



**South
Cambridgeshire
District Council**

South Cambridgeshire District Council

Licensing Act 2003 Statement of Licensing Policy

Policy Effective Date: 31 January 2024

CONTENTS

Executive Summary	3
1. Purpose and Scope of the Licensing Policy	4-5
2. Exemptions	6
3. Licensing Objectives	6-7
4. Consultation	7-8
5. Cumulative Impact	8-9
6. Early Morning Restriction Orders	9
7. Licensing Hours	9
8. Children and Licensed premises	10-11
9. Children and Cinemas	11
10. Enforcement	11
11. Conditions of Licensing	11-12
12. Integration with Council Strategies	12-13
13. Drink Spiking Prevention and Tackling Sexual Harassment	13
14. The Licensing process	13-14
15. Large Scale Events and Festivals	14-15
16. Alcohol Delivery Services	15
17. Personal Licences	15-16
18. Provisional Statements	16
19. Open Spaces	16
20. Temporary Event Notices	16-17
21. Sexual Entertainment	17
22. Reviews	17-18
23. Fees	18
24. Equal Opportunities	19
25. Contacts and applications	19-20

ANNEXES

Annex A Pool of conditions	21-28
Annex B Table of Delegated Functions	29
Annex C Licensing Sub-Committee Hearing procedure	30-31

Executive Summary

The Licensing Act 2003 introduced major changes to the law relating to alcohol sales and supply, Public Entertainment and Late-Night Refreshments. A unified system of regulation through District Councils has been fully operational since February 7th 2005. There are two types of licence: the Premises Licence and the Personal Licence. South Cambridgeshire District Council assume responsibility for licensing all outlets within the District that sell or supply alcohol or carry out any of the licensable activities as described within this policy.

Since the introduction of the Licensing Act 2003 the authority and partners have established strong communication networks to share and gather intelligence, identify premises and operators whose activities undermined the objectives, and target resources in a measured response to resolve issues resulting from underperforming operators.

The challenges facing the authority and enforcement agencies, working with licensed premises in the district, are the allocation of limited resources over a large geographical area (and to remote areas) and encouraging operator engagement from a minority of licence holders whose activities may jeopardise the Licensing Objectives.

The Licensing Act 2003 permits flexibility in how premises are permitted to operate and includes the possibility of extensions to opening hours balanced against greater accountabilities, new offences and strong enforcement powers.

The system is underpinned by four key objectives:

- 1) The Prevention of Crime and Disorder
- 2) Public Safety
- 3) The prevention of public nuisance
- 4) The protection of children from harm

The Act requires the Licensing Authority to publish and keep under review a statement of its Licensing Policy. Whilst the Act requires the Licensing Authority to review its policy at five-year intervals it is incumbent upon the authority to keep its policy under review during this period.

South Cambridgeshire District Council continues to integrate its responsibilities with existing policies, strategies, and legislation and in particular those that have a direct relevance to any of the four key objectives. The Council recognises that the Act does not exempt the Council from fulfilling its obligations under s17 of the Crime and Disorder Act 1998.

1. Purpose and Scope of the Licensing Policy

1.1 South Cambridgeshire is a rural area comprising over 100 villages that surround the City of Cambridge. It is recognised that licensed premises contribute much to the economic, cultural, and social life of the District. This Council recognises the Central Government's aim to 'improve the quality of life for all through cultural and sporting activities, support the pursuit of excellence, and champion the tourism, creative and leisure industries.

1.2 This Licensing Policy Statement has 3 main objectives, which are:-

- (a) To inform applicants of the basis and process under which the Council will make Licence decisions, and therefore how a licensed premises is likely to be able to operate within the area
- (b) To inform residents and businesses of the basis and process under which the Council will make decisions on Licence applications and therefore how their needs will be addressed.
- (c) To inform elected members on the Licensing Committee of powers of the Council and the limits of those powers, and to provide elected members with the parameters under which to make their decisions.

This Policy relates to all licensed premises within the South Cambridgeshire area.

1.3 Licensing is about the regulation of licensable activities in licensed premises or licensed areas, qualifying clubs, and temporary events within the terms of the Licensing Act 2003. Any conditions attached to licences or certificates will be focused on matters that are within the control of the individual licensee, and others in possession of relevant authorisations, and which reflect at least one of the four licensing objectives. In instances where the authority does not receive relevant representations from a responsible authority or interested party it has no legal authority to impose conditions on a licence other than those proposed within the application.

1.4 The Local Authority is able to grant or reject applications for the sale of alcohol, the provision of entertainment or late-night refreshment. However, the ability of the Council to take decisions is limited by the provisions of the Licensing Act and regulations made under the Act; and to a lesser degree by the guidance issued by the Secretary of State. The authority will have regard to this policy statement where its discretion is engaged.

This policy document should not be regarded or interpreted as an indication that any requirement of licensing or other law may be overridden.

1.5 This policy is produced in line with the requirement of the Act and is in line with revised guidance issued under section 182 of the Act, as amended by the Police Reform and Social Responsibility Act 2011 (referred to as PRSR Act 2011 hereafter). It applies to activities that the Council is responsible for under the Licensing Act 2003 (The Act). These responsibilities are laid out within the Act as:-

- The retail sale of alcohol (including via the internet, mail order, and including the sale of wholesale quantities to the public)
- Supply of alcohol to club members
- Supply of hot food or drink from premises between the hours of 23:00

and 05:00 (this includes takeaways).

- The provision of regulated entertainment

- 1.6 The Police Reform and Social Responsibility Act 2011 created provision for Local Authorities to act as a regulator in addition to their role as administrator. The law does not place a requirement on 'Responsible Authorities' to make representations in respect of the grant of a premises licence or club premises certificate. South Cambridgeshire District Council will only make representations where concerns arise from a view that, in granting permissions, or where permission already exists, that the Licensing Objectives are likely to be or are being undermined.
- 1.7 The Authority will not make representations on behalf of other parties and will have regard to S.182 guidance advice on when it is appropriate for the council to act as Responsible Authority. Where the council believes that it is more appropriate for other parties to make representations, it will advise those parties of this requirement; in response to any request made to the council to act on their behalf. The council also acknowledges S.182 guidance with respects to the need for divided functions, in the interest of transparency and fairness to all parties concerned with applications.
- 1.8 The licensing authority will consider making representations, where a number of minor infringements or unconnected complaints, that in themselves do not require another Responsible Authority to make representation, but when taken together present a breach of conditions or undermine one or more of the objectives.
- 1.9 'Any person' may make representations in relation to applications for the grant and variation (including minor variation) of a premises licence or club premises certificate and may also make an application for the review of an existing licence/certificate where the council validates the grounds for review. The council will decide if representations are 'relevant' and should be included in a licensing hearing for determination by the licensing sub-committee. Where the Council considers that a representation is frivolous or vexatious and/or does not address the likely effect on any or all of the licensing objectives, the Council will reject the submission.
- 1.10 Any person wishing to make a representation, in connection with an application, is encouraged to read the application in conjunction with the operating schedule provided by the applicant/operator. The schedule will include information on the steps to be taken by the operator, to promote the Licensing Objectives. Reading the schedule may impact on a decision to make a representation, as the reader may be satisfied that adequate measures are in place to safeguard local communities, and therefore may prevent the submission of unnecessary objections to the authority.
- 1.11 This authority recognises the legislative changes introduced since the last policy review, namely the Immigration Act 2016 and the Policing and Crime Act 2017 and will incorporate these pieces of legislation into its licensing processes as a matter of course.
- 1.12 The Council must comply with the Public Sector Equality Duty in the exercise of its functions and have due regards to the needs of persons who share a relevant protected characteristic (i.e. age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation). A full equality impact assessment will be prepared should committee recommend this draft policy to full Council.

