

Licensing Act 2003

**Statement of Licensing
Policy**

2021-2025

Index

1. Statement of licensing policy

- 1.1 The North Somerset District
- 1.2 Introduction
- 1.3 Glossary of terms
- 1.4 Licensing objectives
- 1.5 Types of licence
- 1.6 Licensable activities
- 1.7 Fundamental principles
- 1.8 Consultees
- 1.9 Policy review

2. Legislation, policies, and strategies

- 2.1 Legislation
- 2.2 Relationship with planning policies
- 2.3 Integrating strategies

3. Decision making

- 3.1 Procedural matters
- 3.2 Licence reviews

4. Operational Matters

- 4.1 Applications
- 4.2 Licensing hours
- 4.3 Representations
- 4.4 Cumulative impact
- 4.5 Conditions
- 4.6 Temporary Event Notices
- 4.7 Personal Licences
- 4.8 Outdoor events
- 4.9 Fees
- 4.10 Enforcement

5. The Licensing Objectives

- 5.1 Operating schedules
- 5.2 Prevention of crime and disorder objective
- 5.3 Public safety objective
- 5.4 The prevention of public nuisance objective
- 5.5 Protection of children from harm objective
- 5.6 Access to cinemas and theatres
- 5.7 Children and public entertainment
- 5.8 Health bodies as responsible authority

6. Complaints against licensed premises

7. Further information

- Appendix A** – Map of North Somerset
- Appendix B** – Glossary of Terminology
- Appendix C** - Table of delegations of licensing functions
- Appendix D** – Responsible Authorities contact details
- Appendix E** – Cumulative impact area map/schedule

1. Statement of licensing policy

1.1 North Somerset District

North Somerset Council (the Council) is a Unitary Authority in Somerset covering approximately 145 square miles (38,955 hectares) with a population of 213,000.

There are approximately 90,000 households and 7,000 active business enterprises within the district. The Council area is a mixed urban and rural district with a dispersed population. The main urban areas are Weston-super-Mare, Clevedon, Nailsea and Portishead. The remainder of the area is a mixture of villages and farmland. The estimated population of Weston-super-Mare is 90,000, Clevedon 22,000, Nailsea 18,000 and Portishead 25,000. The area is not densely populated although there are concentrations of housing in the above towns.

The area adjoins the conurbation of Bristol and includes a major dock at Portbury, an International Airport at Lulsgate and the seaside resorts of Weston-super-Mare and Clevedon. The area has good transportation links that include the M5 motorway and main line railway routes and stations.

Tourism historically has been a significant economic sector in the local economy, most notably Weston-super-Mare which grew from a small village to a large resort town. Though tourism declined in the mid to late-20th century, in common with most British coastal resorts, this sector of the economy has stabilised and substantial regeneration is now taking place in Weston-super-Mare.

A wide range of licensed premises exist in North Somerset and they play a significant role in the community and local economy. As at the 1 July 2021 the Authority licence 816 Premises Licences, 78 Club Premises Certificates and 3109 Personal Licences.

A map of the North Somerset District is shown at **Appendix A**.

1.2 Introduction

North Somerset Council is the Licensing Authority for the North Somerset administrative area under the Licensing Act 2003 (the Act). This means the Licensing Authority is responsible for granting premises licences, club premises certificates, personal licences and acknowledging temporary event notices in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late-night refreshment.

The Authority aims to facilitate the development of a healthy and diverse economy, offering a wide choice of activities and establishments that allow people to enjoy themselves and to feel safe, whilst improving the quality of life of residents and making the area attractive to visitors.

It is recognised that the Coronavirus pandemic has had a significant detrimental impact on all areas of the hospitality trade and it is hoped that during the recovery phase, well managed and compliant premises will help restore confidence and there will be a return to greater use of facilities in the daytime, evening and night time economy throughout the district by all ages, all income groups, and all social groups.

1.3 Glossary of terms

The terminology used in this document is set out in **Appendix B**.

1.4 Licensing objectives

The Act requires that the Licensing Authority carries out its various licensing functions with a view to promoting the following four licensing objectives:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm.

These objectives are of equal importance and are the only matters that can be taken into account in determining an application under the Licensing Act 2003.

1.5 Types of licence

This document sets out the policies that the Licensing Authority will apply when making decisions upon:

- Premises Licences
- Club Certificates
- Personal Licences
- Temporary Event Notices.

1.6 Licensable activities

This policy relates to all licensing activities identified as falling within the provisions of the Act, which are set out in **Appendix B**.

1.7 Fundamental Principles

1.7.1 The Licensing Authority will take this licensing policy into account if its discretion is engaged i.e., at a hearing following representations from either a responsible authority or other person.

1.7.2 Application of this policy will be based on:

- each case being considered on its own merits and nothing in this policy shall undermine this principle,
- persons having the right under the Licensing Act 2003 to apply for a variety of permissions and to have such applications considered on their own merits,
- where they are permitted to do so under the Act any person shall have the right to make representations on any application or seek a review of a licence or certificate and nothing in this policy shall undermine that.

1.7.3 Licensing is about regulating licensable activities on licensed premises, at qualifying clubs and at temporary events within the terms of the Licensing Act 2003.

