consent. The Licensing Sub-Committee may refuse to grant a licence following representations from the Local Planning Authority if the activity to be authorised would amount to an unlawful use of the premises - it will be for the applicant to demonstrate any special circumstances to justify a departure from this policy.

12.3 To enable the Planning Committee to have regard to such matters when taking its decisions and avoid unnecessary overlap, the Licensing Sub Committee will, where appropriate, provide reports to the Planning Committee on the situation regarding licensed/club premises in the area. Reports to the Planning Committee may include information concerning the general impact of alcohol-related crime and disorder.

13.0 Integrating strategies

13.1 The licensing authority will ensure its licensing function promotes the licensing objectives through its decision making process and by appropriate use of its powers (under the 2003 Act and more widely), observance of its responsibilities and through liaison and partnership work. The licensing authority will secure proper integration with the Local plan, local crime prevention, planning, community safety, transport, tourism, economic growth, regeneration and cultural strategies and plans in carrying out its licensing functions. Applicants will be expected to have taken into account the licensing authority's

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strategies when making applications and determining their operating schedules.

14.0 Cumulative Impact and Need

14.1 For the purposes of this document 'cumulative impact' means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. Cumulative impact is a proper matter for the Council to consider in developing its licensing policy. This should not be confused with 'need', which concerns the commercial demand for another particular type of premises. The Government Guidance states that "need" is not a matter for the Licensing Authority but is a matter for the planning authority and the free market.

14.2 The Licensing Authority, having not been presented with sufficient evidence to the contrary, does not consider any area within the Borough to currently have a particular concentration of licensed premises causing a cumulative impact on one or more of the licensing objectives. The Licensing Authority will keep this matter under review and accordingly reserves the right, should the need arise, to introduce a special policy concerning cumulative impact during the life of this statement of licensing policy.

14.3 The absence of a special policy does not prevent any Responsible Authority or any other party from making representations on a new application for the grant of an authorisation on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. The Act allows for such consideration, but the individual merits of each application must always be considered.

15.0 Reviews of Premises Licences or Club Premises Certificates

15.1 The licensing authority recognises the importance of the ability to review premises licences. The proceedings set out in the 2003 Act for reviewing premises licences represent a key protection concerning problems associated with crime and disorder, public safety, public nuisance or the protection of children from harm. Partnership working is important to achieve the promotion of the licensing objectives. Responsible authorities are encouraged to give the Premises Licence holder early warning of any concerns identified at premises.

15.2 Responsible authorities and other persons can apply for the review of a licence or certificate. The licensing authority's role is to administrate the process and determine its outcome at a Licensing Sub-Committee hearing. At a Licensing Sub-Committee hearing, reasons will be given for decisions and a proforma used to record any conditions attached to the licence. A copy of the decision notice will be kept on the relevant premises file.

15.3 The licensing authority must, having regard to the application and any relevant representations, take such of the steps mentioned below (if

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any) as it considers appropriate for the promotion of the licensing objectives. The steps are:

- to modify the conditions of the licence;
- to exclude a licensable activity from the scope of the licence;
- to remove the designated premises supervisor;
- to suspend the licence for a period not exceeding three months;
- to revoke the licence

15.4 In cases where the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – will be seriously considered.

15.5.1 Where there has been a request for a review, the licensing authority must advertise that an application for a review has been made. Further representations may then be made within 28 days commencing from the day after the Licensing Authority receive the application for a review. A hearing must be held within 20 working days of the end of the 28 day period. Anyone who has made a representation and who wants to attend the hearing must inform the licensing authority at least 5 working days before the day of the hearing.

