

**NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
CYNGOR BWRDESISTREF SIROL CASTELL-NEDD PORT
TALBOT**

COUNCIL 2nd SEPTEMBER 2015

FINANCE AND CORPORATE SERVICES

REPORT OF THE HEAD OF LEGAL SERVICES – D. MICHAEL

SECTION A – MATTER FOR DECISION

WARDS AFFECTED: ALL

LICENSING ACT 2003 – REVIEW OF LICENSING ACT POLICY

1.1 Purpose of Report

To consider the draft revised Licensing Act Policy 2016, prior to consultation.

1.2 Background

The Council as the Licensing Authority under the provisions of the Licensing Act 2003 is required to adopt a Licensing Policy, setting out how it will deal with various applications for licences and permits.

The current Licensing Policy was approved by Council in December 2010. The Licensing Act 2003 requires that the Policy is reviewed at least every five years and it is now necessary for review of the document to meet this requirement.

The Licensing Policy has been amended to take account of changes in the legislation and revised guidance issued by the Home Office. Amendments to the Policy are underlined in the draft document attached at appendix 1 of the report.

The Policy must be considered and approved by the Full Council, although at this stage approval is only being sought for issuing the revised policy for consultation.

The Licensing and Gambling Acts Committee resolved on the 10th August 2015 that the revised draft policy be forwarded to Council for their consideration.

1.3 Consultation

It is considered that the consultation process should be as wide ranging as possible, and allow adequate time for responses to be submitted, following which comments by consultees and any appropriate revisions to the document will be brought back to a meeting of Council for consideration.

A list of those organisations / agencies proposed to be consulted are indicated in the policy document at paragraph 2.3. The list is not exhaustive and it may be appropriate to consult with further agencies, organisations and individuals as necessary.

1.4 Equality Impact Assessment

A Screening Assessment has been undertaken to assist the Council in discharging its Public Sector Equality Duty under the Equality Act 2010. After completing the assessment it has been determined that this policy does not require an Equality Impact Assessment.

1.5 Recommendation

That members consider whether any amendments are required to the draft revised licensing policy prior to consultation.

1.6 List of Background Papers

Guidance issued by the Home Office under the Licensing Act 2003
Neath Port Talbot CBC Licensing Act Policy 2010
Equality Impact Screening Assessment

1.8 Officer Contact

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NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

LICENSING ACT 2003

STATEMENT OF LICENSING POLICY

Effective from <Insert date> January 2016

**Licensing Section
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**Further copies may be obtained from the above address, or from
the website www.npt.gov.uk/licensing.**

Approved by Council <insert date>

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
STATEMENT OF LICENSING POLICY

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EXECUTIVE SUMMARY

The Licensing Act 2003 came into force on 24th November 2005.

The Act radically changed the licensing system by incorporating the sale of alcohol, the provision of regulated entertainment and the provision of late night refreshment into one licence.

The Neath Port Talbot Council became the Licensing Authority and with it the responsibility for the issuing of licences. This resulted in a significant reduction in red tape and bureaucracy for applicants for a range of licences. The Act also dispensed with fixed operating hours and this brought the opportunity for greater flexibility in operating premises to meet individual requirements as well as providing advantages in respect of the economy and tourism in Neath Port Talbot.

The Neath Port Talbot Council as Licensing Authority is required to review its licensing policy every five. The document comprises the Statement of Policy and appendices.

The Statement of Policy describes how the authority will deal with applications for various licences. It specifies the information the Licensing Authority will require, and provides guidance as to what applicants should take into account, when completing their application. In particular it deals with the four licensing objectives and gives advice on how these can be promoted by the applicant.

Information in respect of the processes and fees involved in applying for various licences and permissions can be obtained from the Licensing Authority's webpage at www.npt.gov.uk/licensing or alternatively by speaking to the Licensing team on 01639 763050.

**NEATH PORT TALBOT COUNTY BOROUGH
COUNCIL
CYNGOR BWRDEISREF SIROL CASTELL-NEDD PORT
TALBOT**

STATEMENT OF LICENSING POLICY

1.0 Introduction

1.1 Neath Port Talbot County Borough Council (“the Council”) is the Licensing Authority under the Licensing Act 2003 (“the Act”). Under the Act the Licensing Authority is responsible for licensing the following activities:

- The sale by retail of alcohol both ‘on’ and ‘off’ premises
- The supply of alcohol by or on behalf of a club
- The provision of regulated entertainment.
- The provision of late night refreshment

2.0 The Policy

2.1 This policy is the “Statement of Licensing Policy” that sets out the policies the Licensing Authority will generally apply to promote the licensing objectives when making decisions on applications made under the Act.

2.2 This policy is prepared under Section 5 of the Act and was approved by the full Council of Neath Port Talbot County Borough Council on the ** November 2015. It will be kept under review and as a minimum will be reviewed no later than 2020, with a new policy in place by January 2021.

2.3 Before publishing this Statement of Policy, the Licensing Authority has consulted with and considered views of a wide range of people and organisations including:

- Representatives of local business
- Local residents and their representatives
- Town and Community Councils
- Local members of Parliament
- The Responsible Authorities, namely:
 - South Wales Police
 - Mid and West Wales Fire and Rescue Service

- Local Health Board
- NPTCBC – Environmental Health
- NPTCBC – Planning
- NPTCBC – Trading Standards
- NPTCBC – Children Services
- NPTCBC – Health and Safety
- Western Bay Safeguarding Authority

2.4 It has been prepared in accordance with the provisions of the Act and the revised guidance issued under Section 182 of the Act in March 2010. The Licensing Authority may depart from this policy, if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives. In these circumstances the Licensing Authority will give full reasons for departing from the policy.

