



St Albans
City & District Council

Statement of Licensing Policy

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1.0 Introduction

- 1.1 The Licensing Act 2003 imposes a statutory duty upon district councils to produce, develop and review a licensing policy. The Licensing Policy Statement takes effect on 7th February 2005 and will remain in force for a period of 3 years, however the Council can review it at any time. The revised Policy takes effect on 7th January 2011.
- 1.2 The aim of the policy is to secure the safety and amenity of residential communities whilst facilitating a sustainable entertainment and cultural industry. St Albans City and District Council in adopting this licensing policy recognises both the needs of residents for a safe and healthy environment to live and work and the importance of well run entertainment premises to the local economy and vibrancy of the district. To achieve this aim St Albans City and District Council is committed to partnership working with the police, fire service, local businesses, licensing trade, primary care trust, residents and others towards the promotion of the objectives set out in this policy.
- 1.3 This policy provides information and guidance to licence applicants, objectors and interested parties on the general approach that St Albans City and District Council will take in terms of licensing. Although each application will be considered individually on its own merits, the Council in adopting this licensing policy is indicating that wider considerations other than the fitness of the applicant and suitability of premises will be taken into account in making an appropriate determination.
- 1.4 In accordance with the statutory procedures, a review of this policy will take place periodically, to take into account information collated over a period of time, coupled with the outcomes of initiatives relating to alcohol and entertainment at central and local government level.
- 1.5 In the preparation and publication of this policy St Albans City and District Council has had regard to the guidance issued by the Secretary of State under Section 182 Licensing Act 2003.
- 1.6 The Licensing Act provides that St Albans City and District Council has a duty to carry out its functions under the Act with a view to promoting the prescribed licensing objectives:
- 1.6.1 The prevention of crime and disorder
- 1.6.2 Public safety
- 1.6.3 Prevention of public nuisance
- 1.6.4 Protection of children from harm
- 1.7 Nothing in this policy document should be regarded or interpreted as an indication that any requirement of licensing or other law may be overridden.

St Albans City and District Council

- 1.8 The City and District of St Albans is acknowledged for its rich and unique history and as a very attractive location in which to live and work as well as for visitors and tourists. The District has excellent transport links by road and rail and has a thriving local economy in which premises licensed for the sale of alcohol play a prominent part.

1.8.1 Vision

A progressive, unique and vibrant District, which values its environment,

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heritage and culture, and cares for the future: an outstanding place to live where everyone can flourish.

Priorities

- Ensuring the District is a great place to be
- Creating a diverse and sustainable economy for the 21st century
- Keeping the District healthy
- Supporting an active community that has pride in itself and cares for its future

1.8.2 The Council's vision is St Albans District: a premier community. Supporting that vision is a number of priorities many of which complement the Council's Licensing Policy. These include:

- Delivering the District Vision to address future challenges and ensure sustainability
- Providing a new leisure centre, pool, spa and youth facilities at Westminster Lodge by 2012 and sports facility in London Colney
- Continuing to protect and legally defend the Green Belt from additional housing development including meeting the current requirement of 7,200 new houses by 2021, making sure the Council provide 100 affordable homes annually, averaged over 3 years
- Continuing to provide value for money efficiencies including Council Tax rises of no more than the rate of annual inflation. In 2011/12 the Council aim to freeze Council Tax again in line with the Coalition Government's current policy

- Improving the streetscene and public realm, including with Hertfordshire County Council seeking improvements to highways and pavements
- Making the District even greener and more attractive with an annual District in Bloom project and further improvements to Verulamium Park, lakes and river
- Supporting the provision of smaller scale cinemas including the Odeon and the Maltings to improve facilities for young people
- Extending sustainability, including recycling 60% of all household waste by 2015
- Reducing city centre traffic congestion and the District's carbon footprint by working with Network St Albans transport partners
- Improving citizen engagement and fulfilling the Council's promise to customers

The Local Strategic Partnership Sustainable Community Strategy priorities are also supported these are:

- Ensuring the District is a great place to be
- Keeping the District healthy

Glossary of Terms

1.9 The terminology used in this document is set out in Appendix D.

Types of Licence

1.10 This document sets out the policies that the Council will apply when making

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decisions upon applications in connection with the following:

- 1.10.1 Premise Licence
- 1.10.2 Club Premise Certificates
- 1.10.3 Personal Licence
- 1.10.4 Temporary Event Notices

Tourism and Culture

- 1.11 The Council recognises that licensed premises are a major contributor to the attractiveness and commercial vibrancy of the district. They attract tourists and visitors, make for vibrant town centres and communities and are a major employer.
- 1.12 Without being exhaustive, in considering any licence application the Council will take into account the following factors:
 - 1.12.1 The positive impact of the proposal in attracting visitors
 - 1.12.2 The positive impact on enhancing the attractiveness of the wider area
 - 1.12.3 The jobs created

Live Music, Dancing and Theatre

- 1.13 The Council recognises that proper account must be taken of the need to encourage and promote live music, dancing and theatre for the wider cultural benefits of communities generally. The potential for limited disturbance in neighbourhoods must be carefully balanced with these wider benefits. In connection with cultural strategies, the Licensing Authority will monitor the impact of licensing on the provision of regulated entertainment, and particularly live music and dancing.

Amenity

- 1.14 The Council has a duty to protect the amenity of its resident population. In addition commercial occupiers have an expectation of an environment that is attractive and sustainable for their businesses.
- 1.15 Without being exhaustive, in considering any licence application the Council will take into account the following factors:
 - 1.15.1 Ability to meet the four licensing objectives
 - 1.15.2 Noise
 - 1.15.3 Public safety
 - 1.15.4 Street crime
 - 1.15.5 The capacity of the infrastructure
 - 1.15.6 Resources including police resources to cope with the influx of visitors particularly late at night
 - 1.15.7 The necessity for imposing conditions in terms of noise control or hours restrictions
 - 1.15.8 The availability of adequate transport at all material times to ensure a swift dispersal of customers away from the area
 - 1.15.9 Traffic management
- 1.16 Membership of a "Watch" scheme will be encouraged, e.g. Pubwatch, Offwatch, Shopwatch. Premises would be looked on more favourably as better managed if they joined Pubwatch or a similar scheme.
- 1.17 The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The

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Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older. The Council commends the Portman Group Code of Practice.

- 1.18 Recognition of the positive benefits to be gained from those who invest in proper training of staff.
- 1.19 The Council will expect that free access to tap water is available at all times.

Amusement with Prizes Machines

- 1.20 The Council will normally grant permits for amusement with prize machines authorising up to 3 machines. Further details relating to the Gambling Act 2005 can be found in St Albans District Council's Gambling Policy.

Design, Character and Layout

- 1.21 The design, character and layout of licensed premises will influence how easily a premise is able to meet the 4 licensing objectives.
- 1.22 Character – Applications that include provision for amplified music, dance

floors, pool tables and amusement machines indicate a certain character and target audience with consequences for the licensing objectives. A small scale, traditional style, well run community public house with a mixed or older age customer base is likely to fulfil the licensing objectives with ease.

- 1.23 Design – Good aspects of traditional pub design including room divisions can help attract a more mixed age and varied range of customers who are unlikely to pose any risk to the licensing objectives.
- 1.24 Layout – The provision of adequate seating and tables is important in encouraging a mixed age customer base and avoiding overcrowding. The absence of seating and tables may also lead to the faster consumption of alcohol. The position of toilets and bars is also important in seeking to avoid congestion that could lead to frayed tempers.
- 1.25 In adopting this policy the Council recognises that each application will be considered on its merits.

2.0 Scope

2.1 This Policy relates to those licensable activities identified by the Act, which are:

2.1.1 The sale of alcohol by retail

2.1.2 The supply of alcohol to club members and their guests

2.1.3 The provision of regulated entertainment. "Regulated entertainment" is defined as any of the following which takes place in the presence of an audience for the entertainment of that audience and are provided for members of the public or a section of the public or exclusively for the members of a qualifying club and/or their guests or for consideration and with a view to profit:

2.1.3.1 A performance of a play

2.1.3.2 An exhibition of a film

2.1.3.3 An indoor sporting event

2.1.3.4 Boxing or wrestling

2.1.3.5 Provision of facilities for making music or for dancing

2.1.3.6 A performance of dance

2.1.3.7 A performance of live music

2.1.3.8 Playing of recorded music

2.2 There are certain exemptions from this definition which are set out in the Act:

2.2.1 If facilities for entertainment are provided a licence is required. Facilities for entertainment include dance floor, pub piano, karaoke machine and other musical instrument.

2.3 The provision of late night refreshment. Late night refreshment is defined under the Act as the supply of hot food or drink to the public or a section of the public on or from any premises whether for the consumption on or off the premises (mobile units included) between 11pm and 5am.

Premises Licences, Club Premises Certificates and Temporary Event Notices

2.4 St Albans City and District Council expects all applicants for Premises Licences and Club Premises Certificates to specify the means by which they will promote the 4 licensing objectives. The application must include an operating schedule addressing the licensing objectives, in particular with 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. An applicant may volunteer any measure as a step he or she intends to take to promote the licensing objectives. The measures are likely to be incorporated into the licence as conditions and become enforceable under the law. Applicants in their operating schedule should use relevant conditions taken from the model pool of conditions.

2.5 The operating schedule should contain a dispersal policy if applicable, which sets out the steps which will be taken at the end of the trading session to minimise the potential for disorder and disturbance as customers leave the premise. The policy could include measures to disperse customers over an extended period and ensure customers leave the venue in an orderly fashion and without bottles or glasses.

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- 2.6 Certain temporary events are not required to be licensed but can be notified to the Licensing Authority using the Temporary Event Notice procedure. However, depending on the nature and location of such events, these can have serious crime and disorder implications. Organisers of these events are advised to submit their notification 10 working days prior to the event to enable the application to be processed. The Council operates a Safety Advisory Group and Temporary Event Notices may be required to be considered by the Group.
- 2.7 Special occasions such as Bank Holidays, birthday parties and private functions in relation to public houses will be dealt with by way of a Temporary Event Notice unless detailed in the operating schedule.

Licence Summary

- 2.8 The licence summary will be displayed on the premises in a place where it can be conveniently read by members of the public on a notice of at least A4 size in black type of a size equal to or larger than Times New Roman font 14.

