

**NOTICE OF HEARING
BY THE LICENSING SUB-COMMITTEE
under the
LICENSING ACT 2003**

**APPLICATION FOR A CLUB PREMISES CERTIFICATE - BEAULIEU CRICKET CLUB,
PALACE LANE, BEAULIEU**

Date and Time: TUESDAY, 2 JUNE 2015, AT 10.00 AM*

Place: COUNCIL CHAMBER, APPLETREE COURT,
LYNDHURST

Telephone enquiries to: Lyndhurst (023) 8028 5000
023 8028 5588 - ask for Melanie Stephens
E-mail: melanie.stephens@nfdc.gov.uk

These papers are also available on audio tape, in Braille, large print and digital format

THE RELEVANT PAPERS ARE ATTACHED

A large scale map of the premises will be available at the hearing

To: Members of the Sub-Committee:

Cllr G Beck
Cllr Mrs Wyeth

Cllr S Clarke
Cllr Mrs Ward (Substitute)

Parties to the Hearing:

Beaulieu Cricket Club - Applicant
Beaulieu Parish Council - Objector
Mr Baker - Objector

Copies for Information:

Cllrs Mrs Holding and M Harris – Local Member
Licensing - P Weston/Ms A Righton
Legal Services - Miss G O'Rourke/Ms L Clark/Mrs R Rutins

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LICENSING SUB COMMITTEE - 2 JUNE 2015

APPLICATION FOR A CLUB PREMISES CERTIFICATE - BEAULIEU CRICKET CLUB, PALACE LANE, BEAULIEU

1. INTRODUCTION

- 1.1 The purpose of this report is to consider an application for a club premises certificate under section 71 of the Licensing Act 2003.

2. APPLICATION

- # 2.1 Mr Ian Bowman has made an application for the grant of a club premises certificate for Beaulieu Cricket Club, Palace Lane, Beaulieu, SO42 7YG. The application is for the supply of alcohol only and full details of the application are attached as **Appendix 1**.
- # 2.2 Additional conditions have been agreed with the Police and these are attached as **Appendix 2**.

3. REPRESENTATIONS

- 3.1 There are no representations from any Responsible Authorities.
- # 3.2 Representations have been received from Beaulieu Parish Council and a local resident; these are attached as **Appendix 3**.

4. REQUIREMENTS FOR A HEARING

- 4.1 The Licensing Authority must hold a hearing to determine the application where relevant representations addressing the licensing objectives are made. These being:
- The prevention of Crime and Disorder;
 - Public safety;
 - The prevention of public nuisance;
 - The protection of children from harm.
- # 4.2 Guidance about the licensing objectives issued by the Home Office under section 182 of the Licensing Act 2003 is attached as **Appendix 4**.
- 4.3 In determining the application the Licensing Sub-Committee must give appropriate weight to:
- The steps that are appropriate to promote the licensing objectives;
 - The relevant representations presented by all the parties;
 - The Home Office guidance;
 - The Council's own Statement of Licensing Policy.
- # 4.4 Additional guidance about determining actions that are appropriate for the promotion of the licensing objectives is attached as **Appendix 5**.

5. CONCLUSION

- 5.1 The Licensing Sub-Committee must, having regard to the application and any relevant representations, consider which of the following measures are appropriate for the promotion of the licensing objectives:

- Grant the Licence - with the conditions consistent with the operating schedule and all applicable mandatory conditions of the Licensing Act 2003;
- Grant the Licence - but modify the conditions proposed in the operating schedule, restrict certain licensable activities or operating hours;
- Reject the application.

6. RECOMMENDATION

6.1 That the Licensing Sub-Committee determines the application.

Further Information:

Paul Weston
Licensing Services
Tel: 023 8028 5505
Email: licensing@nfdc.gov.uk

Background papers:

Licensing Act 2003
Section 182 Guidance
NFDC Statement of Licensing Policy

LICKK/15/02317



Marymas Bowman
 Obj: 102407

Application for a club premises certificate to be granted
 under the Licensing Act 2003

LICENSING
 SERVICES

14 APR 2015

RECEIVED

PLEASE READ THE FOLLOWING INSTRUCTIONS BEFORE COMPLETING APPLICATION

Before completing this form please read the guidance notes at the end of the form.
 If you are completing this form by hand please write legibly in block capitals. In all cases ensure that
 your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
 You may wish to keep a copy of the completed form for your records.

BEAULIEU CRICKET CLUB
 (Insert name of club)
 club applies for a club premises certificate under section 71 of the Licensing Act 2003 for
 the premises described in Part 1 below (the club premises).