2.5 The Act requires the Licensing Authority to carry out its licensing functions so as to promote the following four licensing objectives:
The prevention of crime and disorder

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

Each objective is of equal importance and are paramount considerations when dealing with licence applications.

3.0 Main Principles

3.1 When considering an application the Licensing Authority will take into account all relevant representations and also this Statement of Licensing Policy.

3.2 Nothing in this Statement of Policy will

- Undermine the rights of any person to apply under the Act for a variety of permissions and have the application considered on its individual merits,
- Override the right of any person to make representations on any application or to seek a review of a licence or certificate where they are permitted to do so under the Act.

3.3 The Act allows the Licensing Authority to attach conditions to licences, certificates, and permissions that will cover matters consistent with the operating schedule and, which are within the control of individual licensees. This includes the premises and the

vicinity of the premises. The Licensing Authority will only attach conditions which are necessary for ensuring that the licensing objectives are met. The Licensing Authority will use their discretion in appropriate cases.

- 3.4 The Licensing Authority may also attach conditions following representations from responsible authorities and interested parties and which have been established as necessary at a hearing or have been agreed with the applicant for the promotion of the licensing objectives. Any conditions will relate only to matters which are within the control of the licensee and can relate to the premises or its immediate vicinity.
- 3.5 Where there are no representations made to the Licensing Authority, it will grant the application, subject only to conditions consistent with the operating schedule and any mandatory conditions.
- 3.6 When considering whether to attach conditions, the Licensing Authority will primarily focus on the direct impact of the activities taking place at licensed premises, on members of the public living, working, or engaged in normal activity in the area concerned.
- 3.7 The Licensing Authority acknowledges that the licensing function is not the primary mechanism for the general control of anti-social behaviour by individuals, once they are beyond the direct control of the licensee of any premises concerned. Nonetheless it is a key aspect of such control and licensing will play a significant part in the management of the 'night time' economy. Conversely the Licensing Authority considers that licensees can reasonably be expected to control matters within their premises, and to take steps to avoid potential or anticipated anti-social behaviour from clients within or leaving the premises. The Licensing Authority will therefore attach conditions to licences, in accordance with the operating schedule, and/or following representations where it considers it necessary and appropriate, with a view to minimising anti-social behaviour within or in the vicinity of premises.
- 3.8 It is also recognised that licensing is not the only means of addressing issues of anti-social behaviour, or for securing the licensing objectives. Other means include:
 - Planning controls

- Measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other Council departments, e.g. Town Centre Forum
- Designation of parts of the county borough as places where alcohol may not be consumed publicly
- Regular liaison with the police on law enforcement issues regarding disorder and anti-social behaviour, including the issue of fixed penalty notices, prosecution of those selling alcohol to people who are drunk; confiscation of alcohol from adults and children in designated areas and instantly closing down licensed premises or temporary events on the grounds of disorder, or likelihood of disorder or excessive noise from the premises
- Issues may also continue to be addressed after the grant of a licence as this may be particularly relevant where circumstances change.

3.9 The Licensing Authority will continue to work in partnership with the police, local businesses and residents with a view to promoting the objectives. It is considered that such partnerships are vital for the achievement of the licensing objectives.

4.0 Integration

4.1 The Licensing Authority will, in order to promote the licensing objectives, endeavour to secure proper integration with local crime prevention, planning, transport, tourism and cultural strategies and any other plans introduced for the management of the county borough and its night time economy.

4.2 The Licensing Authority will consult with all relevant parties to ensure full consultation on the continued development and review of the Licensing Policy to ensure that no conflict arises between such documents and to ensure a consistent approach.

4.3 The Licensing Authority will following representations consider attaching conditions to premises licences and club premises certificates, which reflect local crime prevention strategies, e.g. CCTV cameras in premises.

4.4 The Licensing Authority will seek to develop strategies with the police, and other agencies with a view to achieving swift dispersal of persons from the town centres to avoid disorder and disturbance.

4.5 The Licensing Authority will ensure that the Licensing Committee should be advised as appropriate in respect of reports on:

- (1) the needs of the local tourist economy for the area
- (2) the employment situation and the need for new investment and employment where appropriate.

4.6 The Licensing Authority acknowledges that there must be proper separation of the planning, building control and licensing functions and that licensing applications will not be a re-run of the planning application.

4.7 The Licensing Committee will, where appropriate, provide reports to the Planning Committee in respect of licensed premises in the area, including the general impact of alcohol related crime and disorder.

4.8 The Licensing Authority will only attach conditions to premises licences and club premises certificates, following representations. The Licensing Authority will only consider conditions which are necessary to promote the licensing objectives and will not seek to duplicate the requirements of other legislation, e.g. Regulatory Reform (Fire Safety) Order 2005.

5.0 Duplication

5.1 The Licensing Authority will avoid as far as possible any duplication with other regulatory regimes.

5.2 Where legislation is already in force which relates to the four licensing objectives, further controls which duplicate these legal requirements will not be enforced through licence conditions, e.g. Fire Safety and Health & Safety at Work legislation

5.3 In particular, Planning, Building Control and Licensing regimes will be properly separated to avoid duplication and inefficiency. Licensing applications will not be a re-run of a planning or building control application and the licensing decisions will not cut across decisions taken by a planning committee or permissions granted on appeal. There is no legal basis for the Licensing Authority to refuse an application because it does not have planning or building control permission.

6.0 Enforcement

6.1 The Licensing Authority has established protocols with the police and other responsible authorities with regard to enforcement issues. These protocols will include targeting agreed problem and high-

risk premises. Resources in general will therefore be directed at these targeted or high-risk premises.

6.2 The Licensing Authority will undertake routine inspections of premises to ensure compliance with their operating schedule and conditions. Inspections will be carried out on a risk based inspection programme, where premises which present as higher risk will incur more frequent inspections.