- 1.7.4 In the absence of any relevant representations in respect of an application, the Authority is obliged to issue the licence or certificate on the terms sought and any mandatory conditions prescribed in the Act.
- 1.7.5 Where appropriate, conditions may be attached to licences and certificates. In order to avoid duplication with other statutory regimes the Licensing Authority shall not attach conditions to a licence unless they are considered necessary for the promotion of the licensing objectives. Conditions shall generally be considered unnecessary if they are already adequately covered by other legislation. In particular it is not intended to duplicate existing legislation and regulatory regimes that already places obligations on employers and operators.
- 1.7.6 The Licensing Authority acknowledges that the licensing function cannot be used for the general control of antisocial behaviour by individuals once they are beyond the direct control of the licensee of any premises concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy. The Licensing Authority recognises there are a number of other mechanisms available for addressing issues of unruly behaviour that can occur away from licensed premises.
- 1.7.7 Objectors need to relate their objections to one or more of the licensing objectives, as detailed at 1.4, before the Licensing Authority will be able to consider them.
- 1.7.8 The Licensing Authority itself is included within the list of Responsible Authorities, enabling it to make representations; when supported by evidence, in respect of new and variation applications, and to call for the review of an existing licence. The Licensing Authority will not seek to act on behalf of those who are capable of making representations for themselves or calling for a review in their own right. Therefore, inferences should not be drawn on such occasion when the Licensing Authority remains silent in respect of new, variation or review applications.
- 1.7.9 In cases where a licensing authority is also acting as responsible authority in relation to the same process, there will be a separation of responsibilities within the authority to ensure procedural fairness and eliminate conflicts of interest. The officer advising the licensing committee (i.e. the authority acting in its capacity as the licensing authority) will be a different individual to the officer who is acting for the responsible authority.
- 1.7.10 The officer acting for responsible authority will not be involved in the licensing decision process and will not discuss the merits of the case with those involved in making the determination by the licensing authority. Discussion will not take place between the officer acting as responsible authority and the officer handling the licence application regarding the merits of the case. Communication between these officers in relation to the case will remain professional and consistent with communication with other responsible authorities. In such cases licensing determinations will be made by the licensing committee or sub committee comprising elected members of the authority (although they are advised by a licensing officer).

1.8 Consultees

This Statement of Licensing Policy has been subject to consultation with:

- Avon and Somerset Constabulary,
- Avon Fire and Rescue Service,
- Director of Public Health,
- Persons holding premises licences,
- Persons holding club premises certificates,
- Persons holding personal licences,
- Representatives of businesses and residents of the area.

The consultation process took place between December 2021 and February 2022. All comments received were given due consideration prior to the final determination of this policy.

1.9 Policy review

This policy will be reviewed by the Licensing Authority at least every five years as required by the Act. If an issue arises that requires a change to this policy, an interim review will be carried out, and the policy will be amended as required.

2. Legislation, policies, and strategies

2.1 Legislation

2.1.1 In undertaking its licensing function under the Act, this Licensing Authority is also bound by other legislation, including:

- Section 17 of the Crime and Disorder Act 1988;
- Human Rights Act 1998.
- The Anti-Social Behaviour Act 2003
- Violent Crime Reduction Act 2006
- The Health Act 2006 (Smoke Free Regulations)
- The Clean Neighbourhoods and Environment Act
- Policing and Crime Act 2009
- Equality Act 2010
- The Police Reform and Social Responsibility Act 2011
- The Live Music Act 2012

2.1.2 The Human Rights Act 1998 makes it unlawful for a licensing authority to act in a way that is incompatible with a convention right. The authority will have regard to the Human Rights Act when undertaking licensing functions, particularly the following relevant provisions:

Article 6 – everyone is entitled to a fair and public hearing within a reasonable time, by an independent and impartial tribunal established by law

Article 8 – everyone has the right to respect for his home and private and family life

Article 1 of the first protocol – every person is entitled to the peaceful enjoyment of his or her possessions.

- 2.1.3 The licensing authority has a duty to consider the prevention of crime and disorder under Section 17 of the Crime and Disorder Act 1998 and is committed to working closely with the Avon and Somerset Constabulary, other agencies, residents and businesses to achieve this.

It will also have regard to other relevant legislation and legislative changes when exercising its function and will revise this policy accordingly.

2.2 Relationship with planning policies

- 2.2.1 The “need” for commercial premises relate to the commercial demand for such premises and is not a matter for the Licensing Authority discharging its functions. “Need” is a matter for the Planning Committee and for the market.
- 2.2.2 The Licensing Authority recognises that licensing applications should not be a re-run of the planning application process and there shall be a clear separation of the planning and licensing regimes to avoid duplication of process and requirements made of an applicant and to comply with statute. It should be noted, however, that there is no legal basis for the Licensing Authority to refuse a licence application because it does not have planning permission.
- 2.2.3 The issue of a premises licence is a separate and distinct process to the granting of planning permission. The Licensing Authority will consider applications for licences before planning permission is obtained although planning and building control permissions will have to be sought and approved before any development takes place.
- 2.2.4 The Licensing Authority will, where appropriate, provide reports to the planning committee on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder.

2.3 Integrating strategies

Where possible, the Licensing Authority will aim to integrate any national and local policies and strategies as it is recognised that these encourage vibrant, diverse, and sustainable communities.

By consulting widely prior to this policy statement being published the Licensing Authority has endeavoured to secure proper integration with local policies and strategies as follows:

2.3.1 Alcohol Harm Reduction

The Licensing Authority recognises that excessive alcohol consumption leads to poor health which, in turn places burdens on local health services. Regard will be given to the North Somerset People and Communities Strategy, health & wellbeing Strategy, the Avon & Somerset Police crime plan, and other initiatives which support the aims of reducing alcohol harm and ensuring safer communities.

Encouragement and support will also be offered for participation in any national initiatives such as any Local Alcohol Action Area projects, Best Bar None and Licensing SAVI schemes and any local or voluntary initiatives which premises may adopt to help reduce irresponsible drinking such as the removal of cheap, super-strength Ciders and Lagers or low priced alcohol which may lead to rapid or excessive consumption.

2.3.2 Crime Prevention

Conditions attached to premises licences and club premises certificates will, so far as possible, reflect local crime prevention strategies.

Support and encouragement will be offered for Pubwatch groups and Radio links where such schemes exist.

