

NOTICE OF MEETING

Meeting: GENERAL PURPOSES AND LICENSING COMMITTEE

Date and Time: FRIDAY, 10 SEPTEMBER 2021, AT 9.30 AM*

Place: COUNCIL CHAMBER - APPLETREE COURT, BEAULIEU ROAD, LYNDHURST, SO43 7PA

Enquiries to: Email: andy.rogers@nfdc.gov.uk
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PUBLIC PARTICIPATION:

Members of the public may watch this meeting live on the [Council's website](#).

*Members of the public may speak in accordance with the Council's public participation scheme:

- (a) immediately before the meeting starts, on items within the General Purposes and Licensing Committee's terms of reference which are not on the public agenda; and/or
- (b) on individual items on the public agenda, when the Chairman calls that item. Speeches may not exceed three minutes.

Anyone wishing to speak should contact the name and number shown above no later than 12.00 noon on Tuesday, 7 September 2021.

Colin Read
Interim Chief Executive

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This Agenda is also available on audio tape, in Braille, large print and digital format

AGENDA

Apologies

1. MINUTES

To confirm the minutes of the meeting held on 5 May 2021 and 15 June 2021 as a correct record.

2. DECLARATIONS OF INTEREST

To note any declarations of interest made by members in connection with an agenda item. The nature of the interest must also be specified.

Members are asked to discuss any possible interests with Democratic Services prior to the meeting.

3. PUBLIC PARTICIPATION

To note any issues raised during the public participation period.

4. LICENSING ACT 2003 - DRAFT STATEMENT OF LICENSING POLICY - REVISION AND CONSULTATION (Pages 3 - 50)

To consider proposed revisions to the Statement of Licensing Policy, together with proposed consultation arrangements.

5. ADOPTION OF REGISTER TO CHECK DRIVER APPLICATIONS (Pages 51 - 58)

To consider the adoption of the National Register of Taxi Licence and Revocations and Refusal.

6. DATES OF FUTURE MEETINGS 2022/23

To agree the following dates of meetings 2022/23 (Friday at 9.30am)

17 June 2022
9 September 2022
4 November 2022
6 January 2023
10 March 2023

7. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

To:

Councillors

Steve Clarke (Chairman)
Neil Tungate (Vice-Chairman)
Ann Bellows
Geoffrey Blunden
Rebecca Clark
Keith Craze
Arthur Davis
Barry Dunning

Councillors

Jacqui England
David Harrison
David Hawkins
Mahmoud Kangarani
Alvin Reid
Joe Reilly
John Ward

GENERAL PURPOSES AND LICENSING COMMITTEE – 10 SEPTEMBER 2021

STATEMENT OF LICENSING POLICY – REVISION AND CONSULTATION

1. INTRODUCTION

- 1.1 The purpose of this report is to provide background information concerning the revision of the Statement of Licensing Policy under the Licensing Act 2003 Policy.

2. BACKGROUND INFORMATION

- 2.1 It is a legal requirement under S5 of the Licensing 2003 Act for the Licensing Authority to review their policy on a five-year basis, unless there are changes that are required mid-term.
- 2.2 The revision is slightly later than planned due to the impact of the pandemic on the Service. The Draft Policy is attached for Members to agree to publish and consult on and will cover the period 2022 to 2026.

3. CONSULTATION

- 3.1 Before issuing a revised policy, the Council is required to consult with a range of agencies, Responsible Authorities, operators of licensed premises, Councillors and Town and Parish Councils. In addition, the draft Policy will be published on the NFDC website to enable Members of the public to comment.
- 3.2 It is proposed that the consultation period takes place from 12 September to 6 November 2021, a period of eight weeks.
- 3.3 Responses received during this time will be discussed by Members at the next GP&L meeting on 12 November, where the amended draft policy will be agreed. This final draft can then be taken to a full Council Meeting for Members to agree to adopt as the final Policy.

4. CONCLUSION

- 4.1 It is a statutory requirement that the Licensing Authority review and revise the Licensing Act Policy.

5. RECOMMENDATION

- 5.1 That Members agree to allow the consultation on the Draft Licensing Act Policy v02, from 12 September to 6 November.

6. APPENDICES

Appendix 1-Draft Statement of Licensing Policy for 2022-2026 v02

Environmental and Regulation Service
Service Manager – Joanne McClay

Report Author:

Background papers:

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NFDC Licensing Policy
Section 182 Statutory guidance
Licensing Act 2003

LICENSING ACT 2003

Statement of licensing policy

2022-2026

DRAFT V02

This Statement of Policy will remain in force from xxx to xxx

DRAFT

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1. Executive Summary

The Licensing Act 2003 ('the Act') received Royal Assent in 2003 and came fully into effect in 2005.

This Statement of Licensing Policy has been prepared having regard to the guidance issued by the Secretary of State for Culture, Media and Sport under Section 182 of the Licensing Act 2003 ('the Act') and as required of the licensing authority under Section 5 of the Act.

This statement sets out the policy of the licensing authority with respect to carrying out its licensing functions for the sale of alcohol, provision of regulated entertainment and the provision of late night refreshment under the Act.

The licensing regime implemented by the Act and operated by New Forest District Council as licensing authority is about the appropriate control of licensed premises, qualifying clubs and temporary events. It also covers the people who manage these premises or hold personal licences within the terms of the Act.

Applications covered by the Act and relevant to this statement include:

- Personal licences,
- Premises licences – including provisional statements,
- Variations,
- Transfers,
- Interim authorities,
- Temporary events,
- Club premises certificates,
- Designated premises supervisors and
- Reviews.

The policy sets out a general approach to making licensing decisions, however each application will be determined on its own merits having regard to the licensing objectives, relevant guidance including issued under Section 182 of the Licensing Act 2003 and local criteria. The discretion of the licensing authority in relation to applications is only used if relevant representations are made.

This statement is intended to assist officers and Members in determining applications and to set down those factors that will normally be taken into consideration. Equally, this document seeks to provide clarity for applicants, responsible authorities, residents and other occupiers of property and investors, with some measure of certainty.

This Policy takes effect on xxx and will remain in force for a five-year period. During this time the policy will be kept under review and may be updated to reflect legislative changes or any local changes that materially affect the policy. Any amendments will only be made after consultation has taken place in accordance with Section 5(3) of the Act.

2. Introduction and background

2.1 The Licensing Authority Area

New Forest District Council is one of eleven district councils plus two unitary authorities, which comprise the County of Hampshire.

The New Forest District area is in the south west of Hampshire and is bounded by the Solent water. It is situated between Southampton to the east and Christchurch and Bournemouth to the west. (See Appendix E - Map of the District).

One of the most striking features of the Forest is the open expanse of semi-natural vegetation at its heart which has National Park status. Much of the open forest is owned and cared for by the Forestry Commission working, in conjunction with a wide range of other statutory bodies and interest groups.

Tourism is a major part of the local economy and every year approximately 13.5 million visitors come to the area.

The New Forest has many, varied licensed premises and events. There are over 700 premises licensed under the Act, of which over 600 are licensed to sell alcohol. These include members' clubs, off licences, pubs, holiday complexes, bars, supermarkets, cinemas, theatres and boats. Premises not licensed to serve alcohol include village halls, schools, public places and takeaway food establishments. In addition, over 700 events of a temporary nature are granted each year through the Temporary Event Notice (TENS) application process

Large and small brewery companies have invested in the area and there is an increasing number of premises providing diverse menus to accompany the alcohol and soft drinks offer. There are also a number of internationally renowned hotels offering high class cuisine to visitors and locals alike.

The licensing authority recognises that premises and events play a vital part in the cultural identity of the forest and are contributors to the local economy. In this unique part of the UK, the tourists and visitors it attracts provide income for businesses and this enables a large number of historic country houses to be preserved and maintained for the nation through events such as weddings, conferences and country shows.

Licensed pubs in towns or rural villages, and small stores and shops provide a focal point for community life. Village halls also offer an important resource for many sectors of the community with events and entertainment.

The licensing authority welcomes the opportunity to encourage the development of the cultural, artistic, leisure and hospitality sectors in the New Forest. It will assist all applicants in endeavouring to meet their aspirations within the law. The licensing authority also has regard to wider considerations affecting the residential population and the amenity of any area which include noise, littering or street crime.

However, during the past few years there has been a change in where alcohol consumption takes place. The New Forest is no exception (particularly during the pandemic) with alcohol purchased at lower cost from off-licences or supermarkets and consumed within the home. This and the coronavirus pandemic has had a significant negative financial impact on licensed premises.

2.2 Premises Licences

These are issued to premises who wish to provide one or more licensable activities. Premises include off-licences, shops, supermarkets, pubs, bars, clubs, takeaways, hotels, golf clubs, village halls, cinemas, theatres and community spaces.

If a premises sells alcohol, it must have a Designated Premises Supervisor (DPS) in place to supervise the sale of alcohol. A DPS must also be the holder of a personal licence. There is no end date on a premises licence, however an annual fee is required and failure to pay this will result in suspension of the licence and the premises will not be able to provide licensable activities.

2.3 Club Premises Certificates (CPC)

CPCs are granted to members clubs who are able to prove through the operation of the club that they are a 'qualifying club'. As a club they must adhere to its rulebook, elect a committee and be run for the benefit of its members. There is no requirement to appoint a DPS. Only members and guests that have been signed in by a member of the club are permitted to be supplied with alcohol (members of the public who are neither members or guests are not permitted to enter a club and be served alcohol, or take part in licensable activities).

2.4 Personal Licences

A personal licence authorises an individual to sell or supply alcohol for consumption on or off a licensed premises. An individual may seek a personal licence regardless of whether or not they have current employment or business interests associated with the use of the licence. Applications cannot be made in the name of a corporate body.

The Act requires every application for a personal licence to be accompanied by a recent Basic Level Criminal Record Disclosure (less than one month old), a pass certificate from a recognised training provider, the application form, a disclosure form and the correct fee.

The Police and Home Office Immigration have the right to object to a person applying for a personal licence if that person has a relevant unspent conviction (at the time of application) or if they obtain a relevant conviction during the application period of their licence.

A personal licence is granted in perpetuity; however the holder must inform the issuing authority of any change to their name or address to enable the licence to be updated. It is an offence under the Act not to do so.

2.5 Designated Premises Supervisor (DPS)

The holder of a premises licence which permits the sale of alcohol, must nominate a personal licence holder as the DPS for that premise. The DPS is responsible for the day to day running of the premises and is usually classed as the manager of the premises. Whilst it is not essential for the DPS to be at the premises during all hours that alcohol is permitted to be sold, they should oversee the daily operation of the premises and be contactable in case of emergency if not at the site. When the DPS is not available at the premises another member of staff should be nominated as a point of contact.

Any issue regarding the licensing objectives, where the DPS is not fulfilling their role, could result in the review of the licence. At the hearing, Members may decide that the DPS needs to be replaced.

The statutory guidance indicates that a DPS may supervise more than one premises. However, they must be able to ensure that the four licensing objectives are properly promoted at all sites and the law and licence conditions are upheld.

There is no requirement for a Club Premises Certificate to specify a DPS. This is also the case where the licensing authority has granted a disapplication for the DPS at a community premises.