6.3 In general, action will only be taken in accordance with the Licensing Authority's own enforcement policy. To this end the key principles of consistency, transparency, and proportionality will be maintained.

7.0 Licensing Committee and Delegation of Powers

7.1 The Licensing Authority in order to meet its wide-ranging licensing function has established a Licensing Committee to administer them.

7.2 The Licensing Committee comprises fifteen members.

7.3 In order for the Committee to carry out its responsibilities in an efficient and effective manner, it has delegated certain decisions and functions to a Sub Committee of three members.

7.4 Administrative and or non-contentious matters are delegated to officers. Where, under the provision of the Act, there are no relevant representations on an application, these matters will be dealt with by officers.

7.5 Such matters will be reported to the Licensing Committee for information and comment only.

7.6 Officers may in any case refer an application to the Sub Committee, or the Sub Committee to the main Committee where it is deemed appropriate.

7.7 In the interests of good governance, where a Councillor who is a member of a Licensing Committee or a Licensing Sub-Committee has had a direct or indirect pecuniary or personal interest in any matter before them they will be disqualified from any involvement in the decision-making process affecting the licence.

7.8 Every determination of a licensing decision by the Licensing Committee or a Licensing Sub- Committee shall be accompanied with reasons for the decision.

8.0 Responsible Authorities & Other Persons

8.1 The Act specifies the responsible authorities that must be fully notified of applications and that are entitled to make representations to the licensing authority in relation to the application for the grant, variation or review of a premises licence or club premises certificate.

8.2 The responsible authorities are:

- the relevant licensing authority and any other licensing authority in whose area part of the premises is situated;
- the chief officer of police;
- the local fire and rescue authority;
- the relevant enforcing authority under the Health and Safety at Work etc Act 1974;
- the local authority with responsibility for environmental health;
- the local planning authority;
- a body that represents those who are responsible for, or interested in, matters relating to the protection of children from harm;
- each local authority's Director of Public Health (DPH) in England and Local Health Boards (in Wales); and
- the local weights and measures authority (trading standards).

8.3 The Licensing Authority recognises the Western Bay Safeguarding Board as the body representing those responsible for matters relating to the protection of children from harm.

8.4 The Licensing Authority is a responsible authority under the Act. The Licensing Authority has delegated this function to the post of Senior Licensing Officer, who will make representations (where appropriate) in respect of various applications.

8.5 The Licensing Authority will not generally act as a responsible authority on behalf of other parties (for example, local residents,

local councillors or community groups) although the Licensing Authority reserves the right to do so in certain circumstances.

- 8.6 The Licensing Authority will expect that other responsible authorities should intervene where the basis for the intervention falls within the remit of that other responsible authority.
- 8.7 A current list of all contact addresses for the responsible authorities can be found on the Licensing Authority's website at www.npt.gov.uk/licensing
- 8.8 Any other person can also play a role in a number of licensing processes, this includes an individual, body or a business. Other persons can make representations in respect of applications for the grant, variation, minor variation or review of premises licence or club premises certificate. In addition other persons may themselves seek a review of a licence.
- 8.9 Representations must be 'relevant' in that it relates to one or more of the four licensing objectives. The Licensing Authority will disregard representations that are considered frivolous, vexatious or in the case of a review repetitious.

THE LICENSING OBJECTIVES

9.0 Licensing Objectives – General

- 9.1 The Licensing Authority will carry out its functions under the Licensing Act 2003 with a view to promoting four licensing objectives. These are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- 9.2 Each objective is of equal importance, and the four objectives will be paramount considerations for the Licensing Authority at all times.
- 9.3 It is for the applicant to decide what, if any, measures to suggest in its operating schedule in order to address any potential concerns that might arise in the promotion of the licensing objectives. Applicants are reminded that measures proposed in the operating schedules will be converted into conditions on their licence.
- 9.4 The Licensing Authority recommends that applicants risk assess their operation against the four licensing objectives to identify potential areas of concern.
- 9.5 Applicants are reminded that responsible authorities or other persons may make representations if they feel that the applicant's proposals do not adequately promote the licensing objectives. An applicant who proposes no measures to promote the licensing objectives may therefore face more representations than an applicant who risk assesses their operation and proposes appropriate and proportionate measures.
- 9.6 The Licensing Authority recommends early consultation with responsible authorities with a view to reaching agreement on measures to be proposed

10.0 Crime and Disorder

- 10.1 The Council has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the County Borough. The Licensing Authority is required therefore to have particular regard to the likely impact of licensing

on crime and disorder. The nature or type of premises, its location, the hours of operation, its impact on the area, the operation and management of premises are all significant factors, which can impact on crime and disorder. All applications for licences or certificates including renewals and variations will be expected to have addressed these matters within the operating schedule

- 10.2 Neath Port Talbot County Borough Council is committed to improving the quality of life for its residents, by continually striving to reduce crime and the fear of crime.
- 10.3 The Licensing Authority acknowledges that licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, can be a significant source of crime and disorder problems. The Licensing Authority expects the licensing trade to fully co-operate and play its part in minimising crime and disorder.
- 10.4 Applicants for licences to sell alcohol should ensure that the operating schedule specifies the designated premises supervisor. The designated premises supervisor normally has day-to-day responsibility for the running of the premises, and as such the Licensing Authority anticipates that they would be present on the premises on a regular basis.
- 10.5 In the absence of the DPS, a personal licence holder should be present when alcohol is available for sale. Notwithstanding the above, it is acknowledged that this does not preclude the personal licence holder from authorising a person to sell alcohol in their absence for short periods. It is expected however that these authorisations are in writing and that the person(s) authorised are clearly identified. The authorisation should specify the acts which may be carried out by the person(s). There should be an overt act of authorisation, e.g. a specific written statement given to the person(s) being authorised.

