



Licensing Act 2003

STATEMENT OF LICENSING POLICY

Date of implementation:

East Hampshire District Council
Licensing Act 2003
Section 5 Statement of Licensing Policy

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1. INTRODUCTION

- 1.1 The Licensing Act 2003 (the Act) requires licensing authorities to publish a Statement of Licensing Policy with respect to the exercise of its licensing functions every five years. East Hampshire District Council (EHDC) is the “Licensing Authority” as defined under the Act. The Policy sets out a general approach to making licensing decisions in respect of all those licensing activities that come within the provisions of the Act (Part 1, Section 1) namely: retail sale of alcohol, the supply of alcohol to club members, the provision of regulated entertainment and the provision of late night refreshment.
- 1.2 The policy has been prepared in accordance with section 5 of the Act, taking into consideration the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003.
- 1.3 The Licensing Authority must have regard to this Policy and any statutory guidance issued by the Secretary of State. The Licensing Authority reserves the right to act outside of the provisions of this Policy and to depart from it if, having considered the individual case, it can demonstrate good reasons to do so, and where it is appropriate to do so to promote one or more of the licensing objectives.
- 1.4 The Statement of Licensing Policy will commence on _____ and remain in force for five years and during this period will be kept under review and revised if appropriate. Where any amendments are considered necessary, these will be made following consultation. Proper weight will be given to the views of all those consulted.
- 1.5 As required in Section 5 of the Act and prior to the publication of this policy, the Licensing Authority consulted with:
- The Chief Officer of Police, Hampshire Constabulary
 - Hampshire & IOW Fire & Rescue Service
 - Public Health, Hampshire County Council
 - Persons/bodies representing local holders of premises licences
 - Bodies representing local holders of club premises certificates
 - Persons/bodies representing businesses and residents in the district
 - Persons/bodies representing local holders of personal licences
- 1.6 In addition, the Licensing Authority consulted with:
- East Hampshire Town and Parish Councils
 - Health and Safety Executive
 - Environmental Health, EHDC
 - Planning Development, EHDC
 - South Downs National Park
 - Child Protection, Hampshire County Council

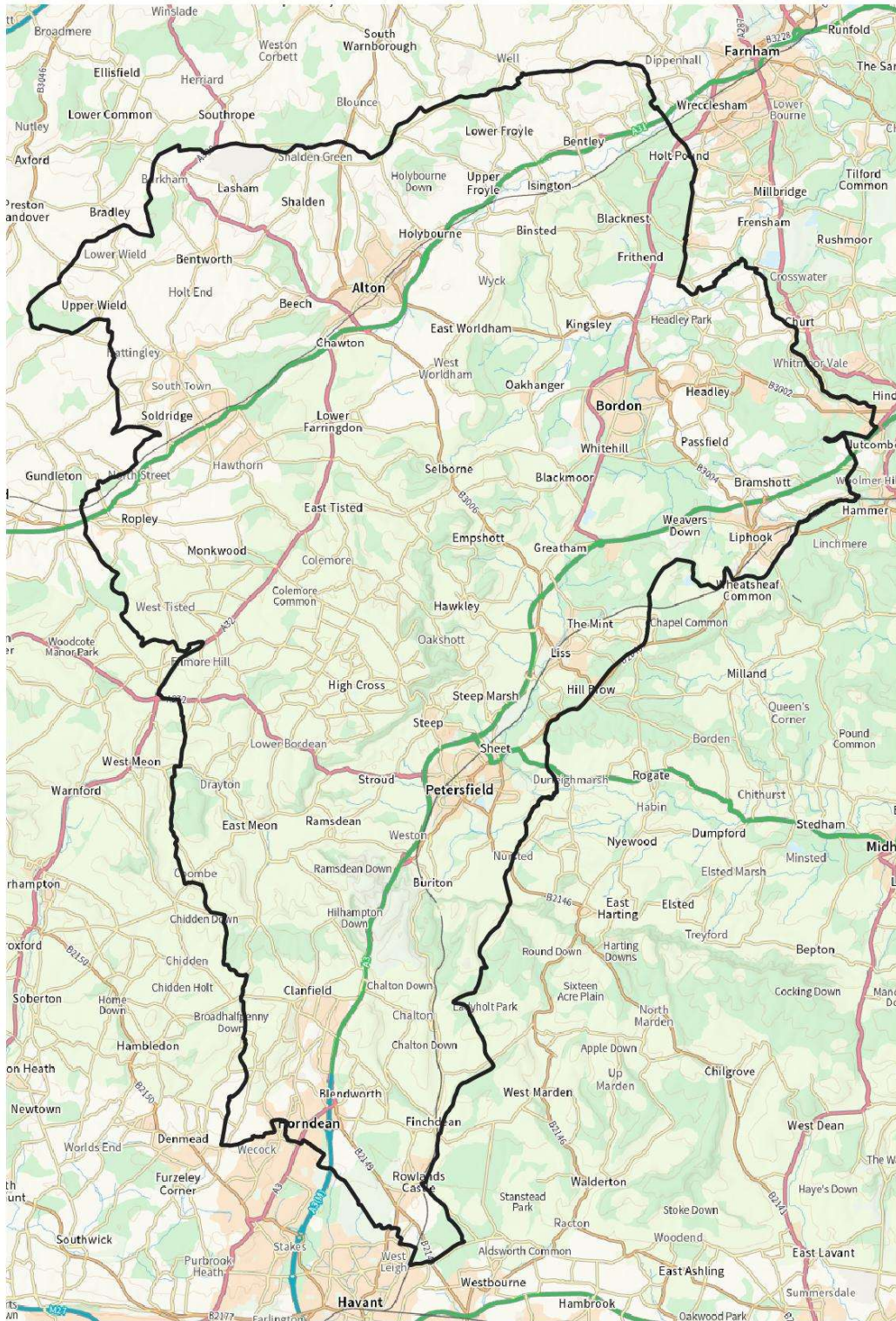
- Trading Standards, Hampshire Country Council
- Hampshire Chamber of Commerce
- Community Manager, EHDC
- Hampshire and Isle of Wight Licensing Authorities (HAIOWLOG)
- Immigration Enforcement, Home Office

East Hampshire

- 1.7 East Hampshire lies at the heart of Southeast England conveniently located between London and the South Coast. Set in historic heathlands, beech hangers and classic chalk downlands, East Hampshire is largely rural and includes the towns Alton, Petersfield and Whitehill & Bordon and 39 Parishes. Parts of the district are within the South Downs National Park. The district is nearly 200 square miles and services a population of around 126,000 (2021 Census). The district successfully combines a rich natural heritage with prosperous market towns and villages, a thriving business community of over 6,000 businesses employing approximately 49,000 people (www.nomisweb.co.uk) and has excellent transport links. The map on the following page shows the East Hampshire District Council Area.
- 1.8 East Hampshire's district has many and varied licensed premises. The Licensing Authority recognises that these premises play a vital part in the cultural identity of the district and are very important contributors to the local economy. They attract tourists and visitors, making for vibrant towns and communities and provide significant employment opportunities.
- 1.9 There are approximately 450 licensed premises in the district where alcohol is sold, and/or late night refreshment provided, and/or regulated entertainment provided, on a regular or occasional basis. These premises include:
- public houses
 - supermarkets and off-licences
 - businesses offering hot food between 23:00 and 05:00
 - hotels, guest houses, restaurants, retail shops and other places that sell alcohol
 - private members clubs and social clubs
 - theatres and amateur dramatic groups
 - cinemas
 - premises where indoor sporting events take place
 - community premises and village halls

All premises licences may be viewed on the Licensing Authority's public register available at <https://www.easthants.gov.uk/licensing/public-registers>

Map of East Hampshire District Council area showing the main towns and some of the many villages.