2.6 Authorisation of alcohol

The Act states that every supply of alcohol must be made under the authority of a personal licence holder although this does not mean that only personal licence holders can make such sales or that they must be personally present at every transaction.

A personal licence holder may authorise others to sell alcohol under their supervision and may then occasionally be absent at times from the premises when such a transaction takes place. Such authorisations should be given in writing and only to those persons who have been given sufficient training to ensure that the four licensing objectives are not compromised. The personal licence holder will, nevertheless, not be able to escape responsibility for the actions of those they authorise to make such sales.

Licence holders are encouraged to have at least one personal licence holder on the premises when alcohol is being sold at all times. If a personal licence holder is not on the premises for any reason, provision should be made for the immediate contact of the personal licence holder or Designated Premises Supervisor in the event of an emergency.

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3. Licensing objectives

The Act applies the appropriate controls on licensed premises, qualifying clubs, temporary events and the people who manage them or hold personal licences. Where valid representations are made, the licensing authority will make objective judgements as to whether conditions need to be attached to a licence or certificate to ensure that the four licensing objectives are promoted at any premises or area being used for licensable activities.

When dealing with licensing matters the licensing authority will promote and have regard to the four licensing objectives, which are of equal importance as set out in the Act. These are:

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

Over consumption of alcohol can lead to health problems which not only financially impacts the NHS, but can have a devastating effect on families and the general health of the population. However, there are currently only these four licensing objectives which do not specifically refer to health. The licensing authority does recognise these issues and will take them into account within the remit of the Act.

The best means of promoting the licensing objectives is through the co-operation and partnership of the local authority, responsible authorities, local businesses and residents. The licensing authority expects individual applicants to address the licensing objectives in their operating schedule having regard to the type of premises, the licensable activities to be provided, the nature of the location and the impact on the local community.

The authority recognises that licensable activities are an important part in the cultural life of our community. In regulating activities under this legislation, it acknowledges that a balance must be struck between the legitimate objectives of applicants and the desires of the population as a whole. In particular those members of the public: living, working, or engaged in normal activity in the area concerned. A balance must be struck between these (often conflicting) positions and all relevant views will be taken into account when making licensing decisions or determining a course of action.

Where there are no relevant representations, or they have been withdrawn at or before a hearing, the application will be granted as requested subject only to conditions which reflect the operating schedule and any mandatory conditions. Most premises do and will operate without any significant concerns to the licensing objectives. However, where there is a relevant representation, the application will usually proceed to a hearing, following which the licensing authority may take such steps as are necessary to promote the licensing objectives, as provided for in the Act.

4. Licensable activities

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 are:

- The retail sale of alcohol,
- The supply of alcohol by or on behalf of a club, or to the order of a member of a club,
- The provision of regulated entertainment and
- The provision of late-night refreshment (hot food and drink at any time between 23:00 and 05:00 for consumption on or off the premises).

Subject to certain conditions, definitions, limitations and exemptions contained within Sections 173 to 175 of the Act, as amended, the provision of regulated entertainment for the public, or club members or with a view to profit, is defined as:

- An exhibition of a film
- A performance of a play
- An indoor sporting event
- Boxing or wrestling entertainment (indoor and outdoor)
- A performance of live music
- The playing of recorded music
- Performance of dance
- Entertainment of a similar description to that falling within the performance of live music, the playing of recorded music or the performance of dance.

Late night refreshment, which is subject to certain exemptions, is defined in Schedule 2 of the Act and relates to the supply of hot food or drink to members of the public on or from any premises for consumption on or off the premises between 23:00hrs and 05:00hrs.

The incidental performance of live music and incidental playing of recorded music may not be regarded as the provision of regulated entertainment in certain circumstances. In cases of doubt, advice should be sought from the licensing authority.

4.1 Regulated entertainment – Live Music

The Licensing Authority recognises the need to encourage and promote a broad range of entertainment, particularly live music, dancing and theatre for the wider cultural benefit of the community.

When considering applications for such events and the imposition of any conditions if representations are received on licences or certificates, the licensing authority will carefully balance the need to promote the licensing objectives against these wider cultural benefits.

Background and incidental music are not considered to be licensable, however karaoke is considered to be a performance of live music and singers with backing tracks, drumbeats or bands are classed as amplified live music.

There are a number of exemptions set out in the Act and other legislation, such as The Live Music Act 2012 and the Deregulation Act 2015.

The table below provides further information:

	Timings	Days	Audience	Premises	Notes
Live unamplified music	Between 08.00 and 23.00	Any	Less than 500 persons	Any	
Live amplified music	Between 08.00 and 23.00	Any	Less than 500 persons	Alcohol on-licensed premises	Premises must be open for customers under the terms of the licence
Live amplified music	Between 08.00 and 23.00	Any	Less than 500 persons	Non-licensed workplace	
Live amplified music	Between 08.00 and 23.00	Any	Less than 500 persons	Non-licensed Church hall, village hall, community hall or similar	Consent required from person responsible for premises
Live amplified music	Between 08.00 and 23.00	Any	Less than 500 persons	Non-licensed residential premises of a local authority or hospital	Consent required from organisation responsible for premises
Recorded music	Between 08.00 and 23.00	Any	Less than 500 persons	Alcohol on-licensed premises	Premises must be open for customers under the terms of the licence
Recorded music	Between 08.00 and 23.00	Any	Less than 500 persons	Non-licensed Church hall, village hall, community hall or similar	Consent required from person responsible for premises
Recorded music	Between 08.00 and 23.00	Any	Less than 500 persons	Non-licensed residential premises of a local authority or hospital	Consent required from organisation responsible for premises
Any entertainment	Between 08.00 and 23.00	Any	Less than 500 persons	Local authority premises, hospital or school	Entertainment provided by the local authority, health care provider or school
Plays	Between 08.00 and 23.00	Any	Less than 500 persons	Any premises	
Dance	Between 08.00 and 23.00	Any	Less than 500 persons	Any premises	Adult entertainment dance remains licensable
Films	Between 08.00 and 23.00	Any	Less than 500 persons	Community premises	Not for profit event. Consent required from organisation responsible for premises Screening is suitable for age of attendees
Indoor sporting events	Between 08.00 and 23.00	Any	Less than 1000 persons	Any premises	
Greco-Roman wrestling or Freestyle wrestling	Between 08.00 and 23.00	Any	Less than 1000 persons	Any premises	
Travelling circuses	Between 08.00 and 23.00	Any	No limit	Any moveable structure that the audience is held within	Circus may not be located on same site for more than 28 days

5. Links to other strategies, policies and legislation

In undertaking its licensing functions under the Act, New Forest District Council will ensure that licensable activities make a positive contribution to the social, economic, and environmental well-being of the district. The authority aims to support a diverse offering, for all, in a safe, healthy and welcoming environment. In particular it supports a mixed night-time economy, which attracts all parts of the community, including families, and is not dominated by premises whose primary focus is the sale of alcohol.

It is keen to encourage family-friendly licensed premises where suitable entertainment is provided and to promote premises where parents and young people can enjoy their leisure time together. It recognises that premises within the leisure and hospitality sector of the economy are an important part of its district and are major contributors to the local economy, attracting tourists and visitors whilst sustaining vibrant towns and communities. Leisure income provides employment for those service sectors and income for supporting businesses, often in the daytime economy.

The policy statement takes account of the need to regulate businesses that operate under the Act whilst balancing any adverse impact of activities on members of the public who live or work in the area concerned.

This policy is not intended to be a stand-alone document, but supports the statutory guidance, legislation and multi-agency agreements with our partners which in turn support licensed premises. However, should a premises be found to be transgressing and not following advice and instruction, the licensing authority will make use of its powers under the Act.

5.1 Diversity, human rights and crime and disorder

All licensing activities will be undertaken in the spirit of and in compliance with any diversity policies and all related legislation.

The Human Rights Act 1998 makes it unlawful for a public authority to act in a way incompatible with a convention right and therefore the authority will ensure that a licensing decision does not cause a breach of this right.

Section 17 of the Crime and Disorder Act 1998 introduced a wide range of measures preventing crime and disorder and imposed a duty on the District Council, Hampshire Constabulary, Hampshire County Council and others, to consider crime reduction in the exercising of all their duties. The Act complements this duty for licensing authorities.

5.2 Avoidance of duplication

It is not the intention of this policy to duplicate other regulatory regimes by imposing conditions that require general compliance. Where existing law (for example, health and safety at work or fire safety legislation) places certain statutory responsibilities on an employer or operator of premises, then licensing controls will not impose the same or similar duties. Licensees must maintain compliance with all regulatory regimes and are encouraged to adopt best practice wherever possible.

5.3 Planning requirements

Whilst planning and licensing regimes will be properly separated to avoid duplication and inefficiency, the use of premises for sale or provision of alcohol, provision of entertainment or late night refreshment is subject to planning control. Such use will normally require planning permission or must otherwise be lawful, ie have a lawful development certificate under planning legislation. Planning permission is usually required for new premises or change of use of premises. However, whilst the licensing authority and planning should liaise with the aim of reaching determinations of mutually acceptable operating hours and scheme designs, it should be noted that there is no legal basis for the licensing authority to refuse a licence application because it does not have the required planning permission.

Applicants should be aware that on occasions as a condition of the planning permission, an earlier closing time or a later opening time may be set for the premises for commercial purposes. Where the operating hours are different to the licensing hours, the applicant must observe the earlier closing time or later opening hour. A licence issued under the 2003 Act does not override any restriction placed on the premises by the planning authority. Premises operating in breach of their planning permission could be liable to prosecution under planning law.

In addition, the licensing authority is not bound by decisions made by the planning authority and vice versa. The licensing authority can only address licensing objectives and must ensure that any hearing does not in effect become a re-run of any planning hearing.

Licence applications should only generally be received regarding premises where:

- The activity to be authorised by the licence is lawful under the planning use of the premises,
- The hours sought do not exceed those authorised by any planning permission; and
- Any existing hours are appropriate for the use of the premises.

6. Operating schedules

The operating schedule forms part of the completed application form for a premises licence. Specific requirements on what it should contain and how it should be presented are contained in Section 17 of the Act and in regulations. However, the matters set out below are intended to assist applicants when completing the application form and operating schedule.

Measures proposed by the applicant in the operating schedule, where relevant to the four licensing objectives, will be incorporated as conditions within the licence and will become enforceable. Proposed conditions must be interpreted by the licensing authority in accordance with the applicant's intention, which means that they may be worded slightly differently in the premises licence than the original application. This is to ensure that any condition on the licence is proportionate and applicable to that individual premises.

Special measures may be necessary on an occasional or specific basis such as when a special event or promotion is planned which is likely to attract larger customer groups/audiences of a different nature. These can have a significant impact on the achievement of the licensing objectives and reference must be made to such occasions in an applicant's operating schedule and additional measures to achieve the licensing objectives.

Any application regarding licensing hours will, accordingly, be considered on its individual merits and this policy makes no presumption about closing times.

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7. Prevention of crime and disorder

The Council acting as the licensing authority has a duty to act solely or with its partners to reduce crime and disorder in the New Forest. Applicants are required by law to set out in their operating schedule the steps they propose to promote the prevention of crime and disorder. The extent to which conditions should be introduced to control the matters detailed below will be dependent on the location, character and condition of the premises, and the proposed events and activities. In general, more comprehensive measures should be in place at late night entertainment venues or in premises with a history of crime and disorder issues.