2.3.3 Cultural Strategies

Regard will be given to the North Somerset Sustainable Community strategy, Place-making strategies and other local initiatives that look to support and encourage diverse cultural activities.

In its role of implementing local authority cultural strategies, the Licensing Authority recognises the need to encourage live music, dance and theatre for the wider cultural benefit of the community. The Licensing Authority will monitor the impact of licensing on regulated entertainment and ensure that only appropriate, proportionate and reasonable licensing conditions are imposed on licences granted.

2.3.4 Transport

Liaison shall be maintained with the Police and the Council in relation to the development of policies for the swift and safe dispersal of people from built up areas. Regard will be taken of transportation arrangements as set out in the Joint Local Transport Plan 4 Statement.

2.3.5 Tourism and Employment

The Licensing Committee will, where appropriate, receive reports on:

- The local tourist economy
- The local employment situation

2.3.6 Equality

The Licensing Authority recognises that the Equality Act 2010, places a legal obligation on public authorities to have due regard to the desirability of reducing socio-economic inequalities and the need to eliminate unlawful discrimination with a view to promoting equality of opportunity and good relations between persons of different groups.

The Licensing Authority therefore will have due regard to this responsibility when imposing conditions on licences to ensure that they could not directly or indirectly discriminate.

2.3.7 Street Trading

The Council has adopted a scheme for the regulation of street trading. Businesses operating on a Consent or Licensed Street and selling hot food or refreshments between 11.00 pm and 5.00 am will be required to obtain a premises licence under the Licensing Act 2003 in addition to a street trading consent granted by the Council. The Licensing Authority has licensed public spaces under the Licensing Act 2003 and details can be found on the Council's

website at www.n-somerset.gov.uk by using the [licensed premises search facility](#)

3. Decision making

3.1 Procedural Matters

- 3.1.1 The Licensing Committee shall consist of not less than 10 and no more than 15 councillors. The Licensing Authority in the interests of speed, efficiency and cost effectiveness has agreed the scheme of delegated decision making as shown at **Appendix C**
- 3.1.2 A licensing sub-committee of three councillors shall sit to hear applications where representations have been received from interested parties and responsible authorities. Ward councillors shall not sit on a sub-committee involving an application within their ward.
- 3.1.3 The chairman of the licensing committee shall normally be elected at the annual meeting of the authority. The chairman of a licensing sub-committee shall be elected on each occasion by the councillors sitting on the sub-committee.
- 3.1.4 Where a councillor who is a member of a licensing committee or a licensing sub-committee is making or has made representations on behalf of or as an interested party, in the interests of good governance they shall disqualify themselves from any involvement in the decision-making process affecting the licence in question.
- 3.1.5 Where a councillor who is a member of a licensing committee or a licensing sub-committee has had a direct or indirect involvement in the affairs of an application before them, in the interests of good governance they shall disqualify themselves from being a member of a Committee in a decision-making capacity. The member may though speak at a licence hearing in the capacity of an Interested Person.
- 3.1.6 Every determination of a licensing decision by the licensing committee or a licensing sub-committee shall be accompanied by clear, cogent reasons for the decision. Reasons will be given at the hearing and will be confirmed in writing within five working days of the date of the decision. A summary of the decision shall be posted on the council's website as soon as possible after the decision has been confirmed in writing.

3.2 Licence Reviews

- 3.2.1 The Licensing Authority acknowledges the importance of working in partnership to achieve the promotion of licensing objectives. Wherever possible responsible authorities will aim to give licensees early warning of any concerns identified at a premise prior to making an application to review a licence or certificate.
- 3.2.2 Local residents, businesses and district councillors have the power to apply for a licence to be called in for review if the premises are causing problems and failing in terms of the licensing objectives. Responsible Authorities such as the Police, Environmental Health or Trading Standards can also call licences in for review. A review can be requested at any time; however, the government guidance recommends that a reasonable period elapses between an earlier review or

grant of a licence. A review will though be undertaken after notification from the Magistrates' Court of a Closure Order coming into force for a licensed premise.

3.2.3 The Licensing Authority itself can also initiate the review process applying for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons.

3.2.4 However, it is not expected that Licensing Authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for Licensing Authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority.

For example, the Police should take appropriate steps where the basis for the review is concern about crime and disorder. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the Local Authority exercising environmental health functions for the area in which the premises are situated to make the application for review.

3.2.5 Where the relevant licensing authority does act as a responsible authority it will ensure a clear distinction between those administering the process and those applying to ensure a fair determination of its' outcome at a hearing.

3.2.6 A review application needs to be in writing on the statutory form. There will need to be clear and factual evidence to support the application and this should show that incidents are not isolated and that there is a direct link with the premises. Grounds for review must also be based on one or more of the licensing objectives as detailed below. The grounds given are not exhaustive and are intended to illustrate the areas that are likely to form the basis of a review of a licence or certificate.

3.2.7 A review of the licence in connection with crime and disorder may be sought where:

- A serious crime has occurred at, or can be linked to a particular premise
- There are a series of crimes that can be linked to a particular premise
- There have been prosecutions or penalty notices served for underage sales
- There have been incidents which raise concerns that the premises are not being properly managed
- There have been breaches of the terms or conditions of the licence
- There have been repeated complaints from the public, including anti-social behaviour.

3.2.8 In cases when the crime prevention objective is being undermined the revocation of the licence, even in the first instance, will be seriously considered.

3.2.9 A review of the licence in connection with public safety may be sought where:

- Where it is considered that the management had failed to maintain the appropriate level of fire safety provision
- Failure to comply with a fire related enforcement notice
- Following the outcome of any investigation and inspection of a fire occurring within a premise
- Serious or regular contraventions of health and safety legislation
- Failure to comply with a condition of a licence
- Prosecution for failure to comply with health and safety legislation

3.2.10 A review of the licence in connection with public nuisance may be sought where:

- Complaints have been received that have been substantiated by investigating officers
- Breaches of licence conditions in respect of public nuisance have been identified
- Action is being considered under Environmental Protection, Noise or Anti Social Behaviour Legislation.

