



**BOROUGH OF POOLE STATEMENT OF LICENSING POLICY 2011**

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**BOROUGH OF POOLE**  
**STATEMENT OF LICENSING POLICY**

**1. INTRODUCTION**

Poole is located centrally along the south coast with a natural harbour and fine beaches but is predominantly urban in character with an area of 29 square miles. The population is 138,288 (2001 Census). The county of Dorset, that geographically includes Poole, has a population of 390,980. Demographically Poole has an age structure closer to the national average than Dorset as a whole. However, Poole's population is an ageing one, with the 2001 Census showing a larger percentage increase in the numbers of older people than numbers of dependent children since the last Census in 1991.

Poole is an area of sharp contrasts and rapid change. This creates tensions and issues which the Licensing Authority faces and which determine its agenda and strategy.

The use and clientele of existing premises vary considerably. Different premises within the same vicinity appeal to different markets.

In view of the above, the Licensing Authority will not make any predetermined presumptions about licensed premises and their associated applications based on the area in which they are based. Even if special policies are made relating to specific concerns within an area, this will not prevent the Licensing Authority from considering all applications on their own merits.

This Statement of Licensing Policy will assist applicants, members of the Licensing Committee, and persons making representations, in the consideration of the relevant issues regarding applications, and ensuring they are dealt with fairly in line with the law.

This Policy also affords members of the Licensing Committee and officers alike, to take into account the concerns of the public and other recognised bodies, and to take appropriate measures where the objectives of the Licensing Act 2003 are put in jeopardy after licences have been issued.

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The Borough of Poole is the Licensing Authority under the Licensing Act 2003 and is responsible for Premises Licences, Club Premises Certificates, Temporary Events Notices and Personal Licences in its administrative area in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late night refreshment.

### **2. BACKGROUND**

2.1 The Licensing Act 2003 Act requires that the Licensing Authority carries out its various licensing functions so as to promote the following four licensing objectives:-

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

2.2 The Licensing Act 2003 defines licensable activities as:-

- The sale of alcohol by retail
- Supply of alcohol by or on behalf of a club, or on the order of a member of a club
- Provision of late night refreshment
- Provision of regulated entertainment as defined in Schedule 1 of the Act, including:
  - A performance of a play
  - An exhibition of a film
  - An indoor sporting event
  - Boxing or wrestling entertainment
  - A performance of live music
  - Any playing of recorded music
  - A performance of dance
  - Provision of facilities for making music
  - Provision of facilities for dancing

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### **2.3 Four fundamental principles underpin the Licensing Act 2003:**

- (i) Applicants for premises licenses or for variations of such licenses are expected to conduct a thorough risk assessment with regard to the licensing objectives when preparing their applications
- (ii) Operating schedules should be reviewed by professional bodies' expert in the areas concerned.
- (iii) Local residents and other designated parties are free to raise reasonable and relevant representations about the proposals.
- (iv) The role of the Licensing Authority is primarily to regulate the carrying on of the licensable activity when specific interests in those activities conflict. When considering applications, it is expected that licensing authorities will seek to uphold these principles.

2.4 The 2003 Act further requires that the Licensing Authority publish a 'Statement of Licensing Policy' that sets out the policies the Licensing Authority will generally apply to promote the licensing objectives when making decisions on applications made under the Act.

2.5 This 'Statement of Licensing Policy' has been prepared in accordance with and is subject to the provisions of the 2003 Act and the Guidance issued under Section 182 of the Act.

### **3. CONSULTATION**

3.1 There are a number of groups who have a stake in the leisure industry, including providers, customers, residents and enforcement agencies, all who have views and concerns that require consideration as part of the licensing function. Before publishing this Policy Statement, the Licensing Authority has consulted with and taken into account comments received from the following organisations and others, not listed, but who have made individual requests to be consulted :-

- Individual current licensees;
- Dorset Police;
- Dorset Fire and Rescue Services;
- Poole Licensing Victuallers Association;
- Poole and District Chamber of Trade;
- Poole Tourism Management Board;
- Poole Town Centre Management;
- The Association of Licensed Multiple Retailers;

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- Retail Groups with premises holding full on-licences (Breweries etc);
- Poole Chamber of Commerce;
- Federation of Small Businesses (Wessex Region);
- British Institute of Innkeeping;
- Musicians Union;
- Related Service Units within Borough of Poole;
- Licensing Justices;
- Crime and Disorder Reduction Partnership;
- Alcohol Harm Reduction Partnership;

3.2 Proper weight has been given to the views of all the persons/bodies consulted before this Policy Statement took effect on 8<sup>th</sup> January 2011, and it will remain in force for a period of not more than 3 years and will be subject to review and further consultation prior to 8th January 2014.

3.3 An internal consultation protocol is in place to achieve consistency in its handling of representations to Licensing Authority officers in relation to both the Statement of Licensing Policy and applications under the Act. This protocol can be viewed by any person upon request.

3.4 The impact of the Licensing Act 2003 and associated Council policies will be monitored and reports submitted to the Licensing Authority to consider if the need for changes to this policy arises.

3.5 The Licensing Authority will also engage other stakeholders and community groups as interested parties representing residents and businesses interests within the its area to ensure proper integration of licensing with other key community strategies. Some examples of these are:-

Strategic Director (Planning and regeneration services)

Strategic Director (Children Young Persons Integrated Services - CYPIS)

Community Safety Partnership Manager

Community Safety and Development Manager (Anti Social Behaviour)

Strategy Directorate

Economic Development Manager

Strategic Director (Culture and Community Learning)

– Planning, Transport

- Protection of Children

– Crime Prevention

- Crime Prevention

– Tourism Strategies, Crime Prevention & Economy

– Economic Development

– Cultural strategies

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### 4. PROCEDURE GUIDANCE

The Licensing Authority has published separate guidance on the procedures to be followed by applicants, and parties making representations, with regards to hearings. These can be found on the Borough of Poole website [www.boroughofpoole.com](http://www.boroughofpoole.com) and should be read in conjunction with this Statement of Licensing Policy. Hard copies can be requested from Environmental and Consumer Protection Services.

### 5. INTEGRATION OF COMMUNITY STRATEGIES

#### 5.1 GENERAL

- 5.1.1 The role of the Licensing Authority under the Licensing Act 2003 is to maintain a balance between the needs of the licensing, entertainment and food industry and the needs of residents and other users of the Borough including businesses, workers, shoppers and visitors.
- 5.1.2 The Licensing Authority has a duty to do all that it reasonably can to prevent crime and disorder in the Borough, under Section 17 of the Crime and Disorder Act 1998. The Licensing Authority has paid special attention to this in formulating its policies.
- 5.1.3 The Licensing Authority has had regard to Poole's Corporate Objectives of promoting health and well being, supporting children and young people, strengthening our communities and developing a dynamic economy through revitalising Poole and to this end has paid special attention to the following documents when formulating this policy:
- Alcohol Harm Reduction Strategy ([www.boroughofpoole.gov](http://www.boroughofpoole.gov))
  - Safe.Sensible.Social ([www.dh.gov.uk](http://www.dh.gov.uk))
  - National Institute for Health & Clinical Excellence – Public Health Guidance ([www.nice.org.uk](http://www.nice.org.uk))

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- Alcohol Concern – Alcohol factsheets and publications ([www.alcoholconcern.org.uk](http://www.alcoholconcern.org.uk))

5.1.4 The Licensing Authority has formulated its licensing policy having regard to the Safer Poole Partnership Strategy Assessment and in particular attention will be given to priorities of the strategy which in the opinion of the Licensing Authority relate directly to the consumption of alcohol and in addition:-

- Tackling crime
- Tackling anti-social behaviour
- Drug, alcohol and solvent misuse
- Violent crime, intimidation, graffiti and criminal damage
- Vehicle crime

5.1.5 The local authority will continue to liaise with local police units and to inspect licensed premises jointly on a regular basis under Poole Safe. This partnership approach is intended to maximise the potential for controlling drink related crime and disorder at and around licensed premises and to ensure compliance with relevant conditions.

5.1.6 The Human Rights Act 1998 incorporates the European Convention on Human Rights and this makes it illegal for a Local Authority to act in a way that is incompatible with any Convention right. In particular attention will be drawn to the following articles:

Article 6 – in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time and by an independent and impartial tribunal established by law.