Licensable activities

- 1.10 The Licensing Authority is responsible for considering all applications for “licensable activities”, as defined in section 1 of the Act. The purpose of licensing is to regulate the carrying on of licensable activities on licensed premises, qualifying clubs and at temporary events. Licensable activities, identified by the Act include:
- Retail sale of alcohol
 - Supply of alcohol to club members
 - The provision of late night refreshment. This involves the supply of hot food or hot drink between the hours of 23:00 and 05:00 to the public for consumption on or off the premises.
 - The provision of regulated entertainment. This is defined in the act as:
 - A performance of a play
 - An exhibition of a 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 a performance of live music, any playing of recorded music, or a performance of dance.
- 1.11 There are exceptions, and details of these are set out in Sections 173 to 175 and in Schedules 1 and 2 of the Act. The Live Music Act 2012, the Legislative Reform (Entertainment Licensing) Order 2014 and the Deregulation Act 2015 also provide significant exemptions to licensing requirements for some of the activities listed above.
- 1.12 The Licensing Authority has established a Licensing Committee consisting of 15 District Councillors. All matters relating to the discharge by the Licensing Authority of its licensing functions come under the direction of this Committee.
- 1.13 The Licensing Committee may establish one or more sub-committees to whom certain decisions will be delegated. In the interests of speed and efficiency the Licensing Committee may also delegate some licensing decisions and functions to authorised officers. The Licensing Committee may receive updates on decisions made by officers so that it maintains an overview of licensing matters. Appendix 1 – Schedule of Delegations sets out the framework for licensing decisions.

2 LICENSING OBJECTIVES AND AIMS

2.1 The Licensing Authority has a duty under the Act to carry out its functions with a view to promoting the four licensing objectives:

- The prevention of crime and disorder;
- Public Safety;
- The prevention of public nuisance; and
- The protection of children from harm.

2.2 Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is the principal consideration at all times.

2.3 The legislation also supports a number of other key aims and purposes which in promoting the licensing objectives, the Licensing Authority will have as principal aims. These include:

- Protecting the public, local residents and those working in the vicinity of the premises concerned, from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- Giving the police and licensing authorities the powers they need to effectively manage and police the night time economy, taking action against those premises not upholding the licensing objectives;
- Recognising the important role licenced premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
- Providing a regulatory framework for alcohol which reflects the needs of the local area and its communities;
- Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to express their views regarding licensing decisions that may affect them;
- Working with Home Office Immigration Enforcement and the local police regarding the prevention of illegal working in licensed premises;
- Working with the local police regarding instances of drink spiking in licenced premises;
- Working with the local police and partner agencies towards the prevention of violence, including violence against women and girls (VAWG) in the night time economy.

2.4 The Licensing Authority recognises that the best means of promoting the licensing objectives is through the co-operation and partnership of local authorities, the police, those involved in child protection, local business, performers and local people.

2.5 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises. This is beyond the direct control of the individual, business or club holding the licence, certificate or authorisation 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 in this district.

- 2.6 The operating schedule forms part of the completed application for the premises licence. It should include information which is necessary to enable any responsible authority or interested party to assess whether the steps to be taken to promote the licensing objectives are satisfactory. Specific requirements on what it should contain and how it should be presented are contained in sections 17 and 71 of the Act and in regulations. General information relevant to each of the licensing objectives is detailed below.

The prevention of crime and disorder

- 2.7 The Licensing Authority will maintain a positive working relationship with local policing teams, including the police licensing team, to ensure information about crime and disorder related to licensed premises is shared and used to inform decisions about applications and enforcement action.
- 2.8 Applicants for premises licences and club premises certificates are encouraged to engage with the local police licensing team prior to submitting an application, particularly where the proposed activities are more likely to adversely impact this licensing objective.
- 2.9 Applicants must indicate in the operating schedule the steps they propose to prevent crime and disorder. This information may be re-worded as necessary by the Licensing Authority and applied to any licence or certificate granted as enforceable conditions. Examples of appropriate steps to prevent crime and disorder should include:
- Installation and use of CCTV at the premises, in accordance with the Information Commissioner's Code of Practice;
 - A zero tolerance drug policy including measures to prevent the use or supply of illegal drugs on licenced premises;
 - Employment of SIA licensed door supervisors, particularly in the night time economy;
 - Maintaining an incident log on the premises, for the purposes of identifying trends and sharing information with the local police;
 - Risk assessments undertaken for drinks promotions, ensuring they comply with the mandatory licensing conditions;
 - Proof of age schemes;
 - Personal licence holder on duty at all times alcohol is being supplied from the premises;
 - Participation in local crime prevention schemes such as Pub watch, where such schemes exist.

This list is not exhaustive, and the Licensing Authority recommends that applicants consider measures that are proportionate and necessary for the specific premises and style of operation.

2.10 To promote the prevention of crime and disorder, the range and scope of control measures will depend on a number of factors including the:

- nature and style of the venue
- activities being conducted there
- location of the premises
- anticipated clientele of the business involved
- past record of the premises

2.11 It is recognised that club premises may operate under their own codes of discipline to ensure the good order and behaviour of members.

Offences relating to crime and disorder

2.12 The following are offences under the Act:

- To sell or supply alcohol to a person who is drunk
- To knowingly allow disorderly conduct on licensed premises
- For the holder of a premises licence or a Designated Premises Supervisor (DPS) to knowingly keep, or to allow to be kept on licenced premises, any goods that have been imported without payment of duty or which have otherwise been unlawfully imported or acquired

Drink Spiking

2.13 Drink spiking is when somebody puts alcohol or drugs (illegal or prescription) into a person's drink without their knowledge or permission. The objective to prevent crime and disorder under the Licensing Act 2003 would include taking measures to prevent incidents of spiking which would usually be prosecuted under section 23 and 24 of the Offences Against the Person Act 1861, and section 61 of the Sexual Offences Act 2003.

2.14 The Licensing Authority expects applicants for premises licences and club premises certificates, and current licensees, to take reasonable steps to prevent drink spiking on their premises. Control measures should be proportionate to the style of premises, taking into consideration government guidance on the matters and any recommendations made by local police licensing.

Violence Against Women and Girls (VAWG)

2.15 Government strategy for tackling violence against women and girls (VAWG) was published in 2021. Tackling violent crime in the night time economy is likely to have a direct impact on preventing violence against women and girls.

2.16 If appropriate, applicants and licence holders should be proactive in preventing violence against women and girls, for example by participating in appropriate initiatives and raising staff awareness through training resources and guidance.

Public Safety

- 2.17 Licence holders have a responsibility to ensure the safety of those using their premises as part of their duties under the 2003 Act.
- 2.18 Many aspects of public safety are enforced under separate legislation including the Health and Safety at Work etc Act 1974. The Licensing Authority will seek to avoid duplication with other regulatory regimes as far as possible particularly when drafting licence conditions and guidance. Where requirements are imposed by other legislation, these should not be included by applicants in their Operating Schedule as suggested licence conditions.
- 2.19 The Licensing Authority is committed to ensuring public safety across the district by working in close partnership with Hampshire Police, Hampshire Fire and Rescue, other relevant bodies and licence holders.
- 2.20 It is expected that applicants for premises licences and club premises certificates engage with relevant agencies on matters of public safety prior to submitting an application, particularly where the proposed activities are more likely to adversely impact this licensing objective.
- 2.21 Applicants must indicate in the operating schedule the steps they propose to ensure public safety. This information may be re-worded as necessary by the Licensing Authority and applied to any licence or certificate granted as enforceable conditions. Examples of matters which should be considered in relation to public safety may include:
- Fire safety;
 - Access for emergency services;
 - Communication networks with the police;
 - Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transport);
 - Ensuring appropriate limits on the maximum capacity of the premises;
 - Employment of SIA licensed door supervisors, stewards and/or traffic marshals, depending on what is appropriate for the premises;
 - Consideration given to appropriate counter terrorism measures, in particular, for larger premises and events, in line with any national guidance. Applicants must also have regard to any counter terrorism advice given by Counter Terrorism Security Advisors or the local police.
- 2.22 The measures that are appropriate to promote public safety will vary between premises. Applicants must consider when making their application which steps are appropriate to promote the public safety objective, and demonstrate how they achieve that.

