

# EASTLEIGH BOROUGH COUNCIL

## LICENSING ACT 2003 STATEMENT OF LICENSING POLICY 2024 to 2029

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#### 1. VISION STATEMENT

- 1.1 To support the Corporate Plan 2023-26 themes of 'Enabling a healthier Eastleigh' which seeks to improve socio-economic and health outcomes and reducing inequality and 'Shaping places' which seeks to create and enhance places that are attractive, vibrant, distinctive and safe. 2.

#### INTRODUCTION

- 2.1 The Licensing Act 2003 requires licensing authorities to publish a "statement of licensing policy" every five years, which sets out how they intend to exercise their functions. The policy sets out a general approach to making licensing decisions. Each application will be considered on its own individual merits. The licensing authority only has discretion to determine applications or make other substantive decisions if relevant representations are made. Representations made by "responsible authorities" or "other persons" (including businesses) are only relevant if they relate to one or more of the licensing objectives (see paragraph 2.4 below). Representations must also be submitted strictly within the timeframes advertised in order to be considered.
- 2.2 The Policy relates to all those licensing activities identified as falling within the provisions of the Act (Part 1 Section 1) namely
  - Retail sale of alcohol;
  - Supply of alcohol to club members;
  - The supply of hot food and/or drink from any premises between 11 p.m. and 5 a.m. ("late night refreshment");

- Provision of "Regulated Entertainment" – to the public, to club members or with a view to profit. "Regulated Entertainment" is defined as:
  - A performance of a play;
  - An exhibition of a film;
  - An indoor sporting event;
  - Boxing or wrestling entertainment;
  - A performance of live music;
  - Any playing of recorded music;
  - A performance of dance;
  - Provision of facilities for making music;
  - Provision of facilities for dancing.

2.3 The Legislative Reform (Entertainment Licensing) Order 2014 and the Deregulation Act 2015 provide significant exemptions to some of the activities. This is set out at Chapter 16 of the revised statutory guidance.

2.4 The licensing authority has a duty under the Act to carry out its functions with a view to promoting the four licensing objectives, which are:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm.

2.5 The licensing authority must also have regard to this Statement of Licensing Policy and any statutory guidance issued by the Secretary of State. The licensing authority may depart from guidance or this policy if, having properly taken it into account, there is good reason to do so and only where it is appropriate to do so to promote one or more of the licensing objectives. Clearly set out reasons will be provided where this approach is adopted.

2.6 In promoting the licensing objectives the licensing authority has a number of key aims and purposes which should be principal aims for everyone involved in licensing work and are therefore integral to the Policy. They include:

1. Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
2. Giving the police, licensing officers and responsible authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
3. Recognising the important role which licensed premises play in our local communities and economy by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;

4. Providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
5. Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may impact upon them.

## CONSULTATION

2.7 In accordance with section 5 of the Act and prior to the publication of this Policy the licensing authority consulted with:

- Chief Officer of Police for the area (Hampshire Police)
- Hampshire and Isle of Wight Fire and Rescue Authority
- Local Health Board, currently the Hampshire and Isle of Wight integrated care board.
- Public Health (Hampshire County Council)
- Persons/bodies representative of local holders of premises licences;
- Persons/bodies representative of local holders of club premises certificates;
- Persons/bodies representative of local holders of personal licences;

In addition the licensing authority consulted with:

- Health and Safety Executive
- Children's Social Services, HCC
- Hampshire Chamber of Commerce
- Licensing Solicitors used by applicants to EBC
- Planning lead at EBC
- Regulatory Service Leads at EBC
- Strategic Planning officer at EBC
- Local Area Managers at EBC
- Hampshire Trading Standards

This Policy will come into effect once adopted by Eastleigh Borough Council and remain in force for a period of 5 years. During this time the policy will be subject to regular review and may be amended.

## 3. BOROUGH PROFILE

3.1 The town of Eastleigh is the administrative town of the borough and has seen extensive redevelopment and improvements to the town's shopping facilities. Eastleigh has excellent transport links. It is at the intersection of the M27 and M3, has two stations on the main London to Bournemouth railway line and

Southampton International Airport within its boundaries. The ports of Southampton and Portsmouth are nearby.

- 3.2 The Borough of Eastleigh lies between Southampton Water, the river Hamble and the boundaries of Winchester and Test Valley. It contains considerable recreation and leisure facilities. Marinas and sailing clubs are found at Hamble, Bursledon and Netley. Three large country parks allow public access to some of South Hampshire’s finest countryside and a number of informal countryside areas are provided and managed by the borough council. The attractive villages of Bishopstoke, Botley, Hamble-le-Rice, Netley and Bursledon all have conservation areas within them.
- 3.3 On 31<sup>st</sup> March 2022 there were 284 licensed premises, 26 Club Premises and 1903 personal licences active on the Eastleigh database.

#### THE IMPACT OF ALCOHOL ON EASTLEIGH BOROUGH

- 3.4 Public Health England state “Alcohol consumption is a contributing factor to hospital admissions and deaths from a diverse range of conditions. Alcohol misuse is estimated to cost the NHS £3.5 billion per year and society as a whole £21 billion annually.” However, these widely cited figures were last updated in 2014, and the actual figures could now be substantially higher.
- 3.5 The following two tables compare Eastleigh Borough to England as a whole and to the SE region with respect to the key indicator averages for alcohol-linked mortality and for alcohol-linked hospital admissions. The tables show that the Borough is below (better than) average for England for all the key mortality indicators but is above (worse than) average for all the key admission indicators, with the exception of admission episodes for alcohol-related conditions (narrow definition). In addition, the Borough is above (worse than) average for the SE region for all the key admission indicators except admission episodes for alcohol-specific conditions for under 18s. The historical data that is available has not been included here as it either does not display any significant changes or is insufficient to allow any trends to be calculated for the Borough.

