

# **Havant**

**BOROUGH COUNCIL**

## **STATEMENT OF LICENSING POLICY**

LICENSING ACT 2003

[DD/MM/YYYY]

DRAFT

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## 1. INTRODUCTION

- 1.1 The Licensing Act 2003 ("The Act") requires licensing authorities to publish a Statement of Licensing Policy (the "Policy") in respect of its licensing functions every five years. Havant Borough Council is the "Licensing Authority" as defined under the Act. The Policy sets out a general approach to making licensing decisions in respect of licences under the Act.
- 1.2 The Licensing Authority must have regard to this Policy and any statutory guidance issued by the Secretary of State. The Licensing Authority reserves the right to act outside the provisions of this Policy and to depart from it if, having considered the individual case, it can demonstrate good reasons to do so and where it is appropriate to do so to promote one or more of the licensing objectives.
- 1.3 During the five-year period, the policy will be kept under review and revised when appropriate; for example, where legislation or statutory guidance is updated. Further licensing policy statements will be published every five years thereafter.

### Consultation

- 1.4 Where amendments to the policy are considered necessary, these will be made following consultation in accordance with section 5(3) of the Act, with proper weight given to the views of those consulted.
- 1.5 In accordance with section 5 of the Act, the Licensing Authority has consulted with the following persons/bodies prior to publication of this Policy:
  - The Chief Officer of Police, Hampshire Constabulary
  - Hampshire and IOW Fire and Rescue Authority
  - Public Health, Hampshire County Council
  - Bodies representing holders of premises licences and club premises certificates
  - Bodies representing holders of personal licences
  - Bodies representing businesses and residents in the Borough
  - Any other person or body the Licensing Authority deems appropriate
- 1.6 In addition, the Council has consulted with:
  - Health and Safety Executive
  - Environmental Health, Havant Borough Council
  - Planning and Development Management, Havant Borough Council
  - Neighbourhood Quality & Community Safety, Havant Borough Council
  - Adult and Child Services, Hampshire County Council
  - Trading Standards, Hampshire County Council
  - Immigration Enforcement, Home Office
  - Hampshire Chamber of Commerce
  - Havant Partnership Action Group
  - Hampshire and Isle of Wight licensing authorities

- 1.7 This statement of licensing policy has been prepared in accordance with section 5 of the Act, taking into consideration the Government's guidance issued under section 182 of the Act and other relevant publications.
- 1.8 The Licensing Authority has established a Licensing Committee consisting of 15 Councillors. All matters relating to licensing functions come under the direction of this committee.
- 1.9 The Licensing Committee may establish one or more sub-committees to whom certain decisions will be delegated. In the interests of efficiency, the Licensing Committee may also delegate some licensing decisions and functions to authorised officers. The Licensing Committee may receive reports on decisions made by officers to inform its overview of licensing matters. Appendix 1 (Schedule of Delegation) sets out the framework for licensing decisions.
- 1.10 Nothing in this Policy will:
- Undermine the right of any person to apply under the Act for any licence, certificate or notice.
  - 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.

### **Licensable Activities**

- 1.11 The Licensing Authority is responsible for considering all applications for "licensable activities", as defined in section 1 of the Act. The purpose of licensing is to regulate the operation of licensable activities on licensed premises, qualifying clubs and at temporary events. Licensable activities, identified by the Act, include:
- Sale by retail of alcohol
  - Supply of alcohol to club members
  - Provision of late night refreshment
  - Provision of regulated entertainment, defined as follows:
    - A performance of a play
    - An exhibition of film
    - An indoor sporting event
    - Boxing or wrestling entertainment
    - A performance of live music
    - Playing of recorded music
    - A performance of dance
- 1.12 The Live Music Act 2012, the Legislative Reform (Entertainment Licensing) Order 2014 and the Deregulation Act 2015 provide significant exemptions to licensing requirements for some of the activities listed above.

## **The Borough**

- 1.13 The Havant Borough is just over 30 square miles and serves a population of around 124,200 (2021 Census).
- 1.14 The Havant Borough has many and varied licensed premises. The Licensing Authority recognises that these premises play a vital part in the cultural identity of the area and are important contributors to the local economy. The premises attract tourists and visitors, making for vibrant towns and communities with many employment opportunities.
- 1.15 There are approximately 331 licensed premises in the Borough where alcohol is sold, late night refreshment provided and/or entertainment provided on a regular or occasional basis. These premises include:
- public houses
  - supermarkets and off-licences
  - businesses offering hot food between 23:00 and 05:00
  - hotels, guest houses, restaurants and other places that sell alcohol
  - private members' clubs and social clubs
  - theatres and amateur dramatic groups
  - cinemas
  - parks and open spaces
  - premises where indoor sporting events take place
  - community premises, village halls and schools
- 1.16 The 2021 Census found that 4.6% of residents in the Borough, who are currently employed, are working in the accommodation and food service industries.

## **2. LICENSING OBJECTIVES**

- 2.1 The Licensing Authority has a duty under the Act to carry out its functions with a view to promoting the four licensing objectives, which are:
- Prevention of crime and disorder
  - Public safety
  - Prevention of public nuisance
  - Protection of children from harm
- 2.2 The Licensing Authority recognises that the best means of promoting the licensing objectives is through cooperation and partnership between local authorities, police and other enforcement agencies, local businesses, performers, community and crime prevention groups, and those involved in child protection.
- 2.3 In promoting the licensing objectives, the Licensing Authority has a number of key purposes which should be principal aims for any person or body involved in licensing functions. These purposes include:
- a) Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by licensed premises;
  - b) Ensuring that the police, licensing officers and other agencies have the powers required to effectively manage and police the night-time economy, taking action against those premises not upholding the licensing objectives;
  - c) Recognising the valuable role that licensed premises play in our local communities and economy, by minimising the regulatory burden on businesses where possible, establishing positive relationships with licensees and supporting responsible premises;
  - d) Actively engaging with the local police to identify instances of drink spiking, and using this data to educate licensed premises and the general public about how to keep customers safe;
  - e) Working closely with partner agencies, licensees and local communities to proactively safeguard and prevent violence against women and girls in the night-time economy;
  - f) Providing a regulatory framework for alcohol which reflects the needs of the local area and its communities; and
  - g) Encouraging greater community involvement in licensing decisions, giving local residents the opportunity to express their views regarding licensing decisions that may impact them.
- 2.4 The Operating Schedule forms part of the completed application for a premises licence or club premises certificate. It should include information which is necessary to enable any Responsible Authority or Other Person to assess whether the steps to be taken to promote the licensing objectives are satisfactory. Specific requirements on what the schedule should contain and how it should be presented are contained in sections 17 and 71 of the Act and in regulations. General policies relevant to each of the licensing objectives are detailed below.

### **Prevention of Crime and Disorder**

- 2.5 The consumption of alcohol has a proven relationship with incidents of violent crime and disorder. Data from the Office for National Statistics shows that over 13% of

violent incidents were alcohol-related between 2018 and 2020.