Prevention of Public Nuisance

- 2.23 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises.
- 2.24 The 2003 Act enables the Licensing Authority and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. In considering the promotion of this licensing objective, the Licensing Authority will focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable.
- 2.25 Public nuisance can range from low level nuisance affecting a small number of people to widespread disturbance affecting the whole community. Public nuisance associated with licensable activities may result from a range of issues including noise, odour, light emission and litter.
- 2.26 The very nature of many licensed premises' day-to-day operations come with the risk of causing nuisance to neighbouring business and residential premises. Premises that provide live and recorded music in particular, will be expected to ensure that their activities are not causing a significant adverse impact on the local area.
- 2.27 To prevent public nuisance the Licensing Authority will seek to ensure that:
- Effective and proportionate controls are in place to prevent public nuisance arising from any licensed activity;
 - Any evidence of public nuisance brought to the attention of the Licensing Authority will be considered. Where necessary the Licence will be amended or revoked to reduce the likelihood of future nuisance;
 - Where it is in the public interest, enforcement action will be considered in accordance with the Council's Enforcement Policy.
- 2.28 Public noise nuisance can be caused by a variety of different noise sources associated with licensable activities. These include:
- Noise from music, singing and speech originating from inside/outside a building
 - Activity within gardens and play areas
 - Rowdy behaviour
 - Use of car parks and access roads
 - Delivery/collection/storage activities
 - Staff activity
 - Cleaning/wash-up activities
 - Plant and machinery

- 2.29 The factors that are most important in determining whether the noise impact is likely to be significant to be a public nuisance include:
- Loudness of the noise
 - Character of the noise
 - Time of the day when the noise is created. Noise created during the late evening or night time is much more likely to be a problem
 - Frequency and duration of the noise
 - Proximity of residential or business premises where occupants may hear the noise
 - Existing noise levels in the area.
- 2.30 Any activity including public entertainment, eating or drinking on or near the premises has the potential to impact adversely on the surrounding area. The impact of noise generated by these activities and customers departing either on foot or in cars, is particularly intrusive at night when ambient noise levels are much lower.
- 2.31 A range of specific control measures are available for reducing noise and preventing public nuisance. The control measures can be grouped into the following broad strategies:
- Engineering controls e.g. noise control for plant and equipment, sound insulation of buildings
 - Location of areas where noise may be generated or escape from a building relative to the location of sensitive neighbouring sites to noise
 - Administrative controls e.g. hours during which amplified music may be played, sound limiting devices, management and supervision
 - Providing information e.g. information to direct clientele to leave quietly.
- 2.32 Modest levels of noise created inside a building can usually be well attenuated by traditional building structures provided that simple measures such as closing doors and windows are taken. High levels of noise such as from amplified music associated with live performances or discos may require buildings to be modified to retain sound.
- 2.33 Noise generated outside is much more difficult to control. If acceptable, administrative controls, to limit the times of activity and the provision of information to encourage dispersal, will be appropriate.
- 2.34 Licensing legislation is not the primary mechanism for the control of nuisance caused by individuals that have vacated licensed premises. This is typically beyond the direct control of the licence or certificate holder. Nonetheless, the Licensing Authority expects reasonable controls to be implemented to mitigate nuisance where possible, for example a written dispersal policy.
- 2.35 In considering applications, the Licensing Authority shall seek to strike a balance between the right of the business owners to carry on licensable activities and the right of residents to peacefully enjoy their homes and local area.

- 2.36 A range of reactive statutory provisions including the Environmental Protection Act 1990 are already available to responsible authorities to deal with certain types of nuisance in some circumstances. The provisions of the Licensing Act, however, provide an opportunity to seek to prevent nuisance from occurring in the first place. This can be achieved by applicants planning and implementing appropriate strategies to prevent nuisance at the outset and including these within their operating schedule.
- 2.37 It is expected that applicants for premises licences and club premises certificates engage with Environmental Protection, EHDC prior to submitting an application, particularly where the proposed activities are more likely to adversely impact this licensing objective.
- 2.38 The operating schedule provides the opportunity for applicants to demonstrate that they understand the risks to public nuisance posed by their intended application and have identified appropriate means for controlling these risks. The Licensing Authority may attach conditions to licences that are consistent with the operating schedule.
- 2.39 The Licensing Authority will expect operating schedules to take account of the nature of the area where the premises are situated, the type of premises concerned, the licensable activities to be provided and the needs of the local community. The Licensing Authority encourages applicants to consider how it is intended that the premises will be “good neighbours” both to residents and to other businesses.
- 2.40 The complexity and detail of this part of the operating schedule will depend upon the significance of any risk of public nuisance being caused. Where there is a high risk of public nuisance the operating schedule may need to be supplemented by a technical acoustic report.
- 2.41 Where appropriate and necessary the Licensing authority will consider attaching conditions to licences and certificates to prevent public nuisance.
- 2.42 Applicants must indicate in the operating schedule the steps they propose regarding the prevention of public nuisance. This information may be re-worded as necessary by the Licensing Authority and applied to any licence or certificate granted as enforceable conditions. Examples of matters which should be considered in relation to the prevention of public nuisance may include:
- Limiting regulated entertainment to indoors only, or to a particular area of the premises which is less likely to adversely affect neighbouring properties;
 - Consideration given to design, location and orientation of speakers;
 - Installation of sound proofing, air conditioning and sound limitation devices;
 - Documented noise management plan, agreed with Environmental Protection;

- Effective queue management procedure;
- Display of signage to encourage customers to leave quietly;
- Management of external garden areas and smoking areas, including staggered closing times;
- Provision of adequate waste bins and cigarette bins;
- Distribution of information to nearby residents, i.e. regular meetings or provision of a hotline telephone number.

This list is not exhaustive, and the Licensing Authority recommends that applicants consider measures that are proportionate and necessary for the specific premises and style of operation.

2.43 A number of specific issues that pose particular risk of public nuisance are identified below:

Garden areas and outdoor smoking areas

2.44 The beer gardens of public houses are an asset to the premises. Similarly, the provision of tables and chairs outside the premises either on the highway or on private land can enhance the attractiveness of the venue. However, late at night the use of these same tables and chairs can contribute to noise problems and they can encourage patrons and passers by to loiter rather than to disperse.

2.45 The use of table and chairs for recreation and/or refreshment on the public highway requires a separate licence issued by the Licensing Authority under the provisions of the Business and Planning Act 2020 or the Highways Act 1980. Where appropriate, time restrictions may be placed on the use of outside chairs and beer gardens to prevent adverse impacts on the safety and amenity of local residents.

Live and recorded music

2.46 Amplified music poses particular risks of nuisance particularly if it is loud or is dominated by low (bass) frequencies. In respect of potential public noise nuisance from public houses, clubs, hotels, restaurants, cafes, community halls and similar premises, account should be taken of any recommendations made by Environmental Protection.