The club is making this application to you as the relevant licensing authority in
 accordance with section 68 of the Licensing Act 2003.

Part 1 – Club premises details

Name of club BEAULIEU CRICKET CLUB			
Postal address of premises or, if none, Ordnance Survey map reference or description PALACE LANE BEAULIEU BROCKENHURST HANTS. SO42 7YG			
Post Town	BROCKENHURST	Postcode	SO42 7YG
Telephone number (if any)			
E-mail address (optional)			

Name of person performing duties of a secretary to the club MR. R. PORTER			
Address of person performing duties of a secretary to the club 10, OAK CLOSE DIBDEN PARLIEU			
Post Town	SOUTHAMPTON	Postcode	SO45 4PS
Daytime contact telephone number (if any)			
E-mail address (optional)			

Non-domestic rateable value of premises £ 2700

Are the club premises occupied and habitually used by the club? Yes No

Part 2 – Club Operating Schedule

When do you want the club premises certificate to start? DD MM YYYY 13 05 2015

If you wish the certificate to be valid only for a limited period, when do you want it to end? DD MM YYYY

General description of club (please read guidance note 1) THE CLUB PAVILION IS SITUATED ON OREN PARKLAND ADJACENT TO THE ABBEY WALL IN PALACE LANE, BEAULIEU. THE LAND IS LEASED TO THE CLUB BY BEAULIEU ESTATE. THE OLD PART OF THE PAVILION IS OF WOODEN CONSTRUCTION WHILST THE NEW EXTENSION IS MADE FROM BLOCKS WITH CEDAR CLADDING. THE EXTENSION COMPRISES A MEETING/ DINING ROOM AND A KITCHEN. ALCOHOL WILL BE SERVED FROM THE KITCHEN VIA A SERVING HATCH. DRINKS WILL BE CONSUMED IN THE DINING ROOM, ON THE VERANDA AND AT TABLES OUTSIDE IN FRONT OF THE PAVILION.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

What qualifying club activities do you intend to conduct on the club premises?

- Provision of regulated entertainment Please tick all that apply
a) plays (if ticking yes, fill in box A)
b) films (if ticking yes, fill in box B)
c) indoor sporting events (if ticking yes, fill in box C)
d) boxing or wrestling entertainment (if ticking yes, fill in box D)
e) live music (if ticking yes, fill in box E)
f) recorded music (if ticking yes, fill in box F)
g) performances of dance (if ticking yes, fill in box G)
h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club (if ticking yes, fill in box I)

4

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption <u>-please tick</u> (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations (please read guidance note 4) THE CLUB IS CLOSED FROM 31 ST OCTOBER UNTIL 1 ST MARCH		
Mon	17.00	22.00			
Tue	17.00	22.00			
Wed	17.00	22.00			
Thur	17.00	22.00			
Fri	17.00	22.00			
Sat	14.00	22.00			
Sun	14.00	22.00	Non-standard timings. Where the club intends to use the premises for the supply of alcohol at different times from those listed in the column on the left, please list (please read guidance note 5) OCCASIONALLY GAMES OR PRACTICE SESSIONS WILL TAKE PLACE ON MONDAYS, TUESDAYS AND THURSDAYS. ON THESE OCCASIONS WE WOULD LIKE TO BE ABLE TO SERVE ALCOHOL BETWEEN 1700 AND 2200.		
Thur	17.00	22.00			
Fri	17.00	22.00			
Sat	14.00	22.00			
Sun	14.00	22.00			
Mon	17.00	22.00			
Tue	17.00	22.00			

J

Hours club premises are open to the members and guests Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) THE CLUB IS CLOSED FROM 31 ST OCTOBER UNTIL 1 ST MARCH
Day	Start	Finish	
Mon	1700	2200	
Tue	1700	2200	
Wed	1700	2200	
Thur	1700	2200	
Fri	1700	2200	
Sat	1300	2200	Non standard timings. Where you intend the premises to be open to the members and guests at different times from those listed in the column on the left, please list (please read guidance note 5)
Sun	1200	2200	

K

Please highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the club premises that may give rise to concern in respect of children (please read guidance note 8).