Article 8 – everyone has the right to respect for privacy and family life, without interference by a public authority except in accordance with the law.

Article 1 of the First Protocol – everyone is entitled to the peaceful enjoyment of possessions, including a licence.

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At the same time, the Licensing Authority respects the rights of commercial landowners to operate their premises without unnecessary restraint. This Statement of Licensing Policy is intended to reflect a balance between those rights.

5.1.7 The Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000 obliges the Licensing Authority to do all it can to eliminate unlawful discrimination, and to promote equality of opportunity. The Borough of Poole has adopted a Race Equality Scheme and the Licensing Authority shall give due regard to that policy whilst undertaking the licensing function.

### **5.2 PLANNING**

5.2.1 The Licensing Authority recognises the need to provide for a proper separation of the planning and licensing regimes to avoid duplication and inefficiency. Licensing applications will not be a re-run of the planning application and shall not cut across decisions made by the local authority Planning Committee or following appeals against decisions taken by that committee. The obtaining of planning permission does not presume the granting of a licence by the Licensing Committee.

5.2.2 The Licensing Authority normally expects applicants for premises licences to be from premises with planning consent for the property concerned. If planning consent has not been granted at the time of application the granting of a premises licence does not presume the granting of planning permission requested.

5.2.3 Proper integration with Planning will be assured by the Licensing Committee providing regular reports to the Planning and Regeneration Services on the situation regarding licensed premises in the area. This will enable the Planning Committee to have regard to such matters when taking its decisions and avoid any unnecessary overlap.

### **5.3 ECONOMY / CULTURAL / EMPLOYMENT / TRANSPORT**

5.3.1 Arrangements will be made for the Licensing Committee to receive reports on the following matters to ensure these are reflected in their decisions:-

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- The needs of the local economy and cultural strategy for the Borough, and,
- The employment situation in the Borough and the need for investment and employment where appropriate.
- The steps taken to disperse people on departure from the locality of licensed premises swiftly and safely to avoid concentrations, which produce disorder and disturbance.
- Incidence of alcohol related anti-social behaviour and crime and disorder within the Borough.

5.3.2 In its role of implementing local authority cultural strategies, the Licensing Authority recognises the need to encourage and promote live music, dance, theatre and street arts for the wider cultural benefit of the community.

### **5.4 DUPLICATION**

5.4.1 The Licensing Authority recognises the need to avoid so far as possible duplication with other regulatory regimes.

5.4.2 However, some regulations do not cover the unique circumstances of some entertainment and the Licensing Authority will consider attaching conditions to premises licences and club premises certificates where these are necessary for the promotion of the licensing objectives and not already provided for in any other legislation. This will however only be done when relevant representations are received.

## **6. POLICIES RELATING TO PREMISES**

### **6.1 APPLICATIONS**

6.1.1 An application for a premises licence must be made on the prescribed form to the relevant Licensing Authority and be copied to each of the appropriate responsible authorities. Reference should be made to the relevant sections of the Guidance issued under Section 182 of the Licensing Act 2003. This document provides advice to applicants that the Licensing Authority would expect applicants to have considered as part of the operating schedule for their premises, if the licensing objectives are to be met.

6.1.2 Where an application for a variation to a premise licence is being made the operating schedule submitted will only need to address any issues arising from that applied for.

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6.1.3 If a person intends to submit an application for an outside temporary event that does not fall within the terms of paragraph of this Policy Statement, and therefore requires a premises licence, the Licensing Authority advise the prospective applicant to contact the licensing officer 6 months prior to the event to discuss the requirements of the operating schedule before submitting an application.

### **6.2 MEDIATING PERIOD / REQUIREMENT FOR HEARINGS**

6.2.1 Alteration of the terms and conditions of the licence may be required by a responsible authority such as the Dorset Police, Dorset Fire and Rescue Service and Borough of Poole Environmental Health who may recommend improvements to the premises to meet the licensing objectives.

6.2.2 If the Licensing Authority receives representations the appropriate officer of the Licensing Authority shall check that mediation between the applicant and each person making a representation has occurred to try to resolve the problem.

6.2.3 The Licensing Authority shall retain the discretion to deem objections remaining after the mediation stage as irrelevant, frivolous or vexatious (see 6.3.1); particularly if a common consensus or compromise is reached with the majority of objectors, which address the licensing objectives.

### **6.3 RECEIPT OF REPRESENTATIONS**

6.3.1 Representations can be made by two groups, namely interested parties and responsible authorities.

6.3.2 Interested parties comprise of:

- Persons living in the vicinity of the premises in question.
- A body representing persons living in that vicinity.
- A person involved in a business in the vicinity of the premises in question.
- A body representing persons in such a business.

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Members of the licensing authority are now allowed to be interested parties. This means that any 'member of a licensing authority' i.e. any councillor of the authority can now be regarded as an interested party under the Act and make representations about licensing applications within the Borough. They also have the right to apply for the review of a premises licence and club premises certificate within the borough.

6.3.3 Responsible Authorities are the public bodies that must be notified of applications and that are entitled to make representations. Within the Borough of Poole these are:

- The Chief Officer of Police
- Dorset Fire and Rescue Service
- Borough of Poole Environmental Health
- Borough of Poole Health & Safety
- Borough of Poole Weights & Measures
- Borough of Poole Planning Regeneration Service
- Borough of Poole Children and Young Persons Integrated Services
- Any licensing authority, other than the relevant licensing authority, in whose area part of the premises is situated

A full list of contact names and addresses can be obtained from the Borough of Poole website ([www.boroughofpoole.com](http://www.boroughofpoole.com)).

6.3.4 The Head of Environmental and Consumer Protection Services may disregard any representations submitted on an application, variation or request for a review if it is considered to be irrelevant, frivolous or vexatious.

6.3.5 When such a representation is considered to be irrelevant, frivolous or vexatious, the Head of Environmental and Consumer Protection Services shall give notice to the person who made them of the reasons for that decision.

6.3.6 However, any person making a representation may, after consultation with the Head of Environmental and Consumer Protection Services, bring the matter before the Licensing Chairman and Vice-Chairman who will decide whether the representation is valid and therefore justifying a hearing.

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- 6.3.7 The Licensing Authority recognises the right of 'responsible authorities' to be consulted and to submit representations about applications for premises licences or major variations of such licences, or ask for a review of a premises licence. All responsible authorities will be notified of all applications pertaining to premises licence.
- 6.3.8 Whilst the Licensing Authority recognises the importance of the right of 'responsible authorities' and 'interested parties' to request reviews of premises licences, the Licensing Authority would expect a reasonable interval between hearings for the same premises, and unless exceptional and compelling circumstances existed or new evidence is available would not hold a repeat hearing unless it followed a Closure Order.
- 6.3.9 The Licensing Authority will take account of the aims of this policy, and non-compliance with other statutory requirements on receipt of relevant representations. Representations may also demonstrate that the premises are unsuitable and/or the operation of the premises is deficient.

### **6.4 PREMISES: GENERAL DECISION MAKING CONSIDERATIONS FOLLOWING REPRESENTATIONS**

- 6.4.1 The Licensing Authority shall take into account any relevant representations made on an application, and ignore any that are irrelevant.
- 6.4.2 The Licensing Authority will not impose conditions on or refuse to grant or vary a premises licence or club premises certificate unless it has received a representation from a responsible authority, such as the police or an environmental health officer, or an interested party, such as a local resident, local business or elected member.
- 6.4.3 The Licensing Authority shall consider each application on its own merits. If a variety of permissions are requested within an application then each of these permissions will be considered on its individual merits. An entire application cannot be refused on the basis that not all permissions requested are granted. Similarly the licensing authority reserves the right not to grant all the permissions on an application
- 6.4.4 The responsibility for compliance with the Licensing Act 2003, and this Statement of Licensing Policy rests with applicants, licensees, corporate bodies or limited companies, as appropriate to the circumstances.

