



**RUSHMOOR**  
BOROUGH COUNCIL

*Section 182*  
**LICENSING ACT 2003**

# **STATEMENT OF LICENSING POLICY & GUIDANCE**

This Statement of Licensing Policy will remain  
in force until 29th April 2013

*Version 2 – April 2010*

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## **PART A**

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### **1. INTRODUCTION & SCOPE**

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#### **1.1 SUMMARY**

- 1.2 This document sets out Rushmoor Borough Council's statement of licensing policy pursuant to the requirements of Section 5 of the Licensing Act 2003.
- 1.3 In preparing this document, Rushmoor Borough Council (RBC) has considered the licensing objectives of the Act, together with the Secretary of State's guidance issued under section 182 of the Act. It has also consulted with and considered the responses made by the individuals, agencies and organisations set out in **appendix A**.
- 1.4 This policy document was approved and adopted at the Full Council meeting of RBC on the 29<sup>th</sup> April 2010. While subject to review, this document shall constitute RBC's statement of licensing policy until **29<sup>th</sup> April 2013**.

#### **1.5 INTRODUCTION & SCOPE**

#### **1.6 Background**

- 1.7 The Licensing Act 2003 (the 'Act') provides the legislative framework throughout England & Wales for regulating the supply and retail sale of alcohol, the provision of various entertainments and late night refreshments (collectively known as 'licensable activities').
- 1.8 Under the Act, RBC along with other authorities is responsible for the licensing of pubs, clubs and other premises in its area where licensable activities take place, together with the licensing of individuals who sell or authorise the sale of alcohol. We are also responsible for authorisations permitting temporary licensable activities.
- 1.9 As a licensing authority, we are required to prepare and publish a statement of licensing policy in accordance with Section 5 of the Act.

#### **1.10 Status**

- 1.11 This document has been prepared for this purpose and sets out the licensing policies and arrangements the licensing authority will normally apply and consider in exercise of its functions under the Act. This document will therefore be used to inform and direct our decision making, particularly when making decisions on relevant licence applications and other authorisations. It acts as a guide to the

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considerations and standards to be applied in exercise of our functions together with the roles and responsibilities of those to which it may apply. This document also aims to provide guidance and advice to all parties with an interest in licensing issues covered by the Act and for this reason provides a general overview of the main processes involved.

1.12 The document is not intended to be a full and / or authoritative statement of the law or its associated guidance and does not in any way constitute legal advice. The statutory provisions of the Licensing Act 2003 together with any subordinate legislation will take precedence.

**1.13 Applicability**

1.14 This document applies to the functions of RBC as a licensing authority under the Licensing Act 2003 and to any licensable activities within the Borough of Rushmoor as defined in **appendix B**.

**1.15 Other documents and references**

1.16 Further information may be found in the following documents -

- (a) RBC Enforcement and compliance policy;
- (b) RBC Guidance notes for applicants (various);
- (c) RBC Hearing procedures;
- (d) RBC Hearings protocol;
- (e) RBC Pool of model conditions;
- (f) RBC Special Policy;

**1.17 Disclaimer**

1.18 Please note that every effort has been made to ensure that the information in these pages is correct at the time of writing. Changes in the law will take precedence and will be incorporated when this policy is next reviewed. Special policies may change and/or be adopted in the interim.

## **PART B**

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### **2. GLOSSARY OF TERMS & MATTERS OF INTERPRETATION**

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#### **2.1 GLOSSARY OF TERMS**

2.2 The following glossary of terms are subject to the qualifying conditions, definitions and exemptions under the Act.

#### **2.3 Club premises certificate**

2.4 A 'club premises certificate' authorises the use of premises occupied by, and habitually used for the purposes of a qualifying club for one or more qualifying club activities. Once granted, a club premises certificate lasts indefinitely, unless surrendered, suspended or is otherwise withdrawn.

#### **2.5 Designated premises supervisor**

2.6 In every premises licensed for the supply of alcohol (except clubs operating under a club premises certificate) a personal licence holder must be specified as the 'premises supervisor'. The 'designated premises supervisor' (DPS) will normally be the person who has / will be given day to day responsibility for running the premises by the premises licence holder. We consider that the DPS should be immediately identifiable and have sufficient authority and control of the premises and the activities carried on there to deal with any problems arising there swiftly and effectively.

#### **2.7 Entertainment facilities**

2.8 The provision of 'entertainment facilities' normally includes facilities provided for enabling persons to take part in entertainment for the purpose of, or for purposes that include the purpose, of being entertained. This includes the provision of facilities for dancing, making music and/or entertainment of a similar description.

#### **2.9 Interested party**

2.10 An 'interested party' includes councillors or a person living in the vicinity of the premises; a body representing persons living who live in that vicinity, for example a residents association, consumer group etc; a person involved in a business in that vicinity; and a body representing persons involved in such a business, for example a trade association, consumer group etc.

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**2.11 Late night refreshment**

2.12 'Late night refreshment' is normally regarded as the supply of hot food and/or drink for consumption on or off the premises between the hours of 23:00pm and 05:00am.

**2.13 Licensable activities**

2.14 'Licensable activities' normally include the following activities -

- (a) the retail sale of alcohol (including via the internet or mail order);
- (b) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
- (c) the provision of regulated entertainment; and
- (d) the provision of late night refreshment.

**2.15 Licensing authority**

2.16 The licensing authority is the body empowered to administer and determine applications and (in part) enforce the provisions of the Licensing Act 2003. For the purposes of this document the licensing authority is part of Rushmoor Borough Council.

2.17 The term 'licensing authority' is used throughout this document in recognition of, and in distinction between, the different roles and responsibilities placed by the Act upon different services of the Council. However, the collective terms 'its', 'us', 'our', 'we' etc may be used interdependently and should be construed accordingly.

**2.18 Licensing objectives**

2.19 The 'licensing objectives' include the prevention of crime and disorder; the prevention of public nuisance; ensuring public safety; and the protection of children from harm.

**2.20 Personal licence**

2.21 A 'personal licence' authorises an individual to sell alcohol, or authorise the sale of alcohol in accordance with a premises licence. Once granted, a personal licence is valid for 10 years unless surrendered, suspended, revoked or is otherwise forfeit.

**2.22 Premises licence**

2.23 A 'premises licence' authorises licensed premises to be used for one or more licensable activities during permitted hours. Once granted, a premises licence lasts indefinitely, unless surrendered, suspended, revoked or otherwise disposed on transfer.

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**2.24 Provisional statement**

2.25 A 'provisional statement' gives an assurance (non-time limited) that a premises licence covering desired licensable activities would be granted for premises that are being constructed, extended or otherwise altered.

**2.26 Regulated entertainment**

2.27 'Regulated entertainment' covers the provision of certain types of entertainment and/or entertainment facilities and normally include -

- (a) the performance of a play;
- (b) an exhibition of a film;
- (c) an indoor sporting event;
- (d) a boxing or wrestling event;
- (e) a performance of live music;
- (f) any playing of recorded music (apart from incidental music); and
- (g) a performance of dance,

... where the entertainment takes place in the presence of an audience and is provided, at least in part for the purpose of entertaining that audience.

**2.28 Responsible authority**

2.29 'Responsible authority' means any of the following -

- (a) the chief officer of police for any police area in which the premises are situated (**Hampshire Constabulary**);
- (b) the fire authority for any area in which the premises are situated (**Hampshire Fire & Rescue Service**);
- (c) the relevant enforcing authority for health and safety at work for any area in which the premises are situated (**Health & Safety**);
- (d) the local planning authority for any area in which the premises are situated (**The Planning Authority**);
- (e) the local authority responsible for preventing the risk of pollution of the environment or of harm to human health (**Environmental Health**);

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- (f) a body which represents those who are responsible for or interested in matters relating to the protection of children from harm and is recognised by the licensing authority as being competent to advise it on such matters (**Hampshire County Council Social Services**);
  - (g) any licensing authority (other than the relevant licensing authority) in whose area part of the premises is situated; and
  - (h) any other person prescribed (including the local weights and measures authority (**Trading Standards**)).
- 2.30 In relation to a vessel the term 'responsible authority' also means any of the following -
- (i) a navigation authority having functions in relation to the waters where the vessel is usually moored or berthed, or any waters where it is, or proposed to be navigated at a time when it is used for licensable activities;
  - (j) the Environment Agency;
  - (k) the British Waterways Board, or
  - (l) the Secretary of State.
- 2.31 A full listing of these organisations, bodies or agencies, together with relevant contact details is given in **appendix C**.
- 2.32 Temporary event notice**
- 2.33 A 'temporary event notice' (TEN) may, subject to statutory limitations, permit temporary licensable activities at premises that would normally require a licence; or premises that already have a licence (or club premises certificate) and wish to provide either additional licensable activities and/or at times not permitted by that authorisation.
- 2.34 Relevant representations**
- 2.35 'Relevant representations' shall be taken to mean representations about the likely affect of grant of a relevant authorisation on the promotion of the licensing objectives; and are made by an interested party or a responsible authority, have not been withdrawn and, in the case of representations made by an interested party they are not, in the opinion of the Licensing Authority, either frivolous or vexatious.
- 2.36 Review**
- 2.37 Where a relevant authorisation has effect, an interested party or responsible authority may apply to the licensing authority at any time to

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hold a hearing to 'review' the authorisation because of some matter arising at the premises that affects one or more of the licensing objectives. A review of a relevant authorisation will also normally follow any action by the Police to close down premises for up to 24 hours and on order of the Courts.

**2.38 Variation**

2.39 The holder of a club premises certificate or premises licence may, at any time, seek to amend their licence by way of an application to vary it. There are different types of variations that may be made and the process to be followed will depend on the nature of the variation sought and its potential impact on the licensing objectives.

**2.40 OTHER MATTERS OF INTERPRETATION**

**2.41 Use of different tenses**

2.42 Unless stated the present tense includes the future tense, the singular shall include the plural and vice-versa.

**2.43 Secretary of State's guidance**

2.44 Any reference in this policy to guidance or licensing regulations is a reference to those issued by the Secretary of State under powers contained in the Act.

**2.45 Extant information and documentation**

2.46 Any reference in this policy document to any other specified document, information or guidance etc must be taken to mean a reference to the most current version of the relevant document.

## **PART C**

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### **3. LICENSING PRINCIPLES, OBJECTIVES & GENERAL CONSIDERATIONS**

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#### **3.1. GENERAL**

3.2. A number of authorisations and administrative procedures may be sought, held or applied for under the Act. The policies and considerations to be applied will generally depend on the nature of the authorisation sought / held and/or the circumstances of the case.

#### **3.3. General application of policies, objectives and considerations**

3.4. Paragraphs 3.7 to 3.47 below are of general applicability and will normally be applied in respect of any function of the licensing authority under the Act.

#### **3.5. Guidance, policies and considerations for specific authorisations**

3.6. In addition, the specific sections set out in Table 1 below will normally be applied in respect of the specific authorisations to which it refers.

<b>Premises Licence</b>	See Part F	From page 27
<b>Provisional Statement</b>	See Part G	From page 34
<b>Variation (various)</b>	See Part H	From page 36
<b>Transfer of a premises licence</b>	See Part L	From page 48
<b>Interim authority notice</b>	See Part M	From page 50
<b>Review</b>	See Part N	From page 52
<b>Club premises certificate</b>	See Part O	From page 55
<b>Temporary event notice</b>	See Part P	From page 59
<b>Personal licence</b>	See Part Q	From page 65



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**3.7. FUNDAMENTAL PRINCIPLES & OBJECTIVES**

**3.8. Guiding Principle**

3.9. In carrying out its functions under the Act, the licensing authority will, subject to the following, seek to regulate licensable activities in the public interest.

**3.10. Licensing objectives**

3.11. Where it is entitled to do so, the licensing authority will carry out its functions with a view to promoting the following objectives.

- (a) To prevent crime & disorder;
- (b) To ensure public safety;
- (c) To prevent public nuisance; and
- (d) To protect children from harm.

**NB:** The licensing authority shall give paramount consideration to the licensing objectives and consider each objective to be of equal importance, giving them their widest possible interpretation and meaning.

**3.12. GENERAL LICENSING PRINCIPLES**

**3.13. General principles**

3.14. Where entitled to do so, the licensing authority will normally -

- (a) consider any matter for its determination objectively and on its own individual merits;
- (b) consider the nature, type and extent of any effect on the promotion of the licensing objectives; and
- (c) focus on matters that are within the control of individual applicants and others in possession of relevant authorisations, the premises where licensable activities are to be provided and the area in the vicinity of the premises concerned.

**3.15. Control of third parties**

3.16. Subject to policies on the cumulative impact of premises (see Part D below), licensing laws will not normally be used as a mechanism for the general control of individuals once they leave the vicinity of licensed premises and therefore, beyond the direct control of the individual, club or business holding or seeking the authorisation concerned.

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**3.17. OTHER RELEVANT CONSIDERATIONS**

**3.18. Integration of policies, strategies and objectives**

3.19. The licensing authority may, where it is entitled to do so and, in so far as they are relevant to the promotion of the licensing objectives and the particular circumstances of the case, have regard to, but not be bound by, the aims, objectives and findings of any published governmental strategies and plans.

3.20. For these purposes governmental strategies and plans are taken to mean those prepared and published by or on behalf of HM Government, Rushmoor Borough Council and / or any other statutory authority with responsibilities within the area concerned.

**3.21. Live Music, Dancing & Theatre**

3.22. In exercising its functions, the Licensing authority will, where appropriate and, without compromising the licensing objectives, take account of the need to encourage and promote all forms of entertainment (particularly live music, dancing and theatre, and traditional or historic entertainments) for the wider cultural benefit of its communities.

**3.23. Licensing Hours**

3.24. The licensing authority may, where it is entitled to do so and, in so far as they are relevant to the promotion of the licensing objectives and the particular circumstances of the case, take account of the impact that licensing hours may have -

(a) on the development of a thriving and safe day-time, evening and night-time economy;

(b) in providing consumers with greater choice and flexibility; and

(c) in helping to ensure that concentrations of customers leaving premises simultaneously are avoided; helping to reduce friction and other problems of disturbance, crime and disorder at late night food outlets, taxi ranks and other sources of transport etc.

3.25. Through (and subject to) the promotion of the licensing objectives, the licensing authority will, where it is entitled to so, normally seek to reduce the potential for concentrations and/or achieve a gradual dispersal of people from licensed premises through flexible licensing / opening hours.

3.26. With regard to shops, stores and supermarkets, unless there are compelling reasons for restricting licensing hours, the licensing authority will, where it is entitled to do so, normally allow such premises to be free to provide sales of alcohol for consumption off the premises at any times when the outlet is open for shopping.

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**3.27. Economy, Employment & Investment**

3.28. In exercising its functions, the licensing authority may, where it is entitled to do so and, in so far as they are relevant to the licensing objectives, also take into consideration the following -

- (a) the needs of the local economy;
- (b) the employment situation in the area;
- (c) the need for new investment; and
- (d) the impact of licensing on the provision of regulated entertainment.

**3.29. LICENSING POLICY & SECRETARY OF STATE GUIDANCE**

3.30. In exercising its functions, the licensing authority will, where appropriate, have regard to -

- (a) this statement of licensing policy; and
- (b) any guidance issued by the Secretary of State under section 182 of the Act.

**3.31. DEPARTURE FROM GUIDANCE & POLICY**

3.32. The licensing authority may, where it is entitled to do so, use its discretion to depart from this statement of policy and any other guidance where it is appropriate and, in such cases, will give clear reasons.

**3.33. NON RELEVANT MATTERS**

**3.34. Relevance to the licensing objectives**

3.35. In exercise of its functions, the licensing authority will not generally take into account any matters that are not related to the licensing objectives.

**3.36. Need, demand & competition**

3.37. The licensing authority does not generally consider that need (i.e. commercial demand), or competition between rival operators, are relevant to its functions under the Act. The licensing authority will usually consider these as matters for the market.

**3.38. DUPLICATION & OTHER RELEVANT LEGISLATION**

**3.39. General Expectation of Compliance**

3.40. The licensing authority expects those providing licensable activities to fully comply with all other relevant legislation (e.g. Health & Safety) applicable to the premises and the activities carried on there. The

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licensing authority will therefore seek to avoid duplication with other regulatory regimes in exercise of its functions so far as is possible.

**3.41. Other authorisations and permissions**

3.42. The licensing authority expects those providing licensable activities to ensure that they have obtained all necessary authorisations and permissions before proceeding e.g. planning permission, landowner permission etc. A relevant authorisation under the Licensing Act 2003 does not, and shall not be taken to give or imply approval for any other activity regulated by this or any other authority. Prospective applicants are advised to check to ensure that their proposals / arrangements are suitably authorised in **all** respects.

**3.43. Planning & Building Control Requirements**

3.44. The licensing authority notes that the use of premises for sale or provision of alcohol, entertainments or late night refreshments may be subject to control by the local Planning Authority and that such uses may require planning permission or must otherwise be lawful under planning legislation. The licensing authority notes that planning permission is usually required for new premises and/or the change of use of premises while building control approval is often required for structural alterations.

3.45. While applications for relevant authorisations may be made pending any planning permission, the licensing authority expects these normally to be made by businesses with planning consent for the property and uses concerned.

**NB:** The grant or variation of a relevant authorisation by the Licensing authority does **not** relieve the applicant (or licence holder) of the need to apply for and obtain planning permission or building control approval where this may be appropriate (this includes any alterations that may be necessary in order to comply with any licensing requirements). Premises operating in breach of any planning permission and/or associated restrictions (e.g. permitted hours of use) may commit an offence and may be liable to formal action under planning law.

3.46. The licensing authority would impress that planning, building control and licensing regimes are separate legislative regimes that involve consideration of different (albeit related) matters. In view of this and so as to ensure a clear separation of planning and licensing systems, licensing applications will, in all cases, be considered wholly independently of planning applications.

3.47. However, licensing applications will not be treated as a re-run of any planning application and should avoid any unnecessary overlap with the Planning Authority or Development Control Committee.

## **PART D**

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### **4. CUMULATIVE IMPACT**

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#### **4.1. CUMULATIVE IMPACT OF LICENSED PREMISES**

4.2. The licensing authority recognises that the number, type and concentration of licensed premises in any given area, may have a 'cumulative impact' on one or more of the licensing objectives (e.g. problems with nuisance, crime and disorder etc) over and above the impact of the individual premises themselves. We also recognise that such problems may occur both in the vicinity of and at some distance from the premises concerned.

#### **4.3. ARRANGEMENTS TO TACKLE CUMULATIVE IMPACT**

4.4. In recognition of the potential for cumulative impact, and by way of promoting the licensing objectives, the licensing authority may act on or otherwise consider any of the following.

#### **4.5. Adoption of Special Policy**

4.6. The licensing authority may, in its own right or, on receipt and consideration of relevant representations from any responsible authority or interested party, adopt a special policy to control any cumulative impact on the licensing objectives arising in any area.

4.7. For these purposes, any special policy shall be limited to the restriction of future applications for relevant authorisations within any area where the number, type or density of licensed premises may lead to, or is otherwise causing, serious problems with nuisance, crime and disorder or other relevant problems over and above the impact of individual premises in the area concerned. Any special policy may be limited to areas in the vicinity of and/or at some distance from the premises concerned.

#### **4.8. Relevant considerations to the adoption of a special policy**

4.9. In deciding whether to adopt a special policy the licensing authority will normally consider –

- (a) whether serious and chronic concerns have been identified by a responsible authority or significant representations from interested parties have been received about the levels of nuisance, crime and disorder or other relevant problems;

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- (b) whether it can be demonstrated that crime and disorder, nuisance or other relevant problems arise as a result of customers from licensed premises in an identified and specific area; or that the risk factors are such that the area is reaching a point when cumulative impact is imminent;
- (c) whether the imposition of conditions to individual licences is (un)likely to address the wider problems concerned; and
- (d) whether taking all relevant matters into account a policy about future licence applications from that area should be adopted (i.e. it is necessary and appropriate to control the cumulative impact claimed).

