

## Statement of Licensing Policy

Licensing Act 2003

February 2021 to February 2026

## APPENDIX TWO

Licensing applications and enquiries:

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## Welcome to Oxford City Council's Statement of Licensing Policy.

The Council adopted its first Statement of Licensing Policy in January 2005 when the responsibility for licensing was transferred from the Magistrates' Court. The Licensing Policy has worked really well over the years and we have learned a lot from operating under it. The Council is obliged to determine and publish a "Statement of Licensing Policy" and to keep it under review and to republish it at least every five years. The fully revised Statement was last adopted by the Council in 2016, following wide public consultation. Both the Central Oxford SSP and East Oxford SSP remained unchanged when previously reviewed.

This document sets out our guiding principles for making licensing decisions under the Licensing Act 2003. The Statement of Licensing Policy addresses licensing of many venues and events; from nightclubs to the smallest pubs and off-licences, from 'Cowley Road Carnival' to small-scale local events. We have a responsibility to balance the needs of residents, visitors, pub/club operators and businesses. Our aims are to promote the four licensing objectives enshrined in the Act:

- **The Prevention of Crime and Disorder**
- **The Promotion of Public Safety**
- **The Prevention of Public Nuisance**
- **The Protection of Children from Harm**

Oxford is a bustling cosmopolitan city which enjoys huge cultural diversity and our leisure and entertainment scene is important in enhancing that. It attracts thousands of visitors from across the UK and abroad. Oxford caters for a very broad range of people as a regional entertainment and cultural centre and currently has approximately 850 licensed premises and clubs offering a vibrant, varied, fun night time economy.

A large number of people tend to be drawn to Oxford's late night activities and late night entertainment venues. We regularly work with Late Night Business Partnerships, Pubwatch, Nightsafe, Thames Valley Police, and other organisations to ensure Oxford maintains a safe night time economy; we strive to continue this partnership working.

It must be noted that this Review of the Statement of the Licensing Policy and the Special Saturation Policy (Cumulative Impact Assessment) has been disrupted by the Covid19 pandemic. The first national lockdown in March 2020 has seen the country 'closing down'; this has affected the lives of people as well as the global and UK economy. The Coronavirus regulations continued to disrupt the usual operations of the hospitality industry throughout the year, with varied restrictions, curfews and Covid Secure guidance. The licenced trade had seen businesses going into administration, closing down, and not being able to survive the financial strain of the pandemic.

Taking into account the ongoing pandemic and the significant disruption to the night time economy, the Authority took a pragmatic approach to re-adopt the current Statement of Licensing Policy. This approach has been supported by the Minister of State for Crime and Policing, Kit Malthouse, in his letter to the Authorities regarding these exceptional circumstances. However, the Authority is committed in keeping this Policy under review and by carrying out a comprehensive and considered review during 2021, if possible, taking the pandemic and its effects into account. The Authority is also committed to gather new data, evidence, as well as the necessary input from the relevant authorities to consider a fresh cumulative impact assessment. This assessment should be completed in order to be considered at the same time as the reviewed SLP.

There is currently no formal Special Saturation Policy (CIA), as no realistic assessment of cumulative impact has been possible. However, this in no way prejudices what assessment will be made once new evidence is available. Each licensing application submitted to the Council will

continue to be decided on merits of the case. Responsible Authorities (including Police) as well as members of public are still able to submit their objections should they have concerns, where a regard could still be had to the old SSP evidence until new is available.

We believe that this Policy Statement represents a fair and reasoned way to balance the needs and desires of everyone in this City. We hope it will help us to maintain Oxford's important role as a safe and pleasant centre of culture and entertainment for everybody.

The revisions to this Policy reflect the changes to the licensing regime that have been introduced by the Police Reform and Social Responsibility Act 2011, the Live Music Act 2012, the Deregulation of Schedule 1 of the Licensing Act 2003, and to ensure that the Policy accurately reflects the workings of the Licensing Authority.

Councillor Colin Cook  
Chair of Licensing & Gambling Acts  
Committee

Councillor Mary Clarkson  
Vice-Chair of Licensing & Gambling Acts  
Committee

## **PURPOSE**

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This policy statement has four main purposes, which are:

- **To confirm to Elected Members** of the Licensing and Gambling Acts Committee, the boundaries and powers of the Authority and the parameters within which to make decisions.
- **To inform licence applicants** of the parameters within which the Authority will make licensing decisions and therefore how licensed premises are likely to be able to operate within the area.
- **To inform local residents and businesses** of the parameters within which the Authority will make licensing decisions and therefore how their needs will be addressed.
- **To support a case in a court of law** if the Authority has to show how it arrived at its licensing decisions.

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## **Using this Statement of Licensing Policy**

- The policies are shown in text boxes, which are separately numbered and titled.
- The additional text gives examples, background and reasons for the policies.
- The Appendices give additional information.

Oxford City Council has different roles under the Licensing Act 2003, so:

- 'Authority' is used where it acts as the Licensing Authority under the 2003 Act.
- 'Council' is used where parts of the Council act in other capacities, for example:
  - to determine policy;
  - when the 'Council' applies to the 'Authority' for a licence for Council premises;
  - when Environmental Health or Planning Control officers act as a 'Responsible Authority' in making a Representation about an application received.

The 'Authority' must balance the interests of applicants (as stated in their applications for licences) and any interests stated by others (in Representations and Relevant Representations). When it grants a licence, the Authority must attach mandatory conditions if applicable. The Authority cannot attach other conditions unless they are proportional to the applications and any Representation or Relevant Representation received.

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## **Other information**

### **Pool of conditions**

The Authority has a 'pool of conditions' from which it draws the conditions that it will add to licences. This pool of conditions is subject to continuous development and is available on the Council website.

### **Guidance to applicants**

The Authority provides guidance to applicants to assist them with making their applications for licences. This guidance can be found on our website:

**[https://www.oxford.gov.uk/info/20143/alcohol\\_and\\_entertainment](https://www.oxford.gov.uk/info/20143/alcohol_and_entertainment)**

### **Contact details**

Contact details are given on the back cover.

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## Glossary

<b>Term</b>	<b>Description</b>	<b>Reference in the 2003 Act</b>
Authority	Oxford City Council in its capacity as Licensing Authority	
Council	Oxford City Council in its capacity as district council.	
Planning Authority	The Council in its capacity as planning authority.	
Police Authority	Thames Valley Police	
Fire Authority	The Fire and Rescue Service of Oxfordshire County Council	
Navigation Authority For rivers – For canals –	The Environment Agency The British Waterways Board	Section 13(4)(h)
Interested Party  <i>(An Interested Party may make a representation about an application and may request a review)</i>	Any of the following – (a) a person likely to be affected by the operation and impact of the premises, (b) a body representing persons likely to be affected by the operation and impact of the premises, (c) a person involved in a business likely to be affected by the operation and impact of the premises, (d) a body representing persons involved in such businesses likely to be affected by the operation and impact of the premises, (e) Elected Members of the Oxford City Council.	
Responsible Authority  <i>(A Responsible Authority may make a Representations about applications and may request reviews)</i>  <i>(Appendix 7 lists the contact details for these Responsible Authorities)</i>	Any of the following – (a) the Licensing Authority, (b) the Chief Officer of Police for the area, (c) the fire authority, (d) the enforcing authority under Section 18 of Health and Safety at Work etc. Act 1974, (e) the local planning authority (i.e. department of the Council), (f) the environmental health department of the Council, (g) the Oxfordshire Safeguarding Children Board, (i) the Public Health Board, (h) Trading Standards, (i) any other Licensing Authority in whose area part of the premises is situated, (j) in relation to a vessel – the navigation authority.	Section 13(4)



Objection	Representations made by the Police in relation to an application, on the grounds of the prevention of crime and disorder, or by the Environmental Health Service on the grounds of the prevention of public nuisance in relation of a Temporary Event Notification.	Schedule 8 para 25
Representations	Comments made by a Responsible Authority on an application.	
Relevant Representation	Comment made by an Interested Party, which is not rejected by the Authority as irrelevant, frivolous, vexatious, or repetitive.	
<p>Authorised Person</p> <p><i>(Authorised Persons have roles in <u>enforcement</u> of the 2003 Act)</i></p> <p><i>(Police officers are not listed as Authorised Persons, as they already have powers of enforcement under other legislation)</i></p>	<p>Any of the following –</p> <p>(a) an officer of the Licensing Authority, authorised for the purposes of the 2003 Act,</p> <p>(b) an inspector appointed under article 26 of the Regulatory Reform (Fire Safety) Order 2005</p> <p>(c) an inspector appointed under S.19 of the Health and Safety at Work etc. Act 1974,</p> <p>(d) an officer of the Council authorised to exercise statutory environmental health functions,</p> <p>(e) in relation to a vessel, an inspector, or surveyor of ships, appointed under S.256 of the Merchant Shipping Act 1995,</p> <p>(f) a person prescribed for the purposes of S.13(2) of the Licensing Act 2003.</p>	Section 13(2)
Licensing & Gambling Acts Committee	The Committee of elected members of Oxford City Council that is responsible for the Council's licensing functions.	Section 6
SIA	Security Industry Authority	
2003 Act	The Licensing Act 2003	
LACORS	Local Authorities Co-ordinator of Regulatory Services	
TSI	Trading Standards Institute	
Statement of Licensing Policy	The current statement of licensing policy required under Section 5 of the 2003 Act, following publication and as amended by subsequent revisions.	Section 5
Designated Premises Supervisor	The person specified in a premises licence as the premises supervisor.	Section 15
Secretary of State's Guidance	Guidance issued by the Secretary of State under Section 182 of the 2003 Act	Section 182
Regulated Entertainment	Regulated entertainment as defined in Schedule 1 of the 2003 Act (see also Appendix 5)	Schedule 1

## 1 Introduction

### 1.1 Objectives

1.1.1 The Licensing Authority (the 'Authority') for Oxford is Oxford City Council (the 'Council').

#### **Policy GN 1: Objectives**

The Authority will carry out its licensing functions under the 2003 Act with a view to promoting the four licensing objectives in the 2003 Act, which are:

- the prevention of crime and disorder;
- the promotion of public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

Each of the four licensing objectives is of equal importance and there are no other objectives, so that the four licensing objectives are paramount at all times.

### 1.2 The Authority's area and the licensable activities

1.2.1 Appendix 1 describes the Authority's area, its centres of population and its population profile. It also describes the mix of licensable activities, where they take place and their positive and negative impacts on the area.

1.2.2 The Authority has regard to matters of sustainability, equality, the local economy and tourism to the extent that they affect the Licensing Policy. The Authority will also have regard to minimising waste and litter in the interests of minimising public nuisance.

## 2 General matters

### 2.1 Precedence issues

2.1.1 A licensing policy must not ignore or be inconsistent with provisions in the 2003 Act. The Authority must have regard to the Secretary of State's Guidance when making and publishing its policy. When revisions on the Guidance are issued, there may be a period of time when this policy statement is inconsistent with the Guidance, for example, during any consultation by the Authority. If this occurs, the Authority will have regard, and give appropriate weight, to the Guidance and this policy statement.

#### **Policy GN 2: Precedence**

The meaning of the 2003 Act and any Regulations made under it take precedence over the meaning of this Statement of Licensing Policy.

### 2.2 Adoption and publication of the Statement of Licensing Policy

2.2.1 The Council adopted this Statement of Licensing Policy at its meeting on 17<sup>th</sup> February 2021 and it became effective from that date.

#### **Policy GN 3: Five yearly licensing policy review**

The Council will prepare and publish a statement of its licensing policy at intervals of no more than five years, to enable it to continue to undertake its licensing functions.

#### **Policy GN 4: Interim licensing policy reviews**

The Council will keep its licensing policy under review and will make such revisions to it, at such times, as it considers appropriate.

#### **Policy GN 5: Consultation on licensing policy**

Before determining any revision to its Statement of Licensing Policy, the Council will consult:

- (a) the chief officer of Police for the Oxford area;
- (b) the fire authority for the Oxford area;
- (c) the Trading Standards Officer for Oxfordshire County Council;
- (d) the Social & Health Care Department of Oxfordshire County Council, which the Authority

considers to be the competent and responsible authority for the purpose of advising on issues of protecting children from harm; and

(e) the Primary Care Trust;

together with such persons as the Authority considers at the time to be representative of:

(f) holders of Premises Licences issued by the Authority;

(g) holders of Club Premises Certificates issued by the Authority;

(h) holders of Personal Licences issued by the Authority;

(i) businesses and residents who may be affected by the operation and impact of the premises;

(j) other interests in the licensing of premises in its area.

The Authority will give appropriate weight to the views of the persons listed above when it determines any revision to its Statement of Licensing Policy.

#### **Policy GN 6: Publication of licensing policy revisions**

When the Authority determines any revisions, it will publish either a statement of those revisions, or its revised Statement of Licensing Policy.

### **2.3 Scope of the Statement of Licensing Policy: Licensable activities**

2.3.1 This policy addresses licensing of the following activities:

- the sale of alcohol by retail;
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
- the provision of late night refreshment (supply of hot food or drink between 2300 and 0500 hours)(including “take aways” and “hot food vans”); and
- the provision of ‘regulated entertainment’ (defined in Schedule 1 of the 2003 Act) which includes:
  - a performance of a play;
  - an exhibition of a film;
  - an indoor sporting event;
  - a boxing or wrestling entertainment (indoors and outdoors);
  - a performance of live music;
  - the playing of recorded music;
  - a performance of dance;
  - entertainment similar in description to music and dance.

2.3.2 Activities that are not to be regarded as regulated entertainment and activities that are not to be regarded as late night refreshment are also listed in Schedules 1 and 2, respectively, of the 2003 Act, and a broad description of such entertainment activities that are exempt from the licensing regime following the Derogulation of Schedule 1 of the 2003 Act can be found at Appendix 5.

### **2.4 Scope of the policy: Applications and notices**

2.4.1 This policy addresses decisions on applications for:

- Premises Licences;
- Club Premises Certificates;
- Personal Licences;
- renewal or transfer of licences;
- variation of conditions attached to licences and associated matters.

2.4.2 This policy also addresses Temporary Event Notices (TENs) and the review of Premises Licences and Club Premises Certificates.

2.4.3 This policy also informs all parties as to how the Licensing Authority and Licensing Officers will carry out their enforcement and compliance operations and any actions arising from those operations.

## 2.5 Fundamental principles

- 2.5.1 The Authority recognises that its power to reject applications, or to apply conditions to Premises Licences and Club Premises Certificates is strictly constrained by the terms of the 2003 Act.
- 2.5.2 The Authority recognises that it has no power to:
- attach any condition, including mandatory conditions, to a Temporary Event Notice (save for when an objection is made by a relevant Responsible Authority and as such requires determination by the Licensing Casework Sub-Committee);
  - modify mandatory conditions;
  - attach conditions to a Premises Licence or Club Premises Certificate (other than appropriate mandatory conditions) unless those conditions are consistent with the operating schedule submitted with the application, or further to a Representation or Relevant Representation.
- 2.5.3 The Authority recognises that it has no power to:
- modify conditions attached to a Premises Licence or a Club Premises Certificate;
  - to exclude from the scope of a Premises Licence or a Club Premises Certificate any of the licensable or qualifying activities to which the application relates;
  - refuse to specify a person in a Premises Licence as the Designated Premise Supervisor;
  - reject the application,
  - unless it has received a Representation or a Relevant Representation about the application and then only to such extent as the Authority considers necessary for the promotion of the licensing objectives.
- 2.5.4 Throughout this document the Authority has outlined the standards which it expects to be addressed in applications. The policies within this statement have been developed in consultation with all of the Responsible Authorities.
- 2.5.5 In considering and determining applications the Authority will take into account:
- The Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000;
  - Section 17 of the Crime and Disorder Act 1998;<sup>1</sup>
  - The Human Rights Act 1998;
  - Noise Act 1996;
  - Fire and Safety Order 2005;
  - Violent Crime and Disorder Act 2006;
  - Health Act 2006;
  - Section 11 of the Children's Act 2004
  - any other relevant legislation or statutory guidance.
- 2.5.6 The Authority:
- will treat each application on its individual merits;
  - will not override the right of any person to apply under the terms of the 2003 Act for a variety of permissions;
  - will not override the right of any person to make Representations on an application or to seek a review of a licence or certificate where the 2003 Act makes provision for them to do so;
  - will, as far as possible, avoid duplication with other licensing and regulatory regimes that already place obligations on employers and operators, e.g. The Health & Safety at Work etc, Act 1974, the Environmental Protection Act 1990, Disability Discrimination legislation and the Regulatory Reform (Fire Safety) Order 2005;
  - will only apply to Premises Licences and Club Premises Certificates conditions that are necessary to underpin or promote the licensing objectives.

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<sup>1</sup> Section 17 of the Crime and Disorder Act 1998 states: "Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on and the need to do all that it reasonably can to prevent, crime and disorder in its area."

