

GENERAL PURPOSES AND LICENSING COMMITTEE – 12 NOVEMBER 2010

REVIEW OF LICENSING POLICY; RECENT CHANGES IN LICENSING ACT AND DEVELOPMENT OF TOOLKIT FOR PROBLEM PREMISES

1. Introduction

- 1.1 The purpose of this report is to consider the responses to the consultation on the second review of the Statement of Licensing Policy, in accordance with the Licensing Act 2003 (“the Act”), and to recommend the adoption of the Statement of Licensing Policy for the following three years.
- 1.2 It also informs members of a change to the Licensing Act which means that elected members of the Council are now regarded as “interested parties” for purposes of premises licences and club premises certificates. This means that individual members are able to make representations on applications and to call for reviews of these licences/certificates in their own right.

2. Background

- 2.1 Under Section 5 of the Act, all licensing authorities have to publish a statement of licensing policy every three years. The policy sets out the principles which the licensing authority will follow as it exercises its licensing functions and promotes the licensing objectives.
- 2.2 The policy provides transparency for all those involved in the licensing regime including local residents, responsible authorities and applicants.
- 2.3 On 11 June 2010 this Committee agreed that a review of the current licensing policy should be undertaken.

3. Review of Licensing Policy

- 3.1 The Statement of Licensing Policy is only valid for a three year period without a formal review. The original policy came into force on 7 January 2005 and the current policy on the 7 January 2008.
- 3.2 The review of the policy should duplicate the original process and also take into account and reflect any developments or trends at both local and national levels.
- 3.3 A twelve week consultation period for the review of the current policy has been undertaken. This commenced on 1 July 2010 and ended on 22 September 2010.
- 3.4 A summary of the responses is attached as **Appendix 1** to this report. Most of the comments made by responders have been included in the draft policy but some have not. These are indicated in Appendix 1.

- 3.5 A draft recommended amended Statement of Licensing Policy, taking account of the comments received, is attached as **Appendix 2**. The Committee is invited to consider the draft policy with the responses and make any amendments members consider appropriate. The policy will then be submitted to Council for approval.

4. Possible Further Amendment to Policy

- 4.1 In August 2010 the Home Office proposed a series of changes to 're-balance' the Licensing Act 2003. Dependent on the outcome of these proposals, it might be necessary for this Council to undertake a further review of the licensing policy to reflect any changes that are subsequently proposed by the Government. Members will be kept informed of any developments that might require an amendment to the policy.

5. Change to status of Councillors in Determination of Certain Licences

- 5.1 Section 33 of the Policing and Crime Act 2009, which came into effect earlier this year, amended the Licensing Act 2003 by including all members of a relevant licensing authority (that is, the District Council) in the definition of "interested parties" for the purposes of premises licences and club premises certificates. This means that individual members of the Council are now able to make representations in regard to:

- applications for new, and variations of existing, premises licences
- applications for new, and variations of existing, club premises licences
- applications for provisional statements
- applications for minor variations
- applications for reviews of premises or club premises licences, including calling for a review

- 5.2 This is a significant change to the previous provisions. A member of a licensing authority could previously make representations or call for a review only if they lived "in the vicinity" of the application site.

- 5.3 It must be stressed that these new rights extend only to individual members, not to officers or to the council as a whole. Elected member representations will carry the same weight as those submitted by local residents or businesses. Any representations may relate only to the four licensing objectives:

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

- 5.4 Members will recall that on 11 June this year the Committee asked for a report on the numbers and types of hearings conducted by Licensing Sub-Committees and the impact of their decisions. The Community Safety Section has been working with partner agencies on developing a 'tool kit' to tackle problem premises and ensure that both a holistic view and 'due process' is undertaken.
- 5.5 The officers propose to write to all members of the Council to explain the new legislative provisions and, in due course, explain the use and application of the "tool kit".