7.1 Under-age drinking

The consumption of alcohol by persons under the age of 18 is recognised as a source of potential crime and disorder which also puts young people's health at risk. Children and young people can obtain alcohol from both on and off-licensed premises and therefore both carry equal responsibility to prevent such sales. Operating schedules should contain measures to ensure that the law and practice relating to age restricted sales is adhered to.

Particular attention should be given to the training of new members of staff to ensure that they are fully aware of their legal responsibilities and compliance required under the Act. Refresher training should also be carried out periodically to keep staff up to date on changes to legislation.

All premises licensed to sell alcohol are expected to have a policy in place and implement the Challenge 25 standard or any replacement scheme.

7.2 Pubwatch schemes

The licensing authority recognises the value of Pubwatch schemes which assist in reducing crime and disorder on licensed premises and will play a supportive role and attend meetings as appropriate. Pubwatch provides a forum for sharing information and disseminating best practice which help to support the licensing objectives, whilst addressing the issues of safety for customers and employees. The licensing authority expects participation from licensees in areas where the schemes are run.

7.3 Drugs in premises

The supply and use of illegal drugs by individuals is not something that is relevant to all licensed premises, however, applicants should offer appropriate conditions as part of the application to assist in the prevention of drug use in their premises.

The licensing authority expects licensees to have a zero-tolerance policy with regard to illegal drugs. Managers of premises have a duty to inform and co-operate with the police and take all reasonable steps to prevent the entry, use and exchange of illegal drugs on a licensed premises. This should include regular toilet area checks, recording of incidents and suitable storage, disposal and transfer of confiscated and found drugs to the police. Suitable notices stating that the management has adopted a zero-tolerance policy towards drugs should be displayed in appropriate areas.

7.4 Door supervisors

The licensing authority recognises that good security plans and the provision of door staff can prevent crime and assist in controlling young people from unlawfully gaining entry or accessing alcohol.

When deciding if a condition requiring door supervisors is appropriate, applicants should consider the location and capacity of premises together with the hours of operation.

7.5 CCTV

CCTV can be an important means of deterring and detecting crime and antisocial behaviour at, and immediately outside, licensed premises. Applicants are encouraged to consider the installation of CCTV at licensed premises to assist with the protection of staff and the promotion of the licensing objectives.

Applicants should identify in the operating schedule what systems of security, supervision by staff, and/or CCTV will be in place.

CCTV recordings must be able to be accessed and downloaded at all times by a member of staff, kept for a minimum of 31 days and shared with the licensing authority and Hampshire Police upon request. When considering the use of surveillance camera systems, either as part of the conditions attached to a licence or certificate, or within an operating schedule the licensing authority or applicant must in particular have regard to Code of Practice on CCTV published by the Information Commissioner's Office.

7.6 Toughened/safety glasses and bottles

Glass-related injuries, whether accidental or due to violent crime, can lead to major life changing injuries. In outside areas, broken drinking glasses and bottles can cause glass injuries particularly in gardens where there are children's play areas. The licensing authority encourages the use of toughened or polycarbonate glassware or plastic drinking vessels wherever possible.

Outside licensed premises, glass containers as well as being potential weapons, add to street debris, pose risks to street cleaners and pedestrians and generally undermine the objective to minimise public nuisance. It is therefore important that glasses and bottles are frequently collected to ensure they do not accumulate or are used to cause harm.

If special events such as televised sporting events or outside functions are to be held at the premises, operators should consider whether the use of polycarbonate glasses would be more appropriate and when replacing stock, opt for toughened glassware.

7.7 Open drink containers

Drinks purchased in licensed premises or clubs may only be taken from site for consumption elsewhere, if the licence permits off-sales and therefore no bottles or glasses (sealed or unsealed) can be taken from a premises whose licence permits on site sales only.

An off-sale licence may include a condition which prevents alcohol from being taken off site in unsealed containers.

Attached to Club Premises Certificates is a mandatory condition that requires all off-sales to be made in sealed containers and to a member of the club, not a guest.

7.8 Employment of illegal workers

The Immigration Act 2016 introduced a "Right to Work" test for personal licence and individual premises licence holders (where the licence permits alcohol sales and/or late night refreshment). The Home Office Immigration Enforcement department became a responsible authority under the Licensing Act 2003. Premises licence holders, as employers, have a duty to ensure that their employees have a right to work in the UK. Businesses must have robust procedures to check the identity documents of staff and schedule further checks on at least six-monthly intervals during the time they are employed.

The licensing authority will work with Immigration Enforcement to ensure that employees are not illegally brought into the UK to be exploited in licensed premises. Any offences committed under the Immigration Act are considered relevant offences for the purposes of a personal licence and will be notified to the Home Office. The penalties are substantial and statutory guidance reinforces the serious nature of such offences stating that revocation of the licence should be seriously considered where a review is brought before Members for illegal immigration activity.

The Act requires applicants to submit supporting documents with premises and personal licence applications to confirm that the individual has the Right to Work in the UK and the licensing authority will refuse applications where this is not provided.

8. Promotion of public safety

The licensing authority is committed to ensuring the physical safety of staff and customers whilst on licensed premises. Applicants should carefully consider how they intend to promote the public safety objective in their operating schedule.

Where applicants consider that the public safety objective could be compromised by their intended activities, they are encouraged to contact the Council's Food and Safety Team and/or Hampshire Fire and Rescue Service as the most relevant responsible authorities for guidance.

In addition to provisions under the Act, other legislation regulates the safety of customers and staff as identified at Appendix D.

8.1 Sky lanterns

Sky lanterns can pose a fire risk, can be mistaken for distress flares, and can mislead aircraft. In addition, debris from sky lanterns can pose a danger to livestock particularly in the forest and can cause unsightly litter. In view of these risks, the authority does not support the use or release of sky lanterns from any licensed premises.

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9. Prevention of public nuisance

Licensed premises have significant potential to adversely impact communities through public nuisance arising from their operation. Public nuisance concerns how the activity of one person or business affects the rights of others, for example, how noise from music interferes with the right of others to sleep. The licensing authority recognises the need to prevent public nuisance to residents, visitors and other businesses by licensed premises.

Premises licence holders must balance residents' rights with the business operation and take this into account when developing or changing the nature of their business.

In considering what constitutes a public nuisance the licensing authority will make a judgement as to whether the effect of the licensable activities on those living or working in the area around the premises, is disproportionate or unreasonable. It is accepted that such disturbance could affect small numbers of people and does not need to cause a major disturbance to the whole community. Issues which could be considered as public nuisance are mainly noise, light pollution from overly bright or flashing lights and litter.

Applicants should carefully consider how they intend to promote the prevention of public nuisance objective in their operating schedule. This could include the following:

9.1 Disturbance by patrons leaving the premises

Staff who manage premises should take appropriate measures to minimise noise and disturbance to residents in the immediate area of a premises.

Management, staff and door supervisors are encouraged to be proactive in assisting customers to leave the premises in an orderly manner, to reduce the nuisance to neighbours from noisy patrons, especially after midnight. Residents can be detrimentally affected by late night venues and premises should look at procedures and staff training to minimise impact on the locality. Operators of any premises licensed under the Act should consider placing notices at exits to remind customers to respect neighbours.

9.2 Takeaway premises

This policy applies across the range of premises licensed under the Act, including late night refreshment venues where the licensable activity provides customers with hot food or drink between 23.00hrs and 05.00hrs. These premises can attract large groups of customers who have consumed considerable quantities of alcohol in bars and clubs who then cause noise and disturbance in the vicinity, long after licensed premises have closed.

It is important that policies and controls are in place for dealing with disorder and nuisance and also customer's litter.

9.3 Noise nuisance

Noise can come either directly or indirectly from licensed premises. Direct noise, such as that from entertainment activity will be under the direct control of the management, whereas indirect noise from vehicles and customers coming to and from the premises may not be under the direct control but operators can strongly influence behaviour and attitude. Notices can be placed on the premises to remind customers to be mindful of residents and neighbours when leaving a premises.

Any conditions necessary to promote the licensing objectives should be tailored to the style and characteristics of the particular premises and include restrictions which ensure that the volume of amplified entertainment sound is under the control of the licensee or management and not accessible to the public.

Where applications lead to representations about noise, all appropriate conditions will normally focus on the most sensitive periods (late evening until the early hours of the morning when nearby residents are trying to sleep). Smoking areas may lead to noise issues and should therefore be positioned to reduce noise disturbance. These outside areas should be monitored throughout the evening, with particular attention after 22:00hrs and numbers limited in these areas, where possible.

9.4 Noise from beer gardens

The consumption of alcohol is not itself a licensable activity, however operators must make provision for their outside areas, where customers congregate to consume food and/or drink.

The plan should include the outside areas (beer gardens) as part of the premises to allow for the sale of alcohol 'for consumption ON the premises', or OFF-sales should be requested on an application.

The use of outside areas can cause nuisance to neighbours and operators must ensure that staff regularly check any outside areas adjacent to the premises to reduce the likelihood of nuisance. Complaints of nuisance may lead to a review of the licence by an Agency or neighbours and ultimately could result in Members reducing the hours of use of this area.

9.5 Waste/litter

Licensed premises of all types can potentially cause public nuisance from litter and waste. There are a number of laws relating to proper disposal and collection of waste and whilst the Act does not duplicate these laws, the licence holder will need to have a good waste management plan to prevent public nuisance.

Uncontrolled litter is unsightly, can cause odours and may attract vermin, posing a public health risk. The licensing authority requires that licence holders provide suitable litter bins for customers to dispose of packaging, food waste and cigarette debris and arrange for the removal of refuse/litter at regular intervals.

10. Protection of children from harm

The licensing authority is committed to protecting children from moral, psychological and physical harm and in particular, children should be protected from exposure to strong language, sexual expletives and adult entertainment. For the purpose of this policy, anyone less than 18 years of age is considered to be a child or young person unless otherwise agreed.

10.1 Child Sexual Exploitation

The exploitation and abuse of victims can happen anywhere, including on licensed premises. The risks to children will vary depending on the type of licensing activity and the age of the children. Under the Act, licence holders and designated premises supervisors have a legal responsibility to make sure children and young people are protected from harm at their premises.

Operators of licensed premises are expected to:

1. Understand their responsibilities with regard to the signs of child sexual exploitation and understand that the sexual exploitation of a child is a crime; and
2. Raise the awareness of their staff about the issues of child sexual exploitation, record any suspicious incidents and be confident on how and what to report to the appropriate authorities.

Care must be taken when staff are appointed, to ensure that such individuals are not placed in an environment where they can exploit their position.

Applicants should address the following in their daily operation and provide measures (conditions) in the operating schedule, where relevant to their particular premises, to uphold the protection of children from harm licensing objective;

All premises must have in place:

- Steps to prevent children from being exposed to drugs, drug taking or drug dealing;
- Steps to prevent children from being exposed to incidents of violence or disorder;
- Measures to prevent children from being exposed to environmental pollution such as excessive noise;
- Measures to prevent children from being exposed to special hazards such as falls from height.