2. Exemptions

- 2.1 There are exemptions relating to specific circumstances where authorisation may not be required. Guidance on such exemptions should be sought from the Licensing Authority.
When considering whether an activity constitutes 'the provision of regulated entertainment' the authority will treat each case on its individual merits.
- 2.2 The Live Music Act took effect from 1 October 2012, and since 6th April 2015 applies to recorded music, and covers larger audiences. The Act disapplies live music related conditions if the following criteria are satisfied:
- a. There is a premises licence or club premises certificate in place permitting 'on sales';
 - b. The premises are open for the sale or supply of alcohol for consumption on the premises;
 - c. Live or recorded music is taking place between 8am and 11pm;
 - d. If the live music is amplified or recorded, the audience consists of no more than 500 people.

Live music also ceases to be classed as regulated entertainment under the Licensing Act 2003 if the above criteria are satisfied.

- 2.3 "Live Music" includes vocal and instrumental music and also karaoke singing. Pre-recorded videos played on karaoke machines are likely to require authorisation for "Films" but if only the words to the song are displayed then no authorisation is required.
- 2.4 The Act also creates a general exemption that live unamplified music provided **anywhere** shall not be regarded as the provision of regulated entertainment under the Licensing Act 2003 if it takes place between 8am and 11pm, regardless of the number of people in the audience.
- 2.5 There are a number of mechanisms for the protection of residents, and these are:
- a. Upon a review of the premises licence the Licensing Authority can determine that conditions on the premises licence relating to live or recorded music will apply even between 8am and 11pm;
 - b. If the Premises Licence doesn't presently authorise live or recorded music the Licensing Authority can add conditions to the Premises Licence as though the live or recorded music were regulated entertainment authorised by that Premises Licence, again to apply between 8am and 11pm.
 - c. The Licensing Authority can determine that live or recorded music at the premises is a licensable activity, and live or recorded music can no longer be provided without permission on the Premises Licence or a Temporary Event Notice
- 2.6 Other noise legislation, for example in the Environmental Protection Act 1990, will continue to apply. The Live Music Act **does not** allow licensed premises to cause a noise nuisance

3. Licensing objectives

3.1 The Council has a duty under the Act to carry out its functions in relation to licensing with a view to promoting the four Licensing objectives which are:-

- (a) The Prevention of Crime and Disorder
- (b) Public Safety
- (c) The Prevention of Public Nuisance
- (d) The Protection of Children from Harm.

Each objective is of equal importance.

3.2 To achieve these objectives the Council will use its full range of powers and will engage all relevant responsibilities including planning controls, transport controls, crime reduction controls and relevant policies or strategies that will promote the Licensing objectives. The Council will work closely with the Police, Fire Service, Businesses, community representatives and local people in meeting these objectives.

3.3 Nothing in this Licensing Policy Statement will:-

- Undermine the right of any individual to apply under the terms of the Act for a variety of permissions and to have any such applications considered on their individual merits.
- Override the right of any person to make representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the Act.

3.4 Every application will be dealt with on its individual merits. Where the Council 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 or local business) which is a relevant representation, it may refuse to grant or to vary an application or it may impose conditions provided such conditions promote one or more of the licensing objectives. The Council is aware of the powers under the Anti-Social Behaviour Act (s 40,41 - noise causing a public nuisance) and is also aware that the use of conditions and the application of Licensing law should not be used as a tool in the control of anti-social behaviour either by groups or individuals once those groups or individuals are beyond the direct control of a person or organisation responsible for licensed premises. The Council stresses that there are many additional powers available to other bodies to control such behaviour.

3.5 The Licensing Authority expects every licence holder or event organiser to minimise the impact of their activities on the surrounding area. Whether or not incidents can be regarded as being within the control of licensed premises will depend on the specific circumstances of the case. In cases of dispute the question will ultimately be decided by the courts. In addressing this matter, the Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

3.6 The licensing authority recognises that alcohol can cause harm and supports the commitment of the Cambridgeshire Health and Wellbeing Strategy to 'minimise the negative impacts of alcohol and illegal drugs and associated behaviour on individual and community health and wellbeing'.

- 3.7 Although the protection of public health is not a discrete licensing objective, it can be pertinent to each of the licensing objectives. The role of the Director of Public Health (DPH) is to help promote the health and wellbeing of the local populations they serve. Promotion of the licensing objectives, which collectively seek to protect the quality of life for those who live and work in the vicinity of licensed premises is an important contribution to this.
- 3.8 The licensing authority recognizes that the DPH is able to provide useful data and evidence of alcohol-related harms, such as health services activity data, which may be directly relevant to an application under the Act.

4. Consultation

- 4.1 South Cambridgeshire District Council will consider the views of those it consults. The Policy will take effect from 31st January 2024 and will be reviewed in line with Government Guidance. However, the Council will keep the policy under review and may amend the Policy at any time. Should such action be required it will only be done following appropriate consultation.
- 4.2 S.5 of the Act stipulates a number of persons who have an interest in licensing and must be consulted on any Licensing Policy, these are:-
- The Chief of Police
 - The Fire Authority
 - Persons or bodies representative of local holders of premises licences and club premises certificates
 - Persons or bodies representative of local holders of Personal Licences
 - Persons or bodies representative of businesses and residents in the area
 - Director of Public Health
- 4.3 This Council will consult with all of the above and any other relevant persons or bodies that it considers appropriate. The views of these bodies/persons will be given appropriate weight when the policy is determined.
- 4.4 In addition we will consult with Parish Councils and other additional bodies as appropriate in relation to policy.

5. Cumulative Impact

- 5.1 There is strong evidence for a relationship between alcohol outlet density and alcohol-related harms, including social disorder. Cumulative Impact Policies can be a useful tool in limiting alcohol outlet density. Due to the geographical makeup of the district the Authority. South Cambridgeshire District Council has no evidence to suggest that there is a current need to adopt a 'special policy'.
- 5.2 The term 'cumulative impact' should not be mistaken with "need" which relates more specifically to the commercial demand for a particular type of premises i.e. a Pub or Hotel. The issue of need is a matter to be dealt with by development control or by the consumer market and therefore need does not form part of the licensing policy statement.
- 5.3 The Council may receive representations on the cumulative impact of an application from either a responsible authority or an interested party (as defined within the act) to the effect that an area is becoming saturated by premises of a certain type and is therefore acting against one of the four licensing objectives. In

such cases the cumulative impact can be considered when determining any individual case. In determining any need for a policy for any particular area the Council will have regard to section 182 guidance.

