

**STATEMENT OF LICENSING
POLICY**

LICENSING ACT 2003

FOREWORD

This policy statement has four main purposes, which are:

- **To confirm to elected Members** of the Licensing Committee, the boundaries and powers of the Authority and the parameters within which to make decisions.
 - **To inform licence applicants** of the parameters within which the Authority will make licensing decisions and therefore how licensed premises are likely to be able to operate within the area.
 - **To inform local residents and businesses** of the parameters within which the Authority will make licensing decisions and therefore how their needs will be addressed.
 - **To support a case in a court of law** if the Authority has to show how it arrived at its licensing decisions.
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Using this Statement of Licensing Policy

- The policies are shown in text boxes, which are separately numbered and titled
- The additional text gives examples, background and reasons for the policies
- Footnotes refer to the sections of the 2003 Act (or the paragraphs of the Secretary of State's Guidance) from which the policies were derived
- The Appendices give additional information.

The Council has different roles under the Licensing Act 2003, so:

- "Authority" is used where it acts as the Licensing Authority under the 2003 Act.
- "Council" is used where parts of the Council act in other capacities, for example:
 - to determine policy
 - when the "Council" applies to the "Authority" for a licence for Council premises
 - when Environmental Services or Planning Control officers make Representations about applications received.

The "Authority" must balance the interests of applicants (as stated in their applications for licences) and any interests stated by others (in "Representations"). When it grants a licence, the Authority must attach mandatory conditions if applicable. The Authority cannot attach other conditions unless they are proportional to the applications and Representations received.

If you have queries about licensing issues, please contact:

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South Oxfordshire District Council
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The “Pool of Conditions”, which is referred to in this document, is separate from the Statement of Licensing Policy and will be subject to constant additions. It is available on request from the address above.

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Glossary

Term	Description	Reference for full details
Authority	South Oxfordshire District Council in its capacity as a Licensing Authority.	
Council	South Oxfordshire District Council in its capacity as a district council.	
Planning Authority	The Council in its capacity as a planning authority.	
Police Authority	Thames Valley Police	
Fire Authority	The Fire and Rescue Service of Oxfordshire County Council	
Navigation Authority For rivers – For canals –	The Environment Agency The British Waterways Board	Section 13(4)(h)
Interested Party <i>(Interested Parties may make Representations about applications and may request reviews)</i>	Any of the following – (a) a person living in the vicinity of the premises (b) a body representing persons who live in that vicinity (c) a person involved in a business in that vicinity (d) a body representing persons involved in such businesses.	Section 13(3)
Responsible Authority <i>(Responsible Authorities may make Representations about applications and may request reviews)</i> <i>(Appendix 1 lists the contact details for these Responsible Authorities)</i>	Any of the following – (a) the chief officer of Police for the area (b) the fire authority (c) the enforcing authority under S 18 of Health and Safety at Work etc. Act 1974 (d) the local planning authority (i.e. department of the Council) (e) the environmental health department of the Council (f) the Social Health Care Department of Oxfordshire County Council, which the Authority recognises as competent to advise on matters of child protection, (g) any other Licensing Authority in whose area part of the premises is situated (h) in relation to a vessel – the navigation authority.	Section 13(4)
Objection	Representations made by the Police in relation to an application or notice, on the grounds of the prevention of crime and disorder.	
Representations	Comments made by a Responsible	

	Authority on an application, notice or a licence.	
Relevant Representations	Comments made by an Interested Party, which are not rejected by the Authority as irrelevant, frivolous, vexatious, or repetitive.	
<p>Authorised Person</p> <p><i>(Authorised Persons have roles in <u>enforcement</u> of the 2003 Act)</i></p> <p><i>(Police officers are not listed as Authorised Persons, as they already have powers of enforcement under other legislation)</i></p>	<p>Any of the following –</p> <p>(a) an officer of the Licensing Authority, authorised for the purposes of the 2003 Act</p> <p>(b) an inspector appointed under S.18 of the Fire Precautions Act 1971,</p> <p>(c) an inspector appointed under S.19 of the Health and Safety at Work etc. Act 1974</p> <p>(d) an officer of the Council authorised to exercise statutory environmental health functions</p> <p>(e) in relation to a vessel, an inspector, or surveyor of ships, appointed under S.256 of the Merchant Shipping Act 1995,</p> <p>(f) a person prescribed for the purposes of S.13(2) of the Licensing Act 2003.</p>	Section 13(2)
Licensing Committee	The Committee of elected members of South Oxfordshire District Council that is responsible for the Council's licensing functions.	
Designated Officer	The Head of Environmental Services or any officer delegated by the Head of Environmental Services	
SIA	Security Industry Authority	
2003 Act	The Licensing Act 2003	
LACORS	Local Authorities Co-ordinator of Regulatory Services	
TSI	Trading Standards Institute	
Statement of Licensing Policy	The final version of this Policy, as adopted by the Council	
Designated Premises Supervisor	The holder of a personal licence who is identified by the licence holder as having day-to-day responsibility for the management of a premises.	
Secretary of State's Guidance	Guidance issued by the Secretary of State under section 182 of the 2003 Act	
Regulated Entertainment	Entertainment as defined in Appendix 7	

1 Introduction

1.1 Objectives ¹

- 1.1.1 The Licensing Authority (the “Authority”) for the district is South Oxfordshire District Council (the “Council”).

Policy GN 1: Objectives ²

The Authority will carry out its licensing functions under the 2003 Act with a view to promoting the four licensing objectives, which are:
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- | |
|--|
| <ul style="list-style-type: none">○ the prevention of crime and disorder○ public safety○ the prevention of public nuisance○ the protection of children from harm. |
|--|

Each of the four licensing objectives is of equal importance and there are no other objectives, so that the four licensing objectives are paramount at all times.

- 1.1.2 The Authority will also have regard to matters of sustainability, equality, the local economy and tourism to the extent that they affect the Licensing Policy.

1.2 The Authority’s area and the licensable activities

- 1.2.1 Appendix 2 describes the Authority’s area, its centres of population and its population profile. It also describes the mix of licensable activities, where they take place and their positive and negative impacts on the area.

2 General

2.1 Precedence issues

- 2.1.1 A licensing policy must not ignore or be inconsistent with provisions in the 2003 Act. ³

Policy GN 2: Precedence

The 2003 Act and any Regulations made under it take precedence over anything contained within this Statement of Licensing Policy.

2.2 Adoption and publication of the Statement of Licensing Policy ⁴

- 2.2.1 The Council determined this Statement of Licensing Policy and adopted it, at its meeting on [ADOPTION DATE].
- 2.2.2 In determining this policy, the Council had regard to the Secretary of State’s Guidance and gave appropriate weight to the views of those consulted (as listed in Appendix 1).

Policy GN 3: Three-yearly policy review
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The Council will prepare and publish a statement of its licensing policy at intervals of no more than three years, to enable it to continue to undertake its licensing functions. ⁵
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¹ (2003 Act: S 4) (Guidance: para. 1.9)

² (Guidance: para.s 2.1)

³ (Guidance: para 1.15)

⁴ (2003 Act: S 5(3) as amended by Schedule 8 para.29) (Guidance: para. 3.7) remove

⁵ (2003 Act: S 4 & 5) (Guidance: para. 13.6)

Policy GN 4: Interim policy reviews

The Council will keep its licensing policy under review and will make such revisions to it, at such times, as it considers appropriate. ⁶

Policy GN 5: Consultation on policy

Before determining any revision to its Statement of Licensing Policy, the Council will consult: ⁷

- (a) the chief officer of Police for the area
- (b) the fire authority for the area
- (c) the County Trading Standards Officer
- (d) the Social Health Care Department of Oxfordshire County Council, which the Authority considers to be the competent and responsible authority for the purpose of advising on issues of protecting children from harm.⁸

together with ...

such persons as the Authority considers at the time to be representative of:

- (e) holders of Premises Licences issued by the Authority
- (f) holders of Club Premises Certificates issued by the Authority
- (g) holders of Personal Licences issued by the Authority
- (h) businesses and residents in its area
- (i) other interests in the licensing of premises in its area.

The Authority will give appropriate weight to the views of the persons listed above when it determines any revision to its Statement of Licensing Policy.⁹

Policy GN 6: Publication of policy revisions

When the Authority determines any revisions, it will publish either a statement of those revisions, or its revised Statement of Licensing Policy. ¹⁰

2.3 Scope of the Statement of Licensing Policy: Licensable activities ¹¹

2.3.1 This policy addresses licensing of the following activities:

- a) the sale of alcohol by retail
- b) the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club
- c) the provision of late night refreshment¹² (supply of hot food or drink between 2300 and 0500 hours) and
- d) the provision of 'regulated entertainment' which includes:
 - a performance of a play
 - an exhibition of a film
 - an indoor sporting event
 - a boxing or wrestling entertainment (indoors and outdoors)
 - a performance of live music
 - the playing of recorded music
 - a performance of dance
 - provision of facilities for
 - (i) making music
 - (ii) dancing.

⁶ (2003 Act: S 5(4)) (Guidance: para. 13.6)

⁷ (2003 Act: S 3(5) & 5(3)) (Guidance: para. 3.3)

⁸ (2003 Act: S 13(4)(f))

⁹ (Guidance: para. 3.4)

¹⁰ (2003 Act: S 5(6)) (Guidance: para. 3.2)

¹¹ (2003 Act: Section 1: Schedules 1&2) (Guidance: para. 3.1 & Annex A)

¹² This includes take-aways and hot-food vans

- 2.3.2 Activities that are not to be regarded as regulated entertainment and activities that are not to be regarded as late night refreshment are listed respectively in Schedules 1 and 2 of the 2003 Act. S 177 of the 2003 Act also provides some exemptions for small premises (capacity up to 200) that hold a Premises Licence or Club Premises Certificate and provide dancing and amplified or unamplified music.¹³

2.4 Scope of the policy: Applications and notices ¹⁴

- 2.4.1 This policy addresses decisions on applications for:
- Premises Licences
 - Club Premises Certificates
 - Personal Licences
 - renewal or transfer of licences
 - variation of conditions attached to licenses and associated matters.
- 2.4.2 This policy also addresses Temporary Event Notices (TENs) and the review of Premises Licences and Club Premises Certificates.

2.5 Fundamental principles

- 2.5.1 The Authority recognises that its power to reject applications, or to apply conditions to Premises Licences and Club Premises Certificates is strictly constrained by the terms of the 2003 Act and therefore applications received should normally be granted. ¹⁵
- 2.5.2 The Authority recognises that it has no power to: ¹⁶
- attach any condition, including mandatory conditions, to a
 - Temporary Event Notice
 - modify mandatory conditions
 - attach conditions to a Premises Licence or Club Premises Certificate (other than appropriate mandatory conditions) unless those conditions are consistent with the operating schedule submitted with the application, or further to relevant Representations (as follows);
- 2.5.3 The Authority also recognises that it has no power to:
- modify conditions attached to a Premises Licence or Club Premises Certificate
 - to exclude from the scope of the Premises Licence or Club Premises Certificate any of the licensable or qualifying activities to which the application relates
 - refuse to specify a person in a Premises Licence as the Designated Premises Supervisor
 - reject the application.
- Unless it has received relevant Representations about the application and then only to such extent as the Authority considers necessary for the promotion of the licensing objectives.
- 2.5.4 Throughout this document, statements are made as to the expectations of the Authority. The Statement of Licensing Policy has been developed in consultation with all of the Responsible Authorities. Those Responsible Authorities have indicated that where the expectations are not met in any application, they may make a Representation. This could in turn result in the imposition of appropriate conditions. This policy therefore provides some guidance on the expectations of the Responsible Authorities to assist applicants in making a successful application. Applicants may wish to show

¹³ (2003 Act: S 177) (Guidance: para.s 3.25 to 3.31)

¹⁴ (2003 Act: Parts 3,4,5 & 6)

¹⁵ (2003 Act: S 18(2) & 72(2))

¹⁶ (2003 Act: S 18, 19 to 22, 72, 73(2) to (5) & 74 to 76)

that a particular concern has been addressed by demonstrating that an effective risk assessment has been undertaken, which shows that no action is required.

- 2.5.5 In considering and determining applications the Authority will take into account:
- a) The Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000;¹⁷
 - b) Section 17 of the Crime and Disorder Act 1998 ¹⁸
 - c) The Human Rights Act 1998
 - d) The Noise Act 1996
 - e) The Regulatory Reform (Fire Safety) Order 2005
 - f) The Violent Crime and Disorder Act 2006
 - g) The Health Act 2006
 - h) and any other relevant legislation or statutory guidance.
- 2.5.6 The Authority:
- a) will treat each application on its individual merits¹⁹
 - b) will not override the right of any person to apply under the terms of the 2003 Act for a variety of permissions ²⁰
 - c) will not override the right of any person to make Representations on an application or to seek a review of a licence or certificate where the 2003 Act makes provision for them to do so²¹
 - d) will, as far as possible, avoid duplication with other licensing and regulatory regimes that already place obligations on employers and operators, e.g. The Health & Safety at Work etc, Act 1974, the Environmental Protection Act 1990, disability discrimination legislation, and the Regulatory Reform (Fire Safety) Order 2005
 - e) will only apply to Premises Licences and Club Premises Certificates conditions that are necessary to underpin or promote the licensing objectives.
- 2.5.7 The Authority recognises that the purpose of the 2003 Act is to allow appropriate levels of regulation for premises, temporary events, members' clubs and persons authorised to make alcohol available for sale. ²²
- 2.5.8 In considering applications the Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of public living, working or engaged in normal activity in the area concerned. ²³
- 2.5.9 For each application for the grant, variation or review of a Premises Licence or Club Premises Certificate, the 2003 Act requires the Authority to consider the Representations made by Responsible Authorities²⁴ and those

¹⁷ (Guidance: para. 13.69)

¹⁸ Section 17 of the Crime and Disorder Act 1998 states: " Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on and the need to do all that it reasonably can to prevent, crime and disorder in its area."

¹⁹ (Guidance: para.s 13.14)

²⁰ (Guidance: para.s 13.14)

²¹ (Guidance: para.s 13.15)

²² (Guidance: para 13.16)

²³ (Guidance: para 13.6)

²⁴ Responsible Authorities are listed in the Glossary.

Representations made by Interested Parties,²⁵ which the Authority accepts as relevant.

- 2.5.10 "Interested Parties" will be given its widest possible interpretation and, where it includes persons involved in business, will not be confined to those engaged in trade and commerce. It will include partnerships and the functions of charities, churches and medical practices.²⁶
- 2.5.11 A Responsible Authority or an Interested Party may also seek a review of a Premises Licence or Club Premises Certificate
- 2.5.12 In determining applications and reviews of licensed premises, the Authority will give appropriate weight to:²⁷
- a) Representations received from Responsible Authorities
 - b) relevant Representations made by Interested Parties
 - c) the Secretary of State's Guidance
 - d) this Statement of Licensing Policy
 - e) the steps necessary to promote the licensing objectives.
- 2.5.13 Any terms and conditions that the Authority imposes will be focused on matters that are within the control of individual licensees. These matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places.²⁸

2.6 Implementing the Licensing Policy with other authorities²⁹

- 2.6.1 The Authority will work alongside other Licensing Authorities in Oxfordshire in reviewing, implementing and operating this Statement of Licensing Policy to ensure, as far as possible, that a consistent approach is taken to assist applicants for licences and those who may wish to make Representations under the provisions of the 2003 Act. The Authority will also liaise with other neighbouring Licensing Authorities to ensure that there is consistency across District Council boundaries. Consideration will still be given to local issues and situations, but in all cases the Authority's Licensing Officer's decisions will take precedence.
- 2.6.2 The Authority will maintain partnership working with various enforcement agencies as it recognises that the licensing objectives can only be promoted through a range of actions, some of which are outside the scope of the licensing system.
- 2.6.3 The Authority will agree protocols with the Police, the Fire Authority and Trading Standards Services, as it considers appropriate for enforcing the 2003 Act.
- 2.6.4 The Authority will maintain dialogue with the licensed trade, businesses, local people and relevant organisations in the entertainment and alcohol industry to ensure that the Statement of Licensing Policy remains relevant and secures promotion of the licensing objectives.
- 2.6.5 The Authority will also seek to work with other organisations who have a close relationship with issues that pertain to licensable activities, such as the Primary Care Trusts or Child Protection charities.

²⁵ An Interested Party (as listed in the Glossary), acting alone, or with others, may appoint a representative (such as a solicitor, a friend, a Member of Parliament or a local ward councillor) to make Representations on their behalf.