**4.10. Special policy documentation**

4.11. A special policy has been established to cover certain areas of Aldershot town centre, but for ease of consultation, implementation and review, the special policy comprises a separate addendum to this principal document.

**NB:** The absence of a special policy does not prevent any responsible authority or interested party from making representations on any application for grant or variation of a relevant authorisation on the grounds that the premises may give rise to, or otherwise contribute to cumulative impact.

**4.12. Other Controls for Controlling Cumulative Impact**

4.13. Regardless of whether or not a special policy is in place, the licensing authority recognises and will, where appropriate, seek to promote, use and consider (where entitled to do so) alternative mechanisms to control the anti-social behaviour of consumers after leaving licensed premises.

4.14. These may include -

- (a) planning controls;
- (b) positive measures and local initiatives to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority;
- (c) the provision of physical measures and services such as CCTV surveillance systems, taxi ranks, taxi marshalling schemes, provision of public conveniences, street cleaning and litter patrols
- (d) 'designated public place orders' to control the drinking of alcohol in public spaces outside of licensed premises under the Police and Criminal Justice Act 2001;

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- (e) the confiscation of alcohol from individuals in designated areas;
- (f) Police enforcement of general law concerning disorder and anti-social behaviour including the issuing of fixed penalty notices;
- (g) the prosecution of any personal licence holder or member of staff at such premises who sells alcohol (whether or not by proxy) to people who are drunk or underage;
- (h) the warning and prosecution of persons in accordance with local byelaws covering the consumption of intoxicating liquor in designated and public places;
- (i) 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;
- (j) Local Authority powers to close down instantly for up to 24 hours any premises on the basis of noise nuisance; and
- (k) the power of the Police and other responsible authorities, councillors and / or interested parties to seek a review of a relevant authorisation.

## **PART E**

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### **5. GENERAL ADMINISTRATIVE ISSUES**

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#### **5.1. APPLICATIONS, NOTICES & REPRESENTATIONS**

#### **5.2. Equality of opportunity**

5.3. Subject to the requirements of the Act, nothing in this statement of policy shall override or undermine the right of any individual or business -

- (a) to apply for one or more of the authorisations under the Act and, where appropriate, to have that application considered on its individual merits;
- (b) to make representations on an application or to seek a review of an authorisation where provision has been made for them to do so; or
- (c) who is aggrieved by the decision of the licensing authority to appeal against that decision to the Courts where provision has been made for them to do so.

#### **5.4. Local Authority Licences**

5.5. Nothing within this document prevents Rushmoor Borough Council from applying to the licensing authority for any of the authorisations provided for under the Act. Subject to the requirements of the Act, RBC may seek multiple and/or global licences for public events and spaces within the community in its own name. This is inclusive of village greens, parks, market squares, community halls and local authority owned premises etc.

5.6. In considering any application by Rushmoor Borough Council for any licence or authorisation provided for under the Act, the licensing authority will ensure that the licensing committee and its officers consider the matter from an entirely neutral standpoint where representations are made.

#### **5.7. Submission of applications, notices and representations**

5.8. Except applications made entirely electronically, all applications, notices and representations must be sent to the licensing authority care of the following –

**The Licensing Authority**  
Rushmoor Borough Council  
Council Offices  
Farnborough Road  
Farnborough  
GU14 7JU

**Telephone:** 01252 398855

**Fax:** 01252 524017

**Email:** [licensing@rushmoor.gov.uk](mailto:licensing@rushmoor.gov.uk)

**Website:** [www.rushmoor.gov.uk](http://www.rushmoor.gov.uk)



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**5.9. Making an application or serving notice**

5.10. While it is not the purpose of this document to detail how to make an application for any of the authorisations established by the Act, the licensing authority will prepare and maintain suitable guidance notes for applicants for this purpose.

5.11. Guidance notes for applicants will be maintained on our website ([www.rushmoor.gov.uk](http://www.rushmoor.gov.uk)) and / or shall be made available on request by contacting our licensing team via telephone 01252 398855 or email at [licensing@rushmoor.gov.uk](mailto:licensing@rushmoor.gov.uk).

**5.12. Validity of applications or notices**

5.13. The licensing authority will, normally, only accept and, where appropriate, process applications and notices that **fully** comply with all relevant legislative requirements.

5.14. Conversely, applications and/or notices will normally be treated as being invalid where applications fail to comply with all relevant legislative requirements. In these circumstances, we may return or 'hold' the application depending on the nature of the errors with the application.

5.15. Where we 'hold' an application and / or receive application documents and submissions on a 'piecemeal' basis, the application / notice will not be treated as validly made until we have received the last required submission necessary to comply with the legislative requirements. In these circumstances, we will normally treat any statutory timescales for processing and/or determination of the application as having been reset.

**NB:** This may affect advertising requirements and applications may need to be re-advertised in accordance with any revised timescales.

5.16. The licensing authority will normally refuse an application, where the applicant persistently fails to supply required information.

**5.17. Safeguarding against fraud**

5.18. We will treat any document as being invalid where, despite reasonable attempts to confirm its validity, we suspect it may have been forged, improperly altered or tampered with.

**5.19. Disclaimer**

5.20. The licensing authority accepts no liability for rejection, loss or delays incurred due to late submission or the submission of an incomplete application; howsoever caused.

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**5.21. USE & EXCHANGE OF INFORMATION**

**5.22. Data Protection & Exchange of Information**

5.23. The licensing authority will comply with the Data Protection Act 1998. It may use the information submitted on any application, form of representation or other such notice provided for under the terms of the Act for the purpose of its statutory functions.

5.24. The licensing authority may disclose all such information to its agents, service providers and other Council services (departments).

5.25. Individuals that we hold information about have the right to ask for a copy of the information that the licensing authority holds about them (for which we may charge a fee) and to ask to correct any inaccuracies.

5.26. By submitting an application, representation or notice all individuals consent to the licensing authority using and processing sensitive and / or personal data about them where this is necessary.

**5.27. LICENSING REGISTER & PROVISION OF INFORMATION**

**5.28. Licensing register**

5.29. The licensing authority maintains a public register of all authorisations that it issues, together with other prescribed information.

5.30. Details on the public register will be provided to members of the public on request (for which we may charge a fee) and/or made available in hard copy format at Rushmoor Borough Council, Council Offices, Farnborough Road, Farnborough, Hampshire GU14 7JU. Public registers may also be maintained electronically and/or on our website [www.rushmoor.gov.uk](http://www.rushmoor.gov.uk).

**5.31. Provision of other information**

5.32. In the interests of transparency and accountability, the licensing authority may provide details of the conditions to which relevant authorisations are subject and provide copies (for which we may charge a fee) of relevant authorisations (subject to data protection requirements) to anyone that requests them. This information may also be maintained electronically on our website [www.rushmoor.gov.uk](http://www.rushmoor.gov.uk).

**5.33. DELEGATION OF FUNCTIONS**

**5.34. Exercise & Delegation of Functions**

5.35. In the interests of speed and efficiency the licensing authority will, where possible, delegate licensing decisions and functions to officers. Where the matter to be decided is controversial in any way or the determination of the matter under delegated powers is precluded by law then it will be decided by the Licensing Committee or a Sub-Committee thereof. Within these constraints functions and responsibilities will be delegated in accordance with the Council's scheme of delegation.

## **PART F**

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### **6. PREMISES LICENCES**

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#### **6.1. MAKING AN APPLICATION FOR A PREMISES LICENCE**

6.2. We will normally accept and, where appropriate, consider those applications that comply with the legislative requirements and are accompanied by the following –

- (a) a completed application form (including operating schedule);
- (b) a plan of the premises in the required form;
- (c) a form of consent of the individual to be designated as premises supervisor (only where licensable activities include the sale or supply of alcohol); and
- (d) the appropriate fee.

#### **6.3. Issues in respect of plan(s) of the premises**

6.4. The licensing authority expects, and may check through unannounced visits to premises, that submitted plans are both accurate and up-to-date and show all prescribed details and features.

6.5. In addition to the prescribed details and features, applicants are encouraged to provide the following information to assist with the assessment of plans by the responsible authorities; namely -

- (a) dimensions of the floor area (of each room / area);
- (b) dimensions of any area to be used as standing or seating;
- (c) dimensions of fire exit doors;
- (d) dimensions of escape routes;
- (e) details and location of emergency lighting;
- (f) details and location of fire alarm and detections systems;
- (g) details and location of emergency escape signage; and
- (h) details and location of fire fighting equipment.

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**6.6. Issues in respect of premises supervisors**

6.7. Issues regarding designated premises supervisors can be found in Part J below.

**6.8. Issues in respect of the operating schedule**

6.9. The operating schedule is a part of the application form where applicants must detail the relevant licensable activities to be conducted on the premises, the hours / times during which licensable activities are to take place; together with the hours / times that the premises are open to the public (where applicable). Operating schedules must also specify any period for which a licence is to be effective (only where any licence is to have effect for a limited period) and whether any sales of alcohol are for consumption on or off the premises, or both.

6.10. The applicant must also specify in the operating schedule the steps that (s)he proposes to take to promote the licensing objectives. While this is a matter entirely for the applicant, the following actions are strongly recommended.

**(a) Risk assessments**

6.11. In determining the steps that they propose to take to promote the licensing objectives, we strongly recommend that applicants carry out a thorough risk assessment in respect of their proposals, each of the licensing objectives and the considerations set out in paragraphs 6.14 to 6.17 below. It is recommended that this risk assessment be used to inform the completion of the operating schedule.

**(b) Liaison with responsible authorities**

6.12. While not required to do so, we strongly recommend that applicants consult the relevant responsible authorities about the preparation of risk assessments and/or the identification of the steps necessary to promote the licensing objectives at the earliest possible opportunity (preferably before formally submitting their applications). However, it must be noted that these authorities are not responsible for drawing up applications, which remain the sole responsibility of the applicant. It is for the applicant to consider if and how to identify and address relevant matters.

**(c) Venue Characteristics**

6.13. In order that applicants, interested parties and other responsible authorities can assess what measures may be necessary / appropriate to promote the licensing objectives, it is strongly recommended that operating schedules also include -

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- (a) a description of the style and characteristics of the business and the premises concerned;
- (b) the extent to which tables and chairs, general seating and other fixtures or fittings are to be provided;
- (c) the type and nature of the activities to be provided on the premises (whether licensable or not); and
- (d) a description of any adult entertainments to be provided at the premises (e.g. that involve nudity, striptease, pole-dancing, lap-dancing etc or other activities of a sexual or adult nature and/or content).

**6.14. The general content of operating schedules and the steps to be taken to promote the licensing objectives**

**(a) General considerations**

6.15. The licensing authority recommends (to applicants) and will, where it is entitled to do so, seek to ensure that the steps taken to promote the licensing objectives are -

- (a) precise, unambiguous and coherent; and
- (b) realistic and within the control of the applicant / management of the premises.

6.16. The licensing authority recommends (to applicants) and will, where it is entitled to do so, seek to ensure that the steps taken to promote the licensing objectives are generally suitable and sufficient for –

- (a) the character, nature, size, type, layout and style of the business and the premises concerned;
- (b) the circumstances and location of the premises concerned together with the nature of the area in which the premises are situated and/or where the activities are to be provided;
- (c) the permitted hours for provision of licensable activities;
- (d) the nature and type of licensable activities to be provided at the premises;
- (e) the nature and age profile of clientele; and
- (f) the nature and needs of the local community.

**(b) Other relevant considerations**

6.17. The licensing authority recommends (to applicants) and will, where it is entitled to do so, consider the following matters in review of the

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operating schedule and in seeking to determine the appropriate measures to be taken to promote the licensing objectives -

- (a) the offences listed under the Act;
- (b) the policies and considerations listed at **appendix E**;
- (c) the guidance documents and information listed at **appendix F**;
- (d) our current pool of model conditions;
- (e) the Secretary of State guidance (issued under Section 182 of the Licensing Act 2003);
- (f) the pool of model conditions contained in the Secretary of State guidance (issued under Section 182 of the Licensing Act 2003);  
and
- (g) any relevant strategies and plans as detailed in paragraphs 3.18 to 3.20.

**NB(1):** These considerations should not be seen as a comprehensive or exhaustive checklist or, in any way, be regarded as standards to be automatically applied in all cases.

**NB(2):** With reference to item (a) above, measures / steps duplicating the offences under the Licensing Act 2003 are unnecessary. However, applicants may wish to specify how they intend to avoid committing such offences.

**6.18. Applicant measures to promote the licensing objectives**

6.19. Applicants may volunteer any measures they intend to take to promote the licensing objectives. However, applicants should be aware that any specified steps may be transposed into a condition of the relevant authorisation. As conditions are enforceable in law, applicants should also be aware that any breach of conditions may give rise to prosecution (see also 19.27 below).

**6.20. Large / outdoor events and/or specialised activities**

6.21. Special issues and considerations may arise where large-scale, outdoor and/or specialised events are proposed. For this reason, the licensing authority **strongly recommends** that applicants –

- (a) give notice (at the earliest possible opportunity **and** well before any formal application is submitted) of any proposed large / outdoor / special event; and
- (b) discuss and develop any relevant event application proposals through a safety advisory group (SAG) (see below), where appropriate or otherwise invited to do so.

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**6.22. What we mean by 'large / outdoor / special events'**

6.23. For the purposes of this section, large / outdoor / special events shall be given their widest possible interpretation and meaning and shall include, but not be limited to, those events –

- (a) where specialised or unique activities, equipment or environments may be used or provided;
- (b) of a significant size, nature or complexity; and/or
- (c) that present a risk of disruption to the local community, local services or infrastructure.

**6.24. What is the Safety advisory group (SAG)?**

6.25. As special considerations may apply, it is the policy and role of the licensing authority to facilitate and, where appropriate, help co-ordinate a safety advisory group (SAG) in connection with relevant proposals, applications and authorisations concerning large / outdoor / special events.

6.26. The SAG is a unique forum convened to consider the necessary policies, plans, procedures and/or risk assessments for relevant events. It may comprise of a mix of responsible authorities and other relevant agencies with an interest in the management and organisation of such events. SAG membership will vary according to the circumstances.

**NB:** SAG's are a useful means to help identify the relevant considerations and steps necessary to promote the licensing objectives in respect of large / outdoor / special events and therefore help develop relevant application proposals.

**6.27. When is the SAG used?**

6.28. A SAG may be convened at an applicant's request or at the request of any relevant agency.

**6.29. SAG limitations and benefits**

6.30. It must be noted that SAG's are **not** responsible for the content of applications which remains the sole responsibility of the applicant. The applicant must consider if and how to address the issues raised by the SAG and/or those matters outlined in this document. However, experience shows that applicants that go through the SAG process are less likely to attract representations in respect of their proposals.

**NB:** While SAG's may comprise a multi-agency forum, only the responsible authorities (as defined in this document and the Licensing Act 2003) may make relevant representations. SAG's **do not** relieve responsible

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authorities or interested parties of the need to make relevant representations where they believe this is appropriate (see Part R below).

**6.31. ADVERTISING APPLICATIONS**

**6.32. Prescribed matters**

6.33. All applications for relevant authorisations must be advertised in the prescribed manner. The licensing authority expects, and may check (inclusive of unannounced visits to premises) to ensure that applications that must be advertised, have been advertised correctly.

**6.34. Failure to advertise relevant applications**

6.35. We will not accept an application where the applicant fails to advertise when required to do so, fails to advertise the prescribed information or for the prescribed period or otherwise provides insufficient time for interested parties and responsible authorities to consider and, where appropriate, make representations.

6.36. If this occurs, the licensing authority may treat the relevant application afresh and carry over any fees originally paid provided that the application is subsequently advertised correctly and for the minimum statutory periods required. In these circumstances, the licensing authority may establish dates by which the application must be (re)advertised and by which representations must be made.

**6.37. Responsible authority notifications**

6.38. Except for applications that have been submitted entirely electronically, applicants must serve a copy of the relevant application (including copies of any accompanying documents e.g. plans) on each of the relevant responsible authorities (see 18.3) **on the same day** that it is given to the licensing authority.

6.39. So as to ensure that applications have been correctly served, it is the policy of the licensing authority to check with each relevant responsible authority that they have received a copy of the application. Failure to give a full copy of an application to any relevant responsible authority where required to do so will normally render the application invalid.

**6.40. Neighbourhood notifications**

6.41. While taking care not to solicit representations, the licensing authority will normally notify a limited section of residents and businesses in the vicinity of premises of any application for a relevant authorisation. For this purpose, we will write to those residents and businesses that immediately border the boundary of the premises concerned and/or, as the case may be, to those which, in our opinion, share a frontage with the premises.



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**NB:** While providing for the notification of a limited number of residents / businesses, these notification arrangements do not preclude other interested parties from making relevant representations (see Part R below).

**6.42. DETERMINATION OF RELEVANT APPLICATION**

6.43. Where relevant representations are received, the licensing authority must hold a hearing to consider the merits of the application unless the applicant, the licensing authority and all parties who have made representations agree a hearing is not necessary.

**NB:** Where no representations are received, the licensing authority must grant the relevant authorisation subject only to any mandatory conditions and/or conditions that are consistent with the operating schedule.

6.44. The guidance, policies and considerations set out in Part R below will normally be applied in respect of representations and those that can make them, while those set out in Part S below will normally be applied in respect of conditions.

## **PART G**

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### **7. PROVISIONAL STATEMENTS**

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#### **7.1. MAKING AN APPLICATION FOR A PROVISIONAL STATEMENT**

7.2. We will normally accept and, where appropriate, consider those applications that comply with the legislative requirements and are accompanied by the following –

- (a) a completed application form (including a schedule of works); and
- (b) the appropriate fee.

#### **7.3. What we mean by a 'schedule of works'**

7.4. A schedule of works is part of the application form that includes particulars of the premises to which the application relates and of the licensable activities for which the premises are to be used. The schedule of works also provides the opportunity to specify the steps the applicant proposes to take to promote the licensing objectives.

7.5. It must also include detailed plans of the work being or about to be done at the premises. For this purpose, the licensing authority recommends that any plan generally contains, where possible, the same or similar information as required for grant / variation of a relevant authorisation.

#### **7.6. Completing a schedule of works**

7.7. A schedule of works is similar to, and should be considered and completed in a similar way to an operating schedule (see 6.8 to 6.17). References in this policy document which cover the arrangements for completion of an operating schedule (see premises licences) should also be read and generally be applied for the purposes of any application for a provisional statement.

#### **7.8. Other requirements**

7.9. Applications for provisional statements must be advertised and determined in a similar way to premises licences (see 6.31 to 6.40). Where appropriate, references in this policy document which cover premises licences should be read and generally be applied for the purposes of any applications for a provisional statement.

7.10. The following matters shall, in addition, apply to applications for a provisional statement.

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**7.11. APPLICATIONS FOR A PREMISES LICENCE FOR PREMISES FOR WHICH A PROVISIONAL STATEMENT WAS MADE**

7.12. When an individual subsequently applies for a premises licence in respect of premises for which a provisional statement has been made, representations by responsible authorities and interested parties will normally be excluded where -

- (a) the application for the premises licence is the same form described in the application for the provisional statement; and
- (b) the works specified in the provisional statement have been satisfactorily completed; and
- (c) there has been no material change in circumstances concerning the relevant premises or the area in the vicinity of the premises since the provisional statement was made; and
- (d) the individuals / bodies making the representations could have made the same (or substantially the same) representations about the application at the time of the application for the provisional statement, but failed to do so without good reason.

**7.13. What we mean by 'satisfactorily completed'**

7.14. The licensing authority will normally take any reference to the work being satisfactorily completed to mean that work at the premises has been completed in a manner that substantially complies with the schedule of works accompanying the application for the provisional statement.

**7.15. What we mean by 'substantially the same'**

7.16. The licensing authority will normally consider the term 'substantially the same' on the basis of fact and degree. However, the licensing authority will, where appropriate, consider any changes in circumstances on the basis of its [potential] impact on the licensing objectives.

**7.17. Inspection of premises on application for a premises licence**

7.18. The licensing authority recognises that material changes are more likely to arise when significant periods of time pass between the issue of a provisional statement and the completion of premises / works.

