

**SWANAGE TOWN COUNCIL**

Dr Martin Ayres  
Town Clerk

Town Hall  
SWANAGE  
Dorset  
BH19 2NZ

24<sup>th</sup> December 2025

Dear Councillor

**Planning and Consultation Committee**

A meeting of the above Committee will be held at the **TOWN HALL, HIGH STREET, SWANAGE** on **MONDAY 5<sup>th</sup> JANUARY 2026** at **7.00 p.m.** for the purpose of transacting the business mentioned in the Agenda.

Yours sincerely

*Dr M K Ayres*

Town Clerk.

---

**PLEASE NOTE:**      **15 MINUTES OF PUBLIC PARTICIPATION TIME WILL BE HELD AT 7.00 P.M. PRIOR TO THE COMMENCEMENT OF THE MEETING.**

---

To the Town Mayor and Deputy Mayor,  
Councillor Foster and Councillors  
Burridge, Lejeune, Sutton, and Vile.  
Copies to all Councillors and Chief Officers.

**A G E N D A**

1. Apologies
2. Declarations of Interest and consideration of requests for Grants of Dispensations  
(Councillors are reminded of their obligations to declare their interests in accordance with Section 9 and Appendix B of the Council's Code of Conduct)

**Planning**

3. Plans for consideration (Schedule enclosed)
4. Applications for tree works - opportunity to raise any matters of concern

**Consultation**

5. To note receipt of the following consultation document, and to determine the Council's preferred method of response, if any:
  - a) Dorset Council – Draft Licensing Policy 2025-2031  
(Closing date for responses 11<sup>th</sup> January 2026)

For further information and to complete the online survey please visit:

- [Dorset Council - Licensing Policy Consultation - Dorset Council - Citizen Space](#)
- [Dorset Council - Licensing Policy Consultation - Licensing Policy Consultation - Dorset Council - Citizen Space](#)

6. Items of Information and Matters for Forthcoming Agendas

7. Date of next meeting – Monday 2<sup>nd</sup> February 2026

---

## SWANAGE TOWN COUNCIL

### PLANS FOR CONSIDERATION ON MONDAY 5<sup>th</sup> JANUARY 2026

<u>Delegated Applications</u>		
1.	<a href="#">P/FUL/2025/06855</a>	<b>Rear Flat, 15-17 Institute Road, Swanage, BH19 1BT</b> Repairs to roof, chimney, parapets, and gutters, and replacement balustrade, fence, and gate.
* 2.	<a href="#">P/FUL/2025/07019</a>	<b>Cranborne, 3 Ilminster Road, Swanage, BH19 1DZ</b> Remove the existing brickwork chimney and reroof over the existing opening in small plain clay tiles to match and line existing.
* 3.	<a href="#">P/FUL/2025/07088</a>	<b>Rooftop, Mowlem Court, 10 Rempstone Road, Swanage, BH19 1DR</b> Proposed installation of a telecommunications base station comprising a 6.5m flagpole, supporting 3no. antennas within a shroud, 4no. dishes, and 4no. cabinets, together with ancillary development thereto.
4.	<a href="#">P/HOU/2025/07100</a>	<b>21 Prospect Crescent, Swanage, BH19 1BD</b> Erect gable roof extension to form two additional bedrooms. Addition of cladding to the ground floor front gable wall and return elevations.
* 5.	<a href="#">P/HOU/2025/07201</a>	<b>11 Greensands Way, Swanage, BH19 1FD</b> Erect a single storey rear extension.
* 6.	<a href="#">P/HOU/2025/07442</a>	<b>5 Beach Gardens, Swanage, BH19 1PG</b> Retain shed in rear garden.
<u>For information only</u>		
* 7.	<a href="#">P/NMA/2025/07451</a>	<b>Non-Material Amendment</b> <b>Former Purbeck View School, Northbrook Road, Swanage, BH19 1PR</b> Non-material amendment for condition 4 of approved planning application No. 6/2009/0708 (Demolish existing classroom and erect new 6 bedroomed residential unit.) to be varied to state: 'The building hereby approved shall only be used for purposes incidental and ancillary to the lawful use of land and premises of the former Purbeck View School'.
* 8.	<a href="#">P/PAEL/2025/07103</a>	<b>Verge opposite Harrow House, Harrow Drive, Swanage, BH19 1PE</b> The installation of 1no. 20m monopole supporting 9no. antennas, and 2no. 300mm dishes, the installation of 1no. wraparound cabinet and 5no. equipment cabinets, and ancillary works thereto. This application is not a planning application but a request for Dorset Council to determine whether or not Prior Approval is required for the proposal.

<b><u>Applications for Tree Works</u></b>	
<a href="#"><u>P/TRC/2025/07411</u></a>	<b>Swanage Conservation Area</b> <b>1 Springhill, Swanage, BH19 1EY</b> T1 Silver Birch - Reduce to a height of 5 to 6 metres (current height approximately 10 metres).
<a href="#"><u>P/TRT/2025/07168</u></a>	<b>Swanage Conservation Area</b> <b>57 Queens Road, Swanage, BH19 2EW</b> T1 Beech - Reduce laterals growing east and west by 1-2 metres. Thin by 5%. T2 Conifer - Reduce height by 3-4 metres, and trim sides leaving a green covering.

**Please note:**

\* The Town Council is Corporate Trustee of the De Moulham Trust, which holds the benefit of covenants in the properties that are the subject of applications marked \*.

# The Town Council is the owner of land included within, or directly affected by, applications marked #.



## **Statement of Licensing Policy 2026 - 2031**

**Licensing Act 2003**

**February 2026**

**Further copies of this document can be obtained from:**

Licensing Team  
Dorset Council  
County Hall  
Colliton Park  
Dorchester  
DT1 1XJ

Tel: 01305 221000

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

Web: [Statement of Licensing Policy 2026 to 2031 - Dorset Council](#)

## CONTENTS

	Page
Executive Summary	6
Section 1 The purpose and scope of the licensing policy	7
Purpose of the policy	7
Scope of the policy	8
Section 2 Dorset Council area	9
Cultural activities in Dorset	10
Section 3 Integrating other guidance, policies, objectives and strategies	11
Vision for Dorset	11
Health & Wellbeing Strategy	12
Economic Growth Strategy	12
Strategy for children & young people	12
Section 4 Promotion of the licensing objectives	13
Crime & Disorder	14
Public Safety	14
Public Nuisance	15
Protection of children from harm	16
Section 5 General principles	17
Human Rights	17
Protection of Privacy and Data	17
Equality Act 2010	18
Impact of licensed activity	19
Special events in the open air or in temporary structures	19
Community applicants	20
Other regulatory regimes	20
Application process	20