- 2.5.7 The Authority recognises that the purpose of the 2003 Act is to allow appropriate levels of regulation for premises, temporary events, members' clubs and persons authorised to make alcohol available for sale.
- 2.5.8 In considering applications the Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of public living, working or engaged in normal activity in the vicinity of the licensed premises.
- 2.5.9 For each application for the grant, variation or review of a Premises Licence or a Club Premises Certificate, the 2003 Act requires the Authority to consider the Representations made by Responsible Authorities and those Representations made by Interested Parties, which the Authority accepts as relevant.
- 2.5.10 'Interested Parties' will be given its widest possible interpretation and, where it includes persons involved in business, will not be confined to those engaged in trade and commerce. It will include partnerships and the functions of charities, churches and medical practices. Amendments to the Licensing Act 2003 remove the requirement for interested parties to reside within the immediate vicinity.
- 2.5.11 The Authority will accept relevant representations from interested parties. The Authority will consider representations from those that can demonstrate that they are (or, in the case of new premises, are likely to be), affected by activities occurring on the premises or by the impact the activities at the premises or those engaged in activities at the premises may have on those persons making relevant representations.
- 2.5.12 Where a notice of a hearing is given to an applicant, the Authority is required to provide the applicant with copies of the relevant representations that have been made. In circumstances where the Authority considers that the interested party has a well-founded fear of intimidation and may be deterred from making a representation because of this, the Authority may withhold some or all of the interested parties personal details (if requested) giving only enough details (such as street name) which would allow an applicant to be satisfied that the interested party is within the vicinity of and would be affected by the premises.
- 2.5.13 A Responsible Authority or an Interested Party may seek a review of a Premises Licence or Club Premises Certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 2.5.14 In determining applications and reviews of licensed premises, the Authority will give appropriate weight to:
- Representations received from Responsible Authorities;
  - Relevant Representations made by Interested Parties;
  - the Secretary of State's Guidance;
  - this Statement of Licensing Policy;
  - the steps necessary to promote the licensing objectives.
- 2.5.15 Any terms and conditions that the Authority imposes will be focused on matters that are within the control of individual licensees. These matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places.

## **2.6 Reviewing the Statement of Licensing Policy with other authorities**

- 2.6.1 The Authority will work with the other Licensing Authorities in Oxfordshire reviewing this Statement of Licensing Policy to ensure, as far as possible, that a consistent approach is taken to assist applicants for licences and those who may wish to make Representations under the provisions of the 2003 Act. The Authority will also liaise with other neighbouring Licensing Authorities to ensure that there is consistency across District Council boundaries. Full regard will still be given to local issues and situations, which will take precedence.
- 2.6.2 The Authority will maintain partnership working with various enforcement agencies as it recognises that the licensing objectives can only be promoted through a range of actions, some of which are outside the scope of the licensing system.

- 2.6.3 The Authority will maintain protocols with the Police, the Environmental Health Service, the Fire Authority and Trading Standards Services, as it considers appropriate for enforcing the 2003 Act.
- 2.6.4 The Authority will maintain dialogue with the licensed trade, businesses, local people and relevant organisations in the entertainment and alcohol industry to ensure that the Statement of Licensing Policy remains relevant and secures promotion of the licensing objectives.
- 2.6.5 The Authority will have regard to the considerations of the relevant Officer of the Licensing Authority delegated with the power to make relevant representations to applications and instigate reviews of licences (in such a person's role as a Responsible Authority). Such considerations will be based on the evidential findings of that Officer, including (but not limited to) actions undertaken during and after enforcement and compliance operations carried out by the Licensing Officers under such persons control, multi-agency operations, test-purchase operations, and any best practices adopted by other Authority's that may be deemed to further uphold the four licensing objectives locally.

## 2.7 Integrating strategies

- 2.7.1 Licensing is about promoting the four licensing objectives by balancing different interests. The experience gained by the Authority can usefully inform the development and application of strategies by others for local crime prevention, planning, transport, tourism and culture. It is important that such strategies do not undermine promotion of the licensing objectives.
- 2.7.2 In preparing this Statement of Licensing Policy, the Authority has taken account of relevant national policies and action plans, which include the following:
- Safer Nightlife <sup>2</sup>;
  - The Governments "Alcohol Strategy" (Home Office);
  - Alcohol and Violence (Public Health Faculty);
  - Reform of Anti-Social Behaviour Powers (Home Office);
  - Safeguarding Children, Young People and Vulnerable Adults (Oxford City Council).
- 2.7.3 The Authority has taken account of the policies and programmes that the Council has already adopted. These are listed in Appendix 2, along with an explanation of how they integrate with the Statement of Licensing Policy.

<h3>Policy GN 7: Integrating strategies</h3>
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<p>The Council will ensure any strategies it may have, or develop, for local crime prevention, planning, transport, waste management, sustainability, tourism and culture will be integrated with its licensing function but such strategies will not overrule the licensing objectives.</p>
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## 2.8 Planning and building control

- 2.8.1 The Council recognises that there is a need for proper separation of the planning, building control and licensing regimes to avoid duplication and inefficiency.
- 2.8.2 The Council recognises that the Planning Authority must be aware of the Authority's concerns as this will assist in promotion of the licensing objectives. The Authority will provide reports to enable the Planning Authority to have regard to such matters and have a role in promoting the four licensing objectives when the Planning Authority takes its decisions.
- 2.8.3 The Council recognises that the following three regimes have different purposes:
- **Planning:** ensuring the suitability of the location, use and design of the premises for the activities and the adequacy of the local infrastructure;
  - **Building Control:** ensuring the suitability of the construction of the premises; and
  - **Licensing:** ensuring the suitability of the proposed use and its operation at the proposed premises.

<sup>2</sup>

[https://www.cityoflondon.gov.uk/services/health-and-wellbeing/drugs-and-alcohol/london-drug-and-alcohol-policy-forum/Documents/SS\\_LDPF\\_safer\\_nightlife.pdf](https://www.cityoflondon.gov.uk/services/health-and-wellbeing/drugs-and-alcohol/london-drug-and-alcohol-policy-forum/Documents/SS_LDPF_safer_nightlife.pdf)

2.8.4 The grant of a Premises Licence or a Club Premises Certificate, or any variation to one of these, does not relieve the applicant of the need to obtain planning permission and building regulations consent as appropriate.

2.8.5 The applicant must observe the earlier closing time if planning conditions set a terminal hour for the use of the premises for commercial purposes.

#### **Policy GN 8: Planning permission and listed building consent**

The Authority will normally expect an application for a Premises Licence or a Club Premises Certificate to be made only in respect of premises that already have an appropriate established use or any planning permission and listed building consent necessary for the proposed range of licensable activities to take place.

The Authority will similarly expect an applicant to have obtained planning permission where necessary for the use proposed, before applying for a provisional statement under section 29 of the 2003 Act.

### **2.9 Administration, exercise and delegation of functions**

#### **Policy GN 9: Levels of decision-making**

The Authority will have the following levels of decision-making for undertaking its licensing functions:

- The Council;
- Licensing & Gambling Acts Committee;
- Licensing Casework Sub-Committees;
- Licensing Officers.

2.9.1 A Licensing Casework Sub-Committee will generally determine each application that attracts an Objection, Representation or Relevant Representation, unless:

- all Objections or Representations from Responsible Authorities are withdrawn and it is agreed by all parties that a hearing is not necessary; and
- all representations from Interested Parties are either:
  - determined by a designated officer to be irrelevant, vexatious or frivolous; or
  - withdrawn, and it is agreed by all parties that a hearing is not necessary; or
  - the Licensing & Gambling Acts Committee wish to consider the matter.

2.9.2 Licensing Officers will determine all other applications and the Licensing & Gambling Acts Committee will receive regular reports on the decisions made by Officers so that members maintain an overview of the general situation locally and nationally, and maintain an understanding as to the volume and nature of applications submitted to the Licensing Authority. Such reports shall also provide the Committee with details of all enforcement and compliance operations undertaken by the Licensing Officers, and any actions arising from those operations. Details of any proposed future developments related to or impacting upon the Licensing Act 2003, including proposed partnership working arrangements, and proposed changes to current legislation shall also be included in such reports.

2.9.3 For the convenience of applicants, the system of delegation is tabulated in Appendix 4.

#### **Policy GN 10: Delegation**

The Authority has delegated licensing decisions in accordance with the recommendations of the Secretary of State's Guidance and in the interests of speed, efficiency and cost effectiveness, as follows:

- (a) The Council determines:
- the Statement of Licensing Policy;
  - membership of the Licensing & Gambling Acts Committee;
  - the extent to which functions, other than functions under the 2003 Act, are delegated to the Licensing & Gambling Acts Committee.
- (b) The Licensing & Gambling Acts Committee will undertake all functions of the Authority under the 2003 Act that are not the responsibility of the Council, as follows:

- making recommendations to the Council on the Statement of Licensing Policy;
  - reviewing the Statement of Licensing Policy within five-year intervals, keeping the policy under review at other times and undertaking appropriate consultations;
  - arranging for training of members and officers to enable the Authority to discharge its duties under the 2003 Act;
  - agreeing which body is competent to advise the Authority in respect of matters relating to the protection of children from harm;
  - deciding the extent to which the Authority will recommend the classification of films;
  - monitoring the impact of licensing on regulated entertainment in general and live music and dancing in particular in connection with cultural strategies;
  - establishing and agreeing enforcement protocols (with the Police etc.);
  - reporting to the Planning Authority on the situation concerning licensed premises including the general impact of alcohol related crime and disorder; this enables the Planning Committee to have regard to such matters when taking its decisions and avoid any unnecessary overlap.
  - considering current licences or applications for licences where a Representation or a Relevant Representation has been made and not withdrawn.
  - Receiving reports on matters determined by Licensing Officers with delegated authority.
- (c) Licensing Sub-Committees will operate under authority delegated by the Licensing & Gambling Acts Committee and determine matters as set out in Policy GN 11.
- (d) Licensing Officers will operate under delegated authority and determine matters as set out in Policy GN 12.

#### **Policy GN 11: Licensing Casework Sub-Committee – delegated functions**

Licensing Casework Sub-Committees will determine any of the following where a Representation or a Relevant Representation has been made and not withdrawn:

- application for a Personal Licence;
- application for Personal Licence with unspent convictions;
- application for Premises Licence or a Club Premises Certificate;
- application for provisional statement;
- application to vary a Premises Licence or a Club Premises Certificate;
- application to vary Designated Premises Supervisor;
- application for transfer of Premises Licence;
- application for interim authorities;
- application to review a Premises Licence or a Club Premises Certificate;
- determination of a Police or Environmental Health Objection to a Temporary Event Notice;
- decision to object when the Authority is a consultee and not the relevant authority considering the application.

#### **Policy GN 12: Licensing Officer – delegated functions**

A Licensing Officer, delegated within the Council's Constitution, will determine every other licence application for which no Objection, Representation or Relevant Representation has been received, or when any Objection, Representation or Relevant Representation has been received but has been withdrawn and that it is agreed by all parties that a hearing is not necessary.

#### **Policy GN 13: Licensing & Gambling Acts Committee – procedure**

Subject to any statutory provisions, the Licensing & Gambling Acts Committee will regulate its own procedure and that of Licensing Casework Sub-committees.

#### **Policy GN 14: Licensing Casework Sub-Committee – procedure**

In considering any application subject to a Representation or a Relevant Representation, the Sub-Committee will follow the principles set out in the Hearings Regulations under the 2003 Act.



**Policy GN 15: Determination of applications – conditions**

The Authority will determine the type and extent of conditions to be affixed to Premises Licences and Club Premises Certificates as follows:

## (a) Matters determined by Licensing Officers:

- Licensing Officers will select from a pool of conditions, those conditions that appropriately deal with the issues addressed in the applicant's operating schedule, that match the conditions that apply to the original licence or permission;
- No other conditions, other than the mandatory conditions, will be added;
- If none of the pool conditions is appropriate, Licensing Officers will develop any condition that they consider necessary to appropriately translate the issues addressed in that applicant's operating schedule, Officers will add to the pool of conditions any conditions developed for this reason;
- Licensing Officers will report to the Licensing & Gambling Acts Committee from time to time on the matters that those officers have determined.

## (b) Matters determined by a Licensing Casework Sub-Committee:

- Sub-Committees will attach conditions from within the pool of conditions or developed to suit, as in (a) above;
- No conditions, other than mandatory conditions, will be added unless an appropriate Representation or Relevant Representation has been upheld;
- Sub-Committees may also attach special conditions that take account of a Representation made by a Responsible Authority or a Relevant Representation made by an Interested Party.

**2.10 Non-licensing issues: What this statement is not for**

## 2.10.1 The Authority recognises that:

- licensing is not about mechanisms for the general control of anti-social behaviour by individuals once they are beyond the direct control of the individual club or business holding the licence, certificate or permission concerned (subject to Policy LH6);
- licensing is not about matters contained in other legislation, which may well apply simultaneously to the activities of licensed individuals or premises. Appendix 8 includes references to some of this legislation.

**3 Cumulative impact****3.1 Cumulative impact**

3.1.1 The Authority wishes to take steps to prevent public nuisance, crime or disorder arising from the concentration of premises in one particular area.

3.1.2 Whilst need is primarily an issue for the market and the planning system, the cumulative impact of licensed premises on the promotion of the licensing objectives is a matter for consideration under the licensing provisions. Serious problems of public nuisance and disorder can arise in the vicinity of licensed premises where a number of them are grouped together and particularly where they may be situated near to residential areas. The numbers of premises selling alcohol and providing entertainment until the early hours of the morning have increased significantly over recent years and many special measures have been adopted to try to deal with the crime and anti-social behaviour that can result from the more intensive activities.

3.1.3 The distribution of late night premises may be such as to warrant special action from the Authority to combat exceptional problems of disorder and public nuisance over and above the impact from individual premises.

**Policy GN 16: "Need" for licensed premises**

The Authority will leave the assessment of the 'need' for licensed premises to the Planning Authority and to the market. It will not address this matter in undertaking its licensing functions.

**Policy GN 17: Need for an evidential base**

The Authority will consider Representations based on the impact of the grant of a particular application on the promotion of the licensing objectives in the Authority's area. However, there must be an evidential base for the assertion that the addition of the premises in question would produce the cumulative impact claimed. The impact can be expected to be different for premises with different styles and characteristics.

**Policy GN 18: Use of other mechanisms to address cumulative impact**

The Council will encourage the use of other mechanisms that are available for addressing problems caused by a minority of consumers behaving badly and unlawfully once away from licensed premises. For example:

- (a) planning controls;
- (b) positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the Council;
- (c) powers the Council has to designate parts of its area as places where alcohol may not be consumed publicly and take into account areas currently designated as Alcohol Free Zones;
- (d) Police enforcement of the normal law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- (e) the prosecution of any Personal Licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
- (f) the confiscation of alcohol from adults and children in designated areas;
- (g) Police powers to close down instantly for up to 24 hours any licensed premises or temporary event on grounds of disorder, or the likelihood of disorder or excessive noise emanating from the premises;
- (h) the power of the Police, other Responsible Authority or a local resident or business to seek a review of the licence or certificate in question.

**3.2 Special Saturation Policy**

- 3.2.1 It is possible that the impact of the behaviour of customers of separate premises taken together on surrounding areas is greater than the usual impact from customers of individual premises and so creates exceptional problems of crime, disorder or public nuisance. In these circumstances a Responsible Authority or Interested Party may consider that the cumulative effect is to saturate an area, making it a focal point for large groups of people to gather and circulate away from the licensed premises themselves.
- 3.2.2 Previous editions of the Council's Statement of Licensing Policy (most recently in 2016) have included special saturation policies (cumulative impact assessments) for Oxford City Centre and East Oxford, adopted following assessment of the particular impact from the concentration of licensed premises in those areas. These policies were adopted following government guidance applicable at the time.
- 3.2.3 With effect from 6<sup>th</sup> April 2018 Cumulative impact assessments (CIA) were put on a legal footing and introduced into the Licensing Act 2003 by the Policing and Crime Act 2017. Section 5A of the 2003 Act now sets out what a licensing authority needs to do in order to publish a CIA and review it.
- 3.2.4 The review of the previous Special Saturation Policies (cumulative impact assessment) has been disrupted by the Covid19 pandemic and no realistic assessment of cumulative impact has been possible in accordance with section 5A. Therefore, the Council determined no introduction of a formal Special Saturation Policy at this time. However, this in no way prejudices what assessment will be made during future reviews, once new evidence is available. It must be noted that subsequent concerns remain over crime and disorder following the previous evidence and regard shall be given to evidence until a new cumulative impact assessment is available. Each licensing application submitted to the Council will continue to be decided on merits of the case. Responsible Authorities (including Police) as well as members of public can still submit their representations

should they have concerns, regard can still be had to the previous SSP evidence until a new assessment has been completed.

#### **Policy GN 19: Special Saturation Policy**

Taking into account the ongoing Covid19 pandemic (2020/2021), where the Coronavirus regulations continued to disrupt the usual operations of the night time economy throughout the year, with varied restrictions, curfews and Covid Secure guidance, no realistic assessment of cumulative impact has been possible. However, this in no way prejudices what assessment will be made once new evidence is available.

The Authority is committed to preventing public nuisance, crime and disorder arising from the concentration of premises in particular areas and will keep the Policy under review by carrying out a comprehensive and considered assessment, once new data and evidence are available. Also, taking into account the necessary input from the relevant authorities as well as the impact of the pandemic, to consider make a fresh cumulative impact assessment.

## **4 Pool of conditions**

### **4.1 Pool of conditions**

- 4.1.1 The Secretary of State's Guidance requires the Authority's licensing policy to "make clear that a key concept underscoring the 2003 Act is that conditions attached to licences and certificates should be tailored to the individual style and characteristics of the premises and events concerned." It also states that "This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions." The Authority will therefore need access to a wide range of appropriate conditions from which it can draw.
- 4.1.2 Provided no Representation or Relevant Representation has been received, the type and extent of conditions to be affixed to a Premises Licence will be determined by officers acting under delegated authority, from within the pool of conditions and consistent with the operating schedule.
- 4.1.3 Where an Interested Party has made a Relevant Representation or a Responsible Authority has made a Representation, a Licensing Casework Sub-Committee will hear the case and may attach special conditions to a licence. Use of standard conditions on all licences will be avoided, as will conditions that are unnecessary because other legislation makes adequate and appropriate provision for applicants' compliance.