It is expected also that there is in place sensible arrangements for the personal licence holder to monitor the activity on a reasonably regular basis.

- 10.6 There are many steps an applicant may take to prevent crime and disorder. The Licensing Authority will look to the Police for the main source of advice on these matters. In accordance with the Secretary of State's Guidance, Police views on matters relating to crime and disorder will be given considerable weight.

- 10.7 If relevant representations are made in relation to a premises licence or club premises certificate, the Licensing Authority will consider whether it is necessary to impose conditions to regulate behaviour on the premises and access to them where this relates to licensable activities, and the licensing objectives. Any conditions attached will not seek to manage the behaviour of customers once they are beyond the direct management of the licence holder, their staff or agents, but may seek to impact on the behaviour of customers on or in the immediate vicinity of premises as they seek to enter or leave.
- 10.8 Applicants are recommended to seek advice from Licensing Authority licensing officers and the police, as well as taking into account, as appropriate, local planning and transport policies, tourism, cultural and crime prevention strategies when preparing their plans and schedules. Operating schedules in respect of applications for variations of licence will need only to address the additional matters sought under the application.
- 10.9 The Licensing Authority considers that certain types of premises are likely to require additional measures or conditions due to the nature, type and mode of operation. These would include premises, which sell alcohol and cater mainly for the 16-25 age group and provide regulated entertainment, or premises which provide events or entertainment mainly for children. However these measures could be required for any premises where it is considered appropriate, in particular during sporting events such as rugby and football matches. In order to ensure the safety of patrons and other persons in the vicinity of the premises, the Licensing Authority suggests that operating schedules give consideration to the following measures and may, following representations require any or all of these measures to be implemented in the interests of minimising crime and disorder
- (i) Door Supervisors
The need for door supervisors is normally a matter, which is considered and determined by the applicant within the operating schedule. However, where an applicant has made no provision for providing door supervisors, but it is considered that they are essential to meet the crime and disorder or public safety objective the Licensing Authority may specify that the premises must provide registered door supervisors. The Licensing Authority may also require a duty log / register of door supervisors be kept for the premises. Where door supervisors are provided they must be

licensed by the Security Industry Authority if the activity or function they perform requires licensing under the Private Security Industry Act 2001. Generally one door supervisor per 100 persons would be required to be present on the premises. However, additional supervisors may be necessary in certain situation, e.g. where there is a significant number of very young persons, or where there is a potential for boisterous or excitable behaviour, e.g. stag nights; football matches; celebrity visits. Applicants are advised to give consideration to these matters within the operating schedule as well as the days and hours of operation of the door supervisors.

(ii) CCTV

The provision of CCTV is a very useful tool in monitoring premises to assist in ensuring the safety of patrons and preventing crime and disorder. The Licensing Authority may specify that a suitable system approved by the police and Licensing Authority, covering the interior and exterior of the premises, is installed. This should be properly maintained and fully operational whilst the premises are open. The areas to be covered should normally be entrances, both external and internal and any part of the premises not routinely under visual supervision including beer gardens. CCTV recordings should be kept for thirty-one days and made available to the police and local authority officers on request.

(iii) Glasses/Bottles

Applicants should, where appropriate be able to demonstrate that they have adequate procedures in place to prevent glasses and bottles being brought into or out of the premises, and there is provision for regular collection of glasses and bottles. The use of plastic, polycarbonate or similar materials for drinking glasses and bottles should be considered where the consumption of alcohol is likely to be in the open air, e.g. in beer gardens or outside events. Where only glass bottles are available, drinks should be decanted into plastic or similar glasses.

(iv) Drugs

Applicants are expected to be able to demonstrate that they can comply with Home Office Guidance “Safer Clubbing” and or have an agreed protocol with the Licensing Authority and the police for dealing with illegal drugs found on their premises. Matters likely to be required may include: - condition of entry to all premises, drugs amnesty boxes, CCTV coverage, log of all seizures, stop and search policy, and the availability of free water.

10.10 The Licensing Authority may following representations require any or all of the above measures in respect of any premises where it is considered necessary in the interests of minimising crime and disorder, as well as any other specific measures appropriate for the premises.

10.11 The Licensing Authority may also take account of relevant strategies, and action plans as appropriate. These could include:

- (a) The Neath Port Talbot Community Plan
- (b) Safer Clubbing
- (c) Best Practice on Test Purchasing
with a view to specifying conditions and or making requirements for premises.
- (d) National alcohol harm reduction strategy
- (e) Voluntary codes of practice relating to drinks promotion, drugs etc.

Applicants will need therefore to have given consideration to these matters in their operating schedule, dependent on the style and characteristics of the premises/events.

10.12 Crime and disorder conditions will not seek to control adult entertainment involving striptease and lap dancing, which will be governed by laws in relation to indecency and obscenity, and will be licensed under the Local Government (Miscellaneous Provisions) Act 1982. However, conditions for such adult entertainment may be imposed for reasons of public safety, or the protection of children from harm if they relate to occasional use of the premises for adult entertainment.

11.0 Public Safety

11.1 The 2003 Act covers a wide range of premises that require licensing, including cinemas, concert halls, theatres, nightclubs, public houses, cafes/restaurants and fast food outlets/takeaways.

11.2 Each of these types of premises present a mixture of risks, with many common to most premises and others unique to specific operations. It is essential that premises are constructed or adapted and operated so as to acknowledge and safeguard occupants against these risks. The Licensing Authority is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised.