2.47 To establish the risk of public noise nuisance, the operating schedule will need to set out the type and frequency of activities that the licensed premises intends to carry out. The control measures that need to be implemented to prevent public nuisance may include:

- Improvements in the level of sound insulation provided
- Provision of lobbied entrances
- Provision of a mechanical ventilation or air conditioning system
- Management methods for controlling noise volume
- Use of an in-house sound system only
- Use of devices to automatically limit noise volume in the premises

- Design and location of the loudspeakers
- Controls over the times music is played

Plant and equipment

- 2.48 Fixed plant and machinery such as refrigeration equipment, air conditioning plant and cooking extraction systems, if not properly located, designed, constructed and maintained can cause noise disturbance. The noise produced may not be a problem during the early evening but may cause disturbance to local residents later at night. Applicants proposing to operate such plant and machinery should demonstrate in their operating schedules that these noise sources have been properly assessed and significant noise abated.

Odour

- 2.49 Public odour nuisance can be caused by a variety of activities associated with licensed premises. These include:
- Inadequate storage of food waste
 - Cooking activities
 - Cooking extract systems
- 2.50 Particular care is needed in the design of extract systems serving cooking areas. Account should be taken of any Government or industry guidance on the control of odour and noise from commercial kitchen extractor systems.

Light

- 2.51 Public nuisance may arise from artificial illumination used in open areas such as gardens. Lighting should not be permitted to create excessive illumination at neighbouring property and should be shielded and directed to avoid glare. Account should be taken of any Government or industry guidance on the reduction of obtrusive light.

Smoking and litter

- 2.52 It is illegal to smoke in an enclosed or substantially enclosed public or work place. Whilst smoking is not a regulated activity under the Act, the volume of patrons smoking outside premises in gardens and purpose built shelters has increased since the smoke-free legislation provisions came into force. Premises will need to have regard to the additional noise from patrons who have moved outside to smoke and introduce suitable controls to combat this. Whilst premises may not be held wholly responsible for the actions of its customers once they leave a venue, those using gardens or who intend to return inside a premises do remain the responsibility of the site.
- 2.53 Premises should also take particular steps to combat litter, including litter from smoking as this may give rise to complaints. Appropriate waste bins may be provided to ensure that litter is disposed of correctly.

Protection of Children from Harm

- 2.54 The Licensing Authority will maintain close contact with the Police, Trading Standards and other relevant bodies regarding the extent of unlawful sales and consumption of alcohol by minors and be involved in the development of any strategies to control or prevent these unlawful activities.
- 2.55 The Licensing Authority does not seek to limit the access of children to any premises unless it is necessary for the prevention of physical, moral or psychological harm to them. New applicants and current licence or certificate holders are expected to fulfil their responsibility to safeguard children in and around their premises. Including having an awareness of the threat of child sexual exploitation and measures to prevent underage sales of alcohol.
- 2.56 Licensed premises are expected to take a robust approach to preventing underage sales and proxy sales, implementing a proof of age scheme with regular training provided to staff members on how to verify customers' age and when to refuse service.

Offences relating to the protection of children from harm

- 2.57 The following are offences under the Act:
- To allow an unaccompanied child (under 16 years old) to be present on premises which are “exclusively or primarily” used for the supply and consumption of alcohol there (e.g. public houses) or
 - To allow an unaccompanied child to be present on premises used for the supply of alcohol for consumption there between midnight and 0500hrs, (e.g. premises such as restaurants).

Both these offences relate to the times when a premises is open for business.

- 2.58 It is expected that applicants for premises licences and club premises certificates engage with relevant agencies (such as police licensing and the local child protection team) prior to submitting an application, particularly where the proposed activities are more likely to adversely impact this licensing objective.
- 2.59 The Licensing Authority may seek to impose stricter conditions to promote this licensing objective where:
- There have been convictions of members of the current staff at the premises for serving alcohol to minors;
 - The premises has a history of, or recent intelligence relating to serving alcohol to minors;
 - The premises is more likely to attract children seeking to unlawfully drink alcohol;
 - It is known that unaccompanied children have been allowed access;
 - The premises has a known association with drug taking or dealing;
 - There is a strong element of gambling on the premises;

- The supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises;
- Adult entertainment is provided;
- The premises is more likely to be used for child sexual exploitation e.g. premises with overnight accommodation.

2.60 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises.

2.61 Applicants must indicate in the operating schedule the steps they propose to take to protect children from harm. This information may be re-worded as necessary by the Licensing Authority and applied to any licence or certificate granted as enforceable conditions. Examples of appropriate measures may include:

- a robust proof of age scheme e.g. Challenge 25, with clear signage displayed to customers and regular staff training relating to age verification;
- Maintaining a refusals log;
- Limitations on the hours when children may be on the premises, or a requirement for accompanying adults;
- Procedures for notifying relevant agencies of safeguarding or vulnerability concerns, particularly where child sexual exploitation is suspected;
- Personal licence holder on duty at all times that alcohol is being supplied from the premises.

This list is not exhaustive, and the Licensing Authority recommends that applicants consider measures that are proportionate and necessary for the specific premises and style of operation.

2.62 When deciding whether additional conditions should be imposed the Licensing Authority will consider each application on its own merits. In such cases, it may, in exceptional circumstances, be necessary to impose a complete prohibition on the admission or presence of children, although this would happen only rarely. The type of controls the Licensing Authority may impose include:

- Restrictions on the hours when children may be present;
- Restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
- Restrictions on the parts of the premises to which children may have access:
- Age restrictions;
- Requirements for accompanying adults; and
- Full exclusion of people under 18 from the premises when any licensable activities are taking place.

- 2.63 Where there is provision of entertainment specifically for children (e.g. a children's disco) or where the children themselves are performers, the Licensing Authority will normally require the presence of sufficient adults to control the access and egress of the children and ensure their safety.
- 2.64 Conditions requiring the admission of children to any premises cannot be attached to licences or certificates. Where no licensing restriction is appropriate, this should remain a matter for the discretion of the individual licence holder, club or premises user.
- 2.65 Venue operators seeking premises licences and club premises certificates should consider including such prohibitions and restrictions in their operating schedules particularly where their own risk assessments have determined that the presence of children is undesirable or inappropriate.

Children and cinemas

- 2.66 The Licensing Authority expects licence holders to include in their operating schedule arrangements for restricting children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification (BBFC).
- 2.67 Where it is desired to show films not classified by the BBFC, the Licensing Authority will classify the films concerned. The Licensing Authority will use the guidelines published by the BBFC to do this.

Child exploitation

- 2.68 The exploitation of children can take a number of different forms and perpetrators may subject children and young people to multiple forms of abuse at the same time, such as criminal exploitation (including county lines) and sexual exploitation.
- 2.69 Through partnership working with the Police, Child Protection and other agencies the Licensing Authority will work towards raising awareness of the signs of child exploitation in licensed premises.

3 INTEGRATION OF INITIATIVES AND OTHER LEGISLATION

- 3.1 The Council has published its aims and initiatives as part of its Council Strategy 2024-28. This includes commitments to environmental sustainability, economic growth and prosperity and developing thriving communities through working with them to ensure they have greater participation and ownership of community assets.
- 3.2 Through consultation prior to publication, the Licensing Authority has endeavoured to ensure this Policy is integrated with relevant, local initiatives and that the views of key stakeholders who are involved, directly or indirectly in the promotion of the licensing objectives, are taken into account.