15.6 The police can call for a summary review of any premises licensed to sell alcohol if they certify that those premises are associated with serious crime or serious disorder. The review application must be heard within 28 calendar days of receipt but first of all, within 48 hours of receipt, the Council must consider whether to impose any interim steps, which take immediate effect pending the determination of the review application. The interim steps available to the Council are:

- Modifying the conditions of the licence;
- Excluding the sale of alcohol from the licence;
- Removing the designated premises supervisor;
- Suspending the licence

15.7 Only the premises licence holder is able to make representations against any interim steps imposed and where such representations are made, the Council must hold a hearing to consider them within 48 hours of receipt. At the hearing to determine the summary review application the licensing sub-committee can decide to:

- Modify the licence
- Exclude a licensable activity
- Remove the designated premises supervisor
- Suspend the licence for a maximum of three months
- Revoke the licence

16. Late Night Levy and Early Morning Restriction Orders

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16.1 The Licensing Authority, having not been presented with sufficient evidence to the contrary, does not consider that the application of a Late Night Levy or Early Morning Restriction Order(s) are appropriate for the Council's area at the present time. The Licensing Authority will keep these matters under review and accordingly reserves the right, should the need arise, to introduce these measures during the life of this statement of licensing policy.

17.0 Enforcement

17.1 Any enforcement action taken by the licensing authority will be in accordance with its Regulatory Services Enforcement Policy and will take into account the Government's Enforcement Concordat and the Hampton principles of inspection and enforcement. The licensing authority will provide adequate resources to enforce the requirements of the 2003 Act in accordance with its Enforcement Policy.

17.2 In determining the most appropriate course of action to secure the licensing objectives, the licensing authority will be mindful of other legislation and other enforcement bodies' powers. Additionally, the licensing authority will take into account any enforcement protocols developed with these organisations and our partners.

18.0 Administration, Exercise and Delegation of Functions

18.1 The powers and duties of the Council with regard to licensing may be carried out by the Licensing Committee, by a Sub-Committee or by officers acting under delegated authority. Since many of the licensing functions are administrative in nature, in the interests of speed, efficiency and cost-effectiveness, the Council supports the principle of delegating routine matters to officers. Appendix A sets out the delegation of functions.

19.0 Promotion of Racial Equality

19.1 The licensing authority recognises that the Equalities Act 2010 places an obligation on all public authorities to have regard to the need to eliminate unlawful discrimination, and to promote equality of opportunity and good relations between persons and different racial groups.

20.0 Human Rights

20.1 The licensing authority will implement the 2003 Act in a manner consistent with the Human Rights Act 1998.

21.0 Contact details

21.1 The licensing authority will issue materials designed to offer guidance to applicants in respect of the Licensing Act 2003, the differing licences and certificates, the process of making an application and

expectations in respect of observance of the licensing objectives. The Licensing Service can be contacted for advice or guidance via the following:

Tel: 01538 395400
Email: licensing-1@staffsmoorlands.gov.uk
Web Site: https://www.staffsmoorlands.gov.uk/article/504/Licences

By Post: Staffordshire Moorlands District Council, Licensing Service, PO Box 136, Buxton, SK17 1AQ

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Appendix A: Delegation of Functions

Matter to be dealt with	Licensing Act Sub Committee	Officers
Application for personal licence	If police objection	If no objection made
Application for personal licence with unspent convictions	If police objection	If no objection made
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 for a minor variation to a premises licence or club premises certificate		All cases
Application to vary designated premises supervisor	If a police objection	If no objection made
Request to be removed as designated premises supervisor		All cases
Application for the mandatory alcohol condition under the Licensing Act 2003 requiring a Designated Premises Supervisor in respect of a premises licence to be dis-applied	If a police objection	If no objection made
Application for transfer of premises licence	If a police objection	If no objection made
Applications for Interim Authorities	If a police objection	If no objection made
Application to review premises licence/club premises certificate	All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc.		All cases
Determination of a police / EH objection to a temporary event notice	If a Police or EH objection	If no objection made
Decision whether to consult other responsible authorities on minor variation		All cases
Issuing of counter notice for TENs		All cases

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Appendix B: List of Responsible Authorities