<b>Mortality (directly-standardised rate per 100,000)</b>							
Indicator	Period	Eastleigh Borough	SE region	England	SE region range		
					Worst	Range	Best
Alcohol-related mortality	2021	26.6	34.5	38.5	53.5	 Similar	20.2
Alcohol-specific mortality	2017–19	8.0	9.1	10.9	17.6	 Similar	3.9
Mortality from chronic liver disease	2017–19	9.1	10.3	12.2	18.2	 Similar	4.8
Potential years of life lost due to alcohol-related conditions (male)	2020	1,009	974	1,116	1,621	 Similar	489

Potential years of life lost due to alcohol-related conditions (female)	2020	302	431	500	950	 Similar	188
Source: Local Alcohol Profiles for England, Office for Health Improvement & Disparities (March 2023)							

Admissions (directly-standardised rate per 100,000)							
Indicator	Period	Eastleigh Borough	SE region	England	SE region range		
					Worst	Range	Best
Admission episodes for alcohol-specific conditions	2021/22	1,310	587	626	2,514	 Worse	300
Admission episodes for alcohol-related conditions (narrow definition)	2021/22	451	411	494	679	 Worse	251
Admission episodes for alcohol-related conditions (broad definition)	2021/22	2,417	1,559	1,734	3,871	 Worse	1,036
Admission episodes for alcohol-specific conditions for under 18s (crude rate per 100,000)	2018/19 – 20/21	46.5	31.3	29.3	80.8	 Similar	7.7
Source: Local Alcohol Profiles for England, Office for Health Improvement & Disparities (March 2023)							

#### 4. LICENSING PROCESS

- 4.1 Applicants are strongly encouraged to seek advice at the earliest possible stage from the licensing authority and other responsible authorities before making an application. Applicants will need to comply with the statutory requirements or risk their application being invalid
- 4.2 . Individuals applying for either personal licence or a premises licence for the sale of alcohol or late night refreshment must be entitled to work in the UK. Licensing authorities must be satisfied that an individual who applies for a premises licence is entitled to work in the UK. This includes applications made by more than one individual applicant. An application made by an individual without the entitlement to work in the UK must be rejected.

- 4.3 This applies to applications which include the sale of alcohol and the provisions of late night refreshment but does not include applications which apply to regulated entertainment only. For example, a person applying for a licence for a music venue who does not intend to sell alcohol or late night refreshment is not prohibited from applying for a licence on grounds of immigration status. However, they will commit a criminal offence if they work illegally.
- 4.4 If an applicant has restrictions on the length of time they may work in the UK, a premises licence or personal licence may still be issued, but the licence will cease to have effect when the right to work lapses.
- 4.5 The licensing authority will expect individual applicants to address the licensing objectives in their operating schedule, having regard to the type of premises ("premises" may include a vessel i.e. ship or boat), the licensable activities to be provided, the operational procedures, the nature of the location and needs of the local community.
- 4.6 It is recommended that applicants obtain planning permission and building regulation approval along with all other necessary permissions and licences for the premises prior to an application being submitted. . Having a licence to undertake an activity does not override other legal requirements such as planning, for example a licence allowing the sale of alcohol by retail and regulated entertainment until 2am does not override a planning requirement to cease such activity by midnight.
- 4.7 When formulating their operating schedule applicants will be expected to make themselves aware of any relevant planning and transportation policies, tourism and cultural strategies or local crime prevention strategies and to have taken these into account where appropriate.
- 4.8 When determining applications the Licensing Authority will have regard to any guidance issued by the Government. In particular, account will be taken of the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community as a whole, whilst also considering the [Noise Policy Statement for England](#). If representations are made concerning the potential for limited disturbance in a particular neighbourhood, the Licensing Authority's consideration of those representations will be balanced against the wider benefits to the community. A number of public spaces are already licensed in the name of Eastleigh Borough Council.
- 4.9 When determining applications and there have been no valid representations the Licensing Authority must grant the application, subject only to conditions that are consistent with the operating schedule in addition to the relevant mandatory conditions:
- Conditions attached to a licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as 'must', 'shall' and 'will' is encouraged. Licence conditions:
    - o must be appropriate for the promotion of the licensing objectives;
    - o must be precise and enforceable;
    - o must be unambiguous and clear in what they intend to achieve;

- o should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- o must be tailored to the individual type, location and characteristics of the premises and events concerned;
- o should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- o should not replicate offences set out in the 2003 Act or other legislation
- o should be proportionate, justifiable and be capable of being met; and
- o cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- o should be written in a prescriptive format.

4.10 Additionally, regard will be had to any Crime Prevention Strategies any cultural strategies such as those that are aimed at monitoring the impact of licensing on the provision of regulated entertainment and any relevant health strategies.

4.11 The Licensing Authority acknowledges that the views of vocal minorities should not be allowed to predominate over the general interests of the community.

#### PUBLIC HEALTH AS A RESPONSIBLE AUTHORITY

4.12 There is not a specific licensing objective related directly to health within the current legislation. When making a representation, the Director of Public Health is most likely to relate such representations to the objectives on public safety and protecting children from harm. This is likely to include the prevention of accidents, injuries and other immediate harms that can result from alcohol consumption, such as unconsciousness or alcohol poisoning. This will promote the health and wellbeing of communities through reducing the harm caused by alcohol.

#### OPERATING SCHEDULES

4.13 The operating schedule must form part of the completed application form for a premises licence. It should include information, which is necessary to enable a responsible authority or other person to assess whether steps have been taken or are proposed in order to promote the licensing objectives.

