



Havant
BOROUGH COUNCIL

STATEMENT OF LICENSING POLICY

LICENSING ACT 2003

January 2008

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paragraph
number

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**HAVANT BOROUGH COUNCIL
LICENSING ACT 2003
Statement of Licensing Policy 2008 to 2011**

PART 1

1.0 SUMMARY

- 1.1. This document represents the statement of licensing policy as determined by Havant Borough Council (HBC) in respect of its licensing functions for the three-year period commencing 7th January 2008.

2.0 INTRODUCTION

- 2.1. Havant Borough Council is empowered as a Licensing Authority under the Licensing Act 2003 (referred to as 'the Act'). As the Licensing Authority, HBC (referred to as 'the Licensing Authority') is responsible for licensing a range of activities under the Act.

- 2.2. The purpose of this document is to set out the policies and arrangements that the Licensing Authority will apply and consider when exercising its licensing functions and particularly when making decisions on any licence application. The document addresses a number of key subject areas and identifies a range of issues that will be considered when determining any licence application. The Licensing Authority will also take into account the guidance issued by the Secretary of State under Section 182 of the Act. Where the Licensing Authority decides to depart from its policy or the guidance it will give full reasons for its actions

- 2.3. Where licensing issues arise that are not dealt with by this policy, the Licensing Authority will take account of the guidance issued under Section 182 of the Act in making any decision on those licensing issues.

2.4. Types of Licence

- 2.5. The Act makes provision for four principal types of licence or authorisation that are covered by this policy. These are:

<i>Table 1</i>	<i>Types of Licence</i>
Personal Licences	Licences for individuals for the retail sale or supply of alcohol
Premises Licences	Licences for premises for the retail sale of alcohol, the provision of regulated entertainment and late night refreshment
Club Premises Certificates	Certificates for the supply of alcohol or the provision of regulated entertainment in certain clubs
Temporary Event Notices	Permission for certain licensable activities on a temporary basis

Policy considerations for these authorisations can be found in Part 2 of this policy in paragraphs 10.0 to 13.0 below.

- 2.6. In general, any reference in this policy to a premises licence will also include a club premises certificate and/or temporary event notice.
- 2.7. This document is for use by all interested parties, including applicants, their representatives, responsible authorities and persons living in the vicinity of licensable premises and activities. Interested parties may also include bodies representing persons living in the vicinity of premises, and persons (or bodies representing such persons) involved in a business in the vicinity of premises.

3.0 LICENSABLE ACTIVITIES

3.1 The descriptions of the licensable activities in this policy are subject to the qualifying conditions, definitions and exemptions under the Act.

3.2 In broad terms this policy relates to the following activities:

- a) sale of alcohol by retail (including via the internet or mail order);
- b) supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
- c) provision of regulated entertainment;
- d) provision of late night refreshment.

3.3 Regulated entertainment

3.4 Regulated entertainment comprises the provision of certain types of entertainment and entertainment facilities, including the following:

- a) performance of a play;
- b) exhibition of a film;
- c) indoor sporting event;
- d) boxing or wrestling event;
- e) performance of live music;
- f) playing of recorded music (excluding incidental music); and
- g) performance of dance,

where the entertainment takes place in the presence of an audience and is provided for the purpose of entertaining that audience.

3.5 The provision of entertainment facilities includes facilities provided for enabling persons to take part in entertainment for the purpose of being entertained. This includes the provision of facilities for dancing, making music and/or entertainment of a similar description.

3.6 Late night refreshment

3.7 Late night refreshment is the supply of hot food and/or drink for consumption on or off the premises, between the hours of 23:00 hrs (11:00pm) and 05:00 hrs (5:00am).

4.0 GENERAL POLICY

4.1 Licensing objectives

- 4.2 When dealing with licensing matters to which this policy relates, the Licensing Authority will carry out its functions under the Act with a view to promoting the following objectives:

<i>Table 2 - Licensing Objectives</i>
(a) The Prevention of Crime and Disorder
(b) Public Safety
(c) The Prevention of Public Nuisance
(d) The Protection of Children from Harm

Policy considerations for these objectives can be found in Part 3 of this policy in paragraphs 15.0 to 18.0 below.

4.3 Integration of strategies

- 4.4 When dealing with licensing matters to which this policy relates, and in so far as they are relevant to the licensing objectives, the Licensing Authority will also take the following documents into consideration:

- a) Havant Borough District Wide Local Plan 1996-2011;
- b) Havant Community Strategy
- c) HBC Regeneration Strategy
- d) HBC Community Strategy
- e) HBC Race Equality Scheme
- f) Crime & Disorder Reduction Strategy for the Borough of Havant 2005-2008;
- g) HBC Cultural Strategy;
- h) South East Hampshire Transport Strategy;

4.5 Statutory guidance

- 4.6 The Licensing Authority will take into account the guidance issued by the Secretary of State under Section 182 of the Act.

4.7 Live music, dancing & theatre

- 4.8 Without compromising the licensing objectives, the Licensing Authority will take into account the need to encourage and promote all forms of entertainment (particularly live music, dancing and theatre, and traditional or historic entertainment) for the wider cultural benefit of its communities.

4.9 Fundamental licensing principles

- 4.10 The Licensing Authority will consider each application (for any of the licences or authorisations provided for under the Act) on its own individual merits. No statement of policy within this document will override the right of any person to make representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so under the 2003 Act.
- 4.11 The Licensing Authority reserves the right to, and will, where appropriate, consider whether it would be justified in departing from this statement of licensing policy in the

light of the individual circumstances of the case. Where the Licensing Authority decides to depart from its policy or the guidance issued by the Secretary of State it will give full reasons for its actions.

- 4.12 In all cases concerned with the regulation of licensable activities on licensed premises the Licensing Authority will focus on matters which are within the control of individual licensees and others in possession of relevant authorisations.
- 4.13 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual licensees or certificate holders. However licensees and certificate holders should take reasonable steps to prevent the occurrence of crime and disorder and public nuisance immediately outside their premises, for example on the pavement, in a beer garden or in a smoking shelter, where and to the extent that these matters are within their control.
- 4.14 The conditions attached to any authorisations, licence or certificate will centre on the premises and places being used for licensable activities and the immediate vicinity of those premises and places. Whether or not a matter can be regarded as in the vicinity of the licensed premises or place will depend on the particular circumstances of the case.
- 4.15 In addressing this issue, the Licensing Authority will primarily focus on the direct impact of activities taking place at licensed premises on members of the public who are living, working or engaged in normal activities in the vicinity of the premises or place concerned.
- 4.16 Cumulative effect of the number of licensed premises in one area**
- 4.17 In so far as 'need' concerns the commercial demand for another pub, restaurant or hotel etc, the Licensing Authority will not take 'need' into account when considering applications for any licence or authorisations under the Act; this being a matter for development control and the commercial market.
- 4.18 The Licensing Authority recognises, however, that the 'cumulative impact' of the number, type and density of licensed premises in a given area, may lead to serious problems of nuisance and disorder both in the vicinity of, and at some distance from, licensed premises.
- 4.19 The Licensing Authority will consider representations from any responsible authority or interested party that the number, type and density of licensed premises in a particular area may create a focal point for large groups of people which may cause exceptional problems of disorder and/or nuisance over and above the impact of the individual premises.
- 4.20 In such respects, the Licensing Authority may adopt a special policy of refusing new premises licences or club premises certificates for the area in question, but only where:
- (a) the imposition of conditions to individual licences is unlikely to address the problem; and
 - (b) the Licensing Authority is satisfied that it is appropriate and necessary to control the cumulative impact claimed.

- 4.21 When deciding whether to adopt a special policy the Licensing Authority will also consider:
- (a) whether serious and chronic concerns have been identified by a responsible authority or whether significant representation from interested parties has been received about the levels of nuisance and disorder;
 - (b) whether it can be demonstrated that disorder and nuisance is arising as a result of customers from licensed premises in an identified and specific area; or that the risk factors are such that the area is reaching a point when cumulative impact is imminent; and
 - (c) whether taking all relevant matters into account a policy about future licence applications from that area should be adopted.
- 4.22 Wherever a special policy is adopted, the Licensing Authority will consider representations on the application for grant or variation of a licence based only on its impact on the promotion of the licensing objectives.
- 4.23 As the Licensing Authority will consider each application on its own merits, the Licensing Authority reserves the right to, and will, where appropriate, consider whether it would be justified in departing from any special policy in the light of the individual circumstances of the case.
- 4.24 Within this policy, the Licensing Authority may therefore approve applications that are unlikely to add significantly to the cumulative impact on the licensing objectives. In such respects, wherever a special policy is in force, applicants will be expected to demonstrate why the operation of their premises would not add to the cumulative impact experienced and/or claimed.
- 4.25 To this end, it should be noted that in each case, the onus is placed on the objector to provide evidence to back up any assertion that the addition of the premises in question would produce the cumulative impact claimed, always remembering that the impact will be different for premises with different styles and characteristics.
- 4.26 Other controls on cumulative effect & anti-social behaviour**
- 4.27 The Licensing Authority recognises and will promote alternative methods to control the anti-social behaviour of consumers who behave badly and unlawfully after leaving licensed premises etc. These controls may include:
- 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 local authority;
 - c) Use of the Licensing Authority powers to designate parts of the local authority area as places for alcohol control, i.e. not to be consumed publicly;
 - d) Police enforcement of normal 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 licensed premises who sells alcohol to people who are drunk or under age;
- f) The prosecution of any personal licence holder or member of staff, under the Violent Crime Reduction Act 2006, for persistently selling alcohol to children. The offence will be committed if, on three or more different occasions in a period of three consecutive months, alcohol is unlawfully sold to a minor on the same premises.
- g) The prosecution of persons in accordance with local byelaws covering the consumption of intoxicating liquor in designated and public places;
- h) Police powers to close immediately, for up to 24 hours, any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises;
- i) The power of the police and other responsible authorities or a local resident or business to seek a review of the licence or certificate in question.

4.28 Licensing hours

- 4.29 The Licensing Authority recognises that longer licensing hours relating to the sale of alcohol may ensure that concentrations of customers leaving premises simultaneously are avoided. The Licensing Authority also recognises that longer hours may result in a reduction in binge drinking and friction at late night food outlets, taxi ranks and other sources of transport which may lead to problems of disorder and disturbance.
- 4.30 Without compromising the ability to resource local services, the Licensing Authority also recognises that licensing hours should not inhibit the development of a thriving and safe, evening and night-time economy which provides consumers with greater choice and flexibility.
- 4.31 Accordingly, with regard to licensing hours, the Licensing Authority will consider each application on its own individual merits, with the four licensing objectives being of paramount importance.
- 4.32 With regard to shops, stores and supermarkets, unless there are compelling reasons for restricting licensing hours, the normal course will be for such premises to be free to sell alcohol for consumption off the premises at any times when the outlet is open for business.

4.33 Local Authority licences

- 4.34 Nothing within this policy prevents Havant Borough Council from applying to the licensing authority for any of the licences or authorisations provided for under the Act. Accordingly, Havant Borough Council may seek licences for public spaces within the community in their own name. This is inclusive of village greens, market squares, community halls and local authority owned premises.
- 4.35 In all cases, persons looking to provide any licensable activity on premises where Havant Borough Council are the premises licence holder will (in addition to any other requirements) require the express written permission of the Council.

- 4.36 In considering any application by Havant Borough Council for any licence or authorisation provided for under the Act, the Licensing Authority will seek to ensure that the Licensing Committee and Sub Committees and its officers consider the matter from an entirely objective standpoint.

5.0 LICENCE CONDITIONS & OTHER RELEVANT LEGISLATION

5.1 Licence conditions

The Licensing Authority cannot impose any conditions on a licence unless relevant representations have been made and are upheld at a hearing.