²⁶ (Guidance: para.s 8.5)

²⁷ (Guidance: para.s 8.43 to 8.52)

²⁸ (Guidance para. 13.16)

²⁹ (Guidance: para.s 2.7 & 2.8)

2.7 Integrating strategies ³⁰

- 2.7.1 Licensing is about promoting the four licensing objectives by balancing different interests. The experience gained by the Authority can usefully inform the development and application of strategies by others for local crime prevention, planning, transport, tourism and culture. It is important that such strategies do not undermine promotion of the licensing objectives.
- 2.7.2 In preparing this Statement of Licensing Policy, the Authority has taken account of relevant national policies and action plans, which include the following:
- a) Safer Clubbing³¹
 - b) The Alcohol Harm Reduction Strategy
 - c) Tackling Violent Crime in the Night-Time Economy (Home Office 2004)
 - d) Together: Tackling Anti-Social Behaviour
 - e) "Keeping Children Safe" (DfES/DoH/HO).
- 2.7.3 The Authority has taken account of the policies and programmes that the Council has already adopted. These are listed in Appendix 3, along with an explanation of how they integrate with the Statement of Licensing Policy
- 2.7.4 The Council will seek to promote and encourage a broad range of licensable activities, recognising the potential cultural and tourism benefits that may arise. The Council subscribes to the view that the absence of cultural provision can lead to a loss of community awareness which can in turn lead to a negative impact on the licensing objectives

<p>Policy GN 7: Integrating strategies</p> <p>The Council will ensure any strategies it may have, or develop, for local crime prevention, planning, transport, tourism and culture will be integrated with its licensing function but such strategies will not overrule the licensing objectives.</p>
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2.8 Planning and building control ³²

- 2.8.1 The Council recognises that planning, building control and licensing regimes fulfil different roles and need to work together to avoid duplication whilst being aware of their individual statutory purposes.
- 2.8.2 Nevertheless it recognises that the Planning Authority must be aware of the Authority's concerns as this will assist in promotion of the licensing objectives. The Authority will provide reports to enable the Planning Authority to have regard to such matters and have a role in promoting the four licensing objectives when the Planning Authority takes its decisions.
- 2.8.3 The Council recognises that the three regimes have different purposes:
- a) Planning – ensuring the suitability of the location for the activities proposed and the suitability of the design of the premises for the location
 - b) Building Control – ensuring the suitability of the construction of the premises
 - c) Licensing – ensuring the suitability of the proposed premises for the proposed use.
- 2.8.4 Applicants are reminded that the grant of a Premises Licence or Club Premises Certificate, or any variation to one of these, does not relieve the

³⁰ (Guidance: para 13.55)

³¹ www.drugs.gov.uk/ReportsandPublications/Communities/1034174284

³² (Guidance: para 13.64)

applicant of the need to obtain planning permission and building regulations consent as appropriate.

Policy GN 8: Planning consent required before licence application³³

The Authority normally expects an application for a Premises Licence or a Club Premises Certificate to be made only in respect of premises which already have an appropriate established use or any necessary planning consent.

The Authority will similarly expect an applicant to have obtained planning permission where necessary for the use proposed, before applying for a provisional statement under section 29 of the 2003 Act.

2.9 Administration, exercise and delegation of functions

Policy GN 9: Levels of decision-making

The Authority will have the following levels of decision-making for undertaking its licensing functions:

- The Council
- Licensing Committee
- Licensing Sub Committees
- Designated Officers.

- 2.9.1 A Licensing Sub-committee will generally determine each application that attracts Representations, unless:
- a) all Representations from Responsible Authorities are withdrawn and it is agreed by all parties that a hearing is not necessary
 - b) all other Representations are withdrawn and it is agreed by all parties that a hearing is not necessary the Representations are determined to be not relevant by a designated officer and
 - c) the only Representations remaining are vexatious or frivolous; or
 - d) the Licensing Committee wish to consider the matter.
- 2.9.2 Licensing Officers will determine all other applications and the Licensing Committee will receive reports on the decisions made by officers so that members maintain an overview of the general situation.
- 2.9.3 For the convenience of applicants, the system of delegation is tabulated in Appendix 9.

Policy GN 10: Delegation³⁴

The Authority has delegated licensing decisions in accordance with the recommendations of the Secretary of State's Guidance and in the interests of speed, efficiency and cost effectiveness, as follows:

- (a) The Council determines:
 - the Statement of Licensing Policy
 - membership of the Licensing Committee
 - the extent to which functions, other than functions under the 2003 Act, are delegated to the Licensing Committee.
- (b) The Licensing Committee will undertake all functions of the Authority under the 2003 Act that are not the responsibility of the Council, as follows:
 - agree and decide applications, review, monitor and make decisions on applications
 - making recommendations to the Council on the Statement of Licensing

³³ (Guidance: para 3.51)remove

³⁴ (Guidance: para. 3.61)remove

Policy

- reviewing the Statement of Licensing Policy within three-year intervals, keeping the policy under review at other times and undertaking appropriate consultations
 - arranging for training of members and officers to enable the Authority to discharge its duties under the 2003 Act
 - agreeing which body is competent to advise the Authority in respect of matters relating to the protection of children from harm
 - deciding the extent to which the Authority will recommend the classification of films
 - monitoring the impact of licensing on regulated entertainment in general and live music and dancing in particular
 - establishing and agreeing enforcement protocols with the Police etc
 - reporting to the Planning Authority on the situation concerning licensed premises including the general impact of alcohol related crime and disorder
 - considering current licences or applications for licences where a valid Representation has been made and not withdrawn
 - receiving reports on the needs of the local tourist economy and the cultural strategy for the area
 - receiving reports on the employment situation in the area.
- (c) Licensing Sub-committees will operate under authority delegated by the Licensing Committee and determine matters as set out in Policy GN 11.
- (d) Licensing committees will also receive reports on matters determined by Licensing Officers with delegated authority.
- (e) Licensing Officers will operate under delegated authority and determine matters as set out in Policy GN 12.

Policy GN 11: Licensing Sub-Committee – delegated functions

Sub-Committees of the Licensing Committee will determine any of the following where a valid Representation has been made and not withdrawn:

- application for a Personal Licence
- application for Personal Licence with unspent convictions
- application for Premises Licence or Club Premises Certificate
- application for provisional statement
- application to vary a Premises Licence or Club Premises Certificate
- application to vary Designated Premises Supervisor
- application for transfer of Premises Licence
- application for interim authorities
- application to review a Premises Licence or Club Premises Certificate
- determination of a Police Representation to a Temporary Event Notice
- decision to object when the Authority is a consultee and not the relevant authority considering the application.

Policy GN 12: Licensing Officer – delegated functions

A Licensing Officer, delegated for the purpose within the Council's Constitution, will determine every other licence application for which no objection or valid Representation has been received, or for which it is agreed by all parties that a hearing is not necessary and all objections or valid Representations have been withdrawn.

Policy GN 13: Licensing Committee – procedure

Subject to any statutory provisions, the Licensing Committee will regulate its own procedure and that of Licensing Sub-committees.

Policy GN 14: Licensing Sub-Committee – procedure

In considering any application on which a Representation has been made, a Sub-committee will follow the principles set out in Appendix 4 – Licensing Committee and Licensing Sub-committee procedures.

Policy GN 15: Determination of applications – conditions

The Authority will determine the type and extent of conditions to be affixed to Premises Licences and Club Premises Certificates as follows:

(a) Matters determined by Licensing Officers:

Licensing Officers will select from a pool of conditions, those conditions that appropriately translate the issues addressed in the applicant's operating schedule, or (for an application under "grandfather rights") that match the conditions that apply to the original licence or permission.

- If none of the pool conditions is appropriate, Licensing Officers will develop any condition that they consider necessary to appropriately translate the issues addressed in that applicant's operating schedule. Officers will add to the pool of conditions any conditions developed for this reason.
- Licensing Officers will report to the Licensing Committee on the matters that those officers have determined.

(b) Matters determined by a Sub-committee:

- Sub-committees will attach conditions from within the pool of conditions or developed to suit, as in (a) above.
- Sub-committees may also attach special conditions that take account of the Representations made by Responsible Authorities or the relevant Representations made by Interested Parties.

2.10 Non-licensing issues: What this statement is not for³⁵

2.10.1 The Authority recognises that:

- a) licensing is not about mechanisms for the general control of anti-social behaviour by individuals once they are beyond the direct control of the individual club or business holding the licence, certificate or permission concerned
- b) licensing is not about matters contained in other legislation, which may well apply simultaneously to the activities of licensed individuals or premises.

3 Cumulative impact**3.1 Cumulative impact**

- 3.1.1 The Authority wishes to take steps to prevent public nuisance, crime or disorder arising from the concentration of premises in one particular area.
- 3.1.2 Whilst need is primarily an issue for the market and the planning system, the cumulative impact of licensed premises on the promotion of the licensing objectives is a matter for consideration under the licensing provisions. Serious problems of public nuisance and disorder can arise in the vicinity of licensed premises where a number of them are grouped together and particularly where they may be situated near to residential areas on the fringe of urban centres. The numbers of premises selling

³⁵ (Guidance: para. 13.16 & 13.19)

alcohol and providing entertainment until the early hours of the morning have increased significantly over recent years and many special measures have been adopted to try to deal with the crime and anti social behaviour that can result from the more intensive activities.

- 3.1.3 The distribution of late night premises may be such as to warrant special action from the Authority to combat exceptional problems of disorder and public nuisance over and above the impact from individual premises.

Policy GN 16: “Need” for licensed premises ³⁶

The Authority will leave the assessment of the ‘need’ for licensed premises to the Planning Authority and to the market. It will not address this matter in undertaking its licensing functions.

Policy GN 17: Need for an evidential base

The Authority will consider Representations based on the impact of the grant of a particular application on the promotion of the licensing objectives in the Authority’s area. However, the onus will be on the person making a Representation to provide evidence for the assertion that the addition of the premises in question would produce the cumulative impact claimed. The impact can be expected to be different for premises with different styles and characteristics.

Policy GN 18: Use of other mechanisms to address cumulative impact ³⁷

The Council will encourage the use of other mechanisms that are available for addressing problems caused by a minority of consumers behaving badly and unlawfully once away from licensed premises. For example:

- (a) planning controls
- (b) positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the Council
- (c) powers the Council has to designate parts of its area as places where alcohol may not be consumed publicly
- (d) Police enforcement of the law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices
- (e) the prosecution of any Personal Licence holder or member of staff at such premises who is selling alcohol to people who are drunk
- (f) the confiscation of alcohol from adults and children in designated areas
- (g) Police powers to close down instantly for up to 24 hours any licensed premises or temporary event on grounds of disorder, or the likelihood of disorder or excessive noise emanating from the premises
- (h) the power of the Police, other Responsible Authority or a local resident or business to seek a review of the licence or certificate in question.

3.2 Special Saturation Policy ³⁸

- 3.2.1 It is possible that the impact of the behaviour of customers of separate premises taken together on surrounding areas is greater than the usual impact from customers of individual premises and so creates exceptional problems of crime, disorder or public nuisance. In these circumstances a Responsible Authority or Interested Party may consider that the cumulative effect of new licences is to saturate an area, making it a focal point for

³⁶ (Guidance: para. 13.23)

³⁷ (Guidance: para. 13.39)

³⁸ (Guidance: para.s 13.24 to 13.39)

- large groups of people to gather and circulate away from the licensed premises themselves.
- 3.2.2 If Representations are made by Responsible Authorities or Interested Parties to this effect, the Authority will consider whether the grant of any further Premises Licences or Club Premises Certificates would tend to undermine one of the licensing objectives and whether a Special Saturation Policy should be adopted.
- 3.2.3 In considering whether to adopt a Special Saturation Policy the Authority will carry out a review of the available evidence and carry out consultation to determine if there is any part of the district that should be considered for such a policy.
- 3.2.4 The effect of adopting a Special Saturation Policy of this kind is to create a rebuttable presumption that applications for new Premises Licences or Club Premises Certificates or material variations will normally be refused, if relevant Representations to that effect are received, unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact already being experienced. Applicants would need to address the Special Saturation Policy issues in their operating schedules in order to rebut such a presumption. However, a Special Saturation Policy must stress that this presumption does not relieve Responsible Authorities or Interested Parties of the need to make a relevant Representation before a Licensing Authority may lawfully consider giving effect to its Special Saturation Policy.
- 3.2.5 If no Representation is received, any application must be granted in terms that are consistent with the operating schedule submitted. However, Responsible Authorities, such as the Police, or Interested Parties, can make written Representations maintaining that it is necessary to refuse the application for the promotion of the prevention of crime and disorder and referring to information which had been before the Authority when it developed its Statement of Licensing Policy³⁹.
- 3.2.6 Where a Special Saturation Policy is in effect, the Authority will regularly monitor the impact of that policy. If it becomes evident that the criteria for such a policy are no longer met, the Authority will arrange for it to be discontinued.

Policy GN 19: Special Saturation Policy – adoption⁴⁰

The Council is of the opinion that there is not currently a need to adopt any special saturation policy in relation to any area of the district. However, if a Responsible Authority, or Interested Party,⁴¹ has identified a concern about crime and disorder or public nuisance and the Authority considers that the available evidence demonstrates that crime and disorder or public nuisance are arising and are caused by the customers of licensed premises in an identifiable area (or that the risk factors are such that the area is reaching a point when a cumulative impact is imminent) then the Authority will consult on a Special Saturation Policy with those specified in section 5(3) of the 2003 Act. The Authority will adopt a Special Saturation Policy if it is satisfied that such a policy is required.

³⁹ (Guidance para. 13.29)

⁴⁰ (Guidance: para. 13.28)

⁴¹ See Glossary for definition of “Responsible Authority” and “Premises Licence”

4 Pool of conditions ⁴²

4.1 Pool of conditions

- 4.1.1 The Secretary of State's Guidance requires the Authority's policy to "make clear that a key concept underscoring the 2003 Act is that conditions attached to licences and certificates should be tailored to the individual style and characteristics of the premises and events concerned." It also states that "This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions." The Authority will therefore need access to a wide range of appropriate conditions from which it can draw.
- 4.1.2 Provided no relevant Representation has been received, the type and extent of conditions to be affixed to various Premises Licences will be determined by officers, acting under delegated authority, from within the pool of conditions, which are consistent with any operating schedule.
- 4.1.3 Where Representations have been made by Interested Parties or Responsible Authorities a Licensing Sub-Committee will hear the case and may attach special conditions to a licence. Use of standard conditions will be avoided, as will conditions that are unnecessary because other legislation makes adequate and appropriate provision for applicants' compliance.
- 4.1.4 In relation to licensable activities which have a clear benefit to culture, the Authority will seek only to impose those conditions that are deemed to be necessary and in proportion to the specific situation. The Authority will consider the potential for conditions deterring applications but at the same time will not permit the Licensing Objectives to be undermined.

Policy GN 20: Pool of conditions

The Authority will maintain a pool of conditions from which appropriate and proportionate conditions can be drawn. The Authority will adapt such conditions as necessary for the promotion of the licensing objectives to suit the individual circumstances of each application for a Premises Licence or Club Premises Certificate.

Policy GN 21: Pool of conditions: premises-specific

The Authority will not apply standard conditions to every Premises Licence or Club Premises Certificate that it issues.

Policy GN 22: Pool of conditions: additions

The Authority will add to the pool of conditions each condition that is developed to suit the individual circumstances of each application, so that it may be used as the basis of development of other conditions. The Authority will develop such conditions with regard to:

- (a) the 2003 Act
- (b) the Secretary of State's Guidance
- (c) this Statement of Licensing Policy
- (d) a condition attached to a permission, which requires conversion to a new Premises Licence or Club Premises Certificate; and
- (e) a statement made in the operating schedule by an applicant for a Premises Licence or Club Premises Certificate.

⁴² (Guidance: para. 3.20)

4.2 Live music, dancing and theatre

- 4.2.1 It would be inappropriate to impose on small-scale activities the potentially substantial indirect costs of complying with conditions that are more appropriate to larger events. Such small-scale activities will tend to be those that are arranged for small community groups or for children and have the potential for generating wider cultural benefits for communities generally.

Policy GN 23: Live music, dancing and theatre ⁴³

The Authority will take proper account of the need to encourage and promote live music, dancing and theatre in balance with the potential for disturbance from these activities. In determining what conditions should be attached to licences and certificates, the Authority will take account of the need to avoid measures that inadvertently impose substantial indirect costs.

5 Licensing hours

5.1 Zoning ⁴⁴

- 5.1.1 The Authority cannot generally set fixed trading hours, because the Government considers that longer licensing hours for the sale of alcohol (for consumption on the premises) are important to prevent concentrations of customers leaving premises simultaneously. The Government considers this necessary to reduce friction at late night fast food outlets, taxi ranks and other types of transport, which can lead to disorder and disturbance.

Policy LH 1: Zoning

The Authority will not generally restrict trading hours, but may restrict hours for particular premises if a Responsible Authority makes a Representation which will promote a licensing objective.

5.2 Staggered closing times

- 5.2.1 In the Government's view, "staggered closing times" would only serve to replace the peaks of disorder and disturbance (which have previously occurred after 11.00pm and after 2.00am) with a series of smaller peaks, so minimising any potential improvement in the prevention of crime and disorder. The Secretary of State's Guidance states that the general principle should be to promote later opening so that customers leave for natural reasons slowly over a much longer period and so prevent any artificial concentrations.
- 5.2.2 The prevention of public nuisance will be assisted by not seeking to generally organise opening or closing times in particular areas that may overload the local infrastructure.