6. Conclusion

- 6.1 Under Section 5 of the Licensing Act 2003 all licensing authorities must publish a Statement of Licensing Policy every three years. The current policy is due for renewal by 7 January 2011. The necessary consultation has been undertaken and a draft revised policy prepared.
- 6.2 The ability of elected members to make representations and call for reviews is a significant development. It might lead to greater numbers of representations and requests for reviews, with consequent resource implications. A "tool kit" for use by the Council and partner agencies is being developed to assist where difficulties arise from licensed premises. Members will be informed of progress on the introduction of the toolkit and its practical implementation.

7. Financial Implications

- 7.1 Any costs associated with the review, consultation and re-publication of the policy must be met from licensing fee income.
- 7.2 The fact that elected members are now "interested parties" for certain applications could lead to a greater number of hearings and reviews, with resource implications. The extent of these implications cannot be quantified at this stage.

8. Environmental Implications

- 8.1 The policy is about the principles the Council will apply to licensing matters as authorised under the Licensing Act 2003. This will include the balance required between the rights of residents and the rights of licence holders to conduct business.

9. Crime and Disorder Implications

- 9.1 The policy sets out the approach taken by the Council to address crime prevention and anti-social behaviour concerns relating to the licensing objectives and licensing regime.

9.2 The new powers for individual members of the Council to make representations on, or call for reviews of, certain applications/licences, as well as the introduction of the multi-agency “tool kit should be of help in addressing crime and disorder issues.

10. Equality and Diversity Implications

10.1 There are no equality and diversity issues directly arising from this report.

11. Recommendation

11.1 That the Committee considers the responses to the consultation and recommends to the Council an amended Statement of Licensing Policy.

11.2 That the Committee notes the new powers available to members of the Council to make representations on and to call for reviews of certain applications, and that all members be advised of these.

11.3 That the development of a “tool kit” to help in addressing issues arising from licensed premises be noted and that members be informed when it is introduced and on its implementations.

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Background Papers:

Licensing Act 2003
Section 182 Guidance
NFDC Statement of
Licensing Policy 2008

LA2003 **Review of NFDC Statement of Licensing Policy**
 Consultation 2010

<u>Ref</u>	<u>Location</u>	<u>Date</u>	<u>Source</u>	<u>Comments</u>	<u>Appraisal</u>
1	Para 2.1	Jul-01	PHCS Licensing	A more accurate figure for the number of licensed premises in the NFDC area is 650.	Included in draft policy
2	General	Aug-20	Resident	The current policy pays insufficient attention to those likely to be affected by a licensing application. In our view you should adopt the procedures in place for planning and inform all neighbours by letter.	This would have significant resource implications. Could be subject to challenge on interpretation of "vicinity". Refer to the case of the Albert Hall.
3	General	Aug-23	Resident	Letter in support of the comments made see Ref 2 as above.	Ditto
4	General	Aug-23	Resident	Letter in support of the comments made see Ref 2 as above.	Ditto
5	Para 5.1	Sep-03	Police	bp 3 - to include Designated Public Places Order (DPPO).	Current wording reflects the guidance - see page 109 and is considered sufficiently explanatory. Names and acronyms change on a regular basis.
6	Para 5.1	Sep-03	Police	bp 5 - section 27 dispersals are used along with fixed penalty notices (FPN).	Included in draft policy
7	Para 5.1	Sep-03	Police	bp 9 - to include 'council members' in relation to power to apply for a review.	Included in draft policy
8	Para 10.1	Sep-03	Police	To clarify that applications should be submitted to the Licensing Authority and Police at least 10 clear working days before the proposed event, as defined by section 193 of the Act.	Included in draft policy

9	Para 12.3	Sep-03	Police	Remove the word 'very'.	Deleted from draft policy
10	Para 16.1	Sep-03	Police	To include 'council members' in relation to seeking a review.	Included in draft policy
11	New para 15	Sep-10	NFDC LDS	Insert information regarding SEV	Included in draft policy
12	Para 5.1	Sep-20	PHCS Env. Prot	New bp: Power of the Council to close down instantly for up to 24 hrs any licensed premises or temporary event due to public nuisance caused by excessive noise	Included in draft policy
13	Para 6.4	Sep-20	PHCS Env. Prot	New bp: Prohibit alcohol from certain areas at specific times to reduce noise emanating from those areas e.g. beer gardens	Included in draft policy



LICENSING ACT 2003

STATEMENT OF POLICY

This Statement of Policy will remain
in force from 7th January 2011 until 6th January 2014

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**NEW FOREST DISTRICT COUNCIL
LICENSING ACT 2003
SECTION 5**

**Statement of Licensing Policy
Effective 7 January 2011 – 6 January 2014**

The contents of this document are provided as information on the policy and principles of New Forest District Council in carrying out its functions in relation to the Licensing Act 2003. The document is not a full and authoritative statement of the law or statutory guidance and does not constitute professional or legal advice.