- 5.2 The Licensing Authority will attach conditions to any licence where it is appropriate and necessary in order to promote any of the licensing objectives and, where they overlap the promotion of the objectives, those of the Strategy for Reducing Crime and Disorder in the Borough of Havant.

- 5.3 Where necessary, conditions attached to licences will be tailored to the individual style and characteristics of the premises and the licensable activities concerned.

- 5.4 As each application will be considered on its own individual merits, the Licensing Authority will avoid standardised, disproportionate and/or over burdensome conditions wherever possible.

- 5.5 The Licensing Authority does however, reserve the right to develop and promote within its licensing policy framework, pools of conditions from which necessary and proportionate conditions may be drawn.

- 5.6 Where it appears to the Licensing Authority that the licensing objectives cannot be met by either the terms of an operating schedule or the application of conditions from the pool of model conditions, the Licensing Authority reserves the right to attach such conditions as it thinks fit in promotion of the four licensing objectives and its statement of licensing policy.

5.7 Duplication & other relevant legislation

- 5.8 The Licensing Authority will seek to avoid duplication with other regulatory regimes (e.g.: health and safety legislation) as far as possible.

- 5.9 Where matters are already provided for under other legislation, the Licensing Authority will not consider conditions to be necessary in the context of licensing law. Where other legislation does not cover the unique circumstances that arise in connection with licensable activities at specific premises, however, additional controls may be imposed.

- 5.10 Notwithstanding the above, all premises must comply with all other relevant legislation and associated amendments, for example (please note the following is not an exhaustive list):

- a) Regulation (EC) 852/2004
- b) Health & Safety at Work etc Act 1974
- c) Regulatory Reform (Fire Safety) Order 2005
- d) Disability Discrimination Act 1995;
- e) Building Regulations 2000

- f) Private Security Industry Act 2001
- g) Violent Crime Reduction Act 2006
- h) Gambling Act 2005

5.11 Planning & Building Control requirements

- 5.12 The Licensing Authority recognises that the use of premises for sale or provision of alcohol, provision of entertainment or late night refreshment is subject to control of the local Planning Authority. Such use may require planning permission or must otherwise be lawful under planning legislation. In addition, planning permission is usually required for the establishment of a new premises or a change of use of premises. Also building control approval will often be required in respect of structural alterations.
- 5.13 In general, the Licensing Authority will require all premises to which a licensing application is subject to have authorised planning permission and to comply with all conditions of that planning permission, or otherwise be deemed a permitted development.
- 5.14 Whilst there is no legal basis for the Licensing Authority to refuse a licence application because a premises does not have planning permission per se, applicants will be required to provide compelling reasons why the premises does not have planning permission.
- 5.15 The Licensing Authority will not consider applications for grant or variation of licence, if the activity so authorised by a licence would constitute unlawful planning use or the hours of operation sought exceed those authorised by planning permission. In particular, the Licensing Authority will not grant or vary a licence for an activity when it has been refused the appropriate permissions.
- 5.16 Licensing applications will not be treated as a re-run of any planning application and should not cut across decisions taken by the Planning Authority, Development Control Committee or, following appeals, against decisions by that Committee. Close liaison will therefore be maintained between the Licensing Authority, the Licensing Committee and the Development Control Committee.
- 5.17 At the same time, the Council recognises that there should be a clear separation of planning and licensing systems. Accordingly, licensing applications will, in all cases, be considered independently of planning applications.
- 5.18 In all cases, it must be noted that the granting of a licence by the Licensing Authority does not relieve the applicant of the need to apply for planning permission or building control where this may be appropriate.

6.0 ENFORCEMENT

- 6.1 The Licensing Authority will work closely with the police on issues of enforcement together with neighbouring authorities and other persons and agencies as may be appropriate.
- 6.2 The Licensing Authority may refer any matter that it discovers (and which appears to be a contravention of legislation enforced by another authority) to the relevant agency as may be appropriate in the circumstances.

- 6.3 The Licensing Authority will maintain protocols with the local police and Hampshire County Council Trading Standards service on enforcement issues. This will enable the most efficient deployment of local authority staff and police officers who are engaged in enforcing licensing law and the inspection of licensed premises.
- 6.4 The aim of the protocols will be to target high impact and high-risk premises that require greater attention whilst providing a lighter touch in respect of low-risk premises which are well managed.
- 6.5 Enforcement action will be taken in accordance with the principles of good regulation, together with the Licensing Authority's enforcement policy.
- 6.6 Where appropriate, the Licensing Authority will help and assist duty holders to understand what is expected of them and make clear distinctions between statutory requirements and recommended best practice.

7.0 ADMINISTRATION & DELEGATION OF FUNCTIONS

7.1 Delegation of functions

- 7.2 In all cases, the administration and delegation of licensing functions will be exercised in accordance with Table.3. below.

<u>Table 3 - Administration and delegation of functions</u>		
	To be dealt with by	To be dealt with by
Matter concerned	Licensing Committee or Sub Committee	Officers
Application for personal licence	If a police objection	If no objection made
Application for personal licence with unspent convictions	All cases	N/A
Application for premises licence/club premises certificate	If relevant representation made	If no relevant representation made
Application for provisional statement	If relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	If 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	N/A	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	N/A

Decision on whether a complaint is irrelevant frivolous vexatious etc	N/A	All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	N/A
Determination of a police objection to a temporary event notice	All cases	N/A

7.3 Appeals

7.4 The Act provides for appeal to the local Magistrates Court in respect of many of the licensing authorisations and processes.

7.5 The rights of appeal and reasons for the decisions taken by the Licensing Authority will be provided to all parties concerned where any licensing process might give rise to such an appeal under the Act.

7.6 The Licensing Authority will provide reasons for its decisions where this may be appropriate. Any reasons given will consider the extent to which the decision was made with regard to the Licensing Authority's statement of licensing policy and statutory guidance.

7.7 The Licensing Authority reserves the right to make records of any hearing held in connection with its licensing functions under the Act. This extends to the recording of hearings.

7.8 Equal opportunities & race equality

7.9 The Licensing Authority will promote equality of opportunity. In such respects, nothing within this statement of licensing policy shall undermine the right of any individual to apply for any of the licences and/or authorisations provided for under the terms of the Act.

7.10 No applicant and/or licensee shall receive less favourable treatment on the grounds of sex, sexual orientation, disability, marital status, colour, race or ethnic origin. No applicant and/or licensee shall be disadvantaged by conditions or requirements, which are not relevant to their application and/or their licence, the promotion of the four licensing objectives and this statement of licensing policy.

7.11 Nothing within this statement of licensing policy shall undermine the right of any person to make representation on an application or seek a review of an existing licence or certificate where provision has been made for them to do so under the Act.

7.12 Application forms, fees & charges

7.13 Fees and charges for licences and permissions established under the Act will be determined by central government.

- 7.14 Application forms and a list of current fees and charges (payable to Havant Borough Council in respect of each licence and/or permission established under the Act will be available from the Council's offices.
- 7.15 Alternatively, fee levels and prescribed forms may be viewed and/or obtained on the websites of the Department Of Culture, Media & Sport (DCMS) (<http://www.culture.gov.uk>) and/or the Council (www.havant.gov.uk).
- 7.16 Data protection**
- 7.17 The Licensing Authority may use the information submitted on any application form for any licence or permission for the purposes of its statutory functions in its capacity as the Licensing Authority.
- 7.18 The Council may disclose all such information to its agents or service providers. The Licensing Authority may also share this information with other services within the Council.
- 7.19 All applicants and licensees have the right to request a copy of the information that the Licensing Authority holds about them (for which the Council may charge a fee) and to request the correction of any inaccuracies in the information held.
- 7.20 By making application to the Licensing Authority for any licence or permission, all applicants consent to the Licensing Authority processing sensitive personal data about them where this is appropriate.

8.0 CONSULTATION & REVIEW OF POLICY

- 8.1 This statement of policy will be valid for three years. During this period the policy will be kept under review and the Licensing Authority will make such revisions to it, at such times, as it considers appropriate. Where any amendments are considered necessary these will only be made after consultation has taken place in accordance with the Act.
- 8.2 The Licensing Authority recognises that the best means of promoting the licensing objectives is through the co-operation and partnership of local authorities, the police, local business, performers, local people and those involved in child protection.
- 8.3 Accordingly, the Licensing Authority will ensure that it takes account of the views of the many stakeholders involved either, directly or indirectly, in the promotion of the licensing objectives.

**HAVANT BOROUGH COUNCIL
LICENSING ACT 2003
Statement of Licensing Policy 2005 to 2008**

PART 2

9.0 POLICY ON THE LICENCES AND AUTHORISATIONS

Personal Licences	paragraph 10.0
Premises Licences	paragraph 11.0
Club Premises Certificates	paragraph 12.0
Temporary Event Notices	paragraph 13.0

10 PERSONAL LICENCES

- 10.1 A personal licence is required where individuals wish to sell or supply alcohol for consumption on or off the premises.
- 10.2 Subject to the following, any individual may seek a personal licence whether or not they have current employment or business interests associated with the use of the licence.
- 10.3 The Licensing Authority will only grant a personal licence (subject to any police objections being received in connection with an application) when it appears that:
- a) The applicant is aged 18 or over;
 - b) The applicant possesses a relevant licensing qualification or is a person of a prescribed description;
 - c) The applicant has not forfeited a personal licence in the previous five years, beginning with the day the application was made; and,
 - d) The applicant has not been convicted of any relevant offence.
- 10.4 Applications that do not meet the criteria set out above will be rejected with summary explanation.
- 10.5 Relevant licensing qualification**
- 10.6 For the purpose of obtaining a personal licence under the Act, only those licensing qualifications awarded by organisations which are currently accredited by the Secretary of State (or his equivalent) will be accepted by the Licensing Authority. Details of accredited courses may be viewed on the Department of Culture, Media & Sport (DCMS) website: <http://www.culture.gov.uk>.
- 10.7 Relevant offences**
- 10.8 A summary of the relevant offences is set out in Appendix.B. For the purposes of this policy, a comparable offence in a foreign jurisdiction and the term 'relevant unspent conviction' should be construed accordingly.
- 10.9 Standard disclosure certificates**
- 10.10 To determine whether an applicant for a personal licence has any relevant unspent convictions, the Licensing Authority requires every application for a personal licence

to be accompanied with a 'Standard Disclosure' certificate from the Criminal Records Bureau obtained within the last month before the application. This applies whether or not the individual has been living for any period in a foreign country.

10.11 Applicants who originate from, or who have been resident in, a foreign country will also be required to provide a document from that jurisdiction, equivalent to the UK Criminal Records Bureau disclosure certificate.

10.12 In all cases, the Licensing Authority will liaise with and notify the police when an applicant is found to have an unspent conviction for a relevant offence and/or comparable foreign offence.

10.13 Statutory declaration

10.14 All applicants for a personal licence must also declare on the application form that they have not been convicted outside of England and Wales of a relevant offence or comparable foreign offence. This applies to both applicants ordinarily resident in England & Wales as it does to any person from a foreign jurisdiction.

10.15 Failure to make this declaration will render any application invalid. Applicants are warned that the making of a false declaration for the purpose of obtaining a licence is a criminal offence for which they may be prosecuted.

10.16 Police objections & licensing hearings

10.17 Where an applicant for a personal licence or an existing holder of a personal licence is found to have an unspent conviction for a relevant or comparable foreign offence, the police may oppose the application/licence on crime prevention grounds. In such circumstances and where the police object to the application/licence, the applicant/licensee is entitled to a hearing before the Licensing Committee or Sub-Committee unless both the applicant/licensee, the Licensing Authority and the chief officer of police agree that a hearing is not necessary.