- 11.3 The Licensing Authority requires that operating schedules demonstrate that suitable and sufficient measures are in place to ensure public safety, appropriate to the individual style and characteristics of the premises and events. Matters which should be considered by the applicant include:
- The occupancy capacity of the premises
 - The age, design and layout of the premises, including means of escape in the event of fire or other emergency, including provision for the safe evacuation of disabled or infirm persons.
 - The nature of the licensable activities to be provided, in particular the sale or supply of alcohol, and/or the provision of music and dancing and including whether those activities are of a temporary or permanent nature.
 - The hours of operation (differentiating the hours of opening from the hours when licensable activities are provided, if different)
 - Customer profile (e.g. age, disability)
 - The use of special effects such as lasers, pyrotechnics, smoke machines, foam machines etc.
 - Policy in respect of taking open drinks containers into or out of the premises.
- 11.4 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:
- Suitable and sufficient risk assessments
 - Effective and responsible management of premises both within and in the vicinity of the premises.
 - Provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons
 - Appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and all patrons including the disabled and infirm.
 - Adoption of best practice guidance (e.g. Guide to Fire Precautions in Existing Places of Entertainment and Like Premises, The Event Safety Guide, Safety in Pubs published by the BBPA, BS 9999 Part 8 Means of Escape for Disabled Persons and H.S.E. guidance on Risk Assessment involving disabled persons).
 - Provision of effective CCTV in and around premises
 - Provision of plastic or similar drinking glasses
 - Implementation of crowd management measures

- Where not presently required under existing legislation proof of regular testing (and certification where appropriate) of procedures, appliances, systems or structures etc pertinent to safety.
- 11.5 Certain types of premises, due to the nature of activities being provided, may give rise to a significant risk if occupancy numbers are not set. The Licensing Authority following representations will consider setting occupancy limits particularly in respect of the following types of premises:
- (i) night clubs/public houses providing regulated entertainment
 - (ii) theatres
 - (iii) cinemas
 - (iv) any other premises where the authority is satisfied that the nature and operation of the premises is such that it requires regulation of numbers at the premises.
- 11.6 The Licensing Authority following representations may also impose occupancy limits when it considers it appropriate for other reasons, e.g. to minimise crime and disorder.
- 11.7 The Licensing Authority following representations will also consider attaching any other relevant conditions to licences and permissions to promote safety.
- 11.8 On 1st October 2006 the Regulatory Reform (Fire Safety) Order 2005 replaced previous fire safety legislation. The Licensing Authority will not seek to impose fire safety conditions on licences where the order applies.

12.0 Prevention of Public Nuisance

- 12.1 Public nuisance in this context is not narrowly defined and can include low level nuisance affecting a few people living locally, as well as a major disturbance affecting the whole community.
- 12.2 Licensed premises, especially those operating late at night and in the early hours of the morning can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises. The Licensing Authority wishes to maintain and protect the amenity of residents and businesses from potential consequence of the operation of licensed premises. However it also recognises the economic, social, and cultural importance that such premises provide, and will endeavour to ensure that a reasonable balance is maintained.

- 12.3 The Licensing Authority will expect operating schedules to demonstrate that suitable and sufficient measures have been identified, and will be implemented and maintained to prevent public nuisance. The extent and nature of these measures will be determined by the style and characteristics of the premises and events.
- 12.4 The Licensing Authority may following representations require applicants for premises licences to provide documented noise assessments with a view to minimising noise nuisance.
- 12.5 Noise from amplified music is a common source of disturbance. In order to minimise the impact in the vicinity, the Licensing Authority following representations may require a range of measures to be taken. These may include the installation of soundproofing, air conditioning, acoustic and sound limitation devices.
- 12.6 When considering the potential for noise or disturbance, the Licensing Authority advises that where appropriate the following matters may need to be addressed in the operating schedule dependant on the style and characteristics of the premises, and events held therein:
- Obtaining advice from a suitably qualified acoustic specialist to determine any impact from activities. This applies both to music noise, and vibration.
 - Steps taken to control the emission of noise from the premises, e.g. entertainment noise, plant noise and social noise.
 - Structural alterations carried out to minimise noise leakage from the premises, including sound insulation, acoustic lobbies, provision of air conditioning.
 - Systems in place to deal with disorder on the premises.
 - Measures to be taken to ensure that windows and doors are kept closed during periods when amplified music is being played.
 - Steps taken to ensure that fire doors are kept closed.
 - The arrangements in place to ensure that patrons leaving the premises do so in a way that does not disturb nearby residents.
 - The use of CCTV systems to monitor the immediate area outside the premises and car park area.
 - The measures taken to ensure that patrons arriving and leaving by taxi / minibuses do not disturb residents by arranging with taxi / minibus companies agreed pick up and drop off points and to avoid use of horns etc.
 - Liaison with public transport providers.

- If the applicant has previously held a licence the history of enforcement action arising from these premises.
- Steps taken by the applicant to minimise any light pollution affecting the community.
- Details of any refuse storage, and disposal of any additional litter generated as a result of the activity.
- Steps taken to minimise noise/disturbance/anti-social behaviour from patrons congregating in the vicinity of the premises.
- Steps to avoid late night noise from disposal of empty bottles.
- Measures to minimise noise from staff leaving the premises.
- Details as to whether the use of a noise limiter has been considered to control noise levels.
- The use of prominent signs displayed requesting patrons to have regard to local residents when leaving the premises.
- Steps to be taken to avoid any noxious smells from causing nuisance to local residents.
- Details of actions to be taken in the case of an emergency.

12.7 The Licensing Authority following representations may require measures to deal with problems of litter. In particular, with regard to licensed takeaways or fast food premises, the requirement to remove litter from the vicinity of the premises and / or provide litter bins and / or clean the area in the vicinity of the premises.