- 2.6 As of 2023, the crime rate in Havant is 16% higher than the South East and 6% higher than the England, Wales & Northern Ireland overall figure. The most commonly committed crimes in Havant are violence and sexual offences, with 5,529 offences during 2022.
- 2.7 The Licensing Authority will maintain a positive working relationship with local policing teams, including the police licensing team, to ensure that information about crime and disorder related to licensed premises is shared and used to inform decisions about applications and enforcement action.
- 2.8 It is expected that applicants for premises licences and club premises certificates engage with the local police licensing team prior to submitting an application, particularly where the proposed activities are more likely to adversely impact this licensing objective.
- 2.9 Applicants must indicate in the Operating Schedule the steps that they propose to prevent crime and disorder. This information be re-worded as necessary by the Licensing Authority and applied to any licence or certificate granted as enforceable conditions. Examples of appropriate measures may include:
- Installation and use of CCTV at the premises, in accordance with the Information Commissioner's Code of Practice;
  - A zero tolerance drug policy with clear, documented procedures for dealing with customers suspected of using or supplying illegal drugs;
  - Employment of SIA licensed door supervisors, particularly in the night time economy;
  - Maintaining an incident log on the premises, for the purposes of identifying trends and sharing information with the local police;
  - Risk assessments undertaken for drinks promotions, ensuring that they comply with the mandatory conditions;
  - Staff training in recognising and dealing with drunkenness, conflict management and crime scene preservation;
  - Participation in local crime prevention schemes such as Pubwatch, Shopwatch, Best Bar None and Ask for Angela, where such schemes exist;
  - Preventing open containers of alcohol being removed from the premises;
  - Personal licence holder on duty at all times that alcohol is being supplied from the premises.

This list is non-exhaustive, and the Licensing Authority recommends that applicants consider measures that are proportionate and necessary for the specific premises and style of operation.

- 2.10 To promote this licensing objectives, the range and scope of control measures will depend on a number of factors. These may include
- nature and style of the venue
  - activities being conducted there
  - location of the premises
  - anticipated clientele of the business involved

- past record of the premises

### Offences relating to crime and disorder

2.11 The following are offences under the Act:

- To sell or supply alcohol to a person who is drunk;
- To knowingly allow disorderly conduct on licensed premises.
- For the holder of a premises licence or a Designated Premises Supervisor to knowingly keep or to allow to be kept on licensed premises any goods that have been imported without payment of duty or which have otherwise been unlawfully imported or acquired.

### Drink Spiking

- 2.12 Drink spiking is when somebody puts drugs or alcohol into a person's drink without their knowledge or consent. Spiking can affect victim's physical and mental health and emotional wellbeing, with many victims being subject to robbery and sexual assault.
- 2.13 A House of Commons Committee report published in 2022 reported findings relating to drink spiking and made recommendations to the Government. The report was commissioned in response to an increase in the number of reports of drink spiking and needle spiking. The report found that 93% of needle spiking incidents occurred in the evening and night-time economy, most frequently in pubs and clubs. Accurate data regarding the number of spiking incidents per year is difficult to obtain, as many cases go unreported.
- 2.14 The report made a number of recommendations, including that the Government should work with local authorities to develop a national anti-spiking strategy, promotes best practice and requires all police forces and local authorities to publish their chosen approach.
- 2.15 The Licensing Authority expects applicants for premises licences and club premises certificates, and current licensees, to take reasonable steps to prevent drink spiking on their premises. Control measures should be proportionate to the style of premises, taking into consideration Government guidance on the matters and any recommendations made by the local police licensing team.
- 2.16 Applicants and licence holders can be proactive in recognising and tackling drink spiking by ensuring that their staff have access to relevant guidance and training materials. Staff members should understand how to identify potential drink spiking, how to safeguard victims and how to report incidents.
- 2.17 The Council will develop an anti-drink spiking strategy, outlining how it intends to work with partner agencies and licensed premises to tackle the issue. This will be regularly reviewed to ensure that it is fit for purpose.

### Violence Against Women and Girls (VAWG)

- 2.18 Certain acts of violence or abuse have been proven to disproportionately affect women and girls. Violence Against Women and Girls (VAWG) can be defined as



any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.’

- 2.19 In 2021, the Government published its strategy for tackling violence against women and girls (VAWG). The strategy has been followed by the launch of VAWG initiatives from multiple organisations, including the College of Policing and the Home Office.
- 2.20 Tackling violent crime in the nighttime economy is likely to have a direct impact on preventing violence against women and girls. The Licensing Authority is committed to working with partner agencies and licensed premises to increase awareness of this issue and to signpost licensees to training resources and guidance.
- 2.21 Applicants and licence holders can be proactive in preventing violence against women and girls by participating in initiatives such as ‘Ask for Angela’ and the Home Office’s ‘Enough’ campaign, and ensuring that their staff have access to relevant guidance and training materials such as the Welfare and Vulnerability Engagement (WAVE) training package.

### **Public Safety**

- 2.22 Licensed premises have a number of public safety considerations, many of which are enforced under separate legislation, i.e., the Health and Safety at Work Act 1974.
- 2.23 The Licensing Authority will seek to avoid duplication with other regulatory regimes wherever possible, particularly when drafting licence conditions and guidance. Where requirements are imposed by other legislation, it is not expected that applicants include these in their Operating Schedule as suggested licence conditions.
- 2.24 Where a licensed premises is under investigation or subject to enforcement action under another regulatory regime, the Licensing Authority shall endeavour to have a joined-up approach with the relevant enforcement agency and consider whether the investigation and/or enforcement action demonstrates a failure to promote the licensing objectives.
- 2.25 It is expected that applicants for premises licences and club premises certificates engage with relevant agencies on matters of public safety prior to submitting an application, particularly where the proposed activities are more likely to adversely impact this licensing objective.
- 2.26 Applicants must indicate in the Operating Schedule the steps that they propose to ensure public safety. This information be re-worded as necessary by the Licensing Authority and applied to any licence or certificate granted as enforceable conditions. Examples of appropriate measures may include:
- Implementation of a ‘comfort’ capacity level, typically lower than the safe occupancy level as determined by a fire risk assessment, to prevent overcrowding;

- Consideration given to counter terrorism measures, including static and mobile threats, with procedures for evacuation and building lockdown.
- Employment of SIA licensed door supervisors, stewards and/or traffic marshals, depending on what is appropriate for the premises;
- Provision of a suitably trained welfare officer; a designated member of staff for the purposes of ensuring customer safety and wellbeing and responding to vulnerability concerns;
- A procedure for ensuring that any person leaving the premises who is deemed vulnerable has access to necessary support and/or a safe method of travel, engaging with local taxi firms and schemes such as Street Pastors or Night Angels (where such schemes exist).

This list is non-exhaustive, and the Licensing Authority recommends that applicants consider measures that are proportionate and necessary for the specific premises and style of operation.

- 2.27 Where appropriate, the Licensing Authority will consider attaching conditions to licences and certificates to promote public safety. These may be drawn from the information contained in the Guidance issued under section 182 of the Licensing Act 2003.
- 2.28 In a case where different Responsible Authorities permit different 'safe' or 'permitted' capacity numbers for a premises, the Licensing Authority will consider the recommendations and make a determination as appropriate to the Licensing Objectives in each case.

#### Martyn's Law

- 2.29 The Terrorism (Protection of Premises) Bill, also known as Martyn's Law, was published by the Government in draft form in May 2023. The legislation has been drafted following the Manchester Arena inquiry, which strongly recommended the introduction of a legislative requirement to improve the safety and security of public venues.
- 2.30 Whilst this legislation is separate to the Licensing Act 2003, the Licensing Authority recognises that a significant number of premises licensed under the Act will also fall within the scope of Martyn's Law.
- 2.31 The draft legislation will, once passed, apply to premises that are accessible to the public and used primarily for a listed purpose (e.g., for entertainment and leisure, retail, food and drink, museums and galleries, sports grounds, public areas of local and central Government buildings, visitor attractions, places of worship, health, and education establishments), and have a public capacity of at least 100 persons.
- 2.32 The Licensing Authority will signpost applicants and licence holders to the relevant legislation, Government guidance and other published advisory notes to assist them with complying with Martyn's Law.

#### **Prevention of Public Nuisance**

- 2.33 The very nature of many licensed premises' day-to-day operations come with the risk of causing nuisance to neighboring business and residential premises.

Premises that provide live and recorded music, in particular, will be expected to ensure that their activities are not causing a significant adverse impact on the local area.