Premises licensed for the sale of alcohol/entertainment must make:

- Arrangements to prevent children from acquiring or consuming alcohol;
- Arrangements for the appropriate instruction, training and supervision of staff to prevent children from acquiring or consuming alcohol;
- Arrangements to prevent children from being exposed to gambling (gaming machines on licensed premises);
- Take steps to prevent children from being exposed to entertainment of an adult or sexual nature;
- Arrangements for appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm;
- Have means for ensuring that persons supervising children are suitable and where necessary, disclosures obtained from the Disclosure and Barring Service.

10.2 Proof of Age Schemes

All premises licences which permit the sale of alcohol have a mandatory condition attached to them to ensure that an adequate age verification system is in place to prevent children from obtaining alcohol from licensed premises. Applicants must, therefore, demonstrate that they have satisfactory arrangements in place to prevent sales of alcohol to children, which includes a recognised proof-of-age scheme.

The licensing authority supports appropriate age-related policies in licensed premises and the following are examples of documents which could be used to verify age;

- Passport,
- Photo card driving licence issued in the European Union,
- Proof of Age Standards Scheme Card (PASS),
- Official ID card issued by the HM Forces or by a European Union country bearing a photo and date of birth of holder.

The authority supports the PASS accreditation system, which aims to approve and accredit various proofs of age schemes that are in existence. This ensures that such schemes maintain high standards, particularly in the area of integrity and security. Staff should receive regular and adequate training relating to age restricted sales and this should be documented and kept for inspection.

Where premises are providing film exhibitions, the licensing authority will expect licensees or clubs to include in their operating schedules, arrangements for restricting children from viewing age-restricted films classified according to the recommendations of the British Board of Film Censors or the licensing authority itself.

10.3 Proxy sales

A proxy sale takes place when an adult purchases alcohol for an under-age child and gives the alcohol to the child. Procedures must be in place to ensure that all members of staff working at the premises are routinely trained and regularly reminded of their responsibilities in relation to the issue of proxy sales of alcohol. They should ensure that reasonable procedures are in place and implemented to prevent adults purchasing alcohol for those who are underage. Steps must also be in place to ensure that any designated premises supervisors and members of staff involved with the delivery of alcohol to residential addresses are aware of their responsibilities to ensure that no alcohol is sold to persons underage.

11. The licensing process

Under the The Act, any individual or body may apply for a variety of permissions and have each application considered on its individual merit. A licensing committee, sub-committee, or licensing officers acting under delegated authority, carry out the powers of the licensing authority under the Act, in accordance with the Council's scheme of delegation.

Many of the licensing procedures are largely administrative with no perceived areas of contention and therefore in the interests of efficiency and effectiveness licensing officers generally carry out these roles. Please refer to Appendix A for the table of delegations.

Any responsible authority or other person has a right to make relevant representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the Act and a licensing sub-committee would deal with these matters.

11.1 Making an application

All applications for premise licences, club premises certificates, variations and provisional statements must be made in accordance with the Act, associated regulations and guidance. Guidance notes are available from the licensing department or the Home Office and an applicant may seek independent advice from an agent or solicitor.

Applicants should address the licensing objectives in their operating schedule having particular regard to public safety, noise nuisance and the prevention of crime and disorder and the measures to control these.

Before submitting an application, the licensing authority would encourage dialogue with licensing officers and responsible authorities to enable the applicant to fully understand the requirements of the Act and the expectations of the responsible authorities.

11.2 The application form

The operating schedule should include all the necessary information to enable responsible authorities, or other persons, to assess whether the steps to be taken to promote the licensing objectives are satisfactory and have been fully addressed.

Applicants are strongly advised to undertake a thorough and appropriate risk assessment of their business in order to arrive at a detailed operating schedule which identifies and meets all necessary steps to promote the licensing objectives in relation to the application made. Where the operating schedule does not provide enough details, there is an increased likelihood that representations will be made, which could lead to a hearing.

Applicants should have regard to this licensing policy when preparing their operating schedules so that they are aware of the expectations of the licensing authority and of the other responsible authorities. Specific application requirements are detailed in this policy document. Relevant legislation and guidance documents should also be accessed before submitting an application.

11.3 Application consultations

Applicants are legally obliged to give notice of their application in two ways:

- By displaying an A4 blue notice at the premises for a period of 28 days, and
- Placing a notice in a local newspaper.

Each notice must clearly state the nature of the application, date by which representations must be made, where the application can be viewed in full and where representations must be sent.

This will ensure that all those who have rights under the Act and may be affected by an application, can make a representation. There is no other provision for advertising the application, however details are also published on the New Forest District Council website.

11.4 Representations

Only relevant representations or objections may be taken into account when considering an application. To be relevant, a representation must address the likely effect of the grant (or variation) of a premises licence on the promotion of at least one of the licensing objectives. Whilst representations may refer to issues which would be considered under other legislation such as planning, parking or transport in the area, these matters will not be taken into account. The addition of a licensed premises to the number in the area (ie. the need for licensed premises) is also not considered as relevant under the Act.

The licensing authority must judge whether representations are irrelevant, frivolous or vexatious.

Representations may be received from the responsible authorities (see Appendix F) and from “other persons”. Greater weight will be given to representations from those who live or are involved in a business in the area and who are more likely to be affected by the application.

Elected members may make a representation in their own right or on behalf of residents. In both cases, the elected member may not take part in the decision process.

Once submitted to the licensing authority, a representation becomes a public document. A copy of the representation is sent to the applicant and / or the agent acting on their behalf and is included in any report that is presented at a licensing committee hearing. All parties making a representation against an application are invited to attend the hearing to make their case.

11.5 Determination of applications

New or variation applications must be granted on the terms set out in the application, under delegated powers, and are effective from the day after the 28-day representation period ends, unless relevant representations are made.

The licensing authority will consider all relevant representations having regard to the Statement of Licensing Policy, the Act and section 182 guidance and will determine each application on its individual merits.

Where required, licensing officers will act to liaise with the applicant, those making a representation and the responsible authorities, to establish if a settlement is possible to overcome the representations without the need for the matter to go before the licensing sub-committee.

Where relevant representations remain unresolved, members of a licensing sub-committee will determine the application at a hearing. In relation to crime and disorder and or prevention of public nuisance, particular consideration will be given to :

- The location and impact of licensed activity,
- The intended use and the numbers likely to attend the premise,
- The proposed hours of operation,
- The scope for mitigating any impact and
- How often the activity occurs.

and in considering any application relating to a premises which currently has a licence, the licensing sub-committee will take into account any evidence of:

- The suitable historical operation of the premises and
- Any previous negative impact from the activity, especially on local residents or businesses.

11.6 Licensing Sub-Committee hearings

Whilst contested licensing applications are held in a formal setting, the licensing sub-committee are aware that some attendees (applicants or those who have submitted representations) may not be comfortable in such a setting. However, some degree of formality is needed to ensure that all parties receive a fair hearing and that all parties are able to express their views openly.

In hearing the case, the licensing sub-committee may:

- Grant the application as applied for,
- Grant the application but with changes to the licensable activities and /or hours of operation,
- Grant the application but impose additional conditions to assist with the promotion of one or more of the licensing objectives,
- Refuse to grant the application.

Whilst the licensing sub-committee usually meets in public, it does have power to hear certain applications and to receive legal advice in private. A decision is made publicly when the matter has been determined.

A party aggrieved by the decision of the licensing authority has the right of appeal to the Magistrates' Court. Any appeal must be lodged within 21 days of the notification of the decision.

11.7 Conditions

The licensing process keeps control of licensed premises, and other events within the terms of the Act. As part of this control, conditions may be attached to licences, and the various other permissions, which focus on matters falling within the control of individual licence holders.

The applicant must provide conditions on the application form to demonstrate how the business will be operated and measures proposed to promote the licensing objectives. These conditions will be replicated on the premises licence or certificate granted. All conditions must be meaningful, practical, understandable and achievable, whilst not overlapping with other legislation.

The licensing authority has produced a list of suggested conditions, that applicants may refer to, however these are not prescriptive. Only conditions necessary for the promotion of the licensing objectives will be attached to the licence and they should not be imprecise or difficult for the licence holder to observe. It is not acceptable for licensing authorities to simply replicate the wording from an applicant's operating schedule and therefore they may interpret proposed conditions, whilst maintaining the applicant's original meaning.

Mandatory conditions are applied to all licences/certificates and address issues such as irresponsible drinks promotions, measures of alcohol available, the responsibilities of club premises and management of a premises. The current conditions at the time of print are provided in Appendix C.

A licensing authority may impose conditions following a hearing; however, they can only relate to representations received, must meet the licensing objectives and must not be disproportionate or over burdensome. Conditions may be tailored to the circumstances of each individual case, the characteristics of the premises or the event.

In addition, licence conditions will not seek to replicate offences which are set out in the Act or where other adequate legislative control exists.

11.8 Variation applications

The existing premises that propose a change to the licence or certificate may apply to vary the licence by way of a full variation or a minor variation.

11.8.1 Full variation

All variation applications must be made in accordance with the statutory requirements and guidance. The full variation process mirrors the procedure that new licence applicants are required to follow. The application must be accompanied by the appropriate fee, advertised on the premises and in a newspaper and notified to the responsible authorities. There is a 28-day representation period and the criteria for representations replicates that required for new applications.

11.8.2 Minor variation

The Act allows a simplified procedure for varying a licence where the proposed changes will not have a detrimental effect on the licensing objectives. It cannot be used to enlarge the licensed area or to increase the hours for the sale or supply of alcohol.

The minor variation process may be used for changes such as:

- Minor changes to the structure or layout of a premises
- Small adjustments to the licensing hours
- Removal of out of date irrelevant or unenforceable conditions
- Addition of certain licensable activities including live music and
- To disapply the mandatory condition requiring the sale of alcohol to be carried out under the authority of a personal licence holder and the need to have a designated premises supervisor in community premises.

The application to alter the times of other licensable activities will be considered on a case-by-case basis considering the nature of the licensable activity, the additional hours sought, the proximity of the premises to residential areas, when the proposed extension will apply and the track record and history of the premises.

Applicants for minor variations may volunteer conditions to remove the risk of an adverse impact on the licensing objectives either as a result of their own risk assessments or after informal discussions with the responsible authorities. The licensing authority cannot impose their own conditions during a minor variation procedure and there is no right of appeal for a refused minor variation.

Applicants should contact the authority at an early stage to determine if the proposed changes are appropriate to the minor variation process or if they warrant a full variation.

11.8.3 Variation of Designated Premises Supervisor (DPS)

A DPS is specified on every premises licence where the sale of alcohol takes place (except club premises certificates). The DPS may be varied to allow another person to take over that role, should there be changes in staff at the premises. To vary the DPS, the application must be submitted by the premises licence holder and the new DPS must consent to take on the role. The police are consulted on these applications.

If the police believe that the change will undermine the prevention of crime and disorder licensing objective, the officer will give the licensing authority and the applicant a notice (within 14 days of receipt of the application) stating the reasons for this decision.

11.9 Temporary Event Notices

Under the Act a 'light touch' notification process permits events that are of a short duration. A Temporary Event Notice (TEN) can be used to allow activities at a non-licensed location or to extend hours or activities for those that already hold a permission.

A TEN can allow events such as school PTA events where organisers wish to sell alcohol, or at functions where a pay bar is provided such as weddings. Applications are considered by the Police and Environmental Health who are able to object, however no other person or party can object to this notice.

