

Licensing Act 2003

Draft
Statement of Licensing
Policy

2011-2014

Forward

This forward does not form part of the Policy and is for information purposes only

All persons involved in businesses, including those of licensed premises, and residents in the North Somerset area are recommended to read this consultation document, particularly the part regarding the proposed Cumulative Impact Policy for the town centre of Weston-super-Mare.

The Council is required under the Licensing Act 2003 to review its Licensing Policy every three years and if it considers it necessary to revise it after appropriate consultation. Under the Act the revised policy must come into force on the 7 January 2011.

The purpose of this consultation exercise is:

1. To carry out a general review of the current Licensing Policy prior to a new policy coming into force on the 7 January 2011, and
2. To consider whether the Council should include in the Licensing Policy a special Cumulative Impact Policy for the town centre of Weston-super-Mare.

The Council has undertaken a general review of its existing Licensing Policy and considers that revisions are required. The revisions have been included within this document and include:

- Updating the policy in accordance with the Government Guidance and changes which have occurred in the licensing legislation since the current policy was agreed.
- Reviewing the policy in the light of experience gained over the last three years.
- Amending the wording of the policy to provide better clarification of various issues.
- Introduction of a new section proposing a Cumulative Impact Policy for the town centre of Weston-super-Mare on the basis that this area is experiencing relatively high levels of alcohol related crime and disorder.

We would welcome your comments on the proposed licensing policy. Comments can be made in writing or by email and must include the name and address of the person making the comment. If you wish to keep your name and address confidential please would you state this in your letter or email.

Comments regarding the proposed Licensing Policy should be forward to the Licensing Team whose details are given below by **no later than the 8th October 2010**.

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1. Statement of licensing policy

The North Somerset District

1. North Somerset Council (the Council) is a Unitary Authority in Somerset covering approximately 145 square miles (38,955 hectares) with a population of 206,800 (Office for National Statistics Mid Year Estimates 2008). North Somerset has seen the highest population increase of 9.5% in the South West between 2001 – 2008.
2. There are approximately 80,000 households and 7,800 active business enterprises within the district. The Council area is a mixed urban and rural district with a dispersed population. The main urban areas are Weston-super-Mare, Clevedon, Nailsea and Portishead. The remainder of the area is a mixture of villages and farmland. The estimated population of Weston-super-Mare is 80,000, Clevedon 22,000, Nailsea 18,000 and Portishead 22,000. The area is not densely populated although there are concentrations of housing in the above towns.
3. The area adjoins the conurbation of Bristol and includes a major dock at Portbury, an International Airport at Lulsgate and the seaside resorts of Weston-super-Mare and Clevedon. The area has good transportation links that include the M5 motorway and main line railway routes and stations.
4. Tourism historically has been a significant economic sector in the local economy, most notably Weston-super-Mare which grew from a small village to a large resort town. Though tourism declined in the mid to late-20th century, in common with most British coastal resorts, this sector of the economy has stabilised and substantial regeneration is now taking place in Weston–super- Mare.
5. A wide range of licensed premises exist in North Somerset and they play a significant role in the community and local economy. As at the summer of 2010 there currently are 678 Premises Licences, 83 Club Premises Certificates and 1749 Personal Licences. In the financial year of 2009/10 the Council received 519 Temporary Event Notifications.
6. A map of the North Somerset District is shown at **Appendix A**.

Introduction

7. North Somerset Council is the licensing authority for the North Somerset area under the Licensing Act 2003 (the Act). This means the licensing authority is responsible for granting premises licences, club premises certificates, personal licences and acknowledging temporary event notices in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late night refreshment.

Glossary of terms

8. The terminology used in this document is set out in **Appendix B**.

Licensing objectives

- 9 The Act requires that the licensing authority carries out its various licensing functions with a view to promoting the following four licensing objectives:
- a) the prevention of crime and disorder
 - b) public safety
 - c) the prevention of public nuisance
 - d) the protection of children from harm.

These objectives are the only matters that can be taken into account in determining an application under the Licensing Act 2003.

Types of licence

10. This document sets out the policies that the licensing authority will apply when making decisions upon:
- a) Premises Licences
 - b) Club Certificates
 - c) Personal Licences
 - d) Temporary Event Notices.

Licensable activities

11. This policy relates to all licensing activities identified as falling within the provisions of the Act, which are set out in Appendix B.

Fundamental Principles

12. The licensing authority will take this licensing policy into account if its discretion is engaged i.e. at a hearing following representations from either a responsible authority or interested party.
13. Application of this policy will be based on:
- a) each case being considered on its own merits and nothing in this policy shall undermine this principle
 - b) persons having the right under the Licensing Act 2003 to apply for a variety of permissions and to have such applications considered on their own merits
 - c) where they are permitted to do so under the Act any person shall have the right to make representations on any application or seek a review of a licence or certificate and nothing in this policy shall undermine that.
14. Licensing is about regulating licensable activities on licensed premises, at qualifying clubs and at temporary events within the terms of the Licensing Act 2003.

15. There is no provision for the licensing authority itself to make representations, and in the absence of any relevant representations in respect of an application, the authority is obliged to issue the licence or certificate on the terms sought and any mandatory conditions prescribed in the Act.
16. Where appropriate, conditions may be attached to licences and certificates. In order to avoid duplication with other statutory regimes the licensing authority shall not attach conditions to a licence unless they are considered necessary for the promotion of the licensing objectives. Conditions shall generally be considered unnecessary if they are already adequately covered by other legislation. In particular It is not intended to duplicate existing legislation and regulatory regimes that already places obligations on employers and operators e.g. The Health & Safety at Work Act 1974 and the Regulatory Reform (Fire Safety) Order 2005.
17. The licensing authority acknowledges that the licensing function cannot be used for the general control of antisocial 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 law will always be part of a holistic approach to the management of the evening and night-time economy. The licensing authority recognises there are a number of other mechanisms available for addressing issues of unruly behaviour that can occur away from licensed premises.
18. Objectors need to relate their objections to one or more of the licensing objectives, as detailed in paragraph 8, before the licensing authority will be able to consider them.

Consultees

19. This Statement of Licensing Policy has been subject to consultation with:
 - a) Avon and Somerset Constabulary
 - b) Avon Fire and Rescue Service
 - b) Persons holding premises licences;
 - c) Persons holding club premises certificates;
 - d) Persons holding personal licences;
 - e) Representatives of businesses and residents of the area

The consultation process took place between July and October 2010 and all comments received were given due consideration prior to the final determination of this policy.