#### **Policy GN 20: Pool of conditions**

The Authority will maintain a pool of conditions from which appropriate and proportionate conditions can be drawn. The Authority will adapt such conditions as necessary for promoting licensing objectives to suit the individual circumstances of each application for a Premises Licence or a Club Premises Certificate.

#### **Policy GN 21: Pool of conditions: premises-specific**

The Authority will not apply standard conditions to every Premises Licence or Club Premises Certificate that it issues.

#### **Policy GN 22: Pool of conditions: additions**

The Authority will add to the pool of conditions each condition that is developed to suit the individual circumstances of each application, so that it may be used as the basis of development of other conditions. The Authority will develop such conditions with regard to:

- (a) the 2003 Act;
- (b) the Secretary of State's Guidance;
- (c) this Statement of Licensing Policy;
- (d) a condition attached to a permission, which requires conversion to a new Premises

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| Licence or a Club Premises Certificate; and<br>(e) a statement made in the operating schedule by an applicant for a Premises Licence or a Club Premises Certificate. |
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## 4.2 Live music, dancing and theatre

- 4.2.1 It would be inappropriate to expect organisers of small-scale activities (200 people “permitted capacity limit”) to incur the potentially substantial costs of complying with conditions that are more appropriate to larger events. Such small-scale activities will tend to be those that are arranged for small community groups or for children and have the potential for generating wider cultural benefits for communities generally.
- 4.2.2 The imposition of inappropriate conditions might entail substantial costs and so inadvertently deter live music, dancing and theatre in community centres, small venues or venues that are likely to be used only infrequently.
- 4.2.3 The Live Music Act 2012 and the Deregulation of Schedule 1 of the 2003 Act further reduces the burden placed upon those wishing to host entertainment events, and the Authority will be mindful of events that host entertainment deemed to no longer fall within the requirements of the 2003 Act. Details as to what activities are now exempt from the licensing regime can be found at Appendix 5.

<b>Policy GN 23: Live music, dancing and theatre</b>
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The Authority will take proper account of the need to encourage and promote live music, dancing and theatre in balance with the potential for disturbance from these activities. In determining what conditions should be attached to Premises Licences and Club Premises Certificates, the Authority will take account of the need to avoid measures whose potential for imposing substantial costs could inadvertently deter live performances, especially at smaller venues.
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## 5 Licensing hours

### 5.1 Licensing hours

- 5.1.1 With regard to licensing hours it is emphasised that each application will be considered on its individual merits. The Authority recognises that, in some circumstances, flexible licensing hours for the sale of alcohol can help to ensure that the concentrations of customers leaving premises simultaneously are avoided. This can help to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport, which can lead to disorder and disturbance. Providing customers with greater choice and flexibility is an important consideration, but will always be balanced against the duty to promote the four licensing objectives and the rights of local residents to peace and quiet.

<b>Policy LH 1: Zoning</b>
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The Authority will not generally restrict trading hours, but may restrict hours for particular premises if a Responsible Authority makes an appropriate Representation or an interested Party makes an appropriate Relevant Representation and this will promote the licensing objective.
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<b>Policy LH 2: Staggered closing times</b>
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The Authority will not seek to engineer any pattern of closing times (‘staggered closing times’) by setting quotas for particular closing times.
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<b>Policy LH 3: Licensing hours not limited</b>
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The Authority will not reduce the hours permitted for licensable activities to less than those stated in an application, unless a Representation or a Relevant Representation indicates that this is necessary and then only in the context of the individual merits of that application.
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### 5.2 Display of operating hours

- 5.2.1 Licensing hours and the closing time of premises may be different. The cessation of licensable activities may take place at some time prior to actual closing time for the premises depending on the nature of the activities.

- 5.2.2 The Authority considers that it would be beneficial for potential customers and Interested Parties living or working nearby to be able easily to discover when licensed premises are likely to be operational.

**Policy LH 4: Display of operating hours**

Where appropriate the Authority normally expects to see a notice stating the actual operating hours of the premises displayed conspicuously outside every public entrance to a premise operating under a Premises Licence.

**Policy LH 5: Closing times**

In determining applications, the Authority will take into account the time that it is proposed to close the premises where patrons have been attracted to attend by a licensable activity. Regard will also be had to matters such as the nature of the locality and the availability of public transport at the time that the premises propose to close.

The Authority considers that licensable activities should normally cease not later than 30 minutes before final closure of the premises.

**5.3 Dispersal procedures**

- 5.3.1 Organised dispersal procedures can help to prevent crime, disorder and public nuisance where large numbers of persons leave licensed premises over a concentrated period of time. This applies whether customers leave in small numbers over an extended period, or in large numbers.
- 5.3.2 The Authority considers that dispersal procedures, on which all staff employed at the licensed premises are trained, are particularly necessary for premises at which regulated entertainment or the sale of alcohol for consumption on the premises will continue after midnight. Persons living in the vicinity may experience the effects of the dispersal of customers from licensed premises as a public nuisance. Such problems can be minimised through orderly dispersal.
- 5.3.3 Staff trained in dispersal procedures could also play a key role in the event of emergency evacuation.

**Policy LH 6: Dispersal procedures**

Where appropriate, the Authority expects Premises Licence applicants for premises that will remain open beyond midnight and will be open primarily for public entertainment or the sale of alcohol for consumption on the premises, or both, to submit a written statement with their application covering procedures for orderly dispersal of patrons at closing time to minimise any negative impact locally and to support the rights and needs of residents and businesses.

Such a statement should show how all staff in the premises are trained in its implementation.

The Authority expects any dispersal procedure to state the time at which the licensable activities cease and the later, actual, closure time of the premises.

**5.4 Latest admission times**

- 5.4.1 It is undesirable that persons should seek to 'top up' their alcohol intake by 'club-hopping' and seeking out those premises that are admitting customers at the latest times as crime, disorder and public nuisance in urban centres can be increased by persons moving between venues late at night.
- 5.4.2 Establishing last entry times can reduce the tendency of customers to concentrate at those premises which remain open the latest, without restricting the hours of trading. This will encourage dispersal and reduce the pressure on late-night refreshment outlets and transport facilities that can lead to disorder problems. It will therefore assist with objectives to prevent public nuisance and crime and disorder in certain circumstances.

**Policy LH 7: Latest admission times**

The Authority expects latest admission times to apply, for example, in areas where there is a concentration of premises that continue to sell alcohol for consumption on the premises and

provide Regulated Entertainment after midnight.

The Authority expects the latest admission time to be at least one hour before cessation of the licensable activity.

## 5.5 Hours for 'off-sales' of alcohol

- 5.5.1 The Government suggests that the norm will be for all shops, stores and supermarkets with Premises Licences that permit the sale of alcohol for consumption off the premises to be free to provide such sales of alcohol at any times when the retail outlet is open for shopping unless there are very good reasons for restricting those hours.
- 5.5.2 Where a licence permits the sale of alcohol in general terms such as 'during opening hours', the Authority, Responsible Authorities and Interested Parties would have no role in determining the availability of alcohol in any subsequent changes to shopping hours. So any conditions on the timing of alcohol sales should state specific times.

### Policy LH 8: Hours for 'Off-Sales' of Alcohol <sup>3</sup>

The Authority will normally approve an application for licensing hours for retail premises that permit the sale of alcohol (for consumption off the premises) at any time that the retail premises are open for shopping.

Where there are good reasons for restricting those hours, the Authority will specify the particular hours during which the sale of alcohol for consumption off the premises is permitted. In such cases the Authority will not specify those hours in general terms, such as 'at any time that the retail premises are open for shopping'.

If a Representation or a Relevant Representation is made to the Authority, concerning premises intended for the sale of alcohol for consumption off the premises, that those premises are likely to become a focus for disturbance or public nuisance, the Authority reserves the right to restrict trading hours as one mechanism of combating such problems.

## 6 Children and licensed premises

### 6.1 Access to premises

- 6.1.1 The 2003 Act does not prohibit children who are accompanied by an adult from having free access to licensed premises of all kinds, including those selling alcohol for consumption on the premises.
- 6.1.2 However, the 2003 Act makes it an offence for any child under the age of 16 who is not accompanied by an adult from being present:
- at any time on pub premises, or other premises being used exclusively or primarily for the supply of alcohol for consumption on those premises; or
  - between the hours of midnight and 5am on restaurant premises, or other premises that supply alcohol for consumption on the premises.
- 6.1.3 Apart from the above, the admission of children is a matter for the discretion of the individual licensee or club, unless conditions included in a Premises Licence or a Club Premises Certificate limit the access of children.
- 6.1.4 The fact that the new offence may effectively bar children under 16, who are not accompanied by an adult, from premises where the consumption of alcohol is the exclusive or primary activity does not mean that the 2003 Act automatically permits unaccompanied children under the age of 18 to have free access to other premises or to the same premises even if they are accompanied or to premises where the consumption of alcohol is not involved. The 2003 Act includes on the one hand, no presumption of giving children access or on the other hand, no presumption of preventing their access to licensed premises. Each application and the circumstances obtaining at each premises must be considered on its own merits.

<sup>3</sup> 'Off sales' must only be of sealed vessels: 'On sales' must be only in open vessels and must be consumed within the curtilage of the premises. So 'premises' must be carefully defined for festivals, college balls and events in parks etc.

**Policy CH 1: Access by children to Licensed Premises not a requirement**

The Authority will not apply conditions to Premises Licences that require that children must be given access.

**Policy CH 2: Restrictions on access by children to Licensed Premises (1)**

The Authority will not apply conditions to Premises Licences that limit the access of children except to the extent that:

- (a) it considers necessary for the prevention of harm to children (with regard to a Representation or Relevant Representation on the application); or
- (b) applicants have included such restrictions in their operating schedules as a result of risk assessments that determined that the presence of children would be undesirable or inappropriate.

6.1.5 The range of situations in policy CH 3, enables the Authority to restrict the access of children to any premises, by taking appropriate account of the 'reputation' of those premises in addition to the formal aspects of an application.

**Policy CH 3: Restrictions on access by children to Licensed Premises (2)**

In considering access by children to licensed premises, the Authority will address the individual merits of each application with regard to any Representation or Relevant Representation on the application and, in particular, will take account of situations:

- (a) where entertainment or services of an adult or sexual nature are commonly provided;
- (b) where current staff working at the premises have been convicted of serving alcohol to minors, or the premise have a reputation for underage drinking;
- (c) with a known association with drug taking or dealing;
- (d) where requirements for proof of age cards or other age identification to combat the purchase of alcohol by minors is not the norm;
- (e) where there is a strong element of gambling on the premises; or
- (f) where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

6.1.6 The range of options in policy CH 4, which can be applied singly or in combination, enables the Authority to apply conditions to a Premises Licence, or Club Premises Certificate, that are in proportion to the scale of a perceived problem.

**Policy CH 4: Restrictions on access by children to Licensed Premises (3)**

The Authority will rarely apply a complete ban on access by children to any individual licensed premises. However when, in response to a Representation or Relevant Representation, the Authority considers that access by children should be limited, it will apply one or more conditions (to the whole, or parts, of the premises) that include the following options (singly, or in combination):

- (a) limitations on the hours when children may be present;
- (b) age limitations (below specified ages younger than 18);
- (c) limitations or exclusions when certain activities are taking place;
- (d) requirements for accompanying adults (including requirements that apply only to children below specified ages);
- (e) checking proof of age;
- (f) full exclusion of people under 18 from the premises when any licensable activities are taking place.

**6.2 Prevention of alcohol consumption by minors**

6.2.1 In most circumstances, the consumption of alcohol by minors would be illegal. The Authority considers that it would also contribute to harm to children, so systems should be put in place to ensure compliance with the law. The Authority encourages the development of a culture in which the checking of proof-of-age cards is accepted as the norm in circumstances where doubt might otherwise exist (e.g. Think 21).

- 6.2.2 The Authority will maintain close contact with the police, Young Offending Teams and with Trading Standards about the extent of unlawful sales and consumption of alcohol by minors and be involved in the development of strategies to control or prevent these unlawful activities and to pursue prosecutions.

**Policy CH 5: Prevention of under-age consumption of alcohol**

The Authority expects Personal Licence holders to ensure that alcohol is not supplied to persons under 18 except as permitted under the 2003 Act and expects every premises where alcohol is supplied to include, in its operating schedule, a management protocol for achieving this.

**6.3 Entertainment for and by children**

- 6.3.1 Entertainment specifically for children (for example, pantomimes) can attract large numbers of unaccompanied children. The Authority expects the licence holder to undertake a risk assessment including details of how they will ensure the safe access and egress of children.
- 6.3.2 The Authority expects licensees to provide attendants, at all performances specially presented for children, in accordance with model national standard conditions.
- 6.3.3 The Authority expects teenage discos and similar events to be ticket-only. This is because there is a risk that when 'pay-at-the-door' events reach capacity, children will be left alone on the street.

**Policy CH 6: Regulated entertainment for children**

The Authority expects that, where regulated entertainment includes performances specially presented for children, applicants will include in their risk assessment details of the number of attendants that will be on duty to ensure the safety of children and to control the access and egress of children.

**Policy CH 7: Regulated entertainment with child performers**

For licences that include performances by children, the Authority will normally expect a nominated adult to be responsible for such child performers.

**Policy CH 8: Persons supervising children - CRB checks**

In premises where children's entertainment is provided and particularly where children participate in providing entertainment, the Authority would normally expect that any person who will be engaged in supervising children to have been subject to a check through the Enhanced Disclosure procedure of the Criminal Records Bureau.

**Policy CH 9: Regulated entertainment for children – ticket only policy**

The Authority expects that Regulated Entertainment organised for teenage children in the form of a disco or similar event will normally be managed as ticket-only events, with no tickets available at the door.

If pre-ticketing is not to be used, the Authority expects the applicant to demonstrate what alternative arrangements will be used to control admissions and prevent disorder.

**6.4 Film exhibitions**

- 6.4.1 In the case of premises giving film exhibitions the Authority expects applicants to describe in their operating schedules their arrangements for ensuring compliance with the film classification recommendations that apply.

**Policy CH 10: Film Classification (1)**

To every Premises Licence that authorises the exhibition of films, the Authority will attach a mandatory condition requiring the admission of children to the exhibition of any film to be restricted in accordance with:

- (a) the recommendations of the film classification body specified in the licence, (which will normally be the British Board of Film Classification (BBFC) see Appendix 3 ), or
- (b) the Authority's recommendation.



The Authority will attach a similar condition to every Club Premises Certificate that authorises the exhibition of films.

#### **Policy CH 11: Film Classification (2)**

The Authority will not apply its own system of classification for the majority of films. However, provided the operator submits the film for classification at least 28 days before the proposed date of showing, the Authority may classify a film:

- (a) that has no BBFC classification; or
- (b) that has a BBFC classification, but the operator has requested the Authority to consider reclassification and the Authority agrees to do so, or
- (c) where there has been a Relevant Representation from an Interested Party or a Representation from any Responsible Authority with an interest in the protection of children from harm.

The Authority will have regard to the BBFC classification system, the BBC Code for Producers and the Ofcom/Broadcasting Standards Commission Broadcasting Code when making any decision on the classification of films.

Any classification made by the Authority will have precedence over any other classification.

#### **Policy CH 12: Exhibition of film – display of notices**

The Authority will expect applications to ensure that appropriate notices are displayed about restrictions on admission and that performances do not take place in areas other than where they can be restricted to a particular audience when necessary.

## **7 Licence Applications**

### **7.1 General**

- 7.1.1 Applications that are incomplete, or fail to comply with the requirements of the 2003 Act will impose additional administrative burdens that hinder the Authority's ability to process the applications that do comply. The Authority will therefore return applications that it considers incomplete, as it considers that applicants should retain the responsibility for ensuring their applications comply with the requirements of the 2003 Act.
- 7.1.2 The 2003 Act requires some applications to be advertised for a set period, or to be copied to the Police or other Responsible Authorities. This gives Interested Parties and Responsible Authorities an opportunity to make Representations about the application to the licensing authority, i.e. those which are not frivolous or vexatious and which relate to the licensing objectives. The Authority considers that the failure of an applicant to comply with these requirements is appropriate grounds for rejecting an application.
- 7.1.3 Applications may be made in person on weekdays between the hours of 9:00 and 16:30, or by post to the address given in Appendix 7.
- 7.1.4 Once an application has been accepted, any amendments to the application, unless made in response to a Representation or Relevant Representation, must normally be made by way of an application for variation or a fresh application. The Authority therefore recommends that applicants discuss their proposals with the appropriate Responsible Authority before finalising their submission.
- 7.1.5 Where applications are silent on particular issues, such as the use of special effects or the type of events to be held, this will limit the range of activities permitted under the Premises Licence or Club Premises Certificate that is granted.

#### **Policy LA 1: Licence applications – acceptance**

The Authority requires applications to comply with the requirements of the 2003 Act before they are registered as being received.

The Authority will return to the applicant any application that it discovers to be incomplete because it does not comply with the 2003 Act, including any requirement to advertise or failure to provide a complete copy to a Responsible Authority.

If the Authority returns an application to an applicant for any of the above reasons, it will treat the application as not received. This Policy will apply regardless of any proof of delivery of the application to the Authority.