Policy LH 2: Staggered closing times

The Authority will not seek to engineer any pattern of closing times ("staggered closing times") by setting quotas for particular closing times. ⁴⁵

⁴³ (Guidance: para. 13.70)

⁴⁴ (Guidance: para.s 13.40 to 13.41)

⁴⁵ (Guidance: para 10.19)

5.3 Licensing hours not limited

- 5.3.1 Conditions that limit opening hours could tend to concentrate the departure of customers at particular times, which could detract from the promotion of the licensing objectives. In the context of a particular application, some potential problems may be more appropriately addressed through conditions other than limitations on opening times.
- 5.3.2 The Secretary of State's Guidance states that "fixed or artificially early closing hours can lead to binge drinking or 'topping up' meaning that disorder and disturbance can be increased when large numbers of customers are required to leave the premises simultaneously."⁴⁶ The Authority will regularly review whether or not there is disorder or disturbance in situations where there are fixed trading hours, for example because of planning conditions. The Authority will also monitor what impact, if any, arises as a result of no trading hours being specified. If a negative impact is shown the Authority may decide to modify its policy or impose conditions upon the receipt of valid representations.

Policy LH 3: Licensing hours not limited

The Authority will not reduce the hours permitted for licensable activities to less than those stated in an application, unless Representations indicate that this is necessary and then only in the context of the individual merits of that application. In considering a limitation on trading hours, regard will be had to the nature of the locality around the premises ⁴⁷

5.4 Display of operating hours

- 5.4.1 Licensing hours and the closing time of premises may be different. The cessation of licensable activities may take place at some time prior to actual closing time for the premises depending on the nature of the activities.
- 5.4.2 The Authority considers that it would be beneficial for potential customers and "Interested Parties" living or working nearby to be able to easily discover when licensed premises are likely to be operational.

Policy LH 4: Display of operating hours
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Where appropriate the Authority would normally expect to see a notice stating the actual operating hours of the premises displayed conspicuously outside every public entrance to a premise operating under a Premises Licence.

Policy LH 5: Closing times

In determining applications, the Authority will take into account the time that it is proposed to close the premises where patrons have been attracted to attend by a licensable activity. Regard will also be had to matters such as the nature of the locality and the availability of public transport at the time that the premises propose to close.

The Authority considers that licensable activities should normally cease not later than 30 minutes before final closure of the premises.
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⁴⁶ (Guidance: para. 10.19)

⁴⁷ (Guidance: para 13.40)

5.5 Dispersal procedures

- 5.5.1 Organised dispersal procedures can help to prevent crime, disorder and anti-social behaviour where large numbers of persons are leaving licensed premises within a concentrated period of time.
- 5.5.2 The Authority considers that dispersal procedures, on which all staff employed at the licensed premises are trained, are particularly necessary for premises at which regulated entertainment or the sale of alcohol for consumption on the premises will continue after midnight. Persons living in the vicinity may experience the effects of the dispersal of customers from licensed premises as a public nuisance. Such problems can be minimised through orderly dispersal and by ensuring that dispersal does not take place over a protracted period of time.
- 5.5.3 At the same time, it is recognised that dispersal procedures will not be appropriate to all premises and the need will therefore be assessed on a case-by-case basis having regard to any risk assessment on the potential for nuisance that has been undertaken by the applicant.
- 5.5.4 Staff trained in dispersal procedures could also play a key role in the event of emergency evacuation.

Policy LH 6: Dispersal procedures

The Authority will require applicants for Premises Licences where there is a likelihood of nuisance to the neighbourhood due to patrons leaving the premises, to submit a written statement with their application, covering procedures for orderly dispersal of patrons at closing time. Frequently, but not exclusively, these types of premises will be those that open for regulated entertainment or sale of alcohol after midnight,

Such a statement should show how all staff in the premises are trained in its implementation.

The Authority expects any dispersal procedure to state the time at which the licensable activities cease and the later, actual, closure time of the premises.

5.6 Latest admission times

- 5.6.1 It is undesirable that persons should seek to “top up” their alcohol intake by “premises hopping” and seeking out those premises that are admitting customers at the latest times as crime, disorder and anti social behaviour in urban centres can be increased by persons moving between venues late at night.
- 5.6.2 Establishing last entry times can reduce the tendency of customers to concentrate at those premises which remain open the latest, without restricting the hours of trading. This will encourage dispersal and reduce the pressure on late-night refreshment outlets and transport facilities that can lead to disorder problems. It will therefore assist with objectives to prevent public nuisance and crime and disorder in certain circumstances.

Policy LH 7: Latest admission times

In appropriate premises, where there is the possibility of customers moving between premises late at night or in the early hours of the morning in a way that could have a negative effect on any of the licensing objectives, the Authority expects latest admission times to apply where premises continue to sell alcohol for consumption on the premises and provide Regulated Entertainment after midnight.

The Authority expects the latest admission time to be at least one hour before cessation of the licensable activity.

5.7 Hours for “off-sales” of alcohol

- 5.7.1 The Government suggests that the norm will be for all shops, stores and supermarkets with Premises Licences that permit the sale of alcohol for consumption off the premises to be free to provide such sales of alcohol at any times when the retail outlet is open for shopping unless there are very good reasons for restricting those hours.⁴⁸ The consultation on this policy suggested that there was a concern over off-sales from petrol stations in the late evening. The Authority will keep this situation under review throughout the life of the policy but may impose restrictions on the sale of alcohol in such situations where the Licensing Objectives are not promoted.
- 5.7.2 Where a licence permits the sale of alcohol in general terms such as “during opening hours”, the Authority, Responsible Authorities and Interested Parties would have a role in determining the availability of alcohol in any subsequent changes to shopping hours, so any conditions on the timing of alcohol sales should state specific times.

<p>Policy LH 8: Hours for “Off-Sales” of Alcohol⁴⁹</p> <p>The Authority will normally approve an application for licensing hours for retail premises that permit the sale of alcohol (for consumption off the premises) at any time that the retail premises are open for shopping.</p> <p>Where there are good reasons for restricting those hours, the Authority will specify the particular hours during which the sale of alcohol for consumption off the premises is permitted. The Authority will not specify those hours in general terms, such as “at any time that the retail premises are open for shopping”.</p> <p>If valid Representations are made to the Authority concerning premises licensed for the sale of alcohol for consumption off the premises, because it is likely to become a focus for disturbance or public nuisance, the Authority reserves the right to restrict trading hours as one mechanism of combating such problems.</p>

6 Children

6.1 Access to premises

- 6.1.1 The 2003 Act does not prohibit children who are accompanied by an adult from having free access to licensed premises of all kinds, including those selling alcohol for consumption on the premises.
- 6.1.2 However, the 2003 Act makes it an offence for any child under the age of 16 who is not accompanied by an adult from being present:
- a) at any time on pub premises, or other premises being used exclusively or primarily for the supply of alcohol for consumption on those premises; or
 - b) between the hours of midnight and 5am on restaurant premises, or other premises that supply alcohol for consumption on the premises.
- 6.1.3 Apart from the above, the admission of children is a matter for the discretion of the individual licensee or club, unless conditions included in a Premises Licence or Club Premises Certificate limit the access of children.
- 6.1.4 The fact that the new offence may effectively bar children under 16, who are not accompanied by an adult, from premises where the consumption of alcohol is the exclusive or primary activity does not mean that the 2003 Act

⁴⁸ (Guidance: para 10.21)

⁴⁹ (Guidance: para s 3.31 & 6.2)

automatically permits unaccompanied children under the age of 18 to have free access to other premises or to the same premises even if they are accompanied or to premises where the consumption of alcohol is not involved. The 2003 Act includes on the one hand, no presumption of giving children access or on the other hand, no presumption of preventing their access to licensed premises. Each application and the circumstances obtaining at each premises must be considered on its own merits.⁵⁰

Policy CH 1: Access by children to Licensed Premises not a requirement

51

The Authority will not apply conditions to Premises Licences that require that children must be given access.

Policy CH 2: Restrictions on access by children to Licensed Premises (1)

52

The Authority will not apply conditions to Premises Licences that limit the access of children except to the extent that:

- (a) it considers necessary for the prevention of physical moral or psychological harm to children (with regard to Representations on the application)
- (b) applicants have included such restrictions in their operating schedules as a result of risk assessments that determined that the presence of children would be undesirable or inappropriate.

6.1.5 The range of situations in policy CH 3, enables the Authority to restrict the access of children to any premises, by taking appropriate account of the “reputation” of those premises in addition to the formal aspects of an application.

Policy CH 3: Restrictions on access by children to Licensed Premises (2)

53

In considering access by children to licensed premises, the Authority will address the individual merits of each application with regard to Representations on the application and, in particular, will take account of situations:

- (a) where entertainment or services of an adult or sexual nature are commonly provided
- (b) where current staff working at the premises have been convicted of serving alcohol to minors, or the premises have a reputation for underage drinking
- (c) with a known association with drug taking or dealing
- (d) where requirements for proof of age cards or other age identification to combat the purchase of alcohol by minors is not the norm
- (e) where there is a strong element of gambling on the premises
- (f) where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

6.1.6 The range of options in policy CH 4, which can be applied singly or in combination, enables the Authority to apply conditions to a Premises Licence, or Club Premises Certificate, that are in proportion to the scale of a perceived problem.

⁵⁰ (Guidance: 13.43)

⁵¹ (Guidance: 13.47)

⁵² (Guidance: 13.47)

⁵³ (Guidance: 13.48 and 2.41)

Policy CH 4: Restrictions on access by children to Licensed Premises (3)

54

The Authority will rarely apply a complete ban on access by children to any individual licensed premises. However when, in response to a Representation, the Authority considers that access by children should be limited, it will apply one or more conditions (to the whole, or parts, of the premises) that include the following options (singly, or in combination):

- (a) limitations on the hours when children may be present
- (b) age limitations (below specified ages younger than 18)
- (c) limitations or exclusions when certain activities are taking place
- (d) requirements for accompanying adults (including requirements that apply only to children below specified ages)
- (e) checking proof of age ⁵⁵
- (f) full exclusion of people under 18 from the premises when any licensable activities are taking place.

6.2 Prevention of alcohol-consumption by minors

- 6.2.1 In most circumstances, the consumption of alcohol by minors would be illegal. The Authority considers that it would also contribute to harm to children, so systems should be put in place to ensure compliance with the law. The Authority encourages the development of a culture in which the checking of proof-of-age cards is accepted as the norm in circumstances where doubt might otherwise exist, e.g. "Think 21".

Policy CH 5: Prevention of under-age consumption of alcohol

The Authority expects Personal Licence holders to show a management protocol that ensures alcohol is not served to persons under 18, except as permitted under the 2003 Act.

6.3 Entertainment for and by children

- 6.3.1 Entertainment specifically for children (for example, pantomimes and films) can attract large numbers of unaccompanied children. The Authority expects licensees to undertake a risk assessment including details of how they will ensure the safe access and egress of children.
- 6.3.2 The Authority expects licensees to provide attendants, at all performances specially presented for children, in accordance with model national standard conditions.

Policy CH 6: Regulated entertainment for children ⁵⁶

The Authority expects that as part of the risk assessment where regulated entertainment includes performances specially presented for children, applicants will indicate the number of attendants that will be on duty, to ensure that children are protected from harm, for example by controlling access and egress.

Policy CH 7: Regulated entertainment with child performers

For licences that include performances by children, the Authority will normally expect a nominated adult to be responsible for such child performers.

⁵⁴ (Guidance: para. 13.50 & 2.47)

⁵⁵ Appendix 10 lists a number of appropriate methods.

⁵⁶ (Guidance: para. 2.50)

Policy CH 8: Persons supervising children - CRB checks

In premises where children's entertainment is provided and particularly where children participate in providing entertainment, the Authority would normally expect any person who will be engaged in supervising children to have been subject to a check through the Enhanced Disclosure procedure of the Criminal Records Bureau, or under the constant direct supervision of someone who has undergone such a check, unless there is an alternative appropriate child protection policy in place ⁵⁷

Policy CH 9: Regulated entertainment for children – ticket only policy

The Authority expects that Regulated Entertainment organised for teenage children in the form of a disco or similar event will normally be managed as ticket-only events, with no tickets available at the door.

If pre-ticketing is not to be used, the Authority expects the applicant to demonstrate any alternative arrangements that may be necessary to control admissions and prevent disorder.

6.4 Film exhibitions

- 6.4.1 In the case of premises giving film exhibitions the Authority expects applicants to describe in their operating schedules their arrangements for ensuring compliance with the film classification recommendations that apply.

Policy CH 10: Film Classification (1) ⁵⁸

To every Premises Licence or Club Premises Certificate that authorises the exhibition of films, the Authority will attach a mandatory condition requiring the admission of children to the exhibition of any film to be restricted in accordance with:

- (a) the recommendations of the film classification body specified in the licence, (which will normally be the British Board of Film Classification (BBFC) whose classification system is copied in Appendix 9), or
- (b) the Authority's recommendation.

Policy CH 11: Film Classification (2) ⁵⁹

The Authority will not apply its own system of classification for the majority of films. However, provided the operator submits the film for classification at least 28 days before the proposed date of showing, the Authority may classify a film:

- (a) that has no BBFC classification
- (b) that has a BBFC classification, but the operator has requested the Authority to consider reclassification and the Authority agrees to do so
- (c) where there have been relevant Representations from Interested Parties or any Responsible Authority with an interest in the protection of children from harm.

The Authority will have regard to the BBFC classification system, the BBC code for producers and the Ofcom/Broadcasting Standards Commission Broadcasting Code and any potential harm from visual or auditory impact when making any decision on the classification of films.

Any classification made by the Authority will have precedence over any other classification.

⁵⁷ Subject to CRB having the statutory ability to undertake such checks. remove

⁵⁸ (2003 Act: S 20) (Guidance: para.s 3.43, 7.54 to 7.58) remove

⁵⁹ (Guidance: para. 7.60) remove

Policy CH 12: Exhibition of film – display of notices

The Authority will expect applications to ensure that appropriate notices are displayed about restrictions on admission and that performances do not take place in areas other than where they can be restricted to a particular audience when necessary.

7 Licence Applications

7.1 General

Applications that are incomplete (for example, those that refer to a supporting document such as a risk assessment which is not included), or fail to comply with the requirements of the 2003 Act, will impose additional administrative burdens that hinder the Authority's ability to process the applications that do comply. The Authority will therefore return applications that it considers incomplete, as it considers that applicants should retain the responsibility for ensuring their applications comply with the requirements of the 2003 Act. Where there is no reference in an application to a particular Licensing Authority Policy, it will be assumed that the applicant does not wish to address this policy and the application will therefore be determined accordingly in the light of any representations that may be made.

- 7.1.1 Wherever the Council considers it possible and reasonable to do so, assistance will be offered to applicants in completing their applications.
- 7.1.2 The 2003 Act requires some applications to be advertised for a set period, or to be copied to the Police or other Responsible Authorities. This gives Interested Parties and Responsible Authorities an opportunity to make Representations about the application. The Authority considers that the failure of an applicant to comply with these requirements is appropriate grounds for rejecting an application.
- 7.1.3 Applications may be made in person on weekdays between the hours of 9:00 to 16:30, or by post, to the address indicated in Annex A.
- 7.1.4 Once an application has been accepted, any amendments to the application must normally be made by way of an application for variation or a fresh application, unless they are specifically made in order to address an issue that arises through a representation. The Authority therefore recommends that applicants ensure that their proposals are finalised before submission.
- 7.1.5 In order to effectively assess proposals, the Licensing Authority expects applications to be comprehensive in relation to any activity or equipment that might have an impact on any of the Licensing Objectives. Where applications are silent on particular issues, such as the use of special effects or the type of events to be held, this may limit the range of activities permitted under the Premises Licence or Club Premises Certificate that is granted.

Policy LA 1: Licence applications – acceptance

The Authority expects applications to be complete and to comply with the requirements of the 2003 Act before they are registered as being received.

The Authority will return to the applicant any application that it discovers to be incomplete, or that it discovers to have failed to comply with the 2003 Act, including any requirement to advertise or failure to provide a complete copy to a Responsible Authority.

If the Authority returns an application to an applicant for any of the above reasons, it will treat the application as not received. This policy will apply

regardless of any proof of delivery of the application to the Authority.

7.2 Personal Licences

- 7.2.1 The Authority seeks to ensure that it grants only those applications which satisfy the relevant licensing objectives and that the Police have the necessary information on which to base any Representations they may wish to make to the Authority. This is because the holder of a Personal Licence should be a person who is not only properly qualified but someone who will contribute to crime prevention. In addition, the grant of a licence to a person with a relevant offence could undermine, rather than promote, the crime prevention objective.