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- 6.4.5 The Licensing Authority shall only consider matters within the direct control of the applicant which may include actions which occur away from the premises but as a result of licensable activities from the premises.
- 6.4.6 The Licensing Authority expects applicants to consider all those matters listed in Appendices 3-6, as well as any other matters it considers relevant, to be addressed in the Operating Schedules.
- 6.4.7 When applying for a licence or variation of a licence attention is drawn to the following publications which could assist when formulating premises operating schedules:
- Model National and Standard Conditions for Places of Public Entertainment and Associated Guidance ISBN 190403111 0 (Entertainment Technology Press – ABTT Publications)
  - The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE)(“The Purple Book”)
  - Managing Crowds Safely (HSE)
  - 5 Steps to Risk Assessment (HSE) INDG 163(rev2) 06/06
  - The Guide to Safety at Sports Grounds (The Stationery Office, 1997)(“The Green Guide”)
  - Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances (Published by the Independent Street Arts Network, copies of which may be obtained through: [www.streetartsnetwork.org.uk](http://www.streetartsnetwork.org.uk))
  - The District Surveyors Association’s “Technical Standards for Places of Public Entertainment”
  - Temporary Demountable Structures. Guidance on procurement, design and use.
  - Good practice guide on the control of noise from pubs and clubs (Institute of Acoustics)
  - Code of practice on environmental noise control at concerts (Noise Council)
  - The Portman Group code of practice on the naming, packaging and promotion of alcoholic drinks
  - Local Authorities Coordinators of Regulatory Services (LACORS)/Trading Standards Institute (TSI) code of best practice on test purchasing LACORS policy on large events.
  - Security industry Authority’s guidance on security at large events.
  - Licensed property: security in design (the [British Beer and Pub Association](http://www.britishbeerandpub.org.uk) website).

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6.4.8 Where a representation is raised or a request for review hearing made the Licensing Authority will confine its consideration solely to the issue, or issues, raised and the specific licensing objective or objectives. It shall not consider other issues not raised or any other objective of the Licensing Act 2003.

### 6.5 CUMULATIVE IMPACT OF PREMISES

6.5.1 The impact of the number, type and density of licensed premises in a given area may lead to problems of nuisance and disorder outside or some distance from the premises. This is described as the 'cumulative impact', and is a proper matter for consideration by the Licensing Authority.

6.5.2 A saturation of licensed premises can attract customers to the area to such a degree that it has an adverse impact on the surrounding area beyond the control of individual licence holders, and as a result, undermines the licensing objectives. In these circumstances the Licensing Authority may receive representations from a responsible authority or interested party that the cumulative effect of new licences is leading to an area becoming saturated with premises, making it a focal point for groups of people to gather and circulate away from the licensed premises themselves.

6.5.3 Where there is sufficient evidence that a particular area has reached a point where existing activity is at such levels that if by granting a premises licence they would contribute to the cumulative effect that the Licensing Authority wishes to mitigate, and would undermine the licensing objectives, the Licensing Authority might adopt a special policy.

6.5.4 In such cases the issue of cumulative impact will be taken into account when considering the individual merits of any application and if a special policy is adopted the presumption will be to refuse licence applications falling within the designated area.

6.5.5 The Licensing Authority will adopt the following procedures to determine if a special policy is required:

- Identify that a significant concern from a responsible authority or representative of residents in relation to crime and disorder, or public nuisance exists.
- That the risk factors are such that the area is reaching a point when a cumulative impact is imminent.

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- Establish if crime and disorder or nuisances are arising and if the customers of licensed premises are causing it.
- Identify the area from which the problem arises and its boundaries.
- Assess the situation to identify the causes.
- Consult with the bodies specified in Part 2, Section 5(3) of the Licensing Act 2003.
- Adopt a special policy to ensure the licensing objectives are met.
- Publish the special policy as an appendix of this policy.

6.5.6 If the Licensing Authority considers that a particular area is considered to be causing a cumulative impact on one or more of the licensing objectives then it will indicate this by the inclusion of a special policy of cumulative impact for the identified area(s) as an appendix within this policy.

6.5.7 The Borough of Poole does not at present have a special policy with regards to the cumulative impact of premises within identified areas within the Borough.

6.5.8 If a special policy is adopted by the Licensing Authority it shall not be applied absolutely. The Licensing Authority shall allow for the circumstances of each application to be considered properly and for licences, which are unlikely to add significantly to saturation, to be approved. It must always consider whether it would be justified in departing from its policy.

6.5.9 The absence of a special policy would not prevent any responsible authority or interested party making representations on a new application for the grant of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.

6.5.10 In coming to any decision regarding cumulative impact, the Licensing Authority will also have regard to other mechanisms outside of the licensing regime which may also be available to address this issue, these include:

- Planning controls (where development or change of use is involved, or where trading hours are limited by planning conditions)

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- Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the Licensing Authority.
- The provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols.
- Police enforcement of the normal laws concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices, the confiscation of alcohol from adults and children or the instigation of designated areas.
- The prosecution of any personal licence holder or member of staff who is selling alcohol to people who are drunk.
- Police powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises.
- The power of the Police, other responsible authorities, or interested parties to seek a review of the licence or certificate in question.

### 6.6 ATTACHING CONDITIONS TO LICENCES/POOLS OF CONDITIONS

6.6.1 Where the 'responsible authorities' and 'interested parties' do not raise any representations about the proposals made to the Licensing Authority, it is a duty of the Licensing Authority to grant the licence or certificate subject only to conditions that are consistent with the operating schedule and any mandatory conditions prescribed in the Act itself.

6.6.2 Where a representation is raised or a request for review hearing made the Licensing Authority will confine its consideration solely to the issues raised and the relevant licensing objectives. Other issues not raised in relation to the relevant licensing objective or objectives will not be considered.

6.6.3 Where representations or reviews arise and the Licensing Authority having looked at the evidence presented determines that the crime prevention objective is being undermined through criminal activity taking place it will seriously consider the revocation of the licence. Examples of such criminal activity are:

- Sale or distribution of drugs;
- Sale or distribution of stolen or counterfeit goods or weapons;

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- Sale of smuggled tobacco and alcohol;
- Prostitution, pimping or procuring;
- Use of a base for criminal activity, particularly gangs;
- Organisation of racist activity;
- Unlawful gaming and gambling.

However revocation also remains an option if other licensing objectives are being undermined.

- 6.6.4 The Licensing Authority shall avoid attaching the same standard conditions to all licences, but will instead consider which conditions, if any, are suitable for each premises based on the individual merits of each application.
- 6.6.5 The Licensing Authority will monitor the impact of licensing on regulated entertainment, and particularly live music and dancing, and will ensure that only necessary, proportionate and reasonable licensing conditions are applied in such instances. The Licensing Authority is aware of the need to avoid measures as far as possible that deter live music, dancing and theatre. If there is evidence that licensing requirements deter such activities, such requirements may be referred to the appropriate body to review.
- 6.6.6 The Licensing Authority shall consider attaching conditions to licences and permissions if it is felt necessary to meet the Licensing Objectives, and these may include conditions drawn from the 'Pools of Conditions' Annex D as published in the Guidance issued under section 182 of the Act.
- 6.6.7 The Licensing Authority endorses and recommends to applicants the Portman Group Code of Practice on the naming, packaging and promotion of Alcoholic drinks, applicants should have regard to this Code of Practice when submitting their applications.
- 6.6.8 If relevant representations are received the Licensing Authority reserves the right to attach conditions to a licence requiring the presence of staff for:
- Security
  - To ensure the safety of persons on site

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- Stewards to organise advise and direct members of the public.

6.6.9 Conditions could be necessary on the times when certain licensable activities take place even though the premises may be open to the public at such times. For example, the playing of music after a certain time might be prohibited, even though other licensable activities are permitted to continue.

6.6.10 Conditions might be necessary on the parts of premises that might be used for certain licensable activities at certain times. For example, while the provision of regulated entertainment might be permitted while the premises are open to the public or members and their guests, regulated entertainment might not be permitted in a pub garden after a certain time.

6.6.11 Conditions might be necessary to limit noxious smells and/ or light pollution from the premises.

### 6.7 MISUSE OF ILLEGAL SUBSTANCES / SAFER CLUBBING PUBLICATION

6.7.1 The Licensing Authority recognises that drug use is not something that is relevant to all licensed premises. However, it does recognise that where a relevant representation is received which objects to a licence due to drug use conditions may have to be imposed. The aim of these conditions is to reduce and aim to prevent the sale and consumption of drugs, and to create a safer environment for the patrons. Such conditions may be taken from the 'Safer Clubbing' publication issued by the Home Office. Nightclub premises licence holders are expected to have considered matters to be addressed in that document, which are also listed in Annexe E of the Guidance issued under section 182 of the Act.