3.2.11 A review of the licence in connection with protection of children from harm may be sought where:

- There have been underage sales or underage drinking taking place
- Breaches of licence conditions in respect of protection of children have taken place
- Complaints that have been received which can be substantiated.

4. Operational Matters

4.1 Applications

4.1.1 Applications must include all the relevant documentation, fee and plans as set out in the Licensing Act 2003 and accompanying regulations. Plans submitted with applications need to comply with the relevant legislation as regards content and scale.

4.1.2 Incomplete applications will not be accepted and will be returned to the applicant.

4.1.3 The level of detail to be provided in the operating schedule shall be proportional to the scale and nature of the application being made. The Council however expects all applicants to demonstrate in the operating schedule how they will comply with the four licensing objectives in relation to the application that is being made.

4.1.4 The applicant may ask the Licensing Authority for advice on the scope of the information to be provided. Details of the Responsible Authorities for the purposes of the Licensing Act 2003 where specific information may be obtained are shown at **Appendix D**.

4.2 Licensing hours

- 4.2.1 Longer licensing hours can help to avoid the concentration of customers leaving premises at the same time, leading to friction at late night food outlets, taxi ranks and other sources of transport. It is also recognised that licensing hours should not restrict the development of safe evening and night-time entertainments that are important for investment and employment locally. However, providing consumers with greater choice and flexibility must always be balanced carefully against the licensing objectives and the rights of residents to peace and quiet.
- 4.2.2 There shall be no general presumption in favour of lengthening licensing hours; the overriding principle will be the promotion of the four licensing objectives.
- 4.2.3 Stricter measures for controlling noise are likely to be sought for late licences, particularly in residential areas or where there has been a history of noise complaints.
- 4.2.4 When the Licensing Authority's discretion is engaged, consideration will be given to the individual merits of an application, but the presumption will be to grant the hours requested unless there are objections to those hours raised by responsible authorities or interested parties on the basis of the licensing objectives.
- 4.2.5 Applicants should state in their operating schedule the time they require the premises to remain open to members of the public after the termination of licensable activities. In normal circumstances, this will not exceed 30 minutes from the last sale of alcohol. Where an applicant can show that an extended period would assist in the promotion of the licensing objectives, the licensing authority will consider permitting longer than 30 minutes, where it is entitled to do so.
- 4.2.6 Shops, stores and supermarkets will generally be permitted to sell alcohol for consumption off the premises during the normal hours they intend to open for shopping purposes. However, in the case of individual shops that are known to be a focus of disorder and disturbance then, subject to representations from the police, a limitation on licensing hours may be appropriate.
- 4.2.7 Applications for premises offering late night take away food and drink will be considered on their individual merits. However, such premises can be the focus of disorder with large numbers of people gathering there after other licensed premises have closed. The closing times of other licensed premises in the vicinity will therefore be taken into consideration.
- 4.2.8 It is recognised that businesses may wish to apply for non-standard hours for Bank Holidays, Christmas Eve, Saints or other event days. However, any additional days should be clearly identified in their licence operating schedules with dates and times so that proper consideration can be made of their impact on the licensing objectives and so that the licence is clear and unambiguous in this respect.
- 4.2.9 In relation to last entry or re-entry times for licensed premises the Authority will consider each case on its merits. As a general guideline a last entry or re-entry to licensed premises for customers shall be two hours prior to close of premises which are open to members of the public after 2.00 am.

4.2.10 It is not the Licensing Authority's overall approach to include any "zoning" of closure hours as experience in other areas shows that this can lead to the significant movement of people in search of premises opening later. However, if presented with evidence of serious alcohol related crime, disorder or anti-social behaviour within a specific area that cannot be attributed to one specific premise, the Licensing Authority may consider making an Early Morning Restriction Order (EMRO) to further the licensing objectives.

4.3 Representations

Where a representation concerning the licensing objectives is made by a responsible authority about a proposed operating schedule or another person makes relevant representations to the licensing authority, the licensing authority's discretion will be engaged. Relevant representations will be accepted in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.

Representations will only be accepted where they relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation.

4.4 Cumulative impact

4.2.1 Cumulative impact assessments were introduced in the 2003 Act by the Policing and Crime Act 2017, with effect from 6 April 2018. The amendments require the Licensing Authority to review any Cumulative Impact Assessment (CIA) within three years of its publication. From 2021 the Licensing Authority's Statement of Licensing Policy will include a summary of any CIA in force. Full details of any CIA will then be included in this Policy document.

4.4.2 Cumulative Impact refers to the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area.

4.4.3 The Council recognises that the cumulative effect of a proliferation of late-night entertainment premises (including night cafes) may result in an increase in numbers of people either walking through or congregating in streets during the night and this in turn may have a number of undesirable consequences which undermine the licensing objectives.

These may include: -

- An increase in crime against both property and persons.
- An increase in noise causing disturbance to residents.
- Littering and fouling.

This may result in the amenity of residents being placed under severe pressure, as it will not always be possible to attribute a particular problem to customers of particular premises.

This means that whilst enforcement action to ensure conditions are complied with is taken, this may not resolve all problems.

4.4.4 Where there is evidence that a particular area of the district is already suffering adverse effects arising from the concentration of late-night premises, or that

residential areas are under stress, this will be taken into account in determining any further applications for premises within the area identified.

