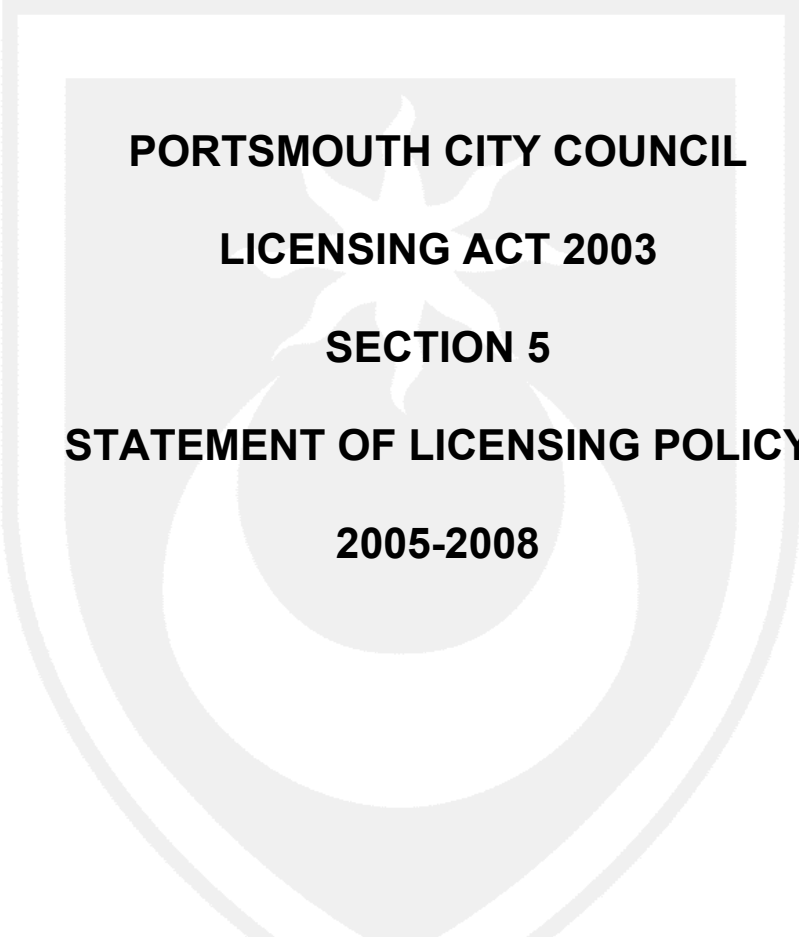


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**PORTSMOUTH CITY COUNCIL
LICENSING ACT 2003
SECTION 5
STATEMENT OF LICENSING POLICY
2005-2008**

Written representations regarding this draft Statement of Licensing Policy should be forwarded to the Licensing Manager, Corporate Services, Portsmouth City Council, Civic Offices, Guildhall Square, Portsmouth, Hants, PO1 2AL.

Alternatively representations may be forwarded by email to:

Licensing@portsmouthcc.gov.uk

ALL REPRESENTATIONS MUST BE RECEIVED BY 30 NOVEMBER 2004.

BACKGROUND

- 1.0 The City of Portsmouth is situated at the heart of Britain's southern coastline, with long established direct rail and road links to London, the Midlands and Wales and close to three international airports.
- 1.1 Portsmouth is a thriving city whose history is firmly rooted in the defence of the realm. Portsmouth remains the home of the Royal Navy and the UK's premier naval port. Now no longer just a dockyard city, Portsmouth is a modern and dynamic city that offers a prime location for industry, commerce, leisure and pleasure.
- 1.2 More than 3 million people travel to and from Portsmouth every year through the Continental Ferry Port that links the city with northwest France, northern Spain and the Channel Islands.
- 1.3 Portsmouth has a population of 190,400 in an area of only 4,196 hectares, which makes it one of the most densely occupied cities in the country, outside London.
- 1.4 Portsmouth offers a vibrant mix of entertainment facilities for residents and visitors alike. Ranging from theatres, restaurants, cinemas and concert venues to bars, nightclubs and pubs in various locations around the city. The provision of such facilities contributes much to the growth of the local economy for Portsmouth and offers an important role for employment within the city.