## 7.2 Personal Licences

- 7.2.1 The Authority seeks to ensure that it grants only those applications which satisfy the relevant licensing objectives and that the Police have the necessary information on which to base any Representation they may wish to make to the Authority. This is because the holder of a Personal Licence should be a person who is not only properly qualified but someone who will contribute to crime prevention.
- 7.2.2 An application for a personal licence is made by an individual to the Licensing Authority for the area in which the applicant is normally lives. Thereafter, this Licensing Authority becomes the "Relevant Licensing Authority" for that licence, even though the licence holder may move out of the area or gain employment elsewhere. Licence holders will need to return to their "Relevant Licensing Authority" to renew their personal licence after the 10 year period.
- 7.2.3 The Licensing Authority will grant a personal licence if it appears that:
- the applicant is over 18;
  - the applicant possesses a relevant licensing qualification;
  - the applicant has not forfeited a personal licence in the previous five years beginning with the day the application was made;
  - the applicant has not been convicted of any relevant offence as defined in the Act;
  - the appropriate fee has been paid.
- 7.2.4 Where you have relevant unspent convictions we will supply a copy of your application to the Thames Valley Police. The police can object to the application on crime prevention grounds, and they will serve you a notice if they want to object. You are entitled to a hearing before the Licensing Sub-Committee where you can bring with you evidence to support your application.
- 7.2.5 If your application is refused, you will be entitled to appeal to the Magistrates' Court against the decision. If your application is granted despite a police representation, the Chief Officer of Police is entitled to appeal against the Licensing Authority's determination. We will therefore record full reasons for any decision that they make.
- 7.2.6 Once you are a personal licence holder you have a duty to notify the Licensing Authority that granted your licence of any changes to your personal details i.e. change of address or name. If you are charged with any relevant offence you have a duty to inform the court that you hold a personal licence. You must notify us if you lose your licence or if it is stolen.
- 7.2.7 The Authority acknowledges that the Government has determined that any Personal Licence due to expire after 1<sup>st</sup> April 2015 will not require renewing.
- 7.2.8 An individual who wishes to be a designated premises supervisor (DPS) will need to obtain a personal licence. This gives the individual the ability to authorise the sale of alcohol in accordance with the terms of the premises licence.
- 7.2.9 The police may object to a DPS where, in exceptional circumstances, they believe that the appointment would undermine the "crime prevention" objective. Where the police object we must arrange for a hearing to consider the application. Either party then has a further right of appeal at the Magistrates' Court if they disagree with the determination of the Licensing Casework Sub-Committee.

## 7.3 Premises Licences

### General Prevention of Public Nuisance

- 7.3.1 Frequent complaints can be received about noise from the operation of licensed premises. Responsible operators will wish to avoid enforcement action having to be taken under

licensing or other legislation. Applicants for Premises Licences and Club Premises Certificates are advised to consider measures that prevent noise nuisance from occurring.

- 7.3.2 A Noise Abatement Notice under the Environmental Protection Act 1990 may be served on premises that cause a statutory nuisance through failure to meet appropriate standards for preventing the escape of noise, regardless of the conditions of any Premises Licence or Club Premises Certificate.
- 7.3.3 Powers also exist for the Police and the Council to deal with noise issues that may affect persons living in the vicinity of licensed premises selling alcohol and/or providing Regulated Entertainment.
- 7.3.4 However, it will normally be appropriate for applicants for Premises Licences and Club Premises Certificates to suggest measures that are adequate to deal with the potential for nuisance and/or anti-social behaviour having regard to all the circumstances of the application.
- 7.3.5 As noise could emanate not only from the playing of music but also from air handling equipment or the patrons, applicants may wish to consider undertaking sound tests to ensure that the level of noise leakage from the premises is acceptable given the location.
- 7.3.6 Night-time trading can increase noise and disturbance for local residents and result in damage to property in the vicinity of licensed premises. The Authority may consider that there are benefits to be achieved in minimising public nuisance by curtailing hours of operation, generally or on specific occasions, if a Representation or a Relevant Representation is made to that effect.
- 7.3.7 The Authority advises applicants to give special consideration to noise control measures if proposing to provide Regulated Entertainment or to sell alcohol for consumption on the premises beyond midnight.
- 7.3.8 Different approaches to prevention of public nuisance will apply to a Premises Licence application for Regulated Entertainment, given the nature of the activities, and special circumstances that can arise in relation to those activities, for example:
- longer hours of operation;
  - noise pollution issues;
  - public nuisance caused by people queuing to obtain admission;
  - general safety for the public in a crowded and or dimly lit environment; and
  - congregation of patrons outside licensed premises.
- 7.3.9 Section 177 of the 2003 Act provides that, at premises licensed for music and with a permitted capacity of not more than 200 persons, conditions relating to the provision of music entertainment do not have effect for unamplified music between 8.00am and midnight, unless they derive from the operating schedule, or are imposed due to a review.

#### **Policy LA 2: Premises Licence – Regulated Entertainment (General)**

Where appropriate, the Authority expects the applicant to address sources of noise leakage in practical ways such as (these measures may be employed singly or in combination):

- (a) providing adequate mechanical ventilation so that doors and windows can be kept closed;
- (b) ensuring that the mechanical ventilation is adequately sound-proofed;
- (c) installing a sound limiting device to prevent sound exceeding an appropriately defined level;
- (d) installing sound proofing measures to contain sound and vibration;
- (e) other organisational measures to ensure that potential sound leakage is contained, particularly from special events;
- (f) having a queue management policy.

Applicants should ensure that they carefully consider Approved Document F (Ventilation) in the Building Regulations 2000 when deciding on the levels and types of activities proposed.

#### **Policy LA 3: Premises Licence – Noise control to suit late night trading**

The Authority will, in response to a Representation or a Relevant Representation, and if considered necessary, apply conditions on noise control that suit the licensing hours for premises in areas that include residential accommodation.

### Addressing local concerns

7.3.10 Noise nuisance can adversely affect residents living near to licensed premises or business premises in their vicinity if measures taken to deal with noise are inadequate. Management logging of complaints and adoption of procedures for overcoming reported problems will assist with the prevention of public nuisance and the prevention of crime and disorder. Sight of a complaints log will also provide the Authority with information necessary to assess the effectiveness of the management of the premises with regard to the licensing objectives.

#### **Policy LA 4: Premises Licence – Addressing local concerns**

The Authority expects applicants to address how Interested Parties may raise matters of concern directly with those responsible for managing the premises and how those matters will be effectively addressed.

#### **Policy LA 5: Premises Licence – Safer Nightlife**

Special attention should be given to the organisation and risk assessments for such events, taking into account the advice and guidance in the 'Safer Nightlife' booklet<sup>4</sup> and the need for higher levels of vigilance than required for normal dance events. In particular the Authority will expect increased levels of supervision, medical/first aid provision, on-premises drug counseling/advisory services and other arrangements to ensure the safety of patrons attending the event and those supervising it. Additional measures to prevent public nuisance arising from loud music being played at such events must be considered.

### Special Effects

7.3.11 The Authority expects those applicants who propose to provide Regulated Entertainment and to use special effects, to adequately address the implications of risk assessments in their operating schedules and so ensure that public safety is not adversely affected.

7.3.12 Regulated Entertainment can involve special effects such as:

- dry ice machines - cryogenic fog;
- smoke machines - fog generators;
- pyrotechnics including fireworks;
- real flame;
- firearms;
- motor vehicles;
- strobe lighting;
- lasers;
- explosives and highly inflammable substances.

#### **Policy LA 6: Premises Licence – Special Effects**

The Authority expects that a proper risk assessment<sup>5</sup> be undertaken where any regulated entertainment is proposed that potentially involves danger to the audience or performers. The organiser should take appropriate measures that are designed to ensure that the risk is effectively removed.

### Sanitary Accommodation

7.3.13 The Authority expects licensed premises to provide sanitary accommodation for both male and female customers, commensurate with maximum occupancy levels. This is to promote public safety and to minimise public nuisance caused by departing customers urinating in public places, as convenient alternative facilities may not be available when customers leave.

7.3.14 BS 6465 states recommended levels of provision.

<sup>4</sup> [https://www.cityoflondon.gov.uk/services/health-and-wellbeing/drugs-and-alcohol/london-drug-and-alcohol-policy-forum/Documents/SS\\_LDPP\\_safer\\_nightlife.pdf](https://www.cityoflondon.gov.uk/services/health-and-wellbeing/drugs-and-alcohol/london-drug-and-alcohol-policy-forum/Documents/SS_LDPP_safer_nightlife.pdf)

<sup>5</sup> See HSE booklet 'Five steps to risk assessment' ([www.hsebooks.co.uk](http://www.hsebooks.co.uk))

- 7.3.15 Local authorities can require provision of sanitary accommodation at premises providing entertainment, under S20 of the Local Government (Miscellaneous Provisions) Act 1976. However, it would be preferable for applicants to make the necessary arrangements voluntarily in accordance with the BSI Standard.

<b>Policy LA 7: Premises Licence – Sanitary Accommodation</b>
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The Authority requires premises to provide adequate and convenient sanitary accommodation to suit the needs and numbers of its customers, including those with disabilities, and commensurate with the nature of the licensable activities proposed.
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## 7.4 Club Premises Certificates

- 7.4.1 The Government has emphasised that non-profit making clubs have made an important and traditional contribution to the life of many communities in England and Wales and bring significant benefits. Their activities also take place on private premises and they operate under codes of discipline applying to members and their families. In determining what conditions should be included in certificates, the Authority will bear these matters in mind and conditions will not be attached unless they can be demonstrated to be strictly necessary.

### Qualifying Conditions

- 7.4.2 Section 61 of the 2003 Act sets out the conditions that a qualifying club must meet. Section 62 also sets out specified matters for licensing authorities to enable them to determine whether a club is established and conducted in good faith - the third qualifying condition. Section 63 sets out additional qualifying conditions that apply solely to clubs intending to supply alcohol to members and guests.

<b>Policy LA 8: Club Premises Certificates – Club qualifying conditions</b>
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The Authority will require applicants to provide copies of the Club's Constitution and Rules for it to be able to determine whether the club is established and conducted in good faith as a club. This information must accompany the application.
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### Operating schedule

- 7.4.3 The range of issues that should be addressed in operating schedules will be premises-specific, but may include the issues listed in the 'OS' series of policies.

<b>Policy LA 9: Club Premises Certificates – Scope of the operating schedule</b>
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Where an applicant is required to provide an operating schedule, the Authority expects this to address the four licensing objectives through a comprehensive range of issues applicable to the location and activities proposed at the club premises.
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### Film and theatrical performances

- 7.4.4 The Authority may require the display of appropriate notices and restrictions on the entry of children, if performances include material that is not suitable for minors.
- 7.4.5 Where there is to be an exhibition of a film or a theatrical performance is to take place on club premises, applicants should refer to the 'CH' series of policies set out in this policy statement.
- 7.4.6 Where a special theatrical performance for children takes place in Club Premises then the Authority will expect the presence of sufficient adults to control the access and egress of the children and ensure their safety. Such numbers of adults should be agreed with the Authority before the performance takes place.
- 7.4.7 The Authority expects that a restriction on admission is applied in any case where a theatrical performance contains material which can be regarded as suitable for an adult audience only.

**Policy LA 10: Club Premises Certificates – Film or Theatrical Performances**

The Authority will require clubs to display appropriate notices about any restrictions on admission to film or theatrical performances and ensure that these do not take place in areas other than where they can be restricted to a particular audience when necessary.

**Sex equality in clubs**

7.4.8 The Authority recognises that equal treatment for men and women is not a licensing objective.

**Policy LA 11: Club Premises Certificates – Sex Equality**

The Authority will not impose conditions that interfere with the arrangements for granting membership or voting within the club.

**7.5 Particular premises and activities****Pubs, Restaurants, Hotels, Guest Houses**

7.5.1 The licensable activities in pubs, restaurants, hotels and guest houses are likely to require minimal conditions, provided they only undertake the sale of alcohol, or sale of alcohol with a meal.

7.5.2 The Authority expects those responsible for managing licensed premises to prevent public nuisance by ensuring that licensable activities likely to affect third parties are contained and properly managed.

**Policy PP 1: Pubs, Restaurants, Hotels, Guest Houses**

In pursuing family friendly environments for such establishments, the Authority expects applicants to ensure that the use of outdoor areas will not cause a public nuisance to nearby residents and expects applicants to demonstrate that they will appropriately manage activities in such areas. The Authority may exclude licensable activities from outside areas at appropriate times or in appropriate circumstances in response to a Relevant Representation.

**High Volume Drinking Establishments**

7.5.3 High Volume Drinking establishments (HVDs) are premises with exceptionally high capacities, used primarily or exclusively for the sale and consumption of alcohol with little or no seating for patrons. A comprehensive review of the research conducted in the last twenty-five years into alcohol and crime and its relationship to licensed premises<sup>6</sup> shows that the environment within such establishments can have a significant bearing on the likelihood of crime and disorder arising on the premises.

7.5.4 The Authority considers that this research shows that HVDs do not further the licensing objectives.

7.5.5 The research indicates that the key points on preventing crime and disorder include:

- controlling the capacity to prevent overcrowding and frustration to customers;
- ensuring adequate seating for customers; and
- ensuring the provision of door security teams at the premises to control capacity and ensure already drunk or disorderly individuals are not admitted.

**Policy PP 2: High Volume Drinking Establishments (HVDs)**

Where necessary and appropriate, the Authority will attach conditions to Premises Licences for HVDs and similar premises (if not volunteered by the venue operator and following an appropriate Representation or Relevant Representation) which require adherence to:

- (a) a prescribed capacity;
- (b) an appropriate ratio of tables and chairs to customers based on the capacity; and
- (c) the presence of Security Industry Authority (SIA) registered security teams to control entry for the purpose of compliance with the capacity, and to carry out security duties in other

<sup>6</sup> 'Alcohol and Crime: Taking Stock' by Ann Deehan, Home Office Crime Reduction Research Series No.3 (1999) can be viewed on <http://webarchive.nationalarchives.gov.uk/20110220105210/rds.homeoffice.gov.uk/rds/pdfs04/r214.pdf>

parts of the premises.

### **Internet sales, Mail Order & Home Deliveries**

7.5.6 A premises licence is not required if the contract for the sale of alcohol is made in a different place from that where the alcohol is assigned to the particular purchasers. With regard to internet & mail order sales, the sale of alcohol will not be regarded as having been made where the contact of sale has been made; this sale is treated as being made at the premises from which the alcohol is assigned to the purchaser. This may differ with Home deliveries if the alcohol is being stored where sales are taking place. However the Council will carefully consider the distance selling supply chain in deciding where the alcohol is appropriated to the contact.

### **Designated sports grounds**

7.5.7 The Authority expects organisers of sporting events to make appropriate arrangements to limit the possibility of crowd disturbance within sports stadiums and to take steps to minimise the incidence of public nuisance within the vicinity of stadiums in accordance with licensing objectives to prevent crime, disorder and public nuisance.

7.5.8 Issues of disorder among, or safety of, spectators can arise at sporting events and crowd control in and around grounds can be affected where licensable activities such as the sale of alcohol take place.

#### **Policy PP 3: Designated Sports Grounds, Events and Outdoor Stadiums**

If the Police make a Representation, the Authority may seek to restrict sales of alcohol at sporting events to specific areas of the venue, to times set relative to particular performances or events, or to set times and may require different arrangements for public and private areas.

### **Garages and Service Areas**

7.5.9 Section 176 of the 2003 Act provides for a general prohibition on the sale of alcohol at motorway service areas and garage forecourts. The Government may, by order, alter the description of premises from which alcohol may be sold.

7.5.10 The 2003 Act largely maintains the situation in previous legislation which has allowed the sale of alcohol to develop in line with the range of goods available from garage shops as is now commonplace. Accordingly, where proper facilities are provided in the form of a shop at a garage, the Authority does not propose to preclude sales of alcohol within the range of goods available.

#### **Policy PP 4: Garages and Service Areas**

The Authority will apply no general restriction on the sale of alcohol from garage shops that also offer a substantial range of groceries for sale.

In order to establish that premises are not primarily used as a garage, which would prevent the sale of alcohol, an applicant will need to show the intensity of use by customers at the premises. This may be evidenced by lists of customers according to usage, or by sales figures classified according to purchases.

This policy does not amend the prohibition of alcohol sales at motorway service areas.

### **Vessels (boats)**

7.5.11 When licensing vessels, the Authority will consider the conduct of the proposed licensable activities in the context of the licensing objectives. In particular it will address the need for adequate control of licensable activities to further the public safety objective and to prevent public nuisance to residents in the vicinity of the vessel's navigational route.

7.5.12 The Authority will not be concerned with the safety of the vessel for carriage of passengers, or issues concerning the safe navigation of the vessel. These are matters dealt with under other legislation.

**Policy PP 5: Vessels – Safety**

The Authority expects the normal safety measures for a vessel to be supplemented as appropriate to suit the scale, nature and timing of any licensable activities that occur. In considering such matters, the Authority may consult with the Environment Agency or any other authority with responsibility for the safety of vessels.

**Policy PP 6: Vessels – Noise**

Licensable activities taking place on board a vessel must not cause noise nuisance or other public nuisance to people in the vicinity of a vessel's berth or the route of its navigation. Furthermore, in response to a Representation or Relevant Representation, the Authority may require that specialist supervision in the form of Security Industry Authority (SIA) registered door staff or safety attendants is arranged in connection with any regulated entertainment which takes place on board.

**Vehicles and Moveable Structures**

- 7.5.13 Alcohol may not be sold on a moving vehicle but there may be a requirement for sale of alcohol and possibly other licensable activities to take place from a stationary vehicle or structure, for example one that is sited temporarily at an event.
- 7.5.14 Where a Premises Licence is required for the vehicle or structure, this will relate solely to the place where the vehicle is sited and the licensable activities are to take place. Premises Licences for vehicles and moveable structures are therefore required wherever they are sited when licensable activities take place and this may well mean applications to more than one Licensing Authority.