TENs are subject to the following limitations:

- The number of times a premises user may give a TEN (50 times in a calendar year for a personal licence holder and 5 times in a calendar year for other people)
- The number of times a TEN may be given for any particular premises (15 times in a calendar year)
- The maximum duration of an event authorised by a TEN is 168 hours (7 days)
- The maximum total duration of the events authorised by TENs in relation to individual premises (21 day in a calendar year)
- The maximum people attending at any one time (fewer than 500) and
- The minimum period between events authorised under separate TENs in relation to the same premises (not including withdrawn TENs) by the same premises user (24 hours).

Proposed activities that exceed these limits will require a premises licence or club premises certificate.

Premises users should note that an event beginning before midnight and continuing into the next day counts as 2 days towards the 21-day limit.

Applicants are encouraged to give at least 1 months' notice before the proposed date of the event and not more than 3 months, to ensure that the notification reflects current fees and guidance and to allow organisers to plan their events safely.

11.9.1 Standard TEN

A standard TEN must be given no later than 10 working days before the event to which it relates.

The Police or Environmental Health may issue an Objection Notice where they consider that any of licensing objectives may be undermined. The applicant can agree to modify the TEN but if no agreement is reached, a hearing will be arranged before a licensing sub-committee.

At the hearing, Members may agree to the TEN as submitted; or agree the TEN, subject to the conditions of the existing licence/certificate for the venue. Alternatively, the licensing authority may reject the TEN and issue a counter notice to prevent the event going ahead.

11.9.2 Late TEN

A 'late TEN' may be given up to 5 working days but no earlier than 9 working days before the event is due to take place.

The Police or Environmental Health may object to a late TEN and then there is no provision for a hearing and the authority must serve a counter notice to prevent the event going ahead.

12. Large scale events

In addition to permissions granted under the Act for premises licences or TENs, the licensing authority will expect event organisers of large events to approach the authority at the earliest opportunity by submission of a notification of the event to the Safety Advisory Group (SAG).

This includes events that are temporary but where more than 499 people are expected to attend. These events may pose greater risk to public safety and crime and disorder as well as public nuisance, if not planned and managed effectively and may involve the preparation of a substantial operating schedule.

The licensing authority and other statutory consultees (including Hampshire Constabulary, Hampshire Fire and Rescue, Hampshire County Council Public Health, Emergency Planning and Highways, New Forest District Council Environmental and Regulation) should be given notice of the event at the earliest opportunity, prior to a formal application being submitted.

The event organiser should consider how their event will take place safely and how it will impact on the surrounding area. For large events such as festivals, the licensing authority will expect to receive an event management plan to be submitted with their application for a licence. An event management plan should be a working document to include information which outlines how the premises will be run during the event. Details should be provided of (although not limited to):

- Roles and responsibilities of the event organiser,
- Crowd management,
- Contractor management,
- Electrical, gas and water supply,
- Temporary structures,
- Fire safety,
- Medical and first aid provision,
- Site accessibility,
- Traffic Management (including blue routes),
- Security staff/stewards/marshals,
- Incident management,
- Health and Safety management for members of the public,
- Welfare provision for members of the public.

The licensing authority requires they are given at least 4 months for larger events to allow for sufficient lead in time. These events include open air concerts, music festivals, trade shows, agricultural shows, open air entertainment, sporting events, processions, parades and carnivals, firework displays etc.

Further details can be found on the website at: www.newforest.gov.uk/article/1378/Public-events-safety-advice.

The aims and objectives of the SAG are to provide safety information and advice to event organisers and to foster good working relationships. The SAG will promote best practice and encourage co-operation between its members to ensure that public safety is always paramount for event organisers.

Following consultation, advice and guidance may be given on a one-to-one basis from a SAG member to the organiser, however, in more complex cases or where considered appropriate, the SAG will meet as a group with the organiser to discuss details of the event where there is the potential to present a significant risk to public safety.

13. Compliance and enforcement

13.1 General enforcement

The licensing authority will promote good practice in relation to the operation of licensed premises and will work closely with stakeholders to achieve improvements in standards over reasonable periods of time.

The licensing authority will seek to work actively with the police and other partners in enforcing licensing legislation. In general, action is taken in accordance with agreed enforcement principles and policies of all responsible authorities. The key principles of consistency, transparency and proportionality are acknowledged.

A graduated response is taken where there is evidence of contravention of licensing legislation or licence conditions. Whilst an isolated or minor breach might be dealt with by way of an oral or written warning, more serious breaches and consistent lower-level pattern of continued problems could result in a review of the licence or prosecution. Where contraventions or concerns as to compliance with regulations enforced by other agencies are identified during enforcement activities, these matters will be reported to the relevant agency.

13.2 Inspection of licensed premises

The licensing authority will inspect premises on a risk-based approach to secure compliance with the Act and promote the licensing objectives. Licensed premises will be risk rated so as to develop a proportionate and targeted inspection program.

13.3 Complaints against licensed premises

The licensing authority will investigate complaints against New Forest licensed premises. In the case of a valid complaint, the licensing authority will initially endeavour to seek a resolution through informal means, whilst adopting an incremental approach to compliance.

Where appropriate, the licensing authority will forward details of a complaint for investigation by another statutory agency, if the complaint falls under their enforcement powers.

The authority will liaise with the police and other responsible authorities, on enforcement issues, to support a targeted approach to problem and high-risk premises. Lower risk premises that are well run, will benefit from support and advice when required from licensing officers and the police.

13.4 Reviews of licences

The Act sets out the arrangements to enable a review of a premises licence where it is alleged that the licensing objectives are not being promoted. A responsible authority, or any other person may ask the licensing authority to review the licence or certificate at any stage.

Following submission of a review application, the responsible authority or other person has 28 days to provide evidence to show the adverse impact the premises is having on one or more of the licensing objectives. This will be used to assist Members in making a decision at a hearing.

Any review of a licence will take place before a licensing sub-committee made up of elected New Forest District Councillors. If the sub-committee considers that one or more of the licensing objectives is being undermined, the licence or certificate may be suspended, hours may be curtailed, DPS may be removed, or the licence revoked completely.

Suspension of a licence or certificate may be considered in some circumstances to allow management a period of time to rectify the issues that led to the review and to put in place measures to prevent further occurrences. It can also be considered to prevent a repeat of the issue which led to the review.

Any repeat sales of alcohol to children will be considered gravely and Member will consider appropriate options, including revocation of the licence. Revocation will also be considered where the crime prevention objective is being undermined, even if this is the first instance.

14. Other licensing authority powers

The licensing authority will not use its powers to dictate whether there is a market need for additional licensed premises within the district and will not seek to impose a ceiling on the number of licensed premises either overall or by class of premises, either by use of the policy or practice. This is a decision for the planning authority and the commercial sector to consider.

14.1 Cumulative Impact Policy

The Secretary of State's Section 182 guidance on the Licensing Act 2003 defines Cumulative Impact as "the potential impact of the licensing objectives of a significant number of premises concentrated in one area". The number, type and density of licensed premises within an area may give rise to increased problems of crime, anti-social behaviour, noise pollution, littering and other disturbance to residents. The authority acknowledges that a concentration of licensed premises in a particular area can result in an increased number of people walking through or congregating in streets during the night, with the potential to increase crime, anti-social behaviour, noise pollution, littering and other disturbance to residents. In such cases the amenity of local residents can be placed under pressure, but this may not be attributable to any individual premises.

Representations may be received from a responsible authority that an area has become saturated with premises making it the focal point for large groups of people. This concentration of premises may be creating exceptional problems of nuisance and disorder over and above the impact from the individual premises. The process is based on evidence and usually from the police, who are able to produce data on crime and disorder in the area.

The licensing authority recognises that such a policy cannot be absolute and if adopted would still continue to consider each application on its own merits. For licences that were unlikely to add significantly to any problems of saturation, the application, may still be approved, despite being in a CIP area and a representation from a responsible authority would still be required. If not, the application would be determined under delegated powers by officers.

Details of any special policy must be published in the authority's statement of licensing policy, but there are currently no CIP areas in the New Forest District.

14.2 Late Night Levy

Following the introduction of the Police and Social Responsibility Act 2011, the licensing authority may introduce a levy across its area for certain venues. The levy would apply to all licensed premises supplying alcohol between midnight and 6:00hrs, except for any category of premises exempted by the licensing authority. Any premises not subject to an exemption who supply alcohol during the supply period would be required to pay the late-night levy, the level of which is based on rateable value.

Late night levies are the means through which the local council and police force can raise funds to help pay for additional enforcement required to deal with increased public nuisance around premises.

In accordance with legislation, although the authority is responsible for the administration of the levy, the police receive the majority of monies collected.

Before a levy can be put in place the licensing authority must consider evidence and consult with the police and licence/certificate holders. There is currently no late-night levy in the New Forest District.

14.3 Early Morning Restriction Orders (EMROs)

Following the introduction of the Police Reform and Social Responsibility Act 2011, a licensing authority may make an early morning restriction order (EMRO) if they consider it appropriate for the promotion of the licensing objectives.

An EMRO enables licensing authorities to restrict sales of alcohol in the whole or a part of their areas for any specified period between 12 midnight and 6 am. EMROs are designed to address recurring problems with alcohol-related crime and disorder in specific areas.

The licensing authority will be able to decide the hours and days on which the EMRO will apply, the time period and whether it would apply to a part or the whole of the licensing authority's area. In each case, the decision will be based on what is appropriate for the promotion of the licensing objectives.

Alternative measures such as a review or in extreme cases, a closure order, issued by the Police, would be considered by the licensing authority before introducing an EMRO. There are no EMROs currently designated in the New Forest District.

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15. Review of policy

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 Hampshire Fire and Rescue Service
- The Local Health Board for the district
- The Local Safeguarding Unit (children welfare) for the district
- Bodies representing local holders of premises licences
- Bodies representing local holders of club premises certificates
- Bodies representing local holders of personal licences
- Bodies representing local businesses and residents
- All other bodies the Licensing Authority deems appropriate.

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16. Exchange of information

The Licensing Authority will act in accordance with the provisions of the Licensing Act 2003 and the General Data Protection Regulation (GDPR), in its exchange of information. Where a protocol is established to set out the mechanism for exchange of information with other regulatory bodies, any such protocol will be made publicly available.

For further information, please refer to the authority's Privacy Notice at: www.newforest.gov.uk/article/1716/Licensing-Services-privacy-notice

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17. Comments on the policy

The licensing authority welcomes all comments and observations on this policy, which should be sent to:

The Licensing Service
New Forest District Council
Appletree Court
Beaulieu Road
Lyndhurst
Hampshire SO43 7PA

Email: licensing@nfdc.gov.uk

This policy will take effect on **xxx** following the required consultation and completion of the democratic process.