NONE

6

L Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

THE MANAGEMENT COMMITTEE WILL APPOINT A RESPONSIBLE PERSON (A CLUB MEMBER) TO OVERSEE THE RUNNING OF THE BAR AND THE SALE OF ALCOHOL.

b) The prevention of crime and disorder

ALCOHOL WILL ONLY BE SERVED TO CLUB MEMBERS AND MEMBERS OF VISITING TEAMS. WE INTEND ONLY TO SERVE BEER AND WINE. LIMITED QUANTITIES WILL BE AVAILABLE. THE AMOUNT OF ALCOHOL STORED AT THE CLUB WILL BE KEPT TO A MINIMUM.

c) Public safety

THE ACTIVITIES OF THE CLUB DO NOT IMPINGE ON THE GENERAL PUBLIC.

d) The prevention of public nuisance

WE HAVE GOOD RELATIONS WITH OUR NEIGHBOURS AND WE DO NOT EXPECT THAT THE SALE OF SMALL AMOUNTS OF ALCOHOL WILL CHANGE THIS
THE PAVILION IS ON PRIVATE LAND AND THERE IS NO IMMEDIATE ACCESS TO THE MAIN ROAD.

e) The protection of children from harm

THE CLUB RUNS A JUNIOR SECTION, AGES 10 TO 16 AND THIS IS ONE OF OUR MOST IMPORTANT ACTIVITIES. WE ALSO HAVE 16-18 YEAR OLDS PLAYING. THE YOUNGSTERS WILL HAVE ACCESS TO THE DINING ROOM WHERE ALCOHOL WILL BE CONSUMED. THEY WILL BE SUPERVISED AT ALL TIMES.
THE CLUB HAS THE ECB CLUBMARK ACCREDITATION TO ENSURE A SAFE ENVIRONMENT FOR CHILDREN

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and plan to the responsible authorities. *
- I have completed and enclosed the club declaration and enclose a copy of the club rules.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

* As agreed you will scan and send copies.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 3 – Signatures (please read guidance note 10)

I IAN JAMES WILLIAM BOWMAN
(Insert full name)

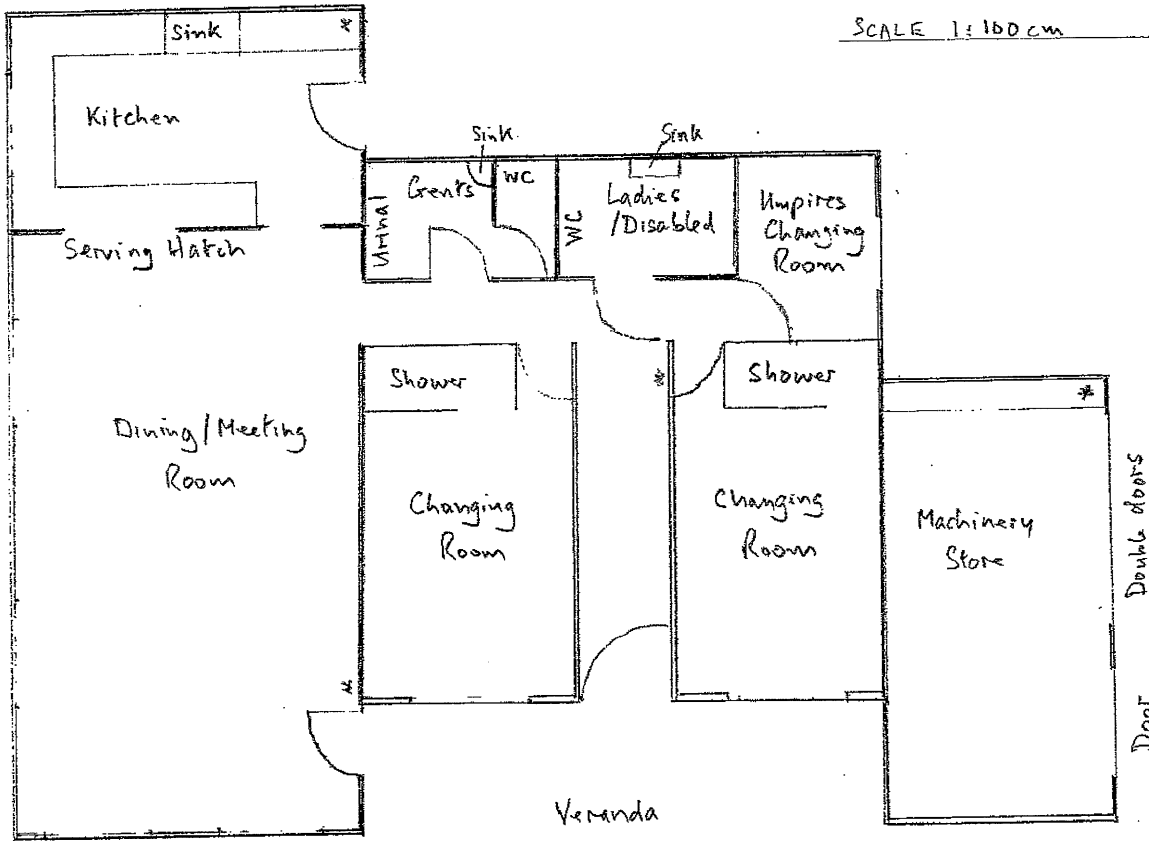
make this application on behalf of the club and have authority to bind the club