**Policy PP 7: Vehicles and Moveable Structures**

The Authority expects the operator of any vehicle or moveable structure to ensure that it is located in an area that is appropriate for the proposed licensable activities. It may not be appropriate to site any such vehicle or structure near to other licensed premises, or in an area subject to an 'Alcohol Consumption' Designated Public Place Order and / or Public Space Protection Order or where it may cause noxious smells or litter problems if operating between 23.00 and 05.00 hours.

- 7.5.15 The operator of a vehicle trading in a 'consent street' will continue to require a street trading consent in addition to any Premises Licence and the conditions attached to the street trading consent will continue to apply. Such conditions will normally be equally relevant to vehicles trading in areas where street trading consents are not required.

**Policy PP 8: Late Night Refreshment Vehicles – outside consent streets**

The Authority will seek to apply the conditions that apply to vehicles under street trading consents to the Premises Licences for vehicles or structures that provide late night refreshment in areas that are not consent streets.

No Premises Licence is valid for a vehicle within an area prohibited to street trading.

**Late night refreshment**

- 7.5.16 The 2003 Act requires that premises selling hot food or drink for consumption by members of the public on or off the premises, between the hours of 23.00 and 05.00 must have a Premises Licence.
- 7.5.17 Such premises include those dedicated to providing this service, restaurants (not only those that offer take-away facilities) and vehicles trading during these hours.
- 7.5.18 Premises engaged in the late night provision of hot food and drink are covered by the 2003 Act to enable appropriate controls to be introduced to reduce the incidence of disorder, disturbance and public nuisance that can arise if these venues become the focus for gatherings of people that have come from other venues and may have been consuming alcohol.
- 7.5.19 Management of late night refreshment venues needs to be undertaken effectively to assist in preventing crime, disorder, anti-social behaviour and public nuisance.



**Policy PP 9: Late Night Refreshment**

The Authority will look carefully at the scope of operation intended for late night refreshment premises. The Authority particularly expects applicants to address issues such as:

- (a) Hours of operation, to prevent public nuisance to any nearby residents, or problems of noxious smells and anti-social behaviour;
- (b) Supervision of queues and the management of large numbers of clientele descending on the premises at certain times - this could include door supervision to control surges of customers where this may occur;
- (c) Layout of the premises to cope with patrons e.g. position of counters, entrances and exits;
- (d) Litter control and environmental activities, such as litter picking, provision of litter bins, street sweeping/washing;
- (e) CCTV; and
- (f) Public safety, including the type of power supply to be used where the application is for a trading vehicle or moveable structure.

The Authority expects premises licensed for late night refreshment to have regard to the 'Voluntary Code of Practice for the Fast Food Industry' (DEFRA Oct 2003).

**Policy PP 10: Take-away food outlets – presumption of no alcohol sales**

The Authority will have a presumption against the sale of alcohol from premises where the primary activity during the hours 23.00 to 05.00 is the provision of take-away food unless it can be clearly shown that there will be no contribution to crime or disorder.

**Supply of alcohol for consumption off the premises**

- 7.5.20 It is not the Authority's policy generally to seek to restrict the sale of alcohol for consumption off the premises. However, where premises are relatively isolated, with minimal levels of staffing, this can lead to problems of anti-social behaviour or disorder in the vicinity of the premises. Pressure can also be applied to staff to sell alcohol to persons who are under age or to those seeking to purchase high strength beers, lagers, ciders, etc.
- 7.5.21 Policy PP11 is intended to ensure that alcohol is sold only to those who are entitled to purchase it and that premises have proper checks in place to ensure that the restrictions are enforced, so that minors and those seeking to purchase high strength beers, lagers, ciders, etc. do not obtain access to alcohol which can lead to the creation of public nuisance or disorder. If deemed appropriate in order to address evidenced local concerns, the responsible authorities may seek licence holders to consider the impact on the licensing objectives when selling high strength beers, lagers, ciders, etc.

**Policy PP 11: Supply of alcohol ('Off-sales')<sup>7</sup>**

For applications that include the sale of alcohol for consumption off the premises, the Authority will expect operating schedules to address how sales of alcohol will be confined to those entitled to purchase it and how the procedures will be consistently applied. The role of the Designated Premises Supervisor will be pivotal in this respect. The operating schedule should cover such practical issues as:

- (a) the display of prominent warning notices about the supply of alcohol to minors;
- (b) offences which adults can commit by buying alcohol for minors;
- (c) requirements for production of satisfactory proof of age;
- (d) Whether any high strength beers, lagers, ciders, etc will be made available for sale.

The Authority expects that staff involved in the sale of alcohol will have had appropriate training in order to put the operating schedule into effect.

Times during which alcohol may be sold will be restricted if it appears to the Authority, as a result of a Representation or Relevant Representation, that this would promote the licensing objectives of preventing public nuisance, crime and disorder.

The Authority will maintain close working relationships with both the Police and Trading

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<sup>7</sup> 'On-sales' must be made in open vessels and are for consumption on the premises only.

'Off-sales' must be made in closed containers and are for consumption off the premises only.

Standards Officers who will conduct 'test purchasing' of alcohol under the 2003 Act in order to detect and prevent sales of alcohol to minors and to pursue prosecutions where appropriate.

### Safe drinking-vessels

- 7.5.22 The Authority seeks to remove the risk of injury that could result from the use of particular types of drinks containers at particular venues, or in association with particular licensable activities.
- 7.5.23 The risk of injury can arise not only from the deliberate misuse of glass containers and bottles during disturbances, but also from accidental breakage in crowded or dark venues and from broken glass in parks, water features and swimming pools.
- 7.5.24 Where appropriate, such as where there are concerns about crime and disorder or public safety, the Authority will require all drinks to be supplied in containers that are safer than traditional glasses or bottles (e.g. polycarbonate or similar, paper, plastic or toughened glass). Where appropriate, bottled beverages should also be dispensed into safe containers.

#### Policy PP 12: Safe drinking-vessels

In appropriate circumstances, the Authority will require safe drinking-vessels (polycarbonate or similar) to be used wherever a material risk of injury might arise.

This policy applies not only to drinking vessels and containers for alcohol, but also to containers for soft drinks and water including any brought to the premises by customers.

### Other potential weapons

#### Policy PP 13: Other potential weapons

In appropriate circumstances the Authority will require premises not to provide loose items that could be used as weapons, e.g. heavy or glass ashtrays, or unfixed furniture.

### Large Scale and Outdoor Events

- 7.5.25 The Authority in partnership with the Safety Advisory Group (SAG) regularly meets to discuss proposed large scale and outdoor events. The Authority encourages organisers of such events to approach council officers at the earliest opportunity to discuss the arrangements for the licensed activities involved. This may include the production of an Event Management Plan. It would normally be expected that reference should be made in the operating schedule to the Event Management Plan. The Authority will offer advice and assistance to organisers about this preparation through the Safety Advisory Group. In producing operating schedules and Event Management Plans for such events the organisers should have regard to the following documents:
- The Event Safety Guide – A Guide to Health, Safety and Welfare at Music and similar events (HSE 1999) (The Purple Book) ISBN 0 7176 2453 6
  - Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X
  - 5 Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 0 7176 1580
  - The Guide to Safety at Sports Grounds (HMSO, 1997) (The Green Guide) ISBN 0 11 300095 2
  - Safety Guidance for Street Arts, Carnival Procession and Large Scale Performances published by the Independent Street Arts Network, obtainable through: <http://www.streetartsnetwork.org.uk/cn/publications/index.php>
  - Safer Clubbing Guide
- 7.5.26 However, in consulting these texts, which were prepared prior to the coming into force of the Licensing Act 2003, those creating operating schedules or club operating schedules, licensing authorities and responsible authorities should again note that under no circumstances should any conditions be regarded as standard for all premises.
- 7.5.27 Any individual preparing an operating schedule or club operating schedule should volunteer any measure, such as those described in Section 8 of this Policy document and in the Authorities adopted Pool of Conditions, as a step he or she intends to take. Such

measures will become conditions of the licence/certificate, and as such, any breach of these conditions could give rise to prosecution.

#### **Policy PP 14: Large Scale and Outdoor events**

The Authority expects the organiser of a large scale or outdoor event, except those that may be covered by Temporary Event Notices, to identify an adequate management team at an early stage and to designate a lead person to liaise with the Authority.

The Authority also expects a representative of an open-air event's organisers to attend co-ordination meetings with Responsible Authorities and the Council's Safety Advisory Group.

#### **Sex-related entertainment**

7.5.28 The Authority is not able to control the content of adult entertainment involving activities such as striptease or lap-dancing through the Licensing Act 2003.

7.5.29 Such premises are controlled under the amendments to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by section 27 of the Policing and Crime Act 2009, which came in to force in this Authority on 10<sup>th</sup> June 2010.

#### **Community Centres and Village Halls**

7.5.30 The Authority encourages all Community Centres and Village Halls to apply for Premises Licences to cover all expected activities, as the managers of these venues are likely to find too restrictive the permitted annual number of Temporary Event Notices.

7.5.31 If alcohol is to be supplied, the Personal Licence Holder nominated as the Designated Premises Supervisor need not be a member of the management committee of the centre or hall.

#### **Public spaces and council-controlled premises**

7.5.32 In places for which the Council holds a Premises Licence entertainers will be able to give a performance, without the need to serve Temporary Event Notices or to apply for individual Premises Licences.

7.5.33 This approach will make it more possible for cultural diversity to thrive and will be a far simpler process for many types of entertainment that use numerous venues each year, such as circuses and street artists. However, entertainers will need to obtain the permission of the Council (as both landlord and Premises Licence holder) and comply with any conditions that might be imposed.

7.5.34 This approach may reduce the administrative burden on the Authority and ensure that licensable activities are encouraged in locations that the Authority considers appropriate and where the promotion of the licensing objectives has been previously considered and any potential noise nuisance can be properly managed.

#### **Policy PP 15: Public spaces and council-controlled premises**

The Authority encourages the Council and Oxfordshire County Council to seek Premises Licences for the purpose of particular types of public entertainment at premises under their control, such as community halls, parks and public open spaces.

The Authority expects the organisers of proposed large-scale events in parks and public open spaces to apply for Premises Licences, because the Premises Licences held by the Council for these locations are likely to be of limited scope.

#### **7.6 Designated Premises Supervisors**

7.6.1 In order for alcohol to be sold under a Premises Licence, the licence must name a Designated Premises Supervisor who holds a Personal Licence. Even though the Police may not object to the grant of a Personal Licence to a particular person, they may object to that person being named as the Designated Premises Supervisor for particular premises on grounds that the crime prevention objective is likely to be undermined. The Police can only challenge in exceptional circumstances.

- 7.6.2 Although the Designated Premises Supervisor has a key role in the management of premises, the 2003 Act does not require the Designated Premises Supervisor to present at the premises.
- 7.6.3 In the event of any problems, Authorised Persons will need recourse to the Designated Premises Supervisor who is in a pivotal position within licensed premises. So, the Designated Premises Supervisor must be managerially able to mobilise resources at the premises as necessary to assist the promotion of the licensing objectives. In order to comply with the conditions of the licence, this must include the ability to manage the systems described in the applicant's operating schedule.
- 7.6.4 On occasions where the Designated Premises Supervisor is not available then a nominated competent person must be available to oversee the day-to-day running and control of the premises and where appropriate this person shall be a Personal Licence holder.

<b>Policy DPS 1: Designated Premises Supervisors</b>
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<p>The Authority expects that under normal circumstances the Designated Premises Supervisor will be the person who has day-to-day responsibility for running the premises.</p>
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## 7.7 Temporary Event Notices

- 7.7.1 Under the 2003 Act, Temporary Event Notices enable licensable activities to take place outside the scope of a Premises Licence. These notices can be given for events that last no more than 168 hours and have less than 500 people present at any one time. There are annual restrictions on how many notices one person may give and on the number of times the same premises can be used.
- 7.7.2 By their nature, temporary events may not be as well-resourced as activities organised under a Premises Licence, so are potentially disruptive and can cause problems for residents and owners of property nearby. However, the legislative framework for temporary events envisages a 'light touch' by the Authority, the Police and the Environmental Health Service.
- 7.7.3 A private event is exempt from a TEN for invited guests which is held in a hired private room and no sale of alcohol occurs. There must be no charge for admission which is intended to make a profit.
- 7.7.4 A maximum number of fifteen T.E.N.s can be submitted each calendar year for any premises. A premises can operate its business under T.E.N.s for a maximum of 21 days in a calendar year.
- 7.7.5 The most important aspect of the system of permitted temporary activities is that no authorisation as such is required for these events from the Licensing Authority. The process involves notification of an event to the Licensing Authority, the police and the environmental health service. Only the police and environmental health may intervene to prevent such an event from taking place.
- 7.7.6 The Licensing Authority may only ever intervene itself, if the limit on numbers of events is exceeded. Otherwise, the Licensing Authority is only required to issue a timely acknowledgement.
- 7.7.7 There are two types of TENs – "**Standard**" and "**Late**" TENs.
- 7.7.8 A **Standard** TEN must be given to the Licensing Authority ten clear working days (being Monday - Friday) before the event, and a **Late** TEN must be given to the Licensing Authority no later than five clear working days (being Monday – Friday) before the event. Section 193 of the Act defines "working day" as any day other than a Saturday, a Sunday, Christmas Day, Good Friday, or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in England and Wales. "Ten working days" notice means ten working days exclusive of the day on which the event is to start, and exclusive of the day on which the notice is given.
- 7.7.9 For a '**Standard**' TEN, the Police and/or Environmental Health may submit an objection notice if they consider that by allowing the event to take place at least one licensing objective would not be met. Where the Police or Environmental Health object they will

serve an objection notice on you. You can then discuss the event and agree modifications to address their concerns. If no agreement is reached, the Licensing Authority will hold a hearing to consider the objection. If the Police of Environmental Health object to a Late TEN, the event will not be permitted to go ahead because there is no means to arrange a hearing or agree modifications to the proposed event.

7.7.10 If the TEN is in connection with a licensed premises, the Licensing Casework Sub-Committee may impose one or more of the existing licence conditions. Conditions can **only** be imposed on the T.E.N. where they already exist on the premises licence or the club premises certificate. The Act requires the conditions to be appropriate for the promotion of the licensing objectives **and** not inconsistent with the carrying out of the licensable activities.

7.7.11 Persons organising Temporary Events involving music should liaise with Environmental Protection to discuss provisions necessary to prevent noise nuisance.

#### **Policy TEN 1: Temporary Event Notices**

To be valid, Temporary Event Notices must be served on the Authority, with a copy to the Police Authority and the Environmental Health Service.

### **7.8 Provisional Statements; New or Substantially Altered Premises**

7.8.1 Where premises are to be newly constructed, extended or substantially altered, an applicant who has an interest in the premises can apply for a 'Provisional Statement'. This is in addition to any planning and building-control consents that may be required.

7.8.2 A Provisional Statement gives the applicant some assurance about the grant of a future application for a Premises Licence. This may be useful if the applicant has insufficient information to be able to complete the operating schedule that is necessary for a Premises Licence application or, if alcohol sales are proposed, is unable to name the proposed Designated Premises Supervisor. An applicant with adequate information could apply, instead, for a Premises Licence at a suitable stage in design and construction.

#### **Policy PR 1: Provisional Statements; new or substantially altered premises**

The Authority will consider issuing a Provisional Statement for new premises, provided the applicant already holds appropriate planning consent.

#### **Policy PR 2: Changes to provisional statements**

Where there are any changes to the proposals before a substantive licence is granted, these must be dealt with by way of an application for variation.

Once the Authority has issued a Provisional Statement, it will exclude from its consideration any Representation or Relevant Representation made about the subsequent application for a Premises Licence if, without reasonable excuse, a substantially similar Representation or Relevant Representation could have been made about the application for the Provisional Statement. However, the Authority recognises that genuine and material changes may arise in the intervening period and the Authority reserves the right to entertain Representations and Relevant Representations that reflect changed circumstances.

A Provisional Statement may not be sought for a vessel, a vehicle or a moveable structure.

### **7.9 Minor Variations**

7.9.1 The minor variations process allows licensees to make application to the Licensing Authority to make certain minor changes to an existing licence, without the need for a full application to vary the existing authorisation. Minor variations do not have to be copied to the Responsible Authorities and are only advertised by way of a white notice displayed at the premises for a period of ten working days starting on the first working day after the application was given to the Licensing Authority.

7.9.2 Minor variations can only be used in cases where the variation sought shall not impact adversely on the licensing objectives. There is no right to a hearing to take place to

consider minor variations. The decision as to whether or not a minor variation is appropriate will be made by the officers of the Licensing Authority, and this decision shall be final. In making such decision, officers must have regard to any relevant representations received from interested parties within the statutory time limit. Representations must be relevant where they relate to the likely effect of the grant of the application on one or more of the licensing objectives. Officers shall consult when and if necessary with the relevant Responsible Authorities.

7.9.3 If the Licensing Authority fails to respond to a request for a minor variation within fifteen working days, it is deemed refused.

7.9.4 A minor variation should only be used in the following circumstances:

- Reductions in the hours during which licensable activities may take place
- Reduction in opening hours
- Minor changes to the layout of premises that do not impact on the licensing objectives, such as moving the location display cabinets for alcohol within a supermarket or shop.
- The removal of licensable activity
- Variation to the times alcohol is sold, where those times are between 0700 hours and 2300 hours.
- Adding conditions that will assist in promoting the licensing objectives
- Amending conditions that are badly worded
- Removing or amending conditions that are unenforceable
- Removing conditions that are obsolete.