	Licensing committee	21
	Representations	21
	Reasons for decisions	22
	The role of Ward Councillors	22
Section 6	Premises Licences and Club Premises Certificates	22
	Planning	23
	Licensing hours	23
	Local, National and international occasions	24
	Drinking up time	24
	Operating schedules	24
	Risk assessments	25
	Children’s Safeguarding	26
	Local Concerns	26
	Dispersal	27
	Excessive consumption of alcohol	27
	Conditions	28
	Designated premises supervisor	28
	Staff training	29
	Club Premises Certificate	29
	Community halls	29
	Minor variations	29
	Alcohol deliveries	30
	Live Music Act and other licensing deregulation	30
	Suspension of Licences for non-payment of annual fees	31
Section 7	Cumulative Impact	32
	Cumulative Impact Assessments	33
	Cumulative Impact Areas	33



	Applications within a cumulative impact area	34
	Representations based on cumulative impact outside cumulative impact areas	35
Section 8	Early Morning Alcohol Restriction Orders	35
	EMRO Request	36
	Evidence	36
	Consultation	37
	Formal Decision	37
Section 9	Late Night Levy	38
Section 10	Power to deregulate late night refreshment premises	38
Section 11	Personal Licences	39
	Suspension & revocation	40
Section 12	Temporary Event Notices	41
	Police and Environmental Health Intervention	42
	Additional limitations	43
Section 13	Enforcement and reviews	43
	Prosecution of breaches	43
	Review of licences	43
	Matters to be considered	44
	Summary reviews	44
	Immigration Act 2016	45
	Public Space Protection Order	45
Section 14	Table of Delegations	47
Appendix A	Weymouth Town Centre Cumulative Impact Area	48
Appendix B	Pool of Sample Conditions	49

## Executive Summary

The Licensing Act 2003 came into effect in 2005.

Under Section 5 of the Licensing Act 2003 the Licensing Authority is required to prepare a statement of principles that they propose to apply in exercising their functions under this Act. This process is to be repeated every five years.

Any decision taken by the Council in regard to determination of licences, certificates and notifications should aim to promote the licensing objectives which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

The policy covers the licensable activities as specified in the Act which are:

- Sale by retail of alcohol
- Supply of alcohol on behalf of a club
- Regulated entertainment
- Late night refreshment

The policy also has regard to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003. Additionally, the council has regard for a number of other local strategies such as Dorset Council's Plan, Economic Growth Strategy and Community Safety Plan.

The council has the ability to grant licences for premises and certificates for club premises. It also grants personal licences and accepts temporary event notices.

Applicants for premises licences should be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. In addition to this policy the council has included guidance specific to certain parts of the Dorset Council area to assist applicants in preparing their applications and operating schedules.

Where relevant, the council consults with the responsible authorities as described in the Act.

Local people and Members of the council are able to have their say and their opinion heard through public consultation on this policy and by making representations about applications for premises licences or requesting reviews of licences where problems arise.

The policy includes information on the area(s) that the council considers to be suffering from the cumulative impact of licensed premises.

Enforcement of the legislation is a requirement of the Act that is undertaken by the council. This policy describes the council's enforcement principles and the principles underpinning the right of review.

## Section 1     The purpose and scope of the licensing policy

### Purpose of the policy

- 1.1 This policy is prepared under Section 5 of the Licensing Act 2003 and was approved by Dorset Council as Licensing Authority on [insert date] to come into effect on [insert date]. It will be kept under periodic review and as a minimum will be reviewed after a maximum of 3 years for any Cumulative Impact Areas and after a maximum of 5 years otherwise, unless statute changes. Unless otherwise stated any references to the council are to the Dorset Licensing Authority.
- 1.2 In preparing this policy the council has consulted with and considered the views of a wide range of people and organisations including:
- Representatives of local business
  - Local residents and their representatives
  - Local Councillors
  - Parish and town councils
  - Local members of parliament
  - Representatives of existing licence holders including
    - The British Beer and Pub Association
    - UK Hospitality
    - The British Institute of Innkeeping
    - CAMRA
    - Licensing solicitors
  - The responsible authorities namely:
    - Dorset Police
    - Dorset Fire and Rescue Service
    - Dorset Council – Public Health & Prevention
    - Dorset Council – Environmental Health
    - Dorset Council – Planning Authority
    - Dorset Council – Children’s Services, Social Care and Health
    - Dorset Council - Trading Standards
    - Secretary of State (Home Office Immigration Enforcement)
  - Charitable organisations that deal with the social impact of alcohol misuse
  - Other charitable organisations
  - Adjoining Councils
- 1.3 This policy also has regard to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.
- 1.4 The council will carry out its functions under the Licensing Act 2003 with a view to promoting the licensing objectives namely:
- The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance
  - The protection of children from harm

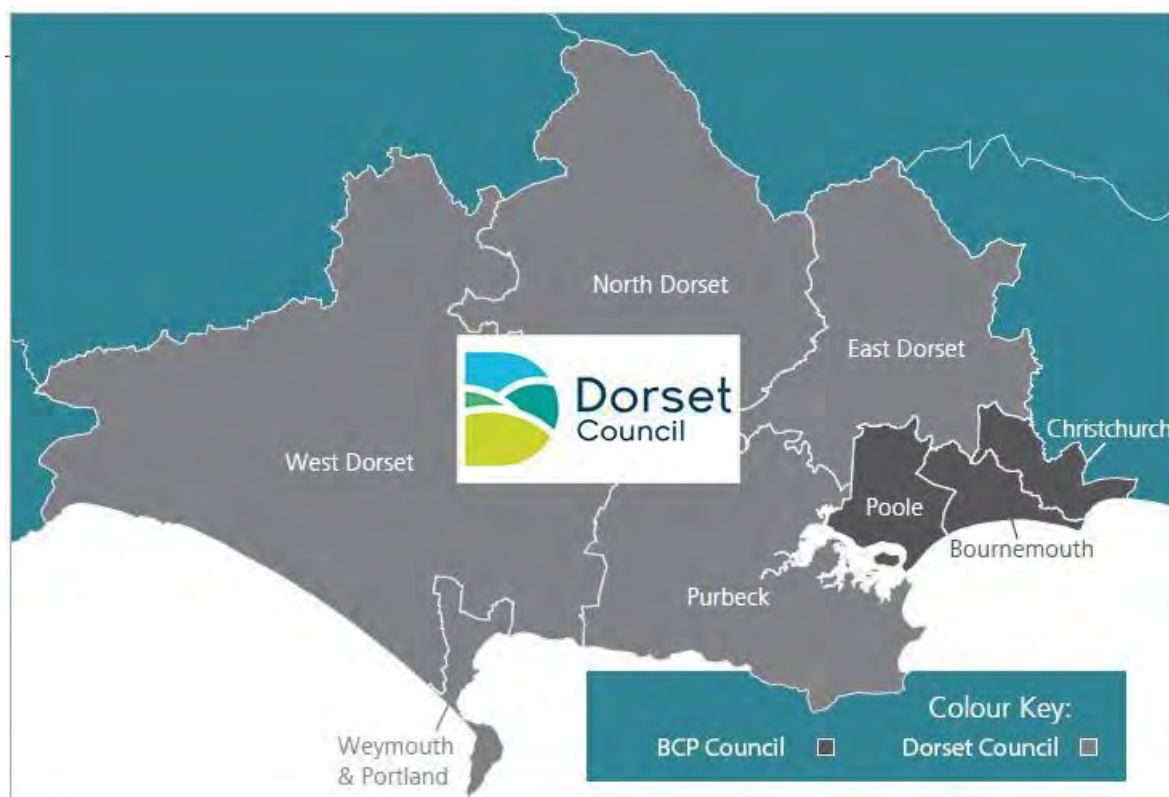
The council adopts the overall approach of encouraging the responsible promotion of licensed activities. However, in the interests of all its residents, it will not tolerate irresponsible licensed activity. Following relevant representations the council will refuse applications, restrict hours and activities or impose conditions where it is appropriate to do so to promote the licensing objectives