- 4.4.5 The effect of adopting a CIA of this kind is to create a rebuttable presumption if relevant representations to that effect are received, that applications for new premises authorisations or club premises certificates or material variations will normally be refused, unless it can be demonstrated that the operation of the premises involved will be unlikely to add to the cumulative impact already being experienced
- 4.4.6 North Somerset Council previously introduced a CIA, in Weston-super-Mare town centre, which this policy review seeks to remove. It is felt that the physical capacity for new premises to be added is minimal. The authority is looking to support businesses through the difficult recovery phase post-Coronavirus pandemic and will look to encourage new Operators into existing premises and achieve compliance through well-conditioned operating schedules.
- 4.4.7 The aim is to provide a safe, vibrant and diverse night-time economy and it is not felt that the continued inclusion of a CIA is appropriate at this time
- 4.4.8 This will be kept under review and the Licensing Authority recognises that the Act now provides a mechanism for consideration should the need arise in the future.

4.5 Conditions

- 4.5.1 This policy does not provide for any 'standard conditions' to be imposed so as to avoid the imposition of disproportionate and burdensome requirements. Conditions (other than the statutory mandatory conditions) attached to licences, if required in particular circumstances, shall be tailored to reflect the individual style and characteristics of the premises and activities concerned. Only those conditions necessary to meet the licensing objectives will be imposed.
- 4.5.2 Additional conditions will only be attached to a licence or club premises certificate if relevant representations are received or from the applicant's operating schedule since these are voluntary propositions.
- 4.5.3 Conditions shall be applied to licences that are proportionate and appropriate to the business, organisation or individual concerned. The Licensing Authority and applicants may draw upon any model pool of conditions available and attach conditions relative to the given circumstances of each individual case.
- 4.5.4 Measures offered by applicants in their operating schedule will normally become licence conditions. The proposed measures must be clear and unambiguous. The authority may therefore alter the wording of a proposed measure to achieve clarity. The context or meaning of the proposed measure will not be changed when attaching conditions to licences.
- 4.5.5 In relation to community premises it is possible to apply for the removal of the mandatory condition relating to the requirement for a Designated Premises Supervisor (DPS) and the requirement for this person to have a personal licence. Further information can be obtained from the licensing authority on how to apply make an application for the removal of the DPS from a licence.

4.6 Temporary Event Notices

- 4.6.1 Temporary Event Notices (TENs) can be given for small-scale licensable events. TENs may cover a wide range of activities such as permitting the sale of alcohol from a beer tent at a school fete or for a school play, to a pub who wants to extend their permitted licensing hours and/or want to have a live music event not permitted by their premises licence.
- 4.6.2 TENs do not involve the Licensing Authority in giving permission for the event to take place, it is a notification procedure in which only the Police and Environmental Protection may intervene to prevent or modify the arrangements for such an event. The Licensing Authority will only intervene if the limit on the number of notices is exceeded.
- 4.6.3 A “standard” TEN requires the organiser of such an event to give the Licensing Authority a minimum of 10 working days’ notice.
- 4.6.4 A “late” TEN is one which is received by the Licensing Authority 5-9 clear working days prior to the day of the event.
- 4.6.5 The contact details of the Police and Environmental Protection Authority on which a TEN must be served are given at **Appendix D**.

4.7 Personal Licences

The Licensing Authority places particular emphasis on the role of premises supervisors and Personal Licence holders at a licensed premise.

Where the Police object, on the grounds of prevention of crime and disorder, there will be a presumption against issuing a personal licence to any applicant with an unspent conviction for a relevant offence. If the applicant can demonstrate exceptional and compelling reasons for disregarding the conviction, this will be taken into consideration.

4.8 Outdoor Events

Outdoor events either temporary or more permanent in nature will generally require detailed planning and more consultation with Responsible Authorities and representatives of other organisation concerned with safety. For such events all organisers, particularly for large scale events, should seek guidance from the Council’s Safety Advisory Group prior to any applications being made.

The Authority expects applicants of large scale temporary events to submit their applications at least 3-6 months before the proposed event takes place. Organisers planning to entertain 500-3000 persons should give a minimum notice period of 3 months and events over 3000 a minimum notice period of 6 months.

4.9 Fees

The Licensing Authority will ensure that fees which are set locally will be based entirely on cost recovery and will be included within the Council published fees and charges. Invoices for annual fees will be sent in advance and subject to the normal Council payment terms. Licensing holders not paying the correct annual fee within the timescale will have their premises licence suspended until such

time as arrears are cleared.

4.10 Enforcement

- 4.10.1 Enforcement will be in accordance with the Regulatory Services Enforcement Policy, which is based around the principles of proportionality and risk-based enforcement, targeting high risk premises which require greater attention, while applying a lighter touch approach in respect of low-risk premises.
- 4.10.2 A copy of the [Enforcement Policy](#) is available on the Council's website, or from the Licensing Team (see Appendix D for details).
- 4.10.3 The Licensing Authority will seek to work in partnership with the Responsible Authorities and the North Somerset Community Safety Partnership in enforcing licensing legislation.
- 4.10.4 The Licensing Authority shall use a risk assessment scheme for determining the frequency of visits to licensed premises in order to ensure that resources are targeted to high-risk premises while providing a lighter touch for low risk premises which are well run.
- 4.10.5 The Licensing Authority will look to share information relating to incidents of crime, nuisance, public safety or other related issues including the general management of premises, with partner agencies and may use this as part of any risk assessment scheme used.
- 4.10.6 Unannounced joint visits will be undertaken with partners such as the Police, Environmental Health, Fire Service and Trading Standards Officers. These include visits outside normal office hours. Pre-arranged inspections will normally take place to premises that have been the subject of complaints, or where there has been a requested variation of the Designated Premises Supervisor or the terms of the licence or certificate issued by the Licensing Authority.
- 4.10.7 It is expected that, in general, action will be taken against poorly managed or controlled premises through a stepped approach which may include verbal/written warnings, formal action plans, the review process, and prosecution. Where prosecution is necessary, the key principles of consistency, transparency and proportionality will be maintained.