4.14 As and when appropriate the applicant should provide in the operating schedule such further relevant additional information/evidence where there is an apparent departure from the promotion of the licensing objectives

4.15 It is strongly recommended that applicants and/or their legal advisors discuss with Council officers and representatives of responsible authorities the draft operating schedule before it is formally submitted. This will help ensure it properly addresses all relevant issues that might give rise for concern. This

may avoid the necessity for a hearing if the application otherwise passes without representation.

In order to guide applicants in submitting applications specific policies are set out below. For the avoidance of doubt the consideration of the below is not limited to applications and may be taken into consideration by the licensing authority generally.

### **Crime and disorder**

The applicant must indicate in the operating schedule the steps he/she proposes to prevent crime and disorder. Normally without exception for premises open between 2300 and 0600, and as appropriate for all other premises, depending on the specific premises and business being carried out, the Council would expect operating schedules to include arrangements for the following measures:

- Use of CCTV both within and outside the premises in accordance with the code of practice issued by the Information Commissioner from time to time e.g. the use of appropriate warning signs
- A search policy
- Procedures for risk assessing promotions and events
- A drugs policy to prevent the use of illegal drugs
- Employment of door supervisors licensed by the Security Industry Authority and other appropriately trained staff
- Participation in an appropriate Watch Scheme or other body designed to ensure effective liaison with the local community if in existence in the area
- Challenge 25 scheme or similar scheme promoted by the government
- Controls on bottles, glasses and containers
- No admissions after a specified time
- A personal licence holder to be on duty at the premises during opening hours

### **Reason**

Prevention of crime is both an objective of the Licensing Act 2003 and an important responsibility of the Council under the Crime & Disorder Act 1998. It is important, therefore, that the applicant be able to demonstrate to the Council the practical steps that will be taken to further this objective.

### **Drugs**

The Council will expect licensees of venues likely to be affected by drugs to take all reasonable steps to prevent the entry of patrons with drugs into licensed premises, to take appropriate steps to prevent drugs changing hands within the premises and to take practical measures to prevent drug misuse.

## **Exterior Lighting**

Exterior lighting and security lighting must be positioned to minimise disturbance caused to neighbouring residential property.

### **Reason**

Bright lights shining into the windows of residential properties can cause disturbance.

## **Noise**

It is self-evident that the risk of disturbance to local residents is greater when licensable activities continue late at night and into the early hours of the morning. For example the risk of resident's sleep being disturbed by patrons leaving licensed premises is obviously greater at 0200hrs than at 2300hrs.

The policy of the Council is to strike a fair balance between the benefits to a community of a licensed venue and the risk of disturbance to local residents. Consequently in sensitive areas the Council may restrict the hours of operation, as an alternative to extensive sound insulation and noise control measures.

Premises open between 2300 and 0800 will be expected to have:

- (a) Any car park situated in such a way that vehicular movements attributable to the licensable activity will not cause demonstrable adverse impact to local residents; and
- (b) Any smoking area is positioned to minimise both noise and smoke pollution for local residents; and
- (c) An operating schedule that indicates the applicant is taking appropriate steps to comply with the licensing objective of preventing public nuisance.

Exceptions may be made where it can be demonstrated that:

- (a) the licensable activities would not be likely to cause adverse impact especially on local residents, and that, if there is a potential to cause adverse impact, appropriate measures will be put in place to prevent it;
- (b) there will not be any increase in the cumulative adverse impact from these or similar activities, on an adjacent residential area; and
- (c) there is a good level of public transport accessibility to and from the premises at the appropriate times;

There should be no loudspeakers outside unless agreed by the Council for a specific event and the operating schedule must include measures to control noise e.g. hours of use, if near residential premises.

See also Noise Controls below

### **Reason**

Any activity involving public entertainment or eating or drinking on the premises has the potential to impact adversely on the surrounding area due to noise, smells, or congestion on the footway. It may also be caused by customers being noisy when leaving, dropping litter etc. The impact of noise generated by these activities, especially customers departing either on foot or in cars, is particularly intrusive at night when ambient noise levels are much lower.

Certain areas of the District in particular are sensitive to the impact of licensable activities as they are either residential in character or close to residential areas and background noise levels are low. Many shopping areas are abutted by residential areas, including housing above commercial premises.

### **Tables and Chairs outside Premises and Beer gardens**

The Beer gardens of public houses and particularly rural public houses are an asset to the premises. Similarly, the provision of tables and chairs outside the premises either on the highway or on private land can enhance the attractiveness of the venue. It can have the benefit of encouraging a continental style café culture. However, late at night these same tables and chairs can contribute to noise problems and can be used as weapons. This is because they can encourage patrons and passers-by to loiter rather than disperse. In certain locations they have been taken over by gangs of noisy people.

The placing / leaving of tables and chairs on the public highway will need the consent of Hampshire County Council. On private land consent may not be required, but the operating schedule must adequately address public nuisance when relevant.

There should be no loud speakers outside the building unless agreed by the Council for a specific event and the operating schedule must include measures to control noise e.g. hours of use, if near residential premises. The Council will only generally allow the use of chairs and tables and beer gardens at such times as do not substantially impair the amenities of the residents of neighbouring properties. In predominantly commercial areas such as shopping centres the Council will normally allow hours of operation of 0800 to 2300. At the conclusion of these hours the Council will expect the removal of these tables and chairs.

If these hours lead to adverse impacts on the safety and amenity of local residents they may be reduced either by variation or on review unless appropriate measures have been agreed with the Council and/or relevant responsible authorities to mitigate these impacts.

**Reason**

This policy is designed to strike a fair balance between the needs of those wishing to enjoy refreshment in the open air and the need to ensure safety and prevent nuisance problems.