- 5.4 The Council will not adopt a quota which in effect determines any application before it is submitted.
- 5.5 Regard will be given to the particular characteristics of the premises within the given area. It is recognised that Pubs, Restaurants, Clubs etc all have different needs and offer different facilities to the public. Proper regard to these differences will be given and the differing impact they may have on the local community will be considered.

6. Early Morning Restriction Orders

- 6.1 Early Morning Restriction Orders (EMRO's) give licensing authorities the discretion to restrict sales or supply of alcohol in the whole or parts of a district. These provisions came into force on 31st October 2012 and are intended to tackle high levels of alcohol related crime and disorder, nuisance and anti-social behaviour.
- 6.2 The Council will only take the decision to introduce an EMRO where it considers that there is sufficient evidence to suggest that this measure is an appropriate and proportionate response, to matters arising from licensed premises, within the district or specific areas within the district.
- 6.3 There are currently no EMRO's in operation within any area of South Cambridgeshire.

7. Licensing Hours

- 7.1 The Council recognises current Government guidance in that flexible licensing hours can avoid a concentration of customers leaving simultaneously, which can alleviate public nuisance in circumstances where there are a large number of premises closing at the same time, particularly in town and city centres.
- 7.2 It is also recognised that licensing hours should not inhibit the development of a thriving and safe evening and night-time local economy. Providing consumer choice and flexibility will be balanced against the four licensing objectives and the rights of local residents to peace and quiet. The Licensing Authority makes no general presumption in favour of lengthening licensing hours and the four licensing objectives are of paramount consideration at all times.
- 7.3 Shops, stores and supermarkets which hold appropriate licences should generally be permitted to sell alcohol for consumption off the premises at all times at which they are open for the sale of other items. However in the case of individual premises known to be a focal point of disorder or in an area with a proven history of drink related public nuisance or crime and disorder then subject to Police representations a limitation of licensing hours will be considered. Should South Cambridgeshire District Council adopt a Cumulative Impact Zone in any area, it will be presumed that restrictions on activities and hours will result.
- 7.4 In general the Council will deal with the issue of licensing hours on the individual merits of each application taking into account the objectives of the Licensing Act.
- 7.5 It is important to note that "opening hours" - the times when premises are open to the public are not necessarily identical to the hours during which licensable activities may take place. For example, a Public House may open in the early

mornings for deliveries, maintenance etc but not to conduct a licensable activity such as the sale or supply of alcohol.

8. Children and premises

8.1 The protection of children from harm is one of the four licensing objectives. The Council has taken account of the view of the Government that access to licensed premises by children should be encouraged subject to the limitations of the Act. The Council also recognises there is a wide range of premises that may be required to hold a licence under the Licensing Act 2003 and such premises include pubs, nightclubs, cafes, theatres, cinemas, community halls and schools amongst others. Access to all types of premises will not be limited unless it is subject to limitations under the Act or is considered necessary to do so to protect children from physical, moral or psychological harm.

8.2 When deciding whether to limit access to children or not the Council will treat every application on its individual merits. The following are examples of premises that may give rise to concerns over the suitability of access by children:-

- a) Where entertainment or services of an adult or sexual nature are commonly provided (for example, topless bar staff, striptease, lap/table or pole dancing, performances involving feigned violence or horrific incident, feigned or actual sexual acts or fetishism, or entertainment involving strong or offensive language.)
- b) Where there is a strong element of gambling on the premises (but not for example, the simple presence of a small number of cash prize gaming machines, which are addressed under the Gambling Act 2005).
- c) With a known association with drug taking or dealing as notified to the Council by the Police
- d) Where there have been convictions of members of the current staff at the premises for serving alcohol to minors or premises with a reputation for underage drinking
- e) Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises (for example, pubs).

It is expected that complete bans will be rare. Options for limiting access by children for their protection from harm may include:-

- f) A limit on the hours when children may be present at the premises
- g) A limitation or exclusion of children under certain ages when particular specified events are taking place.
- h) Limitations on the parts of premises to which children might be given access
- i) Age limitations (below 18)
- j) The requirement to be accompanied by a responsible adult (over 18yrs of age)

K) Full exclusion of those people under 18 from the premises when any licensable activities are taking place.

8.3 The Council cannot impose conditions requiring children to be admitted to any premises. This is up to the discretion of the individual premises. However, conditions may be imposed on premises to clearly inform the public before they enter the premises whether children are permitted access or not.

8.4 Venue operators seeking premises and club premises certificates may wish to volunteer prohibitions and restrictions in their operating schedules because their own risk assessments have determined that the presence of children is undesirable or inappropriate. Where no relevant representations are made to the council, these volunteered prohibitions and restrictions will become conditions attaching to the licence and will be enforceable as such.

9. Children and Cinemas

9.1 In the case of premises licensed for the exhibition of films conditions will be imposed in line with any limitations imposed by the British Board of Film Classification (BBFC). In such cases where an exhibition of a film does not hold a BBFC certificate, the venue operator will be expected to self-regulate the film in line with the BBFC classification system. In the absence of any recognised certification, the Licensing Authority will retain the right to view the film prior to its being shown to the general public and impose an age restriction as it considers appropriate to promote the Licensing objectives.

10. Enforcement

10.1 Licensing Law is not the primary mechanism for the general control of nuisance and anti-social behaviour beyond licensed premises. However, licensed premises must be maintained and operated so as to ensure the continued promotion of the Licensing objectives and compliance with specific requirements of the Act. The Council will establish and maintain enforcement protocols with the Police and other enforcement agencies to ensure that the most effective use is made of enforcement resources. These protocols will provide targeting for known problem premises and high-risk premises as well as potentially problematic individual licensed events. In line with the Council's enforcement policy [Corporate enforcement & inspection policy - South Cambs District Council \(scambs.gov.uk\)](https://www.scambs.gov.uk/enforcement-and-inspection-policy) (a 'lighter touch' approach will be adopted for low-risk premises and those which are well run.

11. Conditions of Licensing

11.1 This Policy does not provide for any "standard conditions" to be imposed, this is to avoid the imposition of disproportionate and burdensome requirements. Conditions attached to licences will be tailored to reflect the individual style, characteristics and requirements of the activities concerned. It should be noted that "pools of conditions" from which appropriate and proportionate conditions may be drawn in particular circumstances are provided in this policy statement (Annex A). It should also be made clear that any conditions attached to a premises licence can only be attached if they are compatible with the operating schedule or are the result of a relevant representation having been made. Where the authority imposes conditions, it will consider if the conditions are clear, enforceable and whether they are expressed in plain language for operators and their staff to understand.