6.7.2 When conditions under paragraph (above) are applied, the Licensing Authority will notify the local Drug Action Team, the Police and the Licensing Authority's Community Safety Officer, or any other organisation or person that it considers appropriate.

6.7.3 Where representations have been received substantiating concerns of possible drink spiking occurring on premises, conditions may be attached to assist its prevention. Such conditions may be taken from the Model Pool of Conditions relating to drug related rape.

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### **6.8 LICENSING HOURS**

- 6.8.1 The Licensing Authority will consider the licensing hours for each application for a premises licence on its own merits, taking into account any representations received.
- 6.8.2 The Licensing Authority is obliged to take into account the Government guidance notes issued under Section 182 of the Act that states that longer licensing hours with regard to the sale of alcohol are important to ensure that the concentrations of customers leaving premises simultaneously are avoided.
- 6.8.3 The general principle should be to promote longer opening so that customers leave for natural reasons, slowly over a much longer period. This is to prevent concentrations of customers leaving premises simultaneously.
- 6.8.4 Paragraphs 6.8.2 and 6.8.3 above are aimed at reducing the friction at late night fast food outlets, taxi ranks and other sources of transport which could lead to disorder and disturbance.
- 6.8.5 With regard to shops, stores and supermarkets, the Licensing Authority considers that they should be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are very good reasons for restricting those hours. For example, a limitation may be appropriate following Police representations in the case of individual shops known to be a focus of disorder and anti-social behaviour.

### **6.9 CHILDREN'S ACCESS TO LICENSED PREMISES**

- 6.9.1 The Licensing Authority recognises the great variety of premises for which licences may be sought, including theatres, cinemas, restaurants, concert halls, cafes, take-aways and fast food outlets, as well as public houses and nightclubs. Therefore, the Licensing Authority shall not limit the access of children to premises unless it is deemed necessary for the prevention of harm to children.

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6.9.2 The Licensing Authority obliges every applicant for a premises licence or club premises certificate to copy their application to the Strategic Director (Children Young Persons Integrated Services - CYPIS) to specifically consider the objective of the prevention of children from harm.

6.9.3 However, the Licensing Authority may consider that there is particular concern in respect of the prevention of children from harm. Whilst the following examples are not exhaustive, these might include premises:

- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises;
- Where there has been a conviction for serving alcohol to minors;
- Where in the opinion of the Police there is a known association with drug taking or dealing;
- Where there is a strong element of gambling on the premises (excluding small numbers of cash prize machines);
- Where entertainment of an adult or sexual nature is commonly provided;
- Where hypnotism entertainment takes place.
- During “Happy Hours” or drinks promotions night.

6.9.4 The Licensing Authority will expect the Strategic Director (Children Young Persons Integrated Services - CYPIS) to comment on any application where representations suggest that there should be concerns over access for children.

6.9.5 Even when a Licensing Authority has concerns in relation to that detailed in paragraph 6.9.3 above, it would still be exceptional for the Licensing Authority to impose a complete ban on children without first considering at least the following options, which are not exhaustive :-

- Limitations on the hours when children may be present;
- Age limitations (below 18);
- Limitations or exclusions when certain activities are taking place;
- Limitations on the parts of premises to which children might be given access;
- Requirements for accompanying adult;
- Full exclusion of people under 18 from the premises when any licensable activities are taking place;

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- Requirements for the production of proof of age cards or other age identification before sales are made to individuals under 21 years old.

6.9.6 Equally, the Licensing Authority will not impose conditions requiring the admission of children to any premises. Where no licensing restriction is necessary, this will remain a matter for the discretion of the individual licensee or club, and the Licensing Authority will not interfere with that discretion.

6.9.10 In the case of premises giving film exhibitions, the Licensing Authority expects licensees to impose conditions within the premises Operating Schedule that children will be restricted from viewing age-restricted films classified according to the recommendations of a Film Classification Body, currently the British Board of Film Classification, or by the Licensing Authority itself in cases it considers appropriate.

6.9.11 In the case of a premises licence holder intending to exhibit a film not classified by a Film Classification Body, the Licensing Authority, upon notification, shall impose restrictions upon the admission of children as it considers appropriate to the film.

### 6.10 UNDER-AGE SALES

6.10.1 The sale of alcohol to persons under 18 is an offence under the Licensing Act 2003 and could result in prosecution, simple caution or the issuing of a Penalty Notice for Disorder (PND). The Licensing Authority will treat representations that these offences have occurred seriously when they arise in connection with a representation or review of a premises licence or club certificate.

6.10.2 The Licensing Authority will consider seriously any representation made by the Police, Weights & Measures Authority, other responsible authorities, and interested parties regarding the sale of alcohol to persons under 18.

6.10.3 Where representations or reviews arise and the Licensing Authority determines that the crime prevention objective, or protection of children from harm objective, is being undermined through the premises selling alcohol to persons under 18, the revocation of the licence will be seriously considered. However revocation remains an option if other licensing objectives are being undermined.

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6.10.4 The Licensing Authority will also consider the imposition of conditions relating to the sale of alcohol to persons under 18 where necessary to promote the licensing objectives. The conditions may relate to the training of staff, management procedures, signage and proof of age checks such as the “Challenge 21” initiative or other similar scheme.

6.10.5 The Licensing Authority will assess each premise on its own merits where a representation or review regarding under age sales has been requested.

### **6.11 ENFORCEMENT**

6.11.1 Once licensed, it is essential premises are maintained and operated by the club committee, premises license holder and the designated premises supervisors so as to ensure the continued promotion of the Licensing Objectives and compliance with the specific requirements of the 2003 Act. The Licensing Authority will make arrangements to monitor premises and take appropriate action in line with its approved enforcement policy.

6.11.2 The Licensing Authority will work closely with all ‘authorised persons’ to carry out inspections and enforcement roles, and has established protocols to ensure an efficient deployment of resources engaged in enforcing licensing law and inspecting licensed premises.

## **7 POLICIES RELATING TO PERSONAL LICENCES AND DESIGNATED PREMISES SUPERVISORS**

### **7.1 PERSONAL LICENCES**

7.1.1 The Licensing Authority will ensure that only the requirements of the Act will be used to decide whether an individual should receive a licence to sell alcohol. It recognises that it is not in its remit to judge the fitness of an individual in the absence of proper representation from the Police.

7.1.2 Where a new application is being made under the Licensing Act 2003 the following criteria apply to an applicant:-

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- the applicant is over 18 years old;
- the applicant possesses a licensing qualification approved by the Secretary of State;
- the applicant has not forfeited a personal licence within the last 5 years;
- the Police have made no representation;
- the applicant has paid the appropriate fee.

Where the above criteria are satisfied a personal licence shall be issued by the appropriate officer. Where any convictions are disclosed where granting the licence would undermine the crime prevention objective and give rise to a police objection, the Licensing Authority will hold a hearing within the specified timescales (20 working days after the end period within which the Chief Officer of Police gives notice under Section 120 (5) of the Licensing Act 2003).

- 7.1.3 Personal licenses may be sought by any individual whether or not they have current employment or business interests associated with the use of the licence.
- 7.1.4 Criminal Record Bureau certificates will be accepted if completed up to 1 month before the date of application subject to the certificate being accompanied by a declaration that no further convictions have been received or pending since the issue date.
- 7.1.5 Where an applicant is found to have an unspent conviction for a relevant or foreign offence, and the Police object to the application on crime prevention grounds, the applicant is entitled to a hearing before the Licensing Sub-committee.
- 7.1.6 In the circumstances described in paragraph 7.1.5 above, the Licensing Authority will follow the Secretary of State's advice that the refusal of the application should be the normal course unless there are, in the opinion of the Licensing Sub-committee, exceptional and compelling circumstances which justify granting the application.
- 7.1.7 Personal licence holders must notify the Licensing Authority of any convictions sustained during the period of the licence.

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7.1.8 Renewal of the licence every ten years allows the Licensing Authority the opportunity to ensure no convictions have been missed and that the licence has been endorsed properly. Therefore Criminal Record Bureau certificates must accompany all renewal applications.