5. The Licensing Objectives

5.1 Operating Schedules

Applicants should complete risk assessments, which can then be used to form the basis of the operating schedule. Measures that are outlined in operating schedules become licence conditions. Failure to comply with licence conditions can lead to formal enforcement action or an application for a review of the licence.

Guidance is offered below as to possible control measures that may assist applicants in completing operating schedules. These measures are not exhaustive and may relate to more than one licensing objective. Any measures proposed by the applicant should be both realistic and within the control of the applicant/management of the premises.

Applicants are also advised to seek advice from the relevant agencies before submitting their applications.

5.2 Prevention of crime and disorder objective

- 5.2.1 When addressing crime and disorder the applicant should initially identify any issues, having regard to their particular type of premises and/or activities, which are likely to affect the promotion of the crime and disorder objective. Such steps as are required to deal with these identified issues should be included within the applicants operating schedule.
- 5.2.2 The Licensing Authority shall consider whether the grant of an application will result in an increase in crime and disorder.
- 5.2.3 Applicants are encouraged to consider the following matters in their operating schedules:
- Disorder on the premises
 - Drunkenness
 - Underage sales of alcohol
 - Customers entering and leaving in an orderly manner
 - Use and sale of illegal drugs or contraband
 - Offensive weapons
- 5.2.4 The Licensing Authority recognises that crime and disorder can occur, particularly outside licensed premises; however well the premises run may be.
- 5.2.5 The operating schedule may include the following measures:
- Active membership of Pubwatch schemes
 - Use of licensed door supervisors
 - Physical security features e.g. use of plastic or shatterproof drinking glasses
 - Music wind down policy
 - Training given to staff in crime prevention measures
 - Use of town centre radios (Weston-super-Mare) to enable licensed premises to communicate to each other and police
 - Search procedures
 - Measures to prevent the use or supply of illegal drugs or contraband
 - Details of CCTV video cameras and the retention policy for CCTV footage
 - Following the trade association codes of practice on irresponsible drinks promotions.

The above list is not exhaustive and will not suit all applications so applicants should seek advice from Avon and Somerset Constabulary before preparing their operating schedule.

- 5.2.6 Shops and off licences applying to sell alcohol will need to address the risks to crime and disorder with measures in their operating schedules. Examples include:-

- regular staff training in relation to sale of alcohol to underage people and that training record shall be kept.
- Proof of age schemes
- All refusals to be recorded on a refused sale register sheet or a refusals book.
- Use of Electronic Point of Sale (EPOS) system to remind staff via a suitable visual prompt or audible warning. Alternatively, stickers can be used over certain products to remind cashiers to check the customer's age.
- Posters showing age limits should be displayed along with a statement regarding the refusal of such sales.
- That a personal licence holder will be on duty at high-risk times such as outside school hours and during the evenings

This list is not exhaustive and applicants should seek advice from North Somerset Trading Standards or Avon and Somerset Constabulary before preparing their operating schedules.

5.3 Public safety objective

5.3.1 The public safety objective is about ensuring the physical safety both of performers and people attending licensed premises. The risk to public safety will vary according to the type of premises and the activities that take place there. Most risks will be adequately covered by other legislation such as Health and Safety at Work requirements or fire safety legislation and will normally be identified through a risk assessment process.

5.3.2 Other public safety legislation may not cover risks that are associated with types of activities or entertainment and will therefore need to be addressed in preparing licence applications. The following are matters that may need consideration:

- The provision of a suitable Residual Current Device (RCD) protection of electricity supplies to entertainers' equipment, including microphones, when regulated entertainment is organised on site
- Setting maximum numbers of people allowed (and use of clickers or counting machines to ensure capacity limits are not exceeded)
- Steps to ensure that electrical and gas installations are in good order and maintained by suitably qualified people on a regular basis
- The use of special effects such as lasers, pyrotechnics, foam and smoke
- Suitable access and egress arrangements for people with disabilities

5.3.3 Applicants are advised to seek advice from the Council's Health and Safety Section and/or the Avon Fire and Rescue Service before preparing their operating schedules for the public safety objective.

5.4 The prevention of public nuisance objective

5.4.1 Operating schedules must contain sufficient information for officers to form a view as to whether noise from licensable activities is likely to cause a problem to people living nearby.

5.4.2 Applicants need to provide details of proposed noise control measures, particularly if premises are in residential areas where regulated entertainment is being applied for late at night, or where there is a history of noise complaints.

The licensing authority will normally apply stricter conditions in these circumstances where relevant representations have been received.

5.4.3 Whilst each application will be considered on its individual merits it should be noted that restricting the hours of regulated entertainment may be necessary to prevent public nuisance.

5.4.4 The measures that can be included within the operating schedule may include:

- Keeping doors and windows at the premises closed
- Limiting amplified music to a particular area of the building
- Moving location and direction of speakers away from external walls or walls that abut private premises
- Installation of acoustic curtains, seals to doorways, rubber speaker mounts
- Monitoring by the licensee to ensure that music is not audible above background levels at the nearest noise sensitive location (i.e. private or commercial premises)
- Noise limiters on amplification equipment (if proportionate to the nature of premises and the type of entertainment being provided)
- Prominent clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly
- The placing of bottles and cans into bins outside the premises to take place at times that will minimise disturbance to nearby premises

5.4.5 Since 1 July 2007 it has been illegal to smoke in enclosed public buildings and workplaces in England. Customers who want to smoke will therefore have to do so outside licensed premises. Applicants will need to address the potential for public nuisance from this activity.