Policy LA 2: Personal Licence – applications

The Authority expects an applicant applying for a new Personal Licence, or notifying a change, other than a change of address, in connection with a Personal Licence to include the documents described in 7.2-Guidance to applicants for Personal Licences.⁶⁰

7.3 Premises Licences

General Prevention of Public Nuisance

- 7.3.1 Frequent complaints can be received about noise from the operation of licensed premises. Responsible operators will wish to avoid enforcement action that can be taken under licensing or other legislation, so applicants for Premises Licences and Club Premises Certificates are advised to consider measures that prevent noise nuisance from occurring.
- 7.3.2 The Authority expects applicants for variations or new licences to propose any steps to prevent disturbance to local residents and businesses that may be required as the result of a suitable and sufficient risk assessment. As noise could emanate not only from the playing of music but also from air handling equipment or the patrons themselves, the Authority may expect applicants to undertake sound tests and make improvements to ensure that the level of noise leakage from the premises remains acceptable. This will help to prevent requests for review, and avoid possible revocation of a licence.
- 7.3.3 The 2003 Act gives powers to the Police and the Council to deal with noise issues that may affect persons living in the vicinity of licensed premises selling alcohol and/or providing regulated entertainment.
- 7.3.4 A Noise Abatement Notice under the Environmental Protection Act 1990 may also be served on premises that cause a statutory nuisance through failure to meet appropriate standards for preventing the escape of noise, regardless of the conditions attached to any Premises Licence or Club Premises Certificate.
- 7.3.5 Applicants for premises licences should propose measures to prevent public nuisance that are appropriate to the type of premises and the licensed activity taking place. Different approaches will be necessary where regulated entertainment is proposed, given the nature of the activities, and special circumstances that can arise in relation to those activities, for example:
- a) longer hours of operation
 - b) noise pollution issues

- c) public nuisance caused by people queuing to obtain admission
- d) general safety for the public in a crowded or dimly-lit environment
- e) public nuisance caused by departing customers.

Night-time trading

- 7.3.6 Night-time trading can increase noise and disturbance for local residents and result in damage to property in the vicinity of licensed premises. Where there is a relevant representation, the Authority may consider that there are benefits to be achieved in minimising public nuisance by restricting the hours of operation of a premises on specific occasions or more generally.
- 7.3.7 The Authority advises applicants to give special consideration to noise control measures if proposing to provide regulated entertainment or to sell alcohol for consumption on the premises beyond midnight.

Policy LA 3: Premises Licence – Regulated Entertainment (General)

The Authority expects the applicant to address sources of noise leakage in practical ways such as:

- (a) providing adequate mechanical ventilation so that doors and windows can be kept closed
- (b) ensuring that the mechanical ventilation is adequately sound-proofed
- (c) installing a sound limiting device to prevent sound exceeding an appropriately defined level
- (d) installing sound proofing measures to contain sound and vibration
- (e) other organisational measures to ensure that potential sound leakage is contained, particularly from special events.

These measures may be employed singly or in combination.

Applicants should ensure that they carefully consider Approved Document F (Ventilation) in the Building Regulations 2000 when deciding on the level and type of activity proposed in the premises.

Policy LA 4: Premises Licence – Noise control to suit late night trading

The Authority will, in response to Representations and where it is considered to be necessary, apply conditions on noise control that suit the licensing hours for premises in areas that include residential accommodation.

Addressing local concerns

- 7.3.8 Noise nuisance can adversely affect residents living near to licensed premises or business premises in their vicinity if measures taken to deal with noise are inadequate. Management logging of complaints and adoption of procedures for overcoming reported problems will assist with the prevention of public nuisance and the prevention of crime and disorder. Sight of the complaints log will also provide the Authority with information necessary to assess the effectiveness of the management of the premises with regard to the licensing objectives.

Policy LA 5: Premises Licence – Addressing local concerns

The Authority expects applicants to address how Interested Parties may raise matters of concern, which relate to one or more of the Licensing Objectives, directly with those responsible for managing the premises and how those matters will be effectively addressed.

Policy LA 6: Premises Licence – Safer Clubbing

Special attention should be given to the organisation and risk assessments for such events, taking into account the advice and guidance in the 'Safer Clubbing' booklet⁶¹ and the need for higher levels of vigilance than required for normal dance events. In particular the Authority will expect increased levels of supervision, medical/first aid provision, on-premises drug counselling/advisory services and other arrangements to ensure the safety of patrons attending the event and those supervising it. Additional measures to prevent public nuisance arising from loud music being played at such events must be considered.

Special Effects

- 7.3.9 The Authority expects those applicants who propose to provide Regulated Entertainment and to use special effects, to adequately address the implications of risk assessments in their operating schedules and so ensure that public safety is not adversely affected.
- 7.3.10 Regulated Entertainment can involve special effects such as:
- a) dry ice machines - cryogenic fog
 - b) smoke machines - fog generators
 - c) pyrotechnics including fireworks
 - d) real flame
 - e) firearms
 - f) motor vehicles
 - g) strobe lighting
 - h) lasers
 - i) explosives and highly inflammable substances.

Policy LA 7: Premises Licence – Special Effects

The Authority expects that a proper risk assessment⁶² must be undertaken where any regulated entertainment is proposed that potentially involves danger to the audience or performers.

The organiser should take appropriate measures that are designed to ensure that the risk is effectively removed.

Hypnotism

- 7.3.11 Hypnotism can affect the safety of persons present at events where they form part of the entertainment. The Authority expects that the necessary steps have been taken to control risks arising from performances of hypnotism.

Policy LA 8: Premises Licence – Hypnotism

An exhibition, demonstration or performance of hypnotism (as defined in Section 6 of the Hypnotism Act 1952) should not be given, unless a written procedure has been provided with a Premises Licence application setting out the manner in which such exhibition, demonstration or performance is to be given and this is satisfactory to the Authority.

Sanitary Accommodation

- 7.3.12 The Authority expects licensed premises to provide sanitary accommodation for both male and female customers, commensurate with

⁶¹ www.drugs.gov.uk/ReportsandPublications/Communities/1034174284

⁶² See HSE booklet "Five steps to risk assessment" (www.hsebooks.co.uk)

maximum occupancy levels. This is to promote public safety and to minimise public nuisance caused by departing customers urinating in public places, as convenient alternative facilities may not be available when customers leave.

7.3.13 BS 6465 states recommended levels of provision.

7.3.14 Local authorities can require provision of sanitary accommodation at premises providing entertainment, under S20 of the Local Government (Miscellaneous Provisions) Act 1976. However, it would be preferable for applicants to make the necessary arrangements voluntarily in accordance with the BSI Standard.

Policy LA 9: Premises Licence – Sanitary Accommodation

The Authority expects premises to provide adequate and convenient sanitary accommodation to suit the needs and numbers of its customers, commensurate with the licensable activities proposed.
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7.4 Club Premises Certificates

7.4.1 The Government has emphasised that non-profit making clubs have made an important and traditional contribution to the life of many communities in England and Wales and bring significant benefits. Their activities also take place on private premises and they operate under codes of discipline applying to members and their families. In determining what conditions should be included in certificates, the Authority will bear these matters in mind and conditions will not be attached unless they can be demonstrated to be strictly necessary.

Qualifying Conditions

7.4.2 Section 61 of the 2003 Act sets out five general qualifying conditions that a relevant club must meet. Section 62 also sets out specified matters for licensing authorities to enable them to determine whether a club is established and conducted in good faith - the third qualifying condition. Section 63 sets out additional qualifying conditions that apply solely to clubs intending to supply alcohol to members and guests.

Policy LA 10: Club Premises Certificates – Club qualifying conditions
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The Authority will require applicants to provide copies of the Club's Constitution and Rules for it to be able to determine whether the club is established and conducted in good faith . This information must accompany the application. ⁶³
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Operating schedule

7.4.3 The range of issues that should be addressed in operating schedules will be premises-specific, but may include the issues listed in 7.4 - Guidance to applicants for Club Premises Certificates.

Policy LA 11: Club Premises Certificates – Scope of the operating schedule

Where an applicant is required to provide an operating schedule, the Authority expects this to address the four licensing objectives by stating the relevant issues and actions to address them, as they apply to the location and activities proposed at the club premises.
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⁶³ (2003 Act: S 63)

Film and theatrical performances

- 7.4.4 The Authority may require the display of appropriate notices and restrictions on the entry of children, if performances include material that is not suitable for minors.
- 7.4.5 Where there is to be an exhibition of a film or a theatrical performance is to take place on club premises, applicants should refer to the “CH” series of policies set out in this policy statement.
- 7.4.6 The Authority expects that where a special theatrical performance for children takes place in Club Premises then the Authority will require the presence of sufficient adults to control the access and egress of the children and ensure their safety. Such numbers of adults should be agreed with the Authority before the performance takes place.
- 7.4.7 The Authority expects that a restriction on admission is applied in any case where a theatrical performance contains material which can be regarded as suitable for an adult audience only.

Policy LA 12: Club Premises Certificates – Film or Theatrical Performances

The Authority will require clubs to display appropriate notices about any restrictions on admission to film or theatrical performances and ensure that these do not take place in areas other than where they can be restricted to a particular audience when necessary.
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Sex equality in clubs

- 7.4.8 The Authority recognises that equal treatment for men and women is not a licensing objective.

Policy LA 13: Club Premises Certificates – Sex Equality ⁶⁴
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The Authority will not impose conditions that interfere with the arrangements for granting membership or voting within the club.
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7.5 Particular premises and activities

Pubs, Restaurants, Hotels, Guest Houses

- 7.5.1 The licensable activities in pubs, restaurants, hotels and guest houses are likely to require minimal conditions, provided they only undertake the sale of alcohol, or sale of alcohol with a meal.
- 7.5.2 The Authority expects those responsible for managing licensed premises to prevent public nuisance by ensuring that licensable activities likely to affect third parties are contained and properly managed.

Policy PP 1: Premises Licence – Pubs, Pub/Restaurants, Restaurants, Hotels, Guest Houses

The Authority normally expects applicants to ensure that licensable activities under a permanent premises licence only take place within buildings rather than the outside areas that fall within the curtilage of the premises.
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In pursuing family friendly environments for such establishments, the Authority expects applicants to ensure that the use of pub gardens and similar areas will not cause a public nuisance to nearby residents and expects applicants to demonstrate that they will appropriately manage activities in such areas. The Authority may exclude licensable activities from outside areas at appropriate times or in appropriate circumstances in response to Representations.

⁶⁴ (Guidance: para.6.16)

High Volume Vertical Drinking Establishments ⁶⁵

- 7.5.3 High Volume Vertical Drinking establishments (HVVDEs) are premises with exceptionally high capacities, used primarily or exclusively for the sale and consumption of alcohol with little or no seating for patrons. A comprehensive review of the research conducted in the last twenty-five years into alcohol and crime and its relationship to licensed premises⁶⁶ shows that the environment within such establishments can have a significant bearing on the likelihood of crime and disorder arising on the premises.
- 7.5.4 The Authority considers that this research shows that HVVDEs do not further the licensing objectives and are consequently undesirable.
- 7.5.5 The research indicates that the key points on preventing crime and disorder include:
- a) controlling the capacity to prevent overcrowding and frustration to customers
 - b) ensuring adequate seating for customers
 - c) ensuring the provision of door security teams at the premises to control capacity and ensure already drunk or disorderly individuals are not admitted.

Policy PP 2: High Volume Vertical Drinking Establishments (HVVDEs)

Where necessary and appropriate, the Authority will attach conditions to Premises Licences for HVVDEs and similar premises (if not volunteered by the venue operator and following appropriate Representations) which require adherence to:

- (a) a prescribed capacity
- (b) an appropriate ratio of tables and chairs to customers based on the capacity
- (c) the presence of SIA registered security teams to control entry for the purpose of compliance with the capacity.

Internet Sales, Mail Order & Home Deliveries

7.5.6 A premises licence is not required if the contract for the sale of alcohol is made in a different place from the place where the alcohol is assigned to the particular purchaser. With regard to internet and mail order sales, the sale of alcohol will not be regarded as having been made where the contract of sale has been made; this sale is treated as being made at the premises from which the alcohol is assigned to the purchaser. The licensing may differ if the alcohol is being stored where sales are taking place.

Designated sports grounds

7.5.7 The Authority expects organisers of sporting events to make appropriate arrangements to limit the possibility of crowd disturbance within sports stadiums and to take steps to minimise the incidence of public nuisance within the vicinity of stadiums in accordance with licensing objectives to prevent crime, disorder and public nuisance.

⁶⁵ (Guidance: para 10.41)

⁶⁶ "Alcohol and Crime: Taking Stock" by Ann Deehan, Home Office Crime Reduction Research Series No.3 (1999) can be viewed on www.crimereduction.gov.uk/drugsalcohol8.htm

7.5.8 Issues of disorder among, or safety of, spectators can arise at sporting events and crowd control in and around grounds can be affected where licensable activities such as the sale of alcohol take place.

Policy PP 3: Designated Sports Grounds, Designated Sports Events and Outdoor Sports Stadiums

Subject to Representations from the Police the Authority may seek to restrict sales of alcohol at sporting events to specific areas of the venue, to times set relative to particular performances or events, or to set times and may require different arrangements for public and private areas.

Garages and Service Areas

7.5.9 Section 176 of the 2003 Act provides for a general prohibition on the sale of alcohol at motorway service areas and garage forecourts. The Government may, by order, alter the description of premises from which alcohol may be sold.

7.5.10 The 2003 Act largely maintains the situation in previous legislation which has allowed the sale of alcohol to develop in line with the range of goods available from garage shops as is now commonplace. Accordingly where proper facilities are provided in the form of a shop at a garage, the Authority does not propose to preclude sales of alcohol within the range of goods available.

Policy PP 4: Garages and Service Areas

The Authority will apply no general restriction on the sale of alcohol from garage shops that also offer a substantial range of groceries for sale.

In order to establish that premises are not primarily used as a garage, which would prevent the sale of alcohol, an applicant will need to show the intensity of use by customers at the premises. This may be evidenced by lists of customers according to usage, or by sales figures classified according to purchases.

This policy does not amend the prohibition of alcohol sales at motorway service areas.

Vessels (boats)

7.5.11 When licensing vessels, the Authority will consider the conduct of the proposed licensable activities in the context of the licensing objectives. In particular it will address the need for adequate control of licensable activities to further the public safety objective and to prevent public nuisance to residents in the vicinity of the vessel's navigational route.

7.5.12 The Authority will not be concerned with the safety of the vessel for carriage of passengers, or issues concerning the safe navigation of the vessel. These are matters dealt with under other legislation.

Policy PP 5: Vessels – Safety

The Authority expects the normal safety measures for a vessel to be supplemented as appropriate to suit the scale, nature and timing of any licensable activities that occur. In considering such matters, the Authority may consult with the Environment Agency or any other authority with responsibility for the safety of vessels.

Policy PP 6: Vessels – Noise

Noise or other public nuisance, resulting from licensable activities on board a vessel, must not be caused to persons living near to a vessel's berth or along the route of its navigation. Furthermore, in response to a Representation, the Authority may require that specialist supervision in the form of SIA registered door staff or safety attendants is arranged in connection with any regulated

entertainment which takes place on board.

Vehicles and Moveable Structures

7.5.13 Alcohol may not be sold on a moving vehicle but there may be a requirement for sale of alcohol and possibly other licensable activities to take place from a stationary vehicle or structure, for example one that is sited temporarily at an event.

7.5.14 Where a Premises Licence is required for the vehicle or structure, this will relate solely to the place where the vehicle is sited and the licensable activities are to take place. Premises licences for vehicles and moveable structure are therefore required wherever they are sited when licensable activities take place and this may well mean applications to more than one Licensing Authority.

Policy PP 7: Vehicles and Moveable Structures
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The Authority expects the operator of any vehicle or moveable structure to ensure that it is located in an area that is appropriate for the proposed licensable activities.

It may not be appropriate to site any such vehicle or structure near to other licensed premises, or in an area subject to an "Alcohol Consumption in Designated Public Places Order" or where it may cause noxious smells or litter problems if operating between 23.00 and 05.00 hours.
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7.5.15 The operator of a vehicle trading in a 'consent street' will continue to require a street trading consent in addition to any Premises Licence and the conditions attached to the street trading consent will continue to apply. Such conditions will normally be equally relevant to vehicles trading in areas where street trading consents are not required.

Policy PP 8: Late Night Refreshment Vehicles – outside consent streets

The Authority will seek to apply the conditions that apply to vehicles under street trading consents to the Premises Licences for vehicles or structures that provide late night refreshment in areas that are not consent streets.

No Premises Licence is valid for a vehicle within an area prohibited to street trading.

Late night refreshment

7.5.16 The 2003 Act requires that premises selling hot food or drink for consumption by members of the public on or off the premises, between the hours of 23.00 and 05.00 must have a Premises Licence.

7.5.17 Such premises include those dedicated to providing this service, restaurants (not only those that offer take-away facilities) and mobile vans trading during these hours.