Door Supervisors

- 2.9 Whenever security operatives are employed at licensed premises to carry out any security function they must be licensed by the Security Industry Authority (SIA). Competent and professional door supervisors are key to public safety at licensed premises and the provision of door supervisors is an action point for the leisure industry to consider in the Home Office Alcohol Harm Reduction Strategy for England.
- 2.10 If a licensee directly employs security operatives he/she will need to be

licensed by the SIA as a supervisor/manager.

- 2.11 Local authority licensing offices may look more favourably on licence applications which demonstrate that licensees have considered:
- 2.11.1 Recruiting SIA licensed door supervision staff from a reputable company with SIA Approved Contractor Status
- 2.11.2 The measures which will be taken and procedures that are in place for licensees to check the SIA register of licensed door supervisors to ensure their premises and customers are only protected by door supervisors with a SIA licence
- 2.12 With regard to licensing hour's consideration will be given to the individual merits of an application. It is important to ensure that the concentrations of customers leaving premises simultaneously are avoided. This is necessary to reduce friction at late night food outlets, taxi ranks and other sources of transport, which lead to disorder and disturbance. Licensing hours should not inhibit the development of thriving and safe evening and night-time local economy which are important for investment and employment locally and attractive to domestic and international tourists. Providing consumers with greater choice and flexibility is an important consideration.
- 2.13 Stricter conditions with regard to noise control will be expected in areas which have denser residential accommodation, but this will not limit opening hours without regard to the individual merits of any application.

3.0 Objectives

- 3.1 The Licensing Act provides that St Albans City and District Council has a duty to carry out its functions under the Act with a view to promoting the prescribed licensing objectives:
- 3.1.1 The prevention of crime and disorder
 - 3.1.2 Public safety
 - 3.1.3 Prevention of public nuisance
 - 3.1.4 Protection of children from harm
- 3.2 Each objective is of equal importance.
- 3.3 Recognition is given to the variety of activities for which licences may be sought and this document specifies licensing policies in respect of those regulated entertainment, premises from which alcohol may be served, late night hot food outlets, club premises, temporary event notices, personal licences with regard to the following:
- 3.3.1 Location of an environmental impact of the proposed activity
 - 3.3.2 Suitability and fitness of applicants
 - 3.3.3 Suitability of premises subject to the application
 - 3.3.4 Operation and management functions
 - 3.3.5 Consultation processes
 - 3.3.6 Monitoring, review and enforcement
- 3.4 The Council intends to interpret public nuisance in its widest sense, and takes it to include such issues as noise, light, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.
- 3.5 Applicants need to clearly understand that the Licensing Authority will pay particular attention whether or not to impose stricter conditions, including controls on licensing hours, where licensed premises are in residential areas with a view to protecting the quality of life of residential occupiers.
- 3.6 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance, relevant to the individual style and characteristics of their premises and events.
- 3.7 Whilst these factors will be under consideration it should be stressed that the following fundamental principles will be observed:
- 3.7.1 The right of any individual or body to apply for a variety of permissions is not undermined and each application will be determined on its own merits
 - 3.7.2 The statutory right of any person to make appropriate representations or to seek a review in respect of any application.
 - 3.7.3 That the statutory function of licensing is primarily concerned with the regulation of persons, premises and temporary events within the legislation and that any terms and conditions will focus on:
 - 3.7.3.1 Matters within the control of individual licensees and others who are granted any relevant permissions

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- 3.7.3.2 The premises and places being used for licensable activities and their immediate vicinity
- 3.7.3.3 The direct impact of the activities taking place at the relevant premises on members of the public living, working or engaged in normal activity in the area concerned
- 3.8 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned.

4.0 Exclusions

4.1 In formulating its general policy and recognising the need to treat each application on its individual merits the Council makes specific exclusions, which are detailed below.

representations. Unreasonable, frivolous and vexatious representations will be disregarded.

Commercial Demand

4.2 The commercial demand for additional premises licences (as distinct from cumulative impact) will not be a matter for the Councils licensing authority, such matters being a specific consideration for the local planning authority and the market.

Zoning and Licensing Hours

4.3 Individual applications will be considered on their own merits and in general terms a flexible approach will be adopted and arbitrary restrictions will be avoided. Fixed predetermined closing times for particular areas will not form part of the policy and restriction on trading hours will be considered only where necessary to meet the licensing objectives.

4.4 With regard to shops, stores and supermarkets they will be free to provide sales of alcohol for consumption off the premises at any time when the retail outlet is open for shopping unless there are good reasons for restricting those hours. (In the case of some shops known to be a focus of disorder and disturbance, a limitation of hours may be appropriate following police representation).

4.5 All residents living in the vicinity of any licensed premises have equal rights to make representations concerning applications for premises licences (and hours of trading) and to receive appropriate consideration of their

Standardised Conditions

4.6 The policy does not provide for any 'standard conditions' to be imposed to avoid the imposition of disproportionate and burdensome requirements. Conditions attached to licences if required in particular circumstances will be tailored to reflect the individual style and characteristics 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 for in this policy statement and are attached as Appendix C. Conditions will not be imposed which are beyond the responsibility or control of the licence holder.

5.0 Strategic Links and Other Regulatory Systems

Strategic Influences

- 5.1 There are a range of strategic influences and statutory controls which affect the licensing system in terms of policy formulation, administration and enforcement activities. Whilst the following is not meant to be an exhaustive list, it identifies the key areas which inform and shape the policies contained in this policy statement. The Licensing Authority through continued consultation will secure integration of the Licensing Policy with local crime prevention, planning, transport, tourism, race equality schemes and cultural strategies and any other plans introduced for the management of the City Centre and the night time economy. Conditions attached to premises licences and club premises certificates will, so far as possible, reflect local crime prevention strategies and reflect the input of the local Crime and Disorder Reduction Partnership.
- 5.2 Any protocols agreed between the local police and other licensing enforcement officers will be reported to the Area Transport Committee so they may have regard to the need to disperse people from the City Centre swiftly and safely to avoid concentrations which produce disorder and disturbance.

Community Strategy

- 5.3 The Local Government Act 2000 requires all local authorities to produce a community strategy within the framework of the UK Sustainable Development Strategy – ‘A Better Quality of Life’ and relevant regional strategies.

- 5.4 Community strategies provide a crucial focal point for the identification of local issues and aspirations on social inclusion, environmental protection, employment and economic development.
- 5.5 Local strategic partnerships, typically involving the police, local authorities, primary care trusts and representatives from education, business and the voluntary sector organisations, are responsible for the achievement of locally set objectives.

Crime and Disorder

- 5.6 Under the Crime and Disorder Act 1998 local authorities must have regard to the likely effect of the exercise of their functions and do all they can to prevent crime and disorder in their area. The Council will have particular regard to the likely impact of licensing on related crime and disorder in the district particularly when considering the location, impact, operation and management of all proposed licence/certificate applications, renewals and variations of conditions.

Alcohol Harm Reduction Strategy/Action Plan for Tackling Alcohol Related Crime, Disorder and Nuisance

- 5.7 The Alcohol Harm Reduction Strategy identifies a number of priorities which local authorities will take into account when making decisions on relevant applications.
- 5.8 The Home Office has an existing plan aimed at reducing the negative effects of alcohol on crime, disorder and nuisance. The planned actions focus on reducing the incidence of under-age

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drinking and the prevention of alcohol related problems on licensed premises through the exclusion of trouble-makers, refusal to sell alcohol to those who are intoxicated and good design and management of licensed premises.

Safer Clubbing

5.9 The Government produced the Safer Clubbing Guide in order to improve safety for all club goers and in particular to reduce the risk of harm associated with drug use and clubbing. The licensing regime is expected to use a range of conditions to control the environment at club premises. Where the licensing regime can impact on factors which increase the risk to safety of those taking drugs, authorities are expected to take a proactive role in addressing these matters through partnership arrangements with the police, club owners and local drug agencies. The Council will expect that free access to tap water is available at all times.

Anti-Social Behaviour Act 2003

5.10 This Act is designed to provide local authorities and the police with a wider, more flexible range of powers to meet existing responsibilities and respond to the needs of their communities. The Act provides new powers and sanctions to deal with serious anti-social behaviour including the immediate closure of licensed premises causing a public noise nuisance.

Planning Control

5.11 Care will be taken to ensure that where there is an overlap between the licensing regime and other statutory regulatory systems, duplication will be avoided and control exercised through the most appropriate system.

5.12 Planning permission is usually required for the establishment of new premises and the change of use of premises. Planning permissions that are relevant to licensed premises include:

5.12.1 A retail shop, licensed for the sale of liquor for example (A1)

5.12.2 Food and drink sold and consumed on the premises or where hot food is sold for consumption off the premises, including restaurants and bars (A3)

5.12.3 Assembly and leisure uses, including cinemas, concert and indoor/outdoor sports and recreation (D2)

5.12.4 A hotel that has a restaurant or bar included in its authorised use (C)

5.13 In general, all premises for which a licence is applied must also have authorised planning permission and comply with all conditions of that planning permission, or be deemed permitted development pursuant to the General Permitted Development Order (1995). The Licensing Authority may not grant a new licence application or variation of conditions, if the activity to be authorised by the licence would constitute unlawful planning use or the hours of operation sought exceed those authorised by the planning permission.

5.14 Under the current Use Classes Order, planning permission is generally required if the use of existing premises changes use class. For example, planning permission would be required for a change from a shop (A1) to a restaurant or bar (A3). When applying for planning permission the Council, as local planning authority, will consider the potential impact from the proposed use within the context of the local

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development plan and relevant government guidance. Planning permission is not required if the use of existing premises changes to a use within the same use class. For example, planning permission would not normally be required for a change from a restaurant (A3) to a bar (A3).

- 5.15 In circumstances where any restriction has been placed on the use of premises (through the imposition of planning conditions) prior to an application being made for a licence, certificate or provisional statement, consideration will be given to the extent to which the application meets the overall licensing objectives and the policies contained within this statement. Where necessary, conditions will be attached to a certificate, licence or provisional statement in order to achieve the objectives of this policy. The granting of a licence, certificate or provisional statement will not override any requirement of the planning system. The licensing system will provide the detailed control of operational matters, which are unlikely to be addressed through planning processes however there will be overlapping issues of interest i.e. disturbance, which will remain material considerations for planning purposes.