12.8 The Licensing Authority will following representations consider attaching any appropriate conditions to licences and permissions to prevent public nuisance.

13.0 Protection of Children from Harm

13.1 The protection of children from harm includes protecting them from moral, psychological and physical harm. In relation to the exhibition of films, videos etc, this includes their protection from exposure to strong language and sexual expletives and behaviour.

13.2 Provisions within the Act prohibit the sale of alcohol to children and also control access of unaccompanied children. However, where children are accompanied and supervised by their parents or carers, then it is unlikely that any special additional measures will be required by the Licensing Authority.

13.3 The wide range of premises that require licensing means that children can often be expected to visit many of these unaccompanied, for food and or entertainment. The Licensing Authority will not normally consider additional restriction of

access to licensed premises unless it is satisfied that it is necessary for the prevention of harm to children.

- 13.4 When considering whether to restrict access to premises the Licensing Authority following representations will take account of the relevance of the following matters in respect of the premises:
- Where there have been convictions of current staff, for serving alcohol to minors, or with a reputation for allowing underage drinking.
 - Where requirements for proof of age cards or other age identification is not the norm.
 - Where the premises has a known association for drug taking or dealing
 - Where there is a strong element of gambling on the premises, or
 - Where entertainment of an adult or sexual nature is provided.
 - Where the supply of alcohol for consumption on the premises is the primary purpose of the services provided at the premises.
- Applicants will therefore be expected to have considered these matters and addressed them within the operating schedule.

- 13.5 The Licensing Authority may following representations attach conditions:
- To limit the hours that children may be present
 - To restrict the age of persons on the premises
 - To exclude or limit children when certain activities are taking place
 - To require that children are accompanied by an adult
 - Excluding persons under 18, when any licensable activities are taking place.
 - Requiring the production of PASS accredited identification, a photocard driving licence or passport where alcohol is sold.
 - Requiring the display of any restrictions on the admission of children, on or immediately outside the premises.

The Licensing Authority may also consider imposing restrictions on different ages at different times. They may be applied generally or relate only to specific events or activities, e.g. the televising of a major football or rugby match.

- 13.6 Where no licensing restriction is in force the licensee or club has the discretion to determine whether children are admitted.

- 13.7 In the case of premises giving film exhibitions applicants are expected to include in their operating schedule arrangements for

restricting children from viewing age-restricted films as specified by the British Board of Film Classification.

- 13.8 The Licensing Authority may at its discretion determine its own classification for any film proposed to be shown in the area. Where the Licensing Authority exercises this discretion such classifications will be published and made available to licensees and the general public.
- 13.9 Where a film has not been classified by the British Board of Film Classification, the Licensing Authority will classify the film for local screening in accordance with its film authorisation procedure which is available from the Licensing Authority's website www.npt.gov.uk/licensing
- 13.10 The Licensing Authority following representations may require additional adult supervision when regulated entertainment is provided solely or mainly for children. The Licensing Authority may also require that adult supervisors are checked for suitability to work with children.

OTHER MATTERS

14.0 Licensing Hours

- 14.1 The Licensing Authority, when assessing the licensing hours requested, will consider the individual merits of an application.
- 14.2 It is acknowledged that flexible licensing hours are important to ensure that large numbers of customers leaving premises simultaneously are avoided, however there is no general presumption in favour of lengthening licensing hours, and the four licensing objectives will be paramount considerations at all times.
- 14.3 Applicants for premises licences are required to specify the hours when the premises will be open to the public as well as the hours when licensable activities will be provided. A “wind down” period after the sale of alcohol has ceased is considered good practice. However, where there is a significant difference in these times, the reasons for this will need to be clearly specified in the schedule. The Licensing Authority must be satisfied that it will not have a negative impact on the licensing objectives.
- 14.4 The Licensing Authority does not intend to introduce any form of zoning within the borough. Experience in other areas has shown that this can give rise to significant movements of people across boundaries seeking premises open later, and therefore could be counter-productive to measures designed to support the licensing objectives. However, an important consideration is the number and proximity of residential properties and the Licensing Authority may following representations require stricter noise control measures for premises in predominantly residential areas. It may also impose restrictions on licensing hours where it considers it necessary to avoid nuisance to residents.
- 14.5 The Licensing Authority may also consider the potential for nuisance associated with the activities and characteristics of the business and investigate potential steps for reducing the risk of nuisance.
- 14.6 Shops, stores and supermarkets will generally be permitted to sell alcohol, whilst the retail outlet is open for business. However, where there are good reasons for restricting the hours, e.g. where they are the focus of disorder and disturbance, then following

representations, a limitation of hours will be considered.

15.0 Conditions and Mandatory Conditions

- 15.1 It is not proposed to adopt “standard” conditions. However in appropriate circumstances the Licensing Authority may utilise conditions from a pool of conditions which have been created in accordance with 15.2 below. The pool of conditions is available on the Licensing Authority’s website at www.npt.gov.uk and applicants are advised to have regard to it when completing their operating schedules, to reduce the likelihood of representations being received due to poorly worded or unenforceable conditions.
- 15.2 The Licensing Authority will attach conditions to premises licences or club premises certificates, which are tailored to the style and characteristics of the premises or event and will be
- Clear
 - Enforceable
 - Evidenced
 - Proportionate
 - Relevant
 - Be expressed in plain language capable of being understood by those expected to comply with them
- 15.3 Conditions (other than the mandatory conditions and those drawn from the operating schedule) will only be attached to a premises licence or a club premises certificate by the Licensing Committee where relevant representations are received and the conditions are deemed appropriate to promote the licensing objectives.
- 15.4 Where an applicant agrees, following a relevant representation, that certain conditions be imposed on the licence, the Licensing Committee will still need to consider the amended application. In most cases it will not be necessary for any of the parties to attend the hearing.
- 15.5 The Licensing Authority will expect premises that offer the sale or supply of alcohol or late night refreshment, particularly those located in the town centres or those with a late terminal hour should include the following provisions in their operating schedules.
- Provision of a suitable and effective CCTV system
 - Provision of an effective method of keeping a record of all incidents that occur at the premises.