and/or use effective enforcement to address premises, in partnership with key agencies such as Dorset Police, Dorset Fire and Rescue Service , Health and Safety Executive, Crime and Disorder Reduction Partnerships, Director of Public Health, and Dorset Council's Trading Standards and Environmental Health services.

- 1.5 This policy is concerned with the regulation of licensable activities on licensed premises, by qualifying clubs and at temporary events. The conditions that the council attaches to the various licences will focus on matters that are relevant to the four licensing objectives and will centre upon the premises that are being used for licensable activities.
- 1.6 The council will monitor the effect of this policy throughout the period it covers through licensing liaison meetings with representatives of licence holders such as PubWatch meetings and also by way of regular meetings with the responsible authorities.

### **Scope of the policy**

- 1.7 This policy covers licensable activities within the Dorset Council district as defined by the Licensing Act 2003. These are:
  - The sale of alcohol
  - The supply of alcohol by or on behalf of a club, or to the order of a member of the club
  - The provision of regulated entertainment
  - The provision of late-night refreshment
- 1.8 Advice on whether a licence is required for premises or an event can be obtained from the Licensing Team.
- 1.9 Throughout this policy the wording will refer to 'applicants' for licences. However, it should be noted that the principles set out within this policy apply equally to new applications, applications for variations and consideration of any request to review a licence.
- 1.10 The scheme of the Licensing Act is that applicants should make applications and assess what matters, if any, need to be included within the operating schedule to address the licensing objectives. If an application is lawfully made and no relevant representations are received then the council must grant the application. Only if relevant representations are made will the council's discretion be engaged.
- 1.11 Applicants for premises licences should be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take in order to promote the licensing objectives. This policy seeks to provide advice to applicants about the approach they should take to making applications and the view the council is likely to take on certain key issues where representations have been made.



- 2.1 Dorset Council was formed on 1<sup>st</sup> April 2019 following a restructure of the previous local government arrangements. The Council is one of two unitary authorities formed from the predecessor district, borough and county councils and consists of the former authorities of West Dorset, Weymouth & Portland, Purbeck, East Dorset and North Dorset as well as the former Dorset County Council. The plan above shows the geographic boundary of the new Dorset Council area, along with the locations of the former district and borough councils.
- 2.2 Dorset (Council area) has a population of 384,500 residents, 30.4%% of whom are aged 65 and older (compared to 18.8% in England and Wales).
- 2.3 Dorset is an attractive place for people to settle in their retirement – it has a large population of older people, and relatively low birth rates. Currently there are over 7,000 people in Dorset living with dementia, and the number is increasing. Younger people often move away from the area. The population continues to grow slowly, driven by people moving into the county and longer life expectancy. The greatest part of population growth is among over 65s. Dorset’s working age population is expected to see a marginal decline over the next 25 years.
- 2.4 The Dorset rural idyll can conceal hidden deprivation: there are pockets of deprivation, mostly in urban areas (mainly Weymouth and Portland). But there is also some rural deprivation due to isolation and difficulty accessing housing, transport and essential services. Crime is generally low in Dorset.
- 2.5 The population is predominantly white British, with 6.1% of our residents ethnic minority.

- 2.6 Dorset's natural environment is a great asset. 95 miles of coast in Dorset and Devon are classified as a UNESCO Natural World Heritage Site – the only one in England. Over half of Dorset is covered by the National Landscape designation; 7% of Dorset is protected as a Site of Special Scientific Interest; and Dorset has one of the largest areas of protected lowland heath in Europe. These designations together mark Dorset as a special place but also present challenges in terms of available land for delivering housing and employment development.
- 2.7 Dorset also has a rich historic environment, with one in twenty of all the protected ancient monuments in England, a well preserved pre-historic landscape and around 10,000 listed buildings.
- 2.8 Employment in Dorset is high but, like the UK, our economy has a productivity gap. Manufacturing, health, retail, education and hospitality are all big employers in Dorset. 21,000 businesses are based in Dorset: 86% are micro firms and fewer than 1% are large firms. Dorset's economy is worth around £8.45 billion and provides 149,000 jobs. Dorset has an above average number of advanced engineering and manufacturing businesses. But there is also a continuing seasonal, low skill, low wage economy with tourism and agriculture significant industries. The area is rich in valuable minerals, including stone, sand/gravel and oil.
- 2.9 Earnings are below average and house prices are high with affordability issues for many young people and keyworkers. In 2023, lower end house prices were more than ten times higher than lower end earnings in Dorset.
- 2.10 Dorset has no motorway but over 2,500 miles of roads. 95.1% of premises in the Dorset Council area have access to superfast broadband. 3.1% of premises in the Dorset Council area have access to full-fibre broadband.
- 2.11 Each part of the Dorset Council area has its own character and challenges. The council has provided general advice in this policy to assist applicants in preparing applications. Applicants are also expected to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. To assist them the council has provided links to data sources where information specific to localities in Dorset in which there is concern relating to impact of licensed premises on the four licensing objectives can be found. Applicants may also consult with the Licensing Team to ensure they have as much information as possible before making their application.