**Sanitary Accommodation**

Premises are expected to provide sufficient provision of sanitary accommodation (e.g. water closets/urinals) for males and females adequately signed, located, maintained and kept clean. In certain circumstances applicants may wish to erect notices on the premises suggesting customers may wish to avail themselves of the toilet facilities before leaving the premises.

**Reason**

To prevent public nuisance created by people urinating and defecating in the street, any public place or private land.

**Noise Controls**

Stricter conditions with regard to noise control will be expected in areas of the District which have denser residential accommodation or low levels of background noise but this will not limit opening hours without regard to the individual merits of any application.

The operating schedule must have regard to the nature of the area where the premises are situated, the type of premises concerned, the licensable activities to be provided, operational procedures and the needs of the local community. The Council will expect the schedule to demonstrate how it is intended that the premises will be "good neighbours" both to residents and to other venues and businesses.

In particular it will expect the applicant to propose practical steps as to how disturbance to local residents will be prevented or minimised. In relation to noise from within the building the Council will expect the applicant to have carried out sound tests where appropriate to ascertain whether there is sound leakage. This noise could relate not only to music but also from air handling equipment or patrons. In premises that provide regulated entertainment or if there is sound leakage the Council will expect the operating schedule to include measures to address these issues such as (for example):

- Switching off fans and ventilation not required for public areas at 2300
- Keeping doors and windows closed and providing adequate mechanical ventilation
- Reducing sound levels and installing a sound limiting device to prevent sound exceeding the appropriate level
- Installing soundproofing measures to contain sound and vibration

The Council will expect popular venues (including takeaways), which attract queues, to formulate a system to avoid disturbance to residents. This can sometimes be achieved by simply ensuring that the direction of the queue is as far away as possible from residential accommodation.

Smoking areas should be located to cause minimal impact on local residents. Some locations, especially premises with a smoking area adjacent to or on a pavement, may require supervision to keep noise to a minimum and to monitor any interaction with passers-by.

However, excessive noise and/or disorder require more rigorous action. It is important that queues formed later in the evening are supervised to keep noise to a minimum. This action can also help stop drug dealers from passing on drugs during the queuing process but the primary purpose is to prevent noise and disturbance. Door supervisors will generally carry out this role, but they must be given clear instructions as to their duties and responsibilities and where necessary they should be adequately supervised.

In terms of patrons leaving the premises particularly late at night (after 2300) or early in the morning the Council will expect the applicant to have included in the operating schedule such practical steps as (for example):

- Erecting prominent notices at the exits to premises asking customers to leave quietly and not to slam car doors
- At appropriate times making announcements within the premises to the same effect
- Instructing door staff to ask customers leaving the premises to leave the area quietly
- Reducing the volume of music towards the end of the evening and where appropriate playing quieter, more soothing music as the evening winds down
- Advertising the availability of (or arranging the provision of) licensed taxis or private hire vehicles to take patrons from the premises

Fans and ventilation systems if not properly designed, constructed and maintained can cause noise disturbance. The noise produced may not be a problem during the evening but may cause disturbance to local residents when they are trying to sleep. The total noise energy ( $L_{Aeq}$ ), background noise ( $L_{A90}$ ) and tonal content of the noise are important. Premises which will be operating fans and ventilation systems after 2300 should demonstrate in their operating schedules that noise produced will not cause disturbance to local residents.

**Reason:**

Noise / potential noise from licensed premises gives rise to a large number of representations from local residents. Additional controls are required if premises are open when residents are sleeping or attempting to sleep.

## **Children & Film**

The Licensing Act 2003 provides that where a premises licence permits the exhibition of film it must include a condition requiring admission to be restricted to prevent children from viewing age restricted films classified according to the recommendations of the British Board of Film Classification (or by a body appointed under section 4 of the Video Recordings Act 1984 or alternatively the licensing authority itself).

In relation to specialist Film Festivals where it is desired to show films not classified by the BBFC the Council will, provided adequate notice has been given, classify the films concerned. To achieve consistency and the protection of children the Council will use the guidelines published by the BBFC.

### **Reason:**

To prevent children from viewing unsuitable films.

## **Children and Regulated Entertainment**

It is expected that adult staff will be at places of public entertainment to control the access and egress of children and to protect them from harm. This requirement also applies to children present at an event as performers, in which case, for every ten children there is expected to be one supervising adult present at all times.

### **Reason:**

To ensure children are appropriately supervised and are protected from harm.

## **GUIDANCE DOCUMENTS**

- 4.16 The licensing authority has provided a number of documents to assist with the process; these are available <http://licensing.eastleigh.gov.uk>

## **REPRESENTATIONS**

- 4.17 There is a prescribed period during which the licensing authority can receive a written representation to an application. This is usually 28 days from the date the licensing authority receives the application but varies depending on the type of application under consideration. Current guidance can be found at <http://licensing.eastleigh.gov.uk/ebc2907/>
- 4.18 "Relevant representations" can include positive, supportive representations as well as objections.
- 4.19 Representations must address at least one of the four licensing objectives.

## **DECISION MAKING PROCESS**

- 4.20 It is the licensing authority's policy to provide an efficient and cost effective service to all parties involved in the licensing process. With the exception of the approval and review of this Policy, decisions on licensing matters will be

taken in accordance with an approved scheme of delegation.