- A commitment to become a participating member of the Business Crime Reduction Partnership (where available)
 - Provision of a “challenge 25” age verification scheme (alcohol premises only)
- 15.6 Applicants are encouraged to discuss their applications with the Licensing Section and the relevant responsible authorities before submitting a formal application, to reduce the likelihood of representation being received and the Licensing Committee being engaged.
- 15.7 The Act (as amended) sets out a range of mandatory conditions that must be attached to premises licences and club premises certificates. The mandatory conditions relate to the supply of alcohol, exhibition of films, door supervision, irresponsible drinks promotions, provision of free drinking water, age verification and the availability of small measures of alcoholic drinks.
- 15.8 Community premises authorised to sell alcohol can now apply for the removal of the mandatory conditions requiring a designated premises supervisor (DPS), or personal licence holder. When considering applications under these provisions the Licensing Authority will take account of the following matters.
- Whether the premises constitutes a community premises.
 - Whether appropriate arrangements are in place for the supervision of the sale of alcohol on the premises by a management committee.
- 15.9 Community premises are likely to include, church halls, chapel halls, village halls, parish halls, community halls or other similar buildings.
- 15.10 Where it is not clear the Licensing Authority will consider whether a premises constitutes a community premises on a case by case basis.
- 15.11 The Licensing Authority may require additional information to ensure that the management committee is formally constituted and accountable.
- 15.12 It is expected that the management committee will have in place appropriate arrangements to ensure compliance with the requirements of the Licensing Act 2003 when premises are hired out to a third party i.e. hiring agreements.

16.0 Live and Recorded Music

- 16.1 The Live Music Act 2012 and the Legislative Reform (Entertainment Licensing) Order 2014 have removed the licensing requirements for most music events taking place before 11pm with an audience of under 500 people.
- 16.2 Conditions imposed on premises licences and club premises certificates in relation to the playing of music are suspended during times when music is played in accordance with the exemptions.
- 16.3 The Licensing Authority can however impose new, or reinstate existing conditions should the premises licence or club premises certificate become subject to a review.
- 16.4 When considering whether an activity constitutes ‘the provision of regulated entertainment’ each case will be treated on its own merits. There will inevitably be a degree of judgement as to whether a performance is exempt or not, so organisers of events are encouraged to check with the Licensing Authority if in doubt.

17.0 Cultural Strategies, Live Music Dancing and Theatre

- 17.1 The Licensing Authority acknowledges the importance of cultural strategies, particularly in respect of live music and dancing and will monitor the impact of licensing on the provision of these in the Borough.
- 17.2 The Licensing Authority will ensure that there is regular liaison between officers involved in licensing and cultural provision as well as stakeholders as appropriate.
- 17.3 The Licensing Authority recognises the need to encourage and promote live music, dance and theatre for the wider cultural benefit of the community and particularly for children.
- 17.4 When considering applications for such events, the Licensing Authority will carefully balance the cultural needs with the necessity to promote the licensing objectives, and this will where appropriate, be reflected in the conditions attached to the licence or certificate. Consideration will be given to the particular characteristics of any event including the type, scale and duration of the entertainment, especially where limited disturbance only

may be caused.

17.5 The Licensing Authority will consider establishing a policy of permanently licensing public spaces within the area for community use.

18.0 Temporary Event Notices (TENs)

18.1 TENs permit the carrying on of licensed activities at premises which are not authorised by a premises licence or club premises certificate.

18.2 No authorisation by the Licensing Authority is required in respect of these events, only a notification by the premises user to the Licensing Authority, Police and Environmental Health Officer, subject to fulfilling certain conditions.

18.3 There are two types of TEN “Standard TEN” and Late TEN”

18.4 A standard TEN must be submitted to the Licensing Authority a minimum of 10 clear working days (not including the day of notification or the day of the event) prior to the event.

18.5 A late TEN must be submitted to the Licensing Authority between 5 and 9 clear working days prior to the event.

18.6 The Licensing Authority strongly advises applicants against reliance on using late TENs as a single objection from a responsible authority will prevent the event from going ahead.

18.7 The Licensing Authority recommends that where possible premises users give a minimum period of 28 days notice of temporary events, this is because the statutory period of 10 working days gives very little time to consider any concerns by the Police or the Environmental Health Officer.

18.8 The Licensing Authority acknowledges that it cannot insist on its own time frame for receiving temporary event notices, however it should be noted that the legislation does not permit any discretion for TEN’s that are not submitted in accordance with the statutory period i.e. 10 clear working days for a standard TEN and 5 - 9 clear working days for a Late TEN

18.9 Temporary Event Notices are subject to a number of limitations in relation to, the number of TENS an individual may submit; the

number of times a premises can be used; and the length of time the TEN can last. Further information is available on the Licensing Authority's website

19.0 Outdoor Musical Events

- 19.1 Outdoor musical events require significant organisation and planning to ensure the safety of persons attending the event.
- 19.2 In order that full consideration can be given to outdoor musical events requiring a premises licence, the Licensing Authority expects that at least 90 days notice is given prior to the date of the event.