Policy review

20. This policy will be reviewed by the Licensing Authority at least every three years as required by the Act. If an issue arises that requires a change to this policy, an interim review will be carried out, and the policy will be amended as required.

2. Legislation, policies and strategies

Legislation

21. The Human Rights Act 1998 makes it unlawful for a licensing authority to act in a way that is incompatible with a convention right. The authority will have regard to the Human Rights Act when undertaking licensing functions, particularly the following relevant provisions:
 - a) Article 6 – everyone is entitled to a fair and public hearing within a reasonable time, by an independent and impartial tribunal established by law
 - b) Article 8 – everyone has the right to respect for his home and private and family life
 - c) Article 1 of the first protocol – every person is entitled to the peaceful enjoyment of his or her possessions.
22. The licensing authority has a duty to consider the prevention of crime and disorder under Section 17 of the Crime and Disorder Act 1998 and is committed to working closely with the Avon and Somerset Constabulary, other agencies, local residents and businesses to achieve this.

Relationship with planning policies

23. “Need” for commercial premises relates to the commercial demand for such premises and is not a matter for the licensing authority discharging its functions. “Need” is a matter for the planning committee and for the market.
24. The licensing authority recognises that licensing applications should not be seen as a re-run of the planning application process and there shall be a clear separation of the planning and licensing regimes to avoid duplication of process and requirements made of an applicant and to comply with statute. It should be noted, however, that there is no legal basis for the licensing authority to refuse a licence application because it does not have planning permission.
25. The issue of premises licence is a separate and distinct process to the granting of planning permission. The licensing authority will consider applications for licences before planning permission is obtained although planning and building control permissions will have to be sought and approved before any development takes place.
26. The licensing authority will, where appropriate, provide reports to the planning committee on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder.

Integrating strategies

27. There are a number of other council and government policies and strategies that are relevant to licensing. Where possible, the licensing authority will aim to integrate its licensing policy with these.

28. By consulting widely prior to this policy statement being published the Licensing Authority has endeavoured to secure proper integration with local policies and strategies as follows:

Crime Prevention

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

Cultural Strategies

In its role of implementing local authority cultural strategies, the Licensing Authority recognises the need to encourage live music, dance and theatre for the wider cultural benefit of the community. The Licensing Authority will monitor the impact of licensing on regulated entertainment and ensure that only necessary, proportionate and reasonable licensing conditions are imposed on licences granted.

Transport

Liaison shall be maintained with the Police and the Council in relation to the development of policies for the swift and safe dispersal of people from built up areas. Regard will be taken of transportation arrangements as set out in the Local Transport Plan

Tourism and Employment

The Licensing Committee will, where appropriate, receive reports on:

- (a) The local tourist economy
- (b) The local employment situation

Racial Equality

The Licensing Authority recognises that the Race Relations Act 1976, as amended by the Race relations Act 2000, places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups. The Licensing Authority therefore will have due regard to this responsibility when imposing conditions on licences so as to ensure that they could not directly or indirectly discriminate against any racial group.

Street Trading

The Council has adopted a scheme for the regulation of street trading. Businesses operating on Consent streets and selling hot food or refreshments between 11.00 pm and 5.00 am will be required to obtain a premises licence under the Licensing Act 2003 in addition to a street trading consent granted by the Council.

29. The licensing authority has licensed public spaces under the Licensing Act 2003 and details can be found on the Council's website at www.n-somerset.gov.uk by using the premises licence search facility.
30. The authority's approach to circuses is that where appropriate they can be operated under the Temporary Event Notice procedure as long as the restrictions for giving notices are met. Where these cannot be met e.g. audiences greater than 499 persons or events lasting longer than 96 hours, then a premises licence will be required. At the present time there are no public spaces with premises licences specific for circuses and applicants will need to discuss any use of particular sites in advance with the authority.

3. Decision making

Procedural Matters

31. The licensing committee shall consist of not less than 10 and no more than 15 councillors. The licensing authority in the interests of speed, efficiency and cost effectiveness has agreed the scheme of delegated decision making as shown at **Appendix C**.
32. A licensing sub-committee of three councillors shall sit to hear applications where representations have been received from interested parties and responsible authorities. Ward councillors shall not sit on a sub-committee involving an application within their ward.
33. The chairman of the licensing committee shall normally be elected at the annual meeting of the authority. The chairman of a licensing sub-committee shall be elected on each occasion by the councillors sitting on the sub-committee.
34. Where a councillor who is a member of a licensing committee or a licensing sub-committee is making or has made representations on behalf of or as an interested party, in the interests of good governance they shall disqualify themselves from any involvement in the decision-making process affecting the licence in question.
35. Where a councillor who is a member of a licensing committee or a licensing sub-committee has had a direct or indirect involvement in the affairs of an application before them, in the interests of good governance they shall disqualify themselves from any involvement in the decision-making process affecting the licence in question.
36. Every determination of a licensing decision by the licensing committee or a licensing sub-committee shall be accompanied by clear, cogent reasons for the decision. Reasons will be given at the hearing and will be confirmed in writing within five working days of the date of the decision. A summary of the decision shall be posted on the council's website as soon as possible after the decision has been confirmed in writing.

Licence Reviews

37. The licensing authority acknowledges the importance of working in partnership to achieve the promotion of licensing objectives. Wherever possible responsible authorities will aim to give licensees early warning of any concerns identified at a premises prior to making an application to review a licence or certificate.
38. Local residents, businesses and district councillors have the power to apply for a licence to be called in for review if the premises are causing problems and failing in terms of the licensing objectives. "Responsible Authorities" such as the Police, Environmental Health or Trading Standards can also call licences in for review. A review can be requested at any time, however, the government guidance recommends that a reasonable period elapses between an earlier review or grant of a licence. A

review will though be undertaken after notification from the Magistrates' Court of a Closure Order coming into force for a licensed premises.