4.21 In accordance with DCMS Guidance the licensing authority has delegated licensing functions to sub-committees or in appropriate cases, to officials supporting the licensing authority as follows:

<b>Matter to be dealt with</b>	<b>Sub Committee</b>	<b>Officers</b>
Application for personal licence	If a police objection	If no objection made
Application for personal licence with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
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
Applications 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 the relevant authority considering the application	All cases	
Determination of an objection to a temporary event notice	All cases	
Determination of application to vary premises licence at a community premises to include alternative licence condition	If a police objection	All other cases
Decision whether to consult other responsible authorities on minor variation application		All cases

Determination of minor variation application		All cases
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4.22 If no relevant representations are received then the authorisation will be issued automatically with, in the case of a premises licence or club premises certificate, such conditions attached as are mandatory or are consistent with the operating schedule accompanying the application. The licensing authority will have no discretion to refuse the application. The operating schedule will be translated into conditions attached to the licence.

4.23 Where relevant representations are made and not withdrawn, the licensing authority must hold a hearing before the Licensing Committee or, more usually, a sub-committee of the Licensing Committee who will take such of the following steps as it considers appropriate for the promotion of the licensing objectives. The steps are:

- grant the licence subject to the operating schedule modified to such extent as the (Sub-)Committee considers appropriate for the promotion of the licensing objectives, and subject to the relevant mandatory conditions;
- exclude from the scope of the licence any of the licensable activities to which the application relates;
- to refuse to specify a person in the licence as the premises supervisor;
- reject the application.

#### APPLICATIONS FOR LARGE EVENTS

4.24 Events that the licensing authority believe may require a co-ordinated approach to manage may be subject to a Safety Advisory Group (SAG) process. This will be at the discretion of the licensing authority. Applicants will need to demonstrate to the members of the SAG they are supporting the licensing objectives. Although the SAG is an advisory body the licensing authority will be guided by them to ensure the licensing objectives are being effectively supported.

### 5 EBC POLICIES AFFECTING LICENSING

5.1 The licensing authority will take into consideration the following in so far as they are relevant to the licensing objectives:

- The need of the local economy.
- The cultural strategy for the Area, and the Council's wish to encourage and promote live music, dancing and theatre to the wider cultural benefit of its community.
- The employment situation in the Area, and the need for investment and employment where appropriate.

5.2 There are many stakeholders in the leisure industry. Many are involved, directly or indirectly, in the promotion of the licensing objectives, particularly those relating to the prevention of crime and disorder and public nuisance.

- 5.3 The licensing authority will ensure at all times that it takes into account the views of these stakeholders and ensures proper integration of local crime prevention, planning, transport, tourism and cultural strategies. The Council will work closely with the police on issues of enforcement. Where appropriate, neighbouring authorities, town and parish councils will also be consulted.
- 5.4 Conditions attached to premises licences and club premises certificates will, so far as possible, reflect local crime prevention strategies.
- 5.5 Other mechanisms exist to control the anti-social behaviour of a minority of consumers who behave badly and unlawfully after leaving licensed premises etc. These controls include:
- Planning controls
  - Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority
  - Power of local authorities to designate parts of the local authority area as places for alcohol not to be consumed publicly
  - Police enforcement of normal law concerning disorder and anti-social behaviour including the issuing of fixed penalty notices
  - The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk
  - The confiscation of alcohol from adults and children in designated areas
  - Police powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises
  - The power of the Police and other responsible authorities or a local resident or business to seek a review of the licence or certificate in question

#### SHOPS SELLING ALCOHOL

- 5.6. The [Institute of Alcohol Studies](#) reports 70% of alcohol sales in 2016 were off sales and supermarkets accounted for two thirds of off sales. Most national chains employ self checkouts. With over two thirds of alcohol consumption being away from regulated premises there is considerable opportunity for harmful consumption.
- 5.7. To address this applicants, existing premises and the authority can consider a number of strategies to mitigate the problems. To address pre-loading the consideration of an earlier terminal hour for off-licences near to or on a well-used route to established late night premises will be considered. To address theft and access by children to alcohol the layout of premises, CCTV, where alcohol will be displayed and what steps will be undertaken to support the licensing objectives will be considered. In areas where it is identified street drinking is an issue consideration should be given to not selling single cans of high strength drinks or even whether cans of high strength alcohol are to be

sold at all. Self checkout tills are to be monitored with a maximum number for any individual to supervise and have automated age verification checks requiring human authorisation.

- 5.8 The licensing authority will generally consider licensing shops, stores and supermarkets to sell alcohol for consumption off the premises at any times they are open for shopping. But shops must have adequate management practices to ensure that sales are not made to under 18 year olds and persons where there are grounds to believe that the sale will result in crime and disorder.
- 5.9 However, if there are good reasons for restricting those hours, for example, where police representations are made in respect of shops known to be the focus of disorder and disturbance, then restriction of hours will be considered.
- 5.10 To prevent poorly managed shops from selling alcohol to children and persons under the influence of alcohol premises must ensure only people aged 18 years and over sell alcohol or if under 18 years old they are closely supervised doing so. Premises will be encouraged to operate a recognised "Proof of Age" scheme and supports the "Challenge 25" scheme.
- 5.11 Premises providing an on-line service will need to satisfy the authority they have measures in place to ensure no underage sales are undertaken, the sale is not a proxy sale to facilitate underage consumption and the sale will not contribute to crime, disorder public nuisance such as a disruptive house party.