10.18 It is the policy of the Licensing Authority, however, to reject applications for a personal licence where there is police objection unless there are exceptional and compelling circumstances to justify the granting of the application or the continuation of the licence.

10.19 The Licensing Authority will notify all applicants and the local chief officer of police of the outcome of each application (whether or not granted or refused), together with reasons for the grant or refusal as may be appropriate.

10.20 Convictions & liaison with the Courts

10.21 On receipt of any notification of conviction of a personal licence holder for a relevant or comparable foreign offence, the Licensing Authority will request the licensee to produce his licence within 14 days. Where a personal licence holder does not respond within this time period, the Licensing Authority will advise the chief officer of police for the area in which the licence holder resides for action as may be appropriate.

10.22 Where a licence is produced following conviction of the licensee for a relevant or comparable foreign offence, the Licensing Authority will record the conviction and

endorse the licence, together with any period of suspension, if so ordered. Whilst a licence will ordinarily be returned to the licensee, the Licensing Authority will retain the licence where it is declared to be forfeit.

10.23 Designated premises supervisors

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

10.25 In every premises licensed for the supply of alcohol, one personal licence holder must be specified as the "Designated Premises Supervisor ". This will normally be the person who has been given day to day responsibility for running the premises by the premises licence holder. Whilst there may be only one " Designated Premises Supervisor" for each premises, the authority recommends the best practice of having more than one personal licence holder at each premises. Furthermore it recommends that there should be written authorisation for anyone involved in the sale of alcohol. This again is considered best practice and would act for the removal of doubt.

10.26 Application for designation of premises supervisor

10.27 When specifying the Designated Premises Supervisor, the premises licence holder will be required to make an application to the Licensing Authority, accompanied by a form of consent by the individual concerned to demonstrate that (s)he consents to taking on this responsible role.

10.28 The Licensing Authority requires that the local chief officer of police will also be notified of the application.

10.29 Where a designated premises supervisor is to be newly specified, the Licensing Authority will amend and return the relevant premises licence with the personal details of key individuals including the supervisor.

10.30 Police objection to designation of premises supervisor

10.31 Where appropriate the police will be able to object to the designation of a new premises supervisor where they believe the appointment would undermine the crime prevention objective. Where police objection is received, the Licensing Authority will arrange for a hearing at which the issue can be considered.

10.32 In circumstances where individuals take up their post as a designated premises supervisor immediately and where police objection is subsequently received, the Licensing Authority will consider whether the individual should be removed from the post.

10.33 In all cases where police objection to the designation of a premises supervisor is received and a subsequent hearing held, the Licensing Authority will confine its consideration of the matter to issues of crime and disorder.

10.34 General policy guidelines for personal licensees

10.35 Where relevant to their licensing functions under the Act, the Licensing Authority may share the personal data of any personal licence applicant or holder with other relevant licensing authorities and/or the police of any area.

10.36 In addition, the Licensing Authority may store, modify, update and review the personal information of any personal licence applicant or holder held on a central database established for that purpose.

11.0 PREMISES LICENCES

11.1 A premises licence is required for any premises which is used for one or more of the licensable activities (as defined in paragraph 3.2 above).

11.2 Any person who is aged 18 or over and who carries on or proposes to carry on a business which involves the use of premises for licensable activities may apply for a premises licence either on a permanent or time-limited basis. Certain other individuals and groups (including registered clubs, charities, National Health Service organisations etc.) may also apply for a premises licence.

11.3 The requirements for applications for premises licences are set out in Section 17 of the Act and the Licensing Authority will not consider applications which do not comply with those requirements. In particular, all applications must be accompanied by the following:

- (a) the operating schedule;
- (b) the plan of the premises;
- (c) the form of consent for the designated premises supervisor (only where licensable activities include the supply or sale of alcohol); and,
- (d) the appropriate fee.

11.4 Operating schedules

11.5 The Licensing Authority expects an operating schedule to demonstrate how the licensed premises will comply with the Licensing Authority's statement of licensing policy and promote the four licensing objectives.

11.6 The Licensing Authority expects an operating schedule to be appropriate for the type, location and opening hours of the particular premises. Operating schedules must have regard to the nature of the area in which the premises are situated, the licensable activities to be provided, any necessary operational procedures and the needs of the local community. In such respects, the Licensing Authority expects the operating schedule to demonstrate how the premises will be a 'good neighbour' both to local residents, other venues and businesses.

11.7 The operating schedule must include a statement of:

- (a) the licensable activities to be conducted on the premises;
- (b) the times during which the applicant proposes that the licensable activities will take place;
- (c) any other times during which the applicant proposes that the premises are to be open to the public;

- (d) the time period for which the licence is to be effective (only where the applicant wishes the licence to have effect for a limited period);
 - (e) whether sales of alcohol are proposed to be for consumption on or off the premises, or both;
 - (f) the steps which the applicant proposes to take to promote the licensing objectives;
 - (g) any other matters prescribed by regulation or guidance.
- 11.8 To allow the Licensing Authority and other authorities to form a proper view about the measures that may be necessary to promote the licensing objectives and to assess whether the measures being proposed are satisfactory, operating schedules may also include:
- (a) a description of the style and character of the business to be conducted on the premises;
 - (b) the extent to which seating is to be provided;
 - (c) the type and nature of the activities available on the premises, whether licensable under the Act or not. In particular, operating schedules must:
 - (i) describe the type of any dancing and/or music to be provided and whether or not this would involve dancing and/or music by members of the public or by professional performers or both, and in what setting;
 - (ii) disclose if any entertainment to be provided involves striptease, lap-dancing or other forms of dance, which may involve movements, acts or displays of a sexual, or adult nature.
- 11.9 The Licensing Authority suggest applicants will wish to undertake a thorough risk assessment with regard to each of the licensing objectives before preparing their application for a premises licence. The Licensing Authority would also expect the risk assessment to be used to identify the necessary steps required in the operating schedule to promote the four licensing objectives.
- 11.10 In addition, the Licensing Authority will expect applicants to have taken into account the local strategies and policies in the areas of crime prevention, planning, transportation, tourism and culture in determining their operating plans and schedules. This includes the strategies and policies listed in paragraph 4.4 above.
- 11.11 The policy considerations and practical matters listed for consideration by applicants in Part 3 of this policy should be considered carefully. Measures included in the operating schedule, where necessary, should show how compliance with those policies would be achieved.
- 11.12 Whether or not a risk assessment shows these measures to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved. Whether it is necessary to impose any such conditions will also depend on local knowledge of the premises.

- 11.13 It should also be borne in mind that club premises operate under their own codes of discipline to ensure the good order and behaviour of members.
- 11.14 Under no circumstances should the given measures be regarded as standard conditions to be automatically imposed in all cases. They are designed to provide a range of possible conditions drawn from experience relating to differing situations and to offer guidance.
- 11.15 Applicants are at liberty to volunteer any measure, such as those described, as a step (s)he intends to take to promote the licensing objectives. When incorporated into the licence or certificate as a condition, they become enforceable under the law and a breach of such a condition could give rise to prosecution.
- 11.16 The Licensing Authority expects operating schedules to be precise and clear about the measures that it is proposed to take to promote each of the licensing objectives and, in particular, the protection of children from harm. In all circumstances, the steps to be taken to promote the licensing objectives must be realistic and within the control of the applicant and management of the premises.
- 11.17 Prospective holders of new premises licences, and those seeking variations to existing premises licences, are advised to consult with the Licensing Authority's licensing officers and other relevant authorities at the earliest possible opportunity. It must be noted, however, that the Licensing Authority, and/or the responsible authorities are not responsible for drawing up operating schedules, which remain the responsibility of the applicant.
- 11.18 Plan of the premises**
- 11.19 A detailed floor plan of the premises to which the application relates should be submitted with all applications for a premises licence. The plan must be drawn to scale and identify where licensable activity is to take place, together with the type and location of **all** relevant safety features and fittings within the premises.
- 11.20 Relevant safety features should be taken to include CCTV points, fire appliances, call points, emergency exits, emergency lighting, fire hydrants, sprinkler systems, and smoke detectors etc. The plan should also detail other features such as general access and egress points, emergency assembly points, the location of first aid materials, personnel lifting equipment, mains distribution points, ventilation/extract ducts or grills and refuse storage areas etc.
- 11.21 It would be useful (though not obligatory) if the plan detailed the location of the nearest mains gas and water valves (stop cocks) (both internally and externally), electrical switchgear and fire alarm panel together with the nature and location of any factor which may present a significant safety risk in the event of an emergency; eg: gas/petrol/chemical storage area etc.
- 11.22 Consultations on applications for a premises licence**
- 11.23 In determining the grant or variation of a premises licence, the Licensing Authority will consult the following authorised persons, interested parties and responsible authorities.
- a) the chief officer of police;

- b) the fire and rescue authority;
- c) the local enforcement agency for health and safety at work;
- d) the local authority with responsibility for environmental health;
- e) the local planning authority; and,
- f) any body recognised by the Licensing Authority who represents those who are responsible for, or interested in, matters relating to the protection of children from harm.

Applicants must have also sent copies of their completed application forms and operating schedules to the 'responsible authorities'.

11.24 Advertising applications for a premises licence

11.25 For all applications for grant or variation of a premises licence, the Licensing Authority will expect an A4 sized notice in a prescribed format to be prominently displayed on or near the premises in such a place where passing members of the public can clearly see and read the notice. The notice should be visible from all potentially affected streets.

11.26 The Licensing Authority will also ensure that a record of each application for a premises licence is available for viewing by interested parties via its website (www.havant.gov.uk) and licensing register. A charge may be levied for copies of the register.

11.27 Representations

11.28 The following 'interested parties' may make representations to the licensing authority on any application for grant, variation or review of a premises licence:

- (a) a person living in the vicinity of the premises in question;
- (b) a body representing persons living in the vicinity , for example a residents association;
- (c) a person involved in a business in the vicinity of the premises in question; and
- (d) a body representing persons involved in such a business, for example a trade association.
- (e) Representations can be made in opposition to, or in support of, an application.

11.29 The Licensing Authority will consider any comments from consultation together with any relevant representations received from any interested parties. Any of these individuals, agencies or groups may specifically request a representative to make representations on their behalf.

11.30 The Licensing Authority expects that all representations and comments arising from consultation will be made in writing.

11.31 The Licensing Authority will make efforts to consult with the applicant and resolve any problems arising from representation as may be appropriate.

11.32 Relevant representations

11.33 Where relevant representations are made in respect of an application or licence, the Licensing Authority will hold a hearing to consider the merits of the application/licence unless both the applicant, the Licensing Authority and all parties who have made such representations agree that a hearing is not necessary.

11.34 For the purposes of this policy, 'relevant representations' shall be taken to mean representations:

- (a) about the likely affect of the premises licence on the promotion of the licensing objectives; and,
- (b) are made by an interested party or a responsible authority, have not been withdrawn and, in the case of representations made by an interested party they are not, in the opinion of the Licensing Authority, frivolous, repetitious or vexatious.

11.35 Powers of the Licensing Authority on determination or review

11.36 Where the Licensing Authority considers that action under its statutory powers are necessary on determination or review of a licence, it may take any of the following steps:

- a) modify the conditions of the premises licence;
- b) exclude a licensable activity from the scope of the licence;
- c) remove the designated premises supervisor;
- d) suspend the licence for a period (not exceeding three months); or
- e) revoke the licence.

11.37 Where the Licensing Authority receives representation in respect of an application for a premises licence, additional conditions may be imposed at any hearing that may determine the application.

11.38 Provisional statements

11.39 Where premises are being constructed, extended or subject to substantial structural alteration, new applicants and/or existing licensees must apply for a provisional statement.