- 11.2 Conditions will not be imposed which are beyond the responsibility or the control of the licence holder. Where conditions are imposed on premises licences and club certificates they will so far as possible reflect the Local Crime Prevention Strategy but they must also be reflective of one or more of the four licensing objectives. Conditions cannot be imposed on licences and certificates for other purposes.
- 11.3 Conditions relating to late night refreshment outlets must relate to the night-time operation of the premises and will not be used to control daytime activities.
- 11.4 Conditions attached to premises licences and club premises certificates, will so far as possible, reflect local crime prevention strategies.
- 11.5 When attaching appropriate conditions individually to relevant applications or where it is necessary to depart from the guidance, either in this policy or at any other time, the Council will give clear reasons for doing so.
- 11.6 Where a Community Premises applies for disapplication of the mandatory conditions relating to alcohol, the authority will have regard to the S.182 guidance and consider the matters below:
- if the premises in question satisfies the description contained within relevant law
 - if the applicant is a Management Committee of the premises in question and sufficient management arrangements are in place to ensure the adequate supervision of the supply of alcohol on the premises
 - any constitution or documented management structure submitted
 - if key members of the committee can be identified by the authority.

12. Integration with Council strategies

- 12.1 When considering and reviewing this policy the District Council will consider local and regional strategies and policies. However it recognises the need to avoid, so far as possible, duplication of existing legislation and other regulatory regimes that place obligations on employers and operators such as The Health and Safety at Work Act 1974, The Environmental Protection Act 1990, Children Act 2004, Disability Discrimination legislation, The Regulatory Reform (Fire Safety) Order 2005 The Immigration Act 2016 Anti-social Behaviour Crime and Policing Act 2014, Policing and Crime Act 2017.
- 12.2 The Council is aware of its obligations under the Equality Act 2010 as amended and the Public Sector Equality Duty and will have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups.
- 12.3 The Council recognises that the provision of regulated entertainment plays an important role for the wider cultural benefit of communities. The Licensing Authority subscribes to the view expressed in the Guidance to the Act that the absence of cultural provision in any area can in itself lead to a loss of community awareness and can expose young people to anti- social activities that damage local communities
- 12.4 A natural concern to prevent disturbance in neighbourhoods will always be carefully balanced with the wider cultural benefits, particularly the cultural benefits to children. In determining what conditions should be attached to licenses or certificates as a matter of necessity for the promotion of the Licensing objectives, the Council will bear in mind the need to avoid measures which might deter live

music, dancing, and theatre by the imposition of indirect costs of a disproportionate nature on the premises or applicant. However, the Council is clearly aware that each application should be considered on its individual merits and that the promotion of the four licensing objectives remains paramount.

- 12.5 Although in certain circumstances planning and licensing applications may be made in tandem it should be recognised that there is no pre-requisite for planning permission to be in place as part of the Licensing application. However in most cases, applications for permanent commercial premises licences should normally be presented with a copy of the planning consent for the property concerned. Licence applications are not an opportunity to revisit the planning or building control application process and will not cut across planning decisions. Similarly, the granting by the Licensing Committee of any variation of a licence which involves a material alteration to a building will not relieve the applicant of the need to apply for planning permission or building control approval where appropriate.
- 12.6 In circumstances where an applicant has made an application for both Licensing and planning in tandem, licensing officers and committees may consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs (S182 Guidance P 9.45)

13. Drink Spiking Prevention and Tackling Sexual Harassment

- 13.1 Resident and visitor safety, especially the safety of those using the night-time economy, is an important factor that the Council, applicants and licence holders have to take into consideration, especially as national reports of violence against women and girls (the Home Office published the national strategy on tackling this matter on 21 July 2021), the spiking of drinks and spiking by injection are on the increase.
- 13.2 Applicants and licence holders are encouraged to engage in national and local schemes that promote customer safety, such joining any local Pubwatch scheme, promoting 'Ask for Angela' in venues; using resources and support available from Cambridgeshire and Peterborough Domestic Abuse and Sexual Violence Partnership (www.cambsdasv.org.uk) and national initiatives tackling violence against women and girls

14. The Licensing process

- 14.1 One of the major principles underlying the Act is that the licensing functions contained within the Act should be delegated to an appropriate level so as to ensure speedy, efficient and cost-effective service delivery.
- 14.2 The powers of the Council under the Act may be carried out by the Licensing Committee, by a Sub-Committee or by one or more officers acting under delegated authority.
- 14.3 Many of the functions will be largely administrative in nature with no areas of contention. In the interests of efficiency and cost effectiveness officers will for the most part, carry these out.
- 14.4 A Licensing sub-Committee will consider all applications where there are relevant representations and will also consider any application for review of a licence unless considered repetitious, vexatious or frivolous.
- 14.5 The Council will expect individual applicants to address the licensing objectives in

their Operational Schedule having regard to the type of premises, the licensable activities to be provided, the operational procedures, the nature of the location and the needs of the local community. Applicants' are advised to pay careful attention to completing the operating schedule accompanying any application. Failure to fill in the operating schedule may result in a decision by the Authority to reject applications, as a blank schedule may be indicative of a failure to consider the likely effect of the grant of any permission on the Licensing Objectives or steps to be taken in order to promote the objectives.

15. Large Scale Events and Festivals

- 15.1 Event organisers expecting high-capacity attendance (typically, but not exclusively Over 5,000) to events are advised, in addition to a plan of the premises, to include information relating to available capacity on the premises, safe capacity limits (whilst attendees are stationary and walking) at a venue, crowd flow i.e. the direction that people are expected to enter and exit premises, and how it is proposed to ensure that safe limits are not exceeded whilst within the boundary of the premises or during entry or exit during ordinary circumstances and in an emergency situation. Information relating to proposed emergency plans, during ingress and egress, and whilst within the boundary of the site should be included with applications.
- 15.2 Organisers of large events are requested to detail all proposed means of communication with event attendees in emergency situations and how they propose to manage the crowd in the event of an emergency and communicate messages that may have a negative impact on the mood of the crowd.
- 15.3 Organisers of large events and music festivals are also strongly encouraged to consider measures to prevent violence against women, girls and any other vulnerable people by:
- a) ensuring staff are trained to identify and report issues, this training should include awareness and safety of:
 - i. lone customers leaving the venue, especially if the customers appear vulnerable (drunk or under the influence of drugs);
 - ii. unwanted touching, contact or attention
 - b) ensuring the correct staff are in place,
 - c) make sure staff have contact details available for private hire/taxi firms, booking a vehicle for customers if needed;
 - d) having a safe place to take customers if required;
 - e) having a zero tolerance towards drugs, having systems in place to prevent drugs from entering the premises, and dealing with issues of drug use, this should be included within staff training;
 - f) having signage in place at entrances and within the venue with regards to customer welfare and safety
- 15.4 Where the Authority receives a risk assessment, and has concerns that the assessment is either out of date, does not address emergency situations adequately or is not fit for purpose, it reserves the right to request that the organiser can demonstrate that proper consideration has been given to crowd management and safety. Organisers of large-scale events are advised to seek independent advice, in addition to advice from the Councils Safety Advisory Group.
- 15.5 Pre-application dialogue between stakeholders is encouraged in order to address

potential problems and avoid unnecessary hearings and appeals. The onus is on the applicant to ensure that the details of the application are correct at the time of submission. The Authority will endeavour to contact the applicant for clarification of any ambiguous details contained within an application, however if the Authority deem that significant errors have been made within the application, then the application will be rejected. The interpretation of what is an obvious and minor factual error shall rest with the Licensing Authority.