#### PROMOTION OF ALCOHOL

- 5.12 The Licensing Act 2003 relaxed the restrictive hours of the previous regime with a desire to promote a café culture. Although providing opportunities to local licensed premises, it also resulted in adverse media coverage of binge drinking and drunken violent behaviour nationally.
- 5.13 To compliment planning and health policies and promote the licensing objectives the Licensing Authority will expect any premises operating that is likely to attract customers attending late night venues, including those supplying off sales, to not solely rely on the consumption or promotion of alcohol as the purpose to attract custom. Further, the council encourage operators to be innovative to provide a diverse range of activities and attractions where alcohol is ancillary to such activity.
- 5.14 To compliment the mandatory drinks promotion condition the Licensing Authority in partnership with other responsible authorities will monitor alcohol promotions. Premises are encouraged to consider the licensing objectives and avoid promotional activities that may pose a risk to public safety, including activities that promote excessive drink consumption. This includes irresponsible drink promotions such as free or discounted alcohol as a prize to encourage or reward the consumption of alcohol over a period of time, any game or activity which requires or encourages drink consumption (drinking games) and promotion of 'bottomless drinks'.
- 5.15 Premises with a history of offers such as significantly reduced priced drinks or

unlimited drinks for a fixed price submitting applications or notices should demonstrate how these promote the licensing objectives and how any risks to the consider and wider public are being mitigated.

- 5.16 Premises should also consider the licensing objectives when undertaking activity to promote events, such as leafleting, posters and fly-posting. Premises should comply with relevant laws regarding fly-posting.
- 5.17 The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the naming, packaging and promotion of Alcoholic Drinks. The 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 over. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published. 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 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. A link to the Portman Group Code of Practice can be found [here](#).

#### TEMPORARY EVENT NOTICES (TENS)

- 5.18 The Licensing Act 2003 enables certain organised events for less than 500 people to take place following notification to the licensing authority, the Police and Environmental Health.
- 5.19. Although the statutory legal minimum time required for the notification of a temporary event to the licensing authority, Police and Environmental Health is 10 working days, or 5 working days for a late temporary event, it is essential that proper consideration of the proposed event is given. Statutory guidance allows the licensing authority to publicise its preferred timescale for notification. Eastleigh Borough Council will prefer to receive TEN applications 4 weeks prior to any temporary event. Notifications that coincide with major events, such as sporting events or public holidays, especially Christmas the licensing authority will prefer to receive such applications 6 weeks prior to the event. This will allow time for errors and issues to be resolved in a timely manner.
- 5.20. The licensing authority will encourage bona fide community events. Notifications made in cumulative impact areas, if adopted, will be subject to increased scrutiny due to the potential impact upon an area already identified as suffering from increased crime and disorder. Objections should not rely solely on any such policy but should be based on one or more of the licensing objectives.
- 5.21. The licensing authority expects those who have given notice of a temporary event to have identified any particular issues having regard to their type of premises and/or activities, to have in place written policies for addressing issues such as drunkenness, crime/disorder, drugs and noise on their premises, for ensuring staff are trained on these policies and included evidence of this with the notification.

5.22 A number of temporary events, by their very nature, will be taking place in areas and at times that do not normally experience the effects of an event. Providers of notifications will be expected to provide evidence of how they will manage noise and public nuisance emanating from the event.

## 6. MANAGEMENT OF PREMISES

### COUNCIL EXPECTATIONS

6.1 The Statement of Licencing Policy sets out the Authority's expectations in relation to certain matters. Whilst applicants are not obliged to meet these expectations in their operating schedules, they may find that responsible authorities and other persons and businesses are more likely to raise representations if they do not. This can lead to a delay with the application having to be considered by a Committee/Panel which may then either refuse the application or impose conditions if the licensee is not found to sufficiently promote the licensing objectives and meet this policy.

6.2 The licensing authority encourages licence holders and operators of licensed premises:

- To adhere to all relevant national legislation regarding the sale of alcohol, including ensuring that sales are not made to underage persons and alcohol is not knowingly sold to a person who is drunk;
- Take all reasonable steps to prevent the entry of people with drugs into licensed premises, to take appropriate steps to prevent drugs changing hands within the premises and to take practical measures to prevent drug use.
- To have regard for relevant Hampshire Constabulary policies relating to drugs.
- Consider wider local concerns in the borough as a whole, including drink spiking, sexual abuse, alcohol-related violence, alcohol-related road traffic incidents and other alcohol related harm;
- Ensure alcohol delivery businesses complete ID checks at the point of sale and at the point of delivery;
- Where appropriate, provide leaflets or posters for alcohol treatment services from agreed commissioned alcohol services;
- Encourage and promote the reduction of street litter and other forms of waste associated with licenced premises.
- To understand that the sexual exploitation of a child is sexual abuse and a crime ensure that staff are aware of the signs of child sexual exploitation and trafficking, and;
- To provide intelligence to relevant authorities on any identified criminal activity witness on or linked to the premises.

- 6.3 The policy is only engaged where the licensing authority has a discretion following the receipt of objections. In such cases, the licensing authority will not apply the policy rigidly. The licensing authority will always have regard to the merits of the case with a view to promoting the licensing objectives.

#### DESIGNATED PREMISES SUPERVISOR

- 6.4 Any premises where alcohol is sold under a premises licence must have a designated premises supervisor (DPS). The DPS will be named in the premises licence, a summary of which must be displayed on the premises. A DPS must be a personal licence holder. Every sale of alcohol must be made or authorised by a person who holds a personal licence. (or must be made or authorised by the management committee in the case of community premises).
- 6.5 The Licensing Act 2003 does not require a DPS or any other personal licence holder to be present on the premises at all times when alcohol is sold. However, the DPS and the premises licence holder remain responsible for the premises at all times.
- 6.6 The licensing authority will normally expect the DPS to have been given the day-to-day responsibility for running the premises and as such it is expected that the DPS would usually be present at the licensed premises on a regular basis. The Authority expects that this will be in excess of 50% of a 7-day week.
- 6.7 The premises licence holder will be expected to ensure that the DPS has experience commensurate with the size, capacity, nature and style of the premises and licensable activities to be provided.
- 6.8 Within all licensed premises, whether or not alcohol is to be sold, the licensing authority will expect there to be proper management arrangements in place which will ensure that there is an appropriate number of responsible, trained/instructed persons at the premises to ensure the proper management of the premises and of the activities taking place, as well as adherence to all statutory duties and the terms and conditions of the premises licence.