Conditions may be necessary to ensure that licensed premises are properly ventilated to prevent odours causing a nuisance to people who live or work nearby.

5.4.6 Late night takeaways are encouraged to include in their operating schedules measures to ensure that the area around the premises will be kept clear of litter.

5.5 Protection of children from harm objective

5.5.1 The Licensing Authority has decided that the “Responsible Authority” in relation to the protection of children from harm will be the North Somerset Children’s Safeguarding Partnership whose contact details are shown at Appendix D.

5.5.2 The authority will not seek to limit the access of children to any premises unless it is necessary for the prevention of physical, moral or psychological harm. In all other cases it will be left to the discretion of the licensee.

- 5.5.3 When addressing protection of children, the applicant should initially identify any particular issues, having regard to their particular type of premises and/or activities, which are likely to cause concern in relation to children. Such steps as are required to deal with these identified concerns should be included within the applicants operating schedule.
- 5.5.4 Where alcohol is to be sold, applicants must include details of the measures they propose to prevent the supply of alcohol to children. It is expected that:-
- In addition to requiring passports or photo driving licences, a proof of age scheme will be in operation.
 - Staff will receive regular and adequate training on the law and practice relating to age restricted sales (including challenging purchasers, checking identification), such training to be properly documented and records made available for inspection.
 - Registers of refused sales will be maintained and made available for inspection
 - Applicants may indicate whether they are signatories to the Portman Group Code of Practice.
- 5.5.5 Applicants needing advice on how to avoid age-restricted sales should contact the North Somerset Trading Standards Service (contact details are shown at **Appendix D**) before preparing their operating schedules.
- 5.5.6 Where relevant representations have been made in relation to an application, the licensing sub-committee will judge the merits of each separate application before deciding whether to impose conditions limiting the access of children to individual premises. The following are examples of premises that may raise concern:
- where there have been convictions for serving alcohol to minors or with a reputation for underage drinking
 - with a known association with drug taking or dealing
 - where there is a strong element of gambling on the premises
 - where entertainment of an adult or sexual nature is provided
 - where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- 5.5.7 The Licensing Authority may consider any of the following options when dealing with a licence application where limiting the access of children is considered necessary to prevent harm to children:
- limitations on the hours when children may be present;
 - limitations excluding the presence of children under certain ages when particular specified activities are taking place;
 - limitations on the parts of premises to which children might be given access.
 - age limitations (below 18);
 - requirements for accompanying adults (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
 - full exclusion of those people under 18 from the premises when any licensable activities are taking place.

5.5.8 The Act details several offences designed to protect children in licensed premises and the Licensing Authority will work closely with the Police and Trading Standards to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children.

5.6 Access to cinemas and theatres

5.6.1 The Licensing Authority expects that where premises are used for film exhibitions applicants for premises licences or club certificates shall include within the operating schedule arrangements for restricting children from viewing age restricted films.

5.6.2 In relation to the exhibition of film, a mandatory condition will apply, requiring access to be restricted to those who meet the required age limit in accordance with any certificate granted by the British Board of Film Classification or, in specific cases, by the Licensing Authority.

5.6.3 Certification by the Licensing Authority will be in accordance with the North Somerset Council Film Classification Policy.

5.6.4 This policy acknowledges the Secretary of State's Guidance which states that it may be necessary to impose a condition to restrict the admission of children to theatres which are incorporating adult entertainment in their productions.

5.7 Children and public entertainment

Where a large number of children are expected to attend regulated entertainment (e.g., theatre production or film shows), the Licensing Authority expects the applicant to demonstrate, in their operating schedules, the arrangements they intend to put into place in order to ensure their safety, examples could include:

- That children performing at premises such as theatres or concert halls are kept under adult supervision at all times, including transfer from stage to dressing room.
- That children can be accounted for at all times, in case of evacuation or emergency.
- That an adult member of staff be stationed in the vicinity of each of the exits from any level, subject to there being a minimum of one member of staff per 50 children or part thereof
- If necessary, no standing to be permitted in any part of the auditorium during the performance
- That all staff employed to supervise children should be subject to an enhanced Disclosure Barring Service (DBS) check. Where relevant unspent convictions are found the licensee should not employ such a person.

5.8 Health Bodies Acting as Responsible Authorities

The Licensing Authority recognise that the local authority's Director of Public Health (DPH) may exercise their function as a responsible authority and that such representations may potentially cover any of the four licensing objectives.

Representations should be evidenced based and, as recognised in the Secretary

of State's section 182 Guidance, the DPH may hold information that other responsible authorities do not which will assist the licensing authority in exercising its functions.

The harms to health from alcohol are widely documented including the part it can play in fueling aggression, violence, or assault. The Licensing Authority will consider the links between the availability of alcohol and alcohol-related harm when considering a licence application (for example take into account the number of alcohol outlets in a given area and times when it is on sale and the potential links to local crime and disorder and alcohol related illnesses and deaths).

However, the Licensing Authority recognises that the Licensing Act does not, as it stands, cover public health considerations.

6. Complaints against licensed premises

The Licensing Authority will investigate complaints against licensed premises relating to the four licensing objectives mentioned above. In the first instance, complainants are encouraged to raise the complaint directly with the licensee or business concerned to seek a local resolution.

Complaints must relate to one or more of the licensing objectives and will be disregarded if frivolous or vexatious.

Nothing in this Policy shall restrict the right of a Responsible authority or Other person to call for a review of a licence or make relevant representations in accordance with the Act.

7. Further information

Further information about the Act and this Statement of Licensing Policy can be obtained from:

The Licensing Team
North Somerset Council
Town Hall
Walliscote Grove Road
Weston-super-Mare
BS23 1UJ

Tel: 01934 426 800 Fax: 01934 426 230

Email: licensing@n-somerset.gov.uk www.n-somerset.gov.uk

Information is also available from the Home Office website:

www.gov.uk/alcohol-licensing

Further details about the licensing and application processes, including application forms, fees and details regarding each type of application, can be obtained from the Licensing Team as detailed above.