### **Cultural Activities in Dorset**

- 2.12 Dorset has strong artistic and sporting traditions and has some of the best attended outdoor events in the country. the Dorset Council area also boasts a wealth of community based sports heritage and recreational facilities. There is a vibrant voluntary sector including hundreds of groups and societies.
- 2.13 Dorset Council is a major provider of facilities for public recreation. The Council has a tradition of promoting a wide range of cultural activity for the benefit of residents and visitors alike.
- 2.14 Commercially promoted events take place in a variety of locations throughout the Dorset Council area.
- 2.15 Within local communities, groups and associations use church and village halls and community centres for social and fund raising activities. Within the Dorset Council area there are a large number of church halls, village halls and schools licensed for regulated entertainment and/or the sale or supply of alcohol.
- 2.16 Dorset has a long established reputation for the encouragement of community and diverse cultural

events and public entertainment as an essential aid to community involvement and an increasing sense of common identity.

- 2.17 Weymouth has a particularly vibrant night time economy area and the council is keen to support businesses who operate responsibly. The council is proud to support the Purple Flag achievements of Weymouth and keen to acknowledge the benefits that a well run night time economy can bring to an area in terms of economic, cultural and community benefits.

## Section 3 Integrating other guidance, policies, objectives and strategies

- 3.1 In preparing this licensing policy the council has had regard to, and sought to integrate the licensing policy with, the following strategies:
- Dorset Council's Plan
  - Dorset Council Community Safety Plan
  - Dorset Council's Local Plan and Development Framework
  - Dorset Council's Economic Growth Strategy
  - Dorset Council's Enforcement Policy
  - Dorset Council's Strategy for children and young people
- 3.2 The council (through its Licensing Committee) may, from time to time, receive reports on other policies, strategies and initiatives that may impact on licensing activity within the remit of the committee. Subject to the general principles set out in this policy and the overriding need to promote the four licensing objectives it may have regard to them when making licensing decisions.
- 3.3 The Committee may, after receiving such reports, make recommendations to the council or other bodies about the impact of the licensing policy on such policies, strategies and initiatives. Equally the Committee may make recommendations relating to the impact of such policies, strategies and initiatives on the licensing policy. This may include recommendations to amend the licensing policy itself.

### Vision for Dorset

- 3.4 Dorset Council's vision for Dorset sets out 6 overarching priorities:
- Economic Growth
  - Unique Environment
  - Suitable Housing
  - Strong, Healthy Communities
  - Staying Safe and Well
  - Action on the Climate and Ecological Emergency
- 3.5 Dorset, like other national and international geographic areas, is faced with a number of key challenges. The district's ageing population is set to rise 31% over the next 10 years, its economy is still recovering from the effects of global recession and the consequences of a changing climate have become all too apparent. 12,900 Households are without work and by 2029 150,000 people will retire and 20,000 jobs will be created, leaving 173,000 jobs to be filled.
- 3.6 In addressing these challenges, Dorset must continue to be forward-looking and have a clear plan for the future, and this is why the Council's Plan is important.

- 3.7 This licensing policy seeks to promote the licensing objectives within the overall context of the priorities and aims set out in the Council's Plan 2020-24.

### **Dorset Council's Health and Wellbeing Strategy**

- 3.8 Dorset Council's Health and Wellbeing Strategy focuses on three key priorities:
- Reducing inequalities
  - Promoting healthy lifestyles and preventing ill health
  - Working better together to deliver prevention and early intervention at scale, high quality care and better value
- 3.9 Whilst public Health is not one of the licensing objectives within the Licensing Act 2003, unlike in Scotland, the council does consider it important that alcohol dependency and alcohol abuse are considered within the context of the existing regulatory regime. Alcohol dependency and abuse can lead to crime and disorder and anti-social behaviour and can impact on community wellbeing. It is therefore important that the council considers the impact of licensed premises and the availability of alcohol on the community as a whole.

### **Dorset Council's Economic Growth Strategy**

- 3.10 Dorset Council's Economic Growth Strategy sets out the Council's priorities for the Dorset Council area:
- Transportation Infrastructure
  - Digital Infrastructure
  - People – aspirations, skills, education and training
  - Place – sustainable economic development and growth, vibrant towns and investment in coastal resorts / tourism
  - Business environment – through business support services, attracting inward investment, delivering 'business friendly' services, developing visit Dorset
  - Ideas – development of Dorset Innovation park, collaboration with partners and innovation
- 3.11 The council will encourage investment and growth within the leisure and retail industry within Dorset, and will seek to minimise any potentially negative impacts from existing and new licensed premises operating in the Dorset Council area.
- 3.12 The Licensing Act 2003 was meant to encourage the growth of a continental style café culture with staggered closing times and a light touch regulatory regime and the council will seek to support this ethos, when encouraging new businesses to set up in the Dorset Council area and the expansion of existing businesses.
- 3.13 Where the Council considers that there has already been an unsustainable proliferation of licensed premises and that area is suffering from the effects of too many licensed premises, or an unbalanced mix of cultural offerings, then it will introduce a cumulative impact policy to attempt to limit the negative effects of such proliferation of premises. This does not mean that new premises will not be able to open within the proposed Area, if adopted, but will instead seek to ensure that the area has a cosmopolitan mix of activities to attract consumers.

### **Strategy for children and young people**

- 3.14 The council is committed to ensuring that the experience of childhood and early adulthood in Dorset is a good one. The council and its partners want every child to have the opportunity to be confident



in their relationships, achieving personal success as they grow into adulthood. We believe that by working together as organisations and with families and communities we will achieve this.

3.15 The council's partner alliance works to the following priorities:

- Information & knowledge
- Early action & help
- Priorities that matter
- New models to deliver services
- Whole family working

3.16 This policy contributes to all these outcomes and also a number of the priorities within strategy for Children and Young People, including:

- Ensuring that the most vulnerable are protected
- Improving social, emotional, and mental health and wellbeing
- Supporting young people to make good choices and minimise risk-taking behaviours

## Section 4 Promotion of the licensing objectives

4.1 The council will carry out its functions under the Licensing Act 2003 with a view to promoting four licensing objectives. These are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

4.2 Each objective is of equal importance, and the four objectives will be paramount considerations for the council at all times.

4.3 It is for the applicant to decide what, if any, measures to suggest in its operating schedule in order to address any potential concerns that might arise in the promotion of the licensing objectives. Applicants are reminded that measures proposed in the operating schedules will be converted into conditions on their licence.

4.4 The council recommends that applicants risk assess their operation against the four licensing objectives to identify potential areas of concern.