7.19. Officers of the licensing authority may carry out an inspection of premises which are the subject of an application for a premises licence (for which a provisional statement was made) to assess and comment on (where entitled to do so) the degree to which premises have been completed in accordance with the schedule of works accompanying the application for the provisional statement.

## PART H

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### 8. VARIATION OF A RELEVANT AUTHORISATION

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#### 8.1. WHAT WE MEAN BY 'VARIATION'

8.2. The holder of a club premises certificate or premises licence may, at any time, seek to amend their authorisation by way of an application to vary it. The process to be followed and the considerations to be applied will generally depend on the nature of the variation sought and its potential impact on the licensing objectives.

#### 8.3. Different types of variation

8.4. There are 4 types of variation procedure. These, together with the specific guidance, policies and considerations that will normally be applied to each are set out in the sections shown in Table 2 below.

**Table 2 - Different types of variation**

<b>'Full' variation of a relevant authorisation</b>	See Part H	From page 36
<b>Minor Variation(s)</b>	See Part I	From page 38
<b>Variation to specify a new individual as premises supervisor</b>	See Part J	From page 41
<b>Variation to disapply the requirement for a premises supervisor</b>	See Part K	From page 44

#### 8.5. SCOPE OF 'FULL' VARIATION(S)

8.6. The 'full' variation procedure does not apply to changes of the premises supervisor or to disapply the requirements for a premises supervisor for which different procedures apply.

8.7. Similarly, the licensing authority cannot permit variations to a relevant time limited authorisation or otherwise transfer the licence from one premises to another. In these cases, an application for grant of a new authorisation will normally be required.

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**8.8. APPLICABLE CONSIDERATIONS**

8.9. Application procedures for a 'full' variation are similar to those for premises licences (see Part F) and club premises certificates. Where appropriate, references in this policy document which cover such arrangements and the associated considerations for premises licences should be read and generally be applied for the purposes of any 'full' variation application.

8.10. However, the following matters shall, in addition, apply to 'full' variation applications.

**8.11. Variation of operating schedules**

8.12. To avoid confusion, operating schedules for applications for variation of a relevant authorisation should contain only details of those matters to be varied. Everything else on the original licence will remain.

**8.13. DETERMINATION OF 'FULL' VARIATION OF A RELEVANT AUTHORISATION**

8.14. Where relevant representations are received, the licensing authority must hold a hearing to consider the merits of the application unless the applicant, the licensing authority and all parties who have made representations agree a hearing is not necessary.

**NB:** Where no representations are received, the licensing authority must grant the variation subject only to any mandatory conditions and/or conditions that are consistent with the operating schedule.

8.15. The guidance, policies and considerations set out in Part R below will normally be applied in respect of representations and those that can make them, while those set out in Part S below will normally be applied in respect of conditions.

## **PART I**

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### **9. MINOR VARIATION(S)**

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#### **9.1. WHAT WE MEAN BY 'MINOR VARIATION'**

9.2. Holders of relevant authorisations may, at any time, apply for minor variation to their licence to authorise -

- (a) minor changes to the structure or layout of a premises;
- (b) small adjustments to licensing hours;
- (c) the removal of out of date, irrelevant or unenforceable conditions;
- (d) the addition of volunteered conditions; and / or
- (e) the addition of certain licensable activities.

**NB:** With reference to the above, it is the view of the licensing authority that only small changes that have no adverse impact on the licensing objectives are suitable for disposal through the minor variations process. In any other case, a full variation will normally be required.

9.3. The following are not minor variations and include applications to vary a relevant authorisation so as to -

- (a) extend the period for which the licence has effect;
- (b) transfer the licence from one premises to another;
- (c) vary substantially the premises to which it relates;
- (d) specify, in a premises licence, an individual as the premises supervisor;
- (e) add the retail sale or supply of alcohol as an activity authorised by the licence;
- (f) authorise the retail sale or supply of alcohol between 23:00pm and 07:00am;

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(g) authorise an increase in the amount of time on any day during which alcohol may be sold by retail or supplied; or

(h) include the alternative condition regarding the supervision of alcohol sales.

9.4. Alternative arrangements apply to these types of variation (see Part H).

**9.5. MAKING AN APPLICATION FOR MINOR VARIATION**

9.6. We will normally accept and, where appropriate, consider those applications that comply with the legislative requirements and are accompanied by the following –

(a) a completed application form (inclusive of any volunteered conditions);

(b) the relevant premises licence documents (where appropriate);

(c) a plan of the premises (where appropriate); and

(d) the appropriate fee.

**9.7. What we mean by ‘volunteered conditions’**

9.8. Applicants may volunteer any conditions to be imposed on a relevant authorisation as part of the minor variations process.

9.9. Relevant considerations and means of identification of measures that promote the licensing objectives are set out from 6.8 to 6.17 onwards above; while the guidance, policies and considerations set out in Part S below are applicable in respect of conditions.

**NB:** Other than volunteered conditions, licensing authorities cannot impose conditions on a relevant authorisation through the minor variations process.

**9.10. GENERAL PROCESS & OTHER RELEVANT CONSIDERATIONS**

**9.11. Advertising of minor variations**

9.12. Applications for minor variation must be advertised in a similar way and contain similar information to that set out for applications for a premises licence (see Part F). Where appropriate, references in this policy document which cover advertising arrangements for premises licences should also be read and generally be applied for the purposes of any application for minor variation.

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**9.13. Determination of minor variations**

- 9.14. On receipt of a valid application for minor variation, the licensing authority will normally consider the potential effect of the proposed variations and their impact on the promotion of the licensing objectives in light of any existing conditions or conditions volunteered by the applicant.
- 9.15. The licensing authority may also consider the combined effect of any series of applications for successive small changes which in themselves may not be significant, but which cumulatively may impact adversely on the licensing objectives.
- 9.16. Where there is any perceived impact on the licensing objectives or, in cases where it is unclear, we will normally consult with as many of the 'responsible authorities' as we think fit to canvass their views. While taking into account any 'relevant representation(s)' made by an 'interested party' (see Part R), the licensing authority will place **significant** weight on the views of any responsible authority it has consulted.
- 9.17. The licensing authority will normally refuse the application where it considers that any proposed minor variation (whether considered separately or together (if more than one)) have an adverse effect on the promotion of the licensing objectives. A minor variation will normally be granted as sought if the proposed variations do not have an adverse effect on one or more of the licensing objectives. **NB:** There is no right to a hearing (as for the 'full' variation procedure).

**9.18. Automatic refusal of minor variations**

- 9.19. By law, an application for minor variation is deemed refused if the licensing authority fails to determine it within certain statutory timescales. In these circumstances, the applicant is entitled to a full refund of the fees paid. However, if this is due to an error or fault on our part, we may, with the applicant's agreement, treat the application as a new application (i.e. from the date of agreement) and/or treat the fee originally submitted as the fee for any new application.



## PART J

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### 10. SPECIFICATION OF INDIVIDUAL AS PREMISES SUPERVISOR

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#### 10.1. SPECIFICATION OF 'PREMISES SUPERVISOR'

10.2. In every premises licensed for the supply of alcohol (except clubs operating or seeking to operate under a club premises certificate and/or community premises where the requirement for a premises supervisor has been disapplied), a personal licence holder must be specified as the 'premises supervisor'.

#### 10.3. What we mean by 'designated premises supervisor'

10.4. The licensing authority expects the designated premises supervisor (DPS) will normally be the person who has / will be given day to day responsibility for running the premises by the premises licence holder. We consider that the DPS should be immediately identifiable and have sufficient authority and control of the premises and the activities carried on there to deal with any problems arising there swiftly and effectively.

#### 10.5. WHAT WE MEAN BY 'VARIATION TO SPECIFY AN INDIVIDUAL AS PREMISES SUPERVISOR'

10.6. The holder of a premises licence may, if the licence authorises the supply of alcohol (or (s)he has applied to vary the licence so that it authorises such supplies) apply to vary the licence so as to specify (i.e. designate) a new individual as the premises supervisor at any time.

#### 10.7. GENERAL PROCESS & OTHER RELEVANT CONSIDERATIONS

#### 10.8. Responsible authority notification

10.9. Except for applications that have been submitted entirely electronically, applicants must serve a copy of the relevant application (including copies of any accompanying documents) on the Police **on the same day** that it is given to the licensing authority.

10.10. So as to ensure that the application procedure has been correctly followed, it is the policy of the licensing authority to check with the Police that they have received a copy of the application. Failure to give a copy of the application to the Police on the same day it is submitted to the licensing authority will normally render the application invalid / void.

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**NB:** The Police are the only responsible authority that may make representations about an application to specify a new individual as premises supervisor.

**10.11. Police objection to designation of Premises Supervisor**

10.12. In exceptional circumstances, the Police may object to the designation of a new premises supervisor where they believe an appointment would undermine the crime prevention objective. Where the Police object, the applicant is entitled to a hearing before the Licensing Committee or one of its Sub-Committees to determine the application, unless all parties agree that a hearing is unnecessary.

**10.13. Relevant considerations to Police objections**

10.14. Where Police objection to the designation of a new premises supervisor is received, the Licensing authority will, at any subsequent hearing, confine its consideration of the objections to the prevention of crime and disorder objective only.

10.15. Within the context of the crime and disorder objective, the licensing authority will normally have regard to the degree and extent to which the matters or circumstances giving rise to the objections are genuinely exceptional. While not exhaustive, the licensing authority may consider the following, namely -

- (a) the previous [management] record of the proposed individual;
- (b) the propriety of the proposed individual;
- (c) the criminal history of the proposed individual;
- (d) the age and (in)experience of the proposed individual; and
- (e) the circumstances / history of the premises which the proposed individual is to supervise.

10.16. As a DPS is expected (as appropriate) to exercise authority and control over the premises to which they have been designated, together with the activities carried on there, the Licensing authority considers that the position of DPS carries with it **significant** responsibility. The licensing authority will therefore, within the context of the crime and disorder objective, consider any Police objections with this level of responsibility in mind.

10.17. The licensing authority will also take account of anything an applicant or individuals representing them, say about the application or the status of the proposed individual.

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10.18. In circumstances where individuals take up their post as a designated premises supervisor immediately (subject to application for immediate effect), the Licensing authority may, where it is entitled to do so, consider whether the individual should be removed from the post.

**10.19. Review of DPS arrangements**

10.20. The licensing authority reminds licence holders and designated premises supervisors that any responsible authority and/or interested party may seek (amongst other matters) the removal of a designated premises supervisor on review of the premises licence.

10.21. Where application for review is made, the licensing authority may, where appropriate, similarly consider those matters identified in 10.13 to 10.18 above in determination of the review (see also Part N).

## **PART K**

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### **11. VARIATION TO DISAPPLY THE REQUIREMENT FOR A PREMISES SUPERVISOR**

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#### **11.1. WHAT WE MEAN BY 'DISAPPLICATION OF THE REQUIREMENT FOR A PREMISES SUPERVISOR'**

11.2. In certain circumstances, Community premises may apply to vary their premises licence to disapply certain mandatory conditions which require a premises supervisor. The effect of disapplication means that sales of alcohol may lawfully be made on such premises without the authorisation of a personal licence holder and that the premises may operate without a Designated Premises Supervisor (DPS).

11.3. While no other conditions may be disappplied by this procedure, such an application may only be made if the licence holder is, or is to be, a committee or board of individuals with responsibility for the management of the premises. The effect of the procedure means that the licence holder (i.e. the management committee) becomes responsible for the supervision and authorisation of alcohol sales on the premises.

#### **11.4. What we mean by 'community premises'**

11.5. The licensing authority will normally take the term 'Community premises' to include places such as church halls, chapel, community and village halls or some other similar building. While usually self-evident whether premises form part of Community premises, the licensing authority may consider on a case by case basis how the premises are predominantly used and, whether they are genuinely made available for community benefit most of the time, are accessible by a broad range of individuals and sectors of the local community and whether they are available for purposes which include purposes beneficial to the community as a whole.

11.6. The licensing authority considers the fact that premises are available for private hire to the general public is not itself sufficient to qualify premises as 'Community premises'. Where appropriate, the licensing authority may consider whether premises used largely for private hire by individuals or private entities are genuinely, by their nature, 'Community premises', as reflected in their predominant use, and not only in the usefulness of the premises for members of the community for private purposes.

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11.7. The licensing authority will **not** normally consider premises to be Community premises where use of the premises is contingent upon membership of any particular organisation. However, the hire of the premises to individual organisations and users who restrict their activities to their own members and guests would not necessarily conflict with the status of the premises as 'Community premises', provided the premises are generally available for use by the community in the sense described above.

**11.8. What we mean by 'management committee'**

11.9. The licensing authority will normally take the terms 'management committee' or 'board of individuals' to mean any formally constituted, transparent and accountable management committee or structure which has the capacity to provide sufficient management and oversight of the premises to minimise any risks to the licensing objectives.

**11.10. GENERAL PROCESS & OTHER RELEVANT CONSIDERATIONS**

**11.11. Responsible authority notification**

11.12. Except for applications that have been submitted entirely electronically, applicant committees must serve a copy of the relevant application (including copies of any accompanying documents) on the Police **on the same day** that it is given to the licensing authority.

11.13. So as to ensure that the application procedure has been correctly followed, it is the policy of the licensing authority to check with the Police that they have received a copy of any relevant application. Failure to give a copy of the application to the Police on the same day it is submitted to the licensing authority will normally invalidate the application.

**NB:** The Police are the only responsible authority that may make representations about this type of application. However, any responsible authority and/or interested party can seek the reinstatement of the relevant mandatory conditions on review of the licence.

**11.14. Management of the premises**

11.15. Before it may grant disapplication, the licensing authority must be satisfied that arrangements for the management of the premises by the committee are sufficient to ensure adequate supervision of alcohol sales on the premises. The licensing authority therefore expects applicants to clearly set out how the premises is managed, its committee structure and how the supervision of alcohol sales is to be ensured in different situations (e.g. when the premises are hired for private parties). The licensing authority also expects details of how responsibility for this is to be determined in individual cases and/or reviewed by the committee in the event of any issues arising.

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11.16. In deciding whether management arrangements are suitable, the licensing authority will normally consider and, strongly recommends that applicant committees submit their applications with copies of any constitution or other relevant management documents that, in addition to the matters detailed above, show the structure, contact details and relationship of its key officers e.g. Chair, Secretary, Treasurer etc. The licensing authority will similarly consider the use and hire of the premises by third parties and expects effective hiring agreements to be in place, particularly for events that include the sale of alcohol. We similarly recommend the submission of all relevant hire agreements (where applicable).

11.17. Where arrangements are not clear, we may ask for further details or information to confirm that the management committee is properly constituted and accountable before taking any decision on whether to grant the application (subject to the views of the Police).

**11.18. Police objection to disapplication of Premises Supervisor**

11.19. In exceptional circumstances, the Police may object to a request for disapplication where they believe it would undermine the crime prevention objective. Where the Police object, the applicant committee is entitled to a hearing before our Licensing Committee or one of its Sub-Committees to determine the application, unless all parties agree that a hearing is unnecessary.

**11.20. Relevant considerations to Police objections**

11.21. Where Police objection is received, the Licensing authority will, at any subsequent hearing, confine its consideration of the objections to the prevention of crime and disorder objective only.

11.22. Within the context of the crime and disorder objective, the licensing authority will have regard to the degree and extent to which the matters or circumstances giving rise to the objections are genuinely exceptional. While not exhaustive, the licensing authority may consider the following, namely -

- (a) the previous [management] record of the premises;
- (b) the [proposed] management arrangements of the premises;
- (c) the criminal history of any individuals in the [proposed] management committee;
- (d) the age and (in)experience of the [proposed] committee;
- (e) any incident history at the premises; and
- (f) the circumstances, nature and/or use of the premises and the activities provided there (inclusive of hire arrangements).

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11.23. As disapplication effectively makes the licence holder (i.e. the management committee) responsible for the supervision and authorisation of alcohol sales on the premises, the Licensing authority considers that the position of those in the committee carries with it **significant** responsibility. The licensing authority will therefore, within the context of the crime and disorder objective, consider any Police objections with this level of responsibility in mind.

11.24. The licensing authority will also take account of anything an applicant or individuals representing them, say about the application or the status of the proposed individual.

**11.25. Maintenance of suitable management arrangements**

11.26. Management committees are strongly encouraged to notify the licensing authority, together with the Police of any key changes in their committee's composition (e.g. to the Chair, Secretary, Treasurer etc).

11.27. We would caution that failure to do so may form the basis of a legitimate review of the premises licence, or be taken into account in determination of any subsequent application.

**11.28. Review of disapplication arrangements**

11.29. The licensing authority reminds those who have disapplied relevant requirements that any responsible authority and/or interested party may seek (amongst other matters) the reinstatement of the relevant mandatory conditions on review of the premises licence.

11.30. Where application for review is made, the licensing authority may, where appropriate, similarly consider those matters identified in 11.20 to 11.24 above in determination of the review (see also Part N).

## **PART L**

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### **12. TRANSFER OF PREMISES LICENCE**

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#### **12.1. WHAT WE MEAN BY 'TRANSFER OF A PREMISES LICENCE'**

12.2. Any person that may apply for a premises licence may apply for an existing premises licence (held by someone else) to be transferred to them so that they become the premises licence holder (e.g. when a business involving licensable activities is sold to a new owner). A transfer effectively changes the identity and responsibilities of the licence holder and, while a transfer can take immediate effect pending determination of a transfer application, a transfer does not alter the licence in any other way.

#### **12.3. GENERAL PROCESS & OTHER RELEVANT CONSIDERATIONS**

##### **12.4. Responsible authority notification**

12.5. Except for applications that have been submitted entirely electronically, applicants seeking a transfer must serve a copy of the relevant application (including copies of any accompanying documents) on the Police **on the same day** that it is given to the licensing authority.

12.6. So as to ensure that the application procedure has been correctly followed, it is the policy of the licensing authority to check with the Police that they have received a copy of the application. Failure to give a copy of the application to the Police on the same day it is submitted to the licensing authority will invalidate the application.

**NB:** The Police are the only responsible authority that may make representations about a transfer application.

##### **12.7. Police objection to transfer of a premises licence**

12.8. In exceptional circumstances, the Police may, within a limited period following its receipt, object to an application for transfer where they believe it would undermine the crime prevention objective. Where the Police object, the applicant is entitled to a hearing before the Licensing Committee or one of its Sub-Committees to determine the application, unless all parties agree that a hearing is unnecessary.

##### **12.9. Relevant considerations to Police objections**

12.10. Where Police objection to a transfer is received, the Licensing authority will, at any subsequent hearing, confine its consideration of the objections to the prevention of crime and disorder objective only.



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12.11. Within the context of the crime and disorder objective, the licensing authority will have regard to the degree and extent to which the matters or circumstances giving rise to the objections are genuinely exceptional. While not exhaustive, the licensing authority may consider the following, namely -

- (a) the previous [management] record of the transferee;
- (b) the criminal history of transferee;
- (c) the involvement in crime and disorder of any business or individuals linked to the transferee;
- (d) any incident history at the premises; and
- (e) the circumstances, nature and/or use of the premises and the activities provided there.

12.12. As a transfer effectively makes the transferee the licence holder for the premises, the Licensing authority considers that the position carries with it **significant** responsibility. The licensing authority will therefore, within the context of the crime and disorder objective, consider any Police objections with this level of responsibility in mind.

12.13. The licensing authority will also take account of anything an applicant or individuals representing them, say about the application or the status of the transferee.

**12.14. Reviews of premises licence and arrangements**

12.15. The licensing authority reminds those to whom a licence is transferred that any responsible authority and/or interested party may seek a review of the premises licence at any time.

12.16. Where application for review is made, the licensing authority may, where appropriate, similarly consider those matters identified in 12.9 to 12.13 above in determination of the review (see also Part N).