39. The licensing authority itself cannot initiate the review process. The authority's role will be to administrate the process and determine its outcome at a hearing.
40. A review application needs to be in writing on the statutory form. There will need to be clear and factual evidence to support the application and this should show that incidents are not isolated and that there is a direct link with the premises. Grounds for review must also be based on one or more of the licensing objectives as detailed below. The grounds given are not exhaustive and are intended to illustrate the areas that are likely to form the basis of a review of a licence or certificate.
41. A review of the licence in connection with crime and disorder may be sought where:
 - (a) A serious crime has occurred at, or can be linked to particular premise
 - (b) There have been prosecutions or penalty notices served for underage sales
 - (c) There have been incidents which raise concerns that the premises are not being properly managed
 - (d) There have been breaches of the terms or conditions of the licence
 - (e) There have been repeated complaints from the public.
42. In cases when the crime prevention objective is being undermined the revocation of the licence, even in the first instance, will be seriously considered.
43. A review of the licence in connection with public safety may be sought where:
 - (a) Where it is considered that the management had failed to maintain the appropriate level of fire safety provision
 - (b) Failure to comply with a fire related enforcement notice
 - (c) Following the outcome of any investigation and inspection of a fire occurring within a premises
 - (d) Serious or regular contraventions of health and safety legislation
 - (e) Failure to comply with a condition of a licence
 - (g) Prosecution for failure to comply with health and safety legislation
44. A review of the licence in connection with public nuisance may be sought where:
 - (a) Complaints have been received that have been substantiated by investigating officers
 - (b) Breaches of licence conditions in respect of public nuisance have been identified
 - (c) Action is being considered under the Environmental Protection Act 1990, the Noise Act 1996 or section 40 of the Anti-Social Behaviour Act 2003
45. A review of the licence in connection with protection of children from harm may be sought where:
 - (a) There have been underage sales or underage drinking taking place
 - (b) Breaches of licence conditions in respect of protection of children have taken place
 - (c) Complaints that have been received which can be substantiated.

4. Operational Matters

Applications

46. Applications must include all the relevant documentation, fee and plans as set out in the Licensing Act 2003 and accompanying regulations. In particular plans submitted with applications need to comply with the relevant legislation as regards content and scale.
47. The level of detail to be provided in the operating schedule shall be proportional to the scale and nature of the application being made. The Council however expects all applicants to demonstrate in the operating schedule how they will comply with the four licensing objectives in relation to the application that is being made.
48. The applicant may ask the Licensing Authority for advice on the scope of the information to be provided. Details of the Responsible Authorities for the purposes of the Licensing Act 2003 where specific information may be obtained are shown at **Appendix D**.

Licensing hours

49. Longer licensing hours can help to avoid the concentration of customers leaving premises at the same time, leading to friction at late night food outlets, taxi ranks and other sources of transport. It is also recognised that licensing hours should not restrict the development of safe evening and night-time entertainments that are important for investment and employment locally. However, providing consumers with greater choice and flexibility must always be balanced carefully against the licensing objectives and the rights of local residents to peace and quiet.
50. There shall be no general presumption in favour of lengthening licensing hours; the overriding principle will be the promotion of the four licensing objectives.
51. Stricter measures for controlling noise are likely to be sought for late licences, particularly in residential areas or where there has been a history of noise complaints.
52. When the licensing authority's discretion is engaged, consideration will be given to the individual merits of an application but the presumption will be to grant the hours requested unless there are objections to those hours raised by responsible authorities or interested parties on the basis of the licensing objectives.
53. Applicants should state in their operating schedule the time they require the premises to remain open to members of the public after the termination of licensable activities. In normal circumstances, this will not exceed 30 minutes from the last sale of alcohol. Where an applicant can show that an extended period would assist in the promotion of the licensing objectives, the licensing authority will consider permitting longer than 30 minutes, where it is entitled to do so.

54. Shops, stores and supermarkets will generally be permitted to sell alcohol for consumption off the premises during the normal hours they intend to open for shopping purposes. However, in the case of individual shops that are known to be a focus of disorder and disturbance then, subject to representations from the police, a limitation on licensing hours may be appropriate.
55. Applications for premises offering late night take away food and drink will be considered on their individual merits. However, such premises can be the focus of disorder with large numbers of people gathering there after other licensed premises have closed. The closing times of other licensed premises in the vicinity will therefore be taken into consideration.
56. It is recognised that businesses may wish to apply for non-standard hours for Bank Holidays, Christmas Eve or Saints days. However, any additional days should be clearly identified in their licence operating schedules with dates and times so that proper consideration can be made of their impact on the licensing objectives and so that the licence is clear and unambiguous in this respect.
57. In relation to last entry or re-entry times for licensed premises the authority will consider each case on its merits. As a general guideline a last entry or re-entry to licensed premises for customers shall be two hours prior to close of premises which are open to members of the public after 2.00 am.

Vicinity

58. Within the terms of this policy, the licensing authority defines the term “vicinity” as generally being within a 100 metre radius of the premises in question. The distance quoted is not intended to be an absolute figure and the 100 metre radius shall be varied if particular local circumstances apply. It may differ with the type of premises, the nature of the licensable activity, the number of people attending the premises and routes from the premises to homes, bus stops or main taxi ranks.
59. When considering issues within the “vicinity”, 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.

Cumulative impact

60. The cumulative impact of licensed premises on the promotion of the licensing objectives is a matter which the licensing authority can take into account. This should not, however, be equated with 'need' which relates more to the commercial demand for a particular type of premises. The issue of 'need' is a matter for planning consideration or for the market to decide and does not form part of this licensing policy statement.
61. The licensing authority may receive representations from either a responsible authority or an interested party, that the cumulative impact of new licences is leading to an area becoming saturated with premises of a particular type, making it a focal point and thereby creating exceptional problems of disorder and nuisance over and above the impact from the individual premises themselves. In such cases the issue of cumulative impact can be taken into account when considering the individual merits of any

application. The onus is on any person making such representations to prove any assertion that the addition of the premises concerned would cause the cumulative impact claimed.