4.5 Applicants are reminded that responsible authorities or other people may make representations if they feel that the applicant's proposals do not adequately promote the licensing objectives. An applicant who proposes no measures to promote the licensing objectives may therefore face more representations than an applicant who risk assesses their operation and proposes necessary and proportionate measures.

4.6 The council recommends early consultation with responsible authorities. Many responsible authorities have produced guidance which applicants can take into account, when assessing whether they need to include any measures in their application to promote the licensing objectives. In addition, responsible authorities are prepared to discuss matters with an applicant with a view to reaching agreement on measures to be proposed. Contact details for the responsible authorities are available from the Licensing Team. Guidance issued by the responsible authorities can be sourced by

contacting the relevant responsible authority direct or by contacting the licensing team.

## **Crime and Disorder**

- 4.7 Under the Crime and Disorder Act 1998, the council must exercise its functions, having regard to the likely effect on crime and disorder in its area, and must do all it can to prevent crime and disorder.
- 4.8 Where its discretion is engaged, the council will seek to promote the licensing objective of preventing crime and disorder in a manner which supports Dorset's Community Safety Plan.
- 4.9 There are many steps an applicant may take to prevent crime and disorder. The council will look to the Police for the main source of advice on these matters.
- 4.10 If relevant representations are received in relation to a premises licence or club premises certificate, the council will consider whether it is necessary to impose conditions to regulate behaviour on the premises, and access to them, where this relates to licensable activities and the licensing objectives. Any conditions attached will not seek to manage the behaviour of customers once they are beyond the direct management of the licence holder, their staff or agents, but may seek to impact on the behaviour of customers on or in the immediate vicinity of premises as they seek to enter or leave. Conditions will be targeted on deterrence and the prevention of crime and disorder. The council may consider:
- The need for and location of CCTV cameras
  - The need for door supervision
  - The need for a text or radio pager system allowing communication between premises and with the Police
  - Conditions setting capacity limits where this is necessary to prevent overcrowding likely to lead to disorder and violence
  - Membership of a recognised pub watch or similar scheme
- 4.11 Crime and disorder conditions will not seek to control adult entertainment involving striptease and lap dancing, which will be governed by laws in relation to indecency and obscenity, and will be licensed under the Local Government (Miscellaneous Provisions) Act 1982. However, conditions for such adult entertainment may be imposed for reasons of public safety, or the protection of children from harm if they relate to the occasional use of the premises for adult entertainment.

## **Public Safety**

- 4.12 The public safety objective is concerned with the physical safety of people using the premises. Public safety includes safety of performers appearing at any premises.
- 4.13 On 1 October 2006 the Regulatory Reform (Fire Safety) Order 2005 replaced previous fire safety legislation. The council will not seek to impose fire safety conditions as conditions on licences where the Order applies.
- 4.14 Capacity limits will only be imposed where appropriate for the promotion of public safety or for reasons of crime and disorder. Capacity limits will not be imposed as a condition of the licence on fire safety grounds.
- 4.15 Applicants are advised to consult with the Environmental Health, Health and Safety Team, who can offer advice as to appropriate measures to be included in risk assessments, and potentially in operating schedules. On receipt of a relevant representation, the council will have regard to the views

of the Health and Safety Team. The team can also offer advice in relation to workplace health and safety matters, including compliance with the Health Act 2006 (smokefree).

- 4.16 Conditions requiring possession of certificates on the safety or satisfactory nature of equipment or fixtures on premises will not normally be imposed as those are dealt with by other legislation. However, if it is considered necessary in light of the evidence on each individual case, conditions may be imposed requiring checks on the equipment to be conducted at specified intervals, and evidence of the checks to be retained. Conditions may also seek to require equipment of particular standards to be maintained on premises.
- 4.17 Special events in the open air or temporary structures raise particular issues. Applicants are referred to other sections of this document where guidance on holding these types of event is given.

## **Public Nuisance**

- 4.18 In considering the promotion of this licensing objective, applicants need to focus on the effect of licensable activities on people living and working in the area around the premises which may be disproportionate and unreasonable. The council is aware that the prevention of public nuisance is not narrowly defined in the Act and can include low-level nuisance perhaps affecting a few people living locally as well as major disturbance affecting the whole community. It may also include, in appropriate circumstances, the reduction of the living and working amenity and environment of other people living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and pests or where its effect is prejudicial to health.
- 4.19 Where applicants are completing operating schedules, the council encourages them to have regard to the location of the proposed or actual premises, and in particular whether proposals may have a disproportionate impact in dense residential areas or near to sensitive premises such as nursing homes, old people's accommodation, hospitals, hospices or places of worship.
- 4.20 Applicants are recommended to consult Environmental Health for advice on measures that may need to be incorporated into an operating schedule.
- 4.21 If relevant representations are made, the council will consider whether it is necessary to impose conditions to regulate behaviour on the premises and access to them where this relates to licensable activities, and the licensing objectives. Any conditions attached will not seek to manage the behaviour of customers once they are beyond the direct management of the licence holder, their staff or agents, but may seek to reduce the impact of the behaviour of customers entering or leaving the premises on people living or working near to the premises. The council considers that patrons who are using external smoking areas or shelters are there as a direct result of the licensed premises and are within the control of the licensee.
- 4.22 The council will consider whether issues relating to public nuisance can be effectively dealt with by necessary and appropriate conditions. These conditions will normally focus on the more sensitive periods, for example, noise from premises in the late evening or early morning when residents may be attempting to sleep.
- 4.23 When considering such matters, the council will have regard to representations made by responsible authorities including Environmental Health, and by local residents.
- 4.24 The council may consider the following matters:
- Whether doors and windows will or can be kept closed after a particular time.

- Whether other noise control measures such as acoustic curtains or other speaker mounts are required.
- The fact that lighting outside the premises may help to prevent crime and disorder, but may give rise to light pollution for neighbours.
- Signs placed at the exit to buildings can encourage patrons to be quiet until they leave the area, and to respect the needs of residents.
- The size and location of smoking areas and any facilities provided may encourage patrons to use the external areas more extensively than for just smoking.
- Provision of litter bins in the vicinity of premises serving hot food after 11pm.
- Display of contact details or a direct telephone link to a private hire/taxi firm.
- Emptying of bins and/or bottle receptacles and the times permitted.

4.25 The council recognises that it is necessary to balance the rights of local residents, businesses and others with those wishing to provide licensable activities, and those who wish to use such facilities.

4.26 Ultimately if it is necessary for the prevention of public nuisance where conditions do not adequately address the issues an application can be refused.