INTRODUCTION

- 2.0 Portsmouth City Council ("the Council") is the Licensing Authority pursuant to the Licensing Act 2003 ("the Act") and is responsible for considering all applications for licensable activities, as defined in Section 1 of the Act. The purpose of licensing is to regulate the carrying on of licensable activities on licensed premises, by qualifying clubs and at temporary events.
- 2.1 Licensable activities are:
 - the sale by retail of alcohol;
 - the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
 - the provision of regulated entertainment; and
 - the provision of late night refreshment.
- 2.2 Subject to certain conditions, definitions and exemptions contained in sections 173-175 of the Act, the provision of regulated entertainment for the public or club members or with a view to profit, is defined as:

- a performance of a play
 - an exhibition of a film
 - an indoor sporting event
 - a boxing or wrestling entertainment (indoor and outdoor)
 - a performance of live music
 - any playing of recorded music
 - a performance of dance
 - entertainment of a similar description to that falling within the performance of live music, the playing of recorded music or the performance of dance
 - provision of facilities for making music or the provision of facilities for dancing or entertainment of a similar kind
- 2.3 Late night refreshment, which is subject to certain exemptions, is defined in Schedule 2 of the Act and relates to the supply of hot food or drink to members of the public on or from any premises for consumption on or off the premises between the hours of 11.00 pm and 5.00 am.
- 2.4 The incidental performance of live music and incidental playing of recorded music may not be regarded as the provision of regulated entertainment activities under the “Act” in certain circumstances. In cases of doubt, operators should seek the advice of the Council.

THE LICENSING OBJECTIVES

- 3.0 When carrying out its functions under the Act, the Council will promote and have regard to the licensing objectives set out in the Act. These are:
- **the prevention of crime and disorder;**
 - **public safety;**
 - **the prevention of public nuisance; and**
 - **the protection of children from harm.**
- 3.1 Each objective is of equal importance.

CONSULTATION

- 4.0 Before determining the statement of licensing policy, the Council shall, consult with:
- (a) the Chief Constable, Hampshire Constabulary,
 - (b) the Chief Officer, Hampshire Fire and Rescue Service,
 - (c) persons/bodies representative of local holders of premises licences,
 - (d) persons/bodies representative of local holders of club premises certificates,
 - (e) persons/bodies representative of local holders of personal licences,
 - (f) persons/bodies representative of businesses and residents in its area,
 - (g) any other bodies/persons that it deems appropriate, eg, Safer Portsmouth Partnership (SPP) and the Local Strategic Partnership (LSP).
- 4.1 In accordance with paragraph 29 of Part 4 of Schedule 8 to the Act, prior to making its first statement of policy, the Council shall also consult bodies representative of current licence holders.
- 4.2 The views of all those persons/bodies consulted shall be given appropriate weight by the Council when the policy is determined.
- 4.3 The policy will commence on 7 January 2005 and remain in force for 3 years but will be kept under review subject to further consultation with those referred to at 4.0 above. Further statements of licensing policy will be subject to publication and the same process of consultation on a three yearly basis.
- 4.4 The Council, when carrying out its functions as the Licensing Authority, shall have regard to the guidance issued by the Secretary of State, however this Guidance cannot anticipate every set of circumstances which may arise. Accordingly, the Council may depart from it if they have reason to do so. In that event, the Council will give full reasons for having done so.
- 4.5 This Statement of Licensing Policy has been prepared in accordance with the provisions of the Act and the guidance issued under Section 182 of the Act by the Secretary of State for Culture, Media and Sport (DCMS). This policy should be read as a whole and in conjunction with the Licensing Act 2003 and the DCMS Guidance which is obtainable

from 2-4 Cockspur Street, London, SW1Y 5DH or online at www.culture.gov.uk.