62. The licensing authority will not operate a quota of any kind which would pre-determine any application, nor will it seek to impose general limitations on trading hours in particular areas. Regard will be given to the individual characteristics of the premises concerned within a given area. It is recognised that pubs, nightclubs, restaurants, hotels, theatres, and other clubs all sell alcohol, serve food and provide entertainment, but with contrasting styles and characteristics. Proper regard will be made to those differences and the impact they are likely to have on the local community. This may result in the amenity of local residents being placed under severe pressure; it will not always be possible to attribute a particular problem to customers of particular premises. This means that whilst enforcement action to ensure conditions are complied with is taken, this may not resolve all problems.
63. The Council has received evidence that the cumulative impact of licensed premises in and around the town centre of Weston-super-Mare is undermining the promotion of the licensing objectives; and after considering this evidence has adopted a special saturation policy in respect of this area.
64. The boundaries of the area to which this saturation policy applies are identified on the map and schedule shown at **Appendix E**.
65. The effect of the saturation policy in respect of the town centre of Weston-super-Mare is that the Council will refuse applications for a new premises licence or club premises certificate, or material variations of an existing licence or certificate, whenever it receives relevant representations, unless an applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact already being experienced.
66. Applicants in respect of premises situated in the town centre of Weston-super-Mare will need to address the implications of the saturation policy in their operating schedules in order to rebut such a presumption.
67. The adoption of a saturation policy for the town centre of Weston-super-Mare does not relieve responsible authorities or interested parties of the need to make a relevant representation. Before the Council may lawfully consider giving effect to its 'saturation policy' a relevant representation must have been made. If no representation is received, it remains the case that any application must be granted in terms that are consistent with the operating schedule and any mandatory conditions required by the Act.
68. Responsible authorities and interested parties may however make written representations, maintaining that it is necessary to refuse an application within the town centre of Weston-super-Mare for the promotion of the crime and disorder objective, and in doing so may refer to the evidence considered by the Council in the adoption of the saturation policy.

69. The Council will not use any saturation policy:

1. As grounds for revoking an existing licence or certificate when relevant representations are received about problems with those premises. This is because, after a licence or certificate has been granted or varied, a complaint relating to a general (crime or disorder or nuisance) situation in town centre of Weston-super-Mare would not generally be regarded as a relevant representation if it cannot be positively tied or linked by a causal connection to particular premises.
2. To refuse applications to vary an existing licence or certificate, except where the modifications are directly relevant to the 'saturation policy' and are necessary for the promotion of the licensing objectives. The 'saturation policy' would however be considered, where a variation application is for a significant increase in the capacity limits of a premises and relevant representations are made.

70. The saturation policy does not include provisions for terminal hours in respect of premises in the town centre of Weston-super-Mare, nor does it impose quotas on the number of licensed premises permitted or the capacity of those premises.

71. The Council will regularly review the saturation policy in place in respect of the town centre of Weston-super-Mare to see whether it is still needed or should be expanded.

72. The Council recognises that there are other mechanisms both within and outside the licensing regime available for addressing the cumulative effect of licensed premises, which may include:

- Planning controls
- Positive measures to provide a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the Council
- The provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols
- The Council's power to designate parts of the district as places where alcohol may not be consumed publicly
- Police enforcement of the general law with regard to disorder and anti-social behaviour, including the issue of fixed penalty notices
- The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk
- The confiscation of alcohol from adults and children in designated areas
- Police powers to close down instantly for up to 24 hours any licensed premises or temporary event on the grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance
- The power of police, a responsible authority, local residents, local businesses and local Ward Councillors to seek a review of the licence or certificate in question

Conditions

73. This policy does not provide for any 'standard conditions' to be imposed so as to avoid the imposition of disproportionate and burdensome requirements. Conditions (other than the statutory mandatory conditions) attached to licences, if required in particular circumstances, shall be tailored to reflect the individual style and characteristics of the premises and activities concerned. Only those conditions necessary to meet the licensing objectives will be imposed.
74. Conditions will only be attached to a licence or club premises certificate if relevant representations are received or from the applicant's operating schedule since these are voluntary propositions.
75. Applicants are encouraged to consider the management standards to be adopted at licensed premises. Operators should consider identifying the key issues within their operating schedules. By adopting this approach applications that do so are less likely to attract representations from responsible authorities.
76. Conditions shall be applied to licences that are proportionate and appropriate to the business, organisation or individual concerned. The Licensing Authority and applicants may draw upon the model pool of conditions issued by the Department of Culture, Media and Sport and attach conditions relative to the given circumstances of each individual case.
77. Measures offered by applicants in their operating schedule will normally become licence conditions. The proposed measures must be clear and unambiguous. The authority may therefore alter the wording of a proposed measure to achieve clarity. The context or meaning of the proposed measure will not be changed when attaching conditions to licences.
78. In relation to community premises it is possible to apply for the removal of the mandatory condition relating to the requirement for a Designated Premises Supervisor (DPS) and the requirement for this person to have a personal licence. Further information can be obtained from the licensing authority on how to apply make an application for the removal of the DPS from a licence.

Temporary Event Notices

79. Temporary Event Notices (TENs) can be given for small-scale licensable events. TENs may cover a wide range of activities such as permitting the sale of alcohol from a beer tent at a school fete or for a school play, to a pub who wants to extend their permitted licensing hours and/or want to have a live music event not permitted by their premises licence.
80. The notice must be served at least 10 working days before the event, not including the date of the event itself or the date it is served. If a notice is not served in time then the event is unauthorised so it is important that TENs are served in plenty of time. A preference would be at least 28 days prior notice be given before the event is due to take place.

81. Late notices cannot, under any circumstances, be accepted by the licensing authority as the notification periods are set in legislation.
82. The direct contact details of the police authority on whom a TEN has to be served are given at Appendix D.

Personal Licences

83. The Licensing Authority places particular emphasis on the role of premises supervisors and licensees. Where the Police object on the grounds of prevention of crime and disorder there will be a presumption against issuing a personal licence to any applicant with an unspent conviction for a relevant offence. If the applicant can demonstrate exceptional and compelling reasons for disregarding the conviction, this will be taken into consideration.

Outdoor Events

84. Outdoor events of a temporary or more permanent nature will generally require detailed planning and more consultation with responsible Authorities and representatives of other organisation concerned with safety. For such events it is recommended that event organisers, particularly for large scale events, seek guidance from the Council's Event Safety Group prior to any applications being made. The authority strongly recommends applicants of large scale temporary events submit their applications at least 3-6 months before the proposed event takes place. Organisers planning to entertain 500-3000 persons should give a minimum notice period of 3 months and events over 3000 a minimum notice period of 6 months.

Enforcement

85. Enforcement will be in accordance with the Community and Consumer Services Enforcement Policy, which is based around the principles of proportionality and risk-based enforcement, targeting high risk premises which require greater attention, while applying a lighter touch approach in respect of low risk premises. A copy of the Enforcement Policy is available on the Council's website at www.n-somerset.gov.uk, or from the Licensing Team (see Appendix D for details).
86. The licensing authority will seek to work in partnership with the Responsible Authorities and members of the North Somerset Crime and Drugs Partnership in enforcing licensing legislation.
87. A Joint Enforcement Protocol has been established with the Responsible Authorities and this protocol shall guide the enforcement of the provisions of the Licensing Act 2003.
88. The Licensing Authority shall use a risk assessment scheme for determining the frequency of visits to licensed premises in order to ensure that resources are targeted to high risk premises while providing a lighter touch for low risk premises which are well run.
89. Unannounced joint visits shall be undertaken with partners such as the Police, Environmental Health, Fire and Trading Standards Officers. These include visits outside normal office hours. Pre-arranged inspections will normally take place to

premises that have been the subject of complaints, or where there has been a requested variation of the Designated Premises Supervisor or the terms of the licence or certificate issued by the licensing authority.