A Statement of licensing policy as determined by the Council in respect of its licensing functions for the three year period commencing 7 January 2011 is set out in this document. During the three year period the policy will be kept under regular review and, following a full consultation process the Council will make such revisions to it, at such times, as it considers appropriate. Further licensing statements will be published every three years thereafter

When using this document, reference should also be made to:

- The Licensing Act 2003 and associated regulations;
- Guidance issued under section 182 of the Licensing Act 2003 by the Secretary of State (SoS); and
- Information contained on the New Forest District Council web site (newforest.gov.uk)

1. Executive Summary

See paragraphs 13.1 to 13.18 of the SoS Guidance for further details.

- 1.1 This Statement of Licensing Policy has been prepared in accordance with the provisions of the Act and the Guidance issued under Section 182 of the Act.
- 1.2 New Forest District is situated in the County of Hampshire and has a large number of licensed premises. The Council recognises that these premises are an important part of the District and are major contributors to the local economy, attracting tourists and visitors, and making for vibrant towns and communities, whilst at the same time providing employment.
- 1.3 New Forest District Council ("the Council") is the Licensing Authority pursuant to the Licensing Act 2003 ("the Act") and is responsible for considering all applications for licensable activities, as defined in section 1 of the Act. The purpose of licensing is to regulate the carrying on of licensable activities on licensed premises, by qualifying clubs and at temporary events. Licensable activities, identified by the Act, include:

- Retail sale of alcohol
- Supply of hot food or drink from premises between 2300 and 0500 hours
- Supply of alcohol to club members
- Provision of entertainment listed below (known as "regulated entertainment") to the public or club members or with a view to profit:
 - Film exhibitions
 - Performances of a play
 - Indoor sporting events
 - Boxing or wrestling entertainment
 - Live music performances
 - Playing of recorded music
 - Dance performances
 - Provision of facilities for making music
 - Provision of facilities for dancing

1.4 There are a number of exceptions and details of these are set out in Sections 173 to 175 of the Act.

2. Purpose and Scope of the Licensing Policy

2.1 There are approximately 650 licensed premises in the District where alcohol is sold or provided, entertainment provided on a regular or occasional basis or hot food served. These premises include:

- public houses and nightclubs
- off licences
- businesses offering hot food between 2300 and 0500
- hotels, guest houses, restaurants and other places that sell alcohol
- private members' clubs and social clubs
- theatres and amateur dramatic groups
- cinemas
- premises where indoor sporting events take place.

2.2 When dealing with licensing matters the Licensing Authority will promote and have regard to the four licensing objectives when carrying out its licensing functions. These objectives are:

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

- 2.3 The Council recognises that the best means of promoting the licensing objectives is through the co-operation and partnership of local councils, the police, local business, performers, local people and those involved in child protection.
- 2.4 Each licence application will be considered on its own merits in the context of the four licensing objectives. Unless relevant representations are received from responsible authorities or interested parties, there is no provision for a licensing authority to impose conditions on a licence other than voluntary measures set out in the application. Furthermore, there is no provision for a licensing authority itself to make representations. If no representations are made in respect of an application, the authority is obliged to issue the licence on the terms sought.
- 2.5 Any statement in the licensing policy will be relevant to all licensed premises unless otherwise stated. This Licensing Policy will apply equally to all types of premises.
- 2.6 The Council's primary focus is the direct impact of activities taking place at licensed premises on members of the public who are living, working or engaged in normal activity in the vicinity of the premises/place concerned. The licensing process can only seek to control those measures within the control of the licensee, and 'in the vicinity' of a premises. Licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are away from that premises/place and, therefore, beyond the direct control of the individual, business or club holding the licence or certificate concerned.
- 2.7 Accordingly, any conditions attached to the licence/certificate will centre on the premises and places being used for licensable activities and the vicinity of those premises and places. Whether or not an instance can be regarded as being in the vicinity of licensed premises or places is a question of fact and will depend on the particular circumstances of the case.