Building Control

- 5.16 Arrangements will be made for the licensing committees to receive, when appropriate reports on the needs of the local tourist economy and the employment situation.
- 5.17 Building Regulations govern a variety of issues, which will directly contribute to the licensing objectives, including means of escape, structural integrity, accessibility and public safety. 'Approved Inspectors' offer a private sector alternative to local authority

Building Control services. Building Regulations Approval and Completion Certificates will be required prior to the use of premises for licensable activities.

- 5.18 Building Regulations Approval and planning permission should normally be obtained first.

Health and Safety at Work

- 5.19 The Health and Safety at Work Act 1974 (and other relevant statutory provisions) impose duties on employers, employees and persons in control of premises to prevent where possible or minimise the risk of injury or ill health to people affected by work activities or the condition of the premises. Local authorities are the enforcing authority for the majority of premises on which licensable activities are carried out in other cases the Health and Safety Executive is responsible.
- 5.20 Licensing objectives overlap with health and safety requirements in so far as foreseeable risks to public safety would be covered by the duties imposed by relevant legislation. However these general duties, for example risk assessment under the Management of Health and Safety at Work Regulations 1992, may not adequately cover specific issues which arise from licensable activities i.e. aspects of entertainment. In these cases it may be more prudent to use conditions to ensure that an appropriate degree of control exists at all times during the operation of licensable activities.

Statutory Nuisance

- 5.21 The Environmental Protection Act 1990 places a duty on local authorities to investigate complaints of nuisance, which include noise, and take enforcement action where a statutory nuisance exists. The Licensing Act provides the power for the police to

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close licensed premises (temporarily) to prevent nuisance to the public as a result of noise coming from the premises. The Anti-Social Behaviour Act gives Environmental Health Officers and the police powers to close noisy premises for up to 24 hours. Joint working procedures or protocols between Environmental Health Officers, police and licensing staff will ensure that these control measures are properly used to protect the local environment.

5.24.1 Since December 1996 it has been unlawful to treat disabled people less favourably than other people for a reason related to their disability

5.24.2 Since October 1999 reasonable adjustments have to be made for disabled people, such as providing extra help or making changes to the way services are provided

5.24.3 From 2004 reasonable adjustments have to be made to the physical features of premises to overcome barriers to access

Litter

5.22 Local Authorities have powers to require owners/occupiers of premises to keep the area adjacent to their street frontages clean. Notices may be issued under Section 93 of the Environmental Protection Act 1990. The Council would normally expect to exercise these powers.

5.25 The Council will have regard to the likely impact of licensing on disability discrimination when considering the operation and management of all proposed licence applications, renewals and variations of conditions particularly where safety is affected.

Fire Precautions

5.23 Where a premise conforms to current fire safety standards the Licensing Authority need not attach conditions to any licence or certificate. However where the activities carried out on premises have changed to include those covered by the licensing regime it may be necessary to attach conditions relating to fire safety. Close co-operation between licensing and fire authorities will be required to ensure that the public is properly protected.

Human Rights Act 1998

5.26 The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way that is incompatible with a Convention right. The Council will have particular regard to the following relevant provisions of the European Convention on Human Rights:

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

5.26.2 Article 8 - that everyone has the right to respect for home and private life

5.26.3 Article 1 - of the First Protocol that every person is entitled to the peaceful enjoyment of his or her

Disability Discrimination Act 1995

5.24 The Disability Discrimination Act 1995 introduced measures to tackle discrimination encountered by disabled people in the areas of employment, access to goods, facilities and services and the management, buying or renting of land or property. For service providers, such as licensees:

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possessions, including for example
the possession of a licence

6.0 Cumulative Impact

6.1 It is clear that the vicinity within which licensed premises are or may be located is a major consideration in determining whether a licence should be granted and what conditions should be attached to it. Primarily consideration will be given to the direct impact of the licensed activity on members of the public living, working or engaged in normal activity in the vicinity of the premises.

6.2 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Other mechanisms for dealing with such behaviour exist and are outlined in Section 5 of this policy. However in some areas concentrations of licensed premises can exist which lead to serious problems of nuisance and disorder arising in the area itself and even some distance away from the premises. In such circumstances the impact of those premises when taken as a whole can be far greater than that arising from individual premises and it may not be possible to distinguish individual premises as being the sole cause, or even a major contributing factor, to a particular problem. It is the CUMULATIVE IMPACT of all of the premises, which relates to commercial demand for licensed premises. 'Need' is not a matter to be taken into account when determining licensing applications.

6.3 In some circumstances, where an area has a number of premises, which have made it a focal point for large groups of people to congregate and eventually leave, this might create exceptional problems of disorder, noise and other

nuisance. In such circumstances the grant of further premise licences or club premises certificates may undermine the Licensing Objectives.

Measures to Address Cumulative Effect

6.4 There are other mechanisms for dealing with cumulative effect both within and outside the licensing regime that are available. For example:

6.4.1 Planning controls

6.4.2 Measures to create a safe and clean City Centre environment in partnership with local businesses, transport operators and other local authority departments

6.4.3 CCTV surveillance, ample taxi ranks, public conveniences, street cleaning and litter patrols

6.4.4 Designated no alcohol areas

6.4.5 Police enforcement concerning disorder and anti-social behaviour including the issuing of fixed penalty notices

6.4.6 The prosecution of personal licence holders or members of staff who sell alcohol to people who are drunk

6.4.7 The confiscation of alcohol from adults and children in designated area

6.4.8 Police powers to close down instantly for up to 24 hours any licensed premises or temporary event on grounds of disorder, the likelihood of disorder or noise emanating from the premise causing nuisance

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- 6.4.9 The power of the police, other responsible authority or a local resident or business to seek a review of the licence in question
- 6.5 Notwithstanding these controls each application has to be considered on its own individual merits. Where an objector is seeking to establish that the grant of a premises licence would result in a cumulative impact which undermines one or more of the licensing objectives the following shall apply:

Objections on the Grounds of Cumulative Impact

- 6.6 In cases where objectors seek to establish that an application should be refused on the grounds that it would result in, or further contribute to, a cumulative impact which would undermine one or more of the licensing objectives the objector shall:
- 6.6.1 Identify the boundaries of the area from which it is alleged problems are arising
- 6.6.2 Provide full details and evidence as to the seriousness of the nuisance and disorder caused in the area
- 6.6.3 Identify the licensing objective(s) which it is alleged will be undermined with specific regard to:
- 6.6.3.1 The occupancy figure for the proposed premises
- 6.6.3.2 The nature of the licensed activity to be carried on at the premises and its patrons

Declaration of Stress Areas

- 6.7 Where as a result of an objection under paragraph 6.6 above the Licensing Authority is satisfied that there is a serious or chronic concern about nuisance and disorder in a particular

area and has refused an application on the grounds of stress, the committee may refer to the licensing authority for consideration of whether a stress policy should be adopted. In doing so the Committee shall identify:

- 6.7.1 The boundaries of the area
- 6.7.2 The licensable activities causing the nuisance and/or disorder

Applications for New Premises Licences in Stress Areas

- 6.8 New premises licences will not be granted for the activities identified as causing nuisance and/or disturbance in Stress Areas except where:
- 6.8.1 No objections are received to the application or
- 6.8.2 The grant of the licence will not undermine the licensing objectives
- 6.9 In considering such applications the Committee will have particular regard to:
- 6.9.1 The occupancy figure for the proposed premises
- 6.9.2 The proximity of the premises to others in the area licensed for similar activities and the occupancy figures for those other premises
- 6.9.3 Whether the proposed premises will act as a replacement for others in the area that no longer have a licence
- 6.9.4 The proposed methods of management outlined in the applicant's operating schedule
- 6.9.5 The proposed hours of operation
- 6.9.6 Transport provision for the area

Existing Premises Licences in Stress Areas

- 6.10 The above policies cannot be used as a justification for removing an existing licence though if representations are received about existing licensed premises relating to matters other than cumulative impact and which undermine the licensing objectives then action may be taken. However, where applications are received for modifications to existing premises the following policy applies.

Applications for Modifications to Existing Premises Licences in Stress Areas

- 6.11 Applications for modifications to existing Premises Licences in Stress Areas will be granted unless those modifications directly affect the issue of cumulative impact in the Stress Area or otherwise undermine the licensing objectives.
- 6.12 An example of where a modification may directly affect the issue of cumulative impact would be where an application was received to extend the premises and significantly increase the occupancy level of the premises.

7.0 General Enforcement Statement

- 7.1 All decisions and enforcement action taken by the authority will have regard to the relevant provisions of the Licensing Act 2003, national guidance, the enforcement policy of the Council and to the principles of the Enforcement Concordat.
- 7.2 It is the intention of St Albans City and District Council to establish and maintain both proactive and reactive enforcement protocols with the local police and other enforcement agencies. Protocols will provide for the proportionate targeting of agreed problem and high-risk licensed activities needing greater attention and a corresponding lighter touch for well run, lower risk premises in the area.
- 7.3 The Council believes that proportionate but vigorous enforcement will be a key element in ensuring the successful implementation of the new licensing regime and that the 4 licensing objectives are met. To that end the Council intends to fully utilise its powers under the Licensing Act 2003 and other relevant legislation to ensure a proper balance is struck between the interests of the licensed trade and of the wider community. Enforcement activity will focus on premises, trading practices and licensed persons where there is reason to believe that the appropriate balance of interests has been or is likely to be prejudiced.