15.6 Applicants will be encouraged to make themselves aware of any relevant planning and transportation policies, tourism and cultural strategies or local crime prevention strategies and to have taken these into account, where appropriate, when formulating their Operating Schedule.

15.7 With regard to minor variations the Licensing Authority shall take into account The supplementary Guidance issued under Section 182 on the simplified process for minor variations to Premises Licences and Club Premises Certificates. Minor variations would generally fall in to four categories:

- Minor changes to the structural layout of a premise
- Small adjustments to licensing hours, but not including extensions to hours for sale of alcohol
- Removal of all out of date, irrelevant or unenforceable conditions or the addition of volunteered conditions
- The addition of certain licensable activities

In all cases related to minor variations the overall test is whether the proposed variation would impact adversely on any of the four licensing objectives. Applicants should be aware that a minor variation cannot be used to extend the hours for sale or supply of alcohol as defined in the legislation, or where changes increase the capacity for drinking on the premises. It is the view of the Licensing Authority that the minor variation process should not generally be used to seek an increase in hours of live or recorded music where it remains a licensable activity under the relevant law.

16 Alcohol Delivery Services

16.1 The Licensing Authority is aware of the increase in alcohol delivery services, not just from supermarkets but from specialist alcohol retailers or food delivery outlets.

16.2 Such business, whilst many are operated very well, can cause concern due to their method of operation and applicants should consider very carefully how they promote the licensing objectives, particularly the protection of children from harm.

16.3 A strict Challenge 25 scheme should be put into place and a strong training programme on underage sales deliveries.

16.4 There is also an expectation that business websites will make it clear that sales may be not be fulfilled if appropriate ID is not provided and that terms of conditions of sales are robust.

17 Personal Licences

17.1 Any individual may apply for a personal licence whether or not they are currently employed within the alcohol industry. The application process is subject to clear guidelines within the Act, and it is recognised that in general the Local Authority

has no powers to refuse an application (unless the police raise an objection) provided that the correct application procedure has been followed and the applicant meets the criteria laid down in the Act. In cases where the Police have served an objection notice to any individual application a Committee or Sub-Committee of the Council will consider all applications where there are relevant representations.

17.2 If the licence is refused on grounds that there is still a risk to the community in granting the licence, the applicant maintains a right of appeal.

17.3 The Council recognises the introduction of the Immigration Act 2016 and will reflect its requirements in its processes.

18 Provisional Statements

18.1 Where an application is made in respect of premises being constructed for the purpose of being used for licensable activities or extended or otherwise altered; it will be possible for an application to be submitted and a provisional statement to be issued by the Licensing Authority. However, it should be made clear that the process to be followed in respect of attaining a provisional statement follows closely that of the normal application procedure.

18.2 Once a provisional statement has been issued the scope for further representations upon completion of works will be limited provided the original schedule of works was followed. Any decision of the Local Authority on an application for a provisional statement does not relieve the applicant of the need to comply with building control or planning legislation.

18.3 Provisional statements may not be sought or given for a vessel, a vehicle or a moveable structure.

19 Open Spaces

19.1 South Cambridgeshire District Council will consider where appropriate the licensing of public open spaces for events that are not covered by Temporary Event Notices.

19.2 In the case of festivals and carnivals, where a Premises Licence is required or a Temporary Event Notice is to be served, it will be the responsibility of the event organiser and the landowner to ensure that the appropriate permission is in place. Where appropriate, the Licensing Authority recommends that the organiser contacts the Safety Advisory Group as soon as is practicable in order to seek advice on holding their events in order to promote the four Licensing Objectives.

20 Temporary Event Notices (TEN)

20.1 Temporary Event Notices (TENs) may be submitted to permit the following licensable activities on a temporary basis, whether they are within a premises or outside, in an open space:

- Regulated entertainment: plays, films, recorded music, indoor sporting events, live music, boxing or wrestling entertainment, and performance of dance
- Late night refreshment: provision of hot food and/or hot drinks between 11pm and 5am
- Sale by retail of alcohol
- Supply of alcohol by or on behalf of a club to a member, or to the order of a member

- 20.2 A TEN may last for a maximum period of 168 hours. There are two types of TEN, a Standard TEN which must be served at least 10 clear working days before the event, and a Late TEN which can be submitted between 5 and 9 days before the event (if both cases, the service date does not include the day that the notice is served or the day of the event).
- 20.3 The system of permitted temporary activities gives police and Environmental Health the opportunity to consider whether they should object to a TEN on the basis of any of the licensing objectives:
- The Prevention of Crime and Disorder
 - Public Safety
 - The Prevention of Public Nuisance
 - The Protection of Children from Harm
- 20.4 Where a standard TEN was given, the licensing authority must consider the objection at a hearing.
- 20.5 At the hearing, the police, Environmental Health and the premises user may make representations to the licensing authority. Following the hearing, the licensing authority may decide to impose conditions which already apply to an existing premises licence or club premises certificate at the venue.
- 20.6 There is no scope for hearings, in respect of late TENs, and if objections are raised by the police or Environmental Health in relation to a late TEN, the notice will be invalid, and the event must not go ahead.

21 Sexual Entertainment

- 21.1 The Council has a policy in place relating to Sex Establishments and Sexual Entertainment venues. The policy was adopted in line with the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009. Standard conditions are attached to such licenses; however where similar conditions are attached to licences under the two regimes, the more onerous will apply.
- 21.2 The Council acknowledges that the Local Government (Miscellaneous Provisions) Act 1982 allows premises to provide sexual entertainment 11 times per year, where events are not being held more than once in a calendar month. The Authority would wish operators to notify the Licensing Officer of any intention to utilise the exemption provided, where no reference to adult entertainment has been included on the original premises licence application, and to highlight on a TEN where sexual entertainment is intended to take place and the nature of such entertainment.
- 21.3 Where concerns are raised that a premises providing sexual entertainment is undermining the licensing objects, it may lead to review of the licence and the imposition of conditions.

22 Licence reviews

- 22.1 The process set out in the Licensing Act 2003 for reviewing premises licences represents a key protection for the community where problems associated with the licensing objectives are occurring after the grant or variation of a premises licence.
- 22.2 The division of duties between officer role and the role of Responsible Authority will be clearly defined to ensure transparency and integrity is maintained in the decision-making process with respects to licensing functions. Only the Head of

Service Environmental Health and Licensing and Corporate Director for Health and Environmental Services will act as Responsible Authority for South Cambridgeshire District Council. The authority will ensure that an officer advising the licensing committee i.e. as the licensing authority will be a different person from the officer who is acting for the responsible authority. Whilst acting as Responsible Authority the relevant officers will not be involved in the licensing decision process and will not discuss the merits of the case with those involved in making the determination by the licensing authority.