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APPENDIX A

Table of delegations in respect of licensing authority functions

The delegation of decisions and functions will be as follows:

Matter to be dealt with	GP&L Committee or Sub Committee	Officer delegation
Application for personal licence	If police objection is made	All other cases
Application for Premises Licence/Club Premises Certificate	If a relevant representation is made	If no representation made
Application for provisional statement	If a relevant representation is made	If no representation made
Application to vary Premises Licence/ Club Premises Certificate	If a relevant representation is made	If no representation made
Application to vary Designated Premises Supervisor	If a police objection is made	All other cases
Minor Variation Application		All cases
Applications to dis-apply the mandatory conditions	If a police representation is made	All other cases
Application for transfer of Premises Licence	If a police representation is made	All other cases
Request to be removed as Designated Premises Supervisor		All cases
Applications for Interim authority	If a police representation is made	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 an objection to a temporary event notice	All cases unless all parties agree to conditions	Where all parties agree to the imposition of conditions
Decision as to whether to withhold some or all of an interested party's personal details from the applicant		All cases
Decision to suspend a premises licence/club certificate for failure to pay the annual fee or late night levy		All cases

APPENDIX B

Glossary of terms

The Act

Means the Licensing Act 2003.

Licensed premises

All premises that are licensed under the 2003 Act: Premises licences, club premises certificates and vessels all with or without alcohol, including takeaways that serve after 23.00hrs.

Alcohol

Includes spirits, wine, beer, cider, or any other fermented, distilled, or spirituous liquor of or exceeding 0.5% alcoholic strength at the time of sale.

Appeals

Appeals against decisions of the Licensing Authority are to the magistrates' court for the area in which the premises are situated. The appeal must be lodged within 21 days. On appeal a magistrates' court may, dismiss the appeal; substitute its own decision; remit the case to the Licensing Authority with directions; and may make an order for costs as it thinks fit.

Authorised persons, Other persons and Responsible authorities

The Act creates three categories of people/agencies that can make representations to a Licensing Authority about a licence application. "Authorised persons" are specified people who have statutory duties in relation to the inspection of premises, e.g. fire, health and safety. "Other Persons" covers any individual, body or business entitled to make a relevant representation. "Responsible Authorities" include the police, fire, enforcing authority for health and safety, planning authority, environmental health, bodies responsible for child protection, the health authority and the licensing authority. All responsible Authorities must be consulted with during the 28 day representation period and Other persons are informed through a Public notice in the newspaper and a notice that must be displayed on the premises where it can be seen by the public.

Closure powers

Powers for the police and courts to close premises. The 2014 Act significantly extends the existing powers of the police to seek court orders in a geographical area that is experiencing or likely to experience disorder or to close down instantly individual licensed premises that are disorderly, likely to become disorderly or are causing noise nuisance.

Club Premises Certificate (CPC)

A certificate which licences a qualifying club for the sale/supply of alcohol. It can be granted to members' clubs which comply with specific conditions e.g. membership rules, run by club committees, profits go to members not an owner etc. There is no time limit on the duration of the certificate but it may be withdrawn, surrendered or suspended.

Designated Premises Supervisor (DPS)

The person designated in the premises licence as the person who is responsible for supervision of the premises e.g. the day-to-day manager. Any premises where alcohol is supplied as a licensable activity must have a designated premises supervisor.

The guidance

The Statutory Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003. This is updated at regular intervals to reflect changes in legislation.

Interim authority notices

Where a premises licence lapses due to death, incapacity or insolvency etc of the holder, specified persons can, within 28 days serve an interim authority notice on the Licensing Authority. This revives the licence, subject to police objection, for a period of up to three months to allow the premises to continue to trade.

Late night refreshment

Supply of hot food or hot drink between 11pm and 5am whether for consumption on or off the premises e.g. will cover late night takeaways and fast food outlets but also restaurants open after 11pm.

Licensable activities

Activities that must be licensed under the Act: The sale by retail of alcohol; supply of alcohol by a club; provision of regulated entertainment; provision of late night refreshment

Licensing authority

Local authorities (district or county councils). In the context of this document- New Forest District Council

Licensing committee

A committee of at least 10 but not more than 15 members of the local authority. May have one or more sub-committees consisting of at least three members.

Licensing objectives

The objectives of licensing set out in the Act: The prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm. The Licensing Authority must carry out its functions under the Act with a view to promoting the licensing objectives.

Licensing panel

A committee of three New Forest District Councillors appointed from the General Purposes and Licensing Committee (GP&L) to whom the functions of the licensing committee can be delegated under the Act.

Mandatory conditions

Conditions imposed on all premises licences and club premises certificates. The Secretary of State may add to these at any time and they are written in to each licence/certificate appropriately. See Appendix C.

Objection notice

A procedure whereby the police can object to the grant of a personal licence on the grounds that where having regard to convictions of the applicant for relevant offences, the grant would undermine the crime prevention objective

Off-sales

Retail sale of alcohol for consumption off the premises (off-licences, supermarkets), however some premises may have on and off-sales, to allow for bottles of wine etc to be taken away from the premises.

On sales

Retail sale of alcohol for consumption actually on the premises that is the area defined on the Annex 4 plan.

Operator

Includes all premises licence holders, club premises certificate holders and designated premises supervisors.

Operating schedule

A document in a prescribed form that sets out information about how the applicant for a premises licence intends to operate their business. It sets out information such as the relevant licensable activities, the proposed licensed hours, any other opening hours, the name of the proposed premises supervisor and steps which it is proposed to take to promote the licensing objectives. Where an applicant for a premises licence submits an operating schedule, and there are no relevant representations (objections), the local authority must grant the application and can impose only those conditions on the licence that are consistent with the operating schedule.

Personal licence

A licence granted to an individual which authorises that person to supply alcohol or authorise the supply of alcohol in accordance with a premises licence. It ceases to have effect when revoked, forfeited, surrendered or suspended. A personal licence holder is also not required for the supply of alcohol in a club which holds a club premises certificate. Only the police can object to the grant of a personal licence.

Premises licence

A licence granted in respect of any premises, which authorises the premises to be used for one or more licensable activities. Has effect until revoked, surrendered or death, insolvency etc of the holder. Applications are dealt with by the local authority licensing committee in the area where the premises are situated.

Provisional statement

A procedure by which the Licensing Authority can give a statement approving, for licensing purposes, proposals for a premises being built or in the course of being constructed. Where a provisional statement is made, subject to limited exceptions, the full licence must normally be granted once the premises are completed.

Responsible authorities

Hampshire Constabulary
Hampshire Fire and Rescue
Environmental Health Department-New Forest District Council
Licensing Authority- New Forest District Council
Planning Department- New Forest District Council
Trading standards- Hampshire County Council
Child Protection unit- Hampshire County Council
Public Health Department- Hampshire County Council
For current details please contact the licensing department

Regulated entertainment

Specified entertainment that takes place in the presence of an audience for their entertainment; performance of a play, exhibition of a film, indoor sporting event, performance of live music, playing of recorded music, performance of dance, other entertainment similar to music and dancing

Relevant offences

Offences relevant to the consideration of an application for the grant of a personal licence and about which the police may serve an "objection notice". The offences are listed in schedule 4 of the 2003 Act and generally relate to drink, dishonesty, drugs, duty, copyright, food safety, sexual offences & violence.

Statement of Licensing Policy

Each Licensing Authority must every five years determine and publish a statement of licensing policy. There is a requirement to consult on the policy and keep it under review.

Transfer

A procedure where an application can be made to transfer the premises licence into a new name e.g. if a premises licence holder sells his premises an application may be made to transfer the premises licence to the new owner

Variation

Changes in the operation of a premises, club or event, including variation of operating hours and modification of the premises or the specification of another person as the Designated Premises Supervisor.

APPENDIX C

Mandatory conditions applied to Premises Licences and Club Premises Certificates (correct at time of print)

Where a Premises Licence authorises the sale or supply of alcohol

1. No supply of alcohol may be made under the premises licence –
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory Condition where the Premises Licence or Club Premises Certificate permits the performance of Films

1. Where the film classification body is specified in the licence, unless subsection (2)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
2. Where –
 - (a) the film classification body is not specified in the licence, or
 - (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.
3. In this section – “children” means persons aged under 18; and “film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

Where the Premises Licence requires Door Supervision

All individuals who carry out security activities must be licensed by the Security Industry Authority (SIA)

Mandatory Conditions where the Club Premises Certificate authorises the supply of alcohol for consumption off the premises

1. A club premises certificate may not authorise the supply of alcohol for consumption off the premises unless it also authorises the supply of alcohol to a member of the club for consumption on those premises
2. The supply of alcohol for consumption off the premises must be made at a time when the premises are open for the purposes of supplying alcohol to members of the club for consumption on the premises.
3. Any alcohol supplied for consumption off the premises must be in a sealed container.
4. Any supply of alcohol for consumption off the premises must be made to a member of the club in person.

Mandatory conditions effective where the licence or club premises certificate permits the sale or supply of alcohol for consumption on and off the premises

The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014 – effective from 1 October 2014

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises–
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to–
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d)) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person shall ensure that free potable water is provided on request to customers where it is reasonably available.
3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either–
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
4. The responsible person must ensure that–
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures–
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014 – effective from 28 May 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1—
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula—
$$P = D + (D \times V)$$
where—
 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4.
 - (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
 - (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Mandatory conditions effective where the licence permits the consumption of alcohol off the premises only

The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014 – effective from 28 May 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1—
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula—
$$P = D + (D \times V)$$
where—
 - (iv) P is the permitted price,
 - (v) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (vi) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
 - (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

APPENDIX D

The Licensing Act 2003 may be amended periodically by legislation, however there are a number of Acts and statutory regimes that also impact on licensed premises, as below.

Other relevant legislation (correct at time of print)

1. Planning Legislation and Building Regulations

The planning, building control and licensing regimes will be properly separated to avoid duplication and inefficiency. Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. Licensing applications will not be a re-run of the planning application. The granting by the Licensing Committee of any variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building regulation control where appropriate.

2. Health and Safety at Work etc. Act 1974 and associated legislation

New Forest District Council is the authority for this legislation for most licensed premises in the area.

3. Human Rights Act 1998

New Forest District Council has a duty under the European Convention on Human Rights to protect both the rights of a resident to privacy and family life (Article 8) and the rights of a licensee to operate their business without undue interference (Article 1 of the First Protocol). These policies are intended to reflect the balance to be struck between these interests where they conflict.

4. Equalities Act 2010

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society.

5 Crime and Disorder Act 1998 Section 17

This Act requires local authorities and others to consider crime and disorder reduction while exercising all of their duties. It states, "Without prejudice to any other obligation imposed upon it, it shall be the duty of each authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area".

This reflects the reality that there are crime and/or disorder implications in decisions made across the full range of local authority services. The consideration of the specific licensing objective of the prevention of crime and disorder fulfils the requirement under this Act.

6. Criminal Justice and Police Act 2001

This Act introduces provisions for combating alcohol related disorder giving the local authority and/or the police the powers to prohibit alcohol consumption in designated public places, to close certain licensed premises due to disorder or disturbance and to close unlicensed premises.

7. Policing and Crime Act 2009

This Act introduces measures to tackle alcohol misuse.

8. Environmental Protection Act 1990

This covers a wide range of types of pollution including noise pollution.

9. The Clean Neighbourhoods and Environment Act 2005

This provides local authorities with an additional power to issue a fixed penalty notice to any licensed premises emitting noise that exceeds the permitted level between the hours of 11.00pm and 7.00am.