7.5.18 Premises engaged in the late night provision of hot food and drink are covered by the 2003 Act to enable appropriate controls to be introduced to reduce the incidence of disorder, disturbance and public nuisance that can arise if these venues become the focus for gatherings of people that have come from other venues and may have been consuming alcohol.

7.5.19 Management of late night refreshment venues needs to be undertaken effectively to assist in preventing crime, disorder, anti-social behaviour and public nuisance.

Policy PP 9: Late Night Refreshment
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The Authority will look carefully at the scope of operation intended for late night refreshment premises. The Authority particularly expects applicants to address
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issues such as:

- (a) Hours of operation, to prevent public nuisance to any nearby residents eg anti social behaviour
- (b) Supervision of queues and the management of large numbers of clientele descending on the premises at certain times - this could include door supervision to control surges of customers where this may occur
- (c) Layout of the premises to cope with patrons e.g. position of counters, entrances and exits
- (d) Litter control and environmental activities, such as litter picking, provision of litter bins, street sweeping/washing
- (e) CCTV
- (f) Public Safety, including the type of power supply to be used where the application is for a trading vehicle.

The Authority expects premises licensed for late night refreshment to have regard to the "Voluntary Code of Practice for the Fast Food Industry (DEFRA Oct 2003).

Policy PP 10: Take-away food outlets – presumption of no alcohol sales

The Authority will have a presumption against the sale of alcohol from premises where the primary activity during the hours 23.00 to 05.00 is the provision of take-away food unless it can be clearly shown that there will be no contribution to crime or disorder.

Supply of alcohol for consumption off the premises

7.5.20 It is not the Authority's policy generally to seek to restrict the sale of alcohol for consumption off the premises. However, where premises are relatively isolated, with minimal levels of staffing, this can lead to problems of anti-social behaviour or disorder in the vicinity of the premises. Pressure can also be applied to staff to sell alcohol to persons who are under age.

7.5.21 The following policy is intended to ensure that alcohol is sold only to those who are entitled to purchase it and that premises have proper checks in place to ensure that the restrictions are enforced, so that minors do not obtain access to alcohol which can lead to the creation of public nuisance or disorder.

Policy PP 11: Supply of alcohol ("Off-sales")

For applications that include the sale of alcohol for consumption off the premises, the Authority will expect operating schedules to address how sales of alcohol will be confined to those entitled to purchase it and how the procedures will be consistently applied. The role of the Designated Premises Supervisor will be pivotal in this respect. The operating schedule should cover such practical issues as:

- (a) the display of prominent warning notices about the supply of alcohol to minors
- (b) offences which adults can commit by buying alcohol for minors
- (c) requirements for production of satisfactory proof of age.

The Authority expects that staff involved in the sale of alcohol will have had appropriate training in order to put the operating schedule into effect.

Times during which alcohol may be sold will be restricted if it appears to the Authority, as a result of Representations, that this would promote the licensing objectives of preventing public nuisance, crime and disorder.

The Authority will maintain close working relationships with both the Police and Trading Standards Officers who will conduct 'test purchasing' of alcohol under the 2003 Act in order to detect and prevent sales of alcohol to minors and to pursue prosecutions where appropriate.

Safe drinking-vessels

7.5.21 The Authority seeks to remove the risk of injury that could result from the use of particular types of drinks containers at particular venues, or in association with particular licensable activities.

7.5.22 The risk of injury can arise not only from the deliberate misuse of glass containers and bottles during disturbances, but also from accidental breakage in crowded or dark venues and from broken glass in parks, water features and swimming pools.

7.5.23 Where appropriate, in response to representations or an operating schedule, the Authority will require all drinks to be supplied in containers that are safer than traditional glasses or bottles (e.g. paper, plastic or toughened glass).

7.5.24 Paper or plastic containers will often be appropriate, lidded if necessary. However, in some circumstances it can be appropriate to prevent the use of full plastic bottles as weapons or missiles by confiscating the bottle-tops.

Policy PP 12: Safe drinking-vessels
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In appropriate circumstances, the Authority will expect safe drinking-vessels to be used wherever a material risk of injury might arise. Examples might include premises where drinking vessels have been used in assaults in the past.

This policy applies not only to drinking vessels and containers for alcohol, but also to containers for soft drinks and water including any brought to the premises by customers.

Other potential weapons

Policy PP 13: Other potential weapons
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In appropriate circumstances, the Authority will require premises not to provide heavy loose items that could be used as weapons, e.g. heavy or glass ashtrays, heavy or unfixed furniture.

Large Scale and Outdoor Events

7.5.25 The Authority, in consultation with the Safety Advisory Group (SAG), intends to establish a protocol for large scale and outdoor events, which organisers will be recommended to adopt. Notwithstanding this, the Authority will encourage organisers of such events to approach council officers at the earliest opportunity to discuss the arrangement for the licensable activities involved. This may include the production of an Event Management Plan. It would normally be expected that reference would be made in the operating schedule to the Event Management Plan. Council officers will provide advice and assistance to organisers about preparing for the event through the Safety Advisory Group. In producing operating schedules and Event Management Plans organisers should have regard to the following :

- The Event Safety Guide- A Guide to Health, Safety and Welfare at music and similar events (HSE 1999) (The Purple Book) ISBN 0 7176 2453
- Managing Crowds Safely (HSE 1998) ISBN 0 7176 1580
- 5 Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 0 7176 1580
- The Guide to Safety at Sports Grounds (HMSO, 1997) (The Green Guide) ISBN 0 11 3000952
- Safety Guidance for Street Arts, Carnival Procession and large scale performances published by the Independent Street Arts Network, obtainable through www.streetartnetwork.org/pages/publications.
- Safer Clubbing Guide

However, because the above documents were published prior to the Licensing Act 2003 applicants creating operating schedules should adopt such measures as described in section 8 of this policy document and the adopted pool of conditions. Such measures will become conditions of the licence / certificate, and as such any breach of these conditions could give rise to prosecution.

Policy PP 14: Large Scale and Outdoor Events
<p>The Authority expects the organiser of a large scale or outdoor event, except those that may be covered by Temporary Event Notices, to identify an adequate management team at an early stage and to designate a lead person to liaise with the Authority.</p> <p>The Authority also expects a representative of the organisers of an open-air event to attend co-ordination meetings with Responsible Authorities.</p>

Sex-related entertainment

7.5.26 The Authority is not able to control the content of adult entertainment involving activities such as striptease or lap-dancing through licensing law.

7.5.27 Neither has the Authority any power to limit the scope of such activities permitted by a licence unless it receives relevant Representations about the associated application. This applies whether or not the application relates to premises in the vicinity of schools, youth clubs, other premises where significant numbers of children attend or places of worship.⁶⁷

⁶⁷ (Guidance: para. 3.11 & 3.53)

7.5.28 Where an application includes proposals for sex-related entertainment the Authority will seek to ensure that management of such activities will promote the licensing objective of protection of children from harm and that those activities are conducted in such a manner as to prevent disturbance, crime and disorder.

Policy PP 15: Sex-related entertainment

In response to relevant Representations, the Authority will consider whether the grant of a licence to include activities with a sex-related content would be inappropriate having regard to:

- (a) the character of the relevant locality and the use of premises in the vicinity
- (b) the layout and character of the premises
- (c) any form of advertising or promotion in connection with the premises.

In response to relevant Representations, the Authority will apply conditions that are tailored to any sex-related entertainment that is permitted.

Community Centres and Village Halls

7.5.29 The Authority encourages all Community Centres and Village Halls to apply for Premises Licences to cover all expected activities, as the managers of these venues are likely to find the permitted annual number of Temporary Event Notices too restrictive.

7.5.30 If alcohol is to be supplied, the Personal Licence Holder nominated as the Designated Premises Supervisor need not be a member of the management committee of the centre or hall.

Public spaces and council-controlled premises

7.5.31 In places for which the Council holds a Premises Licence entertainers will be able to give a performance, without the need to serve Temporary Event Notices or to apply for individual Premises Licences.

7.5.32 This approach will make it easier for cultural diversity to thrive and will be a far simpler process for many types of entertainment that use numerous venues each year, such as circuses and street artists. However, entertainers will need to obtain the permission of the Council (as Premises Licence holder) and comply with any conditions that might be imposed.

7.5.33 This approach may reduce the administrative burden on the Authority and ensure that licensable activities are encouraged in locations that the Authority considers appropriate and where the promotion of the licensing objectives has been previously considered and any potential noise nuisance can be properly managed.

Policy PP 16: Public spaces and council-controlled premises

The Authority encourages the Council and Oxfordshire County Council to seek Premises Licences for the purpose of particular types of public entertainment at premises under their control, such as community halls, parks and public open spaces.

7.6 Designated Premises Supervisors

7.6.1 In order for alcohol to be sold under a Premises Licence, the licence must name a Designated Premises Supervisor who holds a Personal Licence. Even though the Police may not object to the grant of a Personal Licence to a particular person, they may object to that person being named as the Designated Premises Supervisor for particular premises on grounds that the crime prevention objective is likely to be undermined. The Authority will

normally concur with any objection by the Police, unless there are substantial reasons for not doing so.

- 7.6.2 In premises where alcohol is not sold, there still may be a need for swift engagement with a responsible person and the Authority therefore strongly recommends that a person is identified at all premises where licensable activities are taking place.
- 7.6.3 Although the Designated Premises Supervisor has a key role in the management of premises, the 2003 Act does not require the Designated Premises Supervisor to be in attendance.
- 7.6.4 In the event of any problems, Authorised Persons will need to engage swiftly with the Designated Premises Supervisor, who is in a pivotal position within licensed premises. So, the Designated Premises Supervisor must be managerially able to mobilise resources at the premises as necessary to assist the promotion of the licensing objectives. In order to comply with the conditions of the licence, this must include the ability to manage the systems described in the applicant's operating schedule.
- 7.6.5 On occasions where the Designated Premises Supervisor is not available then a nominated competent person must be available to oversee the day to day running and control of the premises and to liaise with enforcement agencies, especially when enforcement visits are undertaken.
- 7.6.6 The Authority strongly recommends that contact telephone numbers are made available to the Authority and Police for both routine matters and emergencies.

Policy DPS 1: Designated Premises Supervisors – availability

The Authority expects the Designated Premises Supervisor to be normally readily available to manage activities at the premises. The Authority also expects the person in charge when the Designated Premises Supervisor is absent, to be both readily available and identifiable.

Liaison

- 7.6.7 The Authority may expect Designated Premises Supervisors to meet both the Authority and the Police before taking up their appointment, in order to ensure that the licensing objectives are understood and can be implemented by those directly responsible for the operation of the premises.

Policy DPS 2: Designated Premises Supervisors – Police liaison

The Authority may require the Designated Premises Supervisor of a premises licensed for both the sale of alcohol and provision of regulated entertainment to meet jointly with the Authority and Police before taking up their duties.
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7.7 Temporary Event Notices

- 7.7.1 Under the 2003 Act, Temporary Event Notices enable licensable activities to take place outside the scope of a Premises Licence. These notices can be given for events that last no more than 96 hours and have less than 500 people present at any one time. There are annual restrictions on how many notices one person may give and on the number of times the same premises can be used.
- 7.7.2 By their nature, temporary events may not be as well resourced as activities organised under a Premises Licence, so are potentially disruptive

and can cause problems for residents and owners of property nearby. However, the legislative framework for temporary events envisages a light touch by the Authority and the Police. Although the Police can object to a Temporary Event Notice and can require changes to the proposals, no specific approval is required provided the premises user meets the requirements of the 2003 Act.

Policy TEN 1: Temporary Event Notices
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To be valid, Temporary Event Notices must be served on the Authority, with a copy to the Police Authority, at the addresses given in Appendix 12.

7.8 Provisional Statements; New or Substantially Altered Premises

- 7.8.1 Where premises are to be newly constructed, extended or substantially altered, an applicant who has an interest in the premises can apply for a "Provisional Statement". This is in addition to any planning and building-control consents that may be required.
- 7.8.2 A Provisional Statement gives the applicant some assurance about the grant of a future application for a Premises Licence. This may be useful if the applicant has insufficient information to be able to complete the operating schedule that is necessary for a Premises Licence application or, if alcohol sales are proposed, is unable to name the proposed Designated Premises Supervisor. An applicant with adequate information could apply, instead, for a Premises Licence at a suitable stage in design and construction.

Policy PR 1: Provisional Statements; new or substantially altered premises

The Authority will consider issuing a provisional statement for new premises.

Policy PR2 : Changes to provisional statements

Where there are any changes to the proposals before a substantive licence is granted, these must be dealt with by way of an application for variation unless they are specifically intended to address a relevant representation.

Once the Authority has issued a Provisional Statement, it will exclude Representations made about the subsequent application for a Premises Licence if, without reasonable excuse, substantially similar Representations could have been made about the application at the time the Provisional Statement was issued. However, the Authority recognises that genuine and material changes may arise in the intervening period and the Authority reserves the right to entertain Representations that reflect changed circumstances.

A Provisional Statement may not be sought for a vessel, a vehicle or a moveable structure.
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8 Operating schedules

8.1 General

- 8.1.1 The operating schedule is a key document and, if prepared comprehensively, will form the basis on which premises can be licensed without the need for additional extensive conditions.
- 8.1.2 The Authority expects an operating schedule to indicate the steps that the applicant proposes to promote the licensing objectives and the nature of the licensable activities that are proposed.

- 8.1.3 It is particularly important that the operating schedules for appropriate premises should be precise and clear about measures that the management proposes to take to meet the licensing objectives, to save the need for conditions to be imposed as the result of representations. Applicants should identify any issues that are relevant to the premises or surrounding locality and specify the steps, if any, that they propose to take to promote these objectives or to prevent a negative impact and a risk assessment approach to this is strongly recommended.
- 8.1.4 The Authority recommends that applicants and licensees take a proactive stance in responding to representations or dealing with complaints. Where there might be a clear benefit, the use of facilitation, for example by a representative from a head office or an independent facilitator, is also commended.
- 8.1.5 In addition to the matters set out below, applicants are advised to consult the Thames Valley Police Licensing Policy for information on satisfying Police requirements.

8.2 Safety

- 8.2.1 Safety within premises to which the public are admitted is of fundamental concern and is therefore one of the licensing objectives. All these policies are designed to ensure that the objective is promoted as appropriate to the premises.
- 8.2.2 There are two aspects to safety to take into account, one being the form of construction of the premises, the other being the way in which the patrons are managed once in the premises.
- 8.2.3 The Authority will expect the premises to be constructed to the appropriate standards for the uses to which it is to be put. It expects applicants to have addressed the requirements of Health and Safety at Work and Fire Safety legislation. Where appropriate, applied standards set out in any technical guidance for construction of buildings for a particular purpose should also be met.

Policy OS 1: Operating schedule – Safety

Those preparing operating schedules and Responsible Authorities should consider:

- (a) Model National and Standard Conditions for Places of Public Entertainment and Associated Guidance ISBN 1 904031 11 0 (Entertainment Technology Press - ABTT Publications)
- (b) The Event Safety Guide - A guide to health, safety and welfare at music and similar events (HSE 199) ("The Purple Book") ISBN 0 7176 2453 6
- (c) Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X
- (d) 5 Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 07176 15804
- (e) Guide to Fire Precautions in Existing Places of Entertainment and Like Premises (Yellow Guide) HMSO ISBN 0 11 340907 9
- (f) advice from the Fire Officer/Building Control

Policy OS 2: Operating schedule – Premises management & maintenance

The Authority expects operating schedules to detail how premises will be properly managed and maintained at all times.

Applicants may wish to include a statement in any operating schedule as to the management structures will be such as those that may reasonably be agreed with the Licensing Authority from time to time and will deal with the variety of activities taking place on the licensed premises on different days, at different

times and in different parts of the premises at the same time.

Policy OS 3: Operating schedule – Log book

The Authority suggests that the managers of appropriate premises maintain a log of activities for the premises, that records the details of the manager and staff and the times that they are on duty, with details of incidents such as where people have been refused admission or have been ejected from the premises.

Policy OS 4: Operating schedule – Structural safety

Part of the building structure may involve, either on a temporary or permanent basis, structures or other special features that contribute to the entertainment or facilities for enjoyment of the premises. The Authority will want to be assured that in any particular case, equipment or facilities have been installed or constructed to approved standards, for example by the production of necessary certificates.

Policy OS 5: Operating schedule – Occupancy limits

The Authority expects the operating schedule for each of the following types of premises to state the occupancy limits:

- (a) cinemas
- (b) theatres
- (c) any premises where regulated entertainment is to be provided
- (d) any other premises, on the advice of a Responsible Authority where there are particular reasons to do so.

The Authority expects the operating schedule to state the occupancy limits of each floor of such premises and, where appropriate, separate areas on each floor, or under different operating conditions.

Policy OS 6: Operating schedule – Risk assessments

The Authority expects the operating schedule to indicate that the premises fully comply with the requirements of the Regulatory Reform (Fire Safety) Order 2005 and the Health and Safety at Work etc Act 1974

Policy OS 7: Operating schedule – Smoke Free Premises

The Authority expects operating schedules to detail how premises will be able to comply with the smoke-free provisions of the Health Act 2006 without compromising any of the four licensing objectives. Applicants may wish to include additional plans to highlight any smoking areas they propose to use.