(see also section 11 below on Cumulative Impact and paragraph 13.18 of SoS Guidance).

3. Duplication

See paragraphs 13.19 and 13.69 of the SoS Guidance for further details.

- 3.1 This policy is not intended to duplicate existing legislation and other regulatory regimes. Furthermore, it will not seek to duplicate obligations on employers and operators e.g. The Health & Safety at Work Act 1974 and the Regulatory Reform (Fire Safety) Order 2005, or the requirement for premises to comply with all other relevant legislation, e.g.

- Food Safety Act 1990 (Food Hygiene)
- Health & Safety at Work etc Act 1974
- Regulatory Reform (Fire Safety) Order 2005
- Disability Discrimination Act 1995
- Building Regulations
- Race Relations Act

- 3.2 However, if other regulations do not cover the unique circumstances that arise in connection with, for example, entertainment at specified premises, additional controls may be imposed.

4. Crime Prevention

See paragraph 13.56 of the SOS Guidance for further details.

- 4.1 Conditions attached to premises licences and club premises certificates will, so far as possible, reflect local crime prevention strategies.

5. Other Controls on Anti-social Behaviour

- 5.1 Other mechanisms exist to control the anti-social behaviour of a minority of consumers who behave badly and unlawfully after leaving licensed premises etc. These controls include:

- Planning controls
- Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority
- Power of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly
- Power of the local authority to close down instantly for up to 24 hours any licensed premises or permitted temporary activity due to public nuisance caused by excessive noise
- Police enforcement of normal law concerning disorder and anti-social behaviour including the issuing of fixed penalty notices and section 27 dispersals
- The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk
- The confiscation of alcohol from adults and children in designated areas
- Police powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises
- The power of the Police and other responsible authorities, interested parties or a council member to seek a review of the licence or certificate in question.

6. Public Nuisance

- 6.1 Stricter conditions with regard to noise control will be expected in areas of the District 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.
- 6.2 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 might be prohibited, even though other licensable activities are permitted to continue.
- 6.3 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 are 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.
- 6.4 In certain premises where legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:
- 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, to use noise limiters on amplification equipment used at the premises and/or to undertake works of sound insulation.
 - 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.
 - Certain rooms are prohibited from being used for purposes that create noise.
 - The use of explosives, pyrotechnics and fireworks of a similar nature, which could cause disturbance in surrounding area, are restricted.
 - The placing of refuse - such as bottles - into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.
 - Prohibit alcohol from certain areas at specific times to reduce noise emanating from those area e.g. beer gardens.
 - Noxious smells from licensed premises are not permitted so as to cause a nuisance to nearby properties and the premises are properly vented. This might be achieved by the inclusion of additional filtration within the extraction system or increasing the height or direction of the final point of discharge.
- 6.5 Flashing or particularly bright lights on or outside licensed premises may cause a nuisance to nearby properties and may distract road users, especially in unlit areas. Any such condition needs to be balanced against the benefits to the prevention of crime and disorder of bright lighting in certain places, having regard for the Lighting Policy published by HCC where appropriate.

- 6.6 The availability of taxi ranks outside licensed premises can reduce nuisance/antisocial behaviour, and local highway authorities can designate parts of the public highway as evening taxi ranks.

7. Cultural Strategies

See paragraphs 13.57 to 13.60 of the SoS Guidance for further details.

- 7.1 The authority will monitor the impact of licensing on regulated entertainment, particularly live music and dancing. Where there is any indication that such events are being deterred by licensing requirements, the policy will be revisited with a view to investigating how the situation might be reversed. Only necessary, proportionate and reasonable conditions should be imposed on such events.