Signature	<i>[Signature]</i>
Date	3.4.15
Capacity	CHAIRMAN

Address for correspondence associated with this application (please read guidance note 11)			
33, SYCAMORE DRIVE HOLBURY			
Post town	SOUTHAMPTON	Post code	SO45 2QA
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

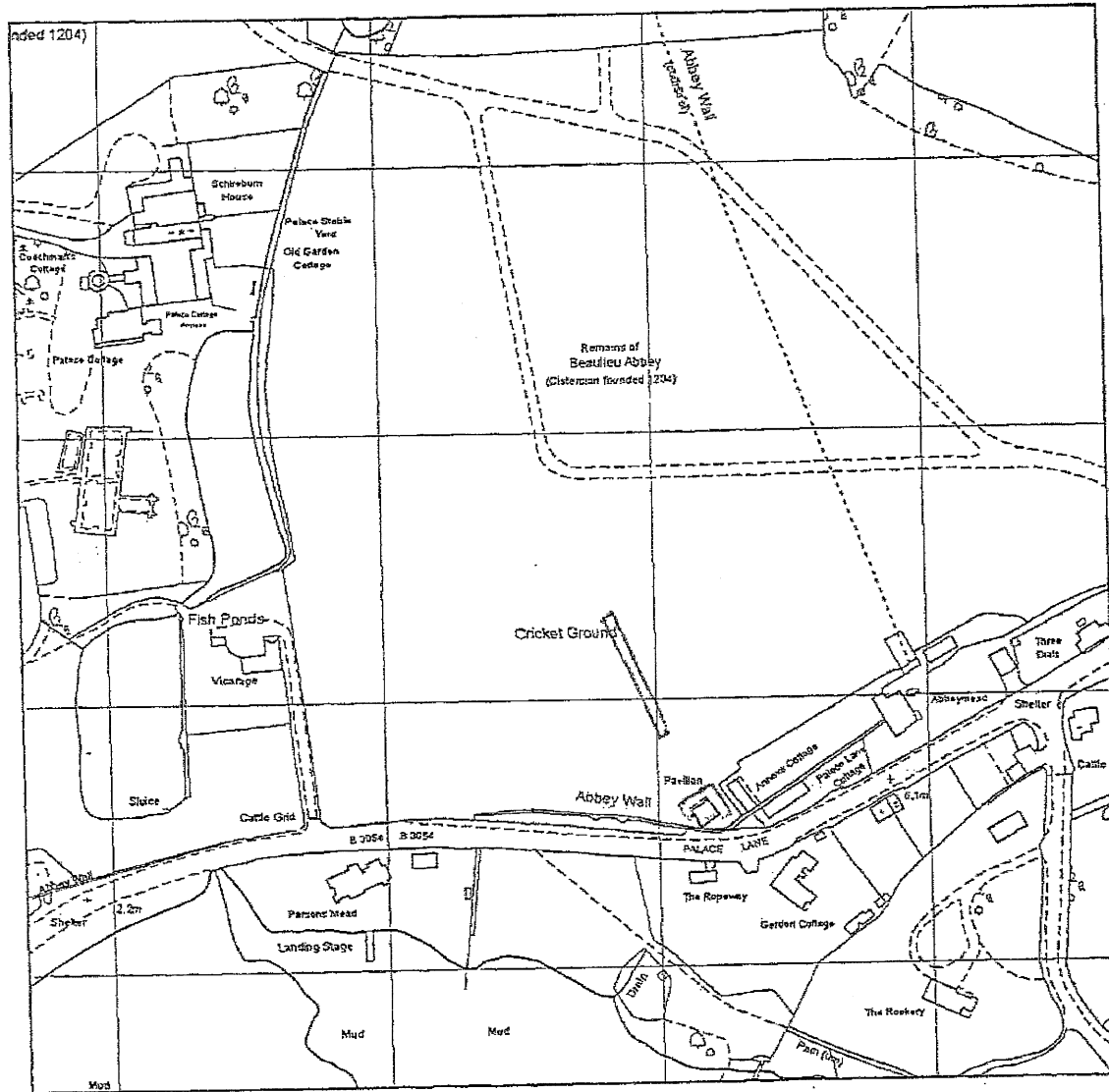
BEAULIEU CRICKET CLUB PAVILION

SCALE 1:160cm

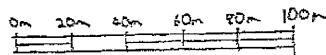


* Fire Extinguisher

9



location plan 1:2500



Paul & Keith Searle

Building Consultants

Ruby Mews, 21a High Street,
Lyndhurst, Hampshire SO43 7BS

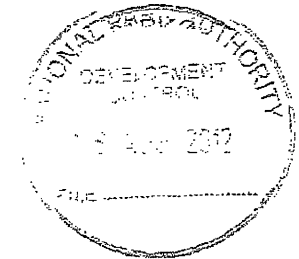
Telephone: 023 8028 4420

Facsimile: 023 8028 4430

E-mail: paul-searle@lineone.net

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USE GIVEN DIMENSIONS ONLY.

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AND NOT TO BE COPIED, REPRODUCED OR ITS
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IN WRITING OF DESIGNERS.



BEAULIEU CRICKET CLUB
 PALACE LANE
 BEAULIEU
 HANTS
 SO42 7YG

3/8CL/09

CONDITION AGREED WITH HAMPSHIRE POLICE

Training

Staff and anyone involved in the supply of alcohol will be trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18, the signs and symptoms of drunk persons and the refusal of sale due to intoxication. Records will be kept of such training which must be signed and dated by the member of staff who has received that training.

All staff will receive refresher training every six months as a minimum and records are to be kept of this refresher training which should be signed and dated by the member of staff who received that training.

In addition to their training a written test related to the training given will be conducted before the staff member is permitted to sell or authorise alcohol. The test will consist of a minimum of ten questions of which the pass rate is 80%. Anyone who fails to reach the prescribed pass rate will be retrained and re-tested. Anyone not attaining the pass rate will not be permitted to sell or authorise the sale of alcohol until the pass rate is attained. There will be a minimum of two sets of questions to be used in the training which will be rotated upon each subsequent six month training session.

All training records will be made immediately available for inspection by Hampshire Constabulary and any responsible Authority upon request. Training records will be kept for a minimum period of two years. Training records will be kept on the licensed premises to which they relate to.

Challenge 25

There will be a Challenge 25 policy operating at the premises. Challenge 25 means that the holder of the premises licence shall ensure that every individual, who visually appears to be under 25 years of age and is seeking to purchase or be supplied with alcohol at the premises or from the premises, shall produce identification proving that individual to be 18 years of age or older.