- 3.3 The Licensing Authority will work closely with the responsible authorities on issues of enforcement. Conditions attached to premises licences will reflect local crime prevention initiatives. Town/parish councils will be advised on premises licence and club premises certificate applications. They are not 'responsible authorities' under the Act but may make representations as they are defined as an interested party under the Act i.e. they are a body representing persons living in the vicinity of a premises.
- 3.4 The Licensing Authority will seek to avoid duplication with other regulatory regimes as far as possible. However, if other regulations do not cover the unique situations that arise then additional controls may be imposed.
- 3.5 Premises must also comply with all other relevant legislation that imposes specific controls on their activities, for example:
- Gambling Act 2005
 - Food safety legislation
 - Environmental Protection Act 1990
 - Health & Safety at Work etc, Act 1974
 - Management of Health and Safety at Work Regulations 1999 and the Fire Regulations
 - Health Act 2006
 - Equality Act 2010
 - Planning legislation and Building Regulations
 - Counter terrorism measures
- 3.6 The Licensing Authority recognises that as part of implementing any cultural initiative it must encourage and promote live music, dancing and theatre for the wider cultural benefit of the community.
- 3.7 The wider cultural benefits of entertainment will always be balanced with the need to prevent disturbance to local neighbourhoods. Care will be taken to ensure that only necessary and reasonable licensing conditions are imposed which do not discourage the promotion of such entertainment.

Planning

- 3.8 The Licensing Authority recognises that there should be a clear separation of the planning, building control and licensing regimes. Licensing applications will be viewed independently of planning applications.
- 3.9 Any premises licence or club premises certificate granted under the Licensing Act does not override the existing planning permission or condition requirements. Licensing committees are not bound by decisions made by a planning committee, and vice versa.
- 3.10 Communications will be maintained between the Licensing Authority and the Council's Planning services to discuss relevant issues.

- 3.11 Applicants are encouraged to discuss proposals with the Council's Planning services prior to starting a new business venture or making significant changes to an existing business.
- 3.12 Depending on the location of the premises, the Council's Planning service or South Downs National Park are statutory consultees for applications for premises licences and club premises certificates and may submit representations in respect of applications where they consider the proposals will adversely impact the licensing objectives.

Crime, disorder and anti-social behaviour

- 3.13 The Licensing Authority will work closely with the police, Home Office Immigration and other enforcement agencies on issues of crime, disorder and anti-social behaviour where these issues can be attributed to licensed premises.
- 3.14 The Council has a duty under Section 17 of the Crime and Disorder Act 1998 to exercise its various functions with due regard to the likely effect of the exercise of those functions and to do all that it reasonably can to prevent crime and disorder in its area.
- 3.15 The Licensing Authority will work towards maintaining links with and support the Pub watch scheme operating within the district.
- 3.16 The Council has the ability to utilise a Public Spaces Protection Order (PSPO) under the Anti-Social Behaviour Crime and Policing Act 2014 to restrict the drinking of alcohol in a public space if considered necessary and appropriate.
- 3.17 Under the Police Reform and Social Responsibility Act 2011 the Licensing Authority can introduce a late night levy (LNL). This is payable by the holders of a premises licence or club premises certificate in relation to each premises in its area which was authorised to supply alcohol and late night refreshment during a period (the 'late night supply period') beginning at or after midnight and ending at or before 6am.
- 3.18 It is a local power that licensing authorities can choose whether or not to exercise. EHDC has not exercised this power. Section 125 sets out considerations that a licensing authority must take into account when deciding whether to introduce a late night levy in its area.
- 3.19 A Licensing Authority can make an Early Morning Alcohol Restriction Order (EMRO) if it considers it appropriate for the promotion of the licensing objectives and has the appropriate evidence to support this view. This enables Licensing Authorities to restrict sales of alcohol in the whole or a part of their area for any specified period between midnight and 6am for the promotion of the licensing objectives. EHDC has not exercised this power.

4. LICENSING APPLICATIONS

- 4.1 In determining a licence application the overriding principle will be that each application will be determined on its individual merits.
- 4.2 Nothing in the Licensing Policy will:
- Undermine the rights of any person to apply under the Act for any licence, certificate or notice
 - Override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the Act.

Conditions

- 4.3 Applicants are expected to outline how they intend to promote the licensing objectives when making their application, providing details in the operating schedule. The measures detailed in the operating schedule should be an accurate reflection of how the premises intend to operate and mitigate risk. Applicants are encouraged to refer to the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 in drafting their proposals.
- 4.4 The Licensing Authority may apply any information contained in the operating schedule as conditions on a licence or certificate granted, and re-phrase the information where necessary to ensure that the conditions are clear and enforceable.
- 4.5 Where the Licensing Authority does not receive any representations about the terms of the application, it will grant the licence or certificate subject only to conditions that are consistent with the operating schedule. Mandatory conditions prescribed in the Act will also be included.
- 4.6 The Licensing Authority cannot impose conditions unless its discretion has been engaged following the making of representations and it has been satisfied at a hearing of the necessity to do so. Conditions will only then be imposed on licences and certificates where they are necessary for the promotion of one or more of the four licensing objectives. Conditions will also be proportionate and tailored to the individual characteristics of the premises and licensable activities concerned.

Licensing Hours

- 4.7 Flexible licensing hours for the sale of alcohol can help ensure that the concentrations of customers leaving premises simultaneously are avoided. This can help to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport which lead to disorder and disturbance.
- 4.8 The Licensing Authority will generally permit shops, stores and supermarkets to sell alcohol for consumption off the premises at any time they are open for

shopping. However, if the Police have good reasons for recommending the restriction of those hours, then this will be considered.

5. TYPES OF LICENCES, CERTIFICATES AND NOTICES

Personal licences

- 5.1 A personal licence application may be granted to any applicant, who:
- Is ordinarily resident in the Licensing Authority's district
 - Is aged 18 or over and
 - Possesses a licensing qualification accredited by the Department of Culture, Media and Sport (DCMS) or is a person of a prescribed description as determined by the Secretary of State.
- 5.2 A licence will not be granted to any applicant who has had a personal licence forfeited in the five year period ending with the date of the application.
- 5.3 An application for a personal licence must be made using the prescribed application form and accompanied by the following:
- Disclosures of convictions and civil immigration penalties;
 - A copy of acceptable documentation proving the applicant's right to work in the UK;
 - Two photographs of the applicant, one of which is endorsed as a true likeness of the applicant by a solicitor or notary, a person of standing in the community or an individual with a professional qualification;
 - Evidence of an approved licensing qualification;
 - A basic DBS certificate, no more than one month from the date of issue;
 - Payment of the prescribed fee.
- 5.4 Personal licence holders are obliged to notify the Licensing Authority of any change of name or address during the period of licence.
- 5.5 The police may oppose an application if an applicant has a relevant unspent conviction or a conviction for a comparable offence in a foreign jurisdiction and where they believe the grant of a personal licence would undermine the crime prevention licensing objective. If a police objection is received the application will be determined by the Licensing Sub-Committee at a hearing where all representations relevant to the application will be taken into consideration. These may include the nature of any offences, the time since their commission and any mitigating circumstances. The applicant may attend the hearing and may be assisted or represented by any person whether or not that person is legally qualified. There will be no need for a hearing if the applicant, Licensing Authority and Chief Officer of Police agree that it is not necessary.
- 5.6 Should a personal licence holder be convicted of a relevant offence during the period of licence, the relevant Court and the licence holder must notify the

Licensing Authority of the conviction as soon as reasonably practicable. The licence holder will be invited to make representations prior to the matter being considered at a Licensing Sub-Committee hearing. Should the sub-committee decide not to revoke the personal licence, the Licensing Authority must give notice to the Chief Officer of Police, giving them the opportunity to make representations.