- 2.34 Public nuisance can range from low level nuisance affecting a small number of people to widespread disturbance affecting the whole community. Public nuisance associated with licensable activities may arise from a range of causes including noise, odour, light emission, and litter. The Act, and powers contained therein, will be the default remedy to address these issues associated to premises where a valid licence is in place. To prevent public nuisance the Licensing Authority will seek to ensure that:
- Effective and proportionate controls are in place to prevent public nuisance arising from any licensed activity;
  - Evidence of public nuisance brought to the attention of the Licensing Authority will be considered. Where necessary the Licence will be amended or revoked to reduce the likelihood of further nuisance;
  - Where it is in the public interest enforcement action will be considered in accordance with the Council's Enforcement Policy.
- 2.35 In considering applications, the Licensing Authority shall seek to strike a balance between the right of business owners to carry on licensable activities and the right of residents to peacefully enjoy their homes and local area.
- 2.36 The Licensing Authority may seek to impose stricter conditions to promote this licensing objective where premises are:
- In an area with denser residential accommodation
  - In an area with low levels of background noise i.e., rural locations
  - Proposing licensable activities beyond 23:00 and before 07:00
  - Proposing licensable activities in outdoor areas, such as gardens or marquees
  - Proposing licensable activities of longer duration or greater frequency, e.g., every day or every weekend.
- 2.37 Licensing legislation is not the primary mechanism for the control of nuisance caused by individuals that have vacated licensed premises. This is typically beyond the direct control of the licence or certificate holder. Nonetheless, the Licensing Authority expects reasonable controls to be implemented to mitigate nuisance where possible, for example a written dispersal policy.
- 2.38 Where nuisance complaints are made to the Licensing Authority or another regulatory service, i.e., Environmental Health or Planning, the Licensing Authority shall endeavour to have a joined-up approach with the relevant enforcement agency and consider whether the investigation and/or enforcement action demonstrates a failure to promote the licensing objectives.
- 2.39 It is expected that applicants for premises licences and club premises certificates engage with Environmental Health prior to submitting an application, particularly where the proposed activities are more likely to adversely impact this licensing objective.

2.40 Applicants must indicate in the Operating Schedule the steps that they propose to prevent public nuisance. This information may be re-worded as necessary by the Licensing Authority and applied to any licence or certificate granted as enforceable conditions. Examples of appropriate measures may include:

- Limiting regulated entertainment to indoors only, or to a particular area of the premises which is less likely to adversely affect neighbouring properties;
- Consideration given to design, location and orientation of speakers;
- Documented noise management plan, agreed with Environmental Health;
- Effective queue management procedure;
- Management of external garden areas and smoking areas, including staggered closing times;
- Provision of adequate waste receptacles and cigarette bins;
- Display of signage to encourage customers to leave quietly;
- Installation of sound proofing, air conditioning and sound limitation devices;
- Distribution of information to nearby residents, i.e., regularly meetings or provision of a hotline telephone number.

This list is non-exhaustive, and the Licensing Authority recommends that applicants consider measures that are proportionate and necessary for the specific premises and style of operation.

#### Gardens and outdoor smoking areas

2.41 The beer gardens of public houses are an asset to the premises. Similarly, the provision of tables and chairs outside the premises either on the highway or on private land can enhance the attractiveness of the venue. Late at night, however the use of these same tables and chairs can contribute to noise problems as they can encourage patrons and passersby to loiter rather than disperse.

2.42 The use of tables and chairs for recreation and refreshment on the public highway requires a separate licence issued by the Licensing Authority under the provisions of the Business and Planning Act 2020 or the Highways Act 1980. Where appropriate, time restrictions may be placed on the use of outside chairs and beer gardens to prevent adverse impacts on the safety and amenity of local residents.

#### Live and recorded music

2.43 Amplified music poses a particular risk of nuisance if it is loud or is dominated by low (bass) frequencies. In respect of potential public noise nuisance from public houses, clubs, hotels, restaurants, cafes, community halls and similar premises, account should be taken of any recommendations made by Environmental Health.

2.44 To establish the risk of public nuisance, the Operating Schedule will need to set out the type and frequency of activities that the licensed premises intends to carry out. The control measures that need to be implemented to prevent public nuisance may include:

- Improvements in the level of sound insulation provided;
- Provision of lobbied entrances;
- Provision of a mechanical ventilation or air conditioning system;

- Management methods for controlling the volume of noise;
- Use of an in-house sound system only;
- Use of devices to automatically limit noise volume in the premises;
- Design and location of the loudspeakers;
- Controls over the times music is played.

### Odour

2.45 Public odour nuisance can be caused by a variety of activities associated with licensed premises. These include:

- Inadequate storage of food waste
- Cooking activities
- Cooking extract systems

2.46 Particular care is needed in the design of extract systems serving cooking areas. Account should be taken of any Government or industry guidance on the control of odour and noise from commercial kitchen extractor systems.

### Light

2.47 Public nuisance may arise from artificial illumination used in open areas such as gardens. Lighting should not be permitted to create excessive illumination at neighbouring property and should be shielded and directed to avoid glare. Account should be taken of any Government or industry guidance on reduction of obtrusive light.

### Smoking and litter

2.48 It is illegal to smoke in an enclosed or substantially enclosed public or workplace. Whilst smoking is not a regulated activity under the Act, the volume of patrons smoking outside premises in gardens and purpose-built shelters has increased since the smoke-free legislation provisions came into force. Premises staff will need to have regard to the additional noise from patrons who have moved outside to smoke and should introduce suitable controls to combat this. Whilst premises staff may not be held wholly responsible for the actions of its customers once they leave a venue, those using gardens or who intend to return to the premises, do remain the responsibility of the site.

2.49 Premises staff should also take particular steps to combat litter from smoking as this may give rise to complaints. Appropriate waste receptacles may be provided to ensure that litter is disposed of correctly.

### **Protection of Children from Harm**

2.50 The Licensing Authority expects new applicants and current licence or certificate holders to ensure they are fulfilling their responsibility to safeguard children in and around their premises. In particular, awareness of the threat of child sexual exploitation and measures to prevent underage sales of alcohol.

2.51 Licensed premises are expected to take a robust approach to preventing underage

sales and proxy sales, implementing a proof of age scheme with regular training provided to staff members on how to verify customers' age and when to refuse service.

2.52 It is unlawful under the Act:

- To allow an unaccompanied child (under 16 years old) to be present on premises which are "exclusively or primarily" used for the supply and consumption of alcohol there, (e.g. public houses) or
- To allow an unaccompanied child to be present on premises used for the supply of alcohol for consumption there between midnight and 0500hrs, (e.g. premises such as restaurants).

Both of these offences relate to the times when a premises is open for business.

2.53 It is expected that applicants for premises licences and club premises certificates engage with relevant agencies (such as the police licensing team and local child protection team) prior to submitting an application, particularly where the proposed activities are more likely to adversely impact this licensing objective.

2.54 The Licensing Authority may seek to impose stricter conditions to promote this licensing objective where premises:

- Are more likely to attract children seeking to unlawfully drink alcohol;
- Are closely located to educational establishments for primary, secondary and higher education;
- Have a history of, or recent intelligence relating to serving alcohol to underage customers and/or a reputation for underage drinking;
- Make provision for events for mixed age groups, i.e., discos or parties targeted at 16-18 year olds;
- Make provision for entertainment of an adult or sexual nature;
- Are more likely to be used for child sexual exploitation, i.e., premises with overnight accommodation.