### **Protection of children from harm**

4.27 The council recognises various responsible authorities are concerned with promoting the licensing objective of the protection of children from harm and are able to make representations in relation to applications and/or apply for the review of a premises licence should it consider that an operator was not sufficiently promoting the licensing objective of the protection of children from harm

4.28 The protection of children from harm includes protection from physical and psychological harm, neglect and exploitation.

4.29 The council notes that the admission of children to premises holding a premises licence or club premises certificate should be freely allowed unless there is good reason to restrict entry or exclude children completely. Unaccompanied children under 16 are not allowed on premises licensed to sell alcohol for consumption on the premises after midnight, or where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided.

4.30 Issues about access of children to premises may give rise to concern:

- Where adult entertainment is provided on an occasional basis and is not already licensed under other legislation;
- Where there have been convictions or warnings to the current management for serving alcohol to minors;
- Where there have been convictions or warnings to the current management in relation to child protection issues;
- Where the premises have experienced incidents of allowing under-age drinking;
- Where requirements of proof of age is not the norm;
- Where premises have a known association with drug taking or dealing;
- Where there is a strong element of gambling on the premises; and
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided.

4.31 Such situations can be identified through a risk assessment of the operation. In these circumstances, applicants are advised to consider offering appropriate conditions through their operating schedule. In addition, licensees may identify that the access of children to particular parts of the premises poses more risk than others, and seek only to exclude children from areas of highest risk.

4.32 On receipt of relevant representations, the council will consider whether conditions are necessary. If conditions are necessary these may include:

- Limitations on the hours when children will be present
- Limitation on the presence of children of certain ages when specified activities are taking place
- Limits on the parts of the premises to which children may have access
- General age limitations of access
- Limitations or exclusions only when certain activities are taking place
- Requirements for an accompanying adult
- Full exclusion of people under the age of 18, or higher when any licensable activities are taking place.

4.33 In such cases, representations by responsible authorities and the Police will be given considerable weight where they address issues regarding the protection of children from harm.

4.34 It is mandatory for premises which sell or supply alcohol to have an age verification policy in place. However, the council favours the Challenge 25 type scheme and such a scheme volunteered as part of an operating schedule, will be given the appropriate weight when the council determines the licence application.

4.35 No condition will be imposed by the council requiring the admission of children to any licensed premises except in the case of exhibition of film, where a mandatory condition is applied to all licences with this activity.

## Section 5      General principles

5.1 In determining a licensing application the overriding principle will be that each application will be determined on its own merits, having regard to the need to promote the four licensing objectives and taking into account this licensing policy and the guidance issued under Section 182 by the Secretary of State. Where it is necessary to depart from the guidance or this policy the council will give clear and cogent reasons for doing so.

5.2 Nothing in this policy will undermine any person's right to apply for a variety of permissions under the Act.

### Human Rights

5.3 The European Convention on Human Rights makes it unlawful for a public authority to act in a way that is incompatible with a Convention right. The council will have particular regard to the following relevant provisions of the European Convention on Human Rights:

- Article 6 that in determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.
- Article 8 that everyone has the right to respect for his home and private life.
- Article 1 of the first protocol that every person is entitled to the peaceful enjoyment of his or her possessions.

### Protection of Privacy and Data

5.4 In line with General Data Protection Regulation and Data Protection Act 2018, the Council and Dorset

Police are Joint Data Controllers of the information you provide as part of your licence application. The Council and the Dorset Police have a statutory duty to process and maintain licences and permissions and conduct enforcement activities in accordance with the Licensing Act 2003 as part of a legal obligation to meet the statutory requirements for the licensing of the sale of alcohol, regulated entertainment and late-night refreshment.

- 5.5 We may share the following information with the third parties listed below: details of the licensed premises, licence status, the names, addresses and company numbers of persons and companies named on a licence. This may be shared with services in the Council, for example, Development Control, Environmental Health and Community Safety.
- 5.6 In addition we will share with external third party organisations including Government departments, Information Commissioners Office (for National Fraud Initiative), the Health and Safety Executive, Dorset Fire and Rescue Service to make further enquiries regarding your application under the Licensing Act 2003 or where required by law for the detection and prevention of crime.
- 5.7 The personal information you provide as part of your application for a premises licence, club premises certificate or personal licence will be held for a period of 6 years following the surrender, lapsing or expiry of the licence/permit. The personal information held for Temporary Event Notices will be held for a period of 2 calendar years following the event. Details of all transactions are recorded permanently as an entry on the licensing register.
- 5.8 The Council's corporate privacy notice, which includes details of the authority's Data Protection Officer and your information rights is available at: <https://www.dorsetcouncil.gov.uk/your-council/about-your-council/data-protection/data-protection.aspx>
- 5.9 Dorset Police's full privacy notice can be found here <https://www.dorset.police.uk/news-information/about-dorset-police/accessing-information/data-protection/>

## Equality Act 2010

- 5.10 The council is committed to eliminating unlawful discrimination, harassment and victimisation, advancing equality of opportunity and fostering good relations within and between our communities.
- 5.11 It is recommended that licensees make themselves familiar with the requirements of this Act for the access and provision of services for persons within the protected groups identified by the legislation. The Act makes it unlawful to discriminate against anyone because of:
- Age
  - Being or becoming a transsexual person
  - Being married or in a civil partnership
  - Being pregnant or on maternity leave
  - Disability
  - Race including colour, nationality, ethnic or national origin
  - Religion, belief or lack of religion/belief
  - Sex
  - Sexual orientation.
- 5.12 In order to promote equality, and to fulfil its statutory duties under the Equality Act 2010, the council asks that applicants aim to achieve inclusive access to their venues and events. For example discrimination will be experienced if access to the venue is denied due to lack of a ramp or if the venue does not provide means for someone to book a ticket who cannot speak. Further guidance is available at <https://www.gov.uk/guidance/equality-act-2010-guidance#guidance-on-the-equality-act>

- 5.13 The council cannot enforce the Act but those who experience discrimination may take legal action following a complaints procedure. Where complaints are received by the council we advise the complainant of their rights under the Equality Act.
- 5.14 In addition, the planning process, which is likely to be relevant to new premises or events, will also seek to support the council's local plan and local development framework.
- 5.15 Further guidance on how the Equality Act affects pubs is available from the British Beer and pub association. <http://beerandpub.com/wp-content/uploads/2017/LicenseeGuidance/Accessibility-guide.pdf>