- 4.6 Further advice can be obtained from the Licensing Section, Corporate Services, Portsmouth City Council, Civic Offices, Guildhall Square, Portsmouth, Hants, PO1 2AL. Telephone 023 9282 2251 or email: Licensing@portsmouthcc.gov.uk.

FUNDAMENTAL PRINCIPLES

- 5.0 This statement is intended to assist officers and members in determining applications, including applications for major variations, and to set down those factors that will normally be taken into consideration. Equally, this document seeks to provide clarity for applicants, residents and other occupiers of property and investors, in order to enable them to plan a move to, remain or invest in the City with some measure of certainty.
- 5.1 This policy lays down a general approach to the determination of licensing applications and will not ignore or be inconsistent with the provisions of the Act. Any individual has the right to apply under the terms of the 2003 Act for a variety of permissions and any such application will be considered on its individual merits. Equally, any person permitted by the Act to make relevant representations to the Council will have those representations considered on their individual merit.
- 5.2 The provisions of the Act do not provide a mechanism for the general control of anti-social behaviour by individuals once they are away from the vicinity of the premises and therefore beyond the direct control of the licensee. In addressing this matter, the Council will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned. Licensing laws and conditions are not the primary mechanisms for such control but they are part of the overall approach to the management of the evening and night-time economy in the City.
- 5.3 The Council recognises that longer licensing hours for the sale of alcohol may avoid large concentrations of customers leaving premises at the same time, which in turn may reduce friction at late night fast food outlets, taxi ranks and other sources of transport that lead to disorder, disturbance and other anti-social behaviour.
- 5.4 The Council believes that providing consumers with greater choice and flexibility is an important consideration and that within the promotion of the licensing objectives the licensing hours should not inhibit the development of thriving evening and night-time local economies which are important for investment and employment locally and attractive to domestic and international tourists.

5.5 However, notwithstanding the above statement, when considering applications for premises licences on individual merit, the Council will take the following factors into account:

- Any cumulative impact policy
- Residential amenity and character or function of a particular area; and
- Nature of proposed activities to be provided at the premises

Consideration will be given to imposing stricter conditions in respect of noise control where premises are situated in mainly residential areas. However, this will not limit opening hours without regard to the individual merit of any application.

5.6 Generally, shops, stores and supermarkets will be able to provide sales of alcohol for consumption off the premises at any time when the retail outlet is open for shopping unless there are exceptional reasons relating to the licensing objectives. The Council may consider limiting such hours following police or other relevant representations if for example they are known to be areas of disorder and disturbance.

CUMULATIVE IMPACT

6.0 The Council will not take 'need' into account when considering applications as this is a matter for planning control and the market.

6.1 The Council will, however, have regard to the potential impact on the promotion of the licensing objectives where there are a significant number of licensed premises concentrated in one area and whether such a concentration of licensed premises has a resultant cumulative impact on the promotion of those licensing objectives.

6.2 Should relevant representations be received from a responsible authority or an interested party that a particular concentration of licensed premises in a particular area is causing a cumulative impact on one or more of the licensing objectives, the Council will consider whether or not it is appropriate to adopt a special policy of refusing new premises licences or club premises certificates.¹

¹ The Council is aware that there are a number of areas in Portsmouth where the police consider that there is a high intensification of licensed premises, including Guildhall Walk, South Parade and Gunwharf Quays, although this is not an exhaustive list of such areas. Should police representations in relation to those or other areas of the City be received in accordance with 6.2 of this policy and subject to the steps outlined in 6.3 below, the Council may consider it appropriate to adopt a special policy in respect of cumulative impact in relation to any of these areas. Accordingly, all those living in, working in or operating licensed premises in any area where there is a high intensity of licensed premises and where they may be affected should consider making their own representations accordingly.