2.55 Applicants must indicate in the Operating Schedule the steps that they propose to protect children from harm. This information may be re-worded as necessary by the Licensing Authority and applied to any licence or certificate granted as enforceable conditions. Examples of appropriate measures may include:

- A robust proof of age scheme, i.e., Challenge 25, with clear signage displayed to customers and regular staff training relating to age verification;
- Maintaining a refusals log, detailing all refusals made to sell or supply alcohol with the date, time, staff member's name and reason for refusal;
- Use of till prompts at the point of sale, reminding staff members of their obligation to verify customers' age;
- Limitations on the hours when children may be on the premises, or a requirement for accompanying adults;
- Procedures for notifying relevant agencies of safeguarding or vulnerability concerns, particularly where child sexual exploitation is suspected;
- Personal licence holder on duty at all times that alcohol is being supplied from the premises.

This list is non-exhaustive, and the Licensing Authority recommends that applicants consider measures that are proportionate and necessary for the specific premises and style of operation.

2.56 When deciding whether additional conditions should be imposed the Licensing Authority will consider each application on its own merits. In such cases, it may, in exceptional circumstances, impose a complete prohibition on the admission or presence of children. The type of controls the Licensing Authority may impose include:

- Limitations on the hours when children may be present
- Limitations on the presence of children under certain ages when particular specified activities are taking place
- Limitations on the parts of premises to which children might be given access
- Age limitations
- Requirements for accompanying adults and
- Full exclusion of people under 18 from the premises when any or certain licensable activities are taking place

2.57 Where there is provision of entertainment specifically for children (e.g. children's disco) or where the children themselves are performers, the Licensing Authority will normally require the presence of sufficient adults to control the access and egress of the children and to ensure their safety.

#### Films and Adult Entertainment

2.58 The Licensing Authority expects applicants and licence / certificate holders to make necessary arrangements to restrict children from viewing age restricted films classified according to the recommendations of the British Board of Film Classification (BBFC).

2.59 Where it is desired to show films not classified by the BBFC, the Council will, provided adequate notice has been given, refer the request to a Licensing Sub-Committee for it to classify the film(s) concerned. To achieve consistency and protect children from harm, the Sub-Committee will use the guidelines published by the BBFC.

2.60 In circumstances where adult entertainment (for example, striptease or lap-dancing) is regulated under the Licensing Act 2003, the Licensing Authority expects applicants and licence / certificate holders to have robust procedures in place to prevent children from being admitted to or witnessing entertainment events of this nature.

2.61 Premises used for adult entertainment shall be expected to ensure that performance areas cannot be seen from street, and that an age verification policy is in place in relation to ticket sales and admission.

#### Child Exploitation

2.62 The exploitation of children can take a number of different forms and perpetrators

may subject children and young people to multiple forms of abuse at the same time, such as criminal exploitation (including county lines) and sexual exploitation.

- 2.63 The Licensing Authority recognises that the issue of child exploitation cannot be addressed by a single agency alone, and that effective collaboration between partner agencies and licensed premises is necessary to protect children from harm. Local businesses such as hotels, fast food restaurants, taxi services and pubs and nightclubs may come into contact with offenders and victims without realising, and so education about how to identify key signs of exploitation and providing appropriate information sharing methods is essential.
- 2.64 Raising awareness of the signs of child exploitation will be achieved in partnership with the local police licensing team, by sharing resources with licensed premises through established Pubwatch schemes and during routine compliance visits.
- 2.65 Applicants and licence holders can be proactive in recognising child exploitation by ensuring that their staff have access to relevant guidance and training materials, for example the Welfare and Vulnerability Engagement (WAVE) training package.

### **3. OTHER LEGISLATION AND INITIATIVES**

- 3.1 In addition to being the Licensing Authority under the Licensing Act 2003, Havant Borough Council has responsibility for a number of other statutory functions which interrelate and complement licensing functions. For example, the Council acts as the local planning authority in determining planning applications, an environmental health service and a building control service.
- 3.2 The Council also publishes its aims and initiatives as part of its corporate strategy, which is reviewed regularly. This includes commitments to regeneration, supporting the wellbeing and health of local communities, and making the Borough a great place to live, work and enjoy.
- 3.3 Through consultation prior to publication, the Licensing Authority has endeavoured to ensure that this Policy is integrated with relevant, local initiatives and that the views of key stakeholders who are involved, directly or indirectly in the promotion of the licensing objectives, are taken into account.
- 3.4 The Licensing Authority will seek to avoid duplication with other regulatory regimes wherever possible, particularly when drafting licence conditions and guidance.
- 3.5 The Licensing Authority recognises that as part of implementing cultural initiatives it should encourage and promote live music, dancing, and theatre for the wider benefit of the community.
- 3.6 The wider cultural benefits of entertainment will always be balanced with the need to prevent disturbance to local neighbourhoods. Care will be taken to ensure that only necessary and reasonable licensing conditions are imposed which do not discourage the promotion of entertainment.
- 3.7 The Council has adopted the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by Section 27 of the Policing and



Crime Act 2009). Adult entertainment such as striptease and lap dancing which falls within the definition of “Relevant Entertainment” will therefore be controlled under these provisions (and any adopted policy for such provision), rather than the Licensing Act 2003. However, in certain cases where such entertainment is carried out infrequently, it will continue to be regulated under the Licensing Act 2003 and the provisions of this Policy will therefore apply to such entertainment. In any event, premises providing Relevant Entertainment will need to consider whether a Premises Licence is required for the provision of alcohol, regulated entertainment and late night refreshment.

3.8 Premises must also comply with all other relevant legislation that imposes specific controls on their activities that affect, for example:

- gambling
- food safety
- environmental protection and noise
- health and safety
- fire safety
- smoking
- equality and diversity
- planning and building controls
- counter terrorism measures

### **Planning**

3.9 The Council recognises that there should be clear separation between the planning and licensing functions, with licensing applications considered independently of planning applications. Close liaison will be maintained between the Licensing Authority and the Council’s Planning and Development Management Teams, ensuring that effective communication methods are used to discuss problems arising at premises where both planning and licensing permission are relevant.

3.10 Planning permission can sometimes be required where all or part of a domestic residential property is used for business purposes, and a change of use or changes to opening hours may be required where planning permission has already been granted. In these instances, any premises licence or club premises certificate granted under the Licensing Act does not override the existing planning permission or condition requirements.

3.11 Applicants are encouraged to discuss proposals with the Planning and Development Management Teams to obtain appropriate advice, prior to starting a new business venture or making changes to an existing business that already benefits from formal planning permission.

3.12 The Planning Team are a statutory consultee for the purposes of applications for premises licences and club premises certificates and may submit representations in respect of applications where they consider that the proposals will adversely impact the licensing objectives.