- 7.2 The Council will take into consideration the following in so far as they are relevant to the licensing objectives:

- The need of the local tourist economy.
- Any cultural strategy for the District.
- The employment situation in the District, and the need for investment and employment where appropriate.

- 7.3 There are many stakeholders in the leisure industry. Many are involved, directly or indirectly, in the promotion of the licensing objectives, particularly those relating to the prevention of crime and disorder and public nuisance.

- 7.4 The Council will ensure at all times that it takes into account the views of these stakeholders and ensures proper integration of local crime prevention, planning, transport, tourism and cultural strategies. The Council will work closely with the police on issues of enforcement. Whenever appropriate, neighbouring authorities and parish councils will also be consulted.

8. Live Music, Dancing and Theatre

See 13.70 to 13.75 of the SoS Guidance for further details.

- 8.1 This policy recognises that as part of implementing local authority cultural strategies, proper account should be taken of the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of communities generally.

- 8.2 Only conditions strictly necessary for the promotion of the licensing objectives should be attached to licences for activities of this nature, and the authority is aware of the need to avoid measures which deter live music, dancing and theatre by imposing indirect costs of a substantial nature.

9. Planning

See 13.54 to 13.68 of the SoS Guidance for further details.

- 9.1 Planning and licensing regimes will be properly separated to avoid duplication and inefficiency. Licensing applications will not be a re-run of the planning application and licensing decisions will not cut across decisions taken by the planning committee or permissions granted on appeal. To achieve this, close liaison will be maintained between the General Purposes and Licensing and Planning Development Control Committees ("GPLC" and "PDCC"). The GPLC, where appropriate, will provide reports to the PDCC and any appropriate review panels on the situation regarding licensed premises in the area including the general impact of alcohol-related crime and disorder.
- 9.2 Prior to submitting an application to the Council the Applicant should ensure that there is appropriate current Planning Permission for the hours and activities for which application is being made. . It should be noted however that there is no legal basis for the licensing authority to refuse a licence application because it does not have planning permission.

10. Temporary Event Notices

See Chapter 7 of the SoS Guidance for further details.

- 10.1 Applications should be submitted to the Licensing Authority and Police at least 10 clear working days before the proposed event, as defined by section 193 of the Act. However, the statutory period of 10 working days gives very little time for the licensing authority to process an application and for the police to respond. For this reason the authority would prefer to receive applications at least one month before the proposed event whenever possible. This preferred time frame is not stipulated by the legislation and is only an expectation of the authority.

11. Cumulative Impact and Special Policies

See paragraphs 13.23 to 13.39 of the SoS Guidance for further details.

- 11.1 The Council will not take 'need' into account when considering an application, as this is a matter for planning development control and the market. Currently this council does not have a special policy relating to the cumulative impact of licensed premises. However, it recognises 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 the premises.
- 11.2 Representations may be received from a responsible authority/interested party that an area has become saturated with premises making it a focal point for large groups of people to gather and circulate away from the licensed premises themselves. This concentration of premises may be creating exceptional problems of disorder and nuisance over and above the impact from the individual premises.

- 11.3 In these circumstances, the Licensing Authority may consider that the imposition of conditions is unlikely to address these problems. It may consider the adoption of a special policy of refusing new premises licences or club premises certificates if it believes that the area is saturated with such premises and the granting of any more would undermine one of the licensing objectives.
- 11.4 When deciding whether to adopt a cumulative impact policy, it should be aligned with other policies such as planning and also other relevant strategies for example late night economy strategy. Once the licensing authority has adopted a special policy it must include within its policy statement the following:
- Identification of concern about crime and disorder or public nuisance and whether serious and chronic concerns have been identified by a responsible authority or significant representations from residents have been received about the levels of nuisance and disorder;
 - Consideration of whether there is good evidence that crime and disorder or nuisance is happening and is caused by the customers of licensed premises, or that the risk of cumulative impact is imminent.
 - Identification of the boundaries of the area where problems are occurring.
 - Consultation with those specified in section 5(3) of the 2003 Act, and subject to the outcome of the consultation.
 - Details of special policy.
- 11.5 If such a policy were adopted, the Council will consider representations on the grant of a particular application based on its impact on the promotion of the licensing objectives in the District generally.
- 11.6 The onus would be 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.
- 11.7 It would be recognised that, within this policy, the Licensing Authority might be able to approve licences that are unlikely to add significantly to the saturation and will consider the circumstances of each individual application.