### **7.2 DESIGNATED PREMISES SUPERVISORS**

7.2.1 The Designated Premises Supervisor must be a personal licence holder.

7.2.2 The Licensing Authority expects police officers, fire officers or officers of the Licensing Authority to be able to identify immediately the Designated Premises Supervisor or a Personal Licence Holder as the person of authority, to ensure any problems can be dealt with swiftly. The Licensing Authority will normally expect the Designated Premises Supervisor to have been given the day to day responsibility for running the premises by the holder of the Premises Licence and, as such, would normally expect them to be present on the premises on a frequent basis.

7.2.3 The Police are permitted under the Licensing Act 2003 to object to the designation of a new premises supervisor where they believe the appointment would undermine the Crime Prevention Objective or the Crime and Disorder Strategy. This includes the transfer of a Designated Premises Supervisor. Where the police do object, the Licensing Authority will arrange for a hearing and such hearings will be given priority over other types.

### **8. POLICIES RELATING TO TEMPORARY EVENT NOTICES**

8.1.1 The Licensing Authority recognises that only the police may intervene to prevent such an event arranged under a Temporary Event Notice that meets the required criteria in paragraph 8.1.2 below. In this respect, the receipt of a Notice less than ten working days before the date of the proposed event, notwithstanding the date that it was sent, may give the police due reason for concern about the organisers ability to properly address any concerns over the Crime Prevention Objective within the remaining short period, and the Licensing Authority would accept any such representations accordingly. The Licensing Authority actively encourages applicants to give 28 days notice of such events so that appropriate guidance and advice can be given to organisers.

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- 8.1.2 The Licensing Authority will only intervene on such events if the limits on the number of Notices that it may be given in various circumstances are exceeded:-
- the number of times a person may give a Temporary Event Notice (50 times per year for a Personal License holder and 5 times per year for other people);
  - the number of times a Temporary Event Notice may be given in respect of any particular premises (12 times in a calendar year, and aggregate maximum of 15 days);
  - the length of time a Temporary Event may last for these purposes (96 hours); and
  - the scale of the event in terms of the maximum number of people attending at any one time (less than 500).
- 8.1.3 The Licensing Authority expects persons organising events under Temporary Event Notices to have proper respect for the concerns of local residents and to follow any advice given by Environmental and Consumer Protection Services, the police, the fire authority or any other relevant agency promoting public protection.
- 8.1.4 When the Notice is not within the parameters described in paragraph 8.1.2 above, the Licensing Authority will issue a Counter Notice to the person giving the Notice.
- 8.1.5 Exceptionally, the police may issue an Objection Notice to an event because they believe it would undermine the Crime Prevention Objective. In such circumstances, the Licensing Authority will consider the objection by way of a hearing.
- 8.1.6 At a hearing described in paragraph 8.1.5 above, the Licensing Authority will confine its consideration solely to Crime Prevention Objectives, and not to any other objective of the Act.
- 8.1.7 Where an activity is generally aimed at children under the age of 18, the licensing of alcohol at these events will not generally be permitted. However each application will be decided on its merits.

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### **9. POLICIES RELATING TO CLUB PREMISES CERTIFICATES**

9.1.1 The Licensing Authority recognises that private premises to which public access is restricted, and where alcohol is supplied other than for profit, give rise to different issues for licensing law than presented by commercial enterprises selling direct to the public.

9.1.2 The Licensing Authority shall encourage clubs to take advantage of the benefits offered to such premises bearing in mind that, strictly, alcohol is 'supplied' to members of clubs, and 'sales' do not actually take place. Such benefits include:-

- The authority to supply alcohol to members and sell it to guests without the need for any member or employee to hold a Personal Licence;
- The absence of a requirement to specify a Designated Premises Supervisor;
- More limited rights of entry for the Police and Authorised Persons because the premises are private and are not generally open to the public;
- Not being subject to Police powers of instant closure on grounds of disorder and nuisance except when operating under a Temporary Event Notice or premises licence because they operate under their Codes of Discipline and Rules which are rigorously enforced; and
- Not being subject to potential Orders of the magistrates' court for the closure of all licensed premises in an area when disorder is happening or expected.

9.1.3 The Licensing Authority will entertain an application for a full premises licence if the Club decides it wishes to offer its facilities commercially for use by the general public.

9.1.4 The Licensing Authority will only issue a Club Premises Certificate if the conditions in Sections 61 and 63 of the Licensing Act 2003, and other requirements of the Act, are satisfied.

9.1.5 The Licensing Authority will consider requests for Clubs to supply alcohol for the consumption off premises during times that the premises are open for the purposes of supplying alcohol to its members on the premises.

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9.1.6 Any permission granted under paragraph 9.1.5 above will be subject to the alcohol being supplied in a sealed container, and only supplied to members of the Club.

9.1.7 The Licensing Authority, whilst acknowledging the importance of sex equality to society generally, will not consider representations on such applications based on different treatment for people of different gender, in view of it not being a Licensing Objective.

9.1.8 Save for the above paragraphs and other restrictions within the Licensing Act 2003, the Licensing Authority will apply the other policies relating to premises applications, detailed from paragraphs 6.1-6.10.5 above, to Club Premises Certificates.

### **10 OUTSIDE EVENTS**

10.1.1 The Licensing Authority advises applicants for outside events to contact the licensing officer 6 months prior to the event to discuss the need for a premises licence.

10.1.2 Where events may be of a large, diverse or contentious nature the Licensing Authority advise that the organisers discuss the event with the Safety Advisory Group to discuss potential issues relating to the licensing objectives that could result in representations being made.

10.1.3 The Safety Advisory Group is made up of the responsible authorities, emergency services and other relevant bodies that advise on the safety and local impact of events within the Borough of Poole.

10.1.4 Any advice given by the Safety Advisory Group will not preclude responsible authorities and interested parties from making representations relating to the event.

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### Appendix 1 – Table of Delegation of Licensing Function

MATTER TO BE DEALT WITH	FULL COMMITTEE	SUB-COMMITTEE	OFFICERS
Application for personal licence		If a representation Made	If no representation Made
Application for personal licence with unspent convictions		All Cases	
Application for premises licence/club premises certificate		If a representation Made	If no representation Made
Application for provisional statement		If a representation Made	If no representation Made
Application to vary premises licence/club registration certificate		If a representation Made	If no representation Made
Application to vary designated personal licence holder		If a police representation	All other cases
Request to be removed as designated personal licence holder			All cases
Application for transfer of premises licence		If a police representation	All other cases
Application for Interim Authorities		If a police representation	All other cases
Application to review premises licence/club premises registration certificates		If a representation Made	All other cases
Decision on whether a representation is irrelevant, frivolous, vexatious etc		If requested by a Member of the Licensing Authority or a Service Unit Head	All other cases
Decision to object when local authority is a consultee and not the lead authority		All cases	
Determination of a police representation to a temporary event notice		All cases	

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Reviews of Statement of Licensing Policy	All Cases (to recommend to Full Licensing Authority)		
Receiving Reports on the needs of the local tourist economy and cultural strategy	All Cases		
Receiving reports on the employment situation in the District and the need for investment and employment where appropriate.	All Cases		
Mediation between objectors and applicants with a view to taking steps to meet the licensing objectives without the need of hearing under policy 6.2.1			All Cases

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### Appendix 2

#### LICENSING ACT 2003

#### TERMINOLOGY

Appointed Days	The dates when different provisions of the Act come into force.
Appeals	Appeals against decisions of the licensing authority are to the magistrates' court for the area in which the premises are situated. The appeal must be lodged in 21 days. On appeal a magistrates' court may, dismiss the appeal; substitute its own decision; remit the case to the licensing authority with directions; and make an order for costs.
Authorised Persons, Interested Parties and Responsible Authorities	The Act creates three categories of people/bodies that can make representations to a licensing authority about an application for a licence. "Authorised persons" "Interested parties" and "Responsible authorities" Only these groups can make representations about an application for a premises licence. "Authorised Persons" - includes bodies empowered by the Act to carry out inspection and enforcement roles. In respect of all premises, these include the police, officers of the licensing authority, fire authority inspectors, inspectors locally responsible for the enforcement of the Health and Safety at Work etc. Act 1974, environmental health officers. In respect of vessels, they also include an inspector or a surveyor of ships appointed under section 256 of the Merchant Shipping Act 1995. These would normally be officers acting on behalf of the Maritime and Coastguard Agency. The Secretary of State may also prescribe other authorised persons by means of a statutory instrument. For the definition of Interested Parties and Responsible Authorities see below.
Closure Order	Powers for the police and courts to close premises. The 2003 Act significantly extends the existing powers of the police to seek court orders in a geographical area that is experiencing or likely to experience disorder or to close down instantly individual licensed premises that are disorderly, likely to become disorderly or are causing noise nuisance.