## **Crime, Disorder and Anti-Social Behaviour**

- 3.13 The Licensing Authority will work closely with the police and other enforcement agencies on issues of crime, disorder and anti-social behaviour where these issues can be attributed to licensed premises.
- 3.14 The Council has a duty under Section 17 of the Crime and Disorder Act 1998 to exercise its various functions with due regard to the likely effect of the exercise of those functions and to do all that it reasonably can to prevent crime and disorder in its area.
- 3.15 The Licensing Authority actively supports the existing Havant and District Pubwatch scheme, providing members with regular updates to legislation, guidance and best practice.
- 3.16 The Borough is subject to a Designated Public Places Order (DPPO). This order empowers the Police, Police Community Support Officers (PCSOs) and Accredited Persons (APs) to remove alcohol from individuals involved in anti-social behaviour. The Designated Public Places Order was made by the Local Authority under Section 13 of the Criminal Justice and Police Act 2001.
- 3.17 However, where the Local Authority occupies or manages a premises, or where premises are managed on its behalf and it licenses that place for alcohol sales, the DPPO (as amended under Section 26 of the Violent Crime Reduction Act 2006) will not apply when the licence is being used for alcohol sales (or 30 minutes after), but the place will be the subject to the DPPO at all other times. This allows the Council to promote community events whilst still using DPPOs to tackle anti-social alcohol consumption.
- 3.18 A Community Alcohol Partnership (CAP) was launched in March 2012 on Hayling Island which focuses on the nuisance created by young people drinking alcohol in public places and becoming involved in anti-social behaviour, vandalism. It also aims to address the problem of adults purchasing alcohol for young people and being able to access alcohol from home supplies.
- 3.19 Conditions attached to individual premises licences and club premises certificates may also reflect local crime prevention initiatives.
- 3.20 Other mechanisms exist to control the anti-social behaviour of a minority of consumers who cause an adverse impact to neighbouring residents and businesses when leaving licensed premises. These include:
- Positive action to create a safe and clean town centre environment, in partnership with local businesses and residents, transport operators and other departments of the local authority;
  - Power of local authorities to designate parts of the district as alcohol-free areas;
  - The confiscation of alcohol from adults and children in designated areas;
  - Police enforcement of legislation concerning disorder and anti-social behaviour including the issuing of community resolutions and use of dispersal orders;
  - The prosecution of any Personal Licence holder or member of staff at premises found to be selling alcohol to people who are either drunk or under-age;

- Police powers to close any licensed premises or temporary event immediately for up to 24 hours, on grounds of disorder or excessive noise emanating from the premises;
- The power of the Police and other responsible authorities or an interested party to seek a review of the licence or certificate in question.

#### **4. CUMULATIVE EFFECT AND SPECIAL SATURATION POLICIES**

- 4.1 The Licensing Authority will not take 'market need' into account for a particular type of premises in its area when considering a licence application. This is a matter for planning and development management, and the open market.
- 4.2 The Licensing Authority recognises that the cumulative impact of the number, type and density of licensed premises in a given area may lead to serious problems of nuisance and disorder.
- 4.3 Representations may be received from a Responsible Authority or any Other Person that an area has become saturated with premises, making it a focal point for large groups of people. This concentration of premises may create exceptional problems of crime and disorder and public nuisance over and above the impact from the individual premises.
- 4.4 In these circumstances, the Licensing Authority may decide that the application of specific conditions is unlikely to address these problems. It may instead consider refusing new premises licences or club premises certificates if it believes that granting of additional licences would undermine the licensing objectives.
- 4.5 To do this, the Licensing Authority would first adopt a “Special Saturation Policy” as follows:
- identification of concerns about crime and disorder or public nuisance;
  - consideration of whether crime and disorder or public nuisance problems are arising and are caused by the customers of licensed premises;
  - identifying the area from which problems are arising and the boundaries of that area. Alternatively, the risk factors may be such that the area is reaching a point when a cumulative effect is imminent. Evidence of anti- social behaviour from the Police and and noise nuisance from Environmental Health will be considered in determining this;
  - consultation with those specified in section 5(3) of the Act;
  - subject to that consultation, inclusion of a Special Saturation Policy concerning premises licence or club premises certificate applications from that area within the terms of this Policy;
  - publication of the Special Saturation Policy as part of this Statement of Licensing Policy.
- 4.6 Where a Special Saturation Policy is adopted by the Council, any new application for a premises licence or club premises certificate in the relevant area would normally be refused. Applicants would need to demonstrate in their operating schedules why the operation of the premises would not add to the cumulative impact already being experienced. Where representations are

received, however, the onus will also be on the objector to provide evidence that the addition of the premises in question would produce the cumulative impact claimed. The impact will be different for premises with different styles and characteristics.

- 4.7 The Licensing Authority may approve licences that are unlikely to add significantly to the cumulative impact, e.g., restaurants, theatres etc. Departures from the Special Saturation Policy may be made and the Licensing Authority will always consider the circumstances of each individual application on its own merits.
- 4.8 The adoption of a Special Saturation Policy does not relieve Responsible Authorities or any Other Person of the right to make relevant representations in respect of applications for premises licences and club premises certificates.
- 4.9 Once adopted, Special Saturation Policies must be reviewed regularly to assess whether they are still relevant and/or required.
- 4.10 A Special Saturation Policy will not be used as grounds for revoking an existing premises licence or club premises certificate when representations are received about problems with those premises. The Special Saturation Policy will also not impose any trading hours, terminal hours or quotas (number or capacity of premises) as this would remove regard to the individual characteristics of the premises concerned.
- 4.11 Other mechanisms exist to control the anti-social behaviour of a minority of consumers who behave badly and unlawfully after leaving licensed premises etc. These include:
  - Positive measures to create a safe and clean town centre environment in partnership with local businesses and residents, transport operators and other departments of the local authority
  - Power of local authorities to designate parts of the district as alcohol-free areas
  - The confiscation of alcohol from adults and children in designated areas.
  - Police enforcement of legislation concerning disorder and anti-social behaviour including the issuing of fixed penalty notices and community protection notices.
  - The prosecution of any Personal Licence holder or member of staff at premises that are selling alcohol to people who are either drunk or under-age
  - Police powers to close any licensed premises or temporary event immediately for up to 24 hours, on grounds of disorder or excessive noise emanating from the premises.
  - The power of the Police and other responsible authorities or an interested party to seek a review of the licence or certificate in question.

## **5. LATE NIGHT LEVY AND EARLY MORNING RESTRICTION ORDERS**

- 5.1 The Late Night Levy, introduced by the Police Reform and Social Responsibility Act 2011, enables licensing authorities to raise a contribution from late-opening alcohol suppliers towards policing and cleaning after the night-time economy. It is a local power that licensing authorities can choose whether or not to exercise. It must cover the whole of the licensing authority's area. However, the licensing authority will also choose the period during which the levy applies every night, between midnight and 6am, and decide what exemptions and reductions should apply from a list set out in regulations.
- 5.2 At present Havant Borough Council has not exercised this power. Should it choose to introduce the Late Night Levy it must consider the costs of policing, cleansing and other arrangements for the reduction or prevention of crime and disorder. In connection with the supply of alcohol between midnight and 6 am, and having regard to those costs, the desirability of raising revenue to be applied in accordance with the legal application of net amount of levy payment.
- 5.3 An Early Morning Alcohol Restriction Order (EMRO) enables licensing Authorities to restrict sales of alcohol in the whole or a part of their area for any specified period between 12 midnight and 6 am if they consider it appropriate for the promotion of the licensing objectives. The Police Reform and Social Responsibility Act 2011 extended the flexibility of the existing EMRO power in the 2003 Act to provide Licensing Authorities with an additional tool to shape and determine local licensing, and to address specific problems caused by late night drinking.
- 5.4 At present the Licensing Authority has decided not to exercise this power.

## **6. APPLICATIONS**

- 6.1 Applicants are strongly encouraged to seek guidance at the earliest possible stage from the Licensing Authority and other Responsible Authorities before making an application. This enables applicants to have an informal discussion with the relevant authorities regarding the promotion of the licensing objectives, and to work collaboratively to propose licence conditions where appropriate.

### **Conditions**

- 6.2 Applicants are expected to outline how they intend to promote the licensing objectives when making their application, providing details in the operating schedule. The measures detailed in the operating schedule should be an accurate reflection of how the premises intend to operate and mitigate risk, rather than seen as a 'box ticking' exercise in order to obtain a licence. Applicants may refer to the Guidance issued under section 182 of the Licensing Act 2003 for assistance in drafting their proposals.
- 6.3 The Licensing Authority may apply any information contained in the operating schedule as conditions on a licence or certificate granted, and re-phrase the information where necessary to ensure that conditions are clear and enforceable.
- 6.4 Where the Licensing Authority does not receive representation regarding the terms of an application it will grant the licence or certificate subject only to conditions that are consistent with the operating schedule. Mandatory conditions prescribed in the Act will also be included.