7.9.5 Relevant Considerations:

- Whether the application increases the capacity for consuming alcohol on the premises
- Whether access to emergency exits or escape routes shall be blocked by the proposed changes
- Whether the alterations might affect the operation of noise reduction measures such as an acoustic lobby
- Whether the addition of a licensable activity might impact on the promotion of the licensing objectives, e.g. the addition of live or recorded music on the prevention of public nuisance objective. The proximity of the unlicensed premises to residential accommodation
- Conditions volunteered by the applicant to mitigate the effects of any changes
- The previous history of the premises
- The likely effect on surrounding premises

7.9.6 Residents and businesses are able to raise representations (objections) to applications for, and variation to premises licences. These must relate to the four licensing objectives and the proposals made in the application. Representations will normally be made in writing to the Licensing Team Leader within the Enforcement Service.

7.9.7 Details of applications and variations to premise licences will be required to be displayed on or outside the premise concerned.

## **7.10 Members as Interested Parties**

7.10.1 The law has changed, giving elected members will be able to both make representations and potentially call for reviews of licences. There are some caveats, the foremost being evidence to support your case.

7.10.2 This is a significant change from the previous situation, where individual Members could only make such representations if they lived in or had a business in the vicinity of the premises, or had been specifically asked to represent a constituent at a hearing.

7.10.3 The statutory constraints on the reasons for representations or reviews still apply – they may only be made on the grounds of one or more of the licensing objectives, which are:

- the prevention of crime & disorder;
- the prevention of public nuisance;
- public safety;
- the protection of children from harm.

7.10.4 Representations or applications for review on other grounds cannot be considered. For instance, public health is not a statutory objective and cannot be considered.

7.10.5 All representations or reviews:

- must be in writing, showing the name and address of the writer (the representation/review application must be published as part of the process) – there is a prescribed form for reviews on the Licensing webpage;
- must clearly set out the likely effects the grant of the licence would have on the promotion of at least one of the licensing objectives;
- must present evidence in support of the representation or review.
- must clearly relate to the premises for which application is being made.
- For example, representations on the basis of general noise and disturbance, without evidence of a link to specific premises, will carry little or no weight with the Sub-Committee.

## 8 Operating schedules

### 8.1 General

- 8.1.1 The operating schedule is a key document and, if prepared comprehensively, will form the basis on which premises can be licensed without the need for additional extensive conditions.
- 8.1.2 The Authority expects an operating schedule to indicate the steps that the applicant proposes to promote the licensing objectives. It is particularly important that the operating schedules for appropriate premises should be precise and clear about measures that the management proposes to take to meet the licensing objectives.
- 8.1.3 The 'OS' series of policies indicates some of the issues that the Authority encourages applicants to consider including in any operating schedule. They are intended to assist applicants in their consideration of how best to meet the licensing objectives and, in doing so, may help prevent Representations from Responsible Authorities that would otherwise result in a hearing.

### 8.2 Safety

- 8.2.1 Safety within premises to which the public are admitted is of fundamental concern and is therefore one of the licensing objectives. All these policies are designed to ensure that the objective is promoted as appropriate to the premises.
- 8.2.2 There are two aspects to safety to take into account, one being the form of construction of the premises, the other being the way in which the patrons are managed once in the premises.
- 8.2.3 The Authority will expect the premises to be constructed to the appropriate standards for the uses to which it is to be put. It expects applicants to have addressed the requirements of Health and Safety at Work and Fire Safety legislation. Where appropriate, applied standards set out in any technical guidance for construction of buildings for a particular purpose should also be met.

#### **Policy OS 1: Operating schedule – Safety**

Those preparing operating schedules and Responsible Authorities should consider:

- (a) Model National and Standard Conditions for Places of Public Entertainment and Associated Guidance ISBN 1 904031 11 0 (Entertainment Technology Press - ABTT Publications);
- (b) The Event Safety Guide - A guide to health, safety and welfare at music and similar events (HSE 199) ('The Purple Book') ISBN 0 7176 2453 6;
- (c) Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X;
- (d) 5 Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 07176 15804;
- (e) Guide to Fire Precautions in Existing Places of Entertainment and Like Premises (Yellow Guide) HMSO ISBN 0 11 340907 9; and
- (f) advice from the Fire Officer or Building Control Officer.

**Policy OS 2: Operating schedule – Premises management & maintenance**

The Authority expects operating schedules to detail how premises will be properly managed and maintained at all times.

Where necessary the operating schedule must reflect the management structures necessary to deal with the variety of activities taking place on the licensed premises on different days, at different times and in different parts of the premises at the same time.

**Policy OS 3: Operating schedule – Log book**

The Authority expects the managers of appropriate premises to maintain a log of activities for the premises that records the details of the manager and supervisory staff and the times that they are on duty, with details of incidents such as where people have been ejected from the premises.

**Policy OS 4: Operating schedule – Occupancy limits**

The Authority expects the operating schedule for each of the following types of premises to state the occupancy limits:

- (a) cinemas;
- (b) theatres;
- (c) any premises where Regulated Entertainment is to be provided;
- (d) any other premises, on the advice of a Responsible Authority where there are particular reasons to do so.

The Authority expects the operating schedule to state the occupancy limits of each floor of such premises and, where appropriate, separate areas on each floor, or under different operating conditions.

**Policy OS 5: Operating schedule – Free drinking water**

The Authority expects applicants to indicate how supplies of free drinking water will be made available and clearly advertised at appropriate events and venues, particularly those where Regulated Entertainment takes place over a lengthy period of time.

**Policy OS 6: Smoke free Premises**

The Authority expects operating schedules to detail how premises will be able to comply with the Health Act 2006 without compromising any of the four licensing objectives (e.g. re-entry policies, drinks supervision, litter management and noise control etc. Applicants may wish to include additional plans to highlight any smoking areas they propose to use

**8.3 CCTV**

- 8.3.1 The Authority seeks to further the licensing objective of prevention of crime and disorder through greater use of CCTV in licensed premises, as appropriate to the scale and type of licensable activities proposed. CCTV is in wide use in public areas and has been successful in bearing down on crime and disorder. CCTV has also been in use in nightclubs to complement the CCTV system in public areas and to record information for use in dealing with incidents in clubs.

**Policy OS 7: Operating schedule – CCTV**

For appropriate premises, the Authority expects the use of CCTV equipment to capture images of appropriate quality, location and frequency. The Authority expects applicants for licences for such premises to demonstrate in their operating schedules that the installation and operational procedures for the equipment at the premises comply with Thames Valley Police's 'Standard Minimum Closed Circuit Television Requirements'.

**8.4 Drug control**

- 8.4.1 The Authority seeks to minimise the availability of drugs in furtherance of the public safety and crime and disorder objectives. The Authority therefore expects venues to have a comprehensive management approach to eliminating drug use and possession.



- 8.4.2 There are many indications that an increasing number of people are taking illegal drugs and are using a wider range than ever before. This is particularly true of what are often referred to as 'recreational drugs'. Their use, sometimes in places where entertainment is taking place, has led to fatalities.
- 8.4.3 The Authority will actively seek ways in which it can assist in promotional initiatives to highlight the hazards of drug and alcohol abuse.
- 8.4.4 For those venues where drug misuse is an identified risk, measures need to be taken to combat supply, use and the effects of any use. There is advice available about how to control and mitigate the effect of drug-taking, which is relevant for entertainment venues in general and venues which provide intensive dancing, such as 'nightclubs', in particular.

#### **Policy OS 8: Operating schedule – Drugs**

The Authority expects licensees of venues where there is a risk of drug-taking, to take all appropriate steps to prevent drugs from being brought onto the premises and from being traded within the premises, in addition to implementing measures to prevent tragedies as a result of any drug misuse.

The Authority expects licensees of premises that hold 'rave-style' dance events, whether regularly, intermittently or as single events, to produce a drug policy statement. That statement may incorporate the guidance and recommendations in the 'Safer Clubbing' booklet (see paragraph 5.1).

The Authority expects the operating schedule to show how the whole management structure of the venue is trained and organised to follow the measures agreed for the venue to minimise use of drugs.

Premises that hold outdoor events are likely to be required to have Security Industry Association (SIA) registered door staff on duty, so the drugs policy statement for the premises should be explicit about how the door staff will participate in systems to minimise drug use. In particular, the Authority expects such policies to include clear statements of the procedures for searching customers as a condition of entry.

In appropriate cases the Authority will consider attaching, to the Premises Licence, conditions that are based upon recommendations detailed in approved guidance on drugs.

#### **8.5 Door supervisors**

- 8.5.1 The Authority supports the pro-active use of trained and registered door staff as part of the operational management of some types of premises, because this can reduce the risk of crime, disorder and anti-social behaviour occurring.
- 8.5.2 A Premises Licence that provides for the presence of door supervisors will include a mandatory condition that such door supervisors must be either registered by the Security Industry Authority (SIA) or part of the Approved Contractor Scheme (ACS).
- 8.5.3 The ACS is the mechanism by which the SIA implements the requirements of the Security Industry Act 2001 as it applies to companies. The purpose of the ACS is to "raise performance standards and to assist the private security industry in developing new opportunities ". It aims to achieve this by putting in place a system of inspection for providers of security services. Certification Bodies, like Security Systems Alarms Inspection Board, will undertake the inspection activities on behalf of the SIA to ensure that companies who achieve the required standard can be registered as approved.

#### **Policy OS 9: Operating schedule – Door Supervisors**

The Authority generally expects Premises holding regulated entertainment that continues beyond midnight to employ door supervisors in furtherance of the licensing objectives.

Where appropriate, the Authority will attach conditions to Premises Licences about the minimum numbers of male and female door supervisors on duty and their roles, which will reflect the layout of the premises, the location, the type of entertainment or function provided and the periods when regulated entertainment normally takes place.

Where a Representation or Relevant Representation has been made, the Authority may require premises to use door supervisors for particular types of regulated entertainment, which might

potentially provoke disorder (e.g. broadcasts of sporting tournaments in pubs) and special promotional events in which the sale of alcohol is significant.

At premises that have regular entertainment, or where special events are taking place, other attendants who do not engage in security activities may be required to supervise areas within the premises.

The Authority expects door supervisors and other staff undertaking security or supervisory duties to be readily identifiable by members of the public and where appropriate to wear high visibility clothing.

## 8.6 Pub-watch & Late Night Business Partnership Schemes

- 8.6.1 Pub-watch & Late Night Business Partnership Schemes are a pro-active means of promoting the licensing objectives. They support the exchange of information and collective agreement on persons being excluded from premises because of anti-social or disruptive behaviour. They also assist in helping to establish and grow strong and mutually beneficial relations between licensees and Responsible Authorities.
- 8.6.2 Responsible managers of appropriate licensed premises will wish to actively participate in such schemes, which are in operation in the Authority's area.
- 8.6.3 The Authority fully supports the "Nightsafe" partnership initiative to combat crime and disorder associated with the night-time economy.

### Policy OS 10: Operating schedule – 'Pub-Watch & Late Night Business Partnership' Schemes

The Authority expects that all premises licensed to sell alcohol will participate in a pub-watch scheme, where there is one in place, and to become part of the system(s) that Pubwatch, Late Night Business Partnership, and Nightsafe schemes may implement to alert members about potential troublemakers.

The Authority encourages such premises to join the Licensing Authority led Late Night Business Partnership Scheme, in order to promote closer working relations with the Licensing Officers, and other Responsible Authorities in a manner designed to address the needs of business and the promotion of the licensing objectives.

## 8.7 Drinks promotions

- 8.7.1 The Authority has concern about the potential for crime and disorder and public nuisance that might arise from sale of alcohol for consumption on the premises through discounts or special sales promotions. The Authority does not wish to deny consumers the opportunity to participate in responsible promotions, but in response to a Representation or Relevant Representation, will restrict activities where it appears that such sales are inadequately supervised, or the discounts encourage excessive consumption by individuals, or the period of the promotion too long.
- 8.7.2 Policy OS 11 enables the Authority to consider circumstances where drinks promotions are a regular feature for particular premises and to enable the Police and Authority to consider whether adequate controls are in place to limit or prevent disorder that may result.

### Policy OS 11: Operating schedule – Discounting and sales promotions

The Authority expects any discounted drinks and sales promotions to be properly managed and take into account the 'Good Practice Guide on Point of Sale Promotions' issued by the British Beer and Pub Association.

The Authority supports measures to promote sensible drinking including a commitment not to participate in drink promotions / happy hours etc, which encourage binge drinking. Premises licences are likely to be subject to review where they have led to any of the licensing objectives being undermined. Licence holders should not only consider the price of the alcohol sold on the premises but also in the manner in which it is promoted.

The Authority expects applicants to include in their operating schedules any proposals for discounting or sales promotions of alcohol and to provide the Authority with written procedures

detailing how such promotions will be managed in order to further the licensing objectives, giving particular attention to any increased supervision that may be required.

#### **Policy OS 12: Operating schedule – Public Nuisance Noise**

In considering applications, the Responsible Authority would recommend evidence that the likelihood of public nuisance has been addressed for the premises. The use of outside areas can potentially cause public nuisance particularly during quieter periods of the day when background noise has diminished. It is anticipated that the Responsible Authority may on occasions request that the operating schedule address measures such as restricting the use of certain areas of the premises e.g. garden area.

### **8.8 Fly Posting & Distribution of Printed Matter**

- 8.8.1 Problems can be caused by fly-posting. Some licence holders and / or promoters use fly-posting as a cheap way of advertising their venue(s). This is not only an eyesore but it creates a public nuisance and is illegal.
- 8.8.2 The Council can tackle fly-posting in many ways including use of the Town & Country Planning Act 1990, the Highways Act 1980 and the Anti-Social Behaviour Act 2003. Licence holders should also be aware that the new Cleaner Neighbourhoods and Environment Act 2005 give further powers to the Council to tackle this problem.
- 8.8.3 Licence Holders must be aware that the Authority considers that fly posting is a public nuisance and that they will be held accountable for any matter found promoting their venue.
- 8.8.4 The Authority strongly advises premises that wish to advertise their venue use one of the seven poster boards that have been supplied by the Council in partnership with Oxford Brookes and various local nightclubs. These boards are situated throughout the City and the full list is available on the City Council's website.

#### **Policy OS 13: Operating schedule – Public Nuisance Fly Posting**

The Authority would normally expect provisions to be made to prevent fly posting and distribution of flyers in the street. We would expect within your operating schedule details of how promotions and special events will be publicised.

## **9 Reviews and Enforcement Issues for Premises**

### **9.1 Reviews**

- 9.1.1 Under the 2003 Act it is possible for the Authority to review a Premises Licence at any time, if it receives a Representation from a Responsible Authority or a Relevant Representation from an Interested Party. The Authority may not initiate its own review without having received a Representation or Relevant Representation. Reviews may only arise in connection with a failure or failures in the premises connected to the licensing objectives.
- 9.1.2 Successful promotion of the licensing objectives relies on a partnership approach between the Authority, licence holders, Interested Parties and Responsible Authorities. Reviews should not therefore be used as a commonplace way of securing adherence to licence conditions or of redressing perceived failures in management of licensed premises.
- 9.1.3 Reviews in connection with crime, could lead to revocation of the licence - even in the first instance.
- 9.1.4 The 2003 Act, as amended by Violent Crime Reduction Act 2006, enables the Authority, on the application of a senior police officer in serious cases of crime and disorder, to attach interim conditions to licences pending a full review.

#### **Policy RE 1: Reviews (1)**

Generally, unless the Authority regards the issue as serious, a review will only be conducted where there has been a failure to address matters previously raised.

**Policy RE 2: Reviews (2)**

Where a request for a review is made, the Authority will expect the person making the Representation or Relevant Representation to declare the nature of their interest and provide specific evidence to demonstrate why a review is necessary.

**Policy RE 3: Reviews (3)**

The Authority will not review licences simply because a Representation or Relevant Representation may have failed on previous occasions or under other legislation.

**Policy RE 4: Reviews (4)**

If a request for a review is received from an Interested Party or Responsible Authority, the Authority will decide whether a reasonable interval has elapsed since a previous review, if any, has taken place. It will generally not expect to hold a review into a licence in response to a Relevant Representation from a particular interested person more often than annually, unless there are exceptional circumstances.

**9.2 Enforcement**

- 9.2.1 The 2003 Act does not require inspections to take place, save at the discretion of those charged with this role.
- 9.2.2 The Council will adopt the enforcement principles of risk assessment and targeting, taking into account the nature of the licensed activities, the extent to which the licensing objectives are met and the confidence in the management of the premises. This approach will ensure that enforcement is effectively concentrated on problem premises whilst monitoring the situation in other premises, and provide for efficient deployment of the Council’s staff and Police officers.
- 9.2.3 The Licensing Authority will establish and maintain both proactive and reactive enforcement protocols / service level agreements with the local police and other enforcement agencies. Protocols will provide for the proportionate targeting of agreed problem and high-risk licensed activities needing greater attention and a corresponding lighter touch for well run, lower risk premises in the area.
- 9.2.4 The Licensing Authority believes that proportionate but vigorous enforcement will be a key element in ensuring the successful implementation of the licensing regime and that the four licensing objectives are met. We intend to use our powers under the Licensing Act 2003 and other relevant legislation to ensure a proper balance is struck between the interests of the licensed trade and of the wider community.
- 9.2.5 Licensing Officers will use a graduated form of response in adherence to the Council’s enforcement policy expected to assist in resolving issues of non-compliance, including drawing up action plans; although we recognise that in serious cases a prosecution or a review application will be the appropriate action.
- 9.2.6 The Council will also undertake pre-event inspections in appropriate locations.

**Policy EN 1: Enforcement**

The Council will establish and maintain protocols with the local Police and other enforcement agencies as appropriate for the management of both the day and night-time economy. Central to this would be the enforcement of the law relating to sales of alcohol to drunk and underage people and drunkenness or disorder on, or in the immediate vicinity of the licensed premises. The Council will seek to ensure that these protocols concentrate on targeting of mutually agreed problems and high-risk premises, while providing a lighter touch in respect of low-risk premises that are well run.