11.40 Subject to the following, all applications for a provisional statement shall be dealt with in the same manner as for a premises licence. The Licensing Authority will accept applications for provisional statements provided that:

- a) copies of approved planning permissions and building regulation certificates (,if construction complete,)are provided;
- b) clear plans of the proposal are provided ;
- c) the proposed hours of opening have been decided and declared;

- d) the views of the Hampshire Constabulary Crime Reduction Officer have been sought and, where reasonably practicable, implemented in respect of the proposal and the potential for minimising crime and/or disorder.

11.41 A licence under provisional statement will not become effective until the Licensing Authority stipulate the effect start date.

12.0 CLUB PREMISES CERTIFICATES

12.1 A qualifying club may apply for a club premises certificate in respect of premises occupied by, and habitually used for the purposes of the club for one or more recognised club activities.

12.2 Qualifying clubs

12.3 A club will be considered a qualifying club in respect of its activities provided that:

- a) under the rules of the club, persons may not be admitted to membership, or be admitted as candidates for membership, to any of the privileges of membership without an interval of at least two days between their nomination or application for membership or their admission;
- b) under the rules of the club, people becoming members without nomination or prior application may not be admitted to the privileges of membership without an interval of two days between them becoming members and their admission;
- c) the club has a minimum of 25 members; and,
- d) the club is established and conducted in good faith as a club.

12.4 Qualifying clubs should not be confused with proprietary clubs, which are clubs run commercially by individuals, partnerships or businesses for the purposes of profit. Proprietary clubs will require a premises licence and are not eligible to be qualifying clubs.

12.5 Qualifying club activities

12.6 For the purposes of obtaining a club premises certificate, the recognised club activities include:

- (a) the supply of alcohol by or on behalf of the club to, or to the order of a member of the club;
- (b) the sale by retail of alcohol by or on behalf of a club member or a guest of a member of the club; and,
- (c) the provision of regulated entertainment, where that provision is by or on behalf of the club for members of the club, or members of the club and their guests.

12.7 Applications for the grant or variation of club premises certificates

12.8 The arrangements for applying for or seeking to vary club premises certificates are similar to those in respect of a premises licence. In such respects, applicants should

read references covering premises licensing for the purposes of any applications for the grant or variation of club premises certificate.

12.9 General policy guidelines

12.10 The Licensing Authority acknowledges that private premises to which public access is restricted, and where alcohol is supplied, other than for profit, give rise to different issues for licensing law than those presented by commercial enterprises selling direct to the public.

12.11 When a premises has the benefit of a club premises certificate, an application may be made to allow those running the premises to supply alcohol for consumption off the premises. Such supply will only be allowed during the hours that the premises are open for supply of alcohol to its members on the premises. Any such permission that is granted will be subject to conditions that any alcohol supplied will be in a sealed container and will only be supplied to members.

12.12 The Licensing Authority will consider applications for premises licences if a club decides that it wishes to offer its facilities commercially for use by the general public. However, in such circumstances applicants should remember that the appropriate planning consent should be sought prior to the application for a premises licence being submitted.

13.0 TEMPORARY EVENT NOTICES

13.1 A temporary event notice must be given to the Licensing Authority where it is proposed to use premises (which are not currently authorised by a premises licence) for one or more licensable activities, but only where:

- a) the temporary event and activities do not exceed 96 hours in duration; and,
- b) the temporary event and activities do not involve the presence of more than 499 people at any one time.

13.2 In all other circumstances, the premises at which a temporary event is held with licensable activities will require a premises licence or club premises certificate for the period of the event involved.

13.3 When a temporary event is proposed, the Licensing Authority must receive notice of the event, together with the relevant fee, at least 10 working days before the event (although the Licensing Authority would encourage all premises users to provide the earliest possible notice of proposed events).

13.4 The premises user must also serve a copy of the notice on the local chief officer of police no later than 10 days before the day on which the event specified in the temporary event notice begins.

13.5 Where the temporary event notice is in order, the prescribed fees paid, the event falls within the limitations of the Act, and there has been no police intervention on crime prevention grounds, the Licensing Authority will record the notice in its register and send a timely acknowledgement to the premises user.

13.6 Permitted limits & counter notices

- 13.7 It must be noted that the same premises cannot be used for temporary events with licensable activities more than 12 (twelve) times in a single period of 12 months. Similarly, the maximum aggregate duration of the periods covered by temporary event notices at any individual premises is limited to 15 days.
- 13.8 It must also be noted that the number of notices given by any individual holding a personal licence is limited to 50 notices in one year, whilst the number of notices given by an individual not holding a personal licence is limited to 5 notices in one year.
- 13.9 Where these limits are exceeded, the Licensing Authority will serve the premises user with a counter notice (not later than 24 hours before the beginning of the event). All counter notices served by the Licensing Authority will be copied to the local chief officer of police.
- 13.10 As far as they relate to the venue and/or premises user, temporary licensable activities are not permitted where a counter notice has been served and, in such circumstances, any temporary event notice served on the Licensing Authority will be disregarded.
- 13.11 Police intervention & objection notices**
- 13.12 If the local chief officer of police is satisfied that allowing a premises to be used in accordance with a temporary event notice will undermine the crime prevention objective (s)he may serve an objection notice, stating his/her reasons, on both the Licensing Authority and the premises user within 48 hours of receiving the notice.
- 13.13 If the Licensing Authority receives an objection notice from the police, it will hold a hearing to consider the objections, unless the Licensing Authority, police and premises user agree a hearing is not necessary. Consideration at such hearings by the Licensing Authority will be confined to the crime prevention objective only.
- 13.14 Where, on holding a hearing, the Licensing Authority considers it necessary for the promotion of the crime prevention objective, the Licensing Authority will give the premises user a counter notice (no later than 24 hours before the beginning of the event).
- 13.15 In all cases where a counter notice has been issued, the Licensing Authority will notify the premises user stating reasons for its actions and/or decision. All counter notices served by the Licensing Authority will be copied to the local chief officer of police
- 13.16 The Licensing Authority will also notify the local chief officer of police of any decision not to give a counter notice where police objections may have been received.
- 13.17 Additional limitations**
- 13.18 In all circumstances, the Licensing Authority will expect a minimum of 24 hours between events notified by the premises user in respect of the same premises.
- 13.19 General policy guidelines for temporary events**

- 13.20 It should be noted that the giving of a temporary event notice does not relieve the premises user from any requirements under planning law for appropriate planning permission where it is required.
- 13.21 The Licensing Authority recognises that many premises users giving temporary event notices will not have a commercial background or ready access to legal advice. These will include people acting on behalf of charities, community and voluntary groups, schools, hospitals and churches etc all of which may stage public events to raise funding at which licensable activities will take place. The Licensing Authority will therefore strive to ensure that the licensing arrangements are manageable and user-friendly for these groups.
- 13.22 The Licensing Authority is not entitled to attach any terms, limitations or restrictions on the carrying on of licensable activities under the authority of a temporary event notice. However, the Licensing Authority may provide local advice about proper respect for the concerns of local residents; of other legislative requirements regarding health and safety, noise pollution and/or the building of temporary structures; of other necessary permissions, for example, with regard to road closures or the use of pyrotechnics in public places; with regard to local byelaws; and the need to prevent anti-social behaviour by those attending.
- 13.23 In such respects, the Licensing Authority actively encourages persons organising such events ('premises users') to have due regard to any concerns of occupiers of premises adjacent to the proposed venue where the temporary event is due to take place.
- 13.24 It is the policy of the Licensing Authority to remind notice givers of the relevant offences under licensing law, particularly the laws governing sales of alcohol to minors or persons who are drunk. In such respects, it is also the policy of the Licensing Authority to actively enforce the provisions of the Act.
- 13.25 It is the policy of the Licensing Authority to remind notice givers of police powers to close down events with no notice on grounds of disorder, the likelihood of disorder or because of public nuisance caused by noise emanating from the premises. Given the possibility of police intervention, event organisers are encouraged to contact local police licensing officers at the earliest possible opportunity about their proposals.
- 13.26 It is the policy of the Licensing Authority that temporary events will be treated as unauthorised events where there is a failure to adhere to the requirements of the Act and/or the limitations outlined above. In such circumstances, the premises user may be liable to prosecution.

**HAVANT BOROUGH COUNCIL
LICENSING ACT 2003
Statement of Licensing Policy 2005 to 2008**

PART 3

14.0 GUIDANCE AND SUGGESTIONS ON THE LICENSING OBJECTIVES AND OPERATING SCHEDULES

Prevention of Crime and Disorder	paragraph 15.0
Public Safety	paragraph 16.0
Prevention of Public Nuisance	paragraph 17.0
Protection of Children from Harm	paragraph 18.0

15.0 PREVENTION OF CRIME AND DISORDER

15.1 GENERAL

15.2 Applicants should have regard to the following matters when writing their operating schedules and are advised to consult the Hampshire Constabulary before submitting their application.

15.3 It should be noted in particular that it is unlawful under the Act:

- a) To sell or supply alcohol to a person who is drunk;
- b) To knowingly allow disorderly conduct on licensed premises;
- c) For the holder of a premises licence or a designated premises supervisor to knowingly keep or to allow to be kept on licensed premises any goods that have been unlawfully imported without payment of duty or which have otherwise been unlawfully imported as directed by Sec 144 of the Act;
- d) To allow the presence of children under 16 who are not accompanied by an adult between midnight and 05:00 hrs at any premises licensed for the sale of alcohol for consumption on the premises and at any time in premises used exclusively or primarily for the sale and consumption of alcohol.

Conditions enforcing these arrangements are therefore unnecessary.

15.4 When applicants for premises licences or club premises certificates are preparing their operating schedules, when responsible authorities are considering such applications and when the Licensing Authority is considering applications, following the receipt of any relevant representations from a responsible authority or interested party, the following options should be considered as measures which, if necessary, may promote the prevention of crime and disorder.

15.5 MEASURES WHICH SHOULD BE CONSIDERED

15.6 Electronic Communication Devices

- 15.7 Electronic communication devices such as text and radio pagers connecting premises licence holders, designated premises supervisors, managers of premises and clubs to the local police can provide for rapid response by the police to situations of disorder which may be endangering customers or staff on the premises.
- 15.8 Such devices provide two-way communication, both enabling licence holders, managers, designated premises supervisors and clubs to report incidents to the police, and enabling the police to warn a large number of other premises of potential trouble-makers or individuals suspected of criminal behaviour who are about in a particular area. Pager systems can also be used by licence holders, door supervisors, managers, designated premises supervisors and clubs to warn each other of the presence in an area of such people.
- 15.9 Where appropriate, conditions requiring the provision of electronic communication devices and links to the police may include:
- a) requirements that the communication device is kept in working order at all times;
 - b) requirements that the communication device be activated, made available to and monitored by the designated premises supervisor or responsible member of staff at all times the premises are open to the public;
 - c) requirements that any police instructions / directions are complied with whenever given; and
 - d) requirements that all instances of crime or disorder are reported via the communication device by the designated premises supervisor or a responsible member of staff to an agreed police contact point.
- 15.10 Door supervisors**
- 15.11 Conditions relating to the provision of licensed door supervisors and security teams may be valuable in:
- a) preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder;
 - b) keeping out excluded individuals (subject to court bans or imposed by the licence holder);
 - c) searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons; and
 - d) maintaining orderly queuing outside of venues prone to such queuing.
- 15.12 Where door supervisors conducting security activities are to be a condition of a licence, which means that they would have to be registered with the Security Industry Authority, conditions may also need to deal with a number of such supervisors, the displaying of name badges, the carrying of proof of registration, where and at what times they should be stationed on the premises, and whether at least one female should be available (for example, if female customers are to be the subject of body searches).