### **Licensing Hours**

- 6.5 Flexible licensing hours for the sale of alcohol may help to avoid the possibility of large numbers of customers leaving premises simultaneously. This can help to reduce impact and disturbance at, for example, late-night fast-food outlets, taxi ranks and other sources of transport.
- 6.6 The Licensing Authority may permit shops, stores and supermarkets to sell alcohol for consumption off the premises at any time they are open for business. Where, however the Police make recommendations for the restriction of hours, then this will be considered.

## **7. TYPES OF LICENCES, CERTIFICATES AND NOTICES**

### **Personal Licence**

- 7.1 A personal licence is granted to an individual and authorises them to supply alcohol, or authorise the supply of alcohol, in accordance with a premises licence.
- 7.2 A personal licence may be granted to any applicant, who:
- Is ordinarily resident in the Licensing Authority's district;
  - Is aged 18 or over;
  - Possesses a licensing qualification accredited by the Department of Culture, Media and Sport (DCMS) or is a person of a prescribed

description as determined by the Secretary of State.

- 7.3 A licence will not be granted to any applicant who has had a personal licence forfeited within the five-year period preceding the date of the application.
- 7.4 An application for a personal licence must be made using the prescribed application form and accompanied by the following supplementary documents:
- Disclosure of convictions and civil immigration penalties;
  - A copy of acceptable documentation proving the applicant's right to work in the UK;
  - Two photographs of the applicant, one of which is endorsed as a true likeness of the applicant by a solicitor or notary, a person of standing in the community or an individual with a professional qualification;
  - Evidence of an approved licensing qualification;
  - A basic DBS certificate, no more than one month from the date of issue;
  - Payment of the prescribed fee.
- 7.5 The police may oppose an application if an applicant has a relevant unspent conviction or a conviction for a comparable offence in a foreign jurisdiction, and where they believe the grant of a personal licence would undermine the crime prevention licensing objective. If a police objection is received, the application will be determined at a Sub-Committee at a hearing where all matters relevant to the application will be taken into consideration. These may include the nature of any offences, the time since their occurrence and any mitigating circumstances. The applicant may attend the hearing and may be assisted or represented by any person, whether or not that person is legally qualified. There will be no need for a hearing if the applicant, Licensing Authority and Chief Officer of Police agree that it is not necessary.
- 7.6 Personal licence holders are obliged to notify the Licensing Authority of any change of name or address during the period of licence.
- 7.7 Should a personal licence holder be convicted of a relevant offence during the period of licence, the relevant Court and the licence holder must notify the Licensing Authority of the conviction as soon as reasonably practicable. In this instance, the Licensing Authority would allow the licence holder to make representations prior to the matter being considered at a Licensing Sub-Committee hearing. Should the licensing Sub-Committee resolve not to revoke the personal licence, the Licensing Authority must give notice to the Chief Officer of Police and give time for them to make representations.

### **Premises Licence**

- 7.8 A premises licence is required for any premises used for one or more licensable activities as defined in section 1 of the Act.
- 7.9 Those who may apply for a premises licence are defined in section 16 of the Act. Applicants must be aged 18 or over, be entitled to work in the UK, and carry or intend to carry on a business which involves the use of

premises for licensable activities.

- 7.10 Certain other individuals and groups, such as recognised clubs, charities and proprietors of educational institutions may also apply for a premises licence.
- 7.11 The requirements in relation to applications for premises licences are set out in section 17 of the Act. An application for a premises licence must be made on the prescribed form to the Licensing Authority. The application must be accompanied by:
- An operating schedule that demonstrates that the premises licence holder will have regard to the Licensing Authority's licensing policy and promote the licensing objectives;
  - A plan of the premises to which the application relates, including relevant information as prescribed by Regulations;
  - A form of consent from the individual who is to be specified in the licence as the designated premises supervisor (where the application proposes the sale of alcohol);
  - Evidence of the applicant's right to work in the UK (if applying as an individual)
  - Payment of the prescribed fee.
- 7.12 Fees are based on the non-domestic rateable value of the relevant premises, with additional fees for premises used primarily for certain activities or with higher capacities. Details of fees due can be found on the Council's website.
- 7.13 Unless making an electronic application, applicants are required to copy details of their application to Responsible Authorities, namely:
- The Chief Officer of Police;
  - The local fire and rescue authority;
  - The local enforcement agency for the Health and Safety at Work etc Act 1974
  - The local Environmental Health authority
  - 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;
  - The local weights and measures authority, i.e. Trading Standards
  - Any licensing authority, other than the relevant licensing authority, in whose area part of the premises are situated
  - The local Primary Care Trust

Contact details for Responsible Authorities can be found in Appendix 2.

- 7.14 Applicants are also required to advertise their application by displaying a prescribed notice (or notices, depending on the size of the premises) at the premises, and publishing a notice in a local newspaper.
- 7.15 Responsible Authorities and Other Persons may make representations in



relation to an application for a premises licence, where they consider that the proposals will adversely impact one or more of the licensing objectives. These representations must be made in writing to the Licensing Authority within the prescribed consultation period. Late representations cannot be accepted.

- 7.16 Where no representations are made, or representations are withdrawn prior to the end of the consultation period, the application will be granted as applied for (taking into consideration any amendments or conditions agreed during the consultation period).
- 7.17 Where a valid representation is not withdrawn prior to the end of the consultation period, the Licensing Authority must arrange a Licensing Sub-Committee hearing to determine the outcome of the application.
- 7.18 Additional processes for varying a premises licence and transferring a premises licence exist under the Act.
- 7.19 Certain 'community premises' may submit an application to disapply the requirement for a designated premises supervisor to be named on the premises licence, instead passing the responsibility of the sale and supply of alcohol to the premises' management team or governing body.

### **Provisional Statement**

- 7.20 Where premises are to be constructed, extended or substantially altered, new applicants or existing licence holders can apply for a provisional statement. This is a system of prior approval where a premises licence covering the desired licensable activities would be granted once the building work is completed.
- 7.21 Applicants for a provisional statement must be aged 18 or over and have an interest in the relevant premises.
- 7.22 The requirements in relation to applications for provisional statements are set out in section 29 of the Act. An application for a provisional statement must be made on the prescribed form to the Licensing Authority. The application must be accompanied by:
- A schedule of works, which shall include:
    - a statement made by or on behalf of the application including particulars of the premises to which the application relates and of the licensable activities for which the premises are to be used;
    - plans of the work being or about to be done at the premises; and
    - such other information as may be prescribed.
  - Payment of the prescribed fee.
- 7.23 Where Responsible Authorities or Other Persons make representations, a Licensing Sub-Committee hearing will be held to determine the outcome of the application. The Licensing Authority may attach conditions to promote any of the licensing objectives. It is recognised that structural alterations

which change the layout and character of an existing licensed premises can have an effect on the licensing objectives and therefore detailed consideration is required.