10. Anti-Social Behaviour, Crime and Policing Act 2014

Chapter 1, Section 43 – Community Protection Notice

The community protection notice (CPN) is intended to deal with particular, ongoing problems or nuisances which negatively affect the community's quality of life by targeting those responsible. A CPN can be issued by an authorised Council officer if they are satisfied on reasonable grounds that the conduct of the individual, business or organisation:

- Is having a detrimental effect on the quality of life of those in the locality,
- Is persistent or continuing in nature and
- Is unreasonable.

Chapter 2 Section 59 – Public Space Protection Orders

Public spaces protection orders (PSPOs) are intended to deal with a particular nuisance or problem in a particular area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. They are designed to ensure the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour. A PSPO can be made by the Council if they are satisfied on reasonable grounds that the activities carried out, or likely to be carried out, in a public space:

- Have had, or are likely to have, a detrimental effect on the quality of life of those in the locality
- Is, or is likely to be, persistent or continuing in nature
- Is, or is likely to be, unreasonable and
- Justifies the restrictions imposed.

Chapter 3 Section 76 – Closure Powers

The closure power is a fast, flexible power that can be used to protect victims and communities by quickly closing premises that are causing nuisance or disorder. A closure notice can be issued for 24 hours if the Council or police officer (of at least the rank of inspector) is satisfied on reasonable grounds:

- That the use of particular premises has resulted, or (if the notice is not issued) is likely soon to result, in nuisance to members of the public or
- That there has been, or (if the notice is not issued) is likely soon to be, disorder near those premises associated with the use of those premises, and that the notice is necessary to prevent the nuisance or disorder from continuing, recurring or occurring.

The closure notice can be issued in the first instance for 48 hours or extended from 24 hours up to a maximum of 48 hours by the Council's Chief Executive Officer or designate thereof, or by a police superintendent.

11. Health Act 2006 (Workplace Smoking Ban)

The ban on smoking in all enclosed work places and public places came into force on the 1 July 2007. The ban includes smoking in pubs, restaurants and members clubs where bar or other staff are employed.

12. The Regulatory Reform (Fire Safety) Order 2005

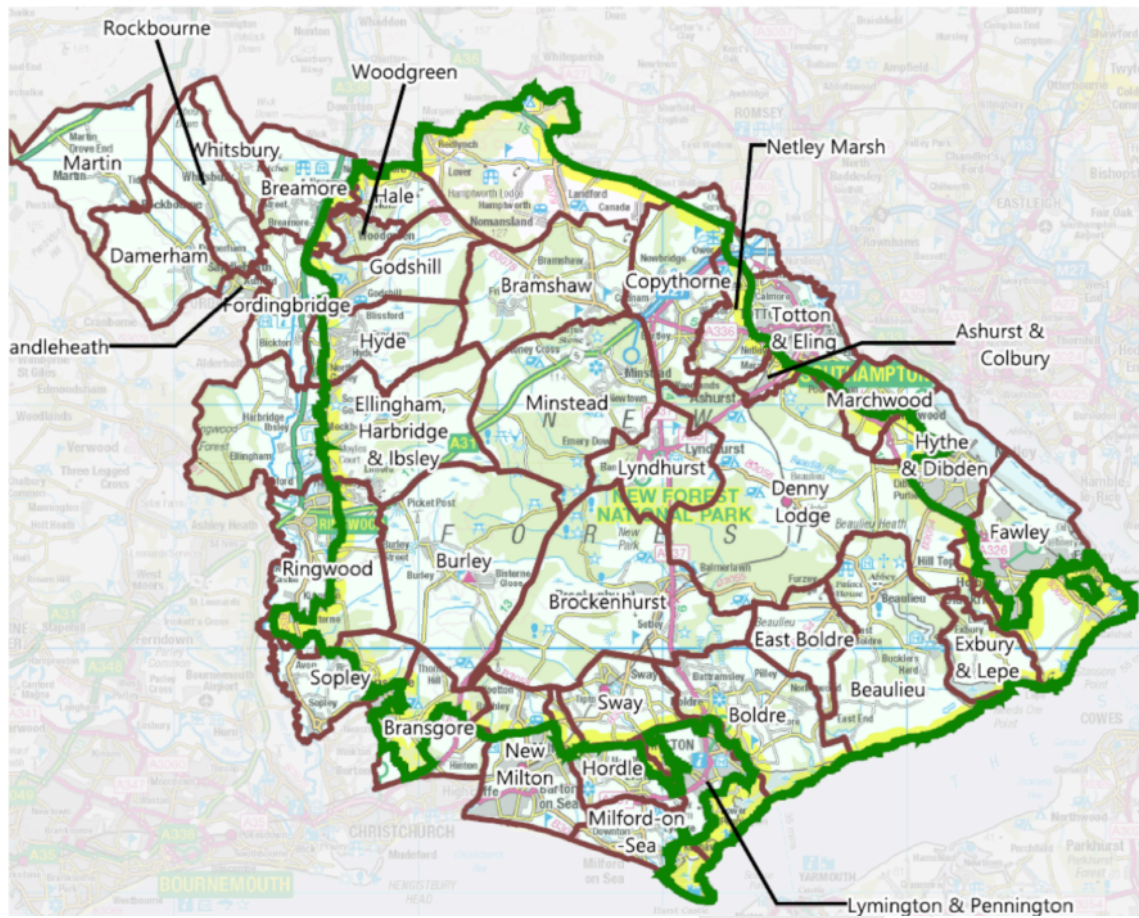
Hampshire Fire and Rescue Service enforce fire safety legislation. The Regulatory Reform (Fire Safety) Order 2005 ('the Fire Safety Order') replaces previous fire safety legislation.

13. General Data Protection Regulation/ Data Protection Act 2018

Applicants should have regard to the provisions of the Data Protection Act 1998 in relation to their premises and in particular to the Information




DRAFT

APPENDIX E



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New Forest
 DISTRICT COUNCIL
 Tel: 023 8028 5000 www.newforest.gov.uk

-  NFDC Boundary
-  NFNPA Boundary
-  NFDC Parish Boundary



APPENDIX F

The responsible authorities

New Forest District Council (NFDC) Licensing Service

Appletree Court, Beaulieu Road, Lyndhurst, Hampshire SO43 7PA

Tel: 023 8028 5505

Email: licensing@nfdc.gov.uk

Website: newforest.gov.uk

New Forest District Council (NFDC) Environmental Health (Environmental Protection)

Appletree Court, Beaulieu Road, Lyndhurst, Hampshire SO43 7PA

Tel: 023 8028 5411

Email: env.prot@nfdc.gov.uk

Website: newforest.gov.uk

New Forest District Council (NFDC) Environmental Health (Food and Safety)

Appletree Court, Beaulieu Road, Lyndhurst, Hampshire SO43 7PA

Tel: 023 8028 5411

Email: Envhealth.commadmin@nfdc.gov.uk

Website: newforest.gov.uk

PLEASE ENSURE THAT YOU COPY YOUR APPLICATION TO THE CORRECT PLANNING AUTHORITY

New Forest District Council (NFDC) Planning Control

Appletree Court, Beaulieu Road, Lyndhurst, Hampshire SO43 7PA

Tel: 023 8028 5345

Email: dev.control@nfdc.gov.uk

Website: newforest.gov.uk

OR

New Forest National Park Planning Authority

Town Hall, Avenue Road, Lymington, Hampshire SO41 9ZG

Tel: 01590 646615

Email: dev.control@newforestnpa.gov.uk

Website: newforestnpa.gov.uk

Police Licensing Team (Western Area)

Police Licensing Team-Western area

Southampton Central Police Station, Southern Road, Southampton SO15 1AN

Email: force.licensing@hampshire.pnn.police.uk

Website: hampshire.police.uk

Hampshire Fire and Rescue Service HQ

Business Fire Safety, Leigh Road, Eastleigh, Hampshire SO50 9SJ

Tel: 02392 664656

Email: csprotection.admin@hantsfire.gov.uk

Website: hantsfire.gov.uk

Hampshire County Council Children's Services Department Safeguarding Unit

Falcon House, Monarch Way, Winchester SO22 5PL

Tel: 01962 876222

Email: child.protection@hants.gov.uk

Trading Standards Service

Montgomery House, Monarch Way, Winchester SO22 5PW
Tel: 01962 833620
Email: liquor.licensing@hants.gov.uk
Website: www.hants.gov.uk/regulatory/tradesta/index.html

Licensing Public Health Manager

Public Health Department, 1st Floor, Room 153 Elizabeth II Court,
South Hampshire County Council, Winchester SO23 8TG
Fax: 01962 847644
Email: publichealth.licensing@hants.gov.uk

Home Office

Alcohol Licensing Team, Lunar House, 40 Wellesley Road, Croydon CR9 2BY
Email: Alcohol@homeoffice.gsi.gov.uk

Maritime and Coastguard Agency

Southampton Marine Office, Spring Place, 105 Commercial Road Southampton SO15 1EG

Tel: 0203 817 2000

Email: infoline@mcga.gov.uk

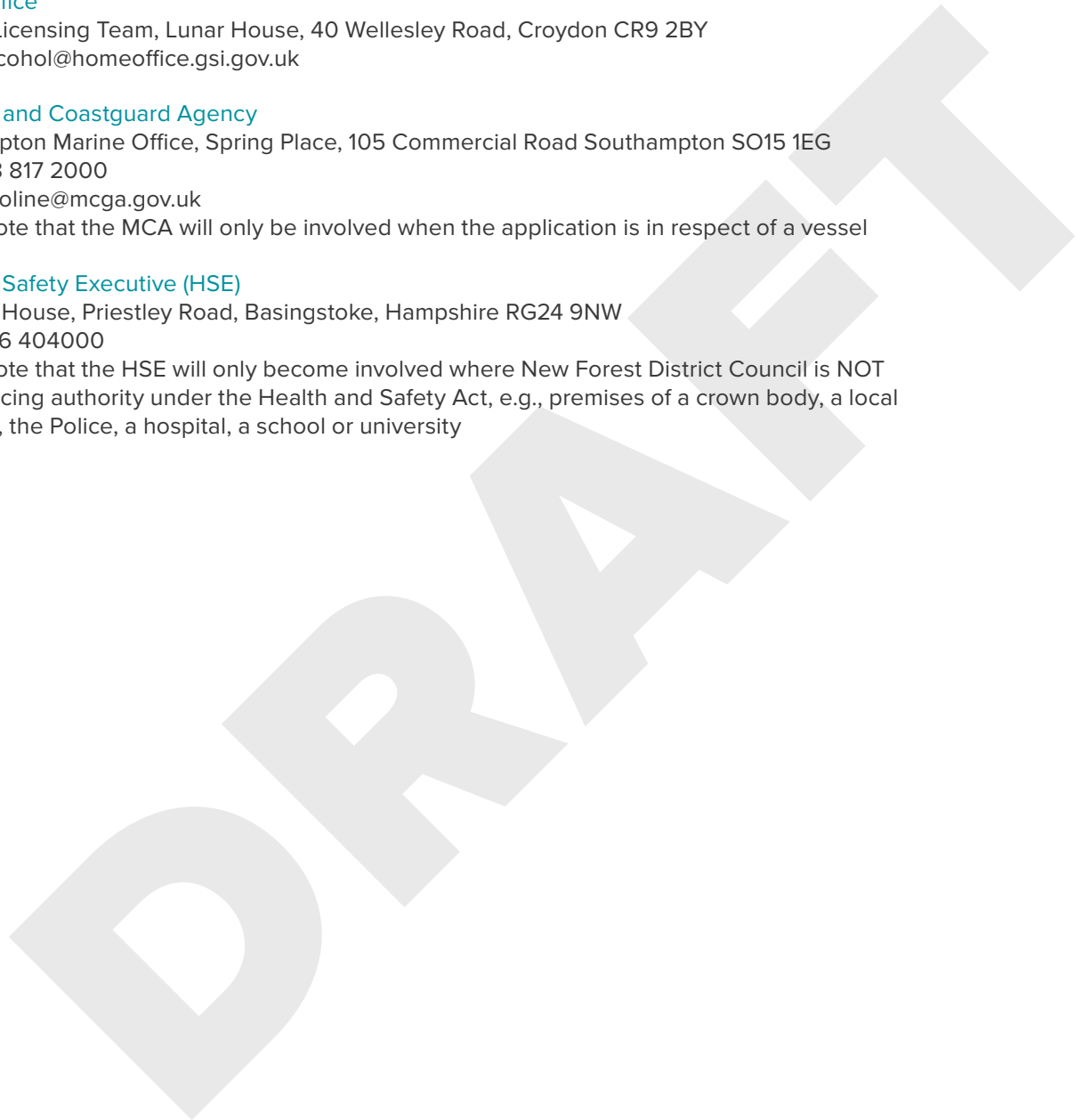
Please note that the MCA will only be involved when the application is in respect of a vessel