90. It is expected that, in general, action will be taken against poorly managed or controlled premises through either prosecution or the review process. Where prosecution is considered to be necessary, the key principles of consistency, transparency and proportionality will be maintained.

5. The Licensing Objectives

Operating Schedules

91. Applicants should complete risk assessments, which can then be used to form the basis of the operating schedule. Measures that are outlined in operating schedules become licence conditions. Failure to comply with licence conditions can lead to formal enforcement action or an application for a review of the licence. Guidance is offered below as to possible control measures that may assist applicants in completing operating schedules. These measures are not exhaustive and may relate to more than one licensing objective. Applicants are also advised to seek advice from the relevant agencies before submitting their applications.

Prevention of crime and disorder objective

92. When addressing crime and disorder the applicant should initially identify any particular issues, having regard to their particular type of premises and/or activities, which are likely to affect the promotion of the crime and disorder objective. Such steps as are required to deal with these identified issues should be included within the applicants operating schedule.

93. The licensing authority shall consider whether the grant of an application will result in an increase in crime and disorder.

94. The licensing authority recognises that crime and disorder can occur, particularly outside licensed premises, however well the premises run may be. Therefore, in considering whether the crime and disorder objective is met, the licensing authority will normally take into account the criteria set out in paragraph 95 below.

95. Applicants are encouraged to consider the following matters in their operating schedules:

- (a) Disorder on the premises
- (b) Drunkenness
- (c) Under age sales of alcohol
- (d) Customers entering and leaving in an orderly manner
- (e) Use and sale of illegal drugs or contraband
- (f) Offensive weapons

96. The operating schedule may include the following measures:

- (a) Active membership of pubwatch schemes
- (b) Use of licensed door supervisors
- (c) Physical security features e.g. use of plastic or shatterproof drinking glasses
- (d) Music wind down policy
- (e) Training given to staff in crime prevention measures
- (f) Use of town centre radios (Weston-super-Mare) to enable licensed premises to communicate to each other and police

- (g) Search procedures
- (h) Measures to prevent the use or supply of illegal drugs or contraband
- (i) Details of CCTV video cameras and the retention policy for CCTV footage
- (k) Following the trade association codes of practice on irresponsible drinks promotions.

The above list is not exhaustive and will not suit all applications so applicants should seek advice from Avon and Somerset Constabulary before preparing their operating schedule.

97. Shops and off licences applying to sell alcohol will need to address the risks to crime and disorder with measures in their operating schedules. Examples include:-

- (a) That there will be regular staff training in relation to sale of alcohol to under age people and that training record shall be kept.
- (b) Proof of age schemes
- (c) All refusals to be recorded on a refused sale register sheet or a refusals book.
- (d) Use of Electronic Point Of Sale (EPOS) system to remind staff via a suitable visual prompt or audible warning. Alternatively stickers can be used over certain products to remind cashiers to check the customer's age.
- (e) Posters showing age limits should be displayed along with a statement regarding the refusal of such sales.
- (f) That a personal licence holder will be on duty at high risk times such as outside school hours and during the evenings

This list is not exhaustive and applicants should seek advice from North Somerset Trading Standards or Avon and Somerset Constabulary before preparing their operating schedules.

Public safety objective

98. The public safety objective is about ensuring the physical safety both of performers and people attending licensed premises. The risk to public safety will vary according to the type of premises and the activities that take place there. Most risks will be adequately covered by other legislation such as the Health and Safety at Work etc. Act 1974 or fire safety legislation and will normally be identified through a risk assessment process.

99. Other public safety legislation may not cover risks that are associated with particular types of activities or entertainment and will therefore need to be addressed in preparing licence applications. The following are matters that may need consideration:

- (a) The provision of a suitable Residual Current Device (RCD) protection of electricity supplies to entertainers' equipment, including microphones, when regulated entertainment is organised on site
- (b) Setting maximum numbers of people allowed (and use of clickers or counting machines to ensure capacity limits are not exceeded)
- (c) Steps to ensure that electrical and gas installations are in good order and maintained by suitably qualified people on a regular basis
- (d) The use of special effects such as lasers, pyrotechnics, foam and smoke
- (e) Suitable access and egress arrangements for people with disabilities

Applicants are advised to seek advice from the Council's Health and Safety Section and/or the Avon Fire and Rescue Service before preparing their operating schedules for the public safety objective.

The prevention of public nuisance objective

100. Operating schedules must contain sufficient information for officers to form a view as to whether noise from licensable activities is likely to cause a problem to people living nearby. Applicants need to provide details of proposed noise control measures, particularly if premises are in residential areas where regulated entertainment is being applied for late at night, or where there is a history of noise complaints. The licensing authority will normally apply stricter conditions in these circumstances where relevant representations have been received. Whilst each application will be considered on its individual merits it should be noted that restricting the hours of regulated entertainment may be necessary to prevent public nuisance.
101. The measures that can be included within the operating schedule may include:
 - (a) Keeping doors and windows at the premises closed
 - (b) Limiting amplified music to a particular area of the building
 - (c) Moving location and direction of speakers away from external walls or walls that abut private premises
 - (d) Installation of acoustic curtains, seals to doorways, rubber speaker mounts
 - (e) Monitoring by the licensee to ensure that music is not audible above background levels at the nearest noise sensitive location (i.e. private or commercial premises)
 - (f) Noise limiters on amplification equipment (if proportionate to the nature of premises and the type of entertainment being provided)
 - (g) Prominent clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly
 - (h) The placing of bottles and cans into bins outside the premises to take place at times that will minimise disturbance to nearby premises
102. From 1 July 2007 it was illegal to smoke in enclosed public buildings and workplaces in England. Customers who want to smoke will therefore have to do so outside licensed premises. Applicants will need to address the potential for public nuisance from this activity.
103. Conditions may be necessary to ensure that that licensed premises are properly ventilated to prevent odours causing a nuisance to people who live or work nearby.
104. Late night takeaways are encouraged to include in their operating schedules measures to ensure that the area around the premises will be kept clear of litter.