12. Licensing Hours

See paragraphs 13.40 to 13.42 of the SoS Guidance for further details.

- 12.1 Consideration will be given to the individual merits of an application but the presumption will be to grant the hours requested unless there are specific objections to those hours raised by responsible authorities or interested parties on the basis of the licensing objectives.
- 12.2 This policy recognises that, in some circumstances, flexible licensing hours for the sale of alcohol can help to ensure that concentrations of customers leaving premises simultaneously are avoided.

12.3 With regard to shops, stores and supermarkets the normal scenario will be for such premises to provide sales of alcohol for consumption off the premises at any time when the retail outlet is open for shopping unless representations raise good reasons, based on the licensing objectives, for restricting those hours.

13. Children

See paragraphs 13.43 to 13.53 of the SoS Guidance for further details.

13.1 The authority will not seek to limit the access of children to any premises unless it is necessary for the prevention of physical, moral or psychological harm. In all other cases it will be left to the discretion of the licensee within the constraints of legislation.

13.2 This licensing authority recognises the Area Child Protection Committee as being competent to give advice on matters relating to the protection of children from harm.

13.3 This policy commends the Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks.

13.4 This policy cannot attempt to anticipate every issue that could arise in respect of children; general rules are therefore avoided and each application will be considered on its merits.

13.5 However this policy highlights particular areas that will give rise to concern in respect of children, e.g.:

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

13.6 The following measures may be considered for limiting access of children where necessary:

- Limitations on the hours when children may be present;
- Limitations excluding the presence of children under certain ages when particular specified activities are taking place;
- Limitations on the parts of premises to which children might be given access;
- Age limitations (below 18);
- Requirements for accompanying adults (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
- Full exclusion of those people under 18 from the premises when any licensable activities are taking place.

13.7 In relation to film exhibition premises a mandatory condition will be applied requiring access to be restricted to those who meet the required age limit in accordance with any certificate granted by the British Board of Film Classification or, in specific cases, the local authority.

13.8 It may be necessary to impose a condition to restrict the admission of children to theatres which are incorporating adult entertainment in their productions. It may also be necessary, in the case of theatrical entertainment specifically for children, to consider whether a condition should be attached requiring the presence of a sufficient number of adult staff to ensure the well being of children during an emergency.

14. Conditions

See paragraph 13.20 and chapter 10 of the SoS Guidance for further details.

14.1 Conditions may only be attached to a licence or club premises certificate if relevant representations are received (except for conditions drawn from the applicant's operating schedule since these are voluntary propositions). Any such conditions will be tailored to the individual style and characteristics of the premises and events concerned.

14.2 A pool of model conditions is contained in Annex D of the SoS Guidance. The authority will use the pool to select appropriate conditions to suit the specific needs of an individual operation. Any conditions not listed in the pool may be specifically worded by the licensing authority and attached to licences as appropriate.

14.3 The licensing authority cannot impose blanket standard conditions.

15. Sexual Entertainment Venues

15.1 New Forest District Council has adopted the amendment to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 by virtue of section 27 of the Policing and Crime Act 2009. This introduces a new category of sex establishments called 'sexual entertainment venues'.

15.2 This means that all premises which fall within this category also have to obtain a sex establishment licence. The process allows residents to oppose applications for such a licence on wider grounds than are allowed for applications made solely under the Licensing Act 2003. Objections to applications for a sex establishment can also be on the grounds that it would be inappropriate given the character of an area or the use to which other premises in the vicinity are put such as places of education, religious worship or similar.

15.3 A sexual entertainment venue is defined as '*any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.*'

15.4 The meaning of relevant entertainment is '*any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member*

of an audience (whether by verbal or other means). An audience can consist of just one person (e.g. where the entertainment takes place in private booths).