### **Impact of Licensed Activity**

- 5.16 Where no representations are made the council will grant a licence subject to conditions consistent with the operating schedule.
- 5.17 When determining any application where relevant representations are made, the council will consider it in the light of the four licensing objectives and in order to support a number of other key aims and purposes as set out in this policy. The requirement to promote the licensing objectives will be the paramount consideration. The council will focus upon the impact of the activities taking place on members of the public living, working or engaged in normal activity near the premises. Where relevant representations are made in relation to a premises licence, club premises certificate or temporary event notice the following factors will normally be taken into account when the council is looking at the impact of the activities concerned:
- The style of operation, the numbers of customers and customer profile likely to attend the premises
  - The location of the premises and the proximity of noise sensitive properties
  - The proposed hours of operation
  - Any proposed methods for the dispersal of customers
  - The scope for mitigating any impact
  - The extent to which the applicant has offered conditions to mitigate the impact
  - How often the activity occurs.
- 5.18 In considering any application for a variation to a premises licence or club premises certificate where a relevant representation has been received, the council may take into account, in addition to the above matters, any evidence:
- Of past demonstrable adverse impact from the activity especially on local residents or businesses
  - That if adverse impact has been caused, appropriate measures have been agreed and put into effect by the applicant to mitigate that adverse impact.
- 5.19 Other relevant matters may be considered as the individual case dictates.

### **Special Events in the Open Air or in Temporary Structures**

- 5.20 The promotion and the organisation of live musical and similar entertainment in the open air or in temporary structures like marquees etc. can provide opportunities for community involvement, civic pride and can attract visitors to the Dorset Council area.
- 5.21 However, the success of such events by way of contribution to the council's cultural and tourist strategies depends upon the quality, levels of safety and consideration for the rights of people who

live or work in the vicinity and the standard of provision of facilities for those coming to enjoy the event.

- 5.22 In recognition of the special factors that are relevant, particularly with respect to major open air events such as a concerts or festivals, the council has established a multi-agency safety advisory group to assist organisers in co-ordinating such events. This includes council departments who have an interest in, or legislative role relevant to, such events, together with representatives of the emergency services.
- 5.23 Members of the forum are notified about all proposals to hold such events and where necessary a special meeting will be organised in order to consider any issues that will require to be addressed and to open up lines of communication with organisers.
- 5.24 The Health and Safety Executive provide specialist guidance on event safety through their website at [www.hse.gov.uk](http://www.hse.gov.uk)
- 5.25 Guidance on the planning of such events is available to organisers but it is important that substantial notice is given so that proper preparations and precautions can be put in place for the event. This can also apply if the event is proposed under a Temporary Event Notice.

#### **Community Applicants**

- 5.26 Whilst this policy is aimed at all licensable activities under the Licensing Act 2003 it should be noted that the council sees a distinction between large or permanent activities, such as those proposed by commercial operators, and small or temporary activities such as those which might be proposed by cultural or community groups.
- 5.27 Where events are proposed by cultural or community groups, it is recognised that those groups may not have the same resources in terms of skill or expertise or access to professional advice. Such groups may seek assistance and guidance from the council by contacting the Licensing team.
- 5.28 Whatever the nature of the applicant and activity proposed, the overriding matter is that the council will consider the individual merits of the application and act so as to promote the licensing objectives.

#### **Other Regulatory Regimes**

- 5.29 The licensing policy is not intended to be the primary mechanism for the general control of nuisance, anti-social behaviour and environmental crime but nonetheless is a key aspect of such control and the licensing policy and licensing decisions are intended to be part of an holistic approach to the delivery of the council plan and the management of the evening and night time economy of the Dorset Council area.
- 5.30 In preparing this policy the council has sought to avoid unnecessary duplication of existing legislation and regulatory regimes. However on occasions it has been necessary to set out some of the detail in this policy for ease of understanding. Nothing in this policy is intended to revoke or replace the need for applicants to act in accordance with other statutory requirements. All applicants are advised to seek proper advice to ensure that the activities they propose are within the boundaries set by existing legislation and regulations.

#### **Application Process**

- 5.31 Applications must be made to the council in the form prescribed by Regulations. Guidance is available



to applicants setting out the detail of the process. Applicants should be aware that the council will have appropriate checks in place to ensure that applications are properly notified to the relevant responsible authorities and advertised in accordance with the regulations. The council publishes a list of all applications for new and variations to premises licences on its website and may also notify Ward Councillors, Town and Parish Councils, Resident Associations and other relevant organisations regarding applications as part of the licensing administrative process.

## **Licensing Committee**

- 5.32 The council has appointed a licensing committee of 10-15 Councillors. Licensing functions will often be delegated to a licensing sub-committee of 3 Councillors or, in appropriate cases to officers of the council.
- 5.33 Local Councillors will not sit on a sub-committee which is dealing with an applicant or licence that is located within the ward that they represent.
- 5.34 Councillors will have regard to the Council Code of Conduct for Members. Where a Councillor who is a member of the Licensing Committee or sub-committee has a disclosable pecuniary interest in the application before them, in the interests of good governance they will disqualify themselves from any involvement in the decision making process in respect of that application.
- 5.35 A sub-committee may adjourn an application to another sub-committee or to the Licensing Committee where it is unable to deal with the application because of the number of members unable to vote on the matter in question.
- 5.36 The Licensing Committee will refer an application to the council where it is unable to deal with the application because of the number of members unable to vote on the matter in question.

## **Representations**

- 5.37 Depending on the type of application representations may be made by a responsible authority or other people (as defined by the Licensing Act 2003). The council has agreed protocols with responsible authorities and issued guidance to other people making representations, setting out the detail of the process. Guidance is available on the council website or by contacting the Licensing team.
- 5.38 Members of the public who wish to submit a representation in regards to a premises licence or club premises certificate application should be aware that their personal details will be made available to the applicant. If this is an issue they may contact a local representative such as a ward, parish or town councillor or any other locally recognised body, such as a residents association about submitting the representation on their behalf. The council is not able to accept anonymous representations. In addition the council cannot accept petitions which do not follow the guidance on the council's website.
- 5.39 Where a representation is received which is not from a responsible authority the council will in the first instance make a judgement on whether it is relevant, i.e. based upon one or more of the four licensing objectives.
- 5.40 'Relevant representations' are representations which are;
- about the likely effect of the premises licence on the promotion of the licensing objectives, and
  - which have not been withdrawn and are not, in the opinion of the council, frivolous or vexatious.

- 5.41 Where relevant representations are received about an application the council will hold a hearing to consider them unless the council, the applicant and everyone who has made representations agree that the hearing is not necessary. Applicants and those making representations should seek, in advance of any hearing, to try to reach agreement or to narrow the areas in dispute, particularly where both are professionally represented.
- 5.42 Where hearings are required as a result of relevant representations, the council may extend the time limits involved in calling hearings in order to allow the parties to negotiate suitable conditions to be added to the operating schedule and avoid the need for a hearing. Such an extension of time is considered to be in the public interest.