- 22.3 The Licensing Authority will work in partnership with responsible authorities to achieve the promotion of the licensing objectives and will encourage responsible authorities to give licensees early warning of any concerns identified at a premises.
- 22.4 When a review (either as hard copy or electronically) has been requested the role of the Licensing Authority will be to administer the process and determine its outcome at a hearing.
- 22.5 The Licensing Authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives. In appropriate cases the Authority may issue an informal warning to the licence holder and/or recommend improvement within a particular period of time. Any warnings or recommendations will be issued in writing.
- 22.6 Where the Licensing Authority considers that action under its statutory powers is necessary it may take any of the following steps:
- to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition);
 - to exclude a licensable activity from the scope of the licence;
 - to remove the designated premises supervisor;
 - to suspend the licence for a period not exceeding three months;
 - to revoke the licence.
- 22.7 In cases where the crime prevention objective is being undermined the Licensing Authority will give serious consideration to revoking the licence even in the first instance or using powers inserted by section 21 of the Violent Crime Reduction Act 2006 and amended by sections 136 – 137 of the Policing and Crime Act 2017 including the addition of S.53D.

23 Fees

- 23.1 Where Central Government allow the setting of a local fee structure, the Council will set fees based on a cost recovery basis. Where the cost of enforcement activities is legally permitted, this will be included in the cost of fees in addition to the costs associated with administering Licensing Services.
- 23.2 The council must suspend premises licences and club premises certificates on the non- payment of annual fees. The council acknowledges the procedures set out in regulation when suspending permissions and guidance relating to such matters. Where an account is due for payment, a suspension notice will not be considered until a minimum period of 30 days has elapsed. The Council will notify operators of any intention to suspend a licence or club premises certificate in writing and will specify the date on which the suspension takes effect, acknowledging the legal requirements of notice.

24 Equal opportunities

- 24.1 The council is aware of its obligations under the Equalities Act 2010. Where a policy or function is identified as having an adverse impact on equality and diversity the authority will use available powers to resolve the problem. Anybody wishing to request a copy of the Policy in large print may do so by contacting the Authority on 01954 713000.

25 Contacts and Responsible Authorities

Licensing Service

South Cambridgeshire District Council
South Cambridgeshire Hall
Cambourne Business
Park Cambourne
Cambridgeshire
CB23 6EA

E-mail: licensing@scambs.gov.uk
Telephone: 01954 713000

Safety Advisory Group

South Cambridgeshire District
Council South Cambridgeshire
Hall Cambourne Business Park
Cambourne
Cambridgeshire
CB23 6EA

E-mail: SAG@scambs.gov.uk
Telephone: 01954 713000

Responsible Authorities

The Chief of Police
(licensing) Cambridgeshire
Constabulary Parkside
Police station Parkside
Cambridge
CB1 1JG

Email: scpap@cambs.pnn.police.uk

Cambridge Fire and Rescue service (Licensing)
Cambridge Fire and Rescue
Parkside Fire
Station Cambridge
CB1 1JF

Cambridgeshire Social
Services Licensing Applications
Safeguarding & Standards Unit
BOX NO: CC1010
Room C007, Castle
Court Shire Hall
Cambridge
CB3 0AP

Tel: 01223 706380

Fax: 01223 475965

Email: referral.centre2@cambridgeshire.gov.uk

Environmental Health Service
South Cambridgeshire District Council
Cambourne Business
Park Cambourne
Cambridgeshire
CB23 6EA

Email: env.envhealth@scambs.gov.uk

Directorate of Planning
South Cambridgeshire District
Council Cambourne Business Park
Cambourne
Cambridgeshire
CB23
6EA
Email: planning@scambs.gov.uk

Trading Standards (Licensing)
Cambridgeshire County Council
PO Box 450
Great Cambourne
Cambridge
CB23 6ZR

Email: ts.administration@cambridgeshire.gov.uk

Director of Public Health
PO Box No. CC1318
Shire Hall
Castle Hill
Cambridge
CB3 0AP

Email: kate.parker@cambridgeshire.gov.uk

Home Office

Email: alcohol@homeoffice.gsi.gov.uk

1. Pool of conditions

- 1.1 In addition to the Mandatory conditions attached to all premises licences where alcohol is included, guidance issued under section 182 of the Act outlines a number of conditions that may be used to promote the four objectives. Whilst this list is not exhaustive it is an indication to applicants of the conditions that may be considered appropriate in individual cases.
- 1.2 It should be noted that in addition to any relevant conditions placed on a premise that it is unlawful under the 2003 Act:
- (i) to knowingly sell or supply or attempt to sell or supply alcohol to a person who is drunk
 - (ii) to knowingly allow disorderly conduct on licensed premises
 - (iii) for the holder of a premises licence or a designated premises supervisor knowingly to keep or to allow to be kept on licensed premises any goods that have been imported without payment of duty or which have otherwise been unlawfully imported
 - (iv) To allow the presence of children under 16 who are not accompanied by an adult between midnight and 5am at any premises licensed for the sale of alcohol for consumption on the premises, and at any time in premises used exclusively or primarily for the sale and consumption of alcohol.

Conditions enforcing these arrangements will therefore be unnecessary

2. Conditions relating to Crime and Disorder

- (a) **Text/radio Pagers**
- 2.1 In cases where it is recommended that a condition requiring the text/radio pager links to the police should include the following requirements:
- (i) The text/pager equipment is kept in working order at all times;
 - (ii) The pager link is activated, made available to and monitored by the designated premises supervisor or a responsible member of staff at all times that the premises are open to the public;
 - (iii) Any police instructions/directions are complied with whenever given; and
 - (iv) All instances of crime or disorder are reported via the text/radio pager link by the designated premises supervisor or a responsible member of staff to an agreed police contact point.
- (b) **Door Supervisors** (registered with the Security Industries Authority)
- 2.2 The Local Authority recognises that in applications where door supervisors are referred to in the operating schedule conditions relating to door supervisors are mandatory. Where conditions are attached relating to the provision of door supervisors and security, they may be valuable in:
- (i) Preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder;
 - (ii) Keeping out excluded individuals (subject to court bans or bans imposed by licence holder);

- (iii) Searching and excluding those suspected of carrying illegal drugs or carrying offensive weapons and;
 - (iv) Maintaining orderly queuing outside venues
- (c) Where door supervisors are to be a condition of a licence, they are required to be licensed through the Security Industries Authority in line with the Securities Industry Act 2000, unless exempted by virtue of S.4 of the Act.
 - (d) Bottle bans

2.3 It is recognised that glass vessels (i.e. bottles and glasses) may be used as weapons inflicting serious harm during incidents of disorder. Conditions may include:

- (i) No bottles containing beverages of any kind, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff service away from the bar
- (ii) No customer carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public.

2.4 In appropriate circumstances conditions may exempt bottles containing wine or similar sold for consumption with a table meal by customers who are seated in a separate area from the bar.

(e) **Open containers not to be taken from the premises**

2.5 Drinks purchased in licensed premises or clubs may be taken from those premises for consumption elsewhere. This is lawful where premises are licensed for the sale of alcohol for consumption off the premises.

2.6 Consideration should be given to conditions preventing customers from taking alcoholic and other drinks from the premises in open containers such as cans, bottles or glasses to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises.

2.7 Restrictions on taking open containers from the premises may also be relevant necessary measures to prevent public nuisance.

(f) **CCTV**

2.8 The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Conditions may include:

- (i) The need to have CCTV cameras on the premises
- (ii) The precise positioning of each camera
- (iii) The requirement to maintain cameras in good working order
- (iv) The requirement to retain recordings for an appropriate period.