6.3 The Council will undertake the following steps when deciding whether to adopt a special policy.

- identification of concern about crime and disorder or public nuisance.
- consideration of whether it can be demonstrated that crime and disorder and nuisance are arising and are caused by the customers of licensed premises, identifying the area from which problems are arising and the boundaries of that area; or identifying that the risk factors are such that the area is reaching a point where a cumulative impact is imminent;
- consultation with those specified referred to at 4.0 above;
- subject to that consultation, inclusion of a special policy about future premises licences or club premises certificate applications from that area in the statement of licensing policy;
- publication of the special policy as part of the statement of licensing policy required by the Act.

6.4 By adopting a special policy, there will be a presumption that applications and applications for major variations will normally be refused, so long as relevant representations are received, unless it can be shown that the operation of the premises involved will not add to the cumulative impact on the licensing objectives already being experienced. The onus is on the applicant to give reasons in their operating schedule why the special policy should not be applied.

6.5 The Council will review any special policies relating to cumulative impact in consultation with interested bodies whenever necessary and no later than every three years in order to assess whether they are still necessary.

6.6 The absence of a special policy shall not prevent any responsible authority or interested party making representations in respect of a new application for the grant of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.

6.7 Despite the imposition of such a special policy, the Council recognises that, depending on the individual circumstances of each application, it may be possible to approve premises licences or club premises certificates if it is satisfied that they are unlikely to add significantly to the cumulative impact on one or more of the licensing objectives.

6.8 The Council will not use such policies:

- As the grounds for removing a licence when representations are received about problems with existing licensed premises, or;
- To refuse modifications to a licence, except where the modifications are directly relevant to the policy and are strictly necessary for the promotion of the licensing objectives, for example where the application is for a significant increase in the capacity limits;
- To fix a terminal hour in any particular area;
- To impose quotas – either based on the number of premises or the capacity of those premises – that restrict the consideration of any application on its individual merits or which will impose limitations on trading hours in particular areas.

OTHER MECHANISMS FOR CONTROLLING CUMULATIVE EFFECT

7.0 The Council is aware that, once away from the licensed premises, a minority of consumers will behave badly and unlawfully. Other mechanisms exist both within and outside the licensing regime to address such issues that include:

- planning controls
- positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority
- the provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols
- powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly
- police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices
- the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk
- the confiscation of alcohol from adults and children in designated areas

- police powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance
- the power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question.

The above mechanisms may also be supplemented by other local initiatives that similarly address these problems.

THE LICENSING PROCESS AND APPLICATIONS

- 8.0 The Council will expect applicants for licences to show in their operating schedule what steps they will take to promote the licensing objectives having regard to the type of premises, the licensable activities to be provided, the operational procedures, the nature of the location and needs of the local community. It is recommended that applicants obtain planning permission and building regulation approval along with all other necessary permissions and licences for the premises prior to an application being submitted.
- 8.1 Applicants should make themselves aware of any relevant planning and transportation policies, local crime prevention strategies, tourism and cultural strategies and take these factors into consideration, where appropriate, when formulating their operating schedule.
- 8.2 Organisers of large events (in particular major festivals and carnivals) or temporary events are strongly advised to contact the Council at the earliest opportunity to discuss licensing matters and to provide as much advance notice as is possible. In any event, the Council would wish applicants to give at least 2 months notice of such events.
- 8.3 The Council will not attach any terms, limitations or restrictions on the carrying on of licensable activities at such events provided under the authority of a temporary event notice (TEN). However the Council will offer, where appropriate, advice regarding matters which will include proper respect for the concerns of local residents, other legislative requirements regarding health and safety, noise pollution, erection of temporary structures, other permissions such as road closures or use of pyrotechnics in public places, having regard to local byelaws and the need to prevent anti-social behaviour by those attending such events.
- 8.4 The Council recognises the need to encourage and promote a broad range of entertainment, particularly live music, dancing and theatre for the wider cultural benefits of the community.
- 8.5 The Council will give due consideration to any concerns raised at any stage as regards disturbance in neighbourhoods but will balance any

such representations with the wider cultural benefits. When determining what conditions are necessary to attach to licences and certificates in order to promote the licensing objectives, the Council will avoid, where possible, requiring measures that deter live music, dancing and theatre.