20.0 Licence Reviews

- 20.1 The review process is an important mechanism when problems associated with the licensing objectives are occurring at premises holding a premises licence or club premises certificate.
- 20.2 This process is only available to responsible authorities and interested parties who may request that the Licensing Authority review the licence or certificate because of issues arising at the premises in connection with any of the four licensing objectives, including any breaches of licensing conditions and or licensing offences.
- 20.3 The Licensing Authority acknowledges that the promotion of the licensing objectives relies heavily on a partnership between licence holders, authorised persons, interested parties and responsible authorities and will endeavour to further development and enhance this partnership.
- 20.4 The Licensing Authority and the responsible authorities will aim to give licence holders early warning of any problems identified at the premises, with a view to securing improvements informally.
- 20.5 Where there is a failure to respond to such warnings, it is likely that a request for a review will be submitted by a responsible authority or interested party.
- 20.6 However, where there are very serious issues, responsible authorities may submit a review application without warning.

20.7 The Licensing Authority will consider any review submitted by an interested party to determine if it is relevant, vexatious, frivolous or repetitious, and may reject it accordingly.

20.8 Where it considers that action is necessary the Licensing Authority may take any of the following steps :-

- Modify the premises licence conditions.
- Exclude a licensable activity.
- Remove the designated premises supervisor.
- Suspend the licence for up to three months.
- Revoke the licence.

20.9 In determining which of the above steps to take the Licensing Authority will seek to ensure that they are necessary and proportionate to ensure promotion of the licensing objectives.

20.10 The Licensing Authority will, where it is satisfied that there are serious concerns in respect of the promotion of the crime and disorder objective, consider revocation of the licence even in the first instance.

21.0 Sexual Entertainment

21.1 The Licensing Authority has adopted the provisions contained in the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009, in respect of Sexual Entertainment Venues.

21.2 Any premises that provides “relevant sexual entertainment” is required to have a licence under the above legislation.

21.3 Relevant entertainment is defined as:

- 1) any live performance; or,
- 2) any live display of nudity;

Which is of such a nature that , ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means)

21.4 Most sexual entertainment venues will require a Licensing Act 2003 licence as well as a sex establishment licence. Where

this is the case the Licensing Authority will avoid duplicating licence conditions, however where there are similar conditions in the two regimes, the more onerous will apply.

- 21.5 Premises that provide sexual entertainment on no more than 11 times per year and no more frequently than monthly are exempt from the Sexual Entertainment Venue licensing. The Licensing Authority will expect operating schedules for premises taking advantage of this exemption, to have addressed the licensing objectives with particular regard to the protection of children from harm.

22.0 Licence Suspensions

- 22.1 The Licensing Authority will suspend any licence or certificate where the required fee is not paid by the due date, which is annually on the anniversary of the date that the licence was first granted.
- 22.2 Where an annual fee is not paid by the due date, the Licensing Authority will give notice in writing, that the licence / certificate will be suspended in 21 days from the fee due date.
- 22.3 Where an annual fee remains unpaid following the 21 days notice, the Licensing Authority will immediately issue a suspension notice, which has the effect of suspending all licensable activities at the premises until the fee is paid.
- 22.4 When the fee is paid, the Licensing Authority will immediately lift the suspension and confirm this in writing.

23.0 Late Night Levy and Early Morning Restriction Orders

- 23.1 The Licensing Authority, having not been presented with sufficient evidence, consider that the applications of a Late Night Levy or Early Morning Restriction Order(s) are inappropriate, at the present time. The Licensing Authority will keep these matters under review and accordingly reserves the right, should the need arise, to introduce these measures.

24.0 Cumulative Impact Policy

- 24.1 For the purposes of this document 'cumulative impact' means the potential impact on the promotion of the licensing objectives of a

significant number of licensed premises concentrated in one area. Cumulative impact is a proper matter for the Licensing Authority to consider in developing its licensing policy. This should not be confused with 'need', which concerns the commercial demand for another particular type of premises. Government guidance states that 'need' is not a matter for the Licensing Authority but is a matter for the Planning Authority and the free market.

24.2 The Licensing Authority has not been presented with sufficient evidence to consider any area within the County Borough to currently have a particular concentration of licensed premises causing a cumulative impact on one or more of the licensing objectives. The Licensing Authority will keep this matter under review and accordingly reserves the right, should the need arise, to introduce a special policy concerning cumulative impact during the life of this statement of licensing policy.

24.3 The absence of a special policy does not prevent any responsible authority or any other party from making representations on a new application for the grant of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. The Act allows for such consideration but the individual merits of each application must always be considered.

25.0 Online Applications

25.1 In accordance with the EU Provision of Services regulations 2009, the Licensing Authority has made available online applications utilising the gov.uk portal.

25.2 Applications made using the online method, requires that all communication is transmitted electronically. The benefit of using this service is that the Licensing Authority becomes responsible for serving copies of the application (electronically) on all responsible authorities.

25.3 The Licensing Authority encourages applicants to use the online service which has obvious environmental and financial benefits. The online applications using the Gov.UK portal can easily be accessed from the Licensing Authority's webpage.

26.0 Guidance and Advice

- 26.1 The Licensing Authority recommends that applicants for licences, variations etc. discuss their proposals with the Licensing Officer and relevant responsible authorities prior to submitting a formal application. This could avoid unnecessary cost, potential problems, and also the need for hearings.
- 26.2 General guidance for licensees and members of the public in respect of the Licensing Act 2003 is provided on our website www.npt.gov.uk/licensing. Further advice and guidance can be sought from the Licensing Section on 01639 763050 or email licensing@npt.gov.uk.

27.0 Promotion of Racial Equality

- 27.1 The Licensing Authority has adopted a Race Equality Scheme under the Race Relations Act 1976 and the Race Relations (Amendment) Act 2000.
- 27.2 The Licensing Authority when dealing with all matters relating to the Licensing Act 2003 will take account of the scheme with a view to promoting equality of opportunity and good relations between persons of different racial groups.