Protection of children from harm objective

105. The Licensing Authority has decided that the "Responsible Authority" in relation to the protection of children from harm will be the Local Children's Safeguarding Board whose contact details are shown at Appendix D.

106. The authority will not seek to limit the access of children to any premises unless it is necessary for the prevention of physical, moral or psychological harm. In all other cases it will be left to the discretion of the licensee.
107. When addressing protection of children the applicant should initially identify any particular issues, having regard to their particular type of premises and/or activities, which are likely to cause concern in relation to children. Such steps as are required to deal with these identified concerns should be included within the applicants operating schedule.
108. Where alcohol is to be sold, applicants must include details of the measures they propose to prevent the supply of alcohol to children. It is expected that:-
- (a) In addition to requiring passports or photo driving licences, a proof of age scheme approved and accredited by PASS e.g. Citizencard, ProofGB will be in operation.
 - (b) Staff will receive regular and adequate training on the law and practice relating to age restricted sales (including challenging purchasers, checking identification), such training to be properly documented and records made available for inspection.
 - (c) Registers of refused sales will be maintained and made available for inspection
 - (d) Applicants may indicate whether they are signatories to the Portman Group Code of Practice.
109. Applicants needing advice on how to avoid age-restricted sales should contact the North Somerset Trading Standards Service (contact details are shown at Appendix D) before preparing their operating schedules.
110. Where relevant representations have been made in relation to an application, the licensing sub-committee will judge the merits of each separate application before deciding whether to impose conditions limiting the access of children to individual premises. The following are examples of premises that may raise concern:
- a) where there have been convictions for serving alcohol to minors or with a reputation for underage drinking
 - b) with a known association with drug taking or dealing
 - c) where there is a strong element of gambling on the premises
 - d) where entertainment of an adult or sexual nature is provided
 - e) where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
111. The licensing authority may consider any of the following options when dealing with a licence application where limiting the access of children is considered necessary to prevent harm to children:
- a) limitations on the hours when children may be present;
 - b) limitations excluding the presence of children under certain ages when particular specified activities are taking place;
 - c) limitations on the parts of premises to which children might be given access;
 - d) age limitations (below 18);

- e) requirements for accompanying adults (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
- f) full exclusion of those people under 18 from the premises when any licensable activities are taking place.

112. The Act details a number of offences designed to protect children in licensed premises and the licensing authority will work closely with the Police and Trading Standards to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children.

Access to cinemas and theatres

113. The licensing authority expects that where premises are used for film exhibitions applicants for premises licences or club certificates shall include within the operating schedule arrangements for restricting children from viewing age restricted films.
114. In relation to the exhibition of film, a mandatory condition will apply, requiring access to be restricted to those who meet the required age limit in accordance with any certificate granted by the British Board of Film Classification or, in specific cases, by the licensing authority. .
115. This policy acknowledges the Secretary of State's Guidance which states that it may be necessary to impose a condition to restrict the admission of children to theatres which are incorporating adult entertainment in their productions.

Children and public entertainment

116. Where a large number of children are expected to attend regulated entertainment (e.g. theatre production or film shows), the Licensing Authority expects the applicant to demonstrate, in their operating schedules, the arrangements they intend to put into place in order to ensure their safety, examples could include:
- (a) That children performing at premises such as theatres or concert halls are kept under adult supervision at all times, including transfer from stage to dressing room.
 - (b) That children can be accounted for at all times, in case of evacuation or emergency.
 - (c) That an adult member of staff be stationed in the vicinity of each of the exits from any level, subject to there being a minimum of one member of staff per 50 children or part thereof
 - (d) If necessary, no standing to be permitted in any part of the auditorium during the performance
 - (e) That all staff employed to supervise children should be subject to an enhanced Criminal Records Bureau (CRB) check. Where relevant unspent convictions are found the licensee should not employ such a person.

6. Complaints against licensed premises

117. The licensing authority will investigate complaints against licensed premises relating to the four licensing objectives mentioned in paragraph 9 above. In the first instance, complainants are encouraged to raise the complaint directly with the licensee or business concerned to seek a local resolution.
118. Complaints must relate to one or more of the licensing objectives and will be disregarded if frivolous or vexatious.
119. Nothing in this Policy shall restrict the right of an interested party or responsible authority to call for a review of a licence or make relevant representations in accordance with the Act.

7. Further information

120. Further information about the Act and this Statement of Licensing Policy can be obtained from:

The Licensing Team
North Somerset Council
Warne Road Depot
Warne Road
Weston-super-Mare
Somerset BS23 3ND

Tel: 01934 426 800
Fax: 01934 426 230
email: licensing@n-somerset.gov.uk
Website: www.n-somerset.gov.uk

121. Information is also available from the Department for Media Culture and Sport

2-4 Cockspur Street
London SW1Y 5DH
Tel: 020 7211 6200
email: enquiries@culture.gov.uk
Website: www.culture.gov.uk

122. Further details about the licensing and application processes, including application forms, fees, and details regarding each type of application, including the minor variations process can be obtained from the Licensing Team as detailed above.
123. Electronic applications may be made on-line either through the Council's own website or via the business link website at www.businesslink.gov.uk .

Large print copies, audio copies and translation into another language of this policy can be arranged on request from the Licensing Team

APPENDIX A – MAP OF NORTH SOMERSET



APPENDIX B – GLOSSARY OF TERMINOLOGY

<p>Club Premises Certificate</p>	<p>means a certificate granted to a qualifying club under the Act in respect of premises occupied, and habitually used for the purposes of a club. Alcohol must not be supplied other than to members by or on behalf of the club.</p>
<p>Entertainment facilities</p>	<p>are defined as facilities for enabling persons to take part in entertainment for the purpose of being entertained. The descriptions of entertainment are making music, dancing, and entertainment of a similar description to that falling within those mentioned above. This definition is subject to Part 3 of Schedule 1 to the Licensing Act 2003 (interpretation).</p>
<p>Hot food or hot drink</p>	<p>food or drink supplied on or from any premises is “hot” for the purposes of Schedule 2 to the Act if the food or drink, or any part of it:</p> <p>(i) before it is supplied, is heated on the premises or elsewhere for the purpose of enabling it to be consumed at a temperature above the ambient air temperature and, at the time of supply, is above that temperature,</p> <p>or</p> <p>(ii) after it is supplied, may be heated on the premises for the purpose of enabling it to be consumed at a temperature above the ambient air temperature.</p>
<p>Interested Party</p>	<p>is defined as:</p> <p>(i) a person living in the vicinity of the premises</p> <p>(ii) a body representing persons who live in that vicinity</p> <p>(iii) a person involved in a business in that vicinity</p> <p>(iv) a body representing persons involved in such businesses.</p> <p>(v) a Councillor who is a member of the Licensing Authority (i.e. North Somerset Council)</p> <p>Any of these individuals or groups may specifically request a representative to make a representation on their behalf. For example, a legal representative, a friend, a Member of Parliament or a local ward or parish councillor could all act in such a capacity.</p>
<p>Licensable activities and qualifying club activities</p>	<p>are defined in the Licensing Act as:</p> <p>(i) the sale by retail of alcohol</p> <p>(ii) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club</p> <p>(iii) the provision of regulated entertainment</p> <p>(iv) the provision of late night refreshment - for those purposes the following licensable activities are also qualifying club activities:</p>