Premises licences

- 5.7 A premises licence is required for any premises used for one or more licensable activities as defined in section 1 of the Act. Those who may apply for licences are defined in section 16 of the Act.
- 5.8 The requirements in relation to applications for premises licences are set out in section 17 of the Act. An application for a premises licence must be made on the prescribed form to the Licensing Authority. The application must be accompanied by:
- An operating schedule that demonstrates that the premises licence holder will have regard to the Licensing Authority's licensing policy and promote the licensing objectives
 - A plan of the premises to which the application relates in the prescribed form
 - If the application involves the sale of alcohol, a form of consent from the individual who is to be specified in the licence as the designated premises supervisor (DPS)
 - Evidence of the applicant's right to work in the UK (if applying as an individual)
 - Payment of the prescribed fee.
- 5.9 Fees are based on the non-domestic rateable value of the relevant premises, with additional fees for premises used primarily for certain activities or with higher capacities. Details of fees may be viewed on the EHDC website.
- 5.10 Applicants for premises licences and club premises certificates may speak to the Licensing Authority and/or the relevant responsible authorities for an informal discussion before submitting an application.
- 5.11 Unless making an electronic application, applicants are required to copy details of their applications to the Responsible Authorities, namely:
- The Chief Officer of Police
 - Hampshire Fire and Rescue Service
 - The relevant enforcing authority under the Health & Safety at Work etc Act 1974 – either the Health & Safety Executive or Health and Safety, EHDC
 - Environmental Health, EHDC

- The relevant planning authority – either Planning Service EHDC or South Downs National Park
 - Child protection, Hampshire County Council
 - Director of Public Health, Hampshire County Council
 - Trading Standards, Hampshire County Council
 - Home Office Immigration Enforcement
 - Any licensing authority, other than the relevant licensing authority, in whose area part of the premises are situated
- 5.12 Applicants are also required to advertise their application by displaying a prescribed notice(s) at the premises and by publishing a notice in a local newspaper.
- 5.13 Contact details for Responsible Authorities can be found in Appendix 2.
- 5.14 Further information and links to electronic application forms are available on EHDC's website.
- 5.15 Responsible authorities and other persons may make representations in relation to an application for a premises licence where they consider that the proposals will adversely impact one or more of the licensing objectives. These representations must be made in writing to the Licensing Authority within the prescribed consultation period. Late representations cannot be accepted.
- 5.16 Where no representations are made, or representations are withdrawn prior to the end of the consultation period, the application will be granted as applied for (taking into consideration any amendments or conditions agreed during the consultation period).
- 5.17 Where a valid representation is not withdrawn prior to the end of the consultation period, the Licensing Authority must arrange a Licensing Sub-Committee hearing to determine the application.
- 5.18 Additional processes for varying a premises licence and transferring a premises exist under the Act.
- 5.19 Certain 'community premises' may submit an application to disapply the requirement for a designated premises supervisor (DPS) to be named on the premises licence, instead passing the responsibility of the sale and supply of alcohol to the premises' managing team or governing body.

Provisional statements

- 5.20 Where premises are to be constructed, extended or substantially altered, new applicants or existing licence holders can apply for a Provisional Statement. This is a system of prior approval where a premises licence covering the desired licensable activities would be granted once the building work is completed.

- 5.21 The requirements in relation to applications for provisional statements are set out in section 29 of the Act. An application must be made on the prescribed form to the Licensing Authority. The application must be accompanied by:
- A schedule of works, which shall include:
 - A statement made by or on behalf of the applicant including particulars of the premises and of the licensable activities for which the premises are to be used
 - Plans of the work being or about to be completed at the premises
 - Payment of the prescribed fee.
- 5.22 Where responsible authorities or interested parties make representations a hearing will be held. The Licensing Authority may attach conditions to promote any of the licensing objectives. It is recognised that structural alterations which change the layout and character of an existing licensed premises can have an effect on the licensing objectives. Detailed consideration is therefore required.

Club Premises Certificates

- 5.23 The Licensing Authority acknowledges that premises to which public access is restricted, and where alcohol is supplied, other than for profit, are distinct to commercial enterprises selling direct to the public. The Licensing Authority encourages clubs to take advantage of the benefits offered to those premises holding club premises certificates, such as the absence of a requirement for a personal licence holder or Designated Premises Supervisor.
- 5.24 A 'club' is an organisation where members have joined together for particular social, sporting or political purposes. They may then combine to buy alcohol in bulk as members of the organisation to supply in the club. Technically the club only sells alcohol by retail at such premises to guests. Where members purchase alcohol, there is no sale and the money passing across the bar is merely a mechanism to preserve equity between members where one may consume more than another. This activity requires a club premises certificate, rather than a premises licence.
- 5.25 Only a 'qualifying' club may apply for a club premises certificate. Section 62 of the Act details the general conditions which apply to a qualifying club, namely:
- The club must have at least 25 members
 - The club must be established and conducted in good faith
 - Club persons may not obtain membership or the privileges of membership without an interval of at least two days between their application and their admission
 - Alcohol is not supplied, or intended to be supplied, to members on the premises otherwise than by or on behalf of the club.

- 5.26 When determining whether a club is a 'qualifying club' the Licensing Authority will have regard to relevant sections of the Act and guidance issued under section 182 of the Act.
- 5.27 The requirements in relation to applications for a club premises certificate are set out in section 71 of the Act. An application for a club premises certificate must be made on the prescribed form to the Licensing Authority. The application must be accompanied by:
- An operating schedule that demonstrates that the club will have regard to the Licensing Authority's licensing policy and promote the licensing objectives
 - A plan of the premises including relevant information as prescribed by the Regulations
 - A copy of the club's rules, and
 - Payment of the prescribed fee.
- 5.28 Fees are based on the non-domestic rateable value of the relevant premises, with additional fees for premises with higher capacities. Details of fees may be viewed on the EHDC website.
- 5.29 Unless making an electronic application, applicants are required to copy details of their applications to the Responsible Authorities, namely:
- The Chief Officer of Police
 - Hampshire Fire and Rescue Service
 - The relevant enforcing authority under the Health & Safety at Work etc Act 1974 – either the Health & Safety Executive or Health and Safety, EHDC
 - Environmental Health, EHDC
 - The relevant planning authority – either Planning Service EHDC or South Downs National Park
 - Child protection, Hampshire County Council
 - Director of Public Health, Hampshire County Council
 - Trading Standards, Hampshire County Council
 - Any licensing authority, other than the relevant licensing authority, in whose area part of the premises are situated
- 5.30 Applicants are also required to advertise their application by displaying a prescribed notice(s) at the premises and by publishing a notice in a local newspaper.
- 5.31 Contact details for Responsible Authorities can be found in Appendix 2. Please note that Home Office Immigration Enforcement is not a responsible authority in relation to club premises certificates.
- 5.32 Further information and links to electronic application forms are available on EHDC's website.

- 5.33 Responsible authorities and other persons may make representations in relation to an application for a club premises certificate where they consider that the proposals will adversely impact one or more of the licensing objectives. These representations must be made in writing to the Licensing Authority within the prescribed consultation period. Late representations cannot be accepted.
- 5.34 Where no representations are made, or representations are withdrawn prior to the end of the consultation period, the application will be granted as applied for (taking into consideration any amendments or conditions agreed during the consultation period).
- 5.35 Where a valid representation is not withdrawn prior to the end of the consultation period, the Licensing Authority must arrange a Licensing Sub-Committee hearing to determine the application.
- 5.36 The Licensing Authority will consider applications for premises licences if the club decides that it wishes to offer its facilities commercially for use by the general public. The applicant should consider whether any planning consent must be sought prior to the application for a premises licence being submitted.
- 5.37 When a premises has the benefit of a Club Premises Certificate, an application may be made to allow those running the premises to supply alcohol for consumption off the premises to its members. Such supply will only be allowed during the hours that the premises are open for supply of alcohol to its members on the premises.

Mandatory conditions

- 5.38 The Act specifies mandatory conditions that must be added to any premises licence or club premises certificate granted.