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Club Premises Certificate	A certificate which licences a qualifying club for the sale/supply of alcohol. It can be granted to members clubs which comply with specific conditions e.g. membership rules, run by club committees, profits go to members not an owner etc. Club premises certificates replace “registration” under the Licensing Act 1964. The law for members clubs has changed relatively little under the 2003 Act. There is no time limit on the duration of the certificate but it may be withdrawn, surrendered or suspended.
Conditions	A premises licence may be granted subject to different conditions, and these may be in respect of different parts of the premises and different licensable activities. There is no power to impose conditions on a personal licence. Secretary of State’s guidance provides “The only conditions which should be imposed on a premises licence or club premises certificate are those which are necessary for the promotion of the licensing objectives. Accordingly, if the existing law already places certain statutory responsibilities on an employer or operator of premises, it cannot be necessary to impose the same or similar duties on the premises licence holder”. Conditions must be proportional and tailored to size, style, characteristics and activities taking place at the premises concerned.
Designated Premises Supervisor	The person designated in the premises licence as the person who is responsible for supervision of the premises e.g. the day-to-day manager. Any premises where alcohol is supplied as a licensable activity must have a designated premises supervisor
Interim Authority Notices	Where a premises licence lapses due to the death, incapacity or insolvency etc of the holder, specified persons can within 7 days serve an interim authority notice on the licensing authority. This revives the licence, subject to police objection, for a period of up to 2 months so the premises can continue trading. This is the equivalent to “interim authorities” and “protection orders” under the Licensing Act 1964
Interested Parties	Includes the bodies or individuals who are entitled to lodge representations on applications for premises licenses or variations of such licenses or who ask the licensing authority to review a premises licence. These include persons living in the vicinity of the premises in question; bodies representing persons living in that vicinity, for example, residents’ associations; individuals involved in business in the vicinity of the premises in question; and a body representing persons involved in such businesses, for example, a trade association or

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Council member. It should be noted that any of these individuals or groups may nominate a representative to express their comments on their behalf. For example, a legal representative, friend, Member of Parliament, Member of the National Assembly for Wales, Member of the European Parliament, or local ward Councillor. In the case of the last of these, any Councillor who is also a member of the Licensing Committee making such representations on behalf of the interested party should disqualify him- or herself from any involvement in the decision-making process affecting the premises licence in question.

Late Night Refreshment	Supply of hot food or hot drink between 11pm and 5am whether for consumption on or off the premises e.g. will cover late night takeaways and fast food outlets but also restaurants open after 11pm.
Licensable Activities	Activities that must be licensed under the Act: The sale by retailers of alcohol; supply of alcohol by a club; provision of regulated entertainment; provision of late night refreshment
Licensing Authority	Local authorities (unitary, district or county Licensing Authorities)
Licensing Committee	A committee of at least 10 but not more than 15 members of the local authority. May have one or more sub-committees consisting of at least three members
Licensing Objectives	The objectives of licensing set out in the Act: The prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm. The Licensing Authority must carry out its functions under the Act with a view to promoting the licensing objectives.
Mandatory Conditions	Conditions that the Act requires are imposed on a premises licence or club premises licence in specified circumstances.
Objection Notice	A procedure whereby the police can object to the grant of a personal licence on the grounds that where having regard to convictions of the applicant for relevant offences, the grant would undermine the crime prevention objective.
Operating Schedule	A document in a prescribed form that sets out information about how the applicant for a premises licence

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

Personal Licence	A licence granted to an individual and authorises that person to supply alcohol or authorise the supply of alcohol in accordance with a premises licence. The licence lasts for 10 years and can be renewed. It ceases to have effect when revoked, forfeited, surrendered or suspended. A personal licence holder is not required where the premises concerned do not supply alcohol as one of its licensable activities. A personal licence holder is also not required for the supply of alcohol in a club which holds a club premises certificate. Only the police can object to the grant of a personal licence (there is no equivalent to relevant representations as for premises licences).
Premises Licence	A licence granted in respect of any premises, which authorises the premises to be used for one or more licensable activities. Has effect until revoked, surrendered or death, insolvency etc of the holder. Applications dealt with by the local authority Licensing Committee in the area where the premises are situated.
Provisional Statement	A procedure by which the licensing authority can give a statement approving for licensing purposes proposals for a premises being built or in the course of being constructed. Equivalent to a "provisional grant" under the Licensing Act 1964. Where a provisional statement is made, subject to limited exceptions, the full licence must normally be granted once the premises are completed.
Regulated Entertainment	Specified entertainment that takes place in the presence of an audience for their entertainment; performance of a play, exhibition of a film, indoor sporting event, performance of live music, playing of recorded music, performance of dance, other entertainment similar to music and dancing.
Relevant Offences	Offences relevant to the consideration of an application for the grant of a personal licence and about which the police may serve an "objection notice". The offences are listed in schedule 4 of the 2003 Act and generally

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relate to drink, dishonesty, drugs, duty, copyright, food safety, sexual offences & violence.

### Relevant Representations

The 2003 Act does not use the term “objections”. Instead authorised persons, interested parties and responsible authorities may be able to make relevant representations about an application for a licence. Representations must relate to the licensing objectives and where made by an interested party must not be frivolous or vexatious. When considering an application from an interested party or responsible authority the local authority need only consider relevant representations. The making of relevant representations engages the licensing authorities discretion to take “steps” consistent with the licensing objectives when considering the application.

### Responsible Authority

Includes public bodies that must be consulted about and that are entitled to lodge representations about applications for premises licenses or major variations of such licenses or who may ask the licensing authority to review a premises licence. In the case of all premises, these include the police; the fire authority; the local enforcement agency for the Health and Safety at Work etc Act 1974; the local authority with responsibility for environmental health; and any licensing authority, other than the relevant licensing authority, in whose area part of the premises are situated. In relation to vessels only, responsible authorities also include navigation authorities within the meaning of section 221(1) of the Water Resources Act 1991 that have statutory functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is proposed to be navigated at a time when it is used for licensable activities; the Environmental Agency; the British Waterways Board; or the Secretary of State. The last of these refers to consultation with the Maritime and Coastguard Agency, which being an Executive Agency of Government has no statutory existence and acts for the Secretary of State for Transport. The Secretary of State may prescribe other responsible authorities by means of statutory instrument.

### Review of Licence

Where a premises licence is in force an interested party or responsible authority may apply to the licensing authority for it to be reviewed. The authority must hold a hearing to review the licence and as a result must take any necessary steps to promote the licensing objectives, such as the modification of conditions; exclusion of licensable activities; removal of the premises supervisor; suspension of the licence for up to three months; or the revocation of the licence. E.g. neighbours of a public house causing a public nuisance could apply to the licensing authority for the premises licence to be reviewed.

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Statement of Licensing Policy	Each licensing authority must every three years determine and publish a statement of licensing policy. There is a requirement to consult on the policy and keep it under review.
Steps	The Act refers to “steps” that the licensing authority can take where relevant representations have been made about an application. These are the grant subject to conditions; exclusion of licensable activities; rejection of the proposed premises supervisor; and rejection of the application.
Temporary Event Notices	A procedure where an application can be made to transfer the premises licence into a new name e.g. if a premises licence holder sells his premises an application may be made to transfer the premises licence to the new owner
Transfer	A procedure where an application can be made to transfer the premises licence into a new name e.g. if a premises licence holder sells his premises an application may be made to transfer the premises licence to the new owner
Undertakings	Not a term contained in the 2003 Act but relevant to how it operates. Many licences granted under the Licensing Act 1964 contained conditions but also often contained “undertakings”. Undertakings (sometimes referred to as assurances) were promises to the magistrates’ court Licensing Committee to do certain things, such as attend a training course; install CCTV; not to alter an off-licence without seeking the consent of the Committee etc. Breach of an undertaking was not an offence but could call into question whether the licensee was fit and proper person. Failure to comply with undertakings could mean that the Licensing Committee would be reluctant to grant future applications. Under the Licensing Act 2003 transitional provisions, unless there is an application for variation or a new licence, all conditions will transferred to the new licence, however undertakings are not converted and will be lost
Variation Procedures	Procedures set out in the Act that allow applications to be made to vary a premises licence.