- 9.2.7 The following sets out how the inspection regime will work:

Type of Premises	Frequency of planned inspections
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Type of Premises	Frequency of planned inspections
High risk (e.g. night-clubs/pubs with regulated entertainment, open after midnight , cinemas, theatres, indoor sports entertainments)	According to risk rating to be determined at first inspection
Medium risk (e.g. pubs, pubs with regulated entertainment not open after midnight, registered members' clubs, 'off-licences' not part of a shop, late night refreshment premises)	According to risk rating to be determined at first inspection
Low risk (e.g. off-licences that are part of a shop) restaurants, Village/community halls	According to risk rating to be determined at first inspection
Temporary event notices (which last for a maximum of 168 hours)	Prior to event starting
Outdoor Concerts/Events involving Regulated Entertainment and/or sale of alcohol	Prior to event starting

- 9.2.8 There may be occasions when additional inspections will be required, for example following premises alterations, complaints made by Interested Parties or requests by Responsible Authorities.
- 9.2.9 This inspection routine recognises that Premises Licences, unless issued for a specific period of time, have no end date once they have been granted.
- 9.2.10 The Authority has signed the Central and Local Government Concordat on Good Enforcement. Further details of the way in which the Authority will approach enforcement issues are available from the Council.
- 9.2.11 The Authority is empowered under section 13 of the Criminal Justice and Police Act 2001 to make 'Designated Public Place Orders' and to make 'Public Space Protection Orders' under the Anti-Social Behaviour, Crime and Policing Act 2014 to control the consumption of alcohol in a public place outside licensed premises.
- 9.2.12 The 2003 Act empowers a police officer to ask a magistrates' court to make an order for all premises holding premises licences or a temporary event notice which are situated at or near the place of the disorder or anticipated disorder to be closed for a period up to 24 hours. The court cannot make such an order unless it is satisfied that it is necessary to prevent disorder. A police officer may use necessary force to close any premises covered by such an order.

### 9.3 Failure to pay Annual Fees – Licence Suspensions

- 9.3.1 The Police Reform and Social Responsibility Act 2011 amended the Licensing Act 2003 to allow us to suspend licences and certificates. We must suspend premises licences or club premises certificates when the annual fee is not paid.
- 9.3.2 Where an annual fee is not paid we will write to tell you that you have a period of 21 days from the date the fee became due to pay the outstanding fees. The period of 21 days exists so as to allow for resolution as to a dispute, or as a result of an error. After this period the licence or certificate will be suspended. We will not send any further warning letters.
- 9.3.3 We will write to the licence holder advising you of the suspension and tell you the date on which the suspension will take effect. This will be 2 days after the day the notice is given.
- 9.3.4 We will notify Thames Valley Police and the relevant responsible authorities as defined under the Act.

9.3.5 The lifting of a suspension will only take place from the day on which we receive the payment of the outstanding fee/fees. In all instances, we shall confirm that the suspension has been lifted in writing the following working day after the payment has been received. Notification will also be provided to Thames Valley Police, and the relevant responsible authorities as notified at the time the suspension notice was given.

## **10. Early Morning Restriction Orders and Late Night Levy**

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### **10.1 Early Morning Restriction Orders (EMRO)**

10.1.1 The power for licensing authorities to introduce an EMRO is specified in sections 172A to 172E of the 2003 Act which was amended by Section 119 of the Police Reform and Social Responsibility Act 2011. These provisions came into force on 31<sup>st</sup> October 2012.

10.1.2 Regulations prescribing the requirements in relation to the process for making an early morning restriction orders (EMRO) were brought in force on 31<sup>st</sup> October 2012.

10.1.3 Guidance has been introduced by the Home Office in relation to:

- the EMRO process
- the evidence base
- introducing an EMRO
- advertising an EMRO
- dealing with representations
- hearings
- implementation
- limitations
- enforcement

10.1.4 The legislation gives licensing authorities discretion to restrict sales of alcohol by introducing an EMRO to restrict the sale or supply of alcohol to tackle high levels of alcohol related crime and disorder, nuisance and anti-social behaviour. The order may be applied to the whole or part of the licensing authority area and if relevant on specific days and at specific times. We must be satisfied that such an order would be appropriate to promote the licensing objectives.

10.1.5 The only exemptions relating to EMROs are New Year's Eve and the provision of alcohol to residents in premises with overnight accommodation by means of mini bars and room service. The decision to implement an EMRO should be evidence based and we may wish to outline the grounds which we will take into consideration when considering implementation of an EMRO. This should include consideration of the potential burden imposed as well as the potential benefits.

10.1.6 The function of making, varying or revoking an EMRO is specifically excluded from the delegation of functions and may not be delegated to the Licensing & Gambling Acts Committee. The Committee makes a recommendation to Council for the actioning of the recommendation.

### **10.2 Late Night Levy**

10.2.1 The late night levy does not fall within the Licensing Act. However, in the future we may consider a levy and therefore we have set out some details about late night levies.

10.2.1 The legislative provisions relating to the late night levy are not part of the Licensing Act 2003 but are contained in sections 125 to 139 of the Police Reform and Social Responsibility Act 2011. The provisions came into force on 31<sup>st</sup> October 2012.

10.2.3 There are also Regulations in force setting out the way in which the levy must be applied; the way it will be administered, as well as arrangements for expenses, exemptions and reductions. There is also Guidance which sets out:

- implementing the levy and the consultation process
- the design of the levy
- exemptions from the levy
- reductions in levy charges

- how revenue raised from the levy may be spent
- the levy charges
- the levy collection process

10.2.4 We will have discretion as to whether we exempt certain premises but these can only be the types of premises set out in paragraphs 1.24 to 1.31 of the Guidance on the Late Night Levy. We also have discretion whether to reduce the amount of the levy by 30% for premises which participate in business-led best practice schemes [Guidance on the Late Night Levy, paragraphs 1.33 to 1.37].

10.2.5 Any revenue from the levy must be split between us, as the licensing authority, and the Police, with at least 70% of the 'net' levy (after expenses) paid to the Police. The Late Night Levy Guidance suggests at paragraph 1.40 that we may wish to use existing partnership arrangements with the Police to ensure that the police intentions for the share of the levy revenue paid to them are genuine.

10.2.6 These new powers enable us to charge a levy in relation to persons who are licensed to sell or supply alcohol late at night as a means of raising a contribution towards the costs of policing the night-time economy. It is a 'local' power that we can choose whether or not to exercise. Any decision to introduce, vary or cease the requirement for a levy has to be made by the full council. Other decisions in relation to how the levy is administered may be subject to delegation.

10.2.7 The Licensing Authority intends to continue to maintain a watching brief as to the feasibility of such a levy in Oxford, and in doing so we will look to work with the businesses involved in the night time economy and those impacted by those businesses in order to further assess whether a levy may be deemed appropriate and necessary in order to promote the licensing objectives.

# Appendices



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## **Appendix 1 – The Authority’s area and licensable activities**

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Oxford is a major centre for education, tourism, business, culture, leisure activities and healthcare, and plays an important role in the southeast region of England. It is internationally renowned for its unique heritage and as a centre of learning and innovation. Alongside this, it is seen as an icon of excellence and a source of inspiration in both industry and the arts, providing jobs for almost 100,000 people and welcoming over 7.78 million visitors each year.

We are fortunate in our diversity and have a broad spectrum of communities and cultural influences that have become part of the vibrant, everyday life of the city. Our rich heritage and cultural life, which includes the festivals held in its parks and open spaces, has been recognised by the awarding of Centre of Culture status for 2008.

With a population of around 149,800 living in high density at nearly 30 people per hectare, the pressures of success continue to challenge the city and its communities today. There are 33,000 students, boosting our 16-29 year old group to 32% of the population - over twice the national average. This affects the demand for entertainment facilities, which in turn must be balanced with the needs of other those living in the vicinity of those facilities.

There are ambitious plans for promoting a renaissance in Oxford by developing the unrealised potential of the city's West End, with significant opportunities to add housing, leisure, cultural, and retail capacity to this part of the town centre. The importance of enhancing the celebrated quality of Oxford's historical built environment is paramount, along with the need to complement existing architecture with challenging design and public art.

Incorporating improvements to the transport infrastructure will also be a key ingredient of any major urban development. The city is at the centre of important national and regional road and rail networks so that managing transport pressures is a challenge as it is to all historic towns. Local bus services are a vital means of transport for many in the city, with 33% of households not owning a car, compared with 20% in the region. The first Park and Ride scheme in the country was established here in 1973 and has expanded to play a major part in managing travel within the city. The adequacy of late night bus, train and taxi services is a key consideration in developing an evening and late-night economy in which alcohol is consumed.

Oxford is prosperous but there remain challenging pockets of deprivation. It has the highest percentage of people claiming low income and unemployment benefits in Oxfordshire which is above average in the South East and, in terms of multiple-deprivation; one of its 24 political wards is among the 10% most deprived in England and Wales.

Oxford has a wide variety of venues for licensed activities, ranging from relatively isolated public houses in the countryside to open spaces that are used for large-scale public events and including night clubs, cinemas theatres and large late-night supermarkets. In parts of the city centre and the Cowley Road there are significant concentrations of licensed premises.

We recognise that many of the challenges that face us in bringing together a successful city and its citizens are interlinked - housing to mental health, education to the economy, employment and leisure activities to the needs of local residents and so on - and we will work to respond to those connections more effectively in future.

There are increasing pressures on the urban environment and on the balance between providing buildings and enhancing open public spaces. Demands for growth and expansion have, however, always been a feature of life in Oxford and the city has, perhaps uniquely, managed to balance this with a preservation of its conservation areas and the natural environment.

We have distinctive areas of natural beauty such as the River Thames, Port Meadow, Wolvercote Common, and Shotover Park, all with an outstanding range of wildlife and biodiversity. The city is surrounded by a green belt and has 12 SSSIs (Sites of Special Scientific Interest) protected through designation by English Nature.

Our waterways and flood meadows are especially important for wildlife, with parks, domestic gardens, and cemeteries providing other valuable habitats. Access to these green spaces and the

biodiversity they support significantly improves the quality of life for those who live in, work in, and visit the city.

We need to ensure that the success of Oxford as a globally recognised city is translated into tackling inequalities on our own doorstep and that we are responding to the diverse needs of local individuals and communities.

Further information on Oxford's demography, housing, economic activity, and education - primarily based on data from the 2001 Census - has been compiled in a city profile, available online at [www.oxford.gov.uk/cityprofile](http://www.oxford.gov.uk/cityprofile).

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## Appendix 2 – Other Council policies and programmes

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The Council has adopted the following local policies and programmes that will have a role in the promotion of regulated entertainment and other licensable activities:

- Oxford City Council Corporate Plan 2016 - 2020
- Oxford Strategic Partnership
- Oxford Core Strategy
- Oxford Local Plan 2016-2036
- Oxford City Council's Vision – Oxfordshire 2030
- Oxford Transport Strategy
- Statement of Gambling Licensing Policy
- Street Trading Policy
- Community Safety Plan (Rolling Plan) 2000 – 2021
- Safeguarding Children, Young People and Vulnerable Adults Policy
- Culture Strategy
- Green Spaces Strategy
- Environmental Development Enforcement Policy
- Late Night Business Partnerships, Pubwatch and Nightsafe Schemes

Commerce is one of the most important activities in Oxford. The characteristic clusters of commercial uses, such as shops, restaurants, banks and offices are found in a variety of locations throughout the City, from the City centre down to parades of a few shops within and just beyond the City boundary.

Shopping is the key activity in the centres. The City Council strategy aims to provide for it in a variety of locations and forms. Within the larger centres especially, the aim is also to maintain a varied mix of commercial uses to complement the main shopping function. Proposals for new developments, whether within or outside existing centres, are looked at carefully to ensure that they will support these aims in a neighbourly way and also be in accordance with Government policies to maintain the vitality and viability of existing centres and encourage use of public transport.

Adopted and emerging local plan policies seek to ensure an appropriate balanced mix of uses is promoted within the City centre and four District centres. The District centres include Cowley Road, Cowley centre, Headington and Summertown. These policies recognise the important role that Class A3 (food and drink) uses such as restaurants and public houses make to the vitality and viability of existing centres. However this should not generally result in a high proportion of Class A3 uses within these defined frontages at the expense of the retailing importance of the existing centres.

The service sector has grown considerably in Oxford in recent years, particularly in Class A3 (food and drink) uses. The emerging policies propose Class A3 uses for some allocated development sites and within defined shopping frontages, subject to the appropriate mix of uses being maintained. Whilst these uses make an important contribution to the vitality of the existing centres they can have an impact (both during the day and evening), particularly when outlets are clustered, leading to environmental problems, transport problems and loss of residential amenity. Policies therefore seek to direct Class A3 uses to designated centres, ensure that there is an appropriate mix of uses and do not result in unacceptable environmental problems that cannot be reasonably controlled by planning conditions.

## **Appendix 3 – BBFC Film Classification**

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Films would normally be classified by the British Board of Film Classification or the local authority in the following way:

- U**            **Universal - suitable for all**
- PG**           **Parental Guidance - some scenes may be unsuitable for young children.**
- 12A (PG12)** **Passed only for viewing by persons aged 12 years or older or younger persons accompanied by an adult.**
- 12**            **Passed only for viewing by persons aged 12 years or older.**
- 15**            **Passed only for viewing by persons aged 15 years and over.**
- 18**            **Passed only for viewing by persons aged 18 years and over.**

In some cases, the PG rating may carry a recommended viewing age – e.g. PG8 would only be suitable for children over the age of 8, if accompanied by an adult.

## Appendix 4 – Delegation of functions under the 2003 Act

The following functions have been delegated by the Licensing & Gambling Acts Committee to Licensing Casework Sub-Committees and to Officers:

<b>Matter to be dealt with</b>	<b>Sub-Committee</b>	<b>Authorised Officers</b>
Application for Personal Licence	Police objection (See Note 1)	All other cases
Application for Premises Licence or Club Premises Certificate	Relevant Representation (See Note 2)	All other cases
Application for Provisional Statement	Relevant Representation (See Note 2)	All other cases
Application to vary Premises Licence/Club Premises Certificate	Relevant Representation (See Note 2)	All other cases
Application for a Minor Variation to Premises Licence / Club Premises Certificate		All cases
Application to vary Designated Premises Supervisor	Police objection (See Note 1)	All other cases
Request to be removed as Designated Premises Supervisor		All cases
Application for transfer of Premises Licence	Police objection (See Note 1)	All other cases
Applications for interim authorities	Police objection (See Note 1)	All other cases
Application to review Premises Licence or Club Premises Certificate	All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, repetitious etc.		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of a Police and / or Environmental Health Representation to a Temporary Event Notice.	All cases	

Note 1 – ‘Police objection’ = If a Police objection has been made and not withdrawn.

Note 2 – For the purposes of this table ‘Relevant Representation’ above = If a Representation has been determined by a delegated officer as a Relevant Representation from an Interested Party or a Representation has been made by a Responsible Authority and at least one of those Representations or Relevant Representations has not been withdrawn with the agreement of all parties that a hearing is not necessary.

## Appendix 5 – Deregulation of Schedule 1

The Live Music Act came into force on 1<sup>st</sup> October 2012 and is designed to encourage more performances of 'live' music. On 1<sup>st</sup> April 2015, elements of Schedule 1 of the Licensing Act 2003 (Regulated Entertainment) were deregulated in order to promote further the holding of events whilst reducing the burden placed on those seeking to host such events.

### When is regulated entertainment not licensable?

Below is a brief guide as to when certain regulated entertainment is exempt from the need for a licence or temporary event notice.

Type of entertainment	When is it not licensable
Plays / Theatrical Performances	<ul style="list-style-type: none"> <li>it takes place between 8am and 11pm; and</li> <li>the audience is no more than 500 people</li> </ul>
Films (in Community Premises)	<ul style="list-style-type: none"> <li>it takes place between 8am and 11pm; and</li> <li>is "not-for-profit"; and</li> <li>takes place to audiences of 500 or less; and</li> <li>is held in accordance with any age classification recommendations set by the BBFC, or where different, any age rating set by the Licensing Authority in whose area that exhibition takes place.</li> </ul>
Indoor Sporting Events	<ul style="list-style-type: none"> <li>it takes place between 8am and 11pm; and</li> <li>the audience is no more than 1000 people</li> </ul>
Boxing / Wrestling (includes Mixed Martial Arts and Cage Fighting)	<ul style="list-style-type: none"> <li>only if Olympic style Greco-Roman and Freestyle wrestling</li> <li>the audience is no more than 1000</li> </ul>
Live Music (Amplified)	<ul style="list-style-type: none"> <li>it takes place between 8am and 11pm; and</li> <li>it takes place at a licensed premises or workplace; and/or an unlicensed community premises; and/or non-residential premises</li> <li>the audience is no more than 500 people</li> </ul>
Live music (Acoustic)	<ul style="list-style-type: none"> <li>it takes place between 8am and 11pm anywhere</li> </ul>
Recorded Music	<ul style="list-style-type: none"> <li>it takes place between 8am and 11pm; and</li> <li>it takes place at a licensed premises; and/or an unlicensed community premises; and/or non-residential premises</li> <li>the audience is no more than 500 people</li> </ul>
Dance	<ul style="list-style-type: none"> <li>it takes place between 8am and 11pm; and</li> <li>the audience is no more than 500 people</li> </ul>
Similar to Music and Dance	<ul style="list-style-type: none"> <li>Karaoke</li> <li>Busking</li> <li>Incidental music or dancing as part of a wider event</li> </ul>

Cross-activity Exemptions hosted by local authorities, hospitals, nurseries and schools on own premises	<ul style="list-style-type: none"> <li>All regulated entertainments between 0800-2300 with no audience limitations</li> </ul>
Activities held on local authority, hospital, nursery and school premises by others with their permission	<ul style="list-style-type: none"> <li>Live and Recorded Music between 0800-2300 for audiences up to 500</li> </ul>
Community premises (e.g.: church and village halls, community halls, etc.)	<ul style="list-style-type: none"> <li>Live and Recorded Music between 0800-2300 for audiences up to 500</li> </ul>
Circuses	<ul style="list-style-type: none"> <li>Live and Recorded Music, Plays, Dance and Indoor Sports between 0800-2300 with no audience limitations</li> </ul>

**Other Exceptions:**

No licence or temporary event notice is needed for:

- Films which are solely or mainly to demonstrate a product, advertise goods or services, or provide information, education or instruction
- Films as part of an exhibition in a museum or gallery
- TV and radio broadcasts, providing they are shown live and not recorded
- Religious meetings or services
- Entertainment in places of public religious worship
- Garden fetes (unless held for private gain)
- Entertainment provided in a moving vehicle
- Morris dancing
- 'Incidental entertainment' (i.e. background entertainment such as):
  - a supermarket playing background music (people go there to shop, not to listen to music)
  - music during keep-fit classes (people are there to exercise)
  - salsa dance classes (people are there to learn to dance)
  - a pub jukebox playing in the background (people are there to drink).