	<p>(i) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club for consumption on the premises where the supply takes place</p> <p>(ii) the sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place</p> <p>(iii) the provision of regulated entertainment where that provision is by or on behalf of a club for members of the club or members of the club and their guests.</p>
Operating Schedule	<p>means a document that must be prepared by or on behalf of an applicant for a premises licence or club premises certificate containing a statement including the following matters:</p> <ul style="list-style-type: none"> • the relevant licensable activities • the times at which licensable activities are to take place and any other times the premises are to be open to the public • information about the Designated Premises Supervisor • whether any alcohol sales are on and/or off sales • the steps being taken to promote the licensing objectives.
Personal Licence	<p>authorises an individual to supply or authorise the supply of alcohol in accordance with a premises licence.</p>
Premises Licence	<p>authorises the premises to be used for one or more licensable activity.</p>
Provision of late night refreshment	<p>is defined as the provision of hot food or hot drink to members of the public, or a section of the public on or from any premises, whether for consumption on or off the premises between 11 pm and 5 am</p> <p>or</p> <p>at any time between those hours when members of the public, or a section of the public, are admitted to any premises, a person supplies, or holds himself willing to supply, hot food or hot drink to any persons, or to persons of a particular description, on or from those premises, whether for consumption on or off the premises.</p>
Regulated Entertainment	<p>is defined as:</p> <p>(a) a performance of a play</p> <p>(b) an exhibition of film</p> <p>(c) an indoor sporting event</p>

	<p>(d) a boxing or wrestling entertainment</p> <p>(e) a performance of live music</p> <p>(f) any playing of recorded music</p> <p>(g) a performance of dance</p> <p>(h) entertainment of a similar description to that falling within paragraph (e), (f) or (g) where the entertainment takes place in the present of an audience and is provided for the purpose, or for purposes which include the purpose, of entertaining that audience. Any reference to an audience includes a reference to spectators. This definition is subject to Part 3 of Schedule 1 to the Licensing Act 2003 (interpretation).</p> <p>(i) Entertainment Facilities. This definition is subject to Part 1 of Schedule 1 to the Licensing Act 2003 (interpretation).</p>
<p>Responsible Authority</p>	<p>is defined as:</p> <p>(i) Chief Officer of Police for any Police area in which the premises are situated</p> <p>(ii) the Fire Authority for any area in which the premises are situated</p> <p>(iii) the enforcing authority within the meaning given by section 18 of the Health and Safety at Work etc Act 1974 for any area in which the premises are situated</p> <p>(iv) the local planning authority within the meaning given by the Town and Country Planning Act 1990 (c.8) for any area in which the premises are situated</p> <p>(v) the local authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health</p> <p>(vi) a body which:</p> <p>(a) represents those who, in relation to any such area, are responsible for, or interested in matters relating to the protection of children from harm, and</p> <p>(b) is recognised by the licensing authority for that area for the purposes of this section as being competent to advise it on such matters</p> <p>(vii) any licensing authority (other than the relevant licensing authority) in whose area part of the premises is situated</p> <p>(viii) in relation to a vessel:</p>

	<p>(a) a navigation authority (within the meaning of section 221(1) of the Water Resources Act 1991 (c.57)) having functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is or is proposed to be, navigated at a time when it is used for licensable activities</p> <p>(b) the Environment Agency</p> <p>(c) the British Waterways Board, or</p> <p>(d) the Secretary of State</p> <p>(e) a person prescribed for the purpose of this subsection.</p>
Temporary Event	<p>is defined as the use of premises for one or more of the licensable activities during a period not exceeding 96 hours usually where a premises licence covering the licensable activity is not in place.</p> <p>The following limitations also apply to where the temporary event notice procedure is used:</p> <ol style="list-style-type: none"> 1. The number of times a person (the “premises user”) may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people). 2. The number of times a temporary event notice may be given for any particular premises (12 times in a calendar year). 3. The maximum total duration of the periods covered by temporary event notices at any individual premises (15 days). 4. The scale of the event in terms of the maximum number of people attending at any one time (less than 500). <p>There must a minimum of a 24 hour break between events subject to the temporary event notice procedure.</p>
Temporary Event Notice	<p>a document giving notice to the Licensing Authority of intention to hold a temporary event.</p>