- 8.6 As and where appropriate to do so, Portsmouth City Council may consider establishing a policy of seeking premises licences for public spaces from the Council as licensing authority.
- 8.7 The Council recognises the advice from DCMS that the views of vocal minorities should not be permitted to predominate over the general interests of the community.

Prevention of Crime and Disorder

- 8.8 Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems. The Council will expect operating schedules to satisfactorily address these issues when considering the design of the premises and throughout the daily operation of the business.
- 8.9 The Council will give consideration to attaching conditions to licences to prevent crime and disorder from occurring both inside and immediately outside the premises, and these may include conditions drawn from the model pool of conditions relating to crime and disorder contained within the DCMS Guidance.
- 8.10 In addressing this matter, the Council will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.
- 8.11 Whenever any persons are employed at licensed premises to carry out any security activity, they must be licensed by the Security Industry Authority (SIA). The Council may consider that certain premises require strict supervision for the purpose of promoting one or more of the licensing objectives. In such cases, the Council may impose a condition that SIA licensed door supervisors must be employed at the premises either at all times or at such times as certain licensable activities are being carried out.

Public Safety

- 8.12 The Act encompasses a wide range of premises that require licensing, which includes public houses, nightclubs, cinemas, concert halls, theatres, cafes/restaurants and fast food outlets/takeaways. Each of these types of premises presents a range of risks, with many common to most premises and others unique to specific operations. It is

therefore essential that premises are constructed or adapted and operated so as to recognise and safeguard occupants against such risks.

- 8.13 It is essential that operating schedules satisfactorily address these issues and the Council will expect the operating schedule to identify how the premises will be properly managed and maintained to ensure public safety at all times.

Prevention of Public Nuisance

- 8.14 Licensed premises, especially those operating late at night and in the early hours of the morning, can give rise to a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises.

- 8.15 Such concerns broadly relate to noise, vibration, light pollution and noxious smells and due regard will be given on the impact these may have. The Council will expect operating schedules to satisfactorily address these issues.

- 8.16 The Council will consider attaching conditions to licences and permissions to prevent public nuisance, which include:

- Keeping doors and windows at the premises closed, or to use noise limiters on amplification equipment used at the premises;
- Displaying prominent, clear and legible notices to be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly;
- Providing guidance on the use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas;
- Ensuring that the placing of refuse – such as glass bottles – into receptacles outside the premises takes place at times that will minimise disturbance to nearby properties;
- Venting premises to ensure that noxious smells from licensed premises are not permitted to cause a nuisance to nearby properties;
- Ensuring that flashing or particularly bright lights on or outside licensed premises do not cause a nuisance to nearby properties. Consideration of the imposition of such a condition will be appropriately balanced against the benefits of the prevention of crime and disorder.

Protection of Children from Harm

8.17 A child is any person under the age of 16 years unless otherwise stated.

8.18 The Council will not seek to limit the access of children to any premises unless it is necessary for the prevention of physical, moral or psychological harm to them. Each such issue will be considered on its individual merits.

8.19 Areas of particular concern in respect of children will include premises:

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

8.20 The Council may consider a range of alternatives available for limiting the access of children where it is necessary and appropriate to do so in order to prevent harm to children. These measures, which can be adopted in combination, include:

- Where alcohol is sold, requirements for the production of proof of age cards or other age identification before sales are made to persons under 18 (be the age limit 18 or 16 in the case of the consumption of beer, wine and cider in the company of adults during a table meal);
- limitations on the hours when children may be present;
- limitations on the presence of children under certain ages when particular specified activities are taking place;
- limitations on the parts of premises to which children might be given access;