8.0 Children

- 8.1 The Council recognises that there are many activities for which licences may be sought. These will be located in a great variety of premises such as public houses, night-clubs, hotels, inns, theatres, cinemas, concert halls, restaurants, cafes, take-aways, fast-food outlets, community halls, schools and colleges.
- 8.2 The Licensing Act 2003 does not prevent children having free access to premises selling alcohol for consumption on those premises (including those listed above) although the Licensing Authority will impose conditions restricting the access of children to premises where it is considered necessary for the prevention of harm to children. Where there are matters that give rise to serious concerns and restriction of access may not ensure adequate protection of children from harm, applications will normally be refused.
- 8.3 Examples which may give rise to concerns in respect of children, include those:
- 8.3.1 Where there have been convictions for serving alcohol to minors
- 8.3.2 Where there is a reputation for underage drinking
- 8.3.3 Where there is a strong element of gambling on the premises
- 8.3.4 Where entertainment is provided of an adult sexual nature

Proof of Age

- 8.4 It is unlawful for children under 18 to attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them. To prevent such crimes the Licensing Authority requires each premise selling or supplying alcohol to have a policy in place requiring the production of "Proof of Age" before such sales are made. Acceptable forms of Proof of Age are:
- 8.4.1 Photo Driving Licence
- 8.4.2 Passport
- 8.4.3 Proof of Age Standards Scheme (PASS)
- 8.5 When deciding whether to limit the access of children to premises, the applicant must specify how they will meet the licensing objective Protection of Children from Harm. The Licensing Authority will judge each application on its own merits.
- 8.6 Where concerns have been identified in respect of individual premises and it is felt that access of children should be restricted, the options available would include:
- 8.6.1 Limitations on the hours when children may be present
- 8.6.2 Age limitations for persons under 18
- 8.6.3 Limitations or exclusion when certain activities are taking place
- 8.6.4 Full exclusion of persons under 18 when certain licensable activities are taking place

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- 8.6.5 Limitations of access to certain parts of the premises for persons under 18
- 8.6.6 A requirement for an accompanying adult to be present
- 8.7 The Licensing Authority will not impose any conditions that specifically require the access of children to premises.
- 8.8 Where no conditions or restrictions are imposed, the issue of access for children still remains a matter of the discretion of individual licensees or clubs.

Children and Cinema Exhibitions

- 8.9 Where a premises is used for film exhibitions, the Licensing Authority will normally impose conditions restricting access only to person who meet the required age limit in line with any certificate granted by the British Board of Film Classification or the Council itself.
- 8.10 The Licensing Authority will expect that licensees ensure that any age restrictions for cinema exhibitions are properly complied with.
- 8.11 In considering applications, the Licensing Authority will take into account any evidence that age restrictions for cinema exhibitions are not being properly observed.

Children and Public Entertainment

- 8.12 Where a large number of children are likely to be present on any licensed premises, for example a children's show or pantomime, the Licensing Authority will impose conditions requiring an adequate ratio of adults to children in order to ensure the prevention of harm to the children and also to ensure public safety.

9.0 Community Engagement

- 9.1 A person making an application for a Premises Licence or Club Premises Certificate or to vary an existing Premises Licence must consult with the responsible authorities. 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 other relevant Licensing Authority. In relation to vessels, the responsible authority will include the Navigation Authority, the Environment Agency and the British Waterways Board. Details of all Responsible Authorities are detailed in Appendix E on page 51.
- 9.2 The consultation must include a copy of the application form, the operating schedule and a plan of the premises. If the application involves the supply of alcohol, a form of consent from the individual who is to be specified as the designated premise supervisor must be included.
- 9.3 An applicant for the grant or variation of a premises licence must display a notice in at least one place at or on the site of the premise concerned for not less than 20 days starting on the day following the giving of the application to the Licensing Authority. Secondly, the applicant must publish a notice, on at least 1 occasion, not more than 5 working days after giving the application to the Licensing Authority in a local newspaper circulating in the vicinity of the premise.
- 9.4 As part of the consultation process the local authority may choose to consult with whoever appears appropriate to help the authority determine the application. In addition to the statutory consultees interested parties may include persons living in the vicinity, bodies representing persons living in the vicinity, individuals involved in businesses in the vicinity, bodies representing those persons involved in such businesses, resident groups, ward councillors, parish councils, local accident and emergency units, social services, drug and alcohol action teams and crime and disorder partnerships. All applications will be displayed on the Council website.
- 9.5 In addition these groups or organisations may themselves seek comments from others whom they know may wish to be aware of the application. These comments may in turn be passed on to the licensing authority as part of the consultation process.
- 9.6 The Council, where appropriate, will seek to consult groups representing disabled people and minority ethnic communities and will provide facilities/translations to ensure that the views of these representative bodies are given due consideration.
- 9.7 As consultation progresses, the consultees may contact the applicant to discuss the application and advise the applicant of their comments at that stage. It is accepted that consultees will enter into negotiation with the applicant should there be a point of contention over the application.

10.0 Delegation and Decision Making

- 10.1 One of the major principles underlying the Licensing Act 2003 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.
- 10.2 The Council is committed to the principle of delegating its powers to ensure that these objectives are met and has arranged for its licensing functions to be discharged accordance with the Guidance issued by the Secretary of State (Appendix A).
- 10.3 The Act itself creates a presumption that applications will be granted unless an objection is raised. Where a function is delegated to an officer that officer will be responsible for liaising between the applicant, interested parties and the responsible authorities to ensure that any licence granted is subject to the appropriate conditions. Where objections are made then the licensing officer will once again liaise with the applicant, interested parties and the responsible authorities to see if a 'settlement' is possible to overcome the objections without the need for the matter to go before the Committee or Sub-Committee. Only where objections are raised which cannot be settled will matters be referred through to the Sub Committee for determination.
- 10.4 Whilst contested licensing applications are quasi judicial in nature the (Sub) Committee will try to keep the proceedings as informal as possible. However, some degree of formality is needed to ensure that all parties receive a fair hearing. The procedure set out below is designed to ensure that all parties are able to express their views openly and fairly. The (Sub) Committee procedure is inquisitorial rather than adversarial and, whilst applicants, interested parties, and responsible authorities are entitled to bring legal representation with them if they wish, this is by no means a requirement.
- 10.5 Whilst the (Sub) Committee usually meets in public it does have power to hear certain applicants in private. The Committee, however, will always reach its decision in private. A public announcement of the decision is ordinarily made at the end of the Hearing.
- 10.6 The (Sub) Committee will determine each case before it on its individual merits whilst taking into consideration the terms of this Policy document. Where the (Sub) Committee determines that it is appropriate to attach conditions to the licence/certificate it will ensure that those conditions are focused on the direct impact of the activities taking place at the premises concerned on members of the public living, working or engaged in normal activity in the area concerned. Such conditions will be proportionate to the activity to be controlled and will only be imposed in the interests of the licensing objectives.

11.0 Consultation

- 11.1 In developing this policy the Council has consulted widely to ascertain an appropriate licensing framework for its area. The bodies consulted have included those specified in Section 5(3) and in paragraph 29 of the Part 4 of Schedule 8 to the 2003 Act.
- 11.1.1 The police
 - 11.1.2 The fire authority
 - 11.1.3 Current licence holders
 - 11.1.4 Representatives of the local licensing trade
 - 11.1.5 Representatives of local businesses and residents
- 11.2 In addition the Council has consulted:
- 11.2.1 Representatives of the local strategic partnership
 - 11.2.2 Licensing solicitors
 - 11.2.3 Parish councils
 - 11.2.4 Ambulance service
 - 11.2.5 Council officers
 - 11.2.6 Residents Associations
 - 11.2.7 Councillors
 - 11.2.8 Schools/Churches/Colleges
 - 11.2.9 British Institute of Innkeeping
 - 11.2.10 CAMRA
 - 11.2.11 Primary Care Trust
 - 11.2.12 Live Music Forum
 - 11.2.13 St Albans Youth Council
- 11.3 In order to achieve an effective consultation process the Council will establish a Licensing Forum, which is made up of the bodies and representatives, identified in 11.1 and 11.2. In addition to providing views on the adoption of the Council's Licensing Policy, the Licensing Forum will have the opportunity of commenting on the development of that policy in the light of its implementation and the emerging perceived needs of the trade and the community.

12.0 Monitoring and Review

- 12.1 The police, fire authority and other consultees will be encouraged to report to the Council regularly on the operation of the licensing function.
- 12.2 The Principal Licensing Officer will report regularly to the Licensing Committee. Reports may include:
 - 12.2.1 Statistics on the several forms of licences
 - 12.2.2 A breakdown of the number of licences.
 - 12.2.3 A breakdown of the outcome of any appeals
 - 12.2.4 A breakdown of licences by reference to their terminal hour
 - 12.2.5 An outline of enforcement activity undertaken
 - 12.2.6 The outcome of any prosecutions
 - 12.2.7 Details of any premises closed temporarily
 - 12.2.8 Proposals to amend the Licensing Policy in the light of experience
 - 12.2.9 Details of any reviews

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Appendix A

Table of Delegated Functions

Matter to be Dealt With	Full Committee	Sub Committee	Officers
Application for personal licence		If a police objection	If no objection
Application for personal licence, with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation	If no relevant representation
Application for provisional statement		If a relevant representation	If no relevant representation
Application to vary premises licence/club premises certificate		If a relevant representation	If no relevant representation
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Application for Interim Authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious etc			All cases
Decision to object when local authority is a consultee and not relevant authority considering the application		All cases	
Determination of a police objection to a temporary event notice		All cases	

Appendix B

Procedural Requirements Relating to the Hearing of Applications at (Sub) Committee

1. If matters are to be put before the (Sub) Committee then the Regulations and time scales relating to Hearing under the Licensing Act 2003 will apply. The regulations concerning hearings will regulate the period of time during which hearings of applications for personal and premises licences and club premises certificates must take place; the information that must accompany notices of hearings; and the actions to be taken by parties on receipt of such notices. The regulations also prescribe certain procedures that must be followed in hearings, for keeping records of hearings and arrangements and time limits for determining the outcome of hearings.
2. Where a large number of interested parties are involved; they will be encouraged to appoint a spokesperson or spokespersons so as to avoid duplication of evidence.
3. Anyone invited to attend the (Sub) committee may bring legal or other professional representatives with him or her if they so wish. Advocates are, however, reminded that these are civil proceedings and inquisitorial rather than adversarial in nature. Aggressive advocacy is not encouraged and will not be tolerated.
4. Applicants should note that changes to application plans during the application process should be notified to the Licensing Office as soon as possible and may result in a need for re-consultation and a delay in determining the application.
5. Any failure to adhere to requirements listed above may:
 - 5.1 Result in a case having to be adjourned
 - 5.2 Result in delay
 - 5.3 Result in the (Sub) committee refusing to allow a party to speak at the hearing
6. The following procedure will ordinarily be followed at the (Sub) Committee hearing:
 - 6.1 The Chair will introduce themselves, other members and relevant officers. The Chair will also ask the applicant, interested parties and the responsible authorities to introduce themselves and any witnesses they wish to call.
 - 6.2 The applicant will be asked to present their case. Where a general presentation is made interested parties and the responsible authorities may ask questions at the end of that presentation. Only those who have made a relevant representation can ask questions. However, where witnesses are called, it is expected that each witness will give their evidence and then be open for questioning once their evidence has finished. The next witness will then give evidence. The order for asking questions will be:
 - 6.2.1 Responsible Authorities
 - 6.2.2 Interested Parties
 - 6.2.3 Members of the (Sub) Committee and Council Officers
 - 6.3 Responsible Authorities and Interested Parties will then be given an opportunity to present their objections. Once again, once the objection has been presented

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any evidence given, there will be an opportunity for questions to be asked first, by the applicant and then by members and Council Officers. Where there is more than 1 objector to an application the order for the hearing of objections, it will normally be the Responsible Authorities followed by Interested Parties.