## **PART M**

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### **13. INTERIM AUTHORITY NOTICES**

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#### **13.1. WHAT WE MEAN BY 'INTERIM AUTHORITY NOTICE'**

13.2. Ordinarily, a premises licence will lapse on the death, incapacity or insolvency of the holder. An interim authority notice is a special arrangement that allows for the continuation of permissions under a premises licence in circumstances when the licence holder dies suddenly, becomes bankrupt or mentally incapable.

13.3. The effect of an interim authority notice is to reinstate the premises licence as if the person giving the notice is the holder of the licence. This allows licensable activities to continue under authorisation of the premises licence for a maximum period of two months pending its formal disposal or transfer.

#### **13.4. Who can give an interim authority notice**

13.5. The procedure is normally available to a person with a legal interest in the premises as freeholder or leaseholder, or by a person connected to the former holder of the licence.

#### **13.6. GENERAL PROCESS & OTHER RELEVANT CONSIDERATIONS**

13.7. An interim authority notice may be given to the licensing authority within a limited period beginning the day after the day the licence technically lapsed. The notice becomes effective as soon as it is served on the licensing authority within this time and the premises may continue to be used for the provision of permitted licensable activities.

#### **13.8. Responsible authority notification**

13.9. The relevant individuals with an interest in the premises must also serve a copy of the interim authority notice on the Police within the permitted period.

13.10. So as to ensure that the notice has been served correctly, it is the policy of the licensing authority to check with the Police that they have received a copy of the notice.

**NB(1)** The Police are the only responsible authority that may make representations about an interim authority notice.

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**NB(2)** Applicants should note that an interim authority notice ceases to have effect and that any associated premises licence will lapse, unless a copy of the notice has been given to the Police by the end of the permitted period. The carrying on of licensable activities may therefore be unlawful in these circumstances.

**13.11. Police objection to interim authority notice**

13.12. In exceptional circumstances, the Police may, within a period of 48 hours of its receipt, serve notice on the licensing authority where they believe that failure to cancel the interim authority notice would undermine the crime prevention objective. Where the Police serve such a notice, the licensing authority will hold a hearing to decide whether or not to cancel the interim authority notice.

**13.13. Relevant considerations to Police objections**

13.14. Where Police objection to the interim authority notice is received, the Licensing authority will, at any subsequent hearing, confine its consideration of the objections to the prevention of crime and disorder objective only.

13.15. Within the context of the crime and disorder objective, the licensing authority will have regard to the degree and extent to which the matters or circumstances giving rise to the objection(s) are genuinely exceptional. While not exhaustive, the licensing authority may consider the following, namely -

- (a) the previous [management] record of the relevant individuals;
- (b) the propriety of the relevant individuals;
- (c) the criminal history of the relevant individuals;
- (d) the age and (in)experience of the proposed individuals; and
- (e) the circumstances / history of the premises which the relevant individual(s) seek to maintain.

13.16. As an interim authority notice effectively reinstates the premises licence as if the person giving the notice is the holder of the licence, the Licensing authority considers that the use of such a notice carries with it **significant** responsibility. The licensing authority will therefore, within the context of the crime and disorder objective, consider any Police objections with this level of responsibility in mind.

13.17. The licensing authority will also take account of anything a relevant individual or individuals representing them, say about the notice or the status of the relevant individuals concerned.

## PART N

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### 14. REVIEW OF A RELEVANT AUTHORISATION

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#### 14.1. WHAT WE MEAN BY 'REVIEW'

14.2. Where a relevant authorisation has effect, an interested party or responsible authority may apply to the licensing authority at any time to hold a hearing to review the authorisation because of some matter arising at the premises that affects one or more of the licensing objectives. A review of a relevant authorisation will also normally follow any action by the Police to close down premises for up to 24 hours and on order of the Courts.

**NB:** By law, the licensing authority cannot initiate its own review of a relevant authorisation. However, elected councillors may apply for review in their own right.

#### 14.3. GENERAL PROCESS & OTHER RELEVANT CONSIDERATIONS

#### 14.4. Notification of responsible authorities and licence holder

14.5. Except for applications that have been submitted entirely electronically, copies of any application for review, together with accompanying documents (if any) must be given to each of the responsible authorities and the holder of the relevant authorisation **on the same day** on which it is submitted to the licensing authority.

14.6. So as to ensure that the application procedure has been correctly followed, it is the policy of the licensing authority to check with the responsible authorities and the premises licence holder that they have received a copy of a review application. Failure to give a copy of the application of review to any of these bodies on the same day it is submitted to the licensing authority will normally render the application invalid / void.

#### 14.7. Rejection of grounds for review

14.8. The licensing authority will normally reject any grounds for review where satisfied that it is not relevant to one or more of the licensing objectives or, in the case of a review lodged by an interested party, is frivolous, vexatious or repetitious.

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**14.9. What we mean by 'frivolous' and 'vexatious'**

14.10. The criteria set out in 18.42 below will normally be applied in determination of these terms.

**14.11. What we mean by 'repetitious'**

14.12. The licensing authority will normally consider a ground for review to be repetitious where it is one that is identical or substantially similar to -

- (a) any grounds for review specified in an earlier application for review made in relation to the same authorisation which has already been determined;
- (b) representations considered by the licensing authority when the authorisation was first granted;
- (c) representations which would have been made when the application was first made and which were excluded by reason of the prior issue of a provisional statement;

... and, in addition to the above, a reasonable interval has not elapsed since the earlier review or the grant of the authorisation.

**NB:** The exclusion of a representation on grounds that it is repetitious does not apply to representations made by responsible authorities which may make more than one request for review within any given period.

**14.13. What we mean by 'reasonable interval'**

14.14. For the purpose of defining a repetitious representation, the licensing authority will normally take a reasonable interval to mean a period no shorter than 12 months unless there are compelling circumstances.

**14.15. Advertisement of review**

14.16. The licensing authority must advertise any application for review by way of one or more site notices on or adjacent to the premises concerned.

14.17. The licensing authority generally expects the co-operation of the relevant premises in displaying any such notices and, where appropriate, may check to ensure that any notices remain displayed for the required period. Failure to display any such notices for the required period may be reported to the relevant Licensing Committee.

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**14.18. DETERMINATION OF A REVIEW**

14.19. In deciding which of the permitted steps to take, the licensing authority will normally seek to address the causes of the relevant concerns that the review and any associated representations identify. However, the licensing authority may take one or more permitted steps as a legitimate means of deterring the holder from allowing the problems that gave rise to the review to happen again (e.g. to suspend a licence over a weekend). As this may result in a detrimental financial impact, the licensing authority will normally only resolve such a deterrent where it is necessary and proportionate to the promotion of the licensing objectives.

**14.20. Representations and conditions**

14.21. Where reviews arise, the guidance, policies and considerations set out in Part R below will normally be applied in respect of representations and those that can make them, while those set out in Part S below will normally be applied in respect of conditions.

**14.22. Matters of review which may give rise to revocation**

14.23. Where reviews arise, the licensing authority will treat the following matters **particularly seriously** and, where appropriate, may consider the revocation of the relevant authorisation – even in first instance – where it determines that the crime prevention objective is being undermined by use of the premises -

- (a) for the sale and distribution of Class A drugs and/or the laundering of the proceeds of drug crime;
- (b) for the sale and/or distribution of illegal firearms;
- (c) for the evasion of copyright in respect of pirated or unlicensed films or music;
- (d) for the purchase and/or consumption of alcohol by minors;
- (e) for prostitution or the sale of unlawful pornography;
- (f) by organised groups of paedophiles to groom children;
- (g) as the base for the organisation of criminal activity (especially by gangs);
- (h) for the organisation of racist activity or the promotion of racist attacks;
- (i) for unlawful gaming and gambling activities; and/or
- (j) for the sale of smuggled alcohol or tobacco.

## **PART O**

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### **15. CLUB PREMISES CERTIFICATES**

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#### **15.1. What we mean by ‘qualifying club’**

15.2. A club will normally be considered a qualifying club in respect of its activities provided that -

(a) under the rules of the club, individuals may not be admitted to membership, or be admitted as candidates for membership, to any of the privileges of membership without an interval of at least two days between their nomination or application for membership or their admission;

(b) under the rules of the club, individuals becoming members without prior nomination or application may not be admitted to the privileges of membership without an interval of two days between them becoming members and their admission;

(c) the club has a minimum of 25 members;

(d) the club is established and conducted in good faith as a club; and

(e) alcohol is not supplied, or intended to be supplied, to members on the premises otherwise than by or on behalf of the club; and that certain other conditions on the sale / supply of alcohol are complied with.

15.3. Qualifying clubs should not be confused with proprietary clubs, which are clubs run commercially by individuals, partnerships or businesses for the purposes of profit. Proprietary clubs will require a premises licence and are not eligible for a club premises certificate.

#### **15.4. What we mean by ‘qualifying club activities’**

15.5. For the purposes of obtaining a club premises certificate, the qualifying club activities include -

(a) the supply of alcohol by or on behalf of the club to, or to the order of a member of the club;

(b) the sale by retail of alcohol by or on behalf of a club member or a guest of a member of the club; and,

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- (c) the provision of regulated entertainment, where that provision is by or on behalf of the club for members of the club, or members of the club and their guests.

**15.6. What we mean by ‘established and conducted in good faith’**

15.7. In deciding whether a club is established and conducted in good faith as a club, the licensing authority will normally consider the following matters -

- (a) any arrangements restricting the club's freedom of purchase of alcohol;
- (b) any provision in the club rules, or arrangements, under which money or property of the club, or any gain arising from the carrying on of the club is or may be applied otherwise for the benefit of the club as a whole or for charitable, benevolent or political purposes;
- (c) the arrangements for giving members information about the finances of the club;
- (d) the books of account and other records kept to ensure the accuracy of that information; and
- (e) the nature of the premises occupied by the club.

**15.8. GENERAL PROCESS & RELEVANT CONSIDERATIONS**

15.9. Arrangements for applying for or seeking to vary a club premises certificate are similar to those for premises licences (see Part F). References in this policy document which cover the arrangements and considerations for premises licences should therefore be read and generally be applied for the purposes of any applications for the grant or variation of a club premises certificate. The terms ‘applicant’, ‘operating schedule’ ‘relevant authorisation’ and ‘relevant application’ should be construed accordingly.

15.10. The following matters shall, in addition, usually apply both before and after the grant or variation of a club premises certificate.

**15.11. Club rules**

15.12. Clubs must include a copy of the rules of the club with their applications. Any subsequent alteration to the club rules must also be notified to the licensing authority as required by law.

15.13. Where the rules of the club indicate that it does not meet the qualifying conditions (see above), a club premises certificate will **not** normally be granted. In the case of notifications of a change to the club rules, the licensing authority may issue a notice of withdrawal of its club premises



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certificate where it appears that the club has ceased to meet the qualifying conditions.

15.14. By way of ensuring that only qualifying clubs benefit from a club premises certificate, the licensing authority will normally return a certified copy of the club rules with any club premises certificate it issues, or following notification of any changes.

**15.15. Representations and conditions**

15.16. The Licensing authority recognises that the supply of alcohol and the provision of regulated entertainments in clubs, give rise to different issues for licensing law than those presented by commercial enterprises that are open and sell direct to the public.

15.17. The licensing authority shall therefore, where it is entitled to do so, consider relevant representations and/or the imposition of conditions to a club premises certificate, with regard to, but not be bound by, the following considerations -

- (a) qualifying clubs are non-profit making clubs.
- (b) qualifying club activities take place on premises to which the public generally do not have access.
- (c) qualifying clubs generally operate under codes of discipline and club rules that apply to their members and guests.
- (d) the costs of conditions attached to a club premises certificate will generally be borne by individual members of the club and cannot generally be recovered by passing costs on to the general public.

**15.18. OTHER MATTERS**

**15.19. Guest arrangements**

15.20. The licensing authority notes that the Act does not define the term 'guest' and will therefore normally interpret it by its widest possible meaning to include those invited by the qualifying club or any individual member to use the club facilities.

15.21. In recognition of the above, the licensing authority cautions against the management and/or acceptance of guests to the point where the club is either alleged to be, or is in effect, providing commercial services to the general public that is contrary to its qualifying club status.

15.22. To help avoid any risk to their qualifying club status, it is recommended that clubs formally determine the manner in which guests are admitted to their premises and that this be clearly set out in its club rules. To demonstrate this, it is recommended that members of the club

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generally 'sign in' their guests and that this record be periodically reviewed by relevant officers of the Club Committee.

**15.23. Hiring and use of club premises / facilities by the public**

15.24. Under the terms of a club premises certificate, a club may only provide qualifying club activities (including the sale / supply of alcohol) to its members and their bona fide guests.

15.25. Therefore, where a qualifying club wish to offer its facilities commercially for use by the general public (including the sale of alcohol) it may need to apply for a premises licence (see Part F). Alternatively, an individual on behalf of the club may give, subject to the statutory limitations, a temporary event notice (see Part P) to cover any occasion where the club sell alcohol to the public or hire out their premises for use by the public.

**15.26. Withdrawal of club premises certificates**

15.27. The licensing authority cautions that it will normally issue a notice of withdrawal of a club premises certificate to any club where it appears that it has ceased to meet any of the qualifying conditions.

## **PART P**

See also  
Appendix D

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# **16. TEMPORARY EVENT NOTICES (TENS)**

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## **16.1. WHO CAN SUBMIT A TEMPORARY EVENT NOTICE**

16.2. A TEN may, subject to statutory limitations, be given to the licensing authority by any individual (the 'premises user') aged 18 or over where it is intended to use premises for one or more temporary licensable activities.

## **16.3. What we mean by 'premises user'**

16.4. The licensing authority will treat the 'premises user' to be the individual who gave the TEN, their associate or someone who is in business with the relevant premises user in respect of the same premises.

16.5. An 'associate' of a premises user is taken to mean the spouse or civil partner, children, parents, grandchildren, grandparents, brother or sister, an agent or employee or their spouse or civil partner.

## **16.6. TENS vs premises licence**

16.7. A temporary event notice does not preclude an application for, or the holding of, a premises licence (or club premises certificate). However, where one or more of the statutory limitations are exceeded, a full premises licence (or club premises certificate) is required to cover any period where temporary licensable activities are to be provided.

## **16.8. Predictable nature of temporary events**

16.9. The licensing authority expects that temporary licensable activities that are generally predictable and are anticipated to occur on regular occasions, be regulated by a premises licence (or club premises certificate).

## **16.10. STATUTORY LIMITATIONS**

### **16.11. Premises and activity limitations**

16.12. A TEN may only be served on the licensing authority where -

- (a) the temporary event and activities do not exceed 96 hours in duration;

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- (b) the temporary event and activities do not involve the presence of more than 499 people at any one time;
- (c) there has been a minimum of 24 hours between different events in respect of the premises;
- (d) the same premises has not been used for temporary events with licensable activities on more than 12 occasions in a calendar year; and
- (e) the maximum aggregate duration of the periods covered by TENs at the premises is no more than 15 days in a calendar year.

**16.13. Premises user limitations**

16.14. The number of TENs given by a personal licence holder is limited to 50 notices in one year, whilst the number of notices given by a non-personal licence holder is limited to 5 notices in one year.

**16.15. RELEVANT CONSIDERATIONS & THE NOTICE PROCESS**

**16.16. Statutory notice period**

16.17. Except for applications that have been submitted entirely electronically, the premises user must serve two copies of a TEN, along with the relevant fee, on the licensing authority. A copy of the TEN must also be given to the local Chief Officer of Police **on the same day**. All TENs must be served on all relevant parties at least **10 working days** before the day on which the event begins.

**NB:** The licensing authority has no discretion and, will **NOT** accept TENs served on it with less than 10 working days before the day on which the event specified in any TEN begins.

**16.18. What we mean by 'working days'**

16.19. Working days do not include a Saturday or Sunday, Christmas Day, Good Friday or any other bank holiday. The minimum statutory notice period shall also be taken to be exclusive of the day on which the event is to start and, exclusive of the day on which the notice is given.

**16.20. Liaison with Police**

16.21. So as to ensure that the TEN procedure is correctly followed, it is the policy of the licensing authority to check with the Police that they have received a copy of any TEN served. Failure to give a copy of a TEN to the Police on the same day it is submitted to the licensing authority will normally render the TEN invalid / void.

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**NB:** The Police are the only responsible authority that may make representations about a TEN. Event organisers are therefore encouraged to contact local Police licensing officers at the earliest possible opportunity about their proposals. However, so that the Police can make a sensible assessment about any proposed event, TEN's should not be submitted too far in advance of the event and no more than 6 months beforehand.

**16.22. Liaison with other agencies**

16.23. In recognition of their roles and responsibilities, together with the possible impact of temporary events, the licensing authority will, at the earliest practicable opportunity, normally notify the following bodies of any temporary event proposals it receives -

- (a) Hampshire Constabulary;
- (b) Hampshire Fire & Rescue Service;
- (c) RBC Health & Safety;
- (d) RBC Environmental Health;
- (e) RBC Community Safety; and
- (f) RBC Planning.

**NB:** With the exception of the Police, these agencies cannot make representations about a temporary event notice and shall not be treated as 'consultees' for this purpose.

**16.24. NOTIFIED PREMISES**

**16.25. Nature of premises used under a TEN**

16.26. A TEN may be given for either entire premises or part of a building / location e.g. a single room within a village hall, a plot within a larger area of land etc.

**16.27. Address(es) against which TENs are recorded**

16.28. In recognition of the above and the statutory limits, the licensing authority shall normally record any TEN against the general address for the entire premises / site to which the TEN relates unless it includes a clear and precise description of the area where the licensable activities will take place.

16.29. The licensing authority recommends that where part of a building / location are to be used, that a TEN be submitted with a plan / map that identifies the exact location where the licensable activities will take

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place. For plots within a larger area of land, it is recommended that any plan / map show the dimensions of the area where the licensable activities will take place together with sufficient measurements from some suitable fixed reference point so as to pinpoint the area concerned. Map reference co-ordinates sufficient to detail the dimensions of the area in which temporary licensable activities will take place may also be given.

**16.30. CHECKING THE STATUTORY LIMITS & COUNTER NOTICES**

**16.31. Checking the statutory limits**

16.32. The licensing authority will, on receipt of a TEN, check whether any statutory limits have been exceeded.

16.33. In determining whether the statutory limit of 12 TENs at any individual premises in a calendar year has been exceeded, the licensing authority will normally count and include any relevant TENs previously served on it that used or proposed to use the same or **any** part of the same premises / area within the relevant period.

16.34. In determining whether the maximum total duration of the periods covered by TENs at any individual premises has exceeded 15 days, any event beginning before midnight and continuing into the next day shall normally be taken to count as two days within the relevant period.

**16.35. Serving a counter notice**

16.36. Where any statutory limits are exceeded, the licensing authority must serve the premises user with a counter notice (not later than 24 hours before the beginning of the event). Any counter notice will normally be copied to the local Chief Officer of Police.

16.37. As far as they relate to the venue and/or premises user, temporary licensable activities are **not** permitted where a counter notice has been served.

16.38. Any TEN served on the licensing authority and subject to counter notice will be disregarded and void and the premises user liable to prosecution where knowingly carried on.

**16.39. POLICE INTERVENTION & OBJECTION NOTICES**

16.40. If the local Chief Officer of Police is satisfied that allowing a premises to be used in accordance with a TEN will undermine the crime prevention objective (s)he may serve an objection notice, stating his/her reasons, on both the Licensing authority and the premises user within 48 hours of receiving the TEN.

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16.41. If the Licensing authority receives such a notice from the Police, it will normally hold a hearing to consider the objection(s), unless the Licensing authority, Police and premises user agree a hearing is not necessary. Consideration by the Licensing authority at such hearings will be confined to the crime prevention objective only, and where necessary for the promotion of the said objective, the Licensing authority may give the premises user a counter notice.

**16.42. ACKNOWLEDGEMENT OF TENS**

16.43. Where –

(a) on holding a hearing, the licensing authority does **not** consider it necessary for the promotion of the crime prevention objective to give the premises user a counter notice; or

(b) a TEN falls within the limitations of the Act, is in order and, there has been no Police intervention;

... the licensing authority has no discretion but to acknowledge the TEN to give it effect.