## **Appendix 6 – Proof of Age documents**

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The Licensing Authority also expects Designated Premises Supervisors/Personal Licence holders to ensure that unless it is permitted to do so, serving of alcohol to those under 18 shall not be permitted and that there will therefore be in place in the operating schedule a management protocol to check the age of persons seeking to be served with alcohol.

Similar proof of age should be required as appropriate in other circumstances.

Such checking may be carried out by requiring production of:

- (i) a valid passport;**
- (ii) a proof of age card approved by the 'Proof of Age Standards Scheme' (PASS);**
- (iii) a photocard driving licence issued by a country in the European Union;**
- (iv) a citizencard supported by the Home Office (details from [www.citizencard.net](http://www.citizencard.net));**
- (v) an official identity card issued by HM Forces or by a country in the European Union bearing a photograph and the date of birth of the bearer.**

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## Appendix 7 – The role of local Councillors and Interested Parties

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### Local Councillors

Local councillors play an important role in their local communities. They can make representations in writing and at a hearing on behalf of an interested party such as a resident or local business if specifically requested to do so. They can also make representations as an Interested Party in their own right as an elected Ward Councillor or live in the vicinity of the premises in question.

Local councillors are subject to the Local Authorities (Model Code of Conduct) Order 2007 which restricts their involvement in matters, in which they have a 'prejudicial' interest (i.e. an interest that a member of the public would reasonably regard as so significant that it is likely to prejudice the member's judgement of the public interest). The latest version of the Code, which came into force on 3 May 2007, has relaxed the rules on prejudicial interest.

In terms of licensing, this has the effect of allowing councillors with prejudicial interest in an application to attend relevant meetings, to make representations, answer questions or give evidence, provided the public are also allowed to attend for the same purpose, whether under the licensing legislation or otherwise and as long as they withdraw from the meeting immediately afterwards. Councillors have a duty to act in the interests of all their constituents. Their role as a community advocate must therefore be balanced with their ability to represent specific interests.

### Interested Parties

Interested Parties are the bodies or individuals who are entitled to make representations to the Authority on new or variations to premises licences. In addition to this, interested parties may seek a review of a premises licence. Interested parties include:

- a person likely to be affected by the operation and impact of the premises,
- a body representing persons likely to be affected by the operation and impact of the premises,
- a person involved in a business likely to be affected by the operation and impact of the premises,
- a body representing persons involved in such businesses likely to be affected by the operation and impact of the premises,
- Elected Members of the Oxford City Council.

A representation would only be "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. A representation that fails to do this is not "relevant" for the purposes of the 2003 Act and cannot be accepted.

It is for the licensing authority to determine on its merits whether any representation by an interested party is frivolous or vexatious.

Representations must be received in writing at the licensing authority office by the last date for representations. Representations must be signed, dated, provide the grounds of representation in full and include the name and address of the person / body making the representation.

Any individual or group of people 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 councillor could all act in such capacity.

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## Appendix 8 – Other legislation and controls

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The Secretary of State's Guidance proposes that policy statements should provide information on other relevant legislation and controls that apply to licensed premises. This is because the regulatory framework of the 2003 Act will not control all matters that are likely to arouse concern in connection with the operation of licensed premises, including the behaviour of persons away from the immediate vicinity of licensed premises. Other legislation relevant to licensed premises is as follows:

### Planning

1. Planning controls are covered above in paragraph 2.8 and Policy GN 8.

### Anti-Social Behaviour Act 2003

2. Section 40 of the Anti-Social Behaviour Act 2003 allows the Council's Chief Executive to make a Closure Order against a premises if he or she reasonably believes that a public nuisance is being caused by noise coming from the premises and it is necessary to close the premises to prevent it. This applies to any premises where there is a Premises Licence, a Temporary Event Notice, or no permission.

### Regulatory Reform (Fire Safety) Order 2005

3. This Order reforms the law relating to fire safety in non-domestic premises. It replaces fire certification under the Fire Precautions Act 1971 with a general duty to ensure, so far as is reasonably practicable, the safety of employees, a general duty, in relation to non-employees to take such fire precautions as may reasonably be required in the circumstances to ensure that premises are safe and a duty to carry out a risk assessment. The Order imposes a number of specific duties in relation to the fire precautions to be taken.

### Smoke Free Premises as defined under the Health Act 2006.

4. Smoke Free Premises came into effect on 1 July 2007 under the Health Act 2006. The legislation is aimed at ensuring a healthy environment, so everyone can socialise, relax, travel, shop and work free from second-hand smoke.

### Violent Crime Reduction Act 2006

5. This Act introduces new measures to ensure the police and local communities have the powers they need to tackle guns, knives and alcohol related violence. Relevant measures include:
  - amendment to the Licensing Act to introduce an offence of persistently selling alcohol to children.
  - amendment to the Act which will enable licensing authorities, on the application of a senior police officer in serious cases of crime and disorder, to attach interim conditions to licences pending a full review.

### Disability Discrimination Act 1995

6. The Disability Discrimination Act 1995 came fully into effect in October 2004 and includes widespread responsibilities not to treat people with disabilities in a less advantageous way than other people.
7. The Authority will not seek to duplicate the requirements of the Disability Discrimination Act 1995, however, in response to a Representation or Relevant Representation, the Authority will apply conditions where necessary to ensure the equal treatment of people with disabilities where they coincide with licensing objectives.

### Gambling Act 2005

8. The Gambling Act 2005 came into force on 1 September 2007. Under the provisions of this Act public houses enjoy an automatic entitlement to a maximum of two gaming machines of category C or D on licensed premises. The Category of Gaming Machine Regulations 2007 defines the maximum stakes and maximum prizes permitted for category C and D machines. This is an automatic entitlement if the Premises Licence

holder sends written notice along with the prescribed fee, to the Authority of his intention to make gaming machines available for use in the premises.

9. For more than two machines a Licensed Premises Gaming Machine Permit is needed. Applications are made to the Authority in the form and manner that the Authority directs for grant or variation. There is both an application and an annual fee. The notification of two machines or an application for a Licensed Premises Gaming Machine Permit, does not need to be made until the existing Section. 34 Permit is due to expire.

#### **Censorship**

10. The content of regulated entertainment is a matter that is already addressed by other laws governing indecency and obscenity.
11. The Authority will not seek to impose conditions that censor the content of any film or play in a way that cannot be related to the licensing objectives. Where the concern is about protecting children, their access will be restricted.

#### **Clean Neighbourhoods and Environment Act 2005**

12. The Clean Neighbourhoods and Environment Act 2005 includes measures for providing and maintaining clean and safe local environments. It covers a number of areas and introduces a number of measures to deal with crime and disorder, abandoned and nuisance vehicles, waste and fly-tipping, litter and graffiti, dogs, noise, nuisance from artificial lighting and insects.

#### **Health and Safety Work Act 1974**

13. Under the Health and Safety at Work Act 1974, employers have a duty to ensure, so far as is reasonably practicable, the health and safety of its workers and other persons who may be affected by the place of work. In addition, the Management of Health and Safety at Work Regulations (1999) require every employer to make a suitable and sufficient assessment of all the risks to the health and safety of workers and others arising at or from a work activity.

#### **Local Government (Miscellaneous Provisions) Act 1982**

14. Amongst other matters this addresses the issue of prohibited streets and consent streets in relation to street trading, and the licensing of Sex Establishments.

#### **Drugs Act 2005**

15. The Drugs Act 2005 brings about new police powers to test for class A drugs and more. The aim of the Drugs Act is to increase the effectiveness of the Drug Interventions Programme by getting more offenders into treatment. The Act aims to introduce a new civil order that will run alongside ASBOs for adults to tackle drug related anti-social behaviour.

#### **Other Controls**

16. There are other controls that can be applied in promotion of the four licensing objectives. These include:
  - Police enforcement of legislation concerning disorder and anti-social behaviour.
  - powers of local authorities to designate parts of their area as places where alcohol may not be consumed publicly. (There are such areas in Oxford);
  - prosecution of any Personal Licence holder or member of staff at premises, who is selling alcohol to a person who is drunk;
  - test-purchasing to check on sale of alcohol to under-18s;
  - litter legislation;
  - confiscation of alcohol from anyone in designated areas and from persons under 18 in any public place;
  - positive measures to create safe and clean town centre environments in partnership with transport operators, local businesses, the licensed trade etc.
  - a by-law on touting;
  - controls on fly-posting, and provision of official poster sites.

## Appendix 9 – Responsible Authorities

**Table 1 – Application copies required**

	Responsible Authorities												
	Oxford City Council												
The type of application affects which Responsible Authorities must be sent a copy:													
A = Application C = Copy													
<b>Type of Application</b>	<b>The Licensing Authority</b>	<b>The Planning Authority</b>	<b>Environmental Health</b>	<b>Health &amp; Safety</b>	<b>Thames Valley Police</b>	<b>Fire &amp; Rescue Service</b>	<b>Social &amp; Health Care</b>	<b>Trading Standards</b>	<b>Primary Care Trust</b>	<b>Navigation Authority</b>	<b>Other Licensing Authority</b>	<b>Health &amp; Safety Executive</b>	

### PERSONAL LICENCE

New	A	-	-	-	-	-	-	-	-	-	-	-	-
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### PREMISES LICENCE

New	A	C	C	C	C	C	C	C	C	-	-	-	-
Variation	A	C	C	C	C	C	C	C	C	-	-	-	-
Minor Variation	A	-	-	-	-	-	-	-	-	-	-	-	-

### PROVISIONAL STATEMENT

New	A	C	C	C	C	C	C	C	C	-	-	-	-
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### CLUB PREMISES CERTIFICATE

New	A	C	C	C	C	C	C	C	C	-	-	-	-
Variation	A	C	C	C	C	C	C	C	C	-	-	-	-
Minor Variation	A	-	-	-	-	-	-	-	-	-	-	-	-

### SPECIAL CASES

PREMISES: New (Boats)	A	C	C	C	C	C	C	C	C	C	C	-	-
PREMISES: 'Variation' or 'New'	A	C	C	-*	C	C	C	C	C	-	-	C*	C*
CLUBS: 'Variation' or 'New'	A	C	C	-*	C	C	C	C	C	-	-	C*	C*

(\* note: Health and Safety matters for City and County Council premises and all Educational Institutions are dealt with by the Health and Safety Executive, not by the City Council)

<b>Table 2 – Addresses</b>		Contact details for preliminary discussions or follow-up enquiries	
Responsible Authority	Address	Phone	Email and website
The Licensing Authority	The Licensing Authority Oxford City Council St Aldate's Chambers, 109 St Aldate's, Oxford, OX1 1DS	01865 252565	licensing@oxford.gov.uk www.oxford.gov.uk/licensing
The Planning Authority	The Planning Authority Oxford City Council St Aldate's Chambers, 109 St Aldate's, Oxford, OX1 1DS	01865 249811	planning@oxford.gov.uk www.oxford.gov.uk
Environmental Health	Environmental Protection Oxford City Council St Aldate's Chambers, 109 St Aldate's, Oxford, OX1 1DS	01865 252296	noise@oxford.gov.uk www.oxford.gov.uk
Health & Safety	Health & Safety Oxford City Council St Aldate's Chambers, 109 St Aldate's, Oxford, OX1 1DS	01865 252557	foodsafety@oxford.gov.uk www.oxford.gov.uk
Thames Valley Police	Licensing Thames Valley Police Headquarters (South) Kidlington, OX5 2NX	01865 846597	licensing@thamesvalley.pnn.police.uk
Fire & Rescue Service	Fire & Rescue Service Oxfordshire County Council Rewley Road Fire Station Oxford, OX1 2EH	01865 242223	Fire.service@ www.oxfordshire.gov.uk
Oxfordshire Safeguarding Children Board	Oxfordshire Safeguarding Children Board Officer Oxfordshire Safeguarding Children Board (OSCB) 3rd Floor, County Hall New Road Oxford OX1 1ND	01865 810628	oscb@oxfordshire.gov.uk
Trading Standards	Oxfordshire County Council Trading Standards Service Electric Avenue Ferry Hinksey Road Off Botley Road Oxford, OX2 0BY	01865 816570	Trading.standards@ oxfordshire.gov.uk

Primary Care Trust	Equality & Access Commissioner, Oxfordshire Clinical Commissioning Group, NHS Oxfordshire Jubilee House 5510 John Smith Drive Oxford Business Park South Cowley Oxford, OX4 2LH	01865 336873	
Health & Safety Executive (* see note)	Health & Safety Executive Priestley House, Priestley Road Basingstoke RG24 9NW	01256 404000	
Applications for licences for boats may need to be copied to others – see next page			

(\* note: Health and Safety matters for City and County Council premises and all Educational Institutions are dealt with by the Health and Safety Executive, not by the City Council)

Applications for Premises Licences for boats that will be operated within other district council areas must also be copied to the Navigation Authority and other Licensing Authorities as appropriate:

The Navigation Authority	The Navigation Authority Upper Thames Waterway Office Osney Lock, Bridge Street Oxford, OX2 0AY	01865 721271	
The Navigation Authority (Oxford Canal)	British Waterways 510 - 524 Elder House Elder Gate Central Milton Keynes MK9 1BW	01908 302500	<a href="mailto:enquiries.southeast@britishwaterways.co.uk">enquiries.southeast@britishwaterways.co.uk</a>

#### The Oxford Canal – North of Oxford

The Licensing Authority	The Licensing Authority Cherwell District Council Bodicote House Bodicote Banbury OX15 4AA	01295 252535	~ <a href="http://www.cherwell-dc.gov.uk">www.cherwell-dc.gov.uk</a>
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#### The River Thames – South of Oxford

The Licensing Authority	The Licensing Authority South Oxfordshire District Council Benson Lane Crowmarsh Gifford Wallingford	01491 823000	<a href="mailto:licensing@southoxon.gov.uk">licensing@southoxon.gov.uk</a> <a href="http://www.southoxon.gov.uk">www.southoxon.gov.uk</a>
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#### The River Thames – South or West of Oxford

The Licensing Authority	The Licensing Authority Vale of White Horse D.C. The Abbey House Abingdon OX14 3JE	01235 520202	<a href="mailto:Licensing.unit@whitehorsedc.gov.uk">Licensing.unit@whitehorsedc.gov.uk</a> <a href="http://www.whitehorsedc.gov.uk">www.whitehorsedc.gov.uk</a>
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#### The River Thames – West of Oxford

The Licensing Authority	The Licensing Authority West Oxfordshire District Council Woodgreen Witney OX28 1NB	01993 861000	~ <a href="http://www.westoxon.gov.uk">www.westoxon.gov.uk</a>
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## Appendix 10 – Nightsafe

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### Why Nightsafe?

Oxford Community Safety Partnership (CSP) identified that a multi-agency initiative needed to be taken to tackle alcohol related Anti-Social Behaviour.

The action of Nightsafe in the short term is aimed at reducing the number of alcohol violent incidents. The longer-term aim is to raise the awareness of the effects of binge drinking and the negative consequences it can have on those who participate in the late night economy.

Nightsafe also want to support the evening economy by ensuring Oxford is and feels a safe place for all members of the community to visit in the evenings

### Who are the Nightsafe Partners?

Police  
Fire & Rescue  
Trading Standards  
Public Health  
Oxford University Hospitals NHS Trust  
City & County Councils

Further details can be found on [www.nightsafe-oxford.org.uk](http://www.nightsafe-oxford.org.uk). The Licensing Authority will regard a commitment in the operating schedule to fully support and participate in the "Nightsafe" activities, which are relevant to the premises, as a positive approach.

### "Nightsafe" includes the following elements:-

- Special Saturation Policy
- Challenge 21
- Radio Link
- Safer Clubbing
- Operation Nightsafe – Police Patrol Strategy
- Pub Watch
- Polycarbonate drinking vessels where appropriate
- Hi Visibility Florescent Jackets for Door staff
- Designated Public Place Order
- Public Space Protection Orders
- CCTV in licensed premises
- CCTV in the street
- Reduction in "Binge drinking" associated with drinks promotions
- Education campaigns associated with alcohol, crime and disorder
- Test Purchasing
- Targeting of repeat offenders & intelligence sharing
- Drug Dog Operations
- Street Pastors
- SCAS triage medical centre

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