- 6.4 Once all the evidence has been given Responsible Authorities and Interested Parties will be given an opportunity to sum up their objections in the same order as they presented their case. The applicant will then be given an opportunity to sum up their case and have the final word.
- 6.5 The (Sub) Committee will then leave the room whilst a decision is made.
- 6.6 The decision will be announced in public and transmitted in writing in accordance with the relevant rules and regulations.

Appendix C

Core Principles

1. When applicants are preparing their operating schedules or club operating schedules, responsible authorities are considering applications and licensing authorities are considering applications following the receipt of relevant representations, they should consider whether the measures set out below are necessary to promote the licensing objectives.
 2. Any risk assessment to identify necessary measures should consider the individual circumstances of the premises (including local knowledge) and take into account a range of factors including:
 - the nature and style of the venue;
 - the activities being conducted there;
 - the location; and
 - the anticipated clientele.
- Under no circumstances should licensing authorities regard these conditions as standard conditions to be automatically imposed in all cases.**
3. Any individual preparing an operating schedule or club operating schedule is at liberty to volunteer any measure, such as those below, as a step they intend to take to promote the licensing objectives. When measures are incorporated into the licence or certificate as conditions, they become enforceable under the law and any breach could give rise to prosecution.
 4. Licensing authorities should carefully consider conditions to ensure that they are not only necessary but realistic, practical and achievable, so that they are capable of being met. Failure to comply with any conditions attached to a licence or certificate is a criminal offence, which on conviction would be punishable by a fine of up to £20,000 or up to six months imprisonment or both. As such, it would be wholly

inappropriate to impose conditions outside the control of those responsible for the running of the premises. It is also important that conditions which are imprecise or difficult to enforce should be avoided.

4. It should be borne in mind that club premises operate under codes of discipline to ensure the good order and behaviour of members and that conditions enforcing offences under the Act are unnecessary.

Part 1. Conditions Relating To The Prevention Of Crime And Disorder

Text/Radio pagers

Text and radio pagers connecting premises licence holders, designated premises supervisors, managers of premises and clubs to the local police can provide for rapid response by the police to situations of disorder which may be endangering the customers and staff on the premises.

Pagers provide two-way communication, allowing licence holders, managers, designated premises supervisors and clubs to report incidents to the police, and the police to warn those operating a large number of other premises of potential trouble-makers or individuals suspected of criminal behaviour who are about in a particular area. Pager systems can also be used by licence holders, door supervisors, managers, designated premises supervisors and clubs to warn each other of the presence in an area of such people.

The Secretary of State recommends that text or radio pagers should be considered for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These conditions may also be appropriate and necessary in other areas.

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It is recommended that a condition requiring the text/radio pager links to the police should include the following requirements:

- the text/pager equipment is kept in working order at all times;
- 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;
- any police instructions/directions are complied with whenever given; and • 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.

Door supervisors

Conditions relating to the provision of door supervisors and security teams may be valuable in:

- preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder; • keeping out individuals excluded by court bans or by the licence holder;
- searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons; and
- maintaining orderly queuing outside venues. Where the presence of door supervisors conducting security activities is to be a condition of a licence, which means that they would have to be registered with the Security Industry Authority, conditions may also need to deal with:
 - the number of supervisors;
 - the displaying of name badges;
 - the carrying of proof of registration;

- where, and at what times, they should be stationed on the premises; and
- whether at least one female supervisor should be available (for example, if female customers are to be given body searches). Door supervisors also have a role to play in ensuring public safety (see Part 2) and the prevention of public nuisance (see Part 4).

Bottle bans

Glass bottles may be used as weapons to inflict serious harm during incidents of disorder. A condition can prevent sales of drinks in glass bottles for consumption on the premises. This should be expressed in clear terms and include the following elements:

- 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;
- no customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public (note: this needs to be carefully worded where off-sales also take place); In appropriate circumstances, the condition could include exceptions, for example, as follows:
 - but bottles containing wine may be sold for consumption with a table meal by customers who are seated in an area set aside from the main bar area for the consumption of food. Bottle bans may also be a relevant necessary measure to promote public safety (see Part 2).

Plastic containers and toughened glass

Glasses containing drinks may be used as weapons and in untoughened form, can cause very serious injuries. Where necessary, consideration should therefore be given to conditions requiring the use of safer alternatives which inflict less severe injuries. Location and style of the venue and the

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activities carried on there are particularly important in assessing whether a condition is necessary. For example, the use of glass containers on the terraces of some outdoor sports grounds may obviously be of concern, and similar concerns may also apply to indoor sports events such as boxing matches. Similarly, the use of plastic containers or toughened glass may be a necessary condition during the televising of live sporting events, such as international football matches, when there may be high states of excitement and emotion fuelled by alcohol.

The use of plastic or paper drinks containers and toughened glass may also be relevant as measures necessary to promote public safety (see Part 2).

Open containers not to be taken from the Premises

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. However, consideration should be given to a condition preventing customers from taking alcoholic and other drinks from the premises in open containers (eg glasses and opened bottles) for example, by requiring the use of bottle bins on the premises. This may again be necessary to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises.

Restrictions on taking open containers from the premises may also be relevant necessary measures to prevent public nuisance (see Part 4).

CCTV

The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Conditions should not just consider a requirement to have CCTV on the premises, but also the precise siting of each camera, the

requirement to maintain cameras in working order, and to retain recordings for an appropriate period of time.

The police should provide individuals conducting risk assessments when preparing operating schedules with advice on the use of CCTV to prevent crime.

Restrictions on drinking areas

It may be necessary to restrict the areas where alcoholic drinks may be consumed in premises after they have been purchased from the bar. An example would be at a sports ground where the police consider it necessary to prevent the consumption of alcohol on the terracing during particular sports events. Conditions should not only specify these areas, but indicate the circumstances in which the ban would apply and times at which it should be enforced.

Restrictions on drinking areas may also be relevant necessary measures to prevent public nuisance (see Part 4).

Capacity limits

Capacity limits are most commonly made a condition of a licence on public safety grounds (see Part 2), but should also be considered for licensed premises or clubs where overcrowding may lead to disorder and violence. If such a condition is considered necessary, door supervisors may be needed to ensure that the numbers are appropriately controlled (see above).

Proof of age cards

It is unlawful for children under 18 to attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them. To prevent the commission of these criminal offences, licensed premises should have in place an age verification policy. This requires the production of "proof of age" before sales are made. The Secretary of State strongly supports the PASS accreditation system which aims to approve and accredit various proof of age schemes that

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are in existence. This ensures that such schemes maintain high standards, particularly in the area of integrity and security. While age verification policies may refer directly to PASS accredited proof of age cards, they should also allow for the production of other proof which bears a photograph, the individual's date of birth and a holographic mark, such as photo-driving licences, National Identity Cards, some student cards and passports.

Since many adults in England and Wales do not currently carry any proof of age, the wording of any condition will require careful thought. For example, many premises have adopted the "Challenge 25", "Challenge 21" or other similar initiatives. Under these initiative those premises selling or supplying alcohol require sight of evidence of age from any person appearing to be under the specified age and who is attempting to buy alcohol.

Crime prevention notices

It may be necessary at some premises for notices to be displayed which warn customers of the prevalence of crime which may target them. Some premises may be reluctant to volunteer the display of such notices for commercial reasons. For example, in certain areas, a condition attached to a premises licence or club premises certificate might require the display of notices at the premises which warn customers about the need to be aware of pickpockets or bag snatchers, and to guard their property. Similarly, it may be necessary for notices to be displayed which advise customers not to leave bags unattended because of concerns about terrorism. Consideration could be given to a condition requiring a notice to display the name of a contact for customers if they wish to report concerns.

Drinks promotions

Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club premises certificates in an

area as this is likely to breach competition law. It is also likely to be unlawful for licensing authorities or police officers to promote voluntary arrangements of this kind as this can risk creating cartels. Discounting at individual premises may be permissible provided it is consistent with the licensing objectives.

Irresponsible promotions are addressed through mandatory licensing conditions (see section 10). Licensing authorities are reminded that there may be a judgement needed on whether a specific promotion is responsible or irresponsible. It is therefore vital that they consider these matters objectively in the context of the licensing objectives and before pursuing any form of restrictions at all, take their own legal advice.

Signage

It may be necessary for the normal hours at which licensable activities are permitted to take place under the terms of the premises licence or club premises certificate to be displayed on or immediately outside the premises so that it is clear if breaches of these terms are taking place.

Similarly, it may be necessary for any restrictions on the admission of children to be displayed on or immediately outside the premises to deter those who might seek admission in breach of those conditions.

Large capacity venues used exclusively or primarily for the "vertical" consumption of alcohol (HVVDs)

Large capacity "vertical drinking" premises, sometimes called High Volume Vertical Drinking establishments (HVVDs), are premises which have exceptionally high capacities, used primarily or exclusively for the sale and consumption of alcohol, and little or no seating for patrons.

Where necessary and appropriate, conditions can be attached to licences for these premises which require adherence to:

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- a prescribed capacity;
- an appropriate ratio of tables and chairs to customers based on the capacity; and
- the presence of security staff holding the appropriate SIA licence or exemption (see paragraphs 10.58-10.64) to control entry for the purpose of compliance with the capacity limit.

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Part 2. Conditions Relating To Public Safety

The attachment of conditions to a premises licence or club premises certificate will not in any way relieve employers of the statutory duty to comply with the requirements of other legislation including the Health and Safety at Work etc Act 1974, associated regulations and especially 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. Employers should assess the risks, including risks from fire, and take measures necessary to avoid and control them. Conditions enforcing these requirements are therefore unnecessary. From 1 October 2006 the Regulatory Reform (Fire Safety) Order 2005 replaced previous fire safety legislation. Licensing authorities should note that under article 43 of the Regulatory Reform (Fire Safety) Order 2005 any conditions imposed by the licensing authority that relate to any requirements or prohibitions that are or could be imposed by the Order have no effect. This means that licensing authorities should not seek to impose fire safety conditions where the Order applies. See Chapter 2 for more detail about the Order.