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### **Appendix 3 – The Prevention of Crime and Disorder**

Section 17 of the Crime and Disorder Act 1998 introduced a wide range of measures for preventing crime and disorder. A duty was imposed on the local authority, Dorset Police and others to consider crime and disorder reduction in the exercise of all of their duties. The Licensing Act 2003 complements this duty for licensing authorities.

This Appendix is designed to assist applicants decide what should be included in their Operating Schedule for Premises with respect to addressing the Licensing Objective of Preventing Crime and Disorder.

The applicant must have due regard to the objectives of the Crime and Disorder Reduction Strategy for the area, which includes reducing anti-social behaviour, criminal damage and vandalism, violent crime and substance and alcohol misuse.

The Licensing Authority will have particular regard to representations from the police in deciding whether the prevention of crime and disorder issues has been adequately addressed. It will not normally grant an application for a licence or variation of a licence where representations indicate that any matter has not been addressed sufficiently to avoid a potential negative impact on crime and disorder, unless the applicant can demonstrate compelling reasons why the application should be approved in the light of these representations.

This list of matters to consider is not exhaustive and applicants are encouraged to include other matters that they consider relevant to the individual circumstances of their premises.

The Licensing Authority encourages applicants to consider the following matters to be considered within the Operating Schedule, even if the applicant simply explains why it is considered that certain measures are not necessary.

#### **Applicants should consider the following:**

1. whether any persons need to be employed to carry out any security activity within the premises and surrounding areas. All such persons must be licensed with the Security Industry Authority. Applicants should list the days and times door supervisors will be used. This may be during certain peak periods, or even during specific type of events.

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2. the steps taken or to be taken to ensure that appropriate instruction, training and supervision is given to those employed or engaged in the premises to prevent incidents of crime and disorder
3. whether the use of CCTV would be appropriate to the premises. This might be considered suitable if there is a history of disorder or drug misuse in the building.
4. the features currently in place or planned for physical security at the premises such as lighting outside the premises.
5. if the sale and consumption of drugs is perceived as occurring on the premises, consider the advice of the local Police, and Poole Drugs Action Team, and the Home Office publication, 'Safer Clubbing', whilst formulating the premises' Operating Schedule.
6. means of communication between premises staff and the local police in the event of disorder to facilitate incidents to be reported quickly and warnings to be given to other premises.
7. if a capacity limit for the premises is appropriate to avoid overcrowding and possible disorder, consider whether door staff are needed to properly control the number of persons at the premises.
8. means of preventing serious injury in the event of disorder, such as the use of plastic drinking containers or toughened glass, a ban on the sale of drinks in bottles (unless adequate bottle management policies are in place) or preventing the removal of alcoholic drinks from the premises in glasses or open bottles.
9. whether a requirement that 'proof of age' is necessary to prevent persons who are underage from purchasing alcohol. This may be more appropriate at certain premises.
10. if fixed prices and/or 'happy hours' are used for promoting alcoholic drinks, consider ways in which these can be used responsibly to prevent drunkenness on the premises.
11. the use of warning notices as a means of informing persons at the premises of the prevalence of crime.

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12. any appropriate additional measures taken or to be taken for the prevention of violence or public disorder

The extent to which the above matters need to be considered will be dependent on the individual style and characteristics of the premises, proposed events and activities. In general, however, the Licensing Authority will expect more comprehensive measures to be in place at late night entertainment venues or in premises with a history of crime and disorder issues. The Licensing Authority will not normally expect applicants for late night food outlets to include the sale of alcohol in their operating schedules.

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### **Appendix 4 – Public Safety**

The Licensing Authority is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. Members of the public have a right to expect, when visiting licensed premises, that due consideration has been taken of their needs with respect to public safety.

This Appendix is designed to assist applicants decide what should be included in their Operating Schedule for Premises with respect to addressing the Licensing Objective of Public Safety. The list is not exhaustive and applicants are encouraged to include other matters that they consider relevant to the individual circumstances of their premises.

The Licensing Authority will have particular regard to representations from Environmental Services officers, Dorset Fire and Rescue Service and the Police to determine if measures proposed are sufficient to ensure the safety of the public. It will not normally grant an application for a licence or variation of a licence where representations are made by one of the above mentioned bodies expressing serious concern regarding public safety, unless the applicant can demonstrate compelling reasons why the application should be approved in the light of these representations.

Queries concerning Health and Safety within the premises can be directed to Environmental Services officers within Environmental and Consumer Protection Services of the Borough of Poole, whilst Dorset Fire and Rescue Service are available to answer specific enquiries on the prevention of fire.

The Licensing Authority does not seek to duplicate responsibilities already held under other statutes, but where safety issues are either unique to the premises, or to the Licensing Objectives, they will look at attaching relevant conditions.

The Licensing Authority encourages applicants to consider the following matters to be considered within the Operating Schedule, even if the applicant simply explains why it is considered that certain measures are not necessary.

**Applicants should consider the following:**

#### **For All Premises:**

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1. Arrangements to provide for adequate access for Dorset Fire and Rescue Services for fire fighting.
2. Special arrangements required to provide safe access and egress of all persons when persons with disabilities are present on the premises.
3. The condition, design and layout of the premises, including the means of escape in case of emergency.
4. The number of people that can safely be accommodated at the premises having regard, in particular to floor area and means of escape.
5. Arrangements for ensuring that any capacity limit imposed is not exceeded.
6. Applicants should also take into account arrangements for ensuring that localised overcrowding does not occur.
7. The arrangements and delegated responsibilities for calling the Emergency Services in the event of an emergency.
8. The effective ventilation of the premises so as to maintain healthy conditions.
9. The arrangements for an emergency alarm warning system, and emergency lighting.
10. The provision and effective maintenance of flame-retardant upholstery, curtains, hangings and temporary decorations.
11. The adequate provision of first aid when persons are present on the premises.
12. The provision of staff training/instructions on emergency precautions and evacuation procedures in the event of an emergency.
13. The arrangements for keeping records of safety checks, tests, examinations, emergency drill instructions, accidents, and any emergency incidence.

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14. The sanitary accommodation provided and whether additional facilities are required during special events.
15. The facilities for communications with the staff, public and performers, taking into account the nature and size of the premises.
16. The arrangements to ensure that any electrical installation, including those of a temporary nature, are inspected and adequately maintained in line with national guidelines.
17. The provision of adequate safety signs throughout the premises.
18. The use of special effects and the impact on public safety.
19. Measures for the appropriate instruction, training and supervision of those employed or engaged to secure the safety of everyone attending the premises or event. Applicants should also have regard to the implementation of appropriate crowd management measures.

### **Indoor Sports:**

1. The provision of a qualified medical practitioner where boxing, wrestling, or sports of a similar nature are taking place.
2. The effective safety of performers and the public at wrestling events or sports of a similar nature.
3. The provision of staff trained in rescue and life safety procedures where water sports are provided.
4. The implementation of any Code of Practice by the relevant governing body for that particular sport.

The extent to which the above matters need to be addressed will be dependent on the individual style and characteristics of the premises, proposed events and activities.

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### **Appendix 5 – The Prevention of Public Nuisance**

Licensed premises have a significant potential to impact adversely on communities through public nuisances which can arise from their operation. The Licensing Authority recognises the need to prevent public nuisance to residents, visitors and other businesses from the potential consequence of the operation of licensed premises, whilst balancing the rights of licensed premises to develop their business potential.

This Appendix is designed to assist applicants decide what should be included in their Operating Schedule for Premises with respect to addressing the Licensing Objective of the Prevention of Public Nuisance.

The list is not exhaustive and applicants are encouraged to include other matters that they consider relevant to the individual circumstances of their premises.

The Licensing Authority will have particular regard to representations from relevant officers as well as the police to determine if measures proposed are sufficient to reduce the risk of public nuisance. It will not normally grant an application for a licence or variation of a licence where representations are made by one of the above mentioned bodies expressing serious concern regarding the potential for public nuisance, unless the applicant can demonstrate why the application should be approved in the light of these representations.

Queries concerning the control of noise within the premises can be directed to the Environmental and Consumer Protection Services at the Borough of Poole.