Policy OS 8: Operating schedule – First aid requirements

For appropriate premises, the Authority expects to see a risk assessment that identifies the measures that will be taken to deal with the first aid requirements. This will apply to premises such as those where regulated entertainment is provided for large numbers of persons or for prolonged periods. Designated first aid areas may be expected at appropriate premises.

The Authority expects that anyone designated as a first-aider should be trained to an appropriate standard.

Policy OS 9: Operating schedule – Free drinking water

The Authority expects applicants to indicate how free supplies of drinking water will be made available at appropriate events and venues, such as those where regulated entertainment takes place over a lengthy period of time.

8.3 CCTV

- 8.3.1 The Authority seeks to further the licensing objective of prevention of crime and disorder through greater use of CCTV in licensed premises, as appropriate to the scale and type of licensable activities proposed. CCTV is in wide use in public areas and has been successful in reducing crime and disorder. CCTV has also been in use in nightclubs to complement the CCTV system in public areas and to record information for use in dealing with incidents in clubs.

Policy OS 10: Operating schedule – CCTV

For appropriate premises, the Authority expects the use of CCTV equipment to capture images of appropriate quality, location and frequency. The Authority expects applicants for licences for such premises to demonstrate in their operating schedules that the installation and operational procedures for the equipment at the premises comply with Thames Valley Police's "Standard Minimum Closed Circuit Television Requirements".

8.4 Drug control

- 8.4.1 The Authority seeks to minimise the availability of drugs. The Authority therefore expects venues to have a comprehensive management approach to eliminating drug use and possession.
- 8.4.2 There are many indications that an increasing number of people are taking illegal drugs and are using a wider range than ever before. This is particularly true of what are often referred to as 'recreational drugs'. Their use, sometimes in places where entertainment is taking place, has led to fatalities.
- 8.4.3 The Authority will actively seek ways in which it can assist in promotional initiatives to highlight the hazards of drug and alcohol abuse.
- 8.4.4 For those venues where drug misuse is an identified risk, measures need to be taken to combat supply, use and the effects of any use. There is advice available about how to control and mitigate the effect of drug-taking, which is relevant for entertainment venues in general and venues which provide intensive dancing, such as 'nightclubs'.

Policy OS 11: Operating schedule – Drugs

The Authority expects licensees, of venues that are likely to be used for drug-taking, to take all appropriate steps to prevent drugs from being brought onto the premises and from being traded within the premises, in addition to implementing measures to prevent tragedies as a result of any drug misuse.

The Authority expects licensees of premises that hold prolonged dance events, whether regularly, intermittently or as single events, to produce a drug policy statement. That statement may incorporate the guidance and recommendations in the "Safer Clubbing" booklet (see paragraph 5.1).

The Authority expects the operating schedule to refer to how the whole management structure of the venue is trained and organised to follow the measures agreed for the venue to minimise use of drugs.

Premises that hold prolonged dance events are likely to be required to have SIA registered door staff on duty, so the drugs policy statement for the premises should be explicit about how the door staff will participate in systems to minimise drug use. In particular, the Authority expects such policies to include clear statements of the procedures for searching customers as a condition of entry.

In appropriate cases the Authority will consider attaching, to the Premises Licence, conditions that are based upon recommendations detailed in approved guidance on drugs.

8.5 Door supervisors

- 8.5.1 The Authority supports the pro-active use of trained and registered door staff as part of the operational management of some types of premises, because this can reduce the risk of crime, disorder and anti-social behaviour occurring,
- 8.5.2 A Premises Licence that provides for the presence of door supervisors will include a mandatory condition⁶⁸ that such door supervisors must be registered by the Security Industry Authority (SIA).

Policy OS 12: Operating schedule – Door Supervisors

The Authority generally expects Premises holding regulated entertainment that continues beyond midnight to employ door supervisors, unless it is shown to be unnecessary..

In addition to the SIA requirements for registration, the Authority will require Door Supervisors to comply with the requirements of the “Thames Valley Door Safe” code of conduct whilst they are on duty.

Where appropriate, the Authority will attach conditions to Premises Licences about the minimum numbers of male and female door supervisors on duty and their roles, which will reflect the layout of the premises, the location, the type of entertainment or function provided and the periods when regulated entertainment normally takes place.

Where Representations have been made, the Authority may require premises to use door supervisors for particular types of regulated entertainment which have a significant potential to provoke disorder, or where there are special promotional events in which the sale of alcohol is significant.

At premises that have regular entertainment or where special events are taking place, other attendants who do not engage in security activities, may be required to supervise areas within the premises.

The Authority expects door supervisors and other staff undertaking security or supervisory duties to be readily identifiable by members of the public and where appropriate to wear high visibility clothing.

8.6 Pub-watch or Nightsafe schemes

- 8.6.1 Pub-watch / Nightsafe schemes are a pro-active means of promoting the licensing objectives. They support the exchange of information and collective agreement on persons being excluded from premises because of anti-social or disruptive behaviour.
- 8.6.2 Responsible managers of appropriate licensed premises will wish to actively participate in such schemes, several of which are in operation in the Authority’s area.

Policy OS 13: Operating schedule – ‘Pub-Watch or Nightsafe’ Schemes

The Authority strongly recommends that all premises licensed to sell alcohol participate in a ‘pub-watch’ or similar approved scheme and become part of any alert system(s) that such schemes may implement to alert members about potential troublemakers.

8.7 Drinks promotions

- 8.7.1 The Authority has concern about the potential for crime and disorder and public nuisance that might arise from sale of alcohol for consumption on the premises through discounts or special sales promotions. The Authority

⁶⁸ (2003 Act: S 21) (Guidance: 10.58-10.64)

does not wish to deny consumers the opportunity to participate in responsible promotions, but may restrict activities in response to relevant representations. Such representations would be expected to demonstrate the likelihood that there would be a negative impact on one or more of the licensing objectives, for example because such sales are inadequately supervised, the discounts encourage excessive consumption by individuals, or the period of the promotion is too long

- 8.7.2 Policy OS 15 enables the Authority to consider circumstances where drinks promotions are a regular feature for particular premises and to enable the Police and the Authority to consider whether adequate controls are in place to limit or prevent disorder that may result.

<p>Policy OS 14: Operating schedule – Discounting and sales promotions</p> <p>The Authority expects any discounted drinks and sales promotions to be properly managed and take into account the “Good Practice Guide on Point of Sale Promotions” issued by the British Beer and Pub Association.</p> <p>The Authority expects applicants to include in any operating schedules the proposals for discounting or sales promotions of alcohol and to provide the Authority with written procedures detailing how such promotions will be managed in order to further the licensing objectives, for example, by giving particular attention to any increased supervision that may be required on such occasions.</p>

9 Other legislation and controls

9.1 Other legislation

- 9.1.1 The Secretary of State’s Guidance proposes that policy statements should provide information on other relevant legislation and controls that apply to licensed premises. This is because the regulatory framework of the 2003 Act will not control all matters that are likely to arouse concern in connection with the operation of licensed premises, including the behaviour of persons away from the immediate vicinity of licensed premises.

- 9.1.2 Other legislation relevant to licensed premises is as follows:

Planning

- 9.1.3 Planning controls are covered above in paragraph 2.8 and Policy GN 8.

Anti Social Behaviour Act 2003

- 9.1.4 Section 40 of the Anti Social Behaviour Act 2003 allows the Council’s Chief Executive to make a Closure Order against a premises if he reasonably believes that a public nuisance is being caused by noise coming from the premises and it is necessary to close the premises to prevent it. This applies to premises where there is a Premises Licence or a Temporary Event Notice.

Disability Discrimination Act 1995

- 9.1.5 The Disability Discrimination Act 1995 came fully into effect in October 2004 and includes widespread responsibilities not to treat people with disabilities in a less advantageous way than other people.
- 9.1.6 The Authority will not seek to duplicate the requirements of the Disability Discrimination Act 1995, however, in response to Representations, the Authority may apply conditions where necessary to ensure the equal treatment of people with disabilities where they coincide with licensing objectives providing that there is no duplication of a statutory provision

Amusement with prizes ('AWP') machines Alcohol licensed premises gaming machine permits.

- 9.1.7 The grant of gaming machine permits is dealt with under the Gambling Act 2005 by the Authority. Premises licensed to sell alcohol for consumption on the premises can automatically have two gaming machines, of categories C and / or D. The holder of the premises licence authorising the sale of alcohol will simply notify the Authority, and pay the prescribed fee. If a premises wishes to have more than two machines, then the holder of the premises licence will need to apply for a permit.
- 9.1.8 The Council will accept applications for permits for AWP machines in licensable premises only from holders, or prospective holders, of a premises licences and club premises certificates which include permission to supply alcohol.

Censorship

- 9.1.9 The content of regulated entertainment is a matter that is already addressed by other laws governing indecency and obscenity.
- 9.1.10 The Authority will not seek to impose conditions that censor the content of any film or play in a way that cannot be related to the licensing objectives. Where the concern is about protecting children, their access will be restricted.⁶⁹

Local Government (Miscellaneous Provisions) Act 1982

- 9.1.11 Amongst other matters this addresses the issue of prohibited streets and consent streets in relation to street trading.

Health Act 2006

- 9.1.12 Within this Legislation it stipulates that smoking is not permitted in wholly or substantially enclosed public spaces.

9.2 Other Controls

- 9.2.1 The Council recognises that other controls and initiatives are available in promoting the Licensing objectives and will support these wherever possible. Such controls and initiative include:
- Police enforcement of legislation concerning disorder and anti-social behaviour
 - powers of local authorities to designate parts of their area as places where alcohol may not be consumed publicly
 - prosecution of any Personal Licence holder or member of staff at premises, who is selling alcohol to a person who is drunk
 - test-purchasing to check on sale of alcohol to under-18s
 - litter legislation
 - confiscation of alcohol from anyone in designated areas and from persons under 18 in any public place
 - positive measures to create safe and clean town centre environment in partnership with transport operators, local businesses, the licensed trade etc.
 - anti drink-driving campaigns
 - campaigns against domestic violence
 - initiatives to curb binge drinking.

⁶⁹ (Guidance: para.s 7.68 & 7.69)

10 Reviews and Enforcement Issues for Premises

10.1 Reviews

- 10.1.1 Under the 2003 Act it is possible for the Authority to review a Premises Licence at any time, if it receives Representations from one or more of the organisations defined as Responsible Authorities or Interested Parties. The Authority may not initiate its own review without having received Representations. Reviews may only arise in connection with a failure or failures in the premises connected to the licensing objectives.
- 10.1.2 Successful promotion of the licensing objectives relies on a partnership approach between the Authority, licence holders, Interested Parties and Responsible Authorities. Reviews should not therefore be used as a commonplace way of securing adherence to licence conditions or of redressing perceived failures in management of licensed premises.
- 10.1.3 Reviews in connection with crime, could lead to revocation of the licence even in the first instance.
- 10.1.4 In conducting any review, the Authority will have regard to the Council's Licensing Enforcement Policy.

Policy RE 1: Reviews (1)

Generally, unless the Authority regard the issue as serious, a review will only be conducted where there has been a failure to address matters previously raised.

Policy RE 2: Reviews (2)

Where a request for a review is made, the Authority will expect the person making the Representation to declare the nature of their interest and provide specific evidence to demonstrate why a review is necessary.
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Policy RE 3: Reviews (3)

The Authority will not review licences simply because Representations may have failed on previous occasions or under other legislation.

Policy RE 4: Reviews (4)

If a request for a review is received from an Interested Party or Responsible Authority, the Authority will decide whether a reasonable interval has elapsed since a previous review, if any, has taken place. It will generally not expect to hold a review into a licence on Representations from an interested person more than annually, unless there has been a significant change in the use of the premises or there are exceptional circumstances.
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10.2 Enforcement

- 10.2.1 The 2003 Act does not require inspections to take place, save at the discretion of those charged with this role. The Authority believes that enforcement should be achieved through joined-up working by the different enforcement agencies and will seek to promote this wherever possible.
- 10.2.2 The Council will adopt the enforcement principles of risk assessment and targeting, taking into account factors such as
- the nature of the licensed activities

- the extent to which the licensing objectives are met
 - the confidence in the management of the premises.
- 10.2.3 This approach will ensure that enforcement is effectively concentrated on problem premises whilst monitoring the situation in other premises, and provide for efficient deployment of the Council's staff and Police officers.
- 10.2.4 The Council will also undertake pre-event inspections in appropriate situations.

Policy EN 1: Enforcement

The Council will establish and maintain protocols⁷⁰ with the local Police and Authorised Persons on enforcement issues.

The Council will seek to ensure that these protocols concentrate on targeting of mutually agreed problems and high-risk premises, while providing a lighter touch in respect of low-risk premises that are well run.

10.2.5 The following sets out how the inspection regime will work:

Type of Premises	Frequency of planned inspections
High risk (e.g. night-clubs/pubs with regulated entertainment, open after midnight , cinemas, theatres, indoor sports entertainments, large outdoor events)	According to risk rating
Medium risk (e.g. pubs, pubs with regulated entertainment not open after midnight, registered members' clubs, 'off-licences' not part of a shop, late night refreshment premises)	According to risk rating
Low risk (e.g. off-licences that are part of a shop) restaurants, Village/community halls	According to risk rating
Temporary event notices (which last for a maximum of 96 hours)	Prior to event starting
Outdoor Concerts / Events involving Regulated Entertainment and / or sale of alcohol	Prior to event starting

- 10.2.6 There may be occasions when additional inspections will be required, for example following premises alterations, complaints made by Interested Parties or requests by Responsible Authorities.
- 10.2.7 This inspection routine recognises that Premises Licences, unless issued for a specific period of time, have no end date once they have been granted.
- 10.2.8 The Authority has signed the Central and Local Government Concordat on Good Enforcement. Further details of the way in which the Authority will approach enforcement issues are available from the Council's address in Annex A

⁷⁰ These protocols will also address EHO powers to close premises

Appendices

Appendix 1 – Persons consulted in preparation of this Policy Statement

The following persons were consulted in the preparation of this Statement of Licensing Policy:

the chief officer of Police for the area

the fire authority;

the Social Health Care Department of Oxfordshire County Council, which the Authority considers to be the competent and Responsible Authority for the purpose of advising on issues of protecting children from harm

persons representing holders of existing licences within the area

persons representing clubs registered within the area

persons representing businesses within the area

persons representing residents within the area

the Trading Standards Department of the County Council.

Relevant Comments were also received from the following:

The following persons were consulted in the preparation of this Statement of Licensing Policy:

(a) the chief officer of Police

(b) the fire authority

(c) the Social Health Care Department of Oxfordshire County Council, which the Authority considers to be the competent and Responsible Authority for the purpose of advising on issues of protecting children from harm

(d) persons representing holders of existing licences within the area

(e) persons representing clubs registered within the area

(f) persons representing businesses within the area

(g) persons representing residents within the area

- (i) the Trading Standards Department of the County Council.

Relevant Comments were also received from the following:

Appendix 2 – The Authority's area and licensable activities

South Oxfordshire is situated between Oxford and Reading, with significant areas within the North Wessex Downs and Chiltern Hills. Its picturesque setting acts as an attraction for tourism.

The main centres of population are Didcot, Henley-on-Thames, Thame and Wallingford. In total, the population numbers around 130,000 with approximately two-thirds of these living in the rural areas. The population has risen dramatically over the last few years, especially due to the development of housing at Didcot, and is projected to be at around 132,000 by the end of the life of this policy.

Each of the main centres of population has a town council, with 83 Parish Councils/Meetings covering the other areas.

The employment situation within the district is good, and there is a low rate of crime which is mostly centred in particular geographic areas.

Within the district, there is a mix of licensable premises, including theatres, cinemas, community halls, village and town centre pubs and a small number of nightclubs that operate until up to 4am.

Trading is permitted on most streets, except those that are designated as "A-roads". Within Henley, Wallingford and Wheatley, certain roads have been designated as prohibited and details of these can be obtained from the Council's Environmental Services Department.

Several large events occur in and immediately adjacent to the district, notably the Henley Regatta and Reading Festival. In the past, there have been regular events for up to 15,000 in the north of the district, especially during the May Ball season.

The Council believes in promoting cultural events and has adopted initiatives such as a dance development plan and has been involved in the rural touring scheme which brings theatrical and other performances to local communities.

Internet access within South Oxfordshire is at one of the highest levels nationally and the Council is keen to promote electronic access to information and services, whilst realising that there should be customer choice.

Appendix 3 - Other Council policies and programmes

The Council recognises that its licensing function should integrate with other policies, procedures and initiatives.

This part of the policy explains what other relevant policies exist and how they will interact with the licensing function.

A3.1 The Corporate Plan

A3.1.1 The Council has adopted a Corporate Plan which sets out the vision for the next three years: South Oxfordshire should be an attractive, successful, vibrant and safe place where people choose to live, work and visit. It should be a place where everyone can enjoy a good quality of life and a strong sense of community.