### **Reasons for Decisions**

- 5.43 Every decision made by the Licensing Committee, sub-committee or officers shall be accompanied by clear reasons for the decision.

### **The Role of Ward Councillors**

- 5.44 Ward councillors play an important role in the local community. They can make representations in writing and speak at the hearing on behalf of an interested party such as a local resident or local business if specifically requested to do so. They can also make representations in their own right. For example, ward councillors may apply for a review of a licence if problems at a specific premises which justify intervention are brought to their attention.
- 5.45 Ward councillors may choose to consult with residents locally in addition to the statutory publication carried out by the applicant.
- 5.46 Local residents and businesses may wish to contact their local ward councillors in respect of a licence application. Details on how to contact ward councillors may be obtained from the Council's website or by telephoning 01305 251 000.
- 5.47 If a local resident or business makes a representation about an application it is often helpful to send a copy to the local Councillors. This helps them to gain an understanding of local feelings.
- 5.48 Ward councillors may attend hearings of licensing Sub Committees considering applications and speak on behalf of local residents and businesses, but only if:
- They have made a personal representation or
  - They have made a representation on behalf of local residents or businesses as 'community advocates' or
  - They have been nominated by (an objector) who cannot attend the hearing or prefers to be represented by them at the hearing.

## **Section 6 Premises licences and club premises certificates**

- 6.1 A premises licence and club premises certificates authorises the sale or supply of alcohol, regulated entertainment and late night refreshment (sale of hot food and drink after 11pm). Businesses wishing to apply for a licence or certificate must use the prescribed form which includes details of the hours of operation, any hours for licensable activities and an operating schedule.

## Planning

- 6.2 The use of premises for the sale or provision of alcohol, regulated entertainment or late night refreshment is subject to planning control. Such use will require planning permission or must otherwise be lawful under planning legislation. Planning permission is generally required for the establishment of new premises or the change of use of premises.
- 6.3 In line with the S182 Guidance the planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa.
- 6.4 Where businesses have indicated, when applying for a licence under the Act, that they have also applied for planning permission or that they intend to do so, licensing committees and officers will consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.
- 6.5 Where relevant representations are received, any decision on a licence application will not consider whether any decision to grant or refuse planning permission or building consent was lawful and correct. It will take into account what the impact of granting the application will be on the four licensing objectives.

## Licensing Hours

- 6.6 The Government acknowledges that different licensing approaches may be appropriate for the promotion of the licensing objectives in different areas. The Act gives the Council the power to make decisions regarding licensed opening hours based on local knowledge and in consultation with other responsible authorities.
- 6.7 In some circumstances, staggered licensing hours with regards to the sale of alcohol are important to ensure that the concentration of customers leaving premises simultaneously is effectively managed. The intention behind this is to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport which currently lead to disorder and disturbance.
- 6.8 Providing the customers with greater choice is an important consideration in the development of a thriving and safe evening and night-time economy. However, any licensable activity has the potential to impact adversely on the surrounding area due to disturbance or crime and disorder. Customers may be noisy when leaving, leave litter or use on-street car parking. The impact of these activities can be particularly intrusive at night when ambient noise levels are much lower.
- 6.9 The council supports the development of a wide ranging and culturally diverse night-time economy. However, this must be achieved in conjunction with the promotion of the four licensing objectives and without compromising local services associated with the night-time economy such as street cleansing.
- 6.10 Under the Act there are no set 'permitted hours' for the sale of alcohol. Applicants are able to suggest in their operating schedule the hours they wish to open and to apply to vary their existing licences if they wish to open beyond their current permitted hours. However, there is no general presumption in favour of lengthening licensing hours and the four licensing objectives will be the paramount consideration at all times.
- 6.11 If relevant representations are made the council will only grant the hours of use proposed where the operating schedule and any risk assessment adequately demonstrates that:
- the applicant has properly considered what is appropriate for the local area in terms of

hours and activities;

- the potential effect on the licensing objectives is not significantly detrimental;
- the agreed operating schedule demonstrates that the applicant is taking appropriate steps to minimise any adverse impact on local residents and businesses

6.12 Restrictions may be made to the proposed hours of use where, after receiving relevant representations, the council considers it appropriate for the promotion of the licensing objectives to do so. The council will take into account the existing pattern and operating times of other licensed premises in an area when considering what is appropriate to promote the objectives. Applications which are significantly out of character for a locality will need to demonstrate that granting the hours sought will not have a detrimental impact on the licensing objectives, given the potential for neighbouring premises to seek the same additional hours to prevent rivals gaining a commercial advantage.

6.13 As a general rule, shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at all times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.

#### **Local, national and international occasions**

6.14 It should be possible for applicants for premises licences and club premises certificates to anticipate special occasions which occur regularly each year, for example bank holidays, and to incorporate appropriate opening hours for these occasions in their operating schedules.

6.15 Additional occasions for which extensions may be required may be covered by a Temporary Event Notice.

6.16 The Secretary of State also holds the ability to prescribe certain national occasions as special events and issue an order to permit licensable activities.

#### **Drinking up time**

6.17 The traditional 'drinking up time' was not carried over into the Licensing Act 2003 from the previous regime. However the hours during which applicants are licensed to sell or supply alcohol and the opening hours need not be identical, and therefore applicants of premises licensed for the on-sale of alcohol are advised to consider a drinking up/cooling down period during which music volume may be reduced, customers may consume their drinks and make arrangements for transport from the premises. The council considers that a 30 minute drinking up time will assist in the gradual dispersal of customers and consequently reduce impact on the local area.

6.18 Where relevant representations are made the council will consider imposing a condition on drinking up time where such a condition is appropriate in order to promote the licensing objectives in any individual case.

#### **Operating Schedules**

6.19 Under the Licensing Act 2003 applicants are required to complete an 'operating schedule'. They are expected to have regard to this Statement of Licensing Policy. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives.

6.20 Operating schedules are the key to ensuring that the four licensing objectives are promoted. An

operating schedule should include enough information to enable any responsible authority or other person to assess whether the steps to be taken to promote the licensing objectives are satisfactory.

6.21 Applicants should make their own enquiries and demonstrate how they have considered the following in their operating schedule:

- The layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children and young people may congregate;
- Any risk posed to the local area by the proposed licensable activities; and
- Any local initiatives (for example, local crime reduction initiatives or voluntary schemes such as local taxi-marshalling schemes, street pastors, purple flag, best bar none and other schemes), which may help mitigate potential risks.

6.22 Whilst applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application. The council encourages co-operation between applicants, responsible authorities and