Acceptable identification for the purposes of age verification will include a driving licence, passport or photographic identification bearing the "PASS" logo and the person's date of birth.

If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person.

'Challenge 25' posters shall be displayed in prominent positions at the premises.

Refusals book

A written log shall be kept of all refusals including refusals to sell alcohol. The Premises Licence Holder shall ensure that the refusals log is checked, signed and dated on a weekly basis by the store manager/manageress.

The refusals log will be kept and maintained at the premises and will be available for inspection immediately upon request by Hampshire Constabulary and any responsible authority.

The record of refusals will be retained for 12 months.

Incident book

An incident book will be provided and maintained at the premises. It will remain on the premises at all times and will be available to police for inspection upon request.

Any incidents that include physical altercation or disorder, physical ejection, injury, id seizure or drug misuse will be recorded in the incident book. The entry is to include an account of the incident and the identity of all person(s) involved (or descriptions of those involved if identity is not known). Should there be any physical interaction by members of staff and the public the entry will include what physical action occurred between each party. The entry shall be timed, dated and signed by the author.

If the member of staff creating the entry has difficulties reading or writing then the entry may be written by another staff member. This should however be read back to the person creating the entry and counter signed by the person who wrote the entry.

At the close of business on each day the incident book will be checked by the manager on duty where any entries will be reviewed and signed. If incidents have occurred the duty manager will de-brief door staff at the close of business. Should there be no incidents then this will also be recorded at the close of business in the incident book.

/* Objection */

BEAULIEU PARISH COUNCIL

Clerk: Ms Nicky Deering
 Email: nicky.deering@btinternet.com
 Tel: 01590 612365
 Website: <http://beaulieuparish.co.uk/>

Old Garden Cottage
 Palace Stable Yard
 Beaulieu
 Brockenhurst
 Hants SO42 7YL

20th April 2014

Your Ref: LICPR/15/02377
 Mr. Paul Weston
 Licensing Officer

Dear Mr. Weston,

Re: Beaulieu Cricket Club

We were surprised and a little concerned to receive your communication of the 16th April 2015.