15.13 Door supervisors also have a role to play in ensuring public safety (see below).

15.14 Bottle bans

15.15 Bottles may be used as weapons inflicting more serious harm during incidents of disorder. Conditions can prevent sales of drinks in their bottles for consumption on the premises. However, many women consider that drinking from bottles to be safer as it is easier for them to prevent the spiking of drinks with drugs in bottles the openings of which may be readily covered. These issues, therefore, need to be carefully balanced.

15.16 Plastic containers

15.17 Glasses containing drinks may be used as weapons during incidents of disorder and can cause very serious injuries. Consideration should therefore be given to conditions requiring the use of plastic containers that inflict less severe injuries. Location and style of the venue and the activities carried on there would be particularly important in assessing whether a condition is necessary. For example, the use of glass containers on the terraces of outdoor sports grounds may obviously be of concern, but similar concerns may also apply to indoor sports events such as boxing matches. Similarly, the use of such plastic containers during the televising of live sporting events, such as international football matches, when high states of excitement and emotion fuelled by alcohol might arise, may be a necessary condition.

15.18 It should also be noted that the use of plastic or paper drinks containers and toughened glass may also be relevant as measures to promote public safety (see below).

15.19 Closed circuit television (CCTV)

15.20 The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Operating schedules should not just consider the requirement to have CCTV on the premises, but also the precise siting of each camera, the requirement to maintain cameras in working order, to monitor the cameras and to retain recordings for an appropriate period of time.

15.21 The police should provide individuals conducting risk assessments when preparing their operating schedules with advice on the use of CCTV to prevent crime.

15.22 Where CCTV is required, the Licensing Authority would encourage licensees to seek police approval on the type and positioning of the equipment to be used.

15.23 Open containers not to be taken from the premises

15.24 Drinks purchased in licensed premises or clubs may be taken from those premises for consumption elsewhere. Where premises are licensed for the sale of alcohol for consumption off the premises that would be entirely lawful. However, consideration should be given to preventing the taking of alcoholic and other drinks from the premises in open containers (e.g. glasses and opened bottles). This may be necessary to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises. In addition, licensees

must also be mindful of local byelaws and restrictions with respect to the drinking of alcohol in public places.

15.25 Restrictions on drinking areas

15.26 It may be necessary to restrict the areas where alcoholic drinks may be consumed in premises after they have been purchased from the bar. An example would be at a sports ground where the police consider it necessary to prevent the consumption of alcohol on the terracing of sports grounds during particular sports events. operating schedules should not only specify these areas, but also indicate the circumstances in which the ban would apply and times at which it should be enforced.

15.27 Drinking on the streets

15.28 Orders made by the Council under the Police and Criminal Justice Act 2001 (PCJA2001) to control the drinking of alcohol on the street will be included as part of any policy review. Following a successful application for a review of a licence, the Licensing Authority may decide to investigate whether an Order under the PCJA2001 should be made to control the drinking of alcohol in public spaces in the area surrounding the premises concerned.

15.29 Capacity limits

15.30 Operating schedules may need to set capacity limits for licensed premises or clubs where it may be necessary to prevent overcrowding which can lead to disorder and violence. Where such a condition is considered necessary, consideration should also be given to whether door supervisors would be needed to ensure that the numbers are appropriately controlled.

15.31 Proof of age

15.32 It is unlawful for children under 18 to attempt to buy alcohol, just as it is unlawful to sell or supply alcohol to them. To prevent such crimes, it may be appropriate to require the production of 'proof of age' before such sales are made. This should not be limited to recognised 'proof of age' cards, but allow for the production of other proof, such as photo-driving licences, student cards and passports.

15.33 The Licensing Authority will promote and encourage the application of the "Challenge 21" initiative and commends the Portman Group Code of Practice on the Naming Packaging and Promotion of Alcoholic Drinks to licence holders when considering this issue.

15.34 Crime prevention notices

15.35 It may be necessary at some premises for notices to be displayed warning customers of the prevalence of crime that may affect them. For example, in certain areas, a condition attached to a premises licence or club premises certificate might require the displaying of notices at the premises which warn customers about the need to be aware of pickpockets or bag snatchers and/or to safeguard their property. Similarly, it may be necessary for notices to be displayed which advise customers of the need to be vigilant and not to leave bags unattended because of concerns about terrorism.

15.36 Consideration should also be given to the display of notices detailing the name of an appropriate contact for customers to report concerns.

15.37 Signage

15.38 It may be necessary for the normal hours under the terms of the premises licence or club premises certificate at which licensable activities are permitted to take place to be displayed on or immediately outside the premises so that it is clear when breaches of the terms of the licence or certificate are taking place.

15.39 Similarly, it may be necessary for any restrictions on the admission of children to be displayed on or immediately outside the premises so that the consequences of breaches of these conditions would also be clear and to deter those who might seek admission in breach of those conditions.

15.40 KEY POLICY FOR THE PREVENTION OF CRIME AND DISORDER

Policy PCD1 Practical crime prevention

The applicant must indicate in the operating schedule the steps (s)he proposes to prevent crime and disorder. For premises open between 23:00pm and 08:00am, and as appropriate for all other premises especially where there is evidence that the premises have traded in a way which is detrimental to the crime and disorder objectives, depending on the specific premises and business being carried out, the Licensing Authority would expect applicants to have considered the following measures when compiling the schedule:

- Use of CCTV both within and outside the premises in accordance with the code of practice issued by the Information Commissioner from time to time e.g. warning signs
- Metal detection and search facilities
- Procedures for risk assessing promotions and events such as 'happy hours' including the potential to cause crime and disorder, and plans for minimising such risks
- Measures to prevent the use or supply of illegal drugs
- Employment of door supervisors licensed by the Security Industry Authority and other appropriately trained staff
- Participation in an appropriate Watch Scheme or other body designed to ensure effective liaison with the local community
- Proof of Age schemes eg: Challenge 21
- Controls on bottles, glasses and containers
- Capacity limits
- Notices and signage, including a prominent sign giving the name of the Personal Licence holder in charge of the premises.
- No admissions after a specified time
- A Personal Licence holder to be available during opening hours

Reasons for policy

Prevention of crime and disorder are both objectives of the Licensing Act 2003 and an important responsibility of the Licensing Authority under the Crime & Disorder Act 1998. It is

important, therefore, that the applicant be able to demonstrate to the Licensing Authority the practical steps that will be taken to further these objectives.

Policy PCD2 Drug abuse

The Licensing Authority will expect licensees of venues likely to be affected by drugs to take all reasonable steps to prevent the entry of drugs into licensed premises, to take appropriate steps to prevent drugs changing hands within the premises and to take practical measures to prevent risks to life as a result of drug misuse.

In particular the Licensing Authority will expect licensees of such venues to be familiar with the contents of Chapter 4 (drug awareness) of the BIIAB Level 2 National Certificate for Entertainment Licensees and to be following the recommendations of that handbook. The Licensing Authority will also expect licensees to be following the recommendations of the book "Safer Clubbing" issued by the Home Office.

Reasons for policy

The purpose of this policy is to further the crime prevention objectives and to ensure public safety by preventing loss of life caused by drug abuse.

Policy PCD3 Shops, stores and supermarkets

The Licensing Authority will generally consider licensing shops, stores and supermarkets to sell alcohol for consumption off the premises at any times they are open for shopping. If there are good reasons for restricting those hours however, for example, where police representations made in respect of shops known to be the focus of disorder and disturbance, then restriction of hours will be considered. Shops must have adequate management practices however to ensure that sales are not made to under 18 year olds and persons where there are grounds to believe that the sale will result in crime and disorder.

Retailers must ensure that only over-18 year olds sell alcohol or that under 18 year olds are closely supervised when doing so.

Reasons for policy:

To prevent poorly managed shops from selling alcohol to children and persons who are drunk.

16.0 ENSURING PUBLIC SAFETY

16.1 GENERAL

16.2 Applicants should have regard to the following matters and where necessary should seek advice from their competent health and safety advisor before submitting their application.

16.3 It should be noted that conditions relating to public safety should be those, which are necessary, in the particular circumstances of any individual premises or club premises and should not duplicate other requirements of the law.

16.4 Equally, the attachment of conditions to a premises licence or club premises certificate will not in any way relieve employers of the statutory duty to comply with the requirements of other legislation including the Health and Safety at Work etc Act 1974, associated regulations and especially the requirements under the Management of Health and Safety at Work Regulations 1999 (as amended) and the Regulatory Reform (Fire Safety) Order 2005 to undertake risk assessments. Employers should assess the risks, including risks from fire, and take measures necessary to avoid and control these risks. Conditions enforcing those requirements would therefore be unnecessary.

16.5 When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, responsible authorities are considering such applications and the Licensing Authority is considering applications following the receipt of relevant representations from a responsible authority or interested party, the following measures should be considered as best practice in promoting public safety. It should also be recognised that special issues may arise in connection with outdoor and large-scale events.

16.6 In addition to considering the points made in this section, those preparing premises operating schedules or club operating schedules, should take account of national safety guidance, standards and industry best practice.

16.7 MEASURES THAT SHOULD BE CONSIDERED FOR ALL PREMISES

16.8 Disabled people

16.9 In premises where existing legislation does not provide adequately for the safety of the public, consideration should be given to conditions that ensure that:

- a) when disabled people are present, adequate arrangements exist to enable their safe evacuation in the event of an emergency; and
- b) disabled people on the premises are made aware of those arrangements.

16.10 Escape routes

16.11 It may be necessary to include conditions on the good maintenance of all escape routes and exits, including external exits. Conditions may include the need to ensure that such exits are kept unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified. In restaurants and other

premises where chairs and tables are provided this might also include ensuring that internal gangways are kept unobstructed.

16.12 In premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration should be given to conditions that ensure that:

- a) all exits doors are easily openable without the use of a key, card, code or similar means;
- b) doors at such exits are regularly checked to ensure that they function satisfactorily and a record of the check kept;
- c) any security fastenings are removed prior to the premises being open to the public;
- d) all fire doors are maintained effectively self-closing and shall not be held open;
- e) fire resisting doors to ducts, service shafts, and cupboards shall be kept locked shut;
- f) the edges of the treads of steps and stairways are maintained so as to be conspicuous;
- g) there are adequate handrails to staircases and changes of floor level.

16.13 Safety checks

16.14 In premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration should be given to conditions that ensure that:

- a. safety checks are carried out before the admission of the public; and
- b. details of such checks are kept in a log-book.

16.15 Curtains, hangings, decorations & upholstery

16.16 In premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration should also be given to conditions that ensure that:

- a) hangings, curtains and temporary decorations are maintained in a flame-retardant condition; and
- b) any upholstered seating meets on a continuous basis the pass criteria for smouldering ignition source 0, flaming ignition source 1 and crib ignition source 5 when tested in accordance with Part 5 of BS 5852:1990; and
- c) curtains, hangings and temporary decorations are arranged so as not to obstruct exits, fire safety signs or fire-fighting equipment; and

16.17 Accommodation limits

16.18 In premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration should also be given to conditions that ensure that:

- a) arrangements are made to ensure that any capacity limit imposed under the premises licence or club premises certificate is not exceeded; and
- b) the personal licence holder, a club official, manager or designated premises supervisor should be aware of the number of people on the premises and required to inform any authorised person on request.

16.19 Fire action notices

16.20 In premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration should also be given to conditions that ensure that notices detailing the actions to be taken in the event of fire or other emergencies, including how the fire brigade should be summoned, are prominently displayed and protected from damage and deterioration.

16.21 Outbreaks of fire

16.22 In premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration should also be given to conditions that ensure that require the fire and rescue service be called at once to any outbreak of fire, however slight and the details recorded in a fire log-book.

16.23 Loss of water

16.24 In premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration should also be given to conditions that ensure that the local fire control centre is notified as soon as possible if the water supply to any hydrant, hose reel, sprinkler, drencher or other fire extinguishing installation is cut off or restricted.