16.44. By way of giving effect to the TEN, the licensing authority will record the TEN in its public register and send an acknowledged copy (duly stamped with the seal of the licensing authority) of the TEN to the premises user.

**NB:** The licensing authority is not entitled to attach any conditions to a TEN. However, we do expect temporary licensable activities to be conducted in accordance with the TEN and all other legislative requirements.

**16.45. THIRD PARTY USERS**

16.46. The licensing authority advises owners / occupiers of premises to monitor the number of TEN's submitted in respect of their premises. These arrangements should be sufficient to cover both their own use and that of other potential premises users.

**16.47. Management and supervision of TENS**

16.48. While premises users are not required to be on the premises for the duration of any TEN event, they remain liable for certain offences that may be committed if the event is not adequately managed / supervised. It is therefore strongly recommended that those matters detailed in **appendix D** be considered and, where appropriate, implemented at all temporary events involving licensable activities and/or provided under authorisation of a TEN.

16.49. In particular, the licensing authority encourages premises users and organisers of temporary events to consider local residents and the

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concerns of the occupiers of premises adjacent to the proposed venue of temporary events.

**16.50. Monitoring and compliance**

- 16.51. The Licensing authority will enforce the provisions of the Act and treat temporary events as unauthorised where there is a failure to adhere to the requirements of the Act and/or the limitations outlined above. In such circumstances, the premises user may be liable to prosecution.
- 16.52. In particular, the licensing authority would remind premises users of the laws governing the sale of alcohol to minors or persons who are drunk, together with Police powers to close down events (with no notice) on grounds of disorder, the likelihood of disorder or because of public nuisance caused by noise emanating from the premises.
- 16.53. By way of monitoring compliance with their limitations and to ensure that they are not abused, the licensing authority may occasionally inspect premises being used under a TEN.



## **PART Q**

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### **17. PERSONAL LICENCES**

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#### **17.1. APPLICATION STANDARDS & CONSIDERATIONS**

#### **17.2. Issues in respect of the disclosure of convictions**

17.3. Every personal licence applicant must submit a prescribed disclosure certificate. This shall apply whether or not the applicant has been living for any period in a foreign jurisdiction.

17.4. Applicants must also make a separate declaration confirming that they have not been convicted of a relevant or foreign offence i.e. an offence under the law outside of England and Wales. This applies to both applicants ordinarily resident in England & Wales as it does to any person from a foreign jurisdiction.

17.5. Applicants are warned that the making of a false declaration for the purpose of obtaining a licence is a criminal offence for which they may be prosecuted and the licence revoked.

#### **17.6. Liaison with the Police**

17.7. In all cases, the licensing authority will liaise with and notify the Police of any applicant and conviction details where the applicant is found to have a conviction for a relevant or foreign offence.

#### **17.8. Police objections and hearings**

17.9. Where an applicant for a personal licence is found to have an unspent conviction for a relevant or foreign offence, only the Police may object to the application on crime prevention grounds. Where the Police object, the applicant is entitled to a hearing before the Licensing Committee or one of its Sub-Committees unless all parties agree that a hearing is not necessary.

#### **17.10. Relevant considerations on Police objection**

17.11. Because of its potential impact on the wider community and on crime and anti-social behaviour generally, we believe that the authorisation of the sale and supply of alcohol carries with it a **significant** responsibility. Accordingly, where there is Police objection, the licensing authority will normally reject applications for a personal licence where necessary for the promotion of the crime and disorder objective unless there are exceptional and compelling circumstances to justify the granting of the application.

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17.12. In deciding whether there are exceptional and compelling circumstances to justify the granting of such an application, the licensing authority may, where it is entitled to do so, consider the following matters; namely -

- (a) the nature of any offences committed;
- (b) the age of the applicant (both at the time of application and when any offences were committed);
- (c) the propensity to re-offend; and
- (d) the risks to the community.

17.13. These matters are not exhaustive and each case will be decided objectively on its own merits.

17.14. In all cases, the licensing authority will take account of anything an applicant or individuals representing them, say about their application or status.

**17.15. CONVICTIONS & LIAISON WITH THE COURTS**

**17.16. Duties of personal licence holders**

17.17. We remind all our personal licence holders that they are statutorily obliged to advise us and the Courts if, following grant of their personal licence they are convicted of a relevant or foreign offence. Failure to notify a UK Court at the time of appearance or hearing leading to a relevant conviction, or otherwise tell us, of any such convictions is an offence.

**17.18. Failure of personal licence holders to advise of offences**

17.19. In recognition of their responsibilities, the licensing authority will normally seek prosecution of a personal licence holder where (s)he fails to notify the Court at the time of appearance or hearing leading to a relevant conviction, or otherwise tell us, of any convictions for a relevant or foreign offence.

**17.20. Notifications of relevant convictions or foreign offence**

17.21. On receipt of any notification of conviction of a personal licence holder for a relevant or foreign offence, we will provide the personal licence holder 14 days to produce the licence to the authority. Where the personal licence holder does not respond within this timeframe, we will normally advise the chief officer of Police for the area in which the licence holder resides for action as may be appropriate.

17.22. Where a licence is produced following conviction of the personal licence holder for a relevant or foreign offence, we will record the conviction and endorse the licence, together with any period of suspension, if so ordered. The licence will ordinarily be returned to the licence holder unless it is declared forfeit.

## PART R

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# 18. REPRESENTATIONS RESPONSIBLE AUTHORITIES & INTERESTED PARTIES

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### 18.1. GENERAL

18.2. When dealing with applications for grant, variation or the review of a relevant authorisation, the licensing authority may, where appropriate, consider representations from two categories of individuals / bodies. These are referred to as '*responsible authorities*' and '*interested parties*'.

### 18.3. RESPONSIBLE AUTHORITIES

#### 18.4. What we mean by 'responsible authority'

18.5. '*Responsible authorities*' are public bodies that must be fully notified of applications and are entitled to make representations to the licensing authority in respect of applications for grant or variation of a relevant authorisation. **NB:** Responsible authorities may also seek a review of a relevant authorisation.

#### 18.6. The responsible authorities

18.7. The licensing authority will only recognise the responsible authorities prescribed in law and, where it is entitled to do so, those otherwise designated by it.

18.8. A list of all the responsible authorities, together with their contact details can be found at **appendix C**.

### 18.9. INTERESTED PARTIES

#### 18.10. What we mean by 'interested parties'

18.11. '*Interested parties*' are individuals who live, work or are involved in a business in the vicinity of the premises concerned (or a body representing them) and may make representations to the licensing authority. Locally elected Councillors are also 'interested parties' and may make representations in their own right. **NB:** Interested parties may also seek a review of a relevant authorisation.

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**18.12. What we mean by ‘involved in a business’**

18.13. The term ‘*involved in a business*’ will normally be given the widest possible interpretation, including partnerships, and will not necessarily be confined to those engaged in trade and commerce. The expression shall also include the functions of charities, faith groups, churches and medical practices etc.

**18.14. What we mean by ‘in the vicinity’**

18.15. The licensing authority considers that the term ‘*in the vicinity*’ may have different meanings for different interested parties (e.g. a private resident, a residential school for children etc) and in different circumstances. Therefore, whether any business / individual making representations) can properly be regarded to be in the vicinity of the premises concerned will largely be considered on the basis of fact and degree and the particular circumstances of the case.

18.16. In addressing the issue, the licensing authority will normally, though not exclusively, focus on the impact of activities [potentially] taking place on the instant premises (or immediately outside those premises) on members of the public who are living, working or engaged in normal activity in the area concerned; together with their) impact on the licensing objectives. Where appropriate, the licensing authority may also take the following factors into account -

- (a) the character, nature, size, type, layout, location and style of the premises concerned;
- (b) the character, nature, layout and style of the area where the premises concerned are situated and/or where the activities are [to be] provided;
- (c) the distance and proximity of the premises from the location of the individuals making the representations;
- (d) the [potential] impact of the premises and its activities, such as number of customers, likely routes taken by those visiting the establishment;
- (e) the character, nature and [potential] impact of the activities proposed / provided;
- (f) whether the individual’s residence or business is likely to be directly affected by matters occurring or potentially occurring on the premises (or immediately outside those premises); and
- (g) the circumstances and nature of the interested party.

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18.17. With reference to 18.16(g) above, any consideration of the circumstances and / or nature of the interested party will normally be confined to the interests of the party concerned (which may be relevant to the distance from the premises concerned). It will not normally include the personal characteristics of the interested party.

**18.18. Vicinity and distance**

18.19. The licensing authority recognises that some issues e.g. noise, may affect interested parties and others at some considerable distance from the premises concerned. We may therefore consider those who live and work at such distance to be in the vicinity of the premises concerned if it can be demonstrated that they are (or, in the case of a new premises, are likely to be), directly affected by matters that impact on one or more of the licensing objectives.

**18.20. MAKING REPRESENTATIONS**

**18.21. Recommended actions before submitting representations**

18.22. The licensing authority encourages all those considering making representations to contact and, where appropriate, reach agreement with the applicant before submitting any representations. Alternatively, interested parties that do not wish to approach the applicant may wish to contact the responsible authorities about their representations at the earliest possible opportunity.

**18.23. Confirmation of negotiations / modifications**

18.24. Where a responsible authority or interested party negotiate any arrangements, conditions or other modifications to a relevant application, they must ensure that the applicant (or the applicant's representatives) confirm and notify the changes to their application with the licensing authority (in writing) at the earliest possible opportunity.

**NB(1):**The licensing authority cannot accept any informally negotiated / agreed modifications to a relevant application or otherwise transpose them into conditions of the relevant authorisation (if granted) if the applicant does not formally confirm / notify the changes to us within the period permitted.

**NB(2):**It is the view of the licensing authority that substantial changes may need to be re-advertised in the prescribed manner, as not all parties will be aware of them. For these purposes, the criteria used to define minor variations shall be used to identify any substantial changes.

**18.25. The effect of negotiations / modifications**

18.26. In all cases, the licensing authority will normally take any formally confirmed / notified negotiations / modifications to be a change to the original operating schedule of the relevant application.

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**18.27. The impact of negotiations / modifications**

18.28. All parties are requested to ensure that anything that is agreed between them is clear, unambiguous and coherent.

**18.29. Notification of negotiations / modifications**

18.30. So that they may make informed judgements on their impact, the licensing authority will normally notify all responsible authorities of any formal modifications to an application received within the period allowed for making representations. We will however only notify such changes to interested parties where a hearing has already been scheduled to take place, or where we have otherwise been requested to do so.

**18.31. WHERE REPRESENTATIONS ARE (TO BE) SUBMITTED**

**18.32. Dual nature of representations**

18.33. Representations may be made both in opposition to, or in support of, a relevant application. The remainder of this section must therefore be read with this dual nature in mind.

**18.34. General requirements of representations**

18.35. The licensing authority will normally expect representations to be made in writing (including by electronic means), setting out the name and address of the person / organisation making it and the premises to which it refers. Any representation must also set out the reasons for making it and the / point of issue to which it relates. However, for the reasons set out in the following paragraphs, it is recommended that the main points of any representations are set out under the individual headings of the licensing objectives.

18.36. In the case of interested parties, it may be helpful to state the distance at which they live or work from the premises concerned and describe any other features that may affect the licensing objectives.

**18.37. Acceptance and significance of representations**

18.38. Where submitted, the licensing authority will only accept and consider representations if they are 'relevant'.

18.39. Where '**relevant representations**' are made in respect of a relevant application, the licensing authority must hold a hearing to consider the merits of the application unless the applicant, the licensing authority and all parties who have made representations agree that a hearing is not necessary.

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**18.40. What we mean by ‘relevant representations’**

18.41. **‘Relevant representations’** are taken to mean representations which -

- (a) are about the likely effect of the grant of the application on the promotion of the licensing objectives (see 3.10 above);
- (b) were made by an interested party or responsible authority within the prescribed period allowed for making representations;
- (c) in the case of representations made by an interested party, that they are not, in the opinion of the licensing authority, frivolous or vexatious (see 18.42 below); and
- (d) in the case of provisional statements, are not statutorily excluded representations (see 18.45 below).

**18.42. What we mean by ‘frivolous and vexatious’**

18.43. The licensing authority will generally consider whether representations are frivolous or vexatious on the basis of fact and degree given the individual circumstances of each case. However, in deciding if representations fall within these terms, the licensing authority will normally consider -

- (a) who is making the representation, and whether there is a history of making representations that are not relevant;
- (b) if the representations raise a ‘relevant’ issue; or
- (c) if the representations raise issues specifically to do with the premises that are the subject of the application.

18.44. By way of informing our approach, a vexatious representation will normally be taken to mean one that is repetitive, without foundation or made for some other reason such as malice. A frivolous representation will normally be taken to mean one that is insignificant, lacking in seriousness, or one that does not relate to the licensing objectives.

**18.45. What we mean by ‘excluded representations’**

18.46. The licensing authority must consider representations to be ‘excluded representations’ if –

- (a) a provisional statement has already been issued, and a premises licence is subsequently applied for [part of] the premises (or substantially the same premises); and
- (b) the work(s) specified in the provisional statement have been satisfactorily completed; and

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- (c) the application for the premises licence is the same form described in the application for the provisional statement; and
- (d) there has been no material change in circumstances concerning the relevant premises or the area in the vicinity of the premises since the provisional statement was made; and
- (e) the individuals making the representations could have made the same (or substantially the same) representations about the application at the time of the application for the provisional statement, but failed to do so without reasonable excuse.

**18.47. Determination of the relevance of representations**

18.48. In determination of the relevance of representations, the licensing authority will take care to distinguish between and determine each separate element of the term 'relevant representation' and associated definitions (see 18.40 above). This will normally involve considerations of –

- (a) whether or not the representation is admissible (i.e. made by an interested party / responsible authority);
- (b) that any interested party lives or is involved in a business in the vicinity of the premises concerned (see 18.14 above);
- (c) that the representation has been made within the prescribed period (i.e. within 28 days from the date on which the application was submitted); and
- (d) that the substance of the representation is relevant (i.e. is about the likely effect on one or more of the licensing objectives).

18.49. The considerations outlined in this section are not exhaustive and therefore, the licensing authority will not apply rigid rules to its decision-making in determining the relevance of representations and/or the status of interested parties. Each case will be decided objectively on its own merits on consideration of the facts and their degree.

18.50. The licensing authority will normally take account of anything a responsible authority, an interested party, or individuals representing them, say about their representations or status. In borderline cases, where it is arguable whether a representation is a relevant representation or not, the benefit of the doubt will normally be given to the party making representations.



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**18.51. The weight attached to relevant representations**

18.52. While it is a matter for the licensing authority to determine what weight to attach to representations, additional weight may be given to those representations supported by credible evidence of the points being made.

18.53. The licensing authority therefore encourages both responsible authorities and interested parties to provide as much evidence as possible with their representations that demonstrate the points raised.

18.54. In respect of prospective use of premises, interested parties should detail any matter that may impact on the licensing objectives.

**NB:** Subject to our policies on the disclosure of personal details (see 18.58 below) representations and associated evidence may only be used on agreement that a copy is given to the applicant / licence holder.

**18.55. Non-relevant representations**

18.56. Representations made by individuals / bodies other than responsible authorities, Councillors, interested parties or their authorised representatives will not be accepted or considered.

18.57. The licensing authority will not consider representations to be relevant if they relate to demand, competition or the need for licensed facilities (see 3.36 above). However, the licensing authority may, in an area covered by a special policy, consider need, demand and / or competition only if it is relevant to, and impacts upon, the licensing objectives.

**18.58. The details of individuals making representations**

18.59. The licensing authority will, as far as is reasonably practicable, remove the personal details (e.g. names and address) of individuals making representations from any public documents that it may produce.

18.60. However, the licensing authority recognises that it is a matter of natural justice that the applicant and his/her representatives are able to identify and locate those making representations about the premises concerned. Therefore, unless specifically requested not to disclose personal details, the personal details of anyone making representations may be released to the applicants and their representatives.

18.61. Those who specifically request the licensing authority not to disclose their personal details should be aware that their representations may carry less weight at any hearing.

## **PART S**

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### **19. CONDITIONS & RESTRICTIONS**

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#### **19.1. GENERAL**

#### **19.2. What we mean by ‘conditions’**

19.3. Conditions include any terms, limitations or restrictions attached to a relevant authorisation and are essentially the steps a licence holder will be required to take or refrain from taking whenever licensable activities are provided.

#### **19.4. Multiple sources of conditions**

19.5. Where appropriate and it is required / entitled to do so, the licensing authority may grant or vary a relevant authorisation in accordance with the principles set out in this section, subject to any –

- (a) mandatory conditions;
- (b) conditions imposed following any hearing; and
- (c) conditions consistent with the operating schedule.

#### **19.6. What we mean by ‘mandatory conditions’**

19.7. 'Mandatory conditions' are taken to mean those conditions that are automatically applied by the Act to authorisations that allow the provision of certain types of licensable activities.

#### **19.8. What we mean by ‘consistent with the operating schedule’**

19.9. The licensing authority will normally interpret the term ‘consistent with the operating schedule’ to mean that the effect of conditions should be substantially the same as that intended by the terms of the operating schedule, including any amendments or negotiated conditions agreed with the responsible authorities and interested parties.

#### **19.10. General principles of transposition and imposition of conditions**

19.11. As licensing is about the control of licensable activities on relevant premises and the promotion of the licensing objectives, the licensing authority will, where it is entitled to do so, normally impose conditions only in respect of matters that are within the control of the applicants or the holders of the authorisations or others in control of relevant activities.

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19.12. A key concept of the Act is that conditions attached to relevant authorisations should be tailored to the individual size, style and characteristics of the premises concerned and the activities provided there. Accordingly, the licensing authority will, where it is entitled to do so, normally impose conditions only where necessary to promote the licensing objectives.

19.13. To this end, the licensing authority will seek to avoid standardised, disproportionate and/or over burdensome conditions wherever reasonably practicable and will, where it is entitled to do so, normally seek to ensure that conditions –

- (a) are only imposed where legal authority exists to do so;
- (b) are reasonable;
- (c) are proportionate to any risks / problems identified;
- (d) directly relate to any harms being addressed;
- (e) are consistent in the circumstances;
- (f) are capable of being complied with by the relevant licence holder;  
and
- (g) do not unjustifiably duplicate the requirements of other legislation.

19.14. Where a condition (other than one proposed by the applicant) is to be added to a relevant authorisation (e.g. at a hearing), the licensing authority will, where it is entitled to do so, normally seek to -

- (a) draw any conditions from its pool of model conditions where this is appropriate (see 19.23 below); or
- (b) formulate any conditions on consideration of relevant matters raised at a hearing and/or the general policies / recommendations detailed in **appendix E**;
- (c) consider whether alternative means are available to address the risks / problems identified; and
- (d) give reasons for imposing the conditions / restrictions where appropriate.