15.5 While local authorities should judge each case on its merits, it is expected that the following forms of entertainment would be included:

- Lap dancing
- Pole dancing
- Table dancing
- Strip shows
- Peep shows
- Live sex shows

15.6 There is an exemption for premises that provide relevant entertainment on an infrequent basis. These are defined as premises where; no relevant entertainment has been provided on more than 11 occasions within a 12 month period.

16. Licence Reviews

See paragraphs 11.1 to 11.28 of the SoS Guidance for further details.

16.1 This authority is committed to working in partnership with responsible authorities to achieve the promotion of licensing objectives. Only responsible authorities, interested parties or council members can apply for the review of a licence; the licensing authority itself cannot initiate the review process. The authority's role will be to administrate the process and determine its outcome at a hearing where an evidential-basis for the allegations made will need to be submitted.

16.2 The authority is empowered to take the following steps if it considers them necessary to promote the licensing objectives:

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

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

16.3 In cases when the crime prevention objective is being undermined it is expected that revocation of the licence – even in the first instance – will be seriously considered.

17. Enforcement

See paragraphs 13.21 and 13.22 of the SoS Guidance for further details.

17.1 The Council will establish protocols with the local Police on enforcement issues. This will enable the more efficient deployment of local authority staff and Police Officers who are commonly engaged in enforcing licensing law and the inspection of licensed premises. The aim of the protocol will be to target agreed problem and high risk

premises which require greater attention while providing a lighter touch in respect of low risk premises which are well run.

18. Administration, Exercise and Delegations of Functions

See paragraphs 13.76 to 13.78 of the SoS Guidance for further details.

18.1 In the interests of speed and efficiency the Council will, where possible, delegate licensing decisions and functions to officers. However, if the matter to be decided is controversial or the determination of the matter under delegated powers is precluded by law then it will be decided by the GPLC or, normally, a Sub- Committee.

18.2 See Appendix A for the full list of delegated functions set out in the Act.

19. Equal Opportunities

19.1 This policy can be reproduced into large type, audio and foreign languages should this be required. In this way, specific needs can be dealt with on an individual basis. Please see below contact details for further information.

20. Contact Details/ Advice and Guidance

20.1 The authority, police and fire authority will be willing to give advice and guidance to applicants. Applicants are encouraged to undertake informal discussion before the application process in order to resolve potential problems and avoid unnecessary hearings and appeals.

20.2 For further information please contact a member of Licensing Services on 023 8028 5505 or Email: licensing@nfdc.gov.uk

21. Review of the Policy

21.1 The Policy will be kept under review and where any amendments are considered necessary these will only be made after consultation has taken place in accordance with Section 5(3) of the Act. Proper weight shall be given to the views of all those consulted. Those to be consulted will include:

- The Chief Officer of Police for Hampshire
- The Chief Officer of the Fire and Rescue Service of Hampshire
- Bodies representing local holders of premises licences
- Bodies representing local holders of club premises certificates
- Bodies representing local holders of personal licences
- Bodies representing businesses and residents in the Councils area
- Bodies representing the welfare of children
- Any other bodies the Council deems appropriate

- 21.2 The Council welcomes all comments and observations on this policy and any observations and comments should be posted to the following address:

Licensing Services
New Forest District Council
Appletree Court
Lyndhurst
Hampshire
SO43 7PA

Email: licensing@nfdc.gov.uk

For further information please contact a member of Licensing Services on 023 8028 5505.

Annex A

SCHEDULE OF DELEGATIONS

Matter to be dealt with	GPLC or Sub-Committee	Officers
Application for personal licence	If a Police objection	If no representation made
Application for personal licence with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for provisional Statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	If a Police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a Police objection	All other cases
Applications for interim authorities	If a Police objection	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of a Police objection to a temporary event notice	All cases	
In cases where the Magistrates Court has determined the licence on appeal	All cases	

Annex B

Other Policies, Objectives and Guidance

See paragraphs 1.23 to 1.37 and 13.55 to 13.69 of the SoS Guidance for further details.

There are a number of other policies, strategies, responsibilities, and guidance documents which should be taken into account in order to complement the authority's licensing policy.