16.25 Access for emergency vehicles

16.26 In premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration should also be given to conditions that ensure that access for emergency vehicles is kept clear and free from obstruction at all times.

16.27 First aid

16.28 In premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration should also be given to conditions that ensure that:

- a) adequate and appropriate supplies of first aid equipment and materials are available on the premises; and
- b) if necessary, at least one suitably trained first-aider shall be on duty when the public are present; and if more than one suitably trained first-aider that their respective duties are clearly defined.

16.29 Lighting

16.30 In premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration should also be given to conditions that ensure that:

- a) in the absence of adequate daylight, the lighting in any area accessible to the public, members or guests shall be fully in operation when they are present;
- b) fire safety signs are adequately illuminated;
- c) emergency lighting is not to be altered without the consent of the Licensing Authority;
- d) emergency lighting batteries are fully charged before the admission of the public, members or guests; and
- e) in the event of the failure of normal lighting, where the emergency lighting battery has a capacity of an hour, arrangements are in place to ensure that the public, members or guests leave the premises within 20 minutes unless within that time normal lighting has been restored and the battery is being re-charged; and, if the emergency lighting battery has a capacity of three hours the appropriate period by the end of which the public should have left the premises is one hour.

16.31 Temporary electrical installations

16.32 In premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration should also be given to conditions that ensure that:

- a) temporary electrical wiring and distribution systems are not provided without notification to the Licensing Authority at least ten days before commencement of the work;
- b) temporary electrical wiring and distribution systems shall comply with the recommendations of BS 7671 or where applicable BS 7909; and
- c) temporary electrical wiring and distribution systems are inspected and certified by a competent qualified person before they are put to use.

16.33 Ventilation

16.34 In premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration should also be given to conditions that ensure that:

- a) where the ventilation system is designed to maintain positive air pressure within part of the premises, that pressure is maintained whenever the public, member or guests are present in that part of the premises.
- b) ventilation ducts are kept clean.

- c) air filters are periodically cleaned and replaced to maintain a satisfactory air supply.

16.35 Indoor sports entertainment

16.36 In premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration should also be given to conditions that ensure that:

- a) if necessary, an appropriately qualified medical practitioner is present throughout a sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature;
- b) where a ring is involved, it is constructed and supported to the satisfaction of the Licensing Authority and any material used to form the skirt around the ring is flame-retardant;
- c) at any wrestling or other entertainment of a similar nature members of the public do not occupy any seat within 2.5 metres of the ring; and
- d) at water sports entertainment, staff adequately trained in rescue and life safety procedures are stationed and remain within the vicinity of the water at all material times.

16.37 Special effects

16.38 Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff. Advance warning of any special effects should be made.

16.39 Special effects include:

- a) dry ice machines and cryogenic fog
- b) smoke machines and fog generators
- c) pyrotechnics, including fireworks
- d) real flame
- e) firearms
- f) motor vehicles
- g) strobe lighting
- h) lasers
- i) explosives and highly flammable substances

16.40 In certain circumstances, the use of special effects may require the prior consent of the Licensing Authority.

16.41 ADDITIONAL MEASURES FOR THEATRES, CINEMAS, CONCERT HALLS & SIMILAR PLACES

16.42 Promotion of public safety

16.43 There are particular matters in the context of public safety and fire safety, which should be considered in connection with theatres and cinemas. The principle

remains that conditions must be necessary and should be established through risk assessment.

16.44 Premises used for closely seated audiences

16.45 Attendants

- (a) The number of attendants on each floor in a closely seated auditorium should be as set out in the table below:

Number of members of the audience present on a floor	Minimum number of attendants required to be present on that floor
1 - 100	One
101 - 250	Two
251 - 500	Three
501 - 750	Four
751 - 1000	Five
And one additional attendant for each additional 250 persons (or part thereof)	

- (b) Attendants shall not be engaged in any duties that would hinder the prompt discharge of their duties in the event of an emergency or entail their absence from that floor or auditorium where they are on duty.
- (c) Any attendant shall be readily identifiable to the audience (but this need not entail the wearing of a uniform).
- (d) The premises shall not be used for a closely seated audience except in accordance with seating plan, a copy of which is available at the premises and shall be shown to any authorised person on request.
- (e) No article shall be attached to the back of any seat that would reduce the clear width of seat ways or cause a tripping hazard or obstruction.
- (f) A copy of any certificate relating to the design, construction and loading of any temporary seating shall be kept available at the premises and shall be shown to any authorised person on request.

16.46 Standing & sitting in gangways etc

- (a) Sitting on floors shall not be permitted except where authorised in the premises licence or club premises certificate.
- (b) Waiting or standing shall not be permitted except in areas designated in the premises licence or club premises certificate.

In no circumstances shall anyone be permitted to –

- i. sit in any gangway;
- ii. stand or sit in front of any exit; or
- iii. stand or sit on any staircase including any landings.

16.47 Drinks

16.48 Except as authorised by the premises licence or club premises certificate, no drinks shall be sold to or be consumed by a closely seated audience except in plastic and paper containers.

16.49 Balcony fronts

16.50 Clothing or other objects shall not be placed over or allowed to be placed over balcony rails or upon balcony fronts.

16.51 Scenery

16.52 Any scenery should be maintained flame-retardant.

16.53 Safety curtain

16.54 Where a safety curtain is necessary, it should be arranged so as to protect the audience from the effects of a fire or smoke on stage for sufficient time to enable the safe evacuation of the auditorium.

16.55 Where a stage with a proscenium arch is not equipped with a safety curtain, any curtains provided between the stage and the auditorium should be heavy weight and be made of non-combustible material or inherently or durably treated flame-retarded fabric.

16.56 Ceilings

16.57 All ceilings in those parts of the premises to which the audience are admitted should be inspected by a suitably qualified person who should determine when a further inspection would be necessary. A structural safety certificate concerning the condition of the ceilings must be forwarded to the Licensing Authority.

16.58 Seating

16.59 Where the potential audience exceeds 250, all seats in the auditorium should, except in boxes accommodating not more than 8 persons, be either securely fixed to the floor or battened together in lengths of not fewer than four or more than twelve.

16.60 PREMISES USED FOR FILM EXHIBITIONS

16.61 Attendants - premises without a staff alerting system

16.62 Where the premises are not equipped with a staff alerting system the number of attendants present should be as set out in the table below:

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty
1 - 250	Two
And one additional attendant for each additional 250 members of the audience present (or part thereof)	
Where there are more than 150 members of an audience in any auditorium or on any floor	At least one attendant shall be present in any auditorium or on any floor

16.63 Attendants - premises with a staff alerting system

- (a) Where premises are equipped with a staff alerting system the number of attendants present should be as set out in the table below:

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty	Minimum number of staff on the premises who are available to assist in the event of an emergency
1 - 500	Two	One
501 - 1000	Three	Two
1001 - 1500	Four	Four
1501 or more	Five plus one for every 500 (or part thereof) persons over 2000 on the premises	Five plus one for every 500 (or part thereof) persons over 2000 on the premises

- (b) Staff shall not be considered as being available to assist in the event of an emergency if they are:
- i. the holder of the premises licence or the manager on duty at the premises; or
 - ii. a member of staff whose normal duties or responsibilities are likely to significantly affect or delay his response in an emergency situation; or
 - iii. a member of staff whose usual location when on duty is more than 60 metres from the location to which he is required to go on being alerted to an emergency situation.
- (c) Attendants shall as far as reasonably practicable be evenly distributed throughout all parts of the premises to which the public have access and keep under observation all parts of the premises to which the audience have access.
- (d) The staff alerting system shall be maintained in working order.

16.64 Minimum lighting

- 16.65 The level of lighting in the auditorium should be as great as possible consistent with the effective presentation of the film; and the level of illumination maintained in the auditorium during the showing of films would normally be regarded as satisfactory if it complies with the standards specified in BS CP 1007 (Maintained Lighting for Cinemas).

16.66 Flammable films

- 16.67 No flammable films should be allowed on the premises without the consent of the Licensing Authority and the Fire Authority.

16.68 KEY POLICY FOR ENSURING PUBLIC SAFETY

Policy EPS1

Larger entertainment venues

Premises that provide regulated entertainment for large numbers of people create additional safety hazards that need to be controlled. Operating schedules must include details of provisions to ensure the safety of temporary and permanent electrical installations, measures to provide means of escape from fire (including maximum numbers and emergency lighting), fire fighting, fire precautions, lighting, attendants and structural safety.

Reasons for policy

Licensed premises need to demonstrate in their operating schedules practical safety procedures and measures that are sufficient to control the risks associated with temporary structures, installations and large numbers of people.

17.0 PREVENTION OF PUBLIC NUISANCE

17.1 GENERAL

17.2 Applicants should have regard to the following matters and should seek advice on measures to minimise nuisance before submitting their application

17.3 It should be noted that provisions of the Environmental Protection Act 1990 and the Noise Act 1996 (as amended) provide some protection to the general public from the effects of noise nuisance. In addition, the provisions of Part 8 of the Licensing Act 2003 enables a senior police officer to close down instantly, for up to 24 hours, licensed premises and premises carrying on temporary permitted activities that are causing nuisance resulting from noise emanating from the premises. These matters should be considered before deciding whether or not conditions are necessary for the prevention of public nuisance.

17.4 MATTERS TO BE CONSIDERED BY APPLICANTS

17.5 Hours of operation

17.6 The hours during which the premises are permitted to be open to the public or to members and their guests can be restricted (other than where they are protected by the transitional provisions of the Act) by the conditions of a premises licence or a club premises certificate for the prevention of public nuisance. This must be balanced by the potential impact on disorder that results from early fixed closing times.

17.7 Restrictions could be necessary on the times when certain licensable activities take place even though the premises may be open to the public at such times. For example, the playing of recorded music after a certain time may be prohibited, even though other licensable activities are permitted to continue.

17.8 Restrictions might be necessary on the parts of premises that might be used for certain licensable activities at certain times. For example, while the provision of regulated entertainment might be permitted while the premises is open to the public or members and their guests, regulated entertainment might not be permitted in a garden area of the premises after a certain time.

17.9 Noise & vibration

- 17.10 In premises where legislation does not provide adequately for the prevention of public nuisance, consideration should be given to conditions that ensure that:
- (a) noise or vibration does not emanate from the premises so as to cause a nuisance to the occupants of nearby properties. This might be achieved by a simple requirement to keep doors and windows at the premises closed, or to use noise limiters on amplification equipment used at the premises;
 - (b) prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly;
 - (c) prohibit certain rooms from being used for purposes that involve the creation of noise;
 - (d) the use of explosives, pyrotechnics and fireworks of a similar nature, which could cause disturbance in surrounding areas are restricted; and
 - (e) the placing of refuse - such as bottles - into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.

17.11 Noxious smells

17.12 In premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration should be given to conditions that ensure that noxious smells from licensed premises are not permitted so as to cause a nuisance to nearby properties and the premises are properly vented.

17.13 Light pollution

17.14 In premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration should be given to conditions that ensure that flashing or particularly bright lights on or outside licensed premises do not cause a nuisance to nearby properties. Any such condition needs to be balanced against the benefits to the prevention of crime and disorder of bright lighting in certain places.

17.15 KEY POLICY FOR THE PREVENTION OF PUBLIC NUISANCE

Policy PPN1 Exterior lighting

Exterior lighting and security lighting must be positioned to avoid disturbing neighbouring residential property.

Reasons for policy

Bright lights shining into the windows of residential properties can cause disturbance.