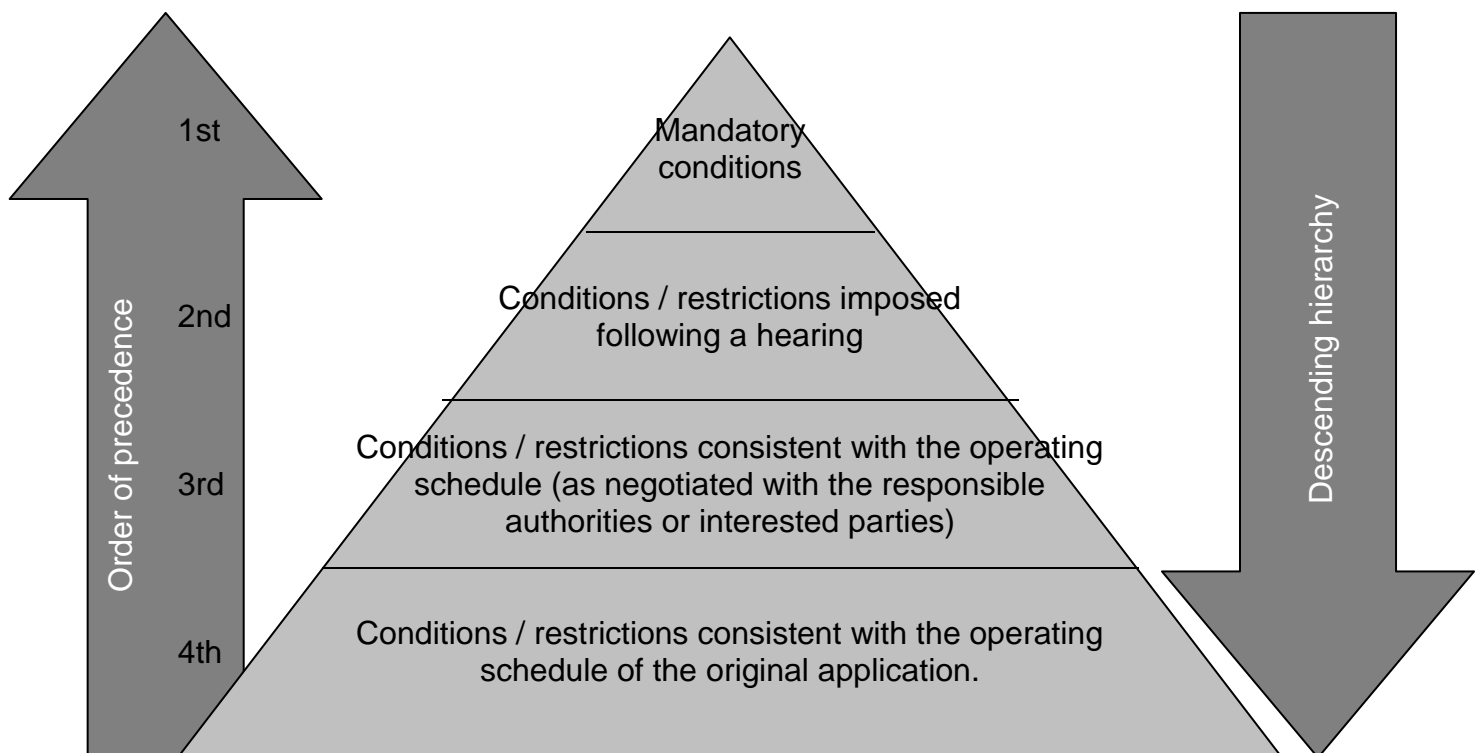
19.15. The licensing authority will, where entitled to do so, normally impose conditions that are clear, unambiguous, coherent and enforceable.

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**19.16. Problematic operating schedules**

19.17. Where no other clarification is provided, transposition of operating schedules which are unclear will be based on our interpretation. Similarly, operating schedules that are inconsistent (e.g. where permitted hours do not tally) will be transposed in a way that we believe best promotes the licensing objectives.

19.18. The licensing authority may, where appropriate, transpose imprecise terms in an operating schedule by drawing from, its pool of model conditions (see 19.23 below).



**19.19. Avoidance of conflicting conditions**

19.20. So far as is reasonably practicable, the licensing authority will ensure, where it is entitled to do so, that no conditions are imposed on relevant authorisations that conflict with other conditions. In particular, the licensing authority shall, where it is required / entitled to do so, give precedence to the imposition of conditions in accordance with the hierarchy shown above.

**19.21. Duplication with other statutory provisions**

19.22. The licensing authority expects holders of relevant authorisations, their premises and business activities to comply with all other relevant legislative requirements (e.g. Health and Safety at Work etc Act 1974). The licensing authority will therefore, normally avoid the imposition of conditions that duplicate other regulatory requirements, unless -

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- (a) other legislation does not adequately or specifically address the issues concerned; or
- (b) other legislation does not cover the unique circumstances that arise in connection with licensable activities at specific premises; or
- (c) it is appropriate in the circumstances to take steps to promote the licensing objectives.

**19.23. Pool of model conditions**

19.24. In an effort to be helpful, the licensing authority will maintain a pool of model conditions from which applicants, interested parties, responsible authorities and the licensing authority itself (where entitled to do so) may refer and draw. The pool of model conditions will be provided under separate cover and on the Council's website ([www.rushmoor.gov.uk](http://www.rushmoor.gov.uk)).

**NB:** The licensing authority expects that any conditions used from the pool are only used where necessary and appropriate to the particular circumstances of the instant premises concerned. The pool of model conditions should not be treated as a set of standard conditions or otherwise applied universally irrespective of circumstances.

**19.25. Use of model conditions by the licensing authority**

19.26. Where appropriate, the Licensing authority may draw from its pool of model conditions and those contained in the Secretary of State's guidance.

**19.27. Enforcement of conditions and rights of appeal**

19.28. Failure to comply with any condition attached to a relevant authorisation is a criminal offence, which on conviction is punishable by a fine of up to £20,000 or up to six months imprisonment or both.

19.29. All parties will be informed of any statutory rights of appeal against the imposition of, or failure to impose conditions where provision has been made to do so.

## APPENDIX A

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### 20. CONSULTATION

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20.1. The following individuals, bodies and organisations have been consulted on this policy.

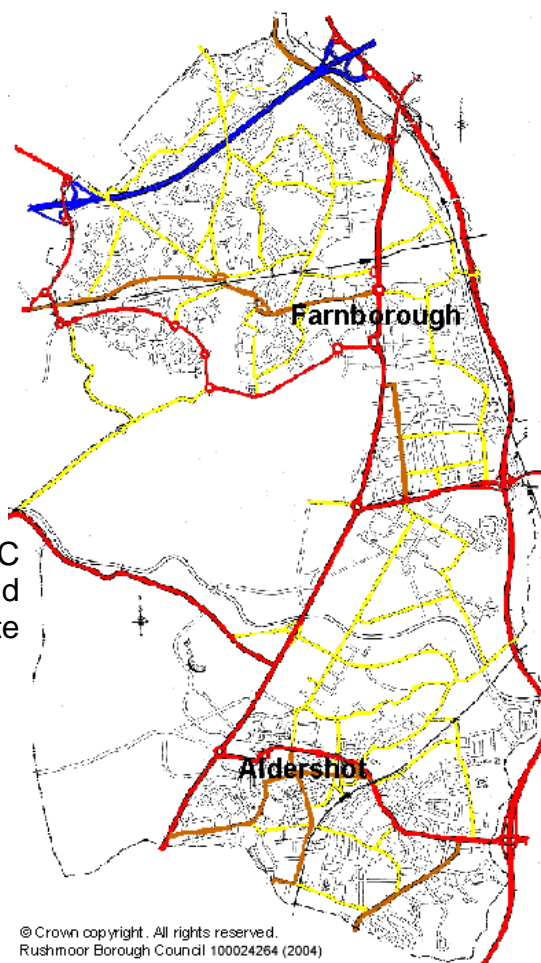
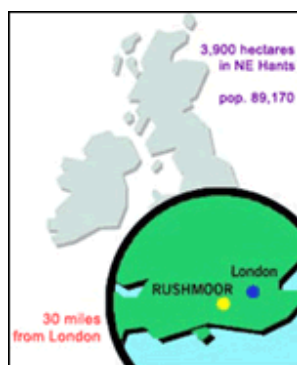
A2 Housing Group	The British Hospitality & Restaurant Association (BHRA)
Accent Peerless Ltd	Retirement Lease Housing Association
Advance Housing Support Ltd	Sentinel Housing Association Ltd
Alcohol Concern	Stonham
Aldershot Town Centre Management	Swaythling Housing Society Ltd
All Licensed Premises (as of 09.12.09)	Thames Valley Charitable Housing Association Ltd
Anchor Retirement Housing	The Arts Council
Association of Chief Police Officers (ACPO)	The Association of Convenience Stores (ACS)
Association of Licensed Multiple Retailers (ALMR)	Shaftesbury Housing Association
Bar, Entertainment & Dance Association (BEDA)	The British Beer and Pub Association (BBPA)
Blackwater Valley & Hart Primary Care Trust	The British Institute of Innkeeping (BII)
Blackwater Valley Enterprise Trust	The British Retail Consortium (BRC)
Business in Sport & Leisure (BSL)	The Circus Arts Forum (CAF)
Cinemas Exhibitors Association (CEA)	The Health & Safety Executive (HSE)
Citizens Advice Bureau (CAB)	The Magistrates Association
Civil Aviation Authority (CAA)	The Musicians Union
Committee of Registered Clubs Associations (CRCA)	The Restaurant Association
Elles Housing Co-operative Ltd	Theatrical Management Association (TMA)
English Churches' Housing Group Ltd	Tower Homes Ltd
Equity	Wellington Centre Shopping Centre
Federation of Licensed Victuallers Association (FLVA)	Windsor Housing
Frimley Park Hospital	
Haig Homes	
Hampshire & Isle of Wight Magistrates Court Committee	
Hampshire Constabulary	
Hampshire Fire & Rescue Service	
Hampshire Social Services	
Hampshire Trading Standards	
Hannover Housing Association	
Housing 21	
Hyde Housing Association Ltd	
James Butcher Housing Association Ltd	
Jazz Services	
Kingsmead Shopping Centre	
London & Quadrant Housing Trust	
National Federation of Retail Newsagents (NFRN)	
North East Hampshire Chamber of Commerce	
North East Hampshire Drug & Alcohol Reference Group	
North Hampshire Magistrates Court	
Pavilion Housing Association Ltd	
Princes Mead Shopping Centre	
Raglan Housing Association	
RBC Community Safety	
RBC Environmental Health	
RBC Health & Safety	
RBC Legal Services	
RBC Planning Services	

## APPENDIX B

### 21. THE BOROUGH OF RUSHMOOR

#### 21.1. OVERVIEW

- 21.2. Situated in the north-east corner of Hampshire between the towns of Camberley, Guildford, Fleet and Farnham, Rushmoor is located in the Blackwater Valley and includes the towns of Farnborough and Aldershot and a number of outlying villages.
- 21.3. Only 30 miles from London, the Borough covers an area of 40 square kilometres (3,900 hectares) of a mainly residential and varied light industrial mix. It is home to the British Army and has a domestic population of approximately 90,000 (2001 estimate).



#### 21.4. ADDITIONAL INFORMATION

- 21.5. Further information about RBC and the borough can be found on our website [www.rushmoor.gov.uk](http://www.rushmoor.gov.uk).

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## APPENDIX C

### 22. RESPONSIBLE AUTHORITIES

22.1. By virtue of Section 13 of the Act and 18.9 of this policy the responsible authorities comprise the following:-

(a) For premises based applications:

<b>Hampshire Constabulary</b> <a href="http://www.hampshire.Police.uk">www.hampshire.Police.uk</a>	C/o Admin Office, Aldershot Police Station, Wellington Road Aldershot, Hampshire GU11 1NZ. Tel: 01256 406414
<b>Hampshire Fire &amp; Rescue</b> <a href="http://www.hantsfire.gov.uk">www.hantsfire.gov.uk</a>	C/o Protection Department Southsea Fire Station, Somers Road, Southsea, Hampshire PO5 4LU Tel: 023 9285 5180, Fax: 023 9288 5175
<b>The Planning Authority</b> <a href="http://www.rushmoor.gov.uk">www.rushmoor.gov.uk</a>	C/o Rushmoor Borough Council Council Offices, Farnborough Road Farnborough, Hampshire GU14 7JU Tel: 01252 398398, Fax: 01252 524017
<b>Pollution Control Environmental Health Services</b> <i>(For public nuisance)</i> <a href="http://www.rushmoor.gov.uk">www.rushmoor.gov.uk</a>	C/o Rushmoor Borough Council Council Offices, Farnborough Road Farnborough, Hampshire GU14 7JU Tel: 01252 398398, Fax: 01252 524017
<b>Health &amp; Safety Environmental Health Services</b> <i>(For Local Authority enforced premises only)</i> <a href="http://www.rushmoor.gov.uk">www.rushmoor.gov.uk</a>	C/o Rushmoor Borough Council Council Offices, Farnborough Road Farnborough, Hampshire GU14 7JU Tel: 01252 398398, Fax: 01252 524017
<b>Health &amp; Safety Executive</b> <i>(For HSE enforced premises only)</i> <a href="http://www.hse.gov.uk">www.hse.gov.uk</a>	C/o The HSE & EMAS Priestley House, Priestley Road Basingstoke, Hampshire RG24 9MW Tel: 08701 545500, Fax: 02920 859260
<b>Trading Standards &amp; Consumer Protection</b> <a href="http://www.tradingstandards.gov.uk">www.tradingstandards.gov.uk</a>	C/o The Head of Safety & Standards Montgomery House, Monarch Way Winchester, Hampshire SO22 5PW Tel: 01962 833620, Fax: 01962 833699
<b>Hampshire County Council Social Services</b> <a href="http://www.hants.gov.uk">www.hants.gov.uk</a>	C/o Aldershot Area Office Old Town Hall, Grosvenor Road, Aldershot GU11 3DP Tel: 01252 314221



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- (b) For applications in respect of vessels, the responsible authorities will, **in addition**, include:

### Hampshire County Council

[www.hants.gov.uk](http://www.hants.gov.uk)

C/o The Navigation Authority  
The Castle, Winchester  
Hampshire SO23 8UJ  
Tel: 01962 870500

### The Environment Agency

[www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)

South East Area Office  
Swift House, Frimley Business Park  
Camberley, Surrey GU16 7SQ  
Tel: 08708 506 506

### British Waterways Board

[www.britishwaterways.co.uk](http://www.britishwaterways.co.uk)

Ground Floor, Witangate House  
500-600 Witangate, Milton Keynes  
MK9 1BW  
Tel: 01908 302500

### Secretary of State

[www.culture.gov.uk](http://www.culture.gov.uk)

C/o Department for Culture, Media & Sport  
2-4 Cockspur Street, London  
SW1Y 5DH  
Tel: 020 7211 6200

# APPENDIX D

## 23. RECOMMENDED ACTIONS FOR PREMISES USERS & TEMPORARY EVENTS

### 23.1. RECOMMENDED ACTIONS

23.2. It is strongly recommended that the matters detailed in the table below be considered and, where appropriate, implemented for all events involving temporary licensable activities run under authorisation of a temporary event notice.

23.3. It should be noted that the matters outlined in this section are not mandatory or exhaustive. It is entirely a matter for each premises user to ensure that the premises used under a TEN and/or the temporary licensable activities provided there are adequately managed / supervised.

No	RELEVANT CONSIDERATIONS / RECOMMENDATIONS	REASON
(1)	It is recommended that the premises user checks with the local Planning Authority that the premises to be used for temporary licensable activities has the necessary planning permission and authorised use that allows for all planned activities and the hours during which they will be provided.	Giving a TEN does not relieve the premises user from any requirement for planning permission. The premises owner and/or user may be liable for certain offences if the premises are used otherwise than in accordance with any planning permission or authorised use.
(2)	It is recommended that suitable and sufficient arrangements be made to count the number of people entering and leaving premises operating under a TEN, so that the net total of people recorded inside the premises does not at any time exceed 499.	If the premises user fails to restrict the numbers attendant to the(ir) premises operating under a TEN, they may be liable to prosecution for carrying on unauthorised licensable activities where the total number of individuals in the premises exceeds 499.
(3)	It is recommended that suitable and sufficient arrangements be made to ensure that temporary licensable activities conclude on time and in accordance with the TEN.	If the premises user fails to conclude the temporary licensable activities at the stated time, they may be liable to prosecution for carrying on unauthorised licensable activities.
(4)	It is recommended that anyone authorised to sell or supply alcohol at premises operating under a TEN, be trained to a level commensurate with their role and responsibilities in the lawful sale of alcohol.	There are a variety of offences under the Act associated with the sale and supply of alcohol. The premises user for a TEN may remain liable for certain offences if the event is not adequately managed / supervised.
(5)	It is recommended that anyone authorised to sell or supply alcohol at premises operating under a TEN be instructed to request and ensure sight of suitable photographic identification, for proof of age, of any person appearing to them to be under the age of 21 (twenty-one) and who is attempting to purchase alcohol.	It is an offence to sell or supply alcohol to an individual aged under 18. The premises user for a TEN may remain liable for certain offences if the event is not adequately managed / supervised.
(6)	Where the premises user does not intend or expect to be on the premises to which a TEN relates, it is strongly recommended that the premises user provides suitable and sufficient emergency contact details to both the Police and licensing authority on submitting the TEN.	The premises user for a TEN may remain liable for certain offences if the event is not adequately managed / supervised.

# APPENDIX E

## 24. RELEVANT CONSIDERATIONS

### 24.1. INTRODUCTION

24.2. Where appropriate and depending on the nature and characteristics of the business concerned, the following matters might / should be considered in respect of applications for, and reviews of, relevant authorisations.

**NB:** This is not an exhaustive list of matters for consideration and each application must be tailored to its own circumstances and considered on its own individual merits.