A3.1.2 The Council is therefore keen to promote licensable activities which contribute to this vision.

A3.1.3 The Council's strategic intent is to work in partnership to maintain and improve the quality of life in South Oxfordshire. The Licensing Authority recognises that it is vitally important to work not only with other regulatory bodies, but also the licensed trade, public, voluntary and religious sectors of the community.

A3.1.4 In support of the vision of the Council, seven strategic objectives have been formulated, six of which relate directly to the work of the Licensing Authority;

- To be recognised as an excellent Council
- To serve and listen to the people of South Oxfordshire as their community leader
- To reduce crime and the fear of crime
- To improve health and well-being
- To maintain and improve the economy
- To maintain and enhance the environment

A3.1.5 The Licensing Authority will have regard to these strategic objectives, within the remit of the statutory Licensing Objectives, whenever a decision is made in relation to a licensing matter.

A3.2 The Local Plan

A3.2.1 There is considerable potential for matters of Licensing and Planning to overlap, but it is important to recognise that the two systems are different and serve different purposes.

A3.2.2 In general, where there is a matter of principle as to whether a premise should or should not be established in a particular location, this will be considered under the planning regime. Where the issue is more to do with

the way that the premises are run or there is no need for a planning application, then this will be considered by the Licensing Authority, as far as the issue relates to one or more of the licensing objectives.

- A3.2.3 Frequently, there can be changes to premises that do not warrant a fresh planning application but can never the less have a significant impact on the licensing objectives. The Licensing Authority will therefore proactively use the review process, upon receipt of valid representations, to ascertain if further or different conditions are required.
- A3.2.4 The Local Plan favours locations close to services and facilities which are well served by public transport. In dealing with new applications for licences, the Licensing Authority will only address these matters where they have not previously been considered by the Planning Authority as part of a planning application or where the matter has significantly changed.
- A3.2.5 The Planning Authority reserves the right to impose conditions on the hours of trading or other matters where it is considered necessary in order to approve the principle of a premises operating. The Licensing Authority will consider planning conditions as a relevant representation from the Planning Authority and will normally only grant licences with hours of operation within those that have already been established in the planning permission. Where the Planning Authority have not imposed any restriction on the hours of trading or on any other matter, it should be assumed that they have intended any such limitation to be imposed by the Licensing Authority rather than having taken the view that no restrictions are required.
- A3.2.6 Policy EP1 and EP2 of the Local Plan refer to the matter of pollution from premises and require that effective mitigation be put in place in order to ensure that there would be no adverse effect on the health and amenity of the occupiers of properties in the vicinity. The Licensing and Planning Authorities will deal with matters within its remit when considering whether mitigation is required and if so, to what extent.
- A3.2.7 The Local Plan recognises that there are practical and financial limits to what can be achieved through the imposition of conditions and will therefore apply the principles of “Best Available Techniques Not Entailing Excessive Cost” (BATNEEC). Where it is considered that there is likely to be an undesirable impact from the granting of a licence and the cost of a condition would be excessive or the proposed technology for a mitigation measure is not proven, then a licence would normally be refused unless it is of a temporary nature.
- A3.2.8 Under Policy D1 of the Local Plan, weight is given to applications that demonstrate principles of good design. The Licensing Authority will also recognise the factors listed under D1 that contribute to the objective of the prevention of crime and disorder. In concert with Planning Policy D6, encouragement will be given to applications which show designs that reduce the opportunity for crime and promote suitable means of improving the security of premises.
- A3.2.9 The Council does not consider that there is any need to limit the number of hotels, other serviced accommodation, public houses and restaurants within the district and applications for planning permission or licences would be granted if there is compatibility with the Licensing Objectives and the factors listed within Planning Policy TSM3 and TSM4. The Council is keen to

promote the area for tourism and will encourage applications for facilities that show a long-term commitment to promoting tourism as a main objective.

A3.2.10 Didcot town centre has been identified in the Local Plan as an area where there is a need for the vitalisation of the night-time economy. The Licensing Authority will therefore deal favourably with applications that form part of the planned development of the town centre.

A3.3 Community Strategy

A3.3.1 The Community strategy explains the needs of the community and focuses on those services that will most improve people's economic, social and environmental well-being.

A3.3.2 The Strategy was produced through the South Oxfordshire Partnership, which is a group incorporating many organisations from the public, private, voluntary, community and faith sectors.

A3.3.3 The main themes of the strategy are in relation to safe towns and villages, promoting a thriving economy and improving health, providing education, promoting rural transport, quality environment, and the provision of housing. The first three of these are directly relevant to the Council's responsibilities as the Licensing Authority but there are also strong links with the others.

Safe Towns & Villages

A3.3.4 The strategy looks to create safe towns and village by reducing crime and increasing detection rates, tackling anti-social behaviour and reducing road traffic accidents.

A3.3.5 The consumption of alcohol on the street has been recognised as causing disturbance and anti-social behaviour. Where complaints are received in relation to such issues, the Authority will work closely with the Community Safety Partnership and Community Safety Officers in considering whether it is appropriate to introduce alcohol controlled areas in conjunction with other licensing controls. Where an alcohol control area is to be considered, this will only be undertaken once the Licensing Committee have also considered whether there is a contribution from licensed premises in the area.

A3.3.6 The Council recognises that many road accidents are in at least part attributable to alcohol consumption and will therefore actively support initiatives to help combat drink-driving. Establishments that sell alcohol are encouraged to participate in reducing the instances of alcohol-related accidents through partnership working with the Authority, the County Council, South Oxfordshire Partnership and the Police

Thriving Economy

A3.3.7 As part of the Strategy for promoting a thriving economy, the Council has recognised that it needs to support village shops and regenerate Didcot town centre. The Authority will therefore try wherever possible to encourage local community shops and will sympathetically consider applications for licences in communities where none exist at present. Specifically, assistance will be

offered to small businesses in villages in making their applications and seeking ways that local production and produce can be promoted.

A3.3.8 In relation to Didcot Town Centre, the Authority recognises the need to create a clearly-defined central location which provides entertainment and socialising facilities which are compatible with the licensing objectives.

A3.3.9 Where possible and appropriate, the Council will seek to obtain licences for land that it owns, or work in partnerships with Town and Parish Councils to license other areas, such as streets or market places.

A3.4 Community Safety Strategy

A3.4.1 During an audit in 2001, the South Oxfordshire Community Safety Partnership identified a concern with crime and anti-social behaviour related to alcohol abuse. Overlapping issues with the Community Strategy were also been noted, such as in relation to road safety.

A3.4.2 In response to these concerns, the Community Safety Strategy sets out a number of objectives in relation to alcohol, such as enhancing current education provision to reduce demand and harm to individuals and families. The strategy also aims to target “at risk” groups in specific geographical areas to reduce demand and harm.

A3.4.3 In addition to the concerns over alcohol, drug abuse also features in the strategy as a matter which requires attention. The Authority is keen to promote initiatives which will stifle the availability of drugs and prevent drug-related crime. Applicants for premises licences where there is a possibility of drug taking or supply are encouraged to work closely with the Authority in achieving the objectives set out in the community Safety Strategy and applications where drug control measures are proposed will be treated sympathetically whilst still having regard to the licensing objectives.

A3.4.4 The Council will actively consider the need for designated drinking areas (‘DDA’). In situations where such areas are created, the Authority will expect premises involved in the sale of alcohol within these areas to assist with measures such as placing signs at exits advising of the existence of the DDA.

A3.5 Agenda 21 Strategy

A3.5.1 The Council believes in promoting sustainable communities and has prepared an Agenda 21 strategy.

A3.5.2 As part of the ambition of achieving such communities, the Agenda 21 Strategy accepts that there should be aims of

- reducing Waste
- reducing Pollution
- using energy and natural resources efficiently and with care
- protecting biodiversity

- creating and protecting employment opportunities
- ensuring economic opportunities for all
- creating and cycling wealth in the local economy
- providing opportunities for culture and leisure.

A3.5.3 The Licensing Authority recognises that whilst it has adopted the licensing objectives, in considering applications for licences or representations for the review of a licence, some weight should also be given to the aims of sustainability. Applicants and licence holders are therefore recommended to have regard to these aims when dealing with the Licensing Authority.

A3.5.4 Where the Agenda 21 Strategy accords with one or more of the Licensing Objectives, the Council will seek opportunities to promote the strategy, such as through events where local produce is sold.

Appendix 4 – Licensing Committee and Licensing Sub-committee procedures

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 Committee or a 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 or sub-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.

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.

Report

5. A report will be prepared by the Head of Environmental Services. A copy of the report will be sent to the applicant / licensee and any representative seven days 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 seven working days before the date of the Hearing. If documents are larger than A4 size or difficult to copy (e.g. photographs) then normally five 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 read and taken into account by the Committee or sub-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 Committee or sub-committee 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 Committee or sub-committee taking the document into account in reaching its decision
 - (d) the Committee or 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 Committee or sub-committee 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 Licensing Officer must be advised wherever possible at least 14 days in advance of the hearing and at least two copies of the video must be supplied in standard VHS, DVD or MPG 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.

PROCEDURE BEFORE, AT AND AFTER HEARING

General Procedure

9. The Councillors who sit on the Committee or sub-committee will meet prior to the hearing to note the matters that are to be presented. They will be accompanied by the Committee Administrator and Legal Adviser. Attention will only be drawn to the nature of the application

- and the premises or person to which it relates. The actual application will not be discussed.
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 or sub-committee.
 12. In the case of the applicant/licence holder, the representative must be empowered to supply any undertaking requested by the Committee or sub-committee or demonstrate that any conditions attached to the licence will be complied with.
 13. All representors and applicants/licence holders are reminded that they can be represented by a legal representative at their own expense or by a Councillor.
 14. The procedure at the hearing will be similar to that found in a Court. The Committee or sub-committee will be guided by legal principles in determining whether evidence is both relevant and fairly admitted.
 15. At the start of each application, the Chairman will introduce the Committee members, the Committee Administrator, Legal Adviser and Licensing Officer.
 16. The Licensing Officer will provide a list indicating the names of the persons appearing at the hearing and the Chairman will establish whether there are any additions or alterations to be made to it. In doing so, the Chairman will invite the applicant/licence holder and any representors to introduce themselves.
 17. The Chairman will then outline the procedure to be followed for the remainder of the hearing.
 18. The Licensing Officer will present his report, upon conclusion of which the applicant/licence holder and any representors may ask questions. At the conclusion of these questions, the Committee Members or sub-committee members may also seek clarification on any of the points that have been raised.
 19. The Applicant/licence holder may then speak in support of his application/licence. Representors and the Licensing Officer may then ask questions, followed by the Committee Members.
 20. In making submissions to the Committee or sub-committee, any party may call witnesses to give evidence. Where witnesses are called, all other parties will have the opportunity to ask questions.

REPRESENTOR'S SUBMISSION

21. Representors may address the Committee or sub-committee, having stated the nature of their interest in the matter.
22. If any person who has made representations fails to attend the hearing, the Committee or sub-committee will normally proceed but will consider the written objection and hear and consider any evidence and argument in relation to it put forward by the applicant. In considering written evidence in the absence of a representor, appropriate weight will be attached, given that the person is not able to be questioned by the applicant/licensee and members.
23. A representor may not raise any ground or objection not referred to in the written submission unless the Committee considers there are good reasons for doing so and the representor is able to justify why the ground or objection should be raised.
24. The applicant/licensee may make representations to the Committee or sub-committee as to why any such request to introduce a new ground should or should not be granted.
25. In considering whether to grant a request by a representor to introduce a new ground, the Committee will consider whether the admission of such a ground would necessitate the grant of an adjournment and will consider any unfairness to the applicant/licensee or other representors by reason of the extra cost or delay thereby caused.
26. Once the representor has finished, the Applicant/licence holder may then ask questions, followed by the Licensing Officer and the Committee Members.

SUMMARIES

27. At the conclusion of submissions from all representors, any representor who has addressed the committee may summarise his objection, followed by the Licensing Officer and then the Applicant/Licence Holder.
28. The Chairman may depart from the above procedure if he considers it in the interests of justice to do so, either of his own volition or upon application by any party. Before doing so he shall invite the views of the parties present and consider any representations that may be made.

DECISION

29. When the evidence has been heard, the Chairman will announce that the hearing is adjourned to enable the Committee or sub-committee to deliberate in private.
30. The committee will then withdraw to another room to make their decision, accompanied only by their Legal Advisor and Committee Administrator. These individuals will not comment on the merits of the application, but will provide advice on legal and procedural points.
31. Where the Committee or sub-committee wish to seek clarification on any other point, they will re-convene the hearing.

NOTIFICATION OF DECISION

32. The Chairman will announce the decision together with the reasons for it in public at the end of the hearing. This decision will then be communicated in writing to the applicant/licence holder as soon as possible after the hearing.
33. The Chairman will also explain the procedure to be adopted if anyone at the hearing is aggrieved by the decision.
34. Where a decision has been made on a licence application, variation or a review, it is the general policy of the Council not to enter into discussions or correspondence on matters relating to the hearing or any decision that is made.

Statutory Provisions

35. 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.

Appendix 5 – BBFC Film Classification

Films would normally be classified by the British Board of Film Classification or the local authority in the following way:

- U Universal – suitable for all
- PG Parental Guidance. Some scenes may be unsuitable for young children
- 12A (PG12) Passed only for viewing by persons aged 12 years or older or younger persons accompanied by an adult
- 12 Passed only for viewing by persons aged 12 years or older
- 15 Passed only for viewing by persons aged 15 years and over
- 18 Passed only for viewing by persons aged 18 years and over

In some cases, the PG rating may carry a recommended viewing age – eg PG8 would only be suitable for children over the age of 8, if accompanied by an adult

Appendix 6 - Personal Licence: Relevant Offences

Under section 113(2) of the 2003 Act, the Secretary of State may amend the list, by order, so as to add, modify or omit any entry.

SCHEDULE 4

Section 113

PERSONAL LICENCE: RELEVANT OFFENCES

- 1 An offence under this Act.
- 2 An offence under any of the following enactments—
 - (a) Schedule 12 to the London Government Act 1963 (c. 33) (public entertainment licensing);
 - (b) the Licensing Act 1964 (c. 26);
 - (c) the Private Places of Entertainment (Licensing) Act 1967 (c. 19);
 - (d) section 13 of the Theatres Act 1968 (c. 54);
 - (e) the Late Night Refreshment Houses Act 1969 (c. 53);
 - (f) section 6 of, or Schedule 1 to, the Local Government (Miscellaneous Provisions) Act 1982 (c. 30);
 - (g) the Licensing (Occasional Permissions) Act 1983 (c. 24);
 - (h) the Cinemas Act 1985 (c. 13);
 - (i) the London Local Authorities Act 1990 (c. vii).
- 3 An offence under the Firearms Act 1968 (c. 27).
- 4 An offence under section 1 of the Trade Descriptions Act 1968 (c. 29) (false trade description of goods) in circumstances where the goods in question are or include alcohol.
- 5 An offence under any of the following provisions of the Theft Act 1968 (c. 60)—
 - (a) section 1 (theft);
 - (b) section 8 (robbery);
 - (c) section 9 (burglary);
 - (d) section 10 (aggravated burglary);
 - (e) section 11 (removal of articles from places open to the public);
 - (f) section 12A (aggravated vehicle-taking), in circumstances where subsection (2)(b) of that section applies and the accident caused the death of any person;
 - (g) section 13 (abstracting of electricity);
 - (h) section 15 (obtaining property by deception);
 - (i) section 15A (obtaining a money transfer by deception);
 - (j) section 16 (obtaining pecuniary advantage by deception);
 - (k) section 17 (false accounting);
 - (l) section 19 (false statements by company directors etc.);
 - (m) section 20 (suppression, etc. of documents);
 - (n) section 21 (blackmail);
 - (o) section 22 (handling stolen goods);
 - (p) section 24A (dishonestly retaining a wrongful credit);
 - (q) section 25 (going equipped for stealing etc.).
- 6 An offence under section 7(2) of the Gaming Act 1968 (c. 65) (allowing child to take part in gaming on premises licensed for the sale of alcohol).
- 7 An offence under any of the following provisions of the Misuse of Drugs Act 1971 (c. 38)—
 - (a) section 4(2) (production of a controlled drug);

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- (b) section 4(3) (supply of a controlled drug);
 - (c) section 5(3) (possession of a controlled drug with intent to supply);
 - (d) section 8 (permitting activities to take place on premises).
 - 8 An offence under either of the following provisions of the Theft Act 1978 (c. 31) –
 - (a) section 1 (obtaining services by deception);
 - (b) section 2 (evasion of liability by deception).
 - 9 An offence under either of the following provisions of the Customs and Excise Management Act 1979 (c. 2) –
 - (a) section 170 (disregarding subsection (1)(a)) (fraudulent evasion of duty etc.);
 - (b) section 170B (taking preparatory steps for evasion of duty).
 - 10 An offence under either of the following provisions of the Tobacco Products Duty Act 1979 (c. 7) –
 - (a) section 8G (possession and sale of unmarked tobacco);
 - (b) section 8H (use of premises for sale of unmarked tobacco).
 - 11 An offence under the Forgery and Counterfeiting Act 1981 (c. 45) (other than an offence under section 18 or 19 of that Act).
 - 12 An offence under the Firearms (Amendment) Act 1988 (c. 45).
 - 13 An offence under any of the following provisions of the Copyright, Designs and Patents Act 1988 (c. 48) –
 - (a) section 107(1)(d)(iii) (public exhibition in the course of a business of article infringing copyright);
 - (b) section 107(3) (infringement of copyright by public performance of work etc.);
 - (c) section 198(2) (broadcast etc. of recording of performance made without sufficient consent);
 - (d) section 297(1) (fraudulent reception of transmission);
 - (e) section 297A(1) (supply etc. of unauthorised decoder).
 - 14 An offence under any of the following provisions of the Road Traffic Act 1988 (c. 52) –
 - (a) section 3A (causing death by careless driving while under the influence of drink or drugs);
 - (b) section 4 (driving etc. a vehicle when under the influence of drink or drugs);
 - (c) section 5 (driving etc. a vehicle with alcohol concentration above prescribed limit).
 - 15 An offence under either of the following provisions of the Food Safety Act 1990 (c. 16) in circumstances where the food in question is or includes alcohol –
 - (a) section 14 (selling food or drink not of the nature, substance or quality demanded);
 - (b) section 15 (falsely describing or presenting food or drink).
 - 16 An offence under section 92(1) or (2) of the Trade Marks Act 1994 (c. 26) (unauthorised use of trade mark, etc. in relation to goods) in circumstances where the goods in question are or include alcohol.