- age limitations (below 18)
 - requirements for accompanying adults (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
 - full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 8.21 The Council will not impose conditions on licences or certificates requiring the admission of children to any premises. In circumstances where licensing restrictions are not necessary, the decision whether to permit access by children remains a matter for the discretion of the individual licensee, or club or person who has been given a temporary event notice.
- 8.22 In the case of premises giving film exhibitions, the Council will impose conditions restricting access only to those children who meet the required age limit in accordance with the certificate granted by the British Board of Film Classification (BBFC) or, in specific cases where there are very good local reasons for doing so, a certificate awarded to a film by the Council itself using the BBFC film classification categories.
- 8.23 The Council will consult with the Portsmouth Child Protection Committee, or any successor body performing the same or similar function, on any application that indicates there may be concerns over access for children.
- 8.24 The Act details a number of offences designed to protect children in licensed premises and the Council will work closely with the police and other relevant agencies to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children.

PARTNERSHIP WORKING

- 9.0 The Council recognises that the licensing functions under the Act are only one means of promoting the delivery of the licensing objectives. They can make a substantial contribution in respect of the premises affected but cannot be regarded as a panacea for all community problems.
- 9.1 The Council will therefore continue to work in partnership with the planning authority, environmental health, and safety authorities, the police, the fire authority, town centre managers, local businesses, performers and their representatives, local people, transport operators and those involved in child protection in order to promote the licensing objectives.

- 9.2 Similarly, the Council also recognises the importance of the vital role that the private sector and local residents have to play in partnership with public bodies to promote the licensing objectives.
- 9.3 The Council appreciates the benefits of liaison groups that bring together all the interested parties on a regular basis to monitor developments in the area and where problems have arisen, to discuss these and propose possible solutions and welcomes its participation with such groups.
- 9.4 The Council will give consideration to holding regular open meetings with the local community at which the community can express how well it feels the licensing objectives are being met.
- 9.5 The Council is committed to maintaining and extending its partnership working with the hospitality and leisure industries and regard such practices as the best means of promoting the licensing objectives.

INTEGRATION OF STRATEGIES

- 10.0 The Council shall secure the proper integration of its licensing policy with local crime prevention, planning, transport, tourism, race equality schemes, and cultural strategies together with any other plans introduced for the management of town centres and the night-time economy. Whilst many of these strategies are not directly related to the promotion of the four licensing objectives, they do, impact upon them. The Council recognises the importance of co-ordination and integration of such policies, strategies and initiatives.

Crime Prevention and Reduction

- 10.1 Conditions attached to premises licences and club premises certificates will, so far as possible, reflect local crime prevention strategies. In order to maximise the effectiveness of reducing crime, misuse of drugs and the fear of crime, the Council shall work with the Crime and Disorder Reduction Partnership (CDRP) and shall have regard to any representations received.
- 10.2 The Council shall fulfil its obligations under section 17 of the Crime & Disorder Act 1998 by having due regard to the likely effect of the exercise of its functions and the need to do all that it reasonably can to prevent crime and disorder when carrying out its duties under the Act.

Cultural Strategies

- 10.3 The Council will have regard to its cultural strategy and will monitor the impact of licensing on the provision of regulated entertainment, in particular live music and dancing. Part of the implementation of the Council's cultural strategy is to take account of the need to encourage and promote a broad range of entertainment. Should it appear that

applicants are deterred by licensing requirements, the Council may consider reviewing its policy.

Transport

10.4 In order to disperse people from the city centre swiftly and safely to avoid concentrations which produce disorder and disturbance, the Council will liaise with the police and other statutory agencies responsible for transportation and associated matters and will provide reports to the Traffic and Transportation Executive to assist in the formulation and development of their policies. The Council may also liaise with suppliers of public transport suppliers such as bus companies, taxi proprietors, private hire operators and their appropriate trade organisations.

Tourism, Employment, Planning and Building Control

10.5 The Licensing Committee shall receive, when appropriate, reports on the needs of the local tourist economy to ensure that these are taken into account in their considerations.

10.6 The Licensing Committee shall be kept apprised of the local employment situation and where appropriate, the need for new investment and employment.