No	RELEVANT CONSIDERATIONS		REASON(S)			
	Subject	Policies / Recommendations / Considerations	Prevention of crime and disorder	Ensuring public safety	Prevention of public nuisance	Protection of children from harm
(1)	Access of children to premises.	<p>In addition to statutory restrictions on access to licensed premises, further restrictions may be appropriate where it is necessary to protect children from harm or minimise the potential for crime or disorder (e.g. to prevent theft by groups in shops). In particular, restrictions on access to the premises (or relevant part(s) of the premises) by children may be considered where premises have any known associations with or are otherwise likely to give rise to heavy, binge or underage drinking, drugs, gambling or any activity or entertainment(s) of an adult or sexual nature or content. Consideration may also be given to restriction of access by children where members of staff at the premises have convictions for serving alcohol to minors.</p> <p>Where appropriate, consideration might / should also be given to –</p> <p>(a) restricting the hours in the day during which children may be present on the premises;                      (b) the nature and type of activities from which children should be excluded;                      (c) any necessity for children to be supervised or accompanied by adults; and                      (d) the age of children permitted on the premises and any necessary age limitations.</p> <p>It is recommended that children unaccompanied by adults under the age of 12 should not normally be permitted to enter or otherwise remain on licensed premises after 23:00pm.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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(2)	Adult entertainment(s).	<p>Applicants / licence holders are expected to take suitable and sufficient steps to prevent harm to children either from their premises and/or any activities carried on there. The term 'harm' shall be given its widest meaning and shall be taken to include physical, moral or psychological harm.</p> <p>Where appropriate, consideration might / should be given to –</p> <ul style="list-style-type: none"> <li>(a) the type(s) of event(s) or activity provided;</li> <li>(b) the time(s) of day when adult entertainment is to be provided;</li> <li>(c) the time(s) when adult entertainment may give rise to a more acute risk to children;</li> <li>(d) the possibility of children hearing or seeing unsuitable material;</li> <li>(e) the nature, type and content of any external advertising of adult entertainments (either at the premises or in its immediate vicinity) and whether this should be permitted.</li> </ul> <p>Where appropriate –</p> <ul style="list-style-type: none"> <li>(i) premises providing adult entertainment(s) or entertainment(s) involving adult themes should be designed, and of such material(s) and construction so as to prevent any individuals outside the premises being able to hear from or see into the premises (or relevant part of it) at any time, or otherwise prevent the audibility or sight of any activities provided, or carried on, in the premises (e.g. soundproofed and/or blacked out windows and doors etc) at any time;</li> <li>(ii) children should not be permitted on or otherwise be allowed to remain on the premises (or the relevant part of the premises) whenever adult entertainments are provided;</li> <li>(iii) a suitable (re)admissions policy should be established and implemented at the premises with a suitable door entry system;</li> <li>(iv) key details (including prominent signage that 'no person under 18 will be admitted') should be displayed via suitable and sufficient notices at the entrance to the premises;</li> <li>(v) suitable and sufficient door supervisors and stewards should be employed to ensure adequate supervision and management of both the door and the activities within the premises;</li> <li>(vi) areas proposed to be used for the provision of adult entertainment(s) should ideally be in a designated and suitably supervised area of the premises;</li> <li>(vii) performers should have direct access to the(ir) dressing room without passing through or in close proximity to the audience (from which they should ideally be segregated); and</li> <li>(viii) lewd, indecent or obscene acts together with any physical contact between performers and their audience / clients should not be permitted.</li> </ul>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3)	Age-restricted film(s).	<p>Where appropriate –</p> <ul style="list-style-type: none"> <li>(a) suitable and sufficient measures should be taken to restrict children from viewing age-restricted films, trailers and/or trailers within films classified according to the recommendations of the British Board of Film Classification (BBFC) or the licensing authority;</li> <li>(b) the BBFC age restriction should be clearly advertised;</li> </ul> <p>In relation to specialist Film Festivals where it is desired to show films not classified by the BBFC the Licensing authority will, provided adequate notice has been given, classify the films concerned. To achieve consistency and the protection of children the Licensing authority will use the guidelines published by the BBFC.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Alcohol management	Where appropriate suitable policies and procedures should be implemented to ensure that sales of alcohol are not	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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	<p>and proof of age schemes e.g. Challenge 21</p>	<p>made to, or on behalf of –</p> <ul style="list-style-type: none"> <li>(i) individuals under 18 years of age; or</li> <li>(ii) to those who are drunk or intoxicated; or</li> <li>(iii) to those to whom the sale of alcohol may result in crime and disorder (inclusive of proxy sales).</li> </ul> <p>Retailers of alcohol are encouraged to sign up to and become accredited under the code of good practice supporting the national Alcohol Harm Reduction Strategy. Familiarity with and implementation of the relevant recommendations of the BIIAB Level 2 National Certificate for Entertainment Licensees and/or the 'Safer Clubbing' book issued by the Home Office (ISBN 1840827807) is also recommended as far as each relates to the sale of alcohol. However, where appropriate -</p> <ul style="list-style-type: none"> <li>(a) a suitable proof of age scheme might / should be implemented and actively enforced at licensed premises e.g. a 'Challenge 21' scheme or similar;</li> <li>(b) anyone authorised to sell and/or authorise the sale of alcohol should request suitable photographic identification of anyone, appearing to them to be under age (to provide adequate proof that the individual is 18 years of age or older) and who is seeking to purchase or be supplied with alcohol;</li> <li>(c) suitable and sufficient signage advising of any proof of age scheme enforced at the premises might / should be prominently and strategically displayed throughout the premises;</li> <li>(d) sales staff might / should be reminded of any proof of age scheme through point of sale till prompts; and</li> <li>(e) sales staff might / should be given suitable and sufficient training (to a level commensurate with their role responsibilities) on the lawful sale and/or refusal of alcohol.</li> </ul>				
(4)	<p>Bottles, glasses and drinking vessels</p>	<p>Where appropriate, suitable and sufficient measures should be taken to ensure that bottles, glasses and drinking vessels cannot be used as weapons, to disguise or facilitate tampering (e.g. date rape drugs) or otherwise cause or lead to accidents or littering through being deposited or smashed on the floor of the premises or streets.</p> <p>Where appropriate, consideration might / should be given to –</p> <ul style="list-style-type: none"> <li>(a) the type and nature of the premises;</li> <li>(b) the type and nature of the patrons of the premises;</li> <li>(c) the type and nature of the activities carried on at the premises;</li> <li>(d) the provision and number of any licensed door supervisors / stewards;</li> <li>(e) the nature, style, appearance and volume of drinks offered / sold at the premises and whether or not they are supplied with table meals;</li> <li>(f) whether alcohol is to be sold for consumption on and/or off the premises;</li> <li>(g) whether alcohol is to be sold in such a location or in such circumstances that may exacerbate an accident (e.g. in a closely seated audience where they can cause a tripping hazard etc)</li> <li>(h) whether alcohol is to be sold in such a location or in such circumstances that drinking vessels may be used as a weapon (e.g. when thrown / dropped from height); and</li> <li>(i) the provision, number and frequency of dedicated glass / vessel collections during any period of licensable activity.</li> </ul> <p>Where appropriate –</p> <ul style="list-style-type: none"> <li>(i) no drinks should be served in glasses or glass bottles;</li> <li>(ii) drinks should be decanted into suitable toughened or plastic glasses;</li> </ul>	☒	☒	☒	☐

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		<ul style="list-style-type: none"> <li>(iii) paper or lightweight plastic containers should be used;</li> <li>(iv) all glass bottles should be suitably / securely stowed and disposed;</li> <li>(v) suitable lids / bottle stoppers and/or tamper-proof or tamper-evident containers should be provided to discourage or prevent tampering (e.g. date rape drugs);</li> <li>(vi) drinking vessels, bottles and / or containers should not be permitted into and/or open vessels should not be permitted off the premises;</li> <li>(vii) they should be monitored and enforced by suitably trained / briefed staff and/or door supervisors; and</li> <li>(viii) suitable and sufficient signage advising patrons of this policy, together with suitable and sufficient means of disposal is recommended at all entrances and exits to the premises.</li> </ul>				
(5)	Capacity / occupancy limits.	<p>Where appropriate, the total number of people within the premises (inclusive of management, staff, guests, customers and performers etc) should be restricted to a suitable number and arrangements to ensure that the capacity limit is not exceeded should be implemented. It is recommended that the number permitted on the premises should be based on a suitable and sufficient risk assessment which, while not exhaustive, might / should take account of –</p> <ul style="list-style-type: none"> <li>(a) the available floor space;</li> <li>(b) the seating / standing arrangements and the nature and degree to which any high volume 'vertical' consumption of alcohol takes places on the premises;</li> <li>(c) whether and the extent to which tables and chairs are provided and/or other fixtures, fittings, barriers, partitions etc present an exit hazard or obstruction;</li> <li>(d) the number, size, type and proximity of emergency exits and the size and nature of their spill out area;</li> <li>(e) the fire safety, warning and fire-fighting arrangements at the premises;</li> <li>(f) any crowd and emergency management arrangements; and</li> <li>(g) the number of door supervisors, stewards and/or individuals on the premises responsible for evacuation in the event of an emergency.</li> </ul>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(6)	CCTV.	<p>Where appropriate –</p> <ul style="list-style-type: none"> <li>(a) a suitable and sufficient CCTV camera system should be installed and operational at licensed premises;</li> <li>(b) CCTV cameras should be linked to a suitable recording facility and be sufficiently sighted to cover all relevant areas of the premises and associated activities (including, where appropriate, within and outside the premises, entrance(s) / exit(s));</li> <li>(c) any CCTV system should generally be of a high quality and be well maintained by a competent person;</li> <li>(d) any CCTV recordings / footage should be of evidential standard (i.e. for use in a court of law), capable of immediate retrieval and provided to the Police or licensing authorities on request for up to 28 days following any incident;</li> <li>(e) staff should be given suitable and sufficient training in the use of any CCTV system to a level commensurate with their role and responsibilities; and</li> <li>(f) suitable and sufficient signs warning of the presence of CCTV should be displayed throughout the premises.</li> </ul> <p>It is recommended that advice be sought from the local Police in respect of the location, sighting and use of any CCTV which, together with all associated footage should generally comply with any relevant code of practice from the Information Commissioner.</p>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(7)	Detection and search system(s).	<p>Where appropriate –</p> <ul style="list-style-type: none"> <li>(a) suitable and sufficient detection systems should be installed or employed to prevent the entry and use of drugs, knives and other weapons to licensed premises (detection systems may be equipment-based – being permanent</li> </ul>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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		<p>and fixed or portable hand-held devices (e.g. metal detectors (weapons), ion trackers (drugs)), or may be undertaken through manual operations (e.g. stop and search));</p> <p>(b) any system used should be suitable for the premises and its environment, together with the rate, flow, nature and level of customer attendance to the premises;</p> <p>(c) equipment-based detection systems should be robust, of a high quality, be well maintained and, where necessary, be subject to regular calibration by a competent person;</p> <p>(d) equipment-based detection systems should allow for sensitivity adjustments to effect the most appropriate detection levels;</p> <p>(e) staff should be given suitable and sufficient training in the use of any detection system to a level commensurate with their role and responsibilities;</p> <p>(f) suitable and sufficiently trained / briefed staff should be available to operate any detection equipment and supervise all associated activities;</p> <p>(g) suitable and sufficient signs warning of the nature and type of any detection / search system(s) should be displayed; and</p> <p>(h) suitable and sufficient policies and procedures should be established and be applied (including liaison with the relevant authorities) for the subsequent handling and confiscation of drugs / weapons and/or those carrying them.</p> <p>It is recommended that advice be sought from the local Police in respect of any policies and procedures to be followed, together with any detection and/or search systems used.</p>				
(8)	<p>Dispersal policy / plan(s).</p>	<p>Where appropriate, a suitable and sufficient dispersal policy / plan should be developed and implemented at the premises so as to ensure the quick, efficient and most effective dispersal of customers / patrons leaving the premises (particularly late at night and/or at closing time), while minimising the impact on the licensing objectives.</p> <p>Where appropriate, consideration might / should be given to –</p> <p>(a) the nature, number and characteristics of those attending the premises;</p> <p>(b) the activities provided at the premises;</p> <p>(c) the hours within which those activities are permitted;</p> <p>(d) the number of door supervisors, stewards or marshals available at the premises;</p> <p>(e) the nature of the area in which the premises are situated;</p> <p>(f) the ease of access to, and availability of, public transport (including licensed taxis or private hire vehicles) to take patrons away from the premises or its immediate vicinity; and</p> <p>(g) those who are vulnerable through drink, drugs, age, gender, mental and/or physical impairment and (dis)ability or other special need(s).</p> <p>Where appropriate –</p> <p>(i) arrangements should be established (including with suitable transport service providers) to effect the safe dispersal of patrons and / or their conveyance home;</p> <p>(ii) suitable and sufficient information should be provided on the premises that gives, for example, contact details, service times, location and costs of local public transport services;</p> <p>(iii) free or linked telephones to suitably licensed taxi / bus services etc might be provided;</p> <p>(iv) (bearing in mind the potential for drink-driving), a suitable amount of car parking relative to customer needs that is readily accessible to the premises and situated such that vehicular movements will not cause a demonstrable adverse impact to local residents might / should be provided;</p>	☒	☒	☒	☐

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		<p>(v) dispersal arrangements should be initiated through a wind down period;</p> <p>(vi) entertainment(s) and/or the sale of alcohol should cease for a suitable period in advance of final premises closure;</p> <p>(vii) the volume of any music provided on the premises might / should be reduced and/or quieter, more soothing music might / should be provided during a suitable period in advance of final premises closure;</p> <p>(viii) freely available drinking water and non-alcoholic beverages (either on request or otherwise freely distributed or lined along the bar) might / should be provided;</p> <p>(ix) suitable complimentary sweets / lollipops or snacks (bearing in mind their potential to cause litter) might / should be provided as customers leave the premises to facilitate a winding down and help reduce anti-social behaviour as customers disperse away from the premises;</p> <p>(x) door staff might / should be instructed / briefed to ask and ensure that customers leaving the premises leave the area quietly and/or marshal patrons to any taxi / bus services;</p> <p>(xi) suitable and sufficient loudspeaker announcements might be made within the premises requesting customers leaving the premises to leave the area quietly and/or advise of the location of local transportation services; and</p> <p>(xii) suitable and sufficient notices asking customers to leave the premises and area quietly and not to slam car doors might/should be displayed at the exits of the premises.</p>				
(9)	Door supervisors.	<p>Where appropriate, suitable and sufficient licensed door supervisors might / should be employed and be present at licensed premises to effect safety and security. <b>NB:</b> Any individual(s) employed as security operatives or carrying out any security function <b>must</b> be licensed by the Security Industry Authority (SIA). Individuals directly employing them must also be licensed by the SIA as a supervisor / manager. It is strongly recommended that the number of door supervisors operating at premises be based on a suitable and sufficient risk assessment, which, while not exhaustive, might / should take account of –</p> <p>(a) the number of people permitted on the premises,</p> <p>(b) the type and nature of the activities provided on the premises;</p> <p>(c) the nature of the premises, its clientele and the nature of the area in which they are located.</p> <p>Where appropriate, licensed door supervisors might / should be –</p> <p>(i) employed from a reputable company with SIA ‘Approved Contractor Status’;</p> <p>(ii) adequately briefed on their role and responsibilities, the nature and layout of the premises, together with the safety precautions and emergency arrangements in place there;</p> <p>(iii) instructed to display their relevant name badge(s), and carry and produce, when requested, their proof of registration; and</p> <p>(iv) clearly and readily identifiable (e.g. wear high visibility or otherwise recognisable clothing).</p>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(10)	Drinking areas.	<p>Where appropriate, the area(s) where alcoholic drinks may be consumed on the premises after they have been purchased from the bar should be restricted (e.g. beer garden use late at night).</p> <p>Where appropriate, consideration might / should be given to –</p> <p>(a) the type, nature and layout of the premises,</p> <p>(b) the activities carried on at the premises;</p> <p>(c) the type and nature of the clientele of the premises;</p> <p>(d) the type and nature of others that may use the area(s) concerned;</p> <p>(e) the time and frequency of use of the area(s) concerned); and</p> <p>(f) the proximity of residents and other businesses and how they may be affected (e.g. noise and disturbance).</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



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		<p>Where appropriate –</p> <p>(i) any restriction(s) should be actively monitored and enforced by suitably trained / briefed staff and/or door supervisors; and</p> <p>(ii) suitable and sufficient signage advising patrons of any restricted area(s) should be prominently displayed in the area(s) concerned.</p>				
(11)	Drugs management / policy	<p>Where appropriate –</p> <p>(a) suitable and sufficient procedures and arrangements might / should be implemented to prevent the handling, use or supply of illegal drugs in licensed premises (i.e. to prevent the entry of drugs into licensed premises, to take appropriate steps to prevent drugs being supplied within the premises, and to take practical measures to prevent drug misuse on the premises); and</p> <p>(b) management and staff at licensed premises might / should be given suitable and sufficient training (to a level commensurate with their role and responsibilities) on the awareness and identification of illegal drugs together with the actions to be taken if suspected and/or observed there.</p> <p>Where appropriate, familiarity with and implementation of the relevant recommendations of the BIIAB Level 2 National Certificate for Entertainment Licensees and/or the 'Safer Clubbing' book issued by the Home Office (ISBN 1840827807) is recommended as far as each relates to drugs.</p>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(12)	Fire safety.	<p>No conditions can have effect on any licence which could be imposed by, or under the Regulatory Reform (Fire Safety) Order 2005 to the instant premises. In all other cases and, where appropriate, consideration might / should be given to -</p> <p>(a) procedures and arrangements to prevent risks to public safety from fire and fire setting;</p> <p>(b) the use of fire safety risk assessment(s) and associated controls;</p> <p>(c) measures to reduce the risk of fire on the premises and the risk of the spread of fire;</p> <p>(d) measures to mitigate the effects of fire;</p> <p>(e) the provision and maintenance of adequate means of escape,</p> <p>(f) the provision and maintenance of detection and warning systems in case of fire,</p> <p>(g) the provision and maintenance of fire fighting equipment,</p> <p>(h) the provision and maintenance of fire safety notices;</p> <p>(i) the provision and maintenance of emergency lighting;</p> <p>(j) the design, layout and construction of the premises, its fixtures and fittings;</p> <p>(k) The flame-retardant finish of drapes, curtains, fixtures and fittings;</p> <p>(l) evacuation arrangements (inclusive of arrangements for those with special needs);</p> <p>(m) the provision and maintenance of a suitable contact list of emergency services (inclusive of gas, electricity etc);</p> <p>(n) the provision and maintenance of systems for summoning the emergency services;</p> <p>(o) fire-related instruction and training of staff / employees; and</p> <p>(p) the procedures to be followed in the event of an emergency.</p> <p>Where appropriate, consideration might / should also be given to the safety guidance, standards and references detailed in the publications (or latest revisions thereof) numbered 1 to 26 in the summary of recommended guidance (see appendix F). Applicants are encouraged to provide details, dimensions and show the location of those matters listed (e) to (j) above on the plans submitted with their application.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(13)	High volume 'vertical'	Where appropriate, premises providing for high volume 'vertical' alcohol consumption should take suitable and sufficient	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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	alcohol consumption.	<p>measures to ensure that the 'vertical' drinking does not give rise to a disproportionate level of crime or disorder or otherwise encourage people to drink alcohol faster and/or drink more, than they would otherwise do.</p> <p>Where appropriate, consideration might / should be given to –</p> <p>(a) a suitable capacity limit on the number of people permitted to be on such premises at any one time;</p> <p>(b) the provision of suitable and sufficient door supervisors / stewards;</p> <p>(c) a suitable ratio of tables and chairs and other such facilities to customers (based on capacity) might / should be maintained (i.e. to facilitate ease of access / egress within the premises, customer welfare and to regulate the extent to which high volume 'vertical' consumption of alcohol takes place);</p> <p>(d) the provision of freely available drinking water (either on request or otherwise lined along the bar); and</p> <p>(e) the provision of suitable complimentary snacks (i.e. to help slow the consumption of alcohol).</p>				
(14)	<p>Lighting</p> <p><i>(including exterior and security lighting).</i></p>	<p>Lighting, including external lighting and lights activated by sensors, should be correctly positioned and/or adjusted so that it only illuminates the surface(s) intended and do(es) not unreasonably throw light onto, or otherwise cause nuisance to, neighbouring property.</p> <p>Where appropriate, consideration might / should be given to –</p> <p>(a) the nature and type of lighting provided (e.g. whether flashing or particularly bright);</p> <p>(b) the frequency, duration and time of day that the lighting is needed;</p> <p>(c) the proximity of any lighting to local residents or businesses that may be affected by any lighting; and</p> <p>(d) the benefits to the prevention of crime and disorder that bright lighting in some places may bring.</p> <p>Where appropriate –</p> <p>(i) suitable baffles, enclosures, screening or shielding might / should be employed to minimise the impact of lighting to acceptable levels;</p> <p>(ii) the time, duration or frequency of use of the lighting might / should be restricted; and</p> <p>(iii) timers, movement sensors, dimmer switches and/or alternative lighting (e.g. bulb wattage / type) might / should be used.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(15)	<p>Noise and/or vibration</p> <p><i>(i.e. from licensed premises, licensable activities and any plant, machinery or equipment).</i></p>	<p>Airborne and structure-borne noise and/or vibration from licensed premises and the activities carried on there, together with any associated plant, machinery or equipment should not cause disturbance to local residents. Applicants / licence holders should be 'good neighbours' both to residents and other venues and businesses.</p> <p>Where appropriate, consideration might / should be given to –</p> <p>(a) the nature and characteristics of any noise / vibration produced inclusive of volume, duration, frequency(s), wavelength, the total noise energy (<math>L_{Aeq}</math>), background noise (<math>L_{A90}</math>) and tonal content;</p> <p>(b) directional qualities and, transmission paths of any noise / vibration produced on the premises;</p> <p>(c) any other environmental factors that may exacerbate noise / vibration problems on/ from the premises;</p> <p>(d) the frequency, duration and time of day that activities causing noise and/or vibration occur;</p> <p>(e) the proximity of source of noise and/or vibration to local residents or businesses that may be affected;</p> <p>(f) the nature of the area in which the premises are situated;</p> <p>(g) the type of premises concerned;</p> <p>(h) the activities to be provided at the premises; and</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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		<p>(i) the needs of the local community.</p> <p>Where appropriate –</p> <ul style="list-style-type: none"> <li>(i) (sound and/or vibration) leakage from the instant premises should be identified and prevented / minimised;</li> <li>(ii) doors and windows might / should be kept closed (with provision of adequate mechanical ventilation);</li> <li>(iii) sound levels from amplification equipment might / should be reduced and/or fixed at acceptable levels;</li> <li>(iv) sound limiting devices to prevent sound exceeding appropriate levels might / should be installed;</li> <li>(v) soundproofing, dampening or other anti-vibration measures to contain, suppress, screen, isolate or otherwise minimise sound and vibration might / should be undertaken;</li> <li>(vi) the provision of noisy activities (e.g. live music) might / should be limited to a particular area of the premises or to restricted times of the day (e.g. disposal of refuse such as waste bottles into external receptacles, where the noise may be audible to neighbouring properties, should be limited to suitable periods);</li> <li>(vii) plant, machinery and equipment (including refrigeration equipment, air conditioning plant and cooking extraction systems etc) might / should be suitably (re)located, (re)designed and (re)constructed;</li> <li>(viii) plant, machinery and equipment might / should be serviced and maintained by a competent person;</li> <li>(ix) equipment (e.g. speakers / amplifiers etc) might / should be placed on suitable anti-vibration mounts when in use, generally be kept within the premises and should not be positioned on walls abutting private premises, or near to or facing openings such as doors and windows;</li> <li>(x) suitable and sufficient noise-control management practices and procedures should be established and maintained; suitable and sufficient noise assessment and/or monitoring procedures / systems might / should be implemented;</li> <li>(xi) procedures concerning the logging, response and management of noise complaints within suitable timescales might / should be implemented;</li> <li>(xii) noise control information and/or training might / should be provided to staff to a level commensurate with their role and responsibilities;</li> <li>(xiii) a competent noise control consultant who can carry out live acoustic tests of the premises under worst-case conditions and identify and implement suitable noise control measures that ensure nuisance is not caused to nearby properties might / should be appointed;</li> <li>(xiv) the contact details of someone with sufficient authority to control any licensable activities causing (or likely to cause) noise problems or complaints should be distributed to all relevant enforcement agencies and/or those that may be affected by any noisy activities; and</li> <li>(xv) permitted hours for the provision of licensable activities and/or opening hours might/ should be restricted.</li> </ul> <p><b>NB:</b> Stricter noise controls are generally expected in residentially dense areas or areas that have low levels of background noise and/or at times of the day where this may be disproportionately affected. Where appropriate, consideration might / should also be given to the safety guidance, standards and references detailed in the publications (or latest revisions thereof) numbered 1 to 26 in the summary of recommended guidance (see appendix F).</p>				
(16)	Outdoor & large scale events.	<p>While the considerations outlined in this document may be relevant, special issues and considerations may arise in connection with the provision of large-scale, outdoor and/or specialised events. Where appropriate, consideration might / should be given to:-</p> <ul style="list-style-type: none"> <li>(a) proposals put forward through any safety advisory group (SAG) (see 6.20); and</li> <li>(b) the safety guidance, standards and references detailed in the publications (or latest revisions thereof) numbered 1 to 26 in the summary of recommended guidance (see appendix F).</li> </ul>	☒	☒	☒	☒
(17)	Queuing policies and	Where appropriate, popular venues (including takeaways), that attract queues should establish and operate a suitable	☒	☐	☒	☐