Strategies and Policies

Alcohol Harm Reduction Strategy
Best Bar None
British Beer and Pub Association Partnerships Initiative
Compliance Code
Community Safety Strategy
Crime & Disorder Reduction Strategy
Cultural and Tourism Strategies
Drugs and Alcohol Strategy
National and Local Pubwatch schemes

Related Legislation

Anti Social Behaviour Act 2003
Crime and Disorder Act 1998
Criminal Justice and Police Act 2001
Private Security Industry Act 2001
Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000
The Clean Neighbourhoods and Environment Act 2005
The Health Act 2006
Violent Crime Reduction Act 2006

Guidance Documents

Home Office Safer Clubbing Guide
LACORS/TSI Code of Practice on Test Purchasing
The Event Safety Guide
Managing Crowds Safely
5 Steps to Risk Assessment
The Guide to Safety at Sports Grounds
Safety Guidance for Street Arts, Carnivals, Processions and Large-scale Performances

Useful References and Contacts

Association of Convenience Stores (ACS)
thelocalshop.com/tls/index.asp Shane
Brennan, Public Affairs Executive
<mailto:shane.brennan@acs.org.uk>
Tel: 01252 515001

Association of Licensed Multiple Retailers (ALMR)
almr.org.uk/

British Beer and Pub Association (BBPA)
beerandpub.com/content.asp?id_Content=1

Bar, Entertainment and Dance Association (BEDA)
beda.org.uk/index.htm

British Institute of Inn Keeping (BII)
bii.org/

British Retail Consortium
brc.org.uk/default.asp

Case Law
Judicial Review of Canterbury's licensing policy
R (The British Beet and Pub Association and Others) v. Canterbury City Council (2005) EWHC 1318 (Admin)
For information on this case please [click this link](#) to the relevant article on the LACORS website.

Circus Arts Forum
Felicity Hall, acting Director
Tel: 020 7729 7944
[mailto: felicity@totaltheatre.org.uk](mailto:felicity@totaltheatre.org.uk)
circusarts.org.uk

Cinema Exhibitors' Association
John Wilkinson, Chief Executive
Tel: 020 7734 955,
[mailto: cea@cinemauk.ftch.co.uk](mailto:cea@cinemauk.ftch.co.uk)

Department for Culture, Media and Sport (see links to the Licensing Act 2003, Explanatory Notes, Guidance and Regulations)
culture.gov.uk

Equity
London Office
Guild House
Upper St Martins Lane
London
WC2H 9EG
Tel: 020 7379 6000
equity.org.uk/

Independent Street Arts Network
Bill Gee, ISAN Coordinator
Tel: 020 7633 9330
mail@streetartsnetwork.org.uk
streetartsnetwork.org.uk

Justices Clerks' Society Good Practice Guide, Licensing
Tel: 0151 255 0790
jc-society.co.uk

LACORS
mailto:
charlotte.meller@lacors.gov.uk lee.willocks@lacors.gov.uk
lacors.gov.uk/

Licensed Victuallers Associations (LVAs)
Various – May be able to identify via internet search

Licensing Act 2003
legislation.hmsso.gov.uk/acts/acts2003/20030017.htm

Mitchells and Butlers
mbplc.com/
Andy Smith, Director of Risk and Compliance
Tel: 0870 609 300
mailto:andy.smith@mbplc.com

National Association of Local Government Arts Officers
Peter Bryan – Administrator
Tel: 0116 267144
mailto: admin@nalgao.org.uk
nalgao.org/

National Pub Watch
nationalpubwatch.org.uk/index.php

Odeon Cinemas
odeon.co.uk
Peter Ford, Head of Risk Management
Tel: 07714 837 297
mailto:pford@odeonuk.com

The Cabinet Office (Code of Practice on Consultation)
cabinetoffice.gov.uk/regulation/consultation/ Tel: 020
7276 6275

The Plain English Campaign
plainenglish.co.uk/

Unique Pub Company (Enterprise Inns)
uniquepubs.com/
Rob May, Operations Director
Tel: 01844 262 031
mailto:rob.may@uniquepubs.com