Electronic applications will be accepted where available.

Large print copies, audio copies and translation into another language of this policy can be arranged on request from the Licensing Team

APPENDIX A – MAP OF NORTH SOMERSET



APPENDIX B – GLOSSARY OF TERMINOLOGY

<p>Club Premises Certificate</p>	<p>A certificate granted to a qualifying club under the Act in respect of premises occupied, and habitually used for the purposes of a club.</p> <p>Alcohol must not be supplied other than to members by or on behalf of the club.</p>
<p>Entertainment facilities</p>	<p>Defined as facilities for enabling persons to take part in entertainment for the purpose of being entertained.</p> <p>The descriptions of entertainment are making music, dancing, and entertainment of a similar description to that falling within those mentioned above.</p>
<p>Hot food or hot drink</p>	<p>Food or drink supplied on or from any premises is “hot” for the purposes of Schedule 2 to the Act if the food or drink, or any part of it:</p> <ul style="list-style-type: none"> • before it is supplied, is heated on the premises or elsewhere for the purpose of enabling it to be consumed at a temperature above the ambient air temperature and, at the time of supply, is above that temperature, <p>or</p> <ul style="list-style-type: none"> • after it is supplied, may be heated on the premises for the purpose of enabling it to be consumed at a temperature above the ambient air temperature.
<p>Interested Party</p>	<p>Defined as:</p> <p>any individual, body or business entitled to make representations in relation to defined applications made to the Licensing Authority.</p>
<p>Licensable activities and qualifying club activities</p>	<p>Defined in the Licensing Act as:</p> <ul style="list-style-type: none"> • the sale by retail of alcohol • the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club • the provision of regulated entertainment • the provision of late-night refreshment - for those purposes the following licensable activities are also qualifying club activities: <ul style="list-style-type: none"> • the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club for consumption on the premises where the supply takes place • the sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place • the provision of regulated entertainment where that provision is by or on behalf of a club for members of the club or members of the club and their guests.
<p>Operating Schedule</p>	<p>A document that must be prepared by or on behalf of an applicant for a premises licence or club premises certificate containing a statement including the following matters:</p> <ul style="list-style-type: none"> • the relevant licensable activities

	<ul style="list-style-type: none"> • the times at which licensable activities are to take place and any other times the premises are to be open to the public • information about the Designated Premises Supervisor • whether any alcohol sales are on and/or off sales • the steps being taken to promote the licensing objectives.
Personal Licence	Authorises an individual to supply or authorise the supply of alcohol in accordance with a premises licence.
Premises Licence	Authorises the premises to be used for one (or more) licensable activity.
Provision of late night refreshment	Defined as the provision of hot food or hot drink to members of the public, or a section of the public on or from any premises, whether for consumption on or off the premises between 11 pm and 5 am
Regulated Entertainment	<p>Defined as:</p> <ul style="list-style-type: none"> • a performance of a play • an exhibition of film • an indoor sporting event • a boxing or wrestling entertainment • a performance of live music • any playing of recorded music • a performance of dance • entertainment of a similar description to that falling within paragraph (e)
Responsible Authority	<p>Defined as:</p> <ul style="list-style-type: none"> • Chief Officer of Police for any Police area in which the premises are situated • Fire Authority for any area in which the premises are situated • Enforcing authority within the meaning given by section 18 of the Health and Safety at Work etc Act 1974 for any area in which the premises are situated • the local planning authority within the meaning given by the Town and Country Planning Act 1990 (c.8) for any area in which the premises are situated • the local authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health • a body which represents those who, in relation to any such area, are responsible for, or interested in matters relating to the protection of children from harm, and is recognised by the licensing authority for that area for the purposes of this section as being competent to advise it on such matters

	<ul style="list-style-type: none"> • any licensing authority (other than the relevant licensing authority) in whose area part of the premises is situated • in relation to a vessel - a navigation authority (within the meaning of section 221(1) of the Water Resources Act 1991 (c.57)) having functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is or is proposed to be, navigated at a time when it is used for licensable activities • Director of Public Health • The Home Office – alcohol licensing team • The Licensing Authority for the area in which the premises is situated.
<p>Temporary Event</p>	<p>Defined as the use of premises for one or more of the licensable activities during a period not exceeding 168 hours (seven days) usually where a premises licence covering the licensable activity is not in place.</p> <p>The following limitations also apply to where the temporary event notice procedure is used:</p> <ul style="list-style-type: none"> • The number of times a person (the “premises user”) may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people). • The number of times a person (the “premises user”) may give a late temporary event notice (5 times per year for a personal licence holder and 2 times per year for other people). • The number of times a temporary event notice may be given for any particular premises (15 times in a calendar year). • The maximum total duration of the periods covered by temporary event notices at any individual premises (21 days). • The scale of the event in terms of the maximum number of people attending at any one time (less than 500). • There must a minimum of a 24 hour break between events subject to the temporary event notice procedure.
<p>Temporary Event Notice</p>	<p>A document giving notice to the Licensing Authority of intention to hold a temporary event.</p>

APPENDIX C - TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

Matter to be dealt with	Full committee	Sub committee	Officers
Application for personal licence		If a representation is made	If no representation is made
Application for personal licence, with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a representation is made	If no representation is made
Application for provisional statement		If a representation is made	If no representation is made
Application to vary premises licence/club registration certificate		If a representation is made	If no representation is made
Application to vary designated premises supervisor		If a police representation is made	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police representation is made	All other cases
Application for Interim Authorities		If a police representation is made	All other cases
Application to review premises licence/club premises registration		All cases	