#### DOOR SUPERVISORS

- 6.9 The premises licence holder and DPS should ensure that their premises do not increase the fear of crime as well as actual crime in their locality. To this end they should ensure, so far as is possible, that customers do not cause nuisance or disorder outside the premises and that measures to ensure the safety of customers and prevention of nuisance are in place. Door supervisors have an important role in managing customers, not only on the doors but also in the immediate area of premises.

#### DISPERSAL POLICIES

- 6.10 The licensing authority accepts that licensed premises can have a diffuse impact. People can cause disturbance when returning to residential areas from later opening premises elsewhere and people who use off-licences may locate to a remote spot to drink. These problems may not be within the direct control of any particular licensed premises. However, premises licence holders are

generally expected to take measures to encourage people to leave their premises quietly and considerately. The licensing authority would encourage premises to adopt a dispersal policy where appropriate.

## RISK ASSESSMENT

6.11 The licensing authority will expect that appropriate and satisfactory general and technical risk assessments, management procedures and documentation have been made available to the relevant responsible authorities and to the licensing authority, that demonstrate that the public will be safe within and in the vicinity of the premises.

6.12 As a minimum the following matters must be taken into consideration:

- Whether the premises already have a licence which specifies the maximum number of people that can be present and, whether a risk assessment has been undertaken as to the maximum number of people who can be present in various parts of the premises, so that they can be operated safely and can be evacuated safely in the event of an emergency.
- Whether there are procedures in place to record and limit the number of people on the premises with opportunities for “pass outs” and readmission.
- Whether patrons can arrive at and depart from the premises safely.
- Whether there may be overcrowding in particular parts of the premises;
- Whether music and dance venues and performance venues will use equipment or special effects that may affect public safety (e.g. moving equipment, vehicles, pyrotechnics, strobe lights, smoke machines).
- Whether there are defined responsibilities and procedures for medical and other emergencies and for calling the emergency services.

## PROMOTERS

6.13 The premises licence holder, DPS and personal licence holders remain responsible for activities taking place on premises when promotions take place. In addition the licensing authority will expect premises licence holders to have in place written agreements to ensure that when hiring out venues to promoters, the responsibility for the management of the premises is clear. The Promoter and its employees or agents, shall comply in all respects with all conditions, requirements and regulations of the local authority, licensing authority, police authority and fire authority and have regard to the “Good practice for Licensed Premises”.

## TAKEAWAY PREMISES (LATE NIGHT REFRESHMENT HOUSES)

6.14 The licensing authority considers that it will normally be inappropriate to grant a premises licence permitting the sale of alcohol at premises which are principally used for selling hot food for consumption off the premises (“takeaway” premises).

- 6.15 It is recognised that takeaway premises open late at night can be associated with disorder as persons under the influence of alcohol having left, or in some cases being ejected from, late night venues congregate there. Applicants are recommended to have clear written policies for dealing with disorder and nuisance.
- 6.16 Operators of takeaway premises (including mobile units) must have suitable arrangements in place for the containment and disposal of their waste in accordance with the Environmental Protection Act 1990 and subsidiary regulations. Operators of premises where food or drink is provided in disposable containers for consumption elsewhere than on the premises are expected to consider the potential for litter near their premises and take steps to actively reduce the amount of litter generated from their premises. Applicants are also asked to consider the type of packaging container, whether it is always necessary and whether it can be sourced from sustainable materials.
- 6.17 Where the licensing authority considers it appropriate, it may impose conditions on a premises licence to require the operator of premises serving customers with hot food or drink to provide litter bins in the vicinity of the premises in order to prevent the accumulation of litter from its customers. It may require the proprietor to service those litter bins as part of their own waste management arrangements.

## EXTERNAL AREAS

- 6.18 The implementation of the Health Act 2006 and the ban on smoking inside licensed premises has led to an increase in the number of people outside. The provision of tables and chairs outside premises can enhance the attractiveness of a venue, but licence holders should ensure that the use of such areas will not cause nuisance to the occupiers of other premises in the vicinity. In particular, those with authorisations are expected to manage persons smoking in the vicinity of premises so they do not impede access to the premises and do not cause disturbance. In addition they are expected to provide secure ash trays or wall mounted cigarette bins for patrons so as to minimise litter.
- 6.19 Licensees should also be aware of the possibility of breakages of drinking glasses and glass bottles in outside areas. Consideration should therefore be given to the use of toughened or 'plastic' drinking vessels and other management controls to avoid or lessen the likelihood of broken glass in these areas.
- 6.20 The licensing authority has a number of concerns with respect to the development of external areas to licensed premises, and will consider imposing conditions to improve the management of the outside area or prohibiting or restricting the use of these areas in order to promote the public nuisance objective.

## 7. CUMULATIVE IMPACT POLICY

- 7.1 In some areas concentrated "pockets" of licensed premises / activities can exist which lead to serious problems of nuisance and disorder arising in the area,

and even some distance away from the premises / activity. In such circumstances the impact of those premises / activities when taken as a whole can be far greater than that arising from individual premises / activities. It may not be possible to distinguish individual premises / activities as being the sole cause, or even a major contributing factor, of a particular problem. It is the cumulative combined impact of all of the premises / activities, which causes problems for a wider area and potentially undermines the Licensing Objectives.