General

Additional matters relating to cinemas and theatres are considered in Part 3. It should also be recognised that special issues may arise in connection with outdoor and large scale events.

In addition, to considering the points made in this Part, those preparing operating schedules or club operating schedules, licensing authorities and responsible authorities should consider:

- Model National and Standard Conditions for Places of Public Entertainment and Associated Guidance ISBN 1 904031 11 0 (Entertainment Technology Press – ABTT Publications)

- The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999) (“The Purple Book”) ISBN 0 7176 2453 6
- Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X
- 5 Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 07176 15804
- The Guide to Safety at Sports Grounds (The Stationery Office, 1997) (“The Green Guide”) ISBN 0 11 300095 2
- 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/pages/publications.htm
- The London District Surveyors Association’s “Technical Standards for Places of Public Entertainment” ISBN 0 9531229 2 1 The following British Standards should also be considered:
 - BS 5588 Part 6 (regarding places of assembly)
 - BS 5588 Part 9 (regarding ventilation and air conditioning systems)
 - BS 5588 Part 9 (regarding means of escape for disabled people)
 - BS 5839 (fire detection, fire alarm systems and buildings)
 - BS 5266 (emergency lighting systems)

In most premises existing legislation will provide adequately for the safety of the public or club members and guests. However, where this is not the case, consideration might be given to the following conditions.

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Safety checks

- Safety checks are carried out before the admission of the public.
- Details of such checks are kept in a Log-book.

Escape routes

- Exits are kept unobstructed, with non-slippery and even surfaces, free of trip hazards and clearly identified.
- Where chairs and tables are provided in restaurants and other premises, internal gangways are kept unobstructed.
- All exits doors are easily openable without the use of a key, card, code or similar means.
- Doors at such exits are regularly checked to ensure that they function satisfactorily and a record of the check kept.
- Any removable security fastenings are removed whenever the premises are open to the public or occupied by staff.
- The edges of the treads of steps and stairways are maintained so as to be conspicuous.

Disabled people

- When disabled people are present, adequate arrangements exist to enable their safe evacuation in the event of an emergency; and disabled people on the premises are made aware of those arrangements.

Lighting

- 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.
- Emergency lighting is not altered.

- Emergency lighting batteries are fully charged before the admission of the public, members or guests.
- In the event of the failure of normal lighting, where the emergency lighting battery 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; and, if the emergency lighting battery has a capacity of three hours, the appropriate period by the end of which the public should have left the premises is one hour.

Curtains, hangings, decorations and Upholstery

- Curtains, hangings and temporary decorations are arranged so as not to obstruct exits
- temporary decorations are not used without prior notification to the licensing authority/relevant responsible authority.

Capacity limits

- Arrangements are made to ensure that any capacity limit imposed under the premises licence or club premises certificate is not exceeded.
- 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.

Access for emergency vehicles

- Access for emergency vehicles is kept clear and free from obstruction.

First aid

- Adequate and appropriate supply of first aid equipment and materials is available on the

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premises.

- If necessary, 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 that their respective duties are clearly defined.

Temporary electrical installations

- 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 suitable qualified electrician.
- Temporary electrical wiring and distribution systems shall comply with the recommendations of BS 7671 or where applicable BS 7909.
- 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.

With regard to the first bullet above, it should be recognised that ten days notice may not be possible where performances are supported by outside technical teams. For example, where temporary electrical installations are made in theatres for television show performances. In such circumstances, the key requirement is that conditions should ensure that temporary electrical installations are only undertaken by competent qualified persons, for example, employed by the television company.

Indoor sports entertainments

- 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.
- Any ring is constructed and supported by a competent person and inspected by a

competent authority.

- At any wrestling or other entertainments of a similar nature members of the public do not occupy any seat within 2.5 metres of the ring.
- 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 (see also Managing Health and Safety in Swimming Pools issued jointly by the Health and Safety Commission and Sport England).

Special effects

The use of special effects in venues of all kinds being used for regulated entertainment is increasingly common and can present significant risks. Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff. Further details and guidance are given in Part 3.

Alterations to the premises

Premises should not be altered in such a way as to make it impossible to comply with an existing licence condition without first seeking a variation of the premises licence to delete the relevant public safety condition. The applicant will need to propose how they intend to take alternative steps to promote the public safety objective in a new operating schedule reflecting the proposed alteration to the premises. The application for variation will enable the responsible authorities with expertise in safety matters to consider whether the proposal is acceptable.

Other measures

Other measures previously mentioned in relation to the Prevention of Crime and Disorder may also be relevant as necessary to promote public safety. These might include the provision of door supervisors, bottle bans, and requirements to use plastic or toughened glass

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containers (see Part 1 for further detail).

Part 3. Theatres, Cinemas, Concert Halls And Similar Places (Promotion Of Public Safety)

In addition to the points in Part 2, there are particular public safety matters which should be considered in connection with theatres and cinemas.

Premises Used For Closely Seated Audiences

Attendants

(a) The number of attendants on each floor in a closely seated auditorium should be as set out on the table below:

Number of members of the audience present on a floor	Minimum number of attendants required to be present on that floor
1-100	One
101-250	Two
251-500	Three
501-750	Four
751-1000	five
And one additional attendant for each additional 250 persons (or part thereof)	

(b) Attendants shall not be engaged in any duties that would prevent them from promptly discharging their duties in the event of an emergency or require their absence from that floor or auditorium where they are on duty.

(c) Any attendant shall be readily identifiable to the audience (but this need not entail the wearing of a uniform).

(d) The premises shall not be used for a closely seated audience except in accordance with seating plan(s), a copy of which is available at the premises and shall be shown to any authorised person on request.

(e) No article shall be attached to the back of any seat which would reduce the clear width of seatways or cause a tripping hazard or obstruction.

(f) A copy of any certificate relating to the design, construction and loading of any temporary seating shall be kept available at the premises and shall be shown to any authorised person on request.

Seating

Where the potential audience exceeds 250 all seats in the auditorium should, except in boxes accommodating not more than 8 persons, be either securely fixed to the floor or battened together in lengths of not fewer than four or more than twelve.

Standing and sitting in gangways etc

(a) Sitting on floors shall not be permitted except where authorised in the premises licence or club premises certificate.

(b) Waiting or standing shall not be permitted except in areas designated in the premises licence or club premises certificate.

(c) In no circumstances shall anyone be permitted to-

- (i) sit in any gangway;
- (ii) stand or sit in front of any exit; or
- (iii) stand or sit on any staircase including any landings.

Drinks

Except as authorised by the premises licence or club premises certificate, no drinks shall be sold to or be consumed by a closely seated audience except in plastic and paper containers.

Balcony Fronts

Clothing or other objects shall not be placed over balcony rails or upon balcony fronts.

Special effects

Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff.

Specials effects include:

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

In certain circumstances, it may be necessary to require that certain special effects are only used with the prior notification of the licensing authority. In these cases, the licensing authority should notify the fire and rescue authority, who will exercise their inspection and enforcement powers under the Regulatory Reform (Fire Safety) Order 2005.

Further guidance can be found in the following publications:

- HSE Guide 'The radiation safety of lasers used for display purposes' (HS(G)95
- 'Smoke and vapour effects used in entertainment' (HSE Entertainment Sheet No 3);
- 'Special or visual effects involving explosives or pyrotechnics used in film and television production' (HSE Entertainment

- 'Electrical safety for entertainers' (HSE INDG 247)
- 'Theatre Essentials' – Guidance booklet produced by the Association of British Theatre Technicians 8

Ceilings

All ceilings in those parts of the premises to which the audience are admitted should be inspected by a suitably qualified person who will decide when a further inspection is necessary and a certificate concerning the condition of the ceilings forwarded to the licensing authority.

Premises Used For Film Exhibitions

Attendants – premises without a staff alerting system

Where the premises are not equipped with a staff alerting system the number of attendants present should be as set out in the table below:

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty
1-250	Two
And one additional attendant for each additional 250 members of the audience present (or part thereof)	
Where there are more than 150 members of audience audience in any auditorium or on any floor	At least one attendant shall be present in any auditorium or on any floor

Attendants – premises with a staff alerting system

(a) Where premises are equipped with a staff alerting system the number of attendants present should be as set out in the table below:

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty	Minimum number of other staff on the premises who are available to assist in the event of an emergency
1-500	Two	One
501-1000	Three	Two
1001-1500	Four	Four
1501 or more	Five plus one for every 500 (or part thereof) persons over 2000 on the premises	Five plus one for every 500 (or part thereof) persons over 2000 on the premises

(b) Staff shall not be considered as being available to assist in the event of an emergency if they are:

- (i) the holder of the premises licence or the manager on duty at the premises; or
- (ii) a member of staff whose normal duties or responsibilities are likely to significantly

affect or delay their response in an emergency situation; or

- (iii) a member of staff whose usual location when on duty is more than 60 metres from the location to which they are required to go on being alerted to an emergency situation.

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- (c) Attendants shall as far as reasonably practicable be evenly distributed throughout all parts of the premises to which the public have access and keep under observation all parts of the premises to which the audience have access.
- (d) The staff alerting system shall be maintained in working order.

Minimum lighting

The level of lighting in the auditorium should be as great as possible consistent with the effective presentation of the film; and the level of illumination maintained in the auditorium during the showing of films would normally be regarded as satisfactory if it complies with the standards specified in BS CP 1007 (Maintained Lighting for Cinemas).

Part 4. Conditions Relating To The Prevention Of Public Nuisance

It should be noted that provisions of the Environmental Protection Act 1990, the Noise Act 1996 and the Clean Neighbourhoods and Environment Act 2005 provide some protection to the general public from the effects of noise nuisance. In addition, the provisions in Part 8 of the Licensing Act 2003 enable a senior police officer to close down instantly for up to 24 hours licensed premises and premises carrying on temporary permitted activities that are causing nuisance resulting from noise emanating from the premises. These matters should be considered before deciding whether or not conditions are necessary for the prevention of public nuisance.