Other conditions that may be considered relevant to promote the reduction of crime and disorder may include:

- (i) Restriction on drinking areas
- (ii) Capacity limits
- (iii) Proof of age cards

- (iv) Crime prevention notices
- (v) Signage at or immediately outside the premises
- (vi) Use of plastic containers and toughened glass

3. Conditions relating to the protection of children from harm

(a) Age Restrictions – specific

3.1 The hours of day during which age restrictions may or may not apply. For example, the fact that adult entertainment may be present at premises in the evening does not mean that it would be necessary to impose age restrictions for earlier parts of the day.

3.2 Types of event or activity where consideration for age restrictions may be appropriate include “Happy Hours” or drinks promotion nights or activities of an adult nature.

(b) Age Restrictions – Cinemas

3.3 Should the Authority decide to make recommendations on the admission of children to films, the cinema or venue operator must submit any film to the Authority that it intends to exhibit 28 days before it is proposed to show it. This would enable the Authority time to classify it so that the premises licence holder is able to adhere to any age restrictions then imposed.

3.4 That when films are classified, by either the Film Classification Body as specified in the licence or the Licensing Authority they will be classified in the following way:

- U – Universal, suitable for audiences four years and over
- PG – Parental Guidance. Some scenes may be unsuitable for young children.
- 12A – Passed only for viewing by persons aged over 12 years or older or persons younger than 12 years when accompanied by an adult.
- 15 – Passed only for viewing by persons aged 15 years and over
- 18 – Passed only for viewing by persons aged 18 years of age and over

3.5 Conditions may require that immediately before any exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited for at least 5 seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the board or, as regards a trailer advertising a film, of the statement approved by the board indicating the classification of the film.

3.6 Conditions that where the Local Authority has made a recommendation on the restriction of admission of children to a film, notices are required to be displayed both inside and outside the premises to make people aware of the classification attached to any film or trailer.

3.7 Possible Expression of Condition:

- (a) Where a programme includes a film recommended by the licensing authority as falling into an age restricted category no person appearing to be under the age specified shall be admitted to any part of the programme; where a programme includes a film recommended by the licensing authority

as falling into a category requiring any persons under a specified age to be accompanied by an adult no person appearing to be under the age specified shall be admitted to any part of the programme unaccompanied by an adult, and the licence holder shall display in a conspicuous position a notice clearly stating the relevant age restriction and requirements. For example:

PERSONS UNDER THE AGE OF [INSERT AGE] CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME.

(c) **Conditions relating to Children's access to Theatres and performances especially for children**

- (i) Types of event or activity where consideration for the application of age restrictions may include activities of an adult nature.
- (ii) Conditions may require a sufficient number of adult staff on the premises to ensure the wellbeing of children on the premises during any emergency
- (iii) Where performances are presented especially for unaccompanied children in theatres and cinemas, conditions requiring an attendant be stationed in any area occupied by the children, in the vicinity of each exit or subject to a minimum of one attendant per 50 children on each level occupied by children may be required.

(d) **Children in performances**

- (i) Venue – The backstage facilities should be large enough to accommodate safely the number of children taking part in any performance
- (ii) Fire safety – All chaperones and production crew on the show should receive instruction on the fire procedures applicable to the venue prior to the arrival of the children.
- (iii) Special effects – It may be inappropriate to use or store certain chemicals and special effects, including but not limited to chlorinated water, smoke, dry ice, rapid pulsating or flashing lights which may trigger adverse reactions especially with regard to children.
- (iv) Applying relevant safeguarding policies, children performing at such premises should be kept under adult supervision at all times including transfer from stage to dressing room and anywhere else on the premises.

(e) **Proof of Age cards/ Portman code of practice**

- 3.8 Conditions may be attached to premises where alcohol is sold requiring the production of proof of age cards before any sale of alcohol takes place.
- 3.9 The Portman Group operates a code of practice on the naming, packaging and promotion of Alcoholic Drinks. The code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years or older. Via its website and in the trade press it issues bulletins notifying retailers of products that breach this code and asks them not to re-stock or display any such product or point of display material until such time as the code is complied with.
- 3.10 In certain circumstances it may be necessary to attach conditions requiring

premises to comply with the Portman Group Code of Practice.

4. Conditions relating to the prevention of public nuisance

4.1 Consideration may be given to conditions that ensure that noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties.

4.2 The following conditions may be considered:

- (a) A simple requirement to keep doors and windows at the premises closed;
- (b) Limiting live music to a particular area of the building;
- (c) Moving the location and direction of speakers away from external walls or walls that abut private premises;
- (d) Installation of acoustic curtains;
- (e) Fitting of rubber seals to doorways;
- (f) Installation of rubber speaker mounts;
- (g) Requiring the licensee to take measure to ensure that music will not be audible above background level at the nearest noise sensitive location;
- (h) Require the licensee to undertake routine monitoring to ensure external levels of music are not excessive and take appropriate action where necessary;
- (i) Require noise limiters on amplification equipment used at the premises (if other measures have been unsuccessful)
- (j) Prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
- (k) The use of explosives, pyrotechnics and fireworks of a similar nature, which could cause disturbance in the surrounding areas, are restricted.
- (l) The placing of refuse - such as bottles- into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.
- (m) Noxious smells from the licensed premises are not permitted (subject to existing legislation not providing adequate measures) so as not to cause a nuisance to nearby properties and the premises are properly vented.
- (n) Flashing or particularly bright lights on or outside licensed premises (any such condition must be balanced against the benefits of providing lighting to promote the prevention of crime and disorder).

Hours

4.3 The hours during which the premises are permitted to be open to the public or to members and their guests can be restricted by the conditions of a premises licence or club premises certificate for the prevention of public nuisance:

- (a) Conditions may be placed on premises restricting (other than where they are protected by the transitional provisions of the Act) the hours during which premises are permitted to be open to the public or to members and their guests.
- (b) Restrictions may be necessary on the times when certain licensable activities take place even though the premises may be open to the public at such times
- (c) Restrictions may be necessary on parts of a premise used for certain licensable activities at certain times.

5. Conditions Relating to Public Safety (including fire safety)

- 5.1 Conditions relating to public safety will be those that are necessary to promote the objective of public safety for individual premises or clubs. They should not duplicate other legal requirements. Equally the attachment of conditions to a premises licence or club premises certificate will not relieve employers of the statutory duty to comply with the requirements of Health and Safety legislation and the requirements under the management of Health and Safety at Work regulations 1999 and the Regulatory Reform (Fire Safety) Order 2005 to undertake risk assessments

Conditions enforcing these arrangements will therefore be unnecessary

- 5.2 Where existing legislation does not provide adequately for the safety of the public consideration may be given to conditions covering:

(a) **Disabled people**

- (i) Adequate arrangements to enable their safe evacuation in the event of an emergency.
- (ii) Disabled people on the premises are made aware of those arrangements

(b) **Escape routes**

- (i) All exit doors are easily openable without the use of a key, card, or similar means
- (ii) Doors at such exits are regularly checked to ensure that they function satisfactorily, and a record of the check kept.
- (iii) Any removable security fastenings are removed whenever the premises are open to the public or occupied by staff
- (iv) All fire doors are maintained effectively self-closing and shall not be held open other than by approved devices (For example, electromagnetic releases operated by smoke detectors).
- (v) Fire resisting doors to ducts, service shafts, and cupboards shall be kept locked shut.
- (vi) The edges of treads of steps and stairways are maintained so as to be conspicuous.
- (vii) Exits are kept unobstructed, with non-slippery and even surfaces, free of trip hazards and clearly identified.
- (viii) Where chairs and tables are provided in restaurants and other premises, internal gangways are kept unobstructed.