Policy PPN2 Reducing risk of disturbance

It is self evident that the risk of disturbance to local residents is greater when licensable activities continue late at night and into the early hours of the morning. For example the risk of resident's sleep being disturbed by patrons leaving licensed premises is obviously even greater at 02:00 hrs than at 23:00 hrs.

The policy of the Licensing Authority is to strike a fair balance between the benefits to a community of a licensed venue and the risk of disturbance to local residents. Consequently in sensitive areas the Licensing Authority may restrict the hours of operation, as an alternative to extensive sound insulation and noise control measures.

Every case will be considered on it's merit however for premises open between 23:00 hrs and 08:00 hrs the Licensing Authority will expect the applicant to have addressed the following issues:

- (a) an appropriate amount of car parking readily accessible to the premises, and situated in such a way that vehicular movement will not cause demonstrable adverse impact to local residents; and
- (b) an Operating Schedule agreed with the Licensing Authority that indicates the applicant is taking appropriate steps to comply with the licensing objective of preventing public nuisance.

Exceptions may be made where it can be demonstrated that:

- (a) the licensable activities would not be likely to cause adverse impact especially on local residents, and that, if there is a potential to cause adverse impact, appropriate measures will be put in place to prevent it;
- (b) there will not be any increase in the cumulative adverse impact from these or similar activities, on an adjacent residential area; and
- (c) there is a particularly high level of public transport accessibility to and from the premises at the appropriate times;
- (d) the activity will not be likely to lead to a demonstrable increase in car parking demand in surrounding residential streets.

Reasons for policy

Any activity involving public entertainment or eating or drinking on the premises has the potential to impact adversely on the surrounding area due to noise, smells, or congestion on the footway. It may also be caused by the customers being noisy when leaving, dropping litter or taking up on-street car parking space needed by residents. The impact of noise generated by these activities, especially customers departing either on foot or in cars, is particularly intrusive at night when ambient noise levels are much lower.

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

Policy PPN3 Tables and chairs outside premises and beer gardens

The beer gardens of public houses and particularly rural public houses are an asset to the premises. Similarly, the provision of tables and chairs outside the premises either on the highway or on private land can enhance the attractiveness of the venue. It can have the benefit of encouraging a continental style café culture. However, late at night these same tables and chairs can contribute to noise problems and can be used as weapons. This is because they can encourage patrons and passers by to loiter rather than disperse. In certain locations they have been taken over by gangs of noisy youths.

The leaving of tables and chairs on the public highway will need the consent of the relevant Highways Authority and/or landowner. Where, on private land, consent is not required, operating schedules must adequately address public nuisance.

There should be no loud speakers outside the building unless agreed by the Licensing Authority for a specific event and the Operating Schedule must include measures to control noise e.g. hours of use, if near residential premises. . Every case will be judged on its merit however as a guide the authority would consider the use of outside chairs and beer gardens between 0800 and 2300. At the conclusion of these hours the Licensing Authority will expect the removal of these tables and chairs.

If these hours lead to adverse impacts on the safety and amenity of local residents they may be reduced on renewal unless appropriate measures have been agreed with the Licensing Authority to mitigate these impacts.

Reasons for policy

This policy is designed to strike a fair balance between the needs of those wishing to enjoy refreshment in the open air and the need to ensure safety and prevent nuisance problems.

Policy PPN4 Sanitary accommodation

Premises should have sufficient provision of sanitary accommodation (e.g. water closets/urinals) for males and females and disabled persons adequately signed, located, maintained and kept clean.

Reasons for policy

To prevent the public nuisance of people urinating and defecating in the street, public place or private land, causing nuisance to members of the public.

Policy PPN5 Noise control

Stricter conditions with regard to noise control will be expected in areas of the Borough which have denser residential accommodation or low levels of background noise but this will not limit opening hours without regard to the individual merits of any application.

The operating schedule must have regard to the nature of the area where the premises are situated, the type of premises concerned, the licensable activities to be provided, operational procedures and the needs of the local community. The Licensing Authority will expect the schedule to demonstrate how it is intended that the premises will be “good neighbours” both to residents and to other venues and businesses.

In particular it will expect the applicant to propose practical steps as to how disturbance to local residents will be prevented. In circumstances where there is a history of noise complaints or following recent equipment installation which may create noise from within the building the Licensing Authority will expect the applicant to have carried out sound tests to ascertain whether there is sound leakage. This noise could relate not only to music but also from air handling equipment or patrons. In premises that provide regulated entertainment or if there is sound leakage the Licensing Authority will expect the Operating Schedule to include measure to address these issues such as:

- Switching off fans and ventilation not required for public areas at 23:00 hrs
- Keeping doors and windows closed and providing adequate mechanical ventilation
- Reducing sound levels and installing a sound limiting device to prevent sound exceeding the appropriate level
- Installing soundproofing measures to contain sound and vibration

The Licensing Authority will expect popular venues (including take-aways), that attract queues, to formulate a system to avoid disturbance to residents. This can sometimes be achieved by simply ensuring that the direction of the queue is as far away as possible from residential accommodation.

However, excessive noise and/or disorder require more rigorous action. It is important that queues formed later in the evening are supervised to keep noise to a minimum. This action can also help stop drug dealers from passing on drugs during the queuing process but the primary purpose is to prevent noise and disturbance. Door supervisors will generally carry out this role, but they must be given clear instructions as to their duties and responsibilities where necessary they should be adequately supervised.

In terms of patrons leaving the premises particularly late at night (after 23:00 hrs) or early in the morning the Licensing Authority will expect the applicant to have included in the Operating Schedule such practical steps as:

- erecting prominent notices at the exits to premises asking customers to leave quietly and not to slam car doors
- at appropriate times making loudspeaker announcements within the premises to the same effect
- instructing door staff to ask customers leaving the premises to leave the area quietly
- reducing the volume of music towards the end of the evening and where appropriate playing quieter, more soothing music as the evening winds down
- where appropriate considering car sharing schemes
- availability of licensed taxis or private hire vehicles to take patrons from the premises

Fans and ventilation systems if not properly designed, constructed and maintained can cause noise disturbance. The noise produced may not be a problem during the evening but

may cause disturbance to local residents when they are trying to sleep, i.e. at 23:00 hrs. The total noise energy, background noise and tonal content of the noise are important. Premises which will be operating fans and ventilation systems after 23:00 hrs should demonstrate in their operating schedules that noise produced will not cause disturbance to local residents.

Reasons for policy

Noise from licensed premises gives rise to a large number of complaints from local residents. Additional controls are required if premises are open when residents are sleeping or attempting to sleep.

18.0 PROTECTION OF CHILDREN FROM HARM

18.1 GENERAL

18.2 Applicants should have regard to the following matters and where necessary to seek advice from the Area Child Protection Team (Hampshire County Licensing Authority) before submitting their application.

18.3 It should be noted that it is unlawful under the Act to permit unaccompanied children under the age of 16 to be present:

- a) on premises exclusively or primarily used for supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or a temporary event notice when open for the purposes of being used for the supply of alcohol for consumption there; or
- b) in between midnight and 05:00 hrs at all premises supplying alcohol for consumption on those premises under the authorisation of any premises licence, club premises certificate or temporary event notice.

Conditions duplicating these provisions are therefore unnecessary.

18.4 MEASURES WHICH SHOULD BE CONSIDERED

18.5 Access for children to licensed premises

18.6 Restrictions on the access of children under 18 to premises where licensable activities are being carried on should be made where it is necessary to protect children from harm. The Licensing Authority commends the Portman Group Code of Practice on the Naming Packaging and Promotion of Alcoholic Drinks, to licence holders when considering this issue.

18.7 Whilst applications in relation to premises licences and club premises certificates will be judged by the Licensing Authority on their individual merits and characteristics, it is recommended (unless there are circumstances justifying the contrary) that:

- a) For any premises with known associations with underage drinking, drugs, significant gambling, or any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature, there should be a

strong presumption against permitting any access at all for children under 18 years. Applicants wishing to allow access for children to premises where these associations may be relevant, should:

- explain their reasons; and
- outline in detail the steps that they intend to take to protect children from harm on such premises.

b) For any premises, not serving alcohol for consumption on the premises, but where the public are allowed on the premises after 22:00 hrs in the evening, there should be a presumption against the presence of children unaccompanied by adults under the age of 12 after that time. Applicants wishing to allow such access should:

- explain their reasons; and
- outline in detail the steps that they intend to take to protect children from harm on such premises.

18.8 In any other case, subject to the personal licence holder, designated premises supervisor or club's discretion, the expectation would be for unrestricted access for children of any age to premises.

18.9 An operating schedule or club operating schedule should indicate any decision for the premises to exclude children completely, following from which there would be no need to include in the schedule steps the applicant proposes to take to promote the protection of children from harm.

18.10 Age restrictions – specific

18.11 Under the Act a wide variety of licensable activities could take place at various types of premises and at different times of the day and night. Whilst it may be appropriate to allow children unrestricted access at particular times and when certain activities are not taking place the Licensing Authority following relevant representations made by responsible authorities and interested parties will need to consider a range of conditions that are tailored to the particular premises and their activities where these are necessary. The Licensing Authority will consider:

- a) the times of day during when age restrictions should and should not apply. For example, the fact that adult entertainment may be presented at premises after 20:00 hrs does not mean that it would be necessary to impose age restrictions for earlier parts of the day.
- b) types of event or activity in respect of which no age restrictions may be needed, for example;
 - family entertainment; or
 - non-alcoholic events for young age groups such as under 18s dances
- c) Types of event or activity that give rise to a more acute need for age restrictions than normal, for example:
 - during "Happy Hours" or on drinks promotion nights;
 - during activities outlined above (see para 18.7(a)).

18.12 Age restrictions – Cinemas

18.13 The Secretary of State considers that, in addition to the mandatory condition imposed by virtue of Section 20 of the Act, requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under Part 4 of the Video Recordings Act 1984 or by the Licensing Authority itself, conditions restricting the admission of children to film exhibitions should include:

- a) a condition that where the Licensing Authority itself is to make recommendations on the admission of children to films, the cinema or venue operator must submit any film to the authority that it intends to exhibit 28 days before it is proposed to show it. This is to allow the authority time to classify it so that the premises licence holder is able to adhere to any age restrictions then imposed.
- b) a condition that when films are classified, by either the film classification body as specified in the licence or the Licensing Authority, they should be classified in the following way:

U	Universal - Suitable for audiences aged four years and over;
PG	Parental Guidance – general viewing. Some scenes may be unsuitable for young children;
12	Passed only for viewing by persons aged 12 years or older;
12A	Passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult;
15	Passed only for viewing by persons aged 15 years and over;
18	Passed only for viewing by persons aged 18 years and over.
R18	To be shown only in special licensed cinemas.

- c) conditions that specify that immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film.
- d) a condition that when a Licensing Authority has made a recommendation on the restriction of admission of children to a film, notices are required to be displayed both inside and outside the premises so that persons entering can readily be made aware of the classification attached to any film or trailer. Such a condition might be expressed in the following terms:

"Where a programme includes a film recommended by the Licensing Authority as falling into the 12, 12A, 15 or 18 category no person appearing to be under the age of 12, under 12 and unaccompanied, 15 or 18 as appropriate shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position at each entrance to the premises a notice in the following terms -

PERSONS UNDER THE AGE OF [INSERT APPROPRIATE AGE] CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME

Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction.

This condition does not apply to members of staff under the relevant age provided that the prior written consent of the person's parents or legal guardian has first been obtained,"

18.14 Age restrictions – Theatres

18.15 The admission of children to theatres, as with other licensed premises, is not normally expected to be restricted unless it is necessary to promote the licensing objective of the protection of children from harm. However, theatres may be the venue for a wide range of activities. The admission of children to the performance of a play will normally be left to the discretion of the licence holder and no condition restricting the access of children to plays should be attached. However, theatres may also present entertainment including, for example, variety shows, incorporating adult entertainment. A condition restricting the admission of children in such circumstances may be necessary. Entertainment may also be presented at theatres especially for children (see paragraph 18.17 below).