Health & Safety Executive (HSE)

Priestley House, Priestley Road, Basingstoke, Hampshire RG24 9NW

Tel: 01256 404000

Please note that the HSE will only become involved where New Forest District Council is NOT the enforcing authority under the Health and Safety Act, e.g., premises of a crown body, a local authority, the Police, a hospital, a school or university



New Forest District Council
Appletree Court, Beaulieu Road, Lyndhurst. Hampshire. SO43 7PA

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GENERAL PURPOSES AND LICENSING COMMITTEE – 10 SEPTEMBER 2021

ADOPTION OF NATIONAL REGISTER TO CHECK DRIVER APPLICATIONS.

1. INTRODUCTION

- 1.1 This report provides Members of the General Purposes and Licensing Committee with information on the National Register of Taxi Licence Revocations and & Refusals (NR3) and seeks support on adoption and implementation.

2. BACKGROUND

- 2.1 The New Forest District Council has a statutory responsibility under the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and the Transport Act 1985 to licence the hackney carriage and private hire service. Under this legislation, the council shall not grant a licence to a driver unless it is satisfied that the applicant is considered as “fit and proper and safe and suitable” to hold such a licence.
- 2.2 During the application process all aspects of a driver’s circumstances and history are considered. This includes their character, likelihood of conduct of bad behaviour, previous criminal history, health, driving skills and ability, local geographical knowledge, awareness of the duties and obligations of a driver and knowledge of the law.
- 2.3 The Council’s driver application form asks applicants if they are licensed by any other authorities and if they have previously had their licence revoked by another authority. (See **Appendix 1**, question 10 on the application form).
- 2.4 Declaring this information should prevent applicants who have had a licence revoked by another licensing authority from securing a future licence with a different authority, however, it relies on drivers disclosing the information.
- 2.5 Previously there has been no other method for licensing authorities to find out this information and if not disclosed, it is unlikely it would ever come to light. Vital intelligence about an applicant’s past behaviour could be missed and an individual may be able to obtain a new licence in the New Forest or another area, despite having their licence revoked elsewhere.

3. THE NATIONAL REGISTER OF REVOCATIONS AND REFUSALS

- 3.1 In response to this issue, the Local Government Association commissioned the National Anti-Fraud Network (NAFN) to develop and host a register called the National Register of Refusals and Revocations which is referred to as the NR3. The development of the NR3 has been welcomed by all sections of the taxi trade, safety groups and charities, the Department for Transport and by licensing authorities.
- 3.2 The register allows licensing authorities to record details of any driver licence that has been refused or revoked and when a new application for a licence is received, the authority can check to see whether their details exist on the register. This prevents applicants who are not considered fit and proper in one area from securing a licence somewhere else, through deception and non-disclosure.
- 3.3 The NR3 does not extend to vehicle or operator licensing decisions and does not record data on suspended driver licences.

- 3.4 In July 2020, the Department for Transport (DoT) published the Statutory Taxi and Private Hire Vehicle Standards. The document introduces core minimum standards required to regulate better the taxi and private hire vehicle sector, bringing consistency to all authorities across the country. This will prevent applicants “shopping around” and applying to those licensing authorities which have lower standards.
- 3.5 The DoT expect the recommendations in the document to be implemented, which includes 4.21 of the Statutory Standards, stating “*Tools such as NR3 should be used by licensing authorities to share information on a more consistent basis to mitigate the risk of non-disclosure of relevant information by applicants.*”
- 3.6 Joining the scheme will provide confidence and certainty that all applicants have undergone stringent checks to ensure their suitability to hold a licence. This then provides additional protection for the safety of the travelling public including vulnerable users and children. As the number of authorities using the register increases, the driver licensing regime will become stronger and more robust on the vetting process for applicants.

4. IMPLEMENTATION OF THE REGISTER

- 4.1 The NAFN hosts the NR3 and to access the register, authorities are required to be members of NAFN. New Forest District Council will need to sign up for access to the dedicated portal at an annual cost of £1,600 per year. These costs can be included in the driver licensing fee.
- 4.2 The licensing authority will ensure that all data processing and sharing on the NR3 and with individual authorities will be undertaken in accordance with the data protection requirements.
- 4.3 The information recorded on NR3 will be limited to driver name, identity details, the decision taken and the date but not the nature of the revocation or refusal. Where an applicant’s details are flagged up on the system during a search, further information on the revocation or refusal can be provided as part of the fit and proper application checks.
- 4.4 The licensing authority will inform all applicants of the existence of the NR3 once the register is adopted and any driver must be informed that their personal data will be placed on the register if at any time their licence is revoked.
- 4.5 The licensing authority can upload historical data on refusal and revocations but will write to those drivers/applicants to be included on the register, prior to uploading their details. Drivers will be informed about the purposes of the data processing, the legal basis for it and their various rights to object.
- 4.6 Information will be kept on the register for 25 years and this will be reflected in the Service’s Data Retention Policy.
- 4.7 Adoption of the national register will be included in the revised Taxi Licensing Policy, which Members will be consulted on in the near future.

5. CONCLUSION

- 5.1 To ensure the safety of the public, the licensing authority performs checks regarding the safety and suitability of drivers as part of the Fit and Proper person test.

5.2 Adoption of the national register NR3 will provide officers with additional information on which to base their decisions on the suitability of applicants and will reassure the public that robust assessments are in place to safeguard passengers.

6. RECOMMENDATION

6.1 That Members support the adoption of the National Register of Taxi Licence Revocations and Refusal (NR3) which will provide an enhanced level of assessment for driver applications and enable the licensing authority to continue to safeguard the public, in line with statutory Government guidance.

7. APPENDICES

Appendix 1- NFDC Driver application form

Environmental and Regulation Service

Service Manager – Joanne McClay

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Background papers:

Statutory Taxi and Private Hire Vehicle Standards, July 2020

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APPLICATION FOR A LICENCE TO DRIVE A HACKNEY CARRIAGE & PRIVATE HIRE VEHICLE

Table with 4 columns and 6 rows for official use only, including fields for Police Check, Birth Cert, Refs, DVLA, Medical, and Fee.

I HEREBY APPLY to the New Forest District Council to grant me, subject to the provisions of the TOWN POLICE CLAUSES ACT 1847 and 1889, and the LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 Regulations and Conditions relating thereto, a Licence to drive a Hackney Carriage and a Private Hire Vehicle in the New Forest District Council area.

1. Surname _____ First Names _____

2. Date of Birth _____ Address _____ Post Code _____

3. Daytime Tel No _____ Mobile _____ E-mail Address _____

4. Particulars of other addresses during past five years

Table with 3 columns: Previous Address, From, To

(continue on separate sheet if necessary)

6. Have you previously held a similar Private Hire or Taxi Driver licence with this or any other Authority? If so state particulars

Licence No _____ Expiry Date _____ Issuing Authority _____

7. I declare that I am, and for at least two years prior to the date of application, have been the holder of a DVLA licence, not being a provisional licence, under the RTA 1972, authorising me to drive a motor car.

The Number is _____ Expiry Date is _____

8. Details of present employment

Table with 3 columns: Name & Address of Present Employer, Date from, Date to

9. Name and Address of previous employers, during past 5 years, state period of employment in each case

Table with 3 columns: Name & Address of Previous Employers, Date from, Date to

(continue on separate sheet if necessary)

10. Have you ever been refused a Private Hire Vehicle/Hackney Carriage Drivers Licence or had one revoked? If so, name the Council and date.

11. What driving experience do you have? _____

12. Are you a British Citizen? Yes No (Please tick appropriate box)

If no, state nationality? _____

13. I understand that failure to disclose any conviction is an offence as is deliberately withholding and/or giving false information for the purpose of gaining this licence. If you commit any of these offences you leave yourself open to prosecution and exclusion from holding such licence for life.

(a) Have you ever been convicted of any criminal offences? Yes No (tick appropriate box)

(b) Have you ever been convicted of any motoring offences? Yes No (tick appropriate box)

(c) State all convictions, both criminal and motoring. In the case of motoring offences also show endorsements and penalty points

Date	Court	Offence of which Convicted	Sentence

(continue on separate sheet if necessary)

(d) Are you aware of any Police enquiries being made at the present time involving yourself Yes No. (Please tick appropriate box) If yes, state nature of enquiries.

I hereby declare that the statements I make on this form are true and understand that should I make a misleading statement I shall be committing an offence for which I may be prosecuted.

Signed _____ Date _____ 20 _____

The sum of £ _____ is enclosed, being the fee payable in respect of this application. (See current Scale of Fees and Charges) Cheques must be made payable to New Forest District Council.

CERTIFICATE OF EMPLOYMENT

I certify that should this Applicant be granted a Driver's Licence *he/she will be employed *Full-Time/Part-Time by me.' (* Delete as necessary)

If part-time how many hours per day _____ per week _____

Signed _____ Company _____

Date _____ 20 _____

(Medical certificate as to fitness to drive is required on initial application, at the age of 45 years and at 5 year intervals thereafter. At the age of 65 years a medical is required and annually thereafter.)

The District Council is dependent upon other agencies supplying information in order to progress this application. A Police Records check must be made on all applicants and a response received before a licence is considered and this process is conducted by the Disclosure and Barring Service (DBS). It can take several weeks and you are strongly advised to apply in good time.

IMPORTANT – PLEASE COMPLETE THE CHECKLIST BELOW TO ENSURE THAT ALL RELEVANT DOCUMENTATION IS ENCLOSED WITH YOUR APPLICATION:

Tick	Documentation Enclosed:
	Disclosure & Barring Service Application Form and accompanying documents (see guidance sheet)
	Original DVLA Driving Licence displaying the applicant's current address
	Referee Form
	Medical Certificate where appropriate (this may be sent direct to the Council by your doctor).
	Licence Fee, DVLA Fee and Disclosure & Barring Service Fee (preferably all on one cheque)

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