Hours

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 a club premises certificate for the prevention of public nuisance. But this must be balanced by the potential impact on disorder which may result

from arbitrarily fixed closing times. However, there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount considerations at all times. Restrictions could be necessary on the times when certain licensable activities take place even though the premises may be open to the public as such times. For example, the playing of recorded music after a certain time might be prohibited, even though other licensable activities are permitted to continue. Or the playing of recorded music might only be permitted after a certain time where conditions have been attached to the licence or certificate to ensure that any potential nuisance is satisfactorily prevented. Restrictions might also 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 is open to the public or members and their guests, regulated entertainment might not be permitted in garden areas of the premises after a certain time.

In premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to the following conditions.

Noise and vibration

In determining which conditions are necessary and appropriate, licensing authorities should be aware of the need to avoid unnecessary or disproportionate measures that could deter the holding of events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues. The following conditions may be considered:

- Noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties. This might be achieved by one or more of the following conditions:

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- a simple requirement to keep doors and windows at the premises closed;
- limiting live music to a particular area of the building;
- moving the location and direction of speakers away from external walls or walls that abut private premises;
- installation of acoustic curtains;
- fitting of rubber seals to doorways;
- installation of rubber speaker mounts;
- requiring the licensee to take measure to ensure that music will not be audible above background level at the nearest noise sensitive location;
- require licensee to undertake routine monitoring to ensure external levels of music are not excessive and take appropriate action where necessary;
- noise limiters on amplification equipment used at the premises (if other measures have been unsuccessful).
- 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.
- The use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas are restricted.
- The placing of refuse – such as bottles – into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.

Noxious smells

- Noxious smells from licensed premises are not permitted so as to cause a nuisance to nearby properties and the premises are properly vented.

Light pollution

- Flashing or particularly bright lights on or outside licensed premises do not cause a nuisance to nearby properties. Any such condition needs to be balanced against the benefits to the prevention of crime and disorder of bright lighting in certain places.

Other measures

Other measures previously mentioned in relation to the Prevention of Crime and Disorder may also be relevant as necessary to prevent public nuisance. These might include the provision of door supervisors, open containers not to be taken from the premises, and restrictions on drinking areas (see Part 1 for further detail).

Part 5. Conditions Relating To The Protection Of Children From Harm

An operating schedule or club operating schedule should indicate any decision for the premises to exclude children completely. This would mean there would be no need to detail in the operating schedule steps that the applicant proposes to take to promote the protection of children from harm. Otherwise, where entry is to be permitted, the operating schedule should outline the steps to be taken to promote the protection of children from harm while on the premises.

Access for children to licensed premises – in general

Restrictions on the access of children under 18 to premises where licensable activities are being carried on should be made where it is necessary to protect children from harm. Precise policy and details will be a matter for individual licensing authorities.

The Secretary of State recommends (unless there are circumstances justifying the contrary) that:

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- for any premises with known associations (having been presented with evidence) with or likely to give rise to:
- heavy or binge or underage drinking;
- drugs;
- significant gambling; or
- any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature, there should be a strong presumption against permitting any access at all for children under 18 years.
- for any premises, not serving alcohol for consumption on the premises, but where the public are allowed on the premises after 11.00pm in the evening, there should be a presumption against the presence of children under the age of 12 unaccompanied by adults after that time.
- the hours of day during which age restrictions should and should not apply. For example, the fact that adult entertainment may be presented at premises after 8.00pm does not mean that it would be necessary to impose age restrictions for earlier parts of the day;
- types of event or activity that are unlikely to require age restrictions, for example:
 - family entertainment; or
 - non-alcohol events for young age groups, such as under 18s dances,
- types of event or activity which give rise to a more acute need for age restrictions than normal, for example:
 - during “Happy Hours” or on drinks promotion nights;
 - during activities outlined in the first bullet point in the first paragraph above.

Applicants wishing to allow access under the above circumstances, should when preparing new operating schedules or club operating schedules or variations of those schedules:

- explain their reasons; and
- outline in detail the steps that they intend to take to protect children from harm on such premises.

In any other case the Secretary of State recommends that, subject to the premises licence holder’s or club’s discretion, the expectation would be for unrestricted access for children subject to the terms of the 2003 Act

Age Restrictions – specific

Whilst it may be appropriate to allow children unrestricted access at particular times and when certain activities are not taking place, licensing authorities will need to consider:

Age restrictions – cinemas

The British Board of Film Classification classifies films in accordance with its published Guidelines which are based on extensive research into public opinion and professional advice. The Secretary of State therefore recommends that licensing authorities should not duplicate this effort by choosing to classify films themselves. The classifications recommended by the Board should be those normally applied unless there are very good local reasons for a licensing authority to adopt this role. Licensing authorities should note that the provisions of the 2003 Act enable them to specify the Board in the licence or certificate and, in relation to individual films, to notify the holder or club that it will make a recommendation for that particular film.

Licensing authorities should be aware that the BBFC currently classifies films in the following way:

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- U Universal – suitable for audiences aged four years and over
- PG – Parental Guidance. Some scenes may be unsuitable for young children.
- 12A – Passed only for viewing by persons aged 12 years or older or persons younger than 12 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 and over.

Licensing authorities should note that these classifications may be subject to occasional change and consult the BBFC's website at www.bbfc.co.uk before applying relevant conditions.

The Secretary of State considers that, in addition to the mandatory condition imposed by section 20, conditions restricting the admission of children to film exhibitions should include that:

- where the licensing authority itself is 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 is to allow the authority time to classify it so that the premises licence holder is able to adhere to any age restrictions then imposed;
- immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least five 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;

- when a licensing 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 so that persons entering can readily be made aware of the classification attached to any film or trailer. Such a condition might be expressed in the following terms:

“Where a programme includes a film recommended by the licensing authority as falling into an age restrictive 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 restrictions and requirements. For example:

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

Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction.

This condition does not apply to members of staff under the relevant age while on-duty provided that the prior written consent of the person's parent or legal guardian has first been obtained.”

Theatres

The admission of children to theatres, as with other licensed premises, is not expected to be restricted normally unless it is necessary to promote the protection of children from harm. However, theatres may be the venue for a wide range of activities. The admission of

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children to the performance of a play should normally be left to the discretion of the licence holder and no condition restricting the access of children to plays should be attached. However, theatres may also present entertainment including, for example, variety shows, incorporating adult entertainment. A condition restricting the admission of children in such circumstances may be necessary. Entertainment may also be presented at theatres specifically for children (see below).

Licensing authorities are also expected to consider whether a condition should be attached to a premises licence which requires the presence of a sufficient number of adult staff on the premises to ensure the well being of children during any emergency (See Part 3).

Performances especially for children

Where performances are presented especially for unaccompanied children in theatres and cinemas, licensing authorities will also wish to consider conditions to specify that:

- an attendant to be stationed in the area(s) occupied by the children, in the vicinity of each exit, provided that on each level occupied by children the minimum number of attendants on duty should be one attendant per 50 children or part thereof.

Licensing authorities should also consider whether or not standing should be allowed. For example, there may be reduced risk for children in the stalls than at other levels or areas in the building.

Children in performances

There are many productions each year that are one-off shows where the cast is made up almost entirely of children. They may be taking part as individuals or as part of a drama club, stage school or school group. The age of those involved may range from 5 to 18. The Children (Performances) Regulations 1968 as amended set out requirements for children performing in a show. Licensing authorities should familiarise

themselves with these Regulations and not duplicate any of these requirements. However, if it is necessary to consider imposing conditions, in addition to these requirements, for the promotion of the protection of children from harm then the licensing authority should consider the matters outlined below.

- **Venue** – the backstage facilities should be large enough to accommodate safely the number of children taking part in any performance.
- **Special effects** – it may be inappropriate to use certain special effects, including smoke, dry ice, rapid pulsating or flashing lights, which may trigger adverse reactions especially with regard to children.
- **Care of children** – theatres, concert halls and similar places are places of work and may contain a lot of potentially dangerous equipment. It is therefore important that children performing at such premises are kept under adult supervision at all times including transfer from stage to dressing room and anywhere else on the premises. It is also important that the children can be accounted for at all times in case of an evacuation or emergency.

The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks

The Portman Group operates, on behalf of the alcohol industry, 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 old or older. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published on the Portman Group's website, in the trade press and in an annual report. If a product's packaging or point-of-sale advertising is found to be in breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers

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of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until the decision has been complied with. The Code is an important mechanism in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner which may appeal to or attract minors. Consideration can be given to attaching conditions to premises licences and club premises certificates that require compliance with the Portman Group's Retailer Alert Bulletins.

Proof of Age cards

Proof of age cards are discussed under Part 1 in connection with the prevention of crime and disorder. However, a requirement for the production of proof of age cards before any sale or supply of alcohol is made could be attached to any premises licence or club premises certificate for the protection of children from harm.

Proof of age cards can also ensure that appropriate checks are made where the presence of children is restricted by age at certain times, such as 16.

Since many adults in England and Wales do not currently carry any proof of age, the wording of any condition will require careful thought. For example, many premises have adopted the "Challenge 25", "Challenge 21" or other similar initiatives. Under the "Challenge 25" or "Challenge 21" initiatives those premises selling or supplying alcohol require sight of evidence of age from any person appearing to be under the age of 25 or 21 and who is attempting to buy alcohol. Making this a licensing condition would ensure that most minors – even those looking older – would need to produce appropriate proof of age before making such a purchase.

Appendix D

Glossary of Terms

Within this Statement of Policy, the following words and terms are defined as stated:

- 1. Applications:**
Means applications for Licences and Certificates
- 2. Certificate:**
Means a Club Premises Certificate in relation to qualifying clubs
- 3. Designated Premises Supervisor (DPS):**
A designated premise supervisor (DPS) is the person identified as such for a particular premises who is named on the premise licence. Any premises where alcohol is supplied under a premise licence must have a DPS. They will be named in the operating schedule for any premises with a premise licence. The DPS will not necessarily be the premises licence holder, although this may sometimes be the case. It is expected that they will be the point of contact for the premises at all times for licensing authorities, or the police or fire services if problems occur at the premises.