Temporary Event Notices (TENs)

- 5.39 Temporary events involving licensable activities will be permitted if certain criteria are fulfilled. The Licensing Authority encourages persons organising events (“premises users”) to have due regard to any concerns of occupiers of premises sited adjacent to the proposed venue.
- 5.40 When a temporary event is proposed, notice of the event, must be made to the Licensing Authority at least 10 working days before the event is due to start. However, organisers are encouraged to do this well before the statutory period is reached so that any problems can be resolved early.
- 5.41 There is also the ability to give a ‘late’ temporary event notice, which must be submitted not before 9 and not later than 5 working days before the event.
- 5.42 Temporary event notices must be submitted to the Licensing Authority using the prescribed form, providing specific details of the event.

- 5.43 The notice must be accompanied by payment of the prescribed fee. Further information and links to electronic forms are available on EHDC's website.
- 5.44 Unless submitting the notice electronically, premises users are required to copy details of their notice to 'relevant persons' namely:
- The Chief Officer of Police
 - Environmental Health, EHDC
- 5.45 On receipt of a temporary event notice the Licensing Authority will issue an acknowledgement notice or a counter notice. A counter notice relates to circumstances where certain limits permitted under the Act for running temporary events have been exceeded. These limits are detailed in section 107 of the Act.
- 5.46 If Relevant Persons are satisfied that the event will undermine one or more of the four licensing objectives, an objection notice stating the reasons will be served on the premises user and the Licensing Authority within three working days of receipt of the notice.
- 5.47 The Licensing Authority will then hold a hearing to consider the objections for a TEN (but not a late TEN) unless all parties agree that a hearing is unnecessary. If the Licensing Authority agrees with the Relevant Persons objection, it will then serve a counter notice on the premises user. This counter notice prevents the event from taking place.
- 5.48 If Relevant Persons give an objection to a late TEN, the notice will not be valid and the event will not go ahead as there is no scope for a hearing or the application of any existing licence conditions.

6. CUMULATIVE EFFECT AND SPECIAL SATURATION POLICIES

- 6.1 The Licensing Authority will not take 'market need' into account for a particular type of premises in its district when considering a licence application. This is a matter for planning and development management and the open market.
- 6.2 The Licensing Authority recognises that the cumulative impact of the number, type and density of licensed premises in a given area, may lead to serious problems of nuisance and disorder.
- 6.3 Representations may be received from a responsible authority or any Other Person that an area has become saturated with premises making it a focal point for large groups of people. This concentration of premises may be creating exceptional problems of crime and disorder and public nuisance over and above the impact from the individual premises.
- 6.4 In these circumstances, the Licensing Authority may decide that the application of specific conditions is unlikely to address these problems. It may instead consider refusing new premises licences or club premises certificates

if it believes that granting of any more would undermine the licensing objectives.

- 6.5 To do this the Licensing Authority will first adopt a “special saturation policy”. For this the Licensing Authority will follow these steps:
- Identification of concern about crime and disorder; public safety; public nuisance or protection of children from harm in a particular location.
 - Consideration of whether crime and disorder or nuisance are occurring, or whether there are activities which pose a threat to public safety or the protection of children from harm and that these are caused by the customers of licensed premises.
 - Identifying the area from which problems are arising and the boundaries of that area. Alternatively, the risk factors may be such that the area is reaching a point when a cumulative effect is imminent. Evidence of anti-social behaviour from the Police and of noise nuisance from Environmental Health, will be taken into account in determining this.
 - Consultation with those specified in section 5(3) of the Act.
 - Subject to that consultation, inclusion of a “special saturation policy” about future premises licence or club premises certificate applications from that area within the terms of this Policy.
 - Publication of the special saturation policy as part of this statement of Licensing Policy.
- 6.6 Where a special saturation policy is adopted by the Council, any new application for a premises licence or club premises certificate in the levant area would normally be refused. Applicants would need to demonstrate in their operating schedules why the operation of the premises would not add to the cumulative impact already being experienced. Where representations are received, the onus will also be on the objector to provide evidence that the addition of the premises in question would produce the cumulative impact claimed. The impact will be different for premises with different styles and characteristics.
- 6.7 The Licensing Authority may approve licences that are unlikely to add significantly to the cumulative impact, e.g. restaurants, theatres etc. Departures from the special saturation policy and the Licensing Authority will always consider the circumstances of each individual application on its own merits.
- 6.8 The adoption of a special saturation policy does not relieve Responsible Authorities or any Other Person of the right to make relevant representations in respect of application for premises licences and club premises certificates.
- 6.9 Once adopted, special saturation policies will be reviewed regularly to assess whether they are still relevant/required or need expanding.

- 6.10 A special saturation policy will not be used as grounds for revoking an existing premises licence or certificate when representations are received about problems with those premises. The special saturation policy will also not impose any trading hours, terminal hours or quotas (number or capacity of premises) as this would remove regard to the individual characteristics of the premises concerned.
- 6.11 Other mechanisms exist to control the anti-social behaviour of a minority of consumers who behave badly and unlawfully after leaving licensed premises etc. These include:
- Positive measures to create a safe and clean town centre environment in partnership with local businesses and residents, transport operators and other departments of the local authority
 - Power of local authorities to designate parts of the district as alcohol-free areas
 - The confiscation of alcohol from adults and children in designated areas
 - Police enforcement of legislation concerning disorder and anti-social behaviour including the issuing of fixed penalty notices and community protection notices
 - The prosecution of any personal licence holder or member of staff at premises that are selling alcohol to people who are either drunk or under-age
 - Police powers to close down any licensed premises or temporary event immediately for up to 24 hours on grounds of disorder or excessive noise emanating from the premises
 - The power of the Police and other responsible authorities or any other person to seek a review of the premises licence or certificate in question.

7. REPRESENTATIONS, REVIEWS AND APPEALS

- 7.1 At any stage following the grant of a premises licence or club premises certificate, a responsible authority or any other person may ask the Licensing Authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 7.2 An application for review may be made electronically. The applicant must give notice of the review application to the responsible authorities and holder of the licence or certificate.
- 7.3 The Licensing Authority must display a notice of the review at the premises for a period of 28 days, during which time responsible authorities and other persons may make representations in relation to the review. Representations must relate to one or more of the licensing objectives and must be made in

writing to the Licensing Authority within the prescribed consultation period. Late representations cannot be accepted.

- 7.4 Before arrangements for a review are initiated, the Licensing Authority will make every effort to consult with the applicant and licence holder in an attempt to resolve any issues informally.
- 7.5 In determining a review application, the Licensing Authority will give the appropriate weight to:
- The steps that are necessary to promote the licensing objectives;
 - The representations (including supporting information) presented by all the parties;
 - The Act
 - The Home Office revised guidance issued under section 182 of the Licensing Act 2003
 - Its own Licensing Policy
- 7.6 Following a review hearing the Licensing Authority may:
- Modify the conditions of the licence/certificate
 - Exclude a licensable or qualifying club activity from the scope of the licence/certificate
 - Remove the designated premises supervisor (premises licence only)
 - Suspend the licence/certificate for a period not exceeding three months or
 - Revoke the licence/withdraw the certificate.
- 7.7 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are detailed in section 182 guidance of the Act.
- 7.8 Where reviews arise and the Licensing Authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – will be seriously considered.
- 7.9 The Act contains provision for appeals by aggrieved parties against decisions made by the Licensing Authority. Appeals must be made to the Magistrates' Court for the area in which the premises is situated. For personal licences the appeal must be made to the Magistrates' Court for the area in which the local authority's decision was made.
- 7.10 The rights of appeal and reasons for the decision(s) taken by the Licensing Authority will be provided to all parties concerned with any licensing decision. The decision will have regard to the Licensing Authority's licensing policy, statutory guidance, regulations and the Act itself.