18.16 Consideration will be given to the imposition of conditions to premises licence requiring the presence of a sufficient number of adult staff on the premises to ensure the well being of children present on the premises during any emergency.

18.17 Performances especially for children

18.18 Where performances are presented especially for children in theatres and cinemas conditions are anticipated to be needed which require:

- a) an attendant to be stationed in the area occupied by the children, in the vicinity of each exit, provided that on each level occupied by children the minimum number of attendants on duty should be one attendant per 50 children or part thereof.
- b) whether or not standing should be allowed. For example, there may be reduced risk for children in the stalls than at other levels or areas in the building.

18.19 Children in performances

18.20 There are many productions each year that are one-off shows where the cast is made up almost entirely of children. They may be taking part as individuals or as part of a drama club, stage school or school group. The age of those involved may range from 5 to 18. The Children (Performances) Regulations 1968 as amended set out requirements for children performing in a show. However, if it is necessary to consider imposing conditions for the promotion of the protection of children from harm then the Licensing Authority will consider the matters outlined below:

- a. **Venue** - the backstage facilities should be large enough to accommodate safely the number of children taking part in any performance.
- b. **Fire safety** - all chaperones and production crew on the show should receive instruction on the fire procedures applicable to the venue prior to the arrival of the children.

- c. **Special effects** - it may be inappropriate to use certain special effects, including smoke, dry ice, rapid pulsating or flashing lights, which may trigger adverse reactions especially with regard to children.
- d. **Care of children** - theatres, concerts halls and similar places are places of work and may contain a lot of potentially dangerous equipment. It is therefore important that children performing at such premises are kept under adult supervision at all times including transfer from stage to dressing room and anywhere else on the premises. It is also important that the children can be accounted for at all times in case of an evacuation or emergency.

18.21 KEY POLICY FOR THE PROTECTION OF CHILDREN FROM HARM

Policy PCH1 Adult activities

Where the activities proposed under the licence include those of a sex related nature (e.g. topless waitresses, striptease, table dancing etc) the Licensing Authority will take into account the increased risk to the licensing objectives. For the sake of convenience the term "striptease" in this part of the policy should be taken to refer to any entertainment or service involving exposure of private parts or the sexual stimulation of patrons.

Where such entertainment is provided the Operating Schedule must include conditions designed to ensure that children are not admitted to and cannot witness these activities and to prevent crime and disorder problems. For example:

The area proposed for striptease shall:

- (a) be in a position where the performance cannot be seen from the street;
- (b) be in a designated area of the premises with segregation from the audience;
- (c) be in a position where the performers will have direct access to the dressing room without passing through or in close proximity to the audience.

Whilst striptease entertainment is taking place no person under the age of 18 shall be on the licensed premises and a clear notice shall be displayed at each entrance to the premises in a prominent position, so that it can be easily read by persons entering the premises, in the following terms:

NO PERSON UNDER 18 WILL BE ADMITTED

To prevent the possibility of children seeing unsuitable advertisements the policy of the Licensing Authority will be to attach a condition to the effect that "Except with the consent of the Licensing Authority there shall be no external advertising of the striptease entertainment either at the premises or in its immediate vicinity."

Reasons for policy

These policies are designed to further the licensing objective of protecting children by preventing them being exposed to unsuitable material or acts. They are also designed to further the crime prevention and prevention of nuisance objectives by recognising the

increased risk of nuisance or illegal activities such as performers offering “extras” to customers or the plying for trade by prostitutes.

Policy PCH2 Additional protection for children

The Licensing Authority will take strong measures to protect children from harm. Examples of premises where the introduction of additional controls are likely to be necessary are:

- where there have been convictions for serving alcohol to a minor or with a reputation for under-age drinking;
- with a known association with drug taking or dealing;
- where there is a strong element of gambling on the premises;
- where entertainment of an adult or sexual nature is provided.

In such circumstances while it may sometimes be necessary to impose a complete prohibition this would be only rarely imposed. The Licensing Authority would normally require:

- limitations on the hours when children may be present;
- age limitations below 18;
- limitations or exclusions when certain activities are taking place;
- requirements for accompanying adults;
- full exclusion of people under 18 from the premises when any licensable activities are taking place.

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

Reasons for policy

These policies are designed to allow flexibility for the licensee, to ensure that where appropriate licensed premises are “user friendly” for children but to ensure they are adequately protected.

Policy PCH3 Children & cinemas

The Licensing Authority expects licensees to include in their Operating Schedule arrangements for restricting children from viewing age restricted films classified according to the recommendations of the British Board of Film Classification.

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

In relation to specialist Film Festivals where it is desired to show films not classified by the BBFC the Licensing Authority will, provided adequate notice has been given, classify the

films concerned. To achieve consistency and the protection of children the Licensing Authority will use the guidelines published by the BBFC.

Reasons for policy

To prevent children from viewing unsuitable films.

Policy PCH4 Children and regulated entertainment

Adult staff will be expected to attend at places of public entertainment to control the access and egress of children and to protect them from harm. This requirement also applies to children present at an event as performers, in which case, for every ten children there must be one supervising adult present at all times.

Reasons for policy

To protect children from harm where regulated entertainment takes place.

The Council welcomes comments and observations on this Policy. These should be addressed to:

**Licensing Department
Havant Borough Council
Civic Offices
Civic Centre Road
Havant
Hampshire
PO9 2AX**

Email: licensing@havant.gov.uk

SUMMARY OF EXEMPTIONS

This appendix is provided as guidance only and is not intended to be a statement of the law.. Please refer to the Licensing Act 2003 or seek legal advice.

EXEMPTIONS THAT APPLY TO THE PROVISION OF REGULATED ENTERTAINMENT

(see Schedule 1 Part2)

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

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 the 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.

(6) Film exhibitions: museums and art galleries

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 the Act if it consists of or forms part of an exhibit put on show for any purposes of a museum or art gallery.

(7) Music incidental to certain other activities

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 the Act to the extent that it is incidental to some other activity which is not itself:

- (a) a description of entertainment falling within the above, or
- (b) the provision of entertainment facilities.

Factors to be considered whether music is incidental include:

- (a) will the addition of music create the potential to undermine the four licensing objectives?
- (b) is the music the main, or one of the main reasons for people attending the premises.?
- (c) is the music advertised as the main attraction?
- (d) does the volume of the music disrupt or predominate over other activities or could it be described as 'background music'?

Factors not normally relevant include:

- (a) number of musicians
- (b) whether musicians are paid
- (c) whether the performance is pre arranged
- (d) whether a charge is made for admission to a premises.

(8) Use of television or radio receivers

The provision of any entertainment or entertainment facilities is not to be regarded as the provision of regulated entertainment for the purposes of the 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).

(9) Religious services, places of worship etc.

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,

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

(10) Garden fêtes, etc.

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.

The paragraph above 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.

“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).

(11) Morris dancing etc.

The provision of any entertainment or entertainment facilities is not to be regarded as the provision of regulated entertainment for the purposes of the 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 the paragraph (a) above.

(12) Vehicles in motion

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 the Act.

EXEMPTIONS THAT APPLY TO THE PROVISION OF LATE NIGHT REFRESHMENT

(see Schedule 2)

(3) Exempt supplies: clubs, hotels etc. and employees

The supply of hot food or hot drink on or from any premises at any time is an exempt supply 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 the following:—

- 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).

The premises which, for the purposes of paragraph (b) above, 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.

(5) Miscellaneous exempt supplies

The following supplies of hot food or hot drink are exempt supplies for the purposes of the Act —

- 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.

Hot drink is supplied by means of a vending machine for the purposes of paragraph (b) above 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.

Hot food or hot drink is not to be regarded as supplied free of charge for the purposes of paragraph (c) above 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.

In paragraph (d) above, “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.

SUMMARY OF RELEVANT OFFENCES FOR PERSONAL LICENCES

This appendix is provided as guidance only and is not intended to be a statement of the law.. Please refer to the Licensing Act 2003 or seek legal advice.

- 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);
 - (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.
- 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).

LOCAL CONTACTS

Topic area	Organisation	Contact Details
The Licensing Authority		
Licensing (for applications and advice)	Licensing Havant Borough Council www.havant.gov.uk	Licensing Department Havant Borough Council, Civic Offices Havant, Hampshire PO9 2AX Telephone: 023 92446660 Fax: 023 92446594
The Licensing Objectives		
Crime & Disorder	Hampshire Constabulary , www.hampshire.police.uk	HQ, West Hill, Winchester, SO22 5DB Telephone: 0845 045 4545 Fax: 01962 871204
Fire Safety	Hampshire Fire & Rescue Service www.hantsfire.gov.uk	
Public Nuisance (noise, odour etc)	Environment Team Havant Borough Council www.havant.gov.uk	Havant Borough Council Telephone: 023 92446670 Fax: 023 92446659
Health & Safety (Local Authority enforced)	Commercial Team Havant Borough Council www.havant.gov.uk	Havant Borough Council Telephone: 023 92446654 Fax: 023 92446659
Health & Safety (HSE enforced)	Health & Safety Executive www.hse.gov.uk	Priestley House Priestley Road, Basingstoke RG24 9MW Telephone: 01256 404000 Fax: 01256 404100
Protection of Children	Team Manager R&A HCC Social Services www.hants.gov.uk	Havant Area Office Town End, PO Box 61, East St, Havant, Hampshire PO9 1UB Telephone: 0800 028 0888
Appeals		
Appeal against decisions of the Licensing Authority	The Clerk to the Court South East Hampshire Magistrates Court	
Relevant Authorities		
Door Supervisors	Security Industry Authority www.the-sia.org.uk	PO Box 9, Newcastle-upon-Tyne NE82 6YX Telephone: 08702 430 100 Fax: 08702 430 125
Trading Standards & Consumer Protection	Trading Standards www.hants.gov.uk	Montgomery House, Monarch Way Winchester, Hampshire, SO22 5PW Telephone: 01962 833620

Other Useful Contacts

Criminal Records Bureau

www.crb.gov.uk
PO Box 110, Liverpool LS 6ZZ
Information Line: 0870 9090 811

The Performing Rights Society

www.prs.co.uk
29-33 Berners Street, London W1P 4AA
Telephone: 020 7580 5544
Fax: 020 7306 4550

British Beer & Pub Association

www.beerandpub.com
Market Towers, 1 Nine Elms Lane,
London SW8 5NQ
Telephone: 020 7627 9191
Fax: 020 7627 9123

The Portman Group

www.portman-group.org.uk
7-10 Chandos Street, Cavendish Square,
London W1G 9DQ
Telephone: 020 7907 3700
Fax: 020 7907 3710

Department of Culture Media and Sport (DCMS)

www.culture.gov.uk
2-4 Cockspur Street, London SW1Y 5DH
Telephone: 020 7211 6200

British Institute of Innkeeping

www.bii.org
Wessex House, 80 Park Street,
Camberley GU15 3PT
Telephone: 01276 684449
Fax: 01276 23045

Local Authority Co-ordinators on Regulatory Services

www.lacors.com
10 Albert Embankment, London SE1 7SP
Telephone: 020 7840 7200
Fax: 020 7735 9977

The Council welcomes comments and observations on this policy.

These should be addressed to:

**Licensing Department
Havant Borough Council
Civic Offices
Civic Centre Road
Havant
Hampshire
PO9 2AX**

Email: licensing@havant.gov.uk

**Tel: 023 9244 6660
Fax: 023 9244 6594**

**Further copies may be obtained from
the above address or from the Council website
www.havant.gov.uk**