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	arrangements.	<p>system of queuing that avoids the potential for conflict, and minimises noise and disturbance to nearby residents.</p> <p>Where appropriate, consideration might / should be given to –</p> <ul style="list-style-type: none"> <li>(a) the number of people likely to queue on or in the vicinity of the premises,</li> <li>(b) the location, direction and method of queuing used,</li> <li>(c) the proximity of local residents and businesses that may be affected;</li> <li>(d) the provision of and degree to which any queue is marshalled by door supervisors / stewards;</li> <li>(e) the provision of physical aids (e.g. suitable barriers / guides);</li> <li>(f) the briefing / training of staff (including any door supervisors) to a level commensurate with their role and responsibilities in the effective monitoring and enforcement of any queuing policies / arrangements; and</li> <li>(g) the provision of suitable and sufficient signage advising of queuing arrangements and any associated admissions / refusal of entry and / or re-entry policies at the entrance(s) to the premises.</li> </ul> <p><b>NB:</b> To maximise effectiveness, it is recommended that any queuing arrangements be linked to the premises (re)admissions policy where queue jumping or other poor behaviour whilst queuing results in the refusal of (re)entry to, or service at the premises.</p>				
(18)	Ratio of tables and chairs.	Where appropriate a suitable ratio of tables and chairs to customers (based on capacity) should be established and be maintained so as to facilitate ease of access / egress within the premises, customer welfare and/or to control the potential for or, the extent of high volume 'vertical' alcohol consumption on the premises.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(19)	(Re)entry / admissions policies and arrangements	<p>Where appropriate, suitable and sufficient procedures and arrangements might / should be implemented to prevent the entry of individuals to licensed premises in certain circumstances i.e. at the point of admission and/or their re-admission.</p> <p>Where appropriate, consideration might / should be given to -</p> <ul style="list-style-type: none"> <li>(a) the number of people permitted on the premises;</li> <li>(b) the type and nature of the activities provided there;</li> <li>(c) the provision and number of any licensed door supervisors / stewards; and</li> <li>(d) the nature of the premises, its clientele and the area in which it is located.</li> </ul> <p>Where appropriate -</p> <ul style="list-style-type: none"> <li>(I) refusal of (re)entry might / should be made – <ul style="list-style-type: none"> <li>(i) after a specified time or activity;</li> <li>(ii) at specified capacity levels;</li> <li>(iii) on commencement of adult entertainments;</li> <li>(iv) to specified areas of the premises;</li> <li>(v) when individuals are drunk or in possession of illicit substances and/or weapons;</li> <li>(vi) for unaccompanied / unsupervised children; and</li> <li>(vii) in conjunction with any queuing policies and arrangements e.g. for queue jumping or other poor behaviour whilst queuing.</li> </ul> </li> <li>(II) staff (including door supervisors) might / should be briefed / trained to a level commensurate with their role and responsibilities in the effective monitoring and enforcement of any refusal of (re)entry arrangements; and</li> <li>(III) suitable and sufficient signage advising of any admissions / refusal of entry and / or re-entry policies might / should</li> </ul>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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		be prominently displayed at the entrances of the premises.				
(20)	Refusal management and records	<p>Where appropriate, suitable and sufficient procedures and arrangements might / should be implemented and actively enforced to ensure the refusal of sale or supply of alcohol in appropriate circumstances.</p> <p>Where appropriate –</p> <ul style="list-style-type: none"> <li>(a) a written record might / should be kept and maintained (i.e. a refusals book) of every incident where any individual attempting to purchase alcohol has been challenged for and has been unable to produce suitable means of identification as proof of age and/or where the sale of alcohol has been refused;</li> <li>(b) any refusal records might / should include details of the date and time of attempted purchase, the type of alcohol involved, the details of the individual refusing sale and a brief description of the person attempting purchase;</li> <li>(c) any refusals book might / should be kept in a readily available place at the premises that is known by all members of staff;</li> <li>(d) the refusal records might / should be made available for inspection by the Police, trading standards or other authorised officers immediately on request;</li> <li>(e) any refusal records might / should be checked and signed by the licence holder or premises supervisor at regular intervals; and</li> <li>(f) management and staff might / should be given suitable and sufficient training (to a level commensurate with their role responsibilities) on the lawful sale of alcohol, the use of the refusal book and/or techniques of refusal.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(21)	Safety ( <i>General</i> ).	<p>Subject to the policies outlined in this document, provisions duplicating the requirements of the Health &amp; Safety at Work etc Act 1974 and associated legislation are generally unnecessary. However, where appropriate, consideration might / should be given to -</p> <ul style="list-style-type: none"> <li>(a) procedures and arrangements to ensure public safety (including those with special needs);</li> <li>(b) the use of health and safety risk assessment(s) and associated controls;</li> <li>(c) the safe and unobstructed means of access to, from and within the premises (including escape routes),</li> <li>(d) the provision, maintenance and use of safe plant, equipment and systems of work (including special effects, electrical and gas equipment, wiring, installations and systems);</li> <li>(e) the safe use, handling and storage of articles and substances (including those for special effects);</li> <li>(f) the provision, maintenance and use of adequate levels of lighting</li> <li>(g) the provision, maintenance and use of adequate levels of ventilation,</li> <li>(h) the provision, maintenance and use of first aid equipment and materials</li> <li>(i) the provision, maintenance and use of suitably trained first aid personnel or nominated persons;</li> <li>(j) the provision of information, instruction and training to staff;</li> <li>(k) safe occupancy / capacity levels and suitable arrangements to ensure they are not exceeded;</li> <li>(l) the safe design, layout and construction of the premises (including fixtures and fittings e.g. tables and chairs, ceilings etc);</li> <li>(m) due diligence of maintenance, checks, inspection / testing and training;</li> <li>(n) the safety arrangements of indoor sports entertainment; and</li> <li>(o) the provision, maintenance and use of suitable number(s) of attendants, marshals, stewards and/or door supervisors.</li> </ul> <p>Where appropriate, consideration might / should also be given to the safety guidance, standards and references detailed in the publications (or latest revisions thereof) numbered 1 to 26 in the summary of recommended guidance (see appendix F).</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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(22)	Sanitary accommodation.	<p>Where appropriate, suitable and sufficient levels of sanitary accommodation should provided for use of both males and females at the premises at all times.</p> <p>Where appropriate –</p> <p>(a) sanitary conveniences might / should be adequately signed and located;</p> <p>(b) sanitary conveniences might / should be well maintained in a clean and useable (i.e. acceptable) condition;</p> <p>(c) sanitary conveniences might / should be kept well stocked with relevant toiletries / consumables;</p> <p>(d) sanitary conveniences might / should be checked at suitable intervals to ensure their general cleanliness and that they remain well stocked;</p> <p>(e) the use of sanitary conveniences might / should be checked and/or supervised at suitable intervals to prevent them being used to facilitate the supply, handling and misuse of drugs;</p> <p>(f) suitable and sufficient notices warning of any supervision arrangements might / should be displayed; and</p> <p>(g) suitable and sufficient notices suggesting that customers avail themselves of the toilet facilities before leaving the premises should, in some circumstances, be displayed at strategic locations on the premises to help prevent the nuisance of people urinating or defecating in public places.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(23)	Staff <i>(Premises and staff supervision)</i>	<p>Where appropriate, suitable and sufficient staff trained to a level commensurate with their role and responsibilities should be employed at the premises while licensable activities are provided there.</p> <p>For premises authorised to sell alcohol, it is recommended that a personal licence holder and/or the designated premises supervisor be on duty and be available at the premises at any time this licensable activity is provided.</p>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
(24)	Supervision of children.	Where appropriate and where activities are targeted at, provided for and/or involve children, suitable and sufficient adults to monitor, supervise and control the children and/or otherwise assure their safety and well-being should be present on the premises. Where appropriate, this requirement should also apply to children present at an event as performers.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(25)	Use and provision of outdoor facilities <i>(including beer gardens, outdoor marquees / tents, tables and chairs and the provision of outdoor entertainment(s) or refreshment(s) e.g. BBQs).</i>	<p>Beer gardens and other external facilities can be an asset to business premises and can enhance the attractiveness of the venue. They can also have the benefit of encouraging a continental style café culture. However, the provision of such facilities may also cause problems with waste, litter, pests, noise and other nuisances. The provision and / or management of such facilities can also give rise to problems associated with crime and disorder (e.g. opportunistic bag snatchers and pickpockets etc) and, in some cases, associated equipment and fittings may be used as weapons in violence-related situations. These facilities can also encourage patrons and passers by to loiter rather than disperse and may attract undesirable gatherings that can lead to other forms of anti-social behaviour. There may also be inherent public safety issues (e.g. emergency access, distraction of carriageway users etc) where such facilities are provided.</p> <p>Where appropriate, consideration might / should therefore be given to -</p> <p>(a) the potential for noise problems (including proximity of other individuals that may be affected);</p> <p>(b) the potential for other nuisance problems (including waste, litter, pests, lighting etc);</p> <p>(c) the potential for equipment, fixtures and fittings to be used as weapons;</p> <p>(d) the potential to encourage loitering;</p> <p>(e) the impact on the safety of the area (including potential for obstruction and distraction);</p> <p>(f) the nature of the area e.g. whether residential or commercial etc;</p> <p>(g) time restrictions of use of external facilities;</p> <p>(h) the safe and secure storage of equipment, fixtures and fittings;</p>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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		<ul style="list-style-type: none"> <li>(i) ease of and potential impact of storing any equipment, fixtures and fittings;</li> <li>(j) the layout, design, maintenance &amp; cleanliness of external facilities;</li> <li>(k) the arrangements and provisions made for smoking;</li> <li>(l) pest / vermin control arrangements;</li> <li>(m) supervision arrangements for the external facilities (including CCTV);</li> <li>(n) the nature and type of external facilities [to be] provided; and</li> <li>(o) the matters detailed in (10) above.</li> </ul>				
(26)	Use of airspace.	<p>Where appropriate, the Civil Aviation Authority (CAA) should be given advance notice (at least 28 days) (inclusive of co-ordination details) of any activities involving light displays (e.g. lasers, searchlights etc) and/or the release of fireworks or significant numbers of balloons, or other such objects within 3 nautical miles (nm) (5.5 kilometres) of the Farnborough and/or Blackbushe Aerodromes or within 10nm (18.5 kilometres) of the Farnborough aerodrome but within 500m either side of the extended runway centreline.</p> <p>Where appropriate, consideration might / should be given to -</p> <ul style="list-style-type: none"> <li>(a) ensuring that any lighting beams are also below the horizontal;</li> <li>(b) the provision of suitable physical barriers placed to prevent light escaping towards the aerodromes or along the extended runway centre-lines;</li> <li>(c) the maintenance of a direct telephone or radio communications link between the instant premises and relevant aerodrome, through which a light and/or firework display can be terminated immediately on request from either an aircraft or the affected aerodrome;</li> <li>(d) ensuring that fireworks conform to BS 7114;</li> <li>(e) the limitation of aerial fireworks displays to a height of 1500 ft above ground level; and</li> <li>(f) compliance with any CAA instructions / directions and/or guidance should whenever given.</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(27)	'Watch' schemes	<p>Where appropriate, licence holders (or nominated representatives) might / should (pro)actively participate in their local Pubwatch, Shopwatch or other relevant / similar body / organisation designed to ensure effective liaison with the local community and a response to local issues. Active participation might be taken to mean that someone with sufficient authority in the running of the licensed premises be attendant to meetings of the relevant scheme and, where appropriate, implements any recommendations, initiatives or other matters arising.</p>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(28)	Waste / litter control.	<p>Applicants / licence holders are expected to ensure that suitable and sufficient arrangements are established and maintained for the safe and secure disposal of litter and other waste(s) (including waste arising from smoking activities) arising from, on or in the vicinity of the premises and/or the activities carried on there.</p> <p>Where appropriate -</p> <ul style="list-style-type: none"> <li>(a) both the premises and the area in the immediate vicinity of the premises should be cleared of litter and waste on a suitably regular basis and/or at the close of business each day;</li> <li>(b) litter and/or spillages likely to cause a hazard (e.g. slips or tripping, needles and sharps) should be removed as soon as is reasonably practicable (NB: This may require specialist disposal arrangements);</li> <li>(c) suitable and sufficient numbers of receptacles for litter and waste (including that arising from smoking activities) should be provided at or adjacent to the premises;</li> <li>(d) all bins and, where provided, receptacles for waste arising from smoking activities, should be kept clean and be emptied at suitable and sufficient frequencies;</li> <li>(e) disposal of refuse such as waste bottles into external receptacles, where the noise may be audible to neighbouring properties, should only occur during suitable periods (to minimise the potential for noise); and</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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		(f) suitable and sufficient notices might / should be displayed on the premises requesting patrons to dispose of litter responsibly.				
(29)	Wind down period(s).	<p>Where appropriate, suitable and sufficient arrangements should be made to wind down the activities at licensed premises so as to minimise the potential for crime and disorder, public nuisance etc at or near to closing time.</p> <p>Where appropriate, consideration might should be given to -</p> <ul style="list-style-type: none"> <li>(a) ceasing any entertainment(s) and/or the sale of alcohol for an effective period in advance of final premises closure;</li> <li>(b) reducing the volume of any music or providing quieter, more soothing music for an effective period in advance of final premises closure;</li> <li>(c) the provision of freely available drinking water and non-alcoholic beverages (either on request or otherwise freely distributed or lined along the bar) (i.e. to facilitate a wind down);</li> <li>(d) the provision of suitable complimentary sweets / lollipops or snacks (bearing in mind their potential to cause litter) (i.e. to facilitate a wind down and help reduce anti-social behaviour as customers disperse away from the premises);</li> <li>(e) the instruction / briefing of door staff to ask and ensure that customers leaving the premises leave the area quietly;</li> <li>(f) the instruction / briefing of door staff to marshal patrons to any taxi / bus services.</li> <li>(g) the provision of suitable and sufficient loudspeaker announcements requesting customers leaving the premises to leave the area quietly; and</li> <li>(h) the provision of suitable and sufficient notices asking customers to leave the premises and area quietly and not to slam car doors at the exits of the premises.</li> </ul>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



# APPENDIX F

## 25. RECOMMENDED GUIDANCE & OTHER PUBLICATIONS

### 25.1. RECOMMENDED GUIDANCE

25.2. Where appropriate, consideration should be given to the guidance, standards and references detailed in the publications (or latest version thereof) listed below.

RECOMMENDED GUIDANCE & OTHER PUBLICATIONS							
No	AUTHOR / SOURCE	TITLE	REFERENCE / ISBN	REASON			
				Prevention of crime and disorder	Ensuring public safety	Prevention of public nuisance	Protection of children from harm
(1)	Association of British Theatre Technicians 8	Theatre Essentials		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2)	Chadwick House Group Ltd	The code of practice on environmental noise control at concerts	ISBN 0900103515	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(3)	Department for Communities and Local Government	Fire safety risk assessment - Small & medium places of assembly	ISBN 13: 9781851128204	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4)	Department for Communities and Local Government	Fire safety risk assessment - Large places of assembly	ISBN 13: 9781851128211	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(5)	Department for Communities and Local Government	Fire safety risk assessment - Open air events and venues	ISBN 13: 9781851128235	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(6)	Department for Communities and Local Government	Fire safety risk assessment - Theatres, Cinemas and similar premises	ISBN 13: 9781851128228	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(7)	Department for Communities and Local Government	Fire safety risk assessment - Means of escape for disabled people	ISBN 13: 9781851128228	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(8)	Entertainment Technology Press (ABTT Publications)	Model national and standard conditions for places of public entertainment & associated guidance	ISBN 1904031110	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(9)	Structural Engineers Trading Organisation Limited (SETO)	Temporary demountable structures	ISBN 187426645X	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(10)	The British Standards Institute (BSI)	BS 5839 (Fire detection, fire alarm systems & buildings)		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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(11)	The British Standards Institute (BSI)	BS 5266 (Emergency lighting systems)		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(12)	The British Standards Institute (BSI)	BS 9999-2008: Code of practice for fire safety in the design, management and use of buildings		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(13)	The Health & Safety Executive	The Event Safety Guide - A guide to health, safety and welfare at music and similar events("The Purple Book")(HSG 195)	ISBN 0717624536	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
(14)	The Health & Safety Executive	5 Steps to risk assessment: Case Studies	ISBN 0717615804	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
(15)	The Health & Safety Executive	Managing crowds safely	ISBN 071761834X	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(16)	The Health & Safety Executive	The radiation safety of lasers used for display purposes	HS(G) 95	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(17)	The Health & Safety Executive	Smoke and vapour effects used in entertainments	Entertainment Sheet No 3	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(18)	The Health & Safety Executive	Special or visual effects involving explosives or pyrotechnics used in film and television production	Entertainment Sheet No 16	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(19)	The Health & Safety Executive	Electrical safety for entertainers	IND(G) 247	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(20)	The Home Office	Safer clubbing – Guidance for licensing authorities, club managers & promoters	ISBN 1840827807	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(21)	The Independent Street Arts Network.	Safety guidance for street arts, carnival processions and large scale performances		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(22)	The Institute of Acoustics (IOA)	The good practice guide on the control of noise from pubs and clubs		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(23)	The London District Surveyors Association	Technical Standards for Places of Public Entertainment	ISBN 0953122921	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(24)	The Stationery Office	The guide to safety at sports grounds ("The Green Guide")	ISBN 0113000952	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(25)	The Stationery Office	Approved document A to the Building Regulations	ISBN 0117523127	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(26)	The Stationery Office	Approved document B to the Building Regulations	ISBN 0117539112	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>