### **Club Premises Certificates**

- 7.24 A 'club' is an organisation where members have joined together for particular social, sporting or political purposes. Members of a club may purchase alcohol in bulk, to then supply to fellow members of the club and their guests. This activity requires a club premises certificate, rather than a premises licence.
- 7.25 Only a 'qualifying club' may apply for a club premises certificate. The Act outlines the necessary criteria of a qualifying club, namely:
- The club must have at least 25 members;
  - The club must be established and conducted in good faith;
  - Club persons may not obtain a membership or the privileges of a membership without an interval of at least two days between their application and their admission;
  - Alcohol is not supplied, or intended to be supplied, to members on the premises otherwise than by or on behalf of the club.
- 7.26 When determining whether a club is a 'qualifying club', the Licensing Authority will have regard to relevant sections of the Act and guidance issued under section 182 of the Act.
- 7.27 The requirements in relation to applications for club premises certificates are set out in section 71 of the Act. An application for a club premises certificate must be made on the prescribed form to the Licensing Authority. The application must be accompanied by:
- An operating schedule that demonstrates that the club will have regard to the Licensing Authority's licensing policy and promote the licensing objectives;
  - A plan of the premises to which the application relates, including relevant information as prescribed by Regulations;
  - A copy of the club's rules; and
  - Payment of the prescribed fee.
- 7.28 No designated premises supervisor is required for a club premises certificate.
- 7.29 Fees are based on the non-domestic rateable value of the relevant premises, with additional fees for premises with higher capacities. Details of fees due can be found on the Council's website.
- 7.30 Unless making an electronic application, applicants are required to copy details of their application to Responsible Authorities, namely:
- The Chief Officer of Police;

- The local fire and rescue authority;
- The local enforcement agency for the Health and Safety at Work etc Act 1974
- The local Environmental Health authority
- 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;
- The local weights and measures authority, i.e. Trading Standards
- Any licensing authority, other than the relevant licensing authority, in whose area part of the premises are situated
- The local Primary Care Trust

Contact details for Responsible Authorities can be found in Appendix 2.

- 7.31 Applicants are also required to advertise their application by displaying a prescribed notice (or notices, depending on the size of the premises) at the premises, and publishing a notice in a local newspaper.
- 7.32 Responsible Authorities and Other Persons may make representations in relation to an application for a club premises certificate, where they consider that the proposals will adversely impact one or more of the licensing objectives. These representations must be made in writing to the Licensing Authority within the prescribed consultation period. Late representations cannot be accepted.
- 7.33 Where no representations are made, or representations are withdrawn prior to the end of the consultation period, the application will be granted as applied for (taking into consideration any amendments or conditions agreed during the consultation period).
- 7.34 Where a valid representation is not withdrawn prior to the end of the consultation period, the Licensing Authority must arrange a Licensing Sub-Committee hearing to determine the outcome of the application.
- 7.35 There is no mandatory requirement under the 2003 Act for guests to be signed in by a member of the club. However, a point may be reached where a club is providing commercial services to the general public in a way that the Licensing Authority considers to be contrary to its qualifying club status. It is at this point that the club would no longer be conducted in 'good faith' and the Licensing Authority may give the club notice that it is withdrawing the club premises certificate.
- 7.36 If a club decides that it wishes to offer its facilities commercially, for use by the general public, the Licensing Authority will consider an application for a premises licence. The applicant should consider whether any planning consent must be sought prior to the submission of the premises licence application.
- 7.37 When a premises has the benefit of a club premises certificate, an application may be made to allow those running the premises to supply alcohol for consumption off the premises to its members. Such supply will only be

permitted during the hours that the premises are open for supply of alcohol to its members on the premises.

### **Mandatory Conditions**

- 7.38 Orders made under the Act in 2010 and 2014 specify mandatory conditions that must be added to any premises licence or club premises certificate granted.
- 7.39 The conditions relate to prohibiting irresponsible drinks promotions, requiring there to be a designated premises supervisor in respect of the premises where alcohol is supplied, and mandating that alcohol is not sold for less than the prescribed permitted price.

### **Temporary Event Notices**

- 7.40 Temporary events involving licensable activities will be permitted if certain criteria are fulfilled.
- 7.41 Any person (or 'premises user') wishing to hold an event involving licensable activities must give notice to the Licensing Authority of that event by means of a temporary event notice. The premises user must be aged 18 or over.
- 7.42 Temporary event notices must be submitted to the Licensing Authority using the prescribed form, providing specific details of the event, namely:
- The general nature of the premises and the event;
  - The date and proposed times of the event;
  - The licensable activities proposed to be carried on at the event;
  - Details of any relevant entertainment (adult entertainment);
  - The maximum number of persons that will be on the premises at any one time.
- 7.43 Temporary event notices must be accompanied by payment of the prescribed fee. Details of fees due can be found on the Council's website.
- 7.44 Whilst there is no requirement to submit a plan with a temporary event notice, the Licensing Authority may request clarification on exactly where the notice relates to. Under the Act, a 'premises' can mean any place, and so it may be necessary for a premises user to supply additional information to satisfy the Licensing Authority of the exact location to which the notice relates.
- 7.45 Unless submitting the notice electronically, premises users are required to copy details of their notice to 'Relevant Persons, namely:
- The Chief Officer of Police;
  - The local Environmental Health authority
- 7.46 Notices must be submitted at least 10 working days before the event is due to start. Premises users are encouraged to do this well before the statutory period is reached so that any problems can be resolved early.

- 7.47 There is also the facility to submit a 'late' temporary event notice, which must be submitted at least 5 working days before the event.
- 7.48 On receipt of a temporary event notice the Licensing Authority will issue an acknowledgement or a counter notice. A counter notice relates to circumstances where certain limits permitted under the Act for running temporary events have been exceeded. These limits are detailed in section 107 of the Act.
- 7.49 If Relevant Persons are satisfied that the event will undermine any of the four licensing objectives, an objection notice stating the reasons will be served on the premises user and the Licensing Authority within three working days of receipt of the notice. The Licensing Authority will then hold a Sub-Committee hearing to consider the objections unless all parties agree that a hearing is unnecessary. If the Sub-Committee agrees with the Relevant Person's objection, then it will serve a counter notice on the premises user. This counternotice prevents the event from taking place.
- 7.50 Temporary event notices may be amended, following an objection notice from a Relevant Person, to impose conditions. However, these conditions must be taken verbatim from a premises licence in respect of the same premises.

## **8. REVIEWS**

- 8.1 At any stage following the grant of a premises licence or club premises certificate, a Responsible Authority or any Other Person may ask the Licensing Authority to review the licence or certificate because of a matter arising in connection with any of the four licensing objectives.
- 8.2 A request for a review must be submitted to the Licensing Authority using the prescribed form. The applicant must give notice of the review to Responsible Authorities and the holder of the relevant licence or certificate.
- 8.3 The Licensing Authority must display a notice of the review at the premises for a period of 28 days, during which time Responsible Authorities and Other Persons may make representations in relation to the review. Representations must relate to one or more of the licensing objectives, and must be made in writing to the Licensing Authority within the prescribed consultation period. Late representations cannot be accepted.
- 8.4 Before arrangements for a review are initiated, The Licensing Authority will make every effort to consult with the review applicant and licence holder in an attempt to resolve issues informally.
- 8.5 Following a Review Hearing the Licensing Authority may:
- modify the conditions of the licence/certificate;
  - exclude a licensable activity from the scope of the licence/certificate;
  - remove the designated premises supervisor from the licence;

- suspend the licence/certificate for a period not exceeding three months;
- revoke the licence/withdraw the certificate.

8.6 Where reviews arise and the Licensing Authority determines that the crime prevention objective is being undermined through a premises being used in connection with crime, then revocation of the licence (even in the first instance) will be seriously considered.

## 9. SUMMARY REVIEWS

9.1 Summary reviews can be undertaken when the Police consider that the premises concerned are associated with serious crime, serious disorder, or both. The powers apply only to premises licences authorised for the sale of alcohol.

9.2 An application for a summary review must be made by or on behalf of the Chief Officer of Police, using the prescribed form. The application must be accompanied by a certificate issued by a senior officer of the rank of superintendent or above. Guidance issued under section 182 of the Act can be used by police officers to determine whether the certificate should be issued.

9.3 Within 48 hours (not including non-working days) of receipt of the summary review application, the Licensing Authority shall give notice to Responsible Authorities and the licence holder of the application.