We note that the application is for the sale of alcohol every week day night and at weekends from 14.00hrs to 22.00hrs throughout the whole year, not just the cricket season.

We feel this may attract more activity in this tranquil area and could lead to an increase in traffic activity onto the busy B3054. The cricket field has little hard standing and this would be problematic for increased car parking and travel of brewery lorries to the pavilion and collection of waste.

Departure from licensed premises at 10pm would be a new nuisance to local residents.

The Cricket Club have an involvement with children's teams and it does make us ask the question of how this application sits with that activity.

Yours sincerely,

Nicky Deering
 Clerk to Beaulieu Parish Council

* Objection *

The Annexe Cottage
Palace Lane, Beaulieu
Brockenhurst, Hampshire
SO427YG

To Whom it may concern,

I would like to lodge an objection the Beaulieu Cricket Ground drinks licence S71 on the grounds of.

1 My house is adjacent to the club house i.e. approximate a meter away .

2 I have two young Children under 7 who need to have their sleep.

3 People coming and going & sitting outside in the summer evenings and car doors banging, will disrupt their sleep patten.

4 Poor access on to the road.

5 No hard standing, if it rains the ground becomes very wet, I am unable to park my car let alone many other people.

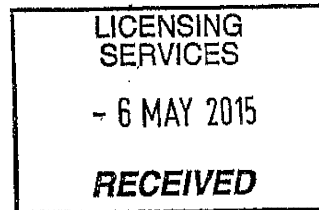
6 Access by delivery lorries would be impossible.

7 Before you know it they will be asking to have functions.

8 The tranquillity of the area would be spoilt.

Kind regards .

Mr G Baker



HOME OFFICE

AMENDED GUIDANCE ISSUED UNDER SECTION 182 OF THE LICENSING ACT 2003

MARCH 2014

THE LICENSING OBJECTIVES

Crime & Disorder

- 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority ("SIA") as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder. For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.
- 2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

Public safety

- 2.6 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.
- 2.7 A number of matters should be considered in relation to public safety. These may include:
- Fire safety;
 - Ensuring appropriate access for emergency services such as ambulances;
 - Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
 - Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
 - Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
 - Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
 - Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.11-2.12, and Chapter 10; and
 - Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).
- 2.8 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.33- 8.41), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

Ensuring safe departure of those using the premises

- 2.9 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:
- Providing information on the premises of local taxi companies who can provide safe transportation home; and
 - Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

Maintenance and repair

- 2.10 Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of

certain equipment or fixtures on the premises, it would be inappropriate for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if appropriate, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or any other persons, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make their expectations clear in this respect to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules.

Safe capacities

- 2.11 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.
- 2.12 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act¹, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of those premises should be.
- 2.13 Public safety may include the safety of performers appearing at any premises, but does not extend to the prevention of injury from participation in a boxing or wrestling entertainment.

Public Nuisance

- 2.14 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

- 2.15 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.16 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 15). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.17 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.
- 2.18 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.
- 2.19 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.20 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

Protection of Children from Harm

- 2.21 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.
- 2.22 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:
- adult entertainment is provided;
 - a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
 - it is known that unaccompanied children have been allowed access;
 - there is a known association with drug taking or dealing; or
 - in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.
- 2.23 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.
- 2.24 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.
- 2.25 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.
- 2.26 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:

- restrictions on the hours when children may be present;
 - restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
 - restrictions on the parts of the premises to which children may have access;
 - age restrictions (below 18);
 - restrictions or exclusions when certain activities are taking place;
 - requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
 - full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 2.27 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.
- 2.28 Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.
- 2.29 The 2003 Act provides that, where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.
- 2.30 Theatres may present a range of diverse activities and entertainment including, for example, variety shows incorporating adult entertainment. It is appropriate in these cases for a licensing authority to consider restricting the admission of children in such circumstances. Entertainments may also be presented at theatres specifically for children. It will be appropriate to consider whether a condition should be attached to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.

HOME OFFICE

AMENDED GUIDANCE ISSUED UNDER SECTION 182 OF THE LICENSING ACT 2003

MARCH 2015

Determining actions that are appropriate for the promotion of the licensing objectives

- 9.41 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.
- 9.42 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.
- 9.43 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

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