Any application for a premise licence must also include a form of consent given by the individual whom the applicant wishes to have specified in the premise licence as the DPS.
- 4. Hot Food or Hot Drink:**
Means food or drink supplied on or from any premises, is "hot" for the purposes of Schedule 2 to the Act if the food or drink, or any part of it:
 - (i) before it is supplied, is heated on the premises or elsewhere for the purpose of enabling it to be consumed at a temperature above the ambient air temperature and, at the time of supply, is above that temperature,
 - or
 - (ii) after it is supplied, may be heated on the premises for the purpose of enabling it to be consumed at a temperature above the ambient air temperature.
- 5. Interested Party:**
Is defined as:
 - (i) a person living in the vicinity of the premises
 - (ii) a body representing persons who live in that vicinity
 - (iii) a person involved in a business in that vicinity
 - (iv) a body representing persons involved in such businesses.
- 6. Licence:**
Means Premises Licence or Personal Licence
- 7. Licensing Objectives:**
Are defined in section 3.1 above.

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8. **Notifications:**

Means notifications of Temporary Event Notices

9. **Operating Schedule:**

The schedule to be submitted with the premise application that states how the four licensing objectives will be promoted

10. **Personal Licence:**

A personal licence is required for sale of alcohol and as with the premise licence will be issued by the local Licensing Authority. The licence will last for ten years and to gain a licence the applicant must:

- Be over 18
- Possess a recognised licensing qualification, such as the BII Licensees qualification
- Have completed a criminal records bureau check and be free from relevant conviction
- Have not forfeited licence within five years (convicted of a relevant offence).

Unless the police object the Licensing Authority **MUST** grant the application. If the police object the Licensing Authority will hold a hearing, and the guide states that it will be normal for the Licensing Authority to refuse, unless there are “exceptional and compelling circumstances”.

Personal licence holders have a legal duty to:

- Notify any court that you are a personal licence holder
- Notify the Licensing Authority of relevant convictions
- Notify the Licensing Authority of change of address
- Produce licence

11. **Premise Licence:**

The Licensing Act 2003 ("the Act") amalgamates six existing licensing regimes covering the sale and supplies of alcohol, the provision of regulated entertainment, the provision of late night refreshment and replaces them with a single system of premises licences. Businesses will be able to apply for a single premise licence to cover all the licensable activities they wish to carry on.

12. **Premises:**

Means any place and includes a vehicle, vessel or moveable structure

13. **Provision of Late Night Refreshment:**

Is defined as the provision of hot food or hot drink to members of the public, or a section of the public on or from any premises, whether for consumption on or off the premises between 11 pm and 5 am or at any time between those hours. When members of the public, or a section of the public, are admitted to any premises, a person supplies, or holds himself willing to supply, hot food or hot drink to any persons, or to persons of a particular description, on or from those premises, whether for consumption on or off the premises.

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14. **Regulated Entertainment:**

- (a) A performance of a play
- (b) An exhibition of film
- (c) An indoor sporting event
- (d) A boxing or wrestling entertainment
- (e) A performance of live music
- (f) Any playing of recorded music
- (g) A performance of dance

Entertainment of a similar description to that falling within paragraph (e), (f) or (g) where the entertainment takes place in the presence of an audience and is provided for the purpose, or for purposes which include the purpose, of entertaining that audience. Any reference to an audience includes a reference to spectators. This definition is subject to Part 3 of Schedule 1 to the Licensing Act 2003 (interpretation).

15. **Regulations:**

Means Regulations made under the Act

16. **Responsible Authority:**

Is defined as:

- (i) the Chief Officer of Police for any police area in which the premises are situated
- (ii) the Fire Authority for any area in which the premises are situated
- (iii) the enforcing authority within the meaning given by section 18 of the Health and Safety at Work etc Act 1974 for any area in which the premises are situated
- (iv) the local planning authority within the meaning given by the Town and Country Planning Act 1990 (c.8) for any area in which the premises are situated
- (v) the local authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health
- (vi) a body which:
 - (a) represents those who, in relation to any such area, are responsible for, or interested in matters relating to the protection of children from harm, and
 - (b) is recognised by the licensing authority for that area for the purposes of this section as being competent to advise it on such matters
- (vii) any licensing authority (other than the relevant licensing authority) in whose area part of the premises is situated
- (viii) in relation to a vessel:
 - (a) a navigation authority (within the meaning of section 221(1) of the Water Resources Act 1991 (c.57)) having functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is or is proposed to be, navigated at a time when it is used for licensable activities
 - (b) the Environment Agency
 - (c) the British waterways Board, or
 - (d) the Secretary of State
 - (e) a person prescribed for the purpose of this subsection

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17. **Review:**

The proceedings set out in the 2003 Act for reviewing premises licences represent a key protection for the community where problems associated with crime and disorder, public safety, public nuisance or the protection of children from harm are occurring. It is the existence of these procedures which should, in general, allow licensing authorities to apply a light touch to the grant and variation of premises licences by providing a review mechanism when concerns relating to the licensing objectives arise later in respect of individual premises.

The following definitions within the Licensing Act 2003 are used within this policy document:

Licensable activities and qualifying club activities:

Are defined as:

- (i) the sale by retail of alcohol
- (ii) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- (iii) the provision of regulated entertainment
- (iv) the provision of late night refreshment - for those purposes the following licensable activities are also qualifying club activities;
- (v) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club for consumption on the premises where the supply takes place
- (vi) the sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place
- (vii) the provision of regulated entertainment where that provision is by or on behalf of a club for members of the club or members of the club and their guests

18. **Safety Advisory Group:**

A group consisting of various agencies including police, fire, ambulance, emergency planning, leisure services and environmental health which meets to discuss and advise on outdoor events.

19. **SIA:**

The Security Industry Authority responsible for registering door supervisors.

20. **Staff Alerting System:**

A system (whether electronically operated or otherwise) for immediately alerting staff to take appropriate action in the event of fire or other emergency.

21. **Temporary Event:**

Replaces "occasional licences" The Licensing Act 2003 introduces the concept of "permitted temporary events". Any event which will last less than 96 hours, with less than 500 people does not need a licence. Any person who is a minimum of 18 years old may stage such an event, including the sale of alcohol, by serving a notice on the Licensing Authority and police, a minimum of 10 days before the event. However, this Licensing Authority recommends a period of no less than 20 days.

There are restrictions on the number of events both at the venue and by the person organising the events. With regard to the venue there should be a minimum of 24 hours between events and a venue can only stage 12 events per year. A personal licence holder can stage 50 events in a year and non-licence holders, five events.

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22. Text Pagers:

Text Pagers are sometimes referred to as two-way radio communication.

23. Vicinity:

This policy does not define “vicinity” as each case will be dealt with on its own merits.

Statement of Licensing Policy

Appendix E

Organisation	Location	Contact	Tel. No./ Email
*Hertfordshire Fire & Rescue Service	The Chief Fire Officer Fire & Rescue Service 'A' Division HQ Queensway Hemel Hempstead HP2 5HA	Fire Officer	01442 867103
*Hertfordshire Constabulary	The Chief Officer of Police St Albans Police Station Victoria Street St Albans Herts, AL1 3JL	Licensing Officer	0845 3300222
*Environment and Health	Environment and Regulatory Services St Albans City and District Council Civic Centre St Peters Street St Albans Herts AL1 3JE	Head of Environment and Regulatory Services	Tel: 01727 819436 Fax: 01727 819433 Email: environmental@stalbans.gov.uk Website: www.stalbans.gov.uk
*Hertfordshire Safeguarding Children Board	Hertfordshire Safeguarding Children Board Room 127 County Hall Pegs Lane Hertford Herts SG13 8DE	HSCB Business Manager	Tel: 01992 588757 Fax: 01992 555719 Email: admin.lscb@hertsc.gov.uk
*Trading Standards	Hertfordshire Trading Standards Mundells Welwyn Garden City Herts AL7 1FT	Chief Trading Standards Officer	Tel: 01707 292429 Fax: 01707 292477 Email: tradingstandards@hertsc.gov.uk

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Organisation	Location	Contact	Tel. No./ Email
*Planning	Planning St Albans City and District Council Civic Centre St Peters Street St Albans Herts AL1 3JE	Planning Officer	Tel: 01727 866100 ext. 2346 Email: planning@stalbans.gov.uk
St Albans City & District Council	District Council Offices, Civic Centre, St Peter's Street, St Albans, Herts,AL1 3JE		01727 866100
Bedfordshire and Hertfordshire Ambulance and Paramedic Service NHS Trust	Ambulance HQ, Hammond Road, Bedford MK41 ORG	Graham Kent	01234 408999 gkent@bhamb.nhs.uk
Planning Department St Albans City & District Council	District Council Offices, Civic Centre, St Peter's Street, St Albans, Herts, AL1 3JE		01727 819469
Leisure Services	Stuart Foster	Leisure	01727 819368 stuart.foster@stalbans.gov.uk
Licensing Officer	Lesley Cameron	Licensing	01727 819454 lesley.cameron@stalbans.gov.uk
Environmental Health Officer	Maria Stagg	Food Safety Health & Safety	01727 819444 Maria.stagg@stalbans.gov.uk
Environmental Health Officer	Stephen Hide	Noise Pollution	01727 819406 stephen.hide@stalbans.gov.uk
Emergency Planning Team, Hertfordshire County Council	County Hall, Pegs Lane Hertford, SG13 8DQ	Alyson Whitley	01992 555961 alyson.whitley@hertscc.gov.uk
Hertfordshire County Council Passenger Transport Unit	PO Box 99, Hertford SG13 8TJ		01992 588630
Magistrates Court		Clerk	01727 816822

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Organisation	Location	Contact	Tel. No./ Email
Pub Watch		Contact details of chairs of Pubwatch available from Police Licensing Officer, John Cooper	0845 3300222

*Responsible Authorities under the Licensing Act 2003

Statement of Licensing Policy



P.O. Box 2 • District Council Offices
Civic Centre • St. Peter's Street
St. Albans • Hertfordshire • AL1 3JE
Telephone: 01727 866100
Textphone: 01727 819570
Facsimile: 01727 819433
E-mail: environment@stalbans.gov.uk
www.stalbans.gov.uk

This leaflet can be obtained in alternative formats, eg. in braille, large print, on audio tape, on computer disc or e-mail by contacting the above address

এই লিফলেটে যে তথ্য দেওয়া হয়েছে যদি আপনি
আরও বুঝার সাহায্য চান তবে বেনিফিট সার্ভিসে
ফোন করুন Tel: 01727 819316

ایر ٹیبلٹ میں دی گئی معلومات کے لیے مزید سہولتیں
میں سے دریافت کرنے کے لیے
- ہیرا ایف ٹی ٹی Tel: 01727 819316