10.7 The Council recognises that planning, building control and licensing regimes need to be properly separated to avoid duplication and inefficiency.

10.8 Applications for premises licences for permanent commercial premises should normally be from businesses with the appropriate planning consent in place for the property concerned.

10.9 Licensing applications will not be a re-run of the planning application and will not cut across decisions taken by the Planning and Development Control Committee. To this end the Licensing Committee will liaise with the Planning and Development Control Committee.

Alcohol Harm Reduction Strategy

10.10 The Government is currently developing an alcohol harm reduction strategy, which is anticipated to identify a number of initiatives, and priorities that may help to promote one or more of the licensing objectives. When the strategy is published, the Council will have regard to its recommendations when determining applications.

Promotion Of Racial Equality

10.11 The Council will take into account the Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000 which places

an obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, and to promote equality of opportunity and good relations between persons of different racial groups.

British Beer and Pub Association Partnerships Initiative

- 10.12 The Government and the British Beer and Pub Association (BBPA) are committed to encouraging the voluntary participation of licensee's groups in their CDRPs and local representatives of the hospitality industry to work together in partnership. The Council is similarly supportive of such an initiative and considers it essential for such links to continue and develop within its area.
- 10.13 The Council are also aware that the British Beer and Pub Association (BBPA) have produced a code of practice (BBPA's Guidelines on On-Trade Promotions) concerning irresponsible drinks promotions and it will seek to encourage adoption of such schemes in its area in order to promote one or more of the licensing objectives

High Volume Vertical Drinking establishments (HVVDs)

10.14 Large capacity "vertical drinking" premises sometimes referred to as High Volume Vertical Drinking establishments (HVVDs) are premises with exceptionally high occupant capacities, used primarily or exclusively for the sale and consumption of alcohol, and have little or no provision of seating for patrons. Where it is considered necessary and appropriate to do so and following representations concerning the promotion of prevention of crime and disorder at such premises (if not volunteered by the venue operator), the Council may attach conditions to premises licences which require compliance with:-

- A prescribed capacity;
- An appropriate ration of tables and chairs to customers based upon the capacity; and
- The presence of SIA licensed security teams to control entry for the purpose of compliance with the capacity limit and to refuse entry to those individuals who appear drunk or disorderly or both.

National Pubwatch and Local Pubwatch Schemes

10.15 Pubwatch schemes have existed throughout the UK for over 20 years. The basic principle of the schemes is that the licensees of premises involved agree amongst themselves on a number of policies to counter the actions of individuals who threaten damage, disorder and violence or use or deal in drugs in their premises. Commonly, agreed action consists of refusing admittance to premises of individuals that cause, or

are known to have caused, these sorts of problems. Such steps have proved effective in reducing anti-social behaviour. However to work effectively, any Pubwatch scheme must work closely with the police, licensing authority and other agencies to achieve the objectives. The Council fully supports such initiatives and considers it of vital importance for licensees to participate in such schemes.

Safer Clubbing

- 10.16 The Home Office, in conjunction with the Department of Health and the DCMS has produced the Safer Clubbing Guide which provides comprehensive advice for nightclub owners, dance event promoters and local authority licensing departments on how to ensure the health and safety of anyone attending dance events in England.
- 10.17 The Council is aware that a key element of the strategy contained in the Safer Clubbing Guide is the use of necessary and appropriate licensing conditions to control the environment at relevant premises. Licensees should familiarise themselves with the advice contained in the Guide and their role in ensuring that all aspects of their venue are designed and run in ways which maximise the safety of customers, performers and staff.

The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks

- 10.18 The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those persons who are aged 18 years or over.
- 10.19 The Council commends this Code and recommends that licence holders should familiarise themselves with it and indicate on their operating schedule their willingness to adhere to it.

LACORS/TSI Code of Best Practice on Test Purchasing

- 10.20 The Council is aware and will have regard to the LACORS and Trading Standards Institute (TSI) Code of Best Practice on Test Purchasing insofar as it relates to the test purchasing of alcohol by trading standards officers.