The Licensing Section Staffordshire Moorlands District Council P.O. Box 136 Buxton SK17 1AQ Contact: 01538 395468 licensing-1@staffsmoorlands.gov.uk	Staffordshire Police Licensing Staffordshire Police Licensing Unit Stafford Police Station Eastgate Street, Stafford, ST162DQ. Contact :licensinghq@staffordshire.police.uk
Staffordshire County Council Trading Standards – Economy, Infrastructure & Skills Fourth Floor Staffordshire Place 1 Tipping Street Stafford ST16 2DH Contact: licensing@staffordshire.gov.uk Children & Family Services 1 Staffordshire Place Stafford ST16 2LP Contact:cscs@staffordshire.gov.uk	Northern Service Delivery Group Newcastle Community Fire Station Knutton Lane Newcastle under Lyme Staffordshire ST5 2SL Contact : nsdg.protect@staffordshirefire.gov.uk
Planning Department Staffordshire Moorlands District Council Moorlands House Stockwell Street Leek Staffordshire Moorlands ST13 6HQ Contact : planning@staffsmoorlands.gov.uk If premises/land is within the Peak Park jurisdiction: Peak District National Park Authority Aldern House Baslow Road Bakewell Derbyshire DE45 1AE Contact : customer.service@peakdistrict.gov.uk	The Environmental Health Department Staffordshire Moorlands District Council Moorlands House Stockwell Street Leek Staffordshire Moorlands ST13 6HQ Contact; EHealth.Consultation@highpeak.gov.uk Unless the enforcing authority for health and safety at your premises is the Health and Safety Executive in which case the Responsible Authority for Health and Safety will be: The Health and Safety Executive Lyme Vale Court Lyme Drive Parklands Business Park Newcastle Road Trent Vale Stoke-on-Trent ST4 6NW

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Health and Care Staffordshire Wedgwood Building Tipping Street, Stafford, ST16 2DH Contact: publichealth@staffordshire.gov.uk	Home Office Immigration Enforcement, Compliance and Crime Immigration Enforcement Home Office 2 Ruskin Square, Dingwall Road, Croydon, CR0 2WF Contact : IE.licensing.applications@homeoffice.gov.uk

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Appendix C: Mandatory Conditions attached to Premises Licences

Mandatory conditions where licence authorises supply of alcohol

- No supply of alcohol shall be made under this licence at any time when:
  (a) there is no designated premises supervisor in respect of this licence, or

  (b) when the designated premises supervisor does not hold a personal licence or his or her personal licence is suspended.

- Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence

The below conditions with effect from 28th May 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1—

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

(i) P is the permitted price,
(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence—
(i) the holder of the premises licence,
(ii) the designated premises supervisor (if any) in respect of such a licence, or
(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

The below conditions with effect from 1st October 2014

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

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period

of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage, or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

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

3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

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

(a) a holographic mark, or

(b) an ultraviolet feature.

4. The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."

Mandatory condition: exhibition of films

(1) Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

(2) Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

(3) Where -

(a) the film classification body is not specified in the licence, or

(b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

(4) In this section -

"children" means persons aged under 18; and

"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification)

Mandatory condition: door supervision

(1) Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Security Industry Authority.

(2) But nothing in subsection (1) requires such a condition to be imposed -

(a) In respect of premises within paragraph 8(30)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or

(b) in respect of premises in relation to -

(i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule

(premises being used exclusively by club with club premises certificate, under

a temporary event notice authorising plays or films or under a gaming

licence), or

(ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

(3) For the purposes of this section -

(a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and

(b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule

Appendix D – Consultees.

The Licensing Act requires that the following parties are consulted by Licensing Authorities:

- The Chief Officer of Police

- One or more persons who appear to the authority to represent the interests of persons carrying on licensed businesses in the authority's area;

- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Licensing Act 2003.

This Licensing Authority will consult with:

- The Chief Constable, Staffordshire Constabulary
- Staffordshire County Council Social Services including Safeguarding Children
- Responsible Authorities as defined in the Licensing Act 2003.
- Bodies representative of businesses and residents
- British Beer & Pub Association
- Staffordshire Moorlands District Council Elected Members
- All Parish and Town Councils in Staffordshire Moorlands.
- Neighbouring local authorities
- Health authorities
- All Internal Departments of Staffordshire Moorlands District Council
- Bodies representative of licence holders

This document was also posted on the SMDC website for the duration of the consultation period.

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