(c) **Safety Checks**

Safety checks are carried out before the admission of the public and details of such checks are kept in a logbook.

(d) **Curtains, Hangings, Decorations and upholstery**

- (i) Hanging, curtains and temporary decorations are maintained in a flame- retardant condition
- (ii) Any upholstered seating meets on a continuous basis the pass criteria for smouldering ignition source 0, flaming ignition source 1, and crib ignition source 5 when tested in accordance with section 5

of BS 5852:1990.

- (iii) Curtains, hangings and temporary decorations are arranged so as not to obstruct exits, fire safety signs, or firefighting equipment.
- (iv) Temporary decorations are not used without prior notification to the Licensing Authority/Fire Authority.

(e) **Accommodation limits**

- (i) Arrangements are made to ensure that any capacity limit imposed under the premises licence or club premises certificate are not exceeded
- (ii) The licence holder, a club official, manager or designated premises supervisor should be aware of the number of people on the premises and required to inform any authorised person on request.

(f) **Fire action notices**

- (i) Notices detailing the actions to be taken in the event of a fire or other emergencies, including how the fire brigade should be summoned, are prominently displayed and protected from damage and deterioration
- (ii) In the case of an outbreak of fire the fire brigade must be called at once to any outbreak, however slight and the details recorded in a Fire Logbook which should be kept available for inspection by the Council or an authorised officer
- (iii) The local Fire Control Centre is notified as soon as possible if the water supply to any fire extinguishing equipment is cut off or restricted.

(g) **Access for emergency vehicles and first aid.**

- (i) Access for emergency vehicles is kept clear and free from obstruction.
- (ii) Adequate and appropriate supply of first aid equipment and materials is available on the premises
- (iii) At least one suitably trained first aider shall be on duty when the public are present and if more than one suitably trained first aider is present that their respective duties are clearly defined.

(h) **Lighting**

- (i) In the absence of adequate daylight, the lighting in any area accessible to the public, members or guests shall be fully in operation when they are present
- (ii) Fire safety signs are adequately illuminated
- (iii) Emergency lighting is not altered
- (iv) Emergency lighting batteries are fully charged before the admission of the public, guests and members
- (v) In the event of failure of normal lighting where the emergency lighting has a capacity of one hour, arrangements are in place to ensure that the public, members or guests leave the premises within 20 minutes unless within that time normal lighting has been restored and the battery is being re-charged. If the emergency lighting battery has a capacity of three hours the appropriate period by the end of which the public should have left is one hour.

(i) **Temporary electrical installations**

- (i) Temporary electrical wiring and distribution systems shall comply with the recommendations of applicable British Standards
- (ii) Where they have not been installed by a competent person, temporary electrical wiring and distribution systems are inspected and certified by a competent person before they are put to use.
- (iii) Temporary electrical wiring and distribution systems are not provided without notification to the licensing authority at least ten days before commencement of the work and/or prior inspection by a suitably qualified electrician.

(j) **Indoor sports entertainments**

- (i) If necessary, an appropriately qualified medical practitioner is present throughout a sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature.
- (ii) Where a ring is being used, it is constructed by a competent person and inspected by a competent authority and any material used to form the skirt around the ring is flame-retardant.
- (iii) At any wrestling or other entertainment of a similar nature members of the public do not occupy any seat within 2.5 metres of the ring
- (iv) At water sports entertainments, staff adequately trained in rescue and life safety procedures are stationed and remain within the vicinity of the water at all material times.

(l) **Alterations to premises**

- (i) Alterations that make it impossible to comply with an existing condition to premises should be notified to the Local Authority
- (ii) The holder of the premises licence should apply for a variation to the existing licence should any alterations make it impossible to comply with any existing condition.

(m) **Special effects**

- (i) Any special effects including dry ice machines, cryogenic fog, smoke machines, fog generators, fireworks, firearms, motor vehicles, strobe lighting machines, lasers or explosives should be stored so as to minimise any risk to the safety of the audience, the performers and staff.
- (ii) Use of certain special effects may be used subject to prior notification of the Licensing Authority or inspection by the Fire Authority

TABLE OF DELEGATIONS IN RESPECT OF THE LICENSING FUNCTIONS

Matters to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If a police objection	If no objection made
Application for personal licence with unspent convictions		All Cases	
Application for premises licence or club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation	If no relevant representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Application for transfer of premises licence		If a police objection	All other cases
Applications for interim authority		If a police objection	All other cases
Application to review premises licence/club premises certificate		All Cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc.			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All Cases	
Determination of an objection to a standard temporary event notice		All Cases	
Determination of application to vary premises licence at community premises to include alternative licence condition		If a police objection	All other cases
Decision whether to consult other responsible authorities on minor variation application			All cases
Determination of minor variation application			All cases

PROCEDURE TO BE FOLLOWED WHEN DEALING WITH AN OPPOSED CLUB/PREMISES LICENSING APPLICATION

Chairman's Introduction

1. The Chairman will welcome those present and make the necessary introductions. Members of the Committee will be asked to make any Declaration of Interests and will be reminded that, in the interests of fairness and impartiality, they should not sit or vote on any item within their ward.
2. The Applicant and any objectors will take their places at the tables provided.

Environmental Health, Fire, Police and Local Member representations

3. An Officer from the Environmental Health Service will outline details of the application and objections, which have been received.
4. Representatives from the Fire Service, Police, local Members, or Environmental Health who have observations to make (e.g. as to certain minor works that might need to be carried out before a Licence can be granted) may address the Committee.
5. The Licensing Officer will then make comments.

Applicant's Representations

6. The Applicant or their representative addresses the Committee and calls any supporting evidence.
7. Objectors have the opportunity to put questions to the Applicant.
8. Members of the Committee can put questions to the Applicant.

Objector's Representations

9. Objectors are given the opportunity to address the Committee.
10. The Applicant can put questions to the objectors.
11. Councillors can question the objectors.
12. The objectors are given a chance to sum up their case.

Applicant's summary

13. The Applicant will be invited to summarise his/her case and respond to points raised by any objectors. The Applicant will not be permitted to introduce any additional information at this stage.

Decision

14. The Committee will then retire from the room to consider the application and make its decision. The Legal Officer will accompany the Committee to advise on any legal issues and the Clerk will also be present to take notes.
15. On reaching a decision the Committee will return to the hearing room when the Chairman announces the decision of the Committee and give reasons for that decision. All decisions will be put in writing and issued to all parties concerned in compliance with the Act.

DRAFT