The Licensing Authority does not seek to duplicate responsibilities already held under other statutes, but where issues are either unique to the premises, or to the Licensing Objectives, they will look at attaching relevant conditions.

The Licensing Authority encourages applicants to consider the following matters to be considered within the Operating Schedule, even if the applicant simply explains why it is considered that certain measures are not necessary.

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### **Applicants should consider the following:**

1. The steps required to prevent noise and vibration escaping from the premises including music, ventilation equipment and human voices, such as limiting volume of amplification, whether by electronic means or otherwise.
2. To prevent noise or vibration escaping from the premises by installation of soundproofing and/or air conditioning.
3. Taking steps required to ensure patrons and staff leave quietly, particularly late at night, or in the early hours of the morning. Such measures could include asking patrons to leave quietly and not slam car doors, erecting prominent notices at the exits to premises, and making public address announcements to the same effect.
4. Instructing any employed door supervisors to ask patrons to leave the area quietly.
5. Consider the steps required to prevent disturbances when patrons queue in the street such as organising queues away from residential property and in a way that does not cause obstruction.
6. Organising patrols of the immediate vicinity around the premises to assess whether problems exist.
7. If appropriate introduce a 'wind down' period between the end of the licensable activities and closure of the premises.
8. Banning people from the premises that regularly leave in a noisy or disruptive manner.
9. Preventing flashing or bright lights causing a nuisance outside of the premises.
10. The amount of parking and/or public transport available for patrons at certain hours of the day and night when deciding the hours of entertainment and sale of alcohol hours. Applicants should consider making arrangements with a local bus or taxi company to collect patrons from within the premises.
11. Introduce management arrangements for the collection and disposal of litter from the premises or patrons using the premises.

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12. The steps required to prevent noxious smells causing a nuisance outside of the premises.
13. Controlling the hours of use of parts of premises – e.g. garden areas.

The extent to which the above matters need to be addressed will be dependent on the individual style and characteristics of the premises, proposed events and activities.

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### **Appendix 6 – The Protection of Children from Harm**

The Licensing Authority is committed to protecting children from harm. Nevertheless, The Licensing Authority has taken account of the view of the Government that the use of licensed premises by children should be encouraged. It will, therefore, not normally impose either conditions requiring or prohibiting the admission of children to any premises, believing that this should remain a matter of discretion of the licence holder. However it will where necessary impose conditions designed to protect children.

This Appendix is designed to assist applicants decide what should be included in their Operating Schedule with respect to addressing the Licensing Objective of the Protection of Children from Harm.

The Licensing Authority will have particular regard to representations from the local Area Child Protection Committees and other child protection agencies to determine if measures proposed are sufficient to ensure that children are adequately protected from harm. It will not normally grant an application for a licence or variation of a licence where representations are made by the relevant designated bodies expressing serious concern regarding child protection or safety, unless the applicant can demonstrate why the application should be approved in the light of these representations.

The list is not exhaustive and applicants are encouraged to include other matters that they consider relevant to the individual circumstances of their premises.

The Licensing Authority does not seek to duplicate responsibilities already held under other statutes, but where issues are either unique to the premises, or to the Licensing Objectives, they will look at attaching relevant conditions.

The Licensing Authority encourages applicants to consider the following matters to be considered within the Operating Schedule, even if the applicant simply explains why it is considered that certain measures are not necessary.

Applicants should consider the following:

1. The requirement to prevent access for children under 18 years from premises where entertainment of an adult nature is provided.

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2. The requirement to exclude unaccompanied children under 12 from premises after 10.00 pm. If children are to be permitted, the necessary steps to protect them from harm will need to be detailed.
3. If a variety of activities are to take place, consider the need for age restrictions for particular events at certain times of the day.
4. The requirement to prevent the access of children to theatres when the entertainment may include that of an adult nature.
5. Where regulated entertainment is specifically presented for children, the Licensing Authority will expect the following arrangements in order to control their access and egress and to assure their safety:
  - an adult member of staff to be stationed in the vicinity of each of the exits from any level, subject to there being a minimum of one member of staff per 50 children or part thereof.
  - no child unless accompanied by an adult to be permitted in the front row of any balcony.
6. The arrangements that are needed to ensure the safety of children taking part in performances. Where children are present at an event as entertainers, the Licensing Authority will expect an adult to be nominated as responsible for such child performers.
7. Arrangements for appropriate recruitment, vetting, instruction, training and supervision of those employed or engaged to secure the protection of children from harm.
8. Where there is provision of entertainment specifically for children (e.g. a children's disco or supervised play area) the Licensing Authority will expect sufficient adults to be present to control the access and egress of the children and secure the protection of children, including child performers, from harm. It will expect those caring for or supervising children to have undergone an appropriate Criminal Record check.

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### Appendix 7 – List of Consultees

- AB Travel
- Age Concern Poole
- Alcohol Concern
- Allport Autos
- Ariel Taxis
- Arrowsmith Road Residents Association
- Arts Licensing Authority
- Asda Stores Ltd
- Association of Convenience Stores
- Association of Licensed Multiple Retailers
- Atlas Private Hire
- Bearwood Community in Action
- BEDA Ltd
- Berwin Leighton Paisner
- Black and White Radio Taxis
- Borough of Poole
- BP
- Branksome Park Residents Association
- Branksome Residents Association
- Branksome Towers Residents Association
- British Hospitality and Restaurant Association
- British Institute of Innkeeping
- British Marine Federation
- British Pub and Beer Association
- British Retail Consortium
- British Transport Police Bournemouth
- Broadstone Residents Association
- Broom Hill Residents Association
- Business in Sport and Leisure
- Canford Heath Residents and Community Association
- Canford Heath Senior Residents Club
- Chamber of Trade and Commerce Broadstone
- Chamber of Trade and Commerce Poole and District
- Chartered Institute of Environmental Health
- Cinema Exhibitors Association (CEA)
- Circus Arts Forum
- Come Lucky Cars
- Co-Operative Group
- Dial a Cab Poole
- Dorset Ambulance Service
- Dorset Fire and Rescue Service
- Dorset Lake Association
- Dorset Police
- Drake Court Residents Association
- Eldridge Pope
- Ellis Jones Solicitors
- Enterprise Inns PLC
- Equity
- Esso Petroleum Company Ltd
- Existing Licensees
- Express Cars
- Federation Of Licensed Victuallers
- Federation of Small Businesses - Wessex Region
- Greene King Pub Partners
- Guild of Master Victuallers
- Hall and Woodhouse Retail
- Hillside Cars Poole
- HM Customs and Excise
- Holes Bay Residents and Preservation Association
- Iceland Foods PLC

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- Lake Residents Association
- Late-night refreshment establishments
- Laurel Pub Company
- Lester Aldridge
- Licensed Victuallers Association – Poole
- Licensing Justices
- Local Government Association
- Malcolm E Roberts - Licensing Consultant
- MD Ridgeway Licensing Services
- Merley Community Association
- Mitchells and Butlers
- Moortown Drive Residents Association
- Musicians' Union
- National Association of Kebab Shops
- National Outdoor Events Association
- National Taxi Association
- Oakdale Residents Community Association
- Osborne Clarke Solicitors
- Parkstone Bay Residents Association
- Parkstone Cars
- Poole Addictions Community Team
- Poole Against Retail Crime
- Poole Drug Action Team
- Poole E.D.D.A.A.S
- Poole Harbour Commissioners
- Poole Hospital NHS Trust
- Poole Housing Partnership Ltd
- Poole Old Town Conservation Group
- Poole Police Divisional Headquarters
- Poole Police Station
- Poole Radio Cabs
- Poole Town Centre Management
- Poole Town Taxis
- Poppleston Allen Licensing Solicitors
- Pubmaster Limited
- Restaurateurs Association
- Roofie Foundation
- Safeway Stores Ltd
- Sainsbury's Supermarket Ltd
- Sandbanks Association
- Scottish and Newcastle Retail
- Shell
- Somerfield Stores Ltd
- South Longfleet Residents Association
- Talbot Village Residents Association
- Tarrant's Taxis
- Tesco Stores Ltd
- Texaco Ltd
- The Civic Trust
- The Committee of Registered Clubs Association
- Wadworth and Co Ltd
- Wilts and Dorset Bus Company Ltd
- Wizard Inns
- Woodland Manor Estates - Canford Park Arena
- Yellow Buses