- 7.2 The potential impact on the promotion of the Licensing Objectives by a significant number of licensed premises concentrated in one area is often referred to as “cumulative impact”. This should not be confused with the issue of “need” which relates to the commercial demand for licensed premises and cannot be taken into account when determining licensing applications.
- 7.3 The Council has not previously considered it necessary to introduce a cumulative impact policy and continues with that view. Should evidence be forthcoming in the future that supports such a policy the Council will first consult with partners and relevant stakeholders before determining.
- 7.4 The fact that a cumulative impact policy has not been adopted does not mean that the cumulative impact (or potential cumulative impact) of premises cannot be considered, however, it means that the usual tests / consideration of applications is followed. I.e. that a premises licence should be granted unless there is good reason, based on the licensing objectives, not to.

## 8. CHILDREN

- 8.1 A child is anyone under the age of 18 years unless otherwise stated.
- 8.2 This statement of licensing policy does not seek to limit the access of children to any premises unless it is necessary for the prevention of physical, moral or psychological harm, or where such access constitutes a criminal offence (e.g. an unaccompanied child under 16 who is present on premises primarily or exclusively licensed for the supply of alcohol).
- 8.3 The licensing authority will have regard to any representations made by Hampshire County Council Safeguarding Unit, or any other appropriate body when considering applications for premises licences.
- 8.4 When considering applications for premises licences, the licensing authority will take into account the history of a particular premises and the nature of the activities proposed to be provided when considering any options appropriate to prevent harm to children. The relevant matters include premises:
- o where there have been convictions for serving alcohol to minors or with a reputation for underage drinking;
  - o with a known association with drug taking or dealing;
  - o where there is a strong element of gambling on the premises;
  - o where entertainment of an adult or sexual nature is commonly provided;

- o where the supply of alcohol is the exclusive or primary purpose of the service at the premises.

In these circumstances, conditions may be attached to any licence to:

- o limit the hours when children may be present;
- o restrict the age of persons on premises;
- o exclude children from all or part of the premises when certain activities may take place;
- o require an adult to accompany a child;
- o set out a requirement for the presence of adult staff according to a set adult/child ratio where children are attending regulated entertainment;
- o exclude people under 18 from the premises when any licensable activities are taking place.

- 8.5 Where no licensing restriction is considered necessary, however, it is at the discretion of the premises licence holder or club to decide whether or not to admit children; however the licensing authority strongly supports the use of Challenge 25 policies, the recording of all refusals and training on all age restricted activity.
- 8.6 In the case of premises which are used for film exhibitions conditions will be imposed restricting access only to those who meet the required age limit in line with any certificate granted by the British Board of Film Classification or, in a specific case where there are very good local reasons a certificate given to the film by the licensing authority itself.
- 8.7 Where premises give film exhibitions, licensees must ensure that children are prevented from viewing age-restricted films classified according to the British Board of Film Classification.
- 8.8 Except as in 8.4 above the authority will not impose conditions restricting the admission of children to any premises believing this should remain a matter of discretion of the licence holder. The licensing authority encourages family friendly policies. It will take strong measures to protect children where any licence holder is convicted of serving alcohol to children, where premises have or acquire a known association with drug taking or dealing, where gambling takes place on the premises or where entertainment of an adult or sexual nature is commonly provided. In such circumstances while it may sometimes be necessary to impose a complete ban on the admission of children this would be rarely imposed, it would be more likely to require conditions as referred to above.
- 8.9 Where a large number of children are likely to be present on any licensed premises, for example, a children's show or pantomime, then conditions will be imposed requiring the presence of an appropriate number of adult staff to ensure public safety and their protection from harm including control of access

and egress and consideration may be given to include conditions concerning child/adult ratios

- 8.10 The licensing authority recognises the great variety of premises for which licences may be sought. These will include theatres, cinemas, restaurants, pubs, nightclubs, cafes, takeaways, community halls and schools. Access by children to all types of premises will not be limited in any way unless it is considered appropriate to do so in order to protect them from harm.
- 8.11 In the case of premises which are used for film exhibitions conditions will be imposed restricting access only to those who meet the required age limit in line with any certificate granted by the British Board of Film Classification or, in a specific case where there are very good local reasons a certificate given to the film by the Licensing Authority itself.
- 8.12 Where no restriction or limitation is imposed the issue of access will remain a matter for the discretion of the individual licensee or club.
- 8.13 The wide range of premises that require licensing means that children can be expected to visit many of these, often on their own, for food and/or entertainment.
- 8.14 The licensing authority will consult with Hampshire County Council Safeguarding unit , or any successor body performing the same or a similar function and any other appropriate body, on any application that indicates there may be concerns over access for children
- 8.15 The Act details a number of offences designed to protect children in licensed premises and the licensing authority will work closely with the police and other appropriate agencies to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children. **These measures will include the test purchasing of prohibited goods at licensed premises.**

## 9. ENFORCEMENT

- 9.1 It is essential that premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the approved operating schedule, the specific requirements of the 2003 Act and any licence conditions imposed. The licensing authority, in partnership with the responsible authorities, will make arrangements to monitor premises.
- 9.2 The licensing authority will work closely with the police, trading standards and the other responsible authorities, liaising on a regular basis to establish enforcement protocols and concordats to ensure an efficient deployment of resources engaged in enforcing licensing law and inspecting licensed premises, in order to ensure that resources are targeted at problem and high-risk premises.
- 9.3 The premises licence holder is responsible to ensure the four licensing objectives are upheld:

- Prevention of crime and disorder
- Public Safety
- Prevention of public nuisance
- Protection of children from harm

9.4 Where there is evidence to suggest the licensing objectives are being undermined, enforcement action will be taken in accordance with the principles of better regulation and the Regulator's Compliance Code. The aim is to have well run premises operating in the Borough. Problems at premises will be identified by the relevant authorities and the licence holder will have responsibility to resolve the problem. Failure to address or respond to problems or isolated serious failures will normally be expected to result in a review application.