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Schedule 4 – Personal licence: relevant offences

- 17 An offence under the Firearms (Amendment) Act 1997 (c. 5).
- 18 A sexual offence, within the meaning of section 161(2) of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6).
- 19 A violent offence, within the meaning of section 161(3) of that Act.
- 20 An offence under section 3 of the Private Security Industry Act 2001 (c. 12) (engaging in certain activities relating to security without a licence).

Appendix 7 – Schedule 1 – 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).

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Licensing Act 2003 (c. 17)
Schedule 1 – Provision of regulated entertainment
Part 1 – General definitions

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.

PART 2

EXEMPTIONS

Film exhibitions for the purposes of advertisement, information, education, etc.

- 5 The provision of entertainment consisting of the exhibition of a film is not to be regarded as the provision of regulated entertainment for the purposes of this Act if its sole or main purpose is to –
- (a) demonstrate any product,
 - (b) advertise any goods or services, or
 - (c) provide information, education or instruction.

Film exhibitions: museums and art galleries

- 6 The provision of entertainment consisting of the exhibition of a film is not to be regarded as the provision of regulated entertainment for the purposes of this Act if it consists of or forms part of an exhibit put on show for any purposes of a museum or art gallery.

Music incidental to certain other activities

- 7 The provision of entertainment consisting of the performance of live music or the playing of recorded music is not to be regarded as the provision of regulated entertainment for the purposes of this Act to the extent that it is incidental to some other activity which is not itself –
- (a) a description of entertainment falling within paragraph 2, or
 - (b) the provision of entertainment facilities.

Use of television or radio receivers

- 8 The provision of any entertainment or entertainment facilities is not to be regarded as the provision of regulated entertainment for the purposes of this Act to the extent that it consists of the simultaneous reception and playing of a programme included in a programme service within the meaning of the Broadcasting Act 1990 (c. 42).

Religious services, places of worship etc.

- 9 The provision of any entertainment or entertainment facilities –
- (a) for the purposes of, or for purposes incidental to, a religious meeting or service, or
 - (b) at a place of public religious worship,

Licensing Act 2003 (c. 17)
Schedule 1 – Provision of regulated entertainment
Part 2 – Exemptions

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is not to be regarded as the provision of regulated entertainment for the purposes of this Act.

Garden fêtes, etc.

- 10 (1) The provision of any entertainment or entertainment facilities at a garden fête, or at a function or event of a similar character, is not to be regarded as the provision of regulated entertainment for the purposes of this Act.
- (2) But sub-paragraph (1) does not apply if the fête, function or event is promoted with a view to applying the whole or part of its proceeds for purposes of private gain.
- (3) In sub-paragraph (2) “private gain”, in relation to the proceeds of a fête, function or event, is to be construed in accordance with section 22 of the Lotteries and Amusements Act 1976 (c. 32).

Morris dancing etc.

- 11 The provision of any entertainment or entertainment facilities is not to be regarded as the provision of regulated entertainment for the purposes of this Act to the extent that it consists of the provision of –
- (a) a performance of morris dancing or any dancing of a similar nature or a performance of unamplified, live music as an integral part of such a performance, or
- (b) facilities for enabling persons to take part in entertainment of a description falling within paragraph (a).

Vehicles in motion

- 12 The provision of any entertainment or entertainment facilities –
- (a) on premises consisting of or forming part of a vehicle, and
- (b) at a time when the vehicle is not permanently or temporarily parked,
- is not to be regarded as the provision of regulated entertainment for the purposes of this Act.

PART 3

INTERPRETATION

General

- 13 This Part has effect for the purposes of this Schedule.

Plays

- 14 (1) A “performance of a play” means a performance of any dramatic piece, whether involving improvisation or not, –
- (a) which is given wholly or in part by one or more persons actually present and performing, and
- (b) in which the whole or a major proportion of what is done by the person or persons performing, whether by way of speech, singing or action, involves the playing of a role.
- (2) In this paragraph, “performance” includes rehearsal (and “performing” is to be construed accordingly).

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Licensing Act 2003 (c. 17)
Schedule 1 – Provision of regulated entertainment
Part 3 – Interpretation

Film exhibitions

- 15 An “exhibition of a film” means any exhibition of moving pictures.

Indoor sporting events

- 16 (1) An “indoor sporting event” is a sporting event –
- (a) which takes place wholly inside a building, and
 - (b) at which the spectators present at the event are accommodated wholly inside that building.
- (2) In this paragraph –
- “building” means any roofed structure (other than a structure with a roof which may be opened or closed) and includes a vehicle, vessel or moveable structure,
 - “sporting event” means any contest, exhibition or display of any sport, and
 - “sport” includes –
- (a) any game in which physical skill is the predominant factor, and
 - (b) any form of physical recreation which is also engaged in for purposes of competition or display.

Boxing or wrestling entertainments

- 17 A “boxing or wrestling entertainment” is any contest, exhibition or display of boxing or wrestling.

Music

- 18 “Music” includes vocal or instrumental music or any combination of the two.

Appendix 8 - Schedule 2 – 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.

Appendix 9 – Delegation of functions under the 2003 Act

Matter to be dealt with	Full Committee	Sub-Committee	Authorised Officers
Application for Personal Licence		Police objection (See Note 1)	All other cases
Application for Personal Licence with unspent convictions		All cases	
Application for Premises Licence/Club Premises Certificate		Valid Representation (See Note 2)	All other cases
Application for provisional statement		Valid Representation (See Note 2)	All other cases
Application to vary Premises Licence/Club Premises Certificate		Valid Representation (See Note 2)	All other cases
Application to vary Designated Premises Supervisor		Police objection (See Note 1)	All other cases
Request to be removed as Designated Premises Supervisor			All cases
Application for transfer of Premises Licence		Police objection (See Note 1)	All other cases
Applications for interim authorities		Police objection (See Note 1)	All other cases
Application to review Premises Licence/Club Premises Certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, repetitious etc.			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a Police Representation to a Temporary Event Notice.		All cases	

Note 1 - "Police objection" = If a Police objection has been made and not withdrawn.

Note 2 - "Valid Representation" = If a Representation has been determined by a delegated officer as a relevant Representation from an Interested Party or a Representation has been made by a Responsible Authority and at least one of those Representations is not withdrawn (with the agreement of all parties that a hearing is not necessary).

Appendix 10 – Proof of Age documents

The Licensing Authority also expects Designated Premises Supervisors/Personal Licence holders to ensure that unless it is permitted to do so, serving of alcohol to those under 18 shall not be permitted and that there will therefore be in place in the operating schedule a management protocol to check the age of persons seeking to be served with alcohol.

Similar proof of age should be required as appropriate in other circumstances.

Such checking may be carried out by requiring production of:

- a valid passport
- a photocard driving licence issued by a country in the European Union.

Appendix 11 - Summary of the Licensing Act 2003

The **Licensing Act 2003**, which received Royal Assent on 11th July 2003, repeals most of the previous legislation about liquor, public entertainment, theatres, cinemas, late night refreshment houses and night cafes and brings these into a single unified regime. The 2003 Act also introduces tougher powers for the Police, the courts and licensing authorities. The intention is to provide greater freedom and flexibility for the hospitality and leisure industry, with an emphasis on greater consumer choice.

The 2003 Act is brought into force by orders issued by the Secretary of State for the Department of Culture, Media and Sport.⁷¹ Licence applications can be made from 7 Feb 2005.

The Council becomes the new Licensing Authority for its area and will administer the new licensing regime. However, it must first consult on and publish a Statement of Licensing Policy that will promote the following four Licensing Objectives:

- ✓ the prevention of crime and disorder;
- ✓ the prevention of public nuisance;
- ✓ public safety;
- ✓ the protection of children from harm.

The Council will promote these objectives by attaching conditions to licences where it is necessary to do so. These conditions will be based upon the details that applicants provide in any operating schedule that is submitted, or the determination of an application by a Licensing Committee as a result of representations.

Under the 2003 Act, any of the following “**licensable activities**” will require a licence:

- the retail sale of alcohol and wholesale of alcohol to members of the public;
- the supply of alcohol to members of registered clubs and their guests;
- the supply of hot food or drink between the hours of 11pm and 5am, for consumption on or off the premises (this will include mobile food vans);
- the provision of “**regulated entertainment**” to the public, or to club members or their guests, with a view to making profit. This includes:
 - (a) **the 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, any playing of recorded music;**
 - (f) **a performance of dance; and**
 - (g) **the provision of facilities for:**
 - (i) making music; and
 - (ii) dancing.

There are exemptions within the above categories and details are subject to regulations. However, the meaning of the 2003 Act is likely to become clear only through use.

One of the key elements of the 2003 Act is the removal of standard licensing hours. Premises will be able to apply for a licence to sell alcohol or provide regulated

entertainment at any time (subject to the licensing objectives not being compromised).

Authorisations under the 2003 Act fall into four types:

Premises Licence -	For premises, including sites in the open air, where licensable activities are proposed;
Personal Licence -	Which authorises an individual to sell alcohol under a Premises Licence ;
Club Premises Certificate -	Like a Premises Licence , but with rules to suit club premises.
Temporary Event Notice -	Which enables an individual to hold a limited number of events of limited scope and duration that include licensable activities.

Each of these is explained in more detail below:

Premises licence

- A **Premises Licence** will be required for premises, including sites in the open air, where any licensable activities are proposed.
- If alcohol is to be sold, then the premises must have a **Designated Premises Supervisor** responsible for all sales of alcohol made on the premises. This person must be the holder of a Personal Licence and their name will be endorsed on the Premises Licence.
- Applications to licence new premises, or to amend licences, must be advertised for a period of 21 days outside the premises. Representations from “Authorised Persons” (i.e. Police, fire or environmental health officers) or “Interested Parties” (i.e. local residents, residents’ associations, local businesses and trade associations) can then lead to the Council’s Licensing Committee holding a hearing to decide a licence application.
- A Premises Licence will last in perpetuity. However, the Licensing Committee can review it at any stage, upon request by an Authorised Person or Interested Party because of a matter arising at the premises in connection with any of the four licensing objectives. Conditions can be imposed that promote the licensing objectives, for example requiring noise control measures to control public nuisance.

Personal licence

- A **Personal Licence** will be needed by anyone who wants to allow the retail sale of alcohol as part of his or her business.
- **Personal licences** will be valid for 10 years, unless surrendered, revoked or suspended and holders will be authorised to sell alcohol anywhere in the country at premises that have a valid Premises Licence.
- Unless eligible to apply as the holder of a valid Justices’ Licence, a Personal Licence holder must have an accredited qualification. (it is expected that the British Institute of Innkeeping will be granted accreditation for this.)

Club premises certificate

- A **Club Premises Certificate** will be required by club premises for the supply of alcohol to members and their guests or for the provision of regulated entertainment. This will replace the original Club Registration Certificates for social and other types of clubs and will be similar to a Premises Licence. No **Personal Licence** holder is required for alcohol to be supplied to members and their guests.

Temporary event notice

- A **Temporary Event Notice (TEN)** will replace the previous “occasional permissions or licences” systems for one-off events (for example school activities, charitable and community events).
- **TENs** will be used for temporary events (which each last up to 96 hours and are at least 24 hours apart) with less than 500 attendees, where “licensable activities” are planned to take place and a suitable Premises Licence is not held.
- No permission is required from the Licensing Authority for these events. However, applicants must give at least 10 working days notice to the Police and to the Licensing Authority. If the Police object on the grounds of preventing crime and disorder then the Licensing Committee must hold a hearing to assess the objection. Otherwise the Licensing Authority will acknowledge the notice and the event may be held.
- In any calendar year the number of **TENs** is restricted to 12 for one location, subject to a cumulative maximum of 15 days. (However, a New Year’s Eve event will count as two **TENs**, as it will fall into two calendar years.)
- In any calendar year, a person (over 18) can hold up to 5 **TENs**, whereas a **Personal Licence** holder can hold up to 50. (The same “2 for 1” rule applies to New Year’s Eve. **TENs** submitted by close associates and family members effectively reduce a person’s annual total.)

There will be a “**transitional period**” (from 7th February 2005 to about November 2005) during which Licensing Authorities issue licences under the 2003 Act whilst the previous licensing systems continue. So businesses will also need to renew their original licences if they expire before the new licences come into effect on the second appointed day (a date around November 2005, which has yet to be fixed).

In the first six months of the **transitional period** licence holders will be able to apply (under ‘grandfather rights’) for **conversion** of their licences to new **Premises Licences, Personal Licences or Club Premises Certificates**. A copy of each application must be sent to the Police. Conversions will be granted automatically, unless there are Police objections on the grounds of crime prevention, when the Council’s Licensing Committee must hold a hearing to decide the application and may apply new conditions.

With the above exception, a **Premises Licence** or **Club Premises Certificate** will be granted with conditions that copy the terms of the existing permissions for the premises.

Every application for a **Premises Licence** or a **Club Premises Certificate** may⁷² need to include a **plan of the premises**⁷³ and an **operating schedule**⁷⁴.

The **operating schedule** will have to include⁷⁵ prescribed information, such as a description of the steps the applicant proposes to take to promote the **licensing objectives** and, if alcohol is to be sold, details of the **Designated Premises Supervisor** (who must be a **Personal Licence** holder). It will also have to include

⁷² Subject to details awaited in Regulations.

⁷³ Both the plan of the premises and the operating schedule must be in a prescribed form.

⁷⁴ The Act does not require such applications to include an operating schedule. However, regulations may require this.

⁷⁵ Subject to details awaited in Regulations.

details such as a description of the proposed relevant licensable activities, details of any risks associated with the location, size, opening hours, controls on capacity, soundproofing, door supervisors etc and must state what controls are proposed.

Because the 2003 Act will remove standard permitted licensing hours for alcohol sales and allow flexible opening, many licensees will seek to extend the hours for selling alcohol or providing regulated entertainment by applying for a **variation**.

The application form will allow applications for **conversion** and **variation** to be made simultaneously, [mention fee structure]⁷⁶. The application for **conversion** should not be advertised (because there is no change from current arrangements) . However any associated application for **variation** must be advertised for 21 days outside the premises, in order to give Interested Parties the opportunity to make Representations (objections). When the application includes a **variation**, copies of the application must also be sent to all **Responsible Authorities** including the Police.

An application will be granted automatically if there are no representations. However, if an application attracts representations from **Responsible Authorities** (or relevant representations from **Interested Parties**) then the Council's Licensing Committee must decide the application.

(**Responsible Authorities** include the Police, fire authority, the local enforcement agency for Health & Safety, the Council's environmental health and planning services and the local body responsible for matters relating to the protection of children from harm.)

(**Interested Parties** include a person involved in business (or living) in the vicinity of the premises in question, a body representing persons involved in such businesses and a body representing persons living in that vicinity. The 2003 Act does not define the meaning of "vicinity"- this will depend upon interpretation by the courts.)

This "Summary of the Licensing Act 2003" is for use as a general guide only and does not form part of the Council's policy.

Further information on the Licensing Act 2003 (including copies of the Act, explanatory notes and the latest draft of the Guidance) is available from the Government's Department for Culture, Media and Sport Website at www.culture.gov.uk.

⁷⁶ The fee structure is subject to Regulations, which are awaited.