Summary Reviews

- 7.11 Summary reviews can be undertaken when the police consider that the premises concerned are associated with serious crime, serious disorder or both. The powers apply only where a premises licence authorises the sale of alcohol.
- 7.12 An application for a summary review must be made by or on behalf of the Chief Officer of Police, using the prescribed form. The completed application must be accompanied by a certificate issued by a senior officer of the rank of superintendent or above.
- 7.13 Within 48 hours (not including non-working days) of receipt of the summary review application, the Licensing Authority must give the premises licence holder and responsible authorities a notice of the review.
- 7.14 A Licensing Sub-Committee will also consider whether it is necessary to take interim steps, such as placing temporary conditions on the premises licence. A formal hearing is not required for this, although it will be arranged where possible. Interim steps include:
- Modification of the conditions of the premises licence
 - The exclusion of the sale of alcohol by retail from the scope of the licence
 - The removal of the designated premises supervisor from the licence, and
 - The suspension of the licence.
- 7.15 If the Licensing Authority decides to take steps at the initial interim stage the decision takes effect immediately. The Licensing Authority must give immediate notice of its decision, and its reasons, to the licence holder and Chief Officer of Police.
- 7.16 The focus for interim steps should be on the immediate measures that are necessary to prevent serious crime or serious disorder occurring.
- 7.17 The premises licence holder may make representations against the interim steps taken by the Licensing Authority.
- 7.18 At the hearing to consider representations against interim steps the Licensing Authority must:
- Consider whether the interim steps are appropriate for the promotion of the licensing objectives; and
 - Determine whether to withdraw or modify the steps taken.
- 7.19 The Licensing Authority must hold a full review of the premises licence and determine the review within 28 days after the day of receipt of the chief officer's application.
- 7.20 At the review hearing, the Licensing Authority must consider what steps are appropriate for the promotion of the licensing objectives taking into account

the application and any change in circumstances since any interim steps were imposed, consider any relevant representations, and review the interim steps already taken.

7.21 In making its final determination the steps the Licensing Authority can take are:

- The modification of the conditions of the premises licence
- The exclusion of a licensable activity from the scope of the licence
- The removal of the designated premises supervisor from the licence
- The suspension of the licence for a period not exceeding 3 months, and
- The revocation of the licence.

8. ENFORCEMENT

8.1 The Licensing Authority will always seek to educate and explain before considering enforcement options.

8.2 Any enforcement action instigated by the Licensing Authority will be in accordance with the Council's Enforcement Policy.

8.3 When the Licensing Authority is notified by a Magistrates' Court or the Police regarding the issue of a premises closure order, it will review the premises licence within the timescales set out in legislation.

9. OFFENCES

9.1 The Act sets out a number of offences and proceedings which may be instigated by the following:

- The Licensing Authority
- The Police
- The Crown Prosecution Service
- In the case of an offence under section 146 or 147 (sale of alcohol to children), by Hampshire County Council Trading Standards.

10. EQUAL OPPORTUNITIES

10.1 The Equality Act 2010 places a legal obligation on public authorities to have due regard to:

- Eliminate unlawful discrimination, harassment and victimisation;
- To advance equality of opportunity and foster good relations, between persons with different protected characteristics.
- The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

10.2 The Council has a comprehensive equality policy which reflects the public sector equality duty. The duty requires the Council to publish information regarding local equality issues and set equality objectives. The Equality objectives 2021-25 set out the Council's commitment to its customers both internally and externally, regarding equal opportunity and diversity. Details are provided on the Council's website.

11. DATA PROTECTION

- 11.1 The Licensing Authority may use the information submitted on any application form for any licence(s) or permission(s) provided for under the Act for the purpose of its statutory function(s) under the Act.
- 11.2 All applicants have the right to ask for a copy of the information that the Licensing Authority holds about them under the Act.
- 11.3 By making an application to the Licensing Authority for any licence or permission under the Act all applicants consent to our processing sensitive personal data about them where this is necessary.
- 11.4 The Licensing Authority will maintain registers of all matters detailed in Schedule 3 of the Act and any other information prescribed by regulations. Any person is permitted to obtain a copy of this information from the Licensing Authority. Public registers are available via the Council's website.

The Licensing Authority welcomes comments and observations on this Policy. These should be addressed to:

Licensing Team
East Hampshire District Council
PO Box 310
Petersfield
Hampshire
GU32 9HN
Tel: 01730 234094
Email: licensing@easthants.gov.uk

APPENDIX 1

SCHEDULE OF DELEGATIONS

Matter to be dealt with	LC or Sub-Committee	Authorised Officer
Application for personal licence	If a police objection	If no objection made
Application for personal licence with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a representation made	If no representation made
Application for provisional statement	If a representation made	If no representation made
Application to vary premises licence/club premises certificate	If a representation made	If no representation made
Application to vary Designated Premises Supervisor	If a Police objection	All other cases
Request to be removed as Designated Premises Supervisor		All cases
Application for transfer of premises licence	If a Police objection	All other cases
Applications for interim authorities	If a Police objection	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a complaint/representation is irrelevant, frivolous or vexatious etc		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of a Police objection to a temporary event notice	All cases	
In cases where the Magistrates' Court has determined the licence on appeal		All cases
Application for a minor variation to a premises/club premises certificate		All cases

Application by holder of a community premises licence to disapply the requirement for a DPS		All cases
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APPENDIX 2

RESPONSIBLE AUTHORITIES

Police Licensing

Bishops Waltham Police Station
Hoe Road
Bishops Waltham
SO32 1DS
Tel: 02380 479578
licensing@hampshire.pnn.police.uk

Hampshire Fire and Rescue Service

Business Fire Safety
Leigh Road
Eastleigh
Hampshire
SO50 9SJ
Tel: 023 80644000
csprotection.admin@hantsfire.gov.uk

Home Office Immigration Enforcement

Alcohol Licensing Team
Lunar House
40 Wellesley Road
Croydon
CR9 2BY
Alcohol@homeoffice.gov.uk

Child Protection

Hampshire County Council
The Safeguarding Unit
Falcon House
Monarch Way
Winchester
Hampshire SO22 5PL
child.protection@hants.gov.uk

Trading Standards Service

Hampshire County Council
Montgomery House
Monarch Way
Winchester
Hampshire SO22 5PW
Tel: 01962 833620
tsadvice@hants.gov.uk

Public Health Manager (Licensing)

Public Health Department
Hampshire County Council
1st Floor, Room 153
Elizabeth II Court, South
Winchester
SO23 8TG
Tel: 023 8038 3319
publichealth.licensing@hants.gov.uk

Environmental Health - Health & Safety

East Hampshire District Council
PO Box 310
Petersfield
Hampshire
GU32 9HN
health@easthants.gov.uk

Health and Safety Executive

Priestley House
Priestley Road
Basingstoke
Hampshire
RG24 9NW
Tel: 01256 404000
ese.licensing@hse.gov.uk

Head of Service - Planning Development Service

East Hampshire District Council
PO Box 310
Petersfield
Hampshire
GU32 9HN
planningdev@easthants.gov.uk

South Downs National Park

South Downs Centre
North Street
Midhurst
West Sussex
GU29 9DH
nat.belderson@southdowns.gov.uk

Environmental Health - Environmental Protection

East Hampshire District Council

PO Box 310

Petersfield

Hampshire

GU32 9HN

ehhealth@easthants.gov.uk

Licensing

East Hampshire District Council

PO Box 310

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Hampshire

GU32 9HN

Tel: 01730 234379/389

Licensing@easthants.gov.uk

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