The Anti-Social Behaviour Act 2003

- 10.21 The Council is aware that new powers are available to local authorities in relation to the provisions of sections 40 and 41 of the Anti-Social Behaviour Act 2003 which will provide that if the noise from any licensed premises is causing a public nuisance, an authorised environmental health officer will have the power to issue a closure

order in respect of it, effective for up to 24 hours. These powers are in addition to the powers available to the police under the 2003 Act to close licensed premises for temporary periods.

The Disability Discrimination Act 1995

10.22 This Act provides that any person providing a service to the public must make reasonable adjustments to enable disabled people to access the service. From October 2004 service providers will be under a new duty to make reasonable adjustments to any physical features which make it impossible or unreasonably difficult for disabled persons to access a service, or they have to provide the service by a reasonable alternative means. The Council will not attach conditions to licences or certificates which conflicts with or duplicates this requirement. Applicants may wish to obtain guidance from the Building Control Section of the City Council as regards access to buildings and their facilities, particularly as any alterations affecting access may require an application for building control approval. Further advice can also be obtained from the Disability Rights Commission – www.drc-gb.org.

DUPLICATION

11.0 The council will seek to avoid duplication with other regulatory regimes so far as possible.

11.1 Conditions in respect of public safety shall only be attached to the premises licence and club premises certificates that are necessary for the promotion of that licensing objective. However, if provision already exists via other legislation, they will not be considered necessary in the context of licensing law.

11.2 Whilst the Council recognises the need to avoid so far as possible duplication with other regulatory regimes, (such as the Gaming Act 1968) some regulations do not cover the unique circumstances of particular types of entertainment. Therefore it may be necessary for the Council to consider the imposition of conditions where they are necessary for the promotion of the licensing objectives and are not already provided for in any other legislation.

CONDITIONS

12.0 In exercising its functions, the Council will consider whether it is appropriate to attach conditions to licences where it is necessary and proportionate for the promotion of one or more of the licensing objectives.

12.1 Conditions attached to authorisations will focus upon matters that are within the control of licensees and will therefore concentrate on the premises and places being used for licensable activities and the vicinity of those premises and places.

- 12.2 Conditions imposed on licences and certificates, will be tailored to the individual style and characteristics of the premises and events concerned.
- 12.3 The Council will therefore avoid the use of standardised conditions and may draw from a pool of conditions where it is appropriate and necessary to do so and which may be based on the model pool of conditions contained within the DCMS Guidance.
- 12.4 To avoid problems and formal hearings so far as possible, applicants should consult with the relevant department of the Council in advance of the submission of their operating schedules in order to ascertain what, if any, conditions may be considered appropriate.

ENFORCEMENT

- 13.0 The Council will seek to establish protocols with the local police in respect of enforcement issues.
- 13.1 The Council will maintain close links with the police, trading standards officers and other relevant organisations concerning the extent of unlawful sales and consumption of alcohol by minors and will seek to be involved in the development of any strategies to control or prevent unlawful activities.
- 13.2 To ensure that resources are effectively concentrated in problem premises, the Council will carry out risk assessments and target inspections accordingly.

DELEGATION OF FUNCTIONS

- 14.0 The Act provides that the functions of the Licensing Authority (including its decisions) are to be undertaken by its Licensing Committee (except for procedures relating to the making of a statement of licensing policy or where another of its committees has the matter referred to it). The Licensing Committee may delegate these functions to sub-committees or in appropriate cases, to officers. As many of the decisions and functions will be purely administrative in nature and in the interests of speed, efficiency and cost effectiveness, the Council shall undertake a process of delegation of its functions. The delegation of functions is set out in the table contained in 14.2 below.
- 14.1 The Licensing Committee shall receive regular reports on decisions made by officers in order that they may maintain an overview of the general situation.

14.2

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If a police objection	If no objection made
Application for personal licence with unspent convictions		All Cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Applications for interim authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc.			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a police objection to a temporary event notice		All cases	