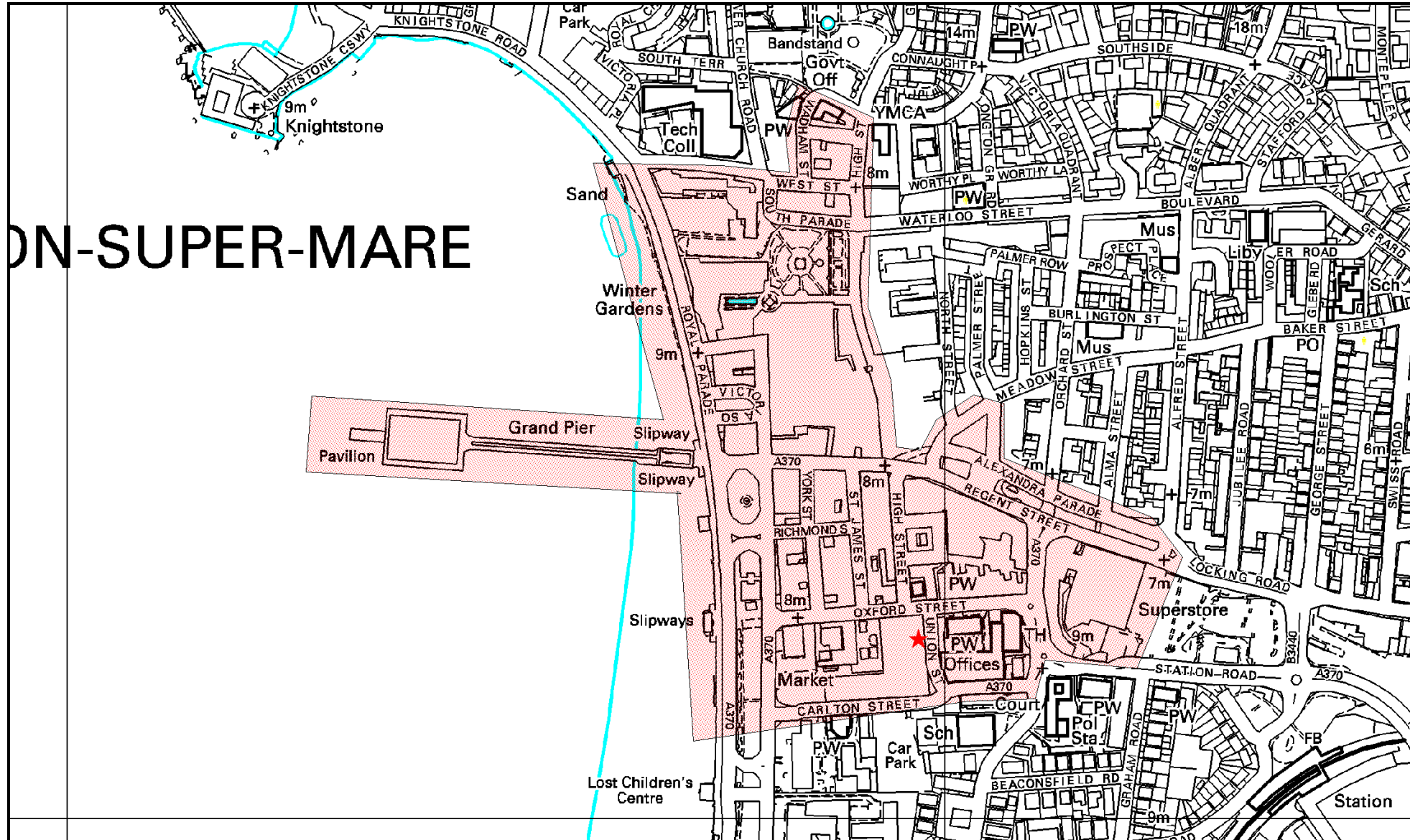
APPENDIX C - TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

Matter to be dealt with	Full committee	Sub committee	Officers
Application for personal licence		If a representation is made	If no representation is made
Application for personal licence, with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a representation is made	If no representation is made
Application for provisional statement		If a representation is made	If no representation is made
Application to vary premises licence/club registration certificate		If a representation is made	If no representation is made
Application to vary designated premises supervisor		If a police representation is made	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police representation is made	All other cases
Application for Interim Authorities		If a police representation is made	All other cases
Application to review premises licence/club premises registration		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc			All cases
Decision to object when local authority is a consultee and not the lead authority			All cases
Determination of a police representation to a temporary event notices		All cases	
Consideration of a request from the Police for a summary or expedited review of a premises licence or club premises certificate		All cases	

APPENDIX D – USEFUL CONTACT DETAILS

Service	Postal Address	E-Mail Address	Telephone Number
Avon and Somerset Police	Liquor Licensing Bureau PO Box 2781 Bristol BS2 2AS	liquorlicensing@avonandsomerset.pnn.police.uk	01179 455 194
Avon Fire and Rescue Service	Avon Fire & Rescue Headquarters Licensing Section Temple Back Bristol BS1 6EU	licensing2003@avonfire.gov.uk	0117 926 2061
North Somerset Council			
Licensing Team (Licensing Authority)	Licensing Team North Somerset Council Warne Road Depot, Warne Road, Weston-super-Mare BS23 3ND	licensing@n-somerset.gov.uk	01934 426 800
Environmental Protection Team (Nuisance Issues)	Somerset House Oxford Street Weston-super Mare BS21 1TG	environmental.protection@n-somerset.gov.uk	01275 884 882
Health and Safety Team (Public Safety Issues)	Somerset House Oxford Street Weston-super Mare BS21 1TG	foodandsafety@n-somerset.gov.uk	01934 634 633
Trading Standards Team (Protection of Children Issues)	Somerset House Oxford Street Weston-super Mare BS21 1TG	trading.standards@n-somerset.gov.uk	01275 888 634
Planning (Development Control)	Somerset House Oxford Street Weston-super Mare BS21 1TG	dccomments@n-somerset.gov.uk	01275 888 811
North Somerset Safeguarding Children Board (Protection of Children Issues)	Local Children Safeguarding Board North Somerset Council Children & Young Peoples Service Town Hall Weston Super Mare BS23 1UJ	childrenandfamiliesocialcare@n-somerset.gov.uk	01275 888 266
Maritime and Coast Guard Agency	Plymouth Marine Office Western Region New Fish Market Fish Quay Plymouth PL4 0HL	Plymouth_mo@mcga.gov.uk	01752 266 211

APPENDIX E -PROPOSED WESTON-SUPER-MARE CUMULATIVE IMPACT AREA



Schedule of Roads within the proposed Weston-super-mare Cumulative Impact Area

Road	Extent
Alexandra Parade	Whole of road
Beach Road	8-16
Carlton Street	Whole of road
Gloucester Street	Whole of road
Grove Road	Whole of road
High Street	Whole of road
Knightstone Road	1-19
Marine Parade	Regent Street to Carlton Street section
Meadow Street	1-33 and 22-38
Old Post Office Lane	Whole of road
Orchard Place	Whole of road
Oxford Street	Whole of road
Oxford Place	Whole of road
Oxford Street	Whole of road
Regent Street	Whole of road
Richmond Street	Whole of road
Royal Parade	Whole of road
St James Street	Whole of road
St Margaret's Terrace	Whole of road
Salisbury Terrace	Whole of road
South Parade	Whole of road
The Centre	1-17
Union Place	Whole of road
Union Street	Whole of road
Victoria Square	Whole of road
Wadham Street	Whole of road
Walliscote Grove Road	1-15
Walliscote Road	2-16 and 24-28
Wellington Place	Whole of road
West Street	Whole of road
York Street	Whole of road