9.4 A Licensing Sub-Committee will also consider whether it is necessary to take interim steps, such as placing temporary conditions on the premises licence. A formal hearing is not required for this, although will be arranged where possible. Interim steps include:

- Modification of the conditions of the premises licence
- Exclusion of the sale of alcohol by retail from the scope of the licence;
- Removal of the designated premises supervisor from the licence; and
- Suspension of the licence.

9.5 Where the Licensing Sub-Committee decides to take interim steps, the decision takes effect immediately. The Licensing Authority must give immediate notice of its decision, and its reasons, to the licence holder and Chief Officer of Police.

9.6 The Licensing Authority will ensure that compliance with any temporary conditions imposed is reasonably achievable by the premises licence holder.

9.7 Any licence holder given notice of a summary review will be given the opportunity to make representations. The Licensing Authority will also advertise the application and invite representations from any person for no less than seven days. Any representation(s) received will be considered by the Licensing Sub-Committee at a subsequent hearing.

## **10. APPEALS**

- 10.1 The Act contains provision for appeals by aggrieved parties against decisions made by the Licensing Authority. Appeals must be made to the Magistrates' Court for the area in which the premises is situated. For personal licences, the appeal must be made to the Magistrates' Court for the area in which the Local Authority's decision was made.
- 10.2 The rights of appeal and reasons for the decision(s) taken by the Licensing Authority will be provided to all parties concerned with any licensing decision. The decision will have regard to the Licensing Authority's Policy, statutory guidance, and relevant legislation (including the Act itself).

## **11. ENFORCEMENT**

- 11.1 Havant Borough Council aims to protect the safety and welfare of people, including members of the public, who may be exposed to risks from the way that licensable activities are carried out and to protect the interests of those who may be adversely affected by such activities if they are unregulated.
- 11.2 The Licensing Authority will always seek to educate and explain before considering enforcement options. For example, where it is alleged or suspected that a premises is operating outside the terms of its licence or certificate, the Licensing Authority will seek to engage with the licence holder informally in the first instance. It will educate the licence holder on the relevant offences potentially being committed and re-visit the premises a short time afterwards to determine whether improvements have been made.
- 11.3 The Licensing Authority will explore all options for improving the operation of a premises prior to considering a review or enforcement options.
- 11.4 Enforcement action, including prosecution, instigated by the Licensing Authority will have regard to the Council's Enforcement Policy.
- 11.5 Where a Licensing Authority is notified by a Court or the Police regarding the issue of a premises closure order, it must review the premises licence within 28 days of receipt of the notice.
- 11.6 Part 7 of the Act sets out a number of offences and proceedings, such as prosecution, which may be instigated by the following:
- The Local Authority
  - The Police
  - The Crown Prosecution Service
  - In the case of an offence under section 146 or 147 (sale of alcohol to children), by Hampshire Trading Standards Department.

## **12. DATA PROTECTION**

- 12.1 The Licensing Authority may use the information submitted on any application form for any licence(s) or permission(s) provided for under the Act for the

purpose of its statutory function(s) under the Act.

- 12.2 All applicants have the right to ask for a copy of the information that the Licensing Authority holds about them under the Act.
- 12.3 By making an application to the Licensing Authority for any licence or permission under the Act, all applicants consent to our processing sensitive personal data about them where this is necessary and lawful.
- 12.4 The Licensing Authority will maintain registers of all matters detailed in Schedule 3 of the Act and any other information prescribed by regulations. Any person is permitted to obtain a copy of this information from the Licensing Authority. Public registers are available via the Council's website.
- 12.5 The Licensing Authority does not publish plans of licensed premises on their public register, for reasons of public safety. Any request made for a copy of a premises plan will be carefully considered with regard given to counter terrorism guidance.

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

The Licensing Team  
Havant Borough Council  
Public Service Plaza  
Civic Centre Road  
Havant, Hampshire  
PO9 2AX  
Tel: 02392 446660  
Email: [licensing@havant.gov.uk](mailto:licensing@havant.gov.uk)



## APPENDIX 1

### SCHEDULE OF DELEGATIONS

<b>Matter to be dealt with</b>	<b>Licensing Committee or Sub-Committee</b>	<b>Authorised Officer</b>
Application for personal licence	If a police objection	If no objection made
Application for personal licence with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a representation made	If no representation made
Application for provisional statement	If a representation made	If no representation made
Application to vary premises licence/club premises certificate	If a representation made	If no representation made
Application to vary Designated Premises Supervisor	If a Police objection	All other cases
Request to be removed as Designated Premises Supervisor		All cases
Application for transfer of premises licence	If a Police or Home Office objection	All other cases
Applications for interim authorities	If a Police objection	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a complaint / representation is irrelevant, frivolous or vexatious etc		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	
Consideration of a Police and/or Environmental Health objection to a temporary event notice	All cases	
In cases where the Magistrates' Court has determined the licence on appeal		All cases

Application for a minor variation to a premises/club premises certificate		All cases
Application by holder of a community premises licence to dis-apply the requirement for a DPS		All cases

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## **APPENDIX 2**

### RESPONSIBLE AUTHORITIES LICENSING ACT 2003

#### **Chief Officer of Police**

c/o Emma Walker, Licensing Assistant  
Hampshire Constabulary Violent Crime Reduction & Licensing Team  
Core 5, Lower Ground Floor  
Portsmouth Civic Offices  
Portsmouth  
Hampshire  
PO1 2AL  
Tel: 02392 688754  
[force.licensing@hampshire.pnn.police.uk](mailto:force.licensing@hampshire.pnn.police.uk)

#### **Hampshire & IOW Fire and Rescue Service HQ**

Business Fire Safety  
Leigh Road  
Eastleigh  
Hampshire  
SO50 9SJ  
[csprotection.admin@hantsfire.gov.uk](mailto:csprotection.admin@hantsfire.gov.uk)

#### **Environmental Health – Commercial Team**

Havant Borough Council  
Public Service Plaza  
Civic Centre Road  
Havant  
Hampshire PO9 2AX  
[EHealth@havant.gov.uk](mailto:EHealth@havant.gov.uk)

#### **Planning & Development Enquiry Officer**

Havant Borough Council  
Public Service Plaza  
Civic Centre Road  
Havant  
Hampshire PO9 2AX  
[PlanningandDevelopmentSharedMailbox@havant.gov.uk](mailto:PlanningandDevelopmentSharedMailbox@havant.gov.uk)

#### **Environmental Health – Environment Team**

Havant Borough Council  
Public Service Plaza  
Civic Centre Road  
Havant  
Hampshire PO9 2AX  
[EHealth@havant.gov.uk](mailto:EHealth@havant.gov.uk)

**HCC CSD Safeguarding Unit**

Falcon House, Monarch Way  
Winchester  
Hampshire SO22 5PL  
[child.protection@hants.gov.uk](mailto:child.protection@hants.gov.uk)

**The Trading Standards Service**

Montgomery House  
Monarch Way  
Winchester  
Hampshire SO22 5PW  
01962 833620  
[tsadvice@hants.gov.uk](mailto:tsadvice@hants.gov.uk)

**Public Health Manager (Licensing)**

Public Health Department  
1st Floor, Room 153  
Elizabeth II Court, South  
Hampshire County Council  
Winchester  
SO23 8TG  
[publichealth.licensing@hants.gov.uk](mailto:publichealth.licensing@hants.gov.uk)  
Use Fax no. 01962 847644

**Home Office**

Alcohol Licensing Team  
Lunar House  
40 Wellesley Road  
Croydon  
CR9 2BY  
[alcohol@homeoffice.gov.uk](mailto:alcohol@homeoffice.gov.uk)

**Licensing**

Havant Borough Council  
Public Service Plaza  
Civic Centre Road  
Havant  
Hampshire PO9 2AX  
[licensing@havant.gov.uk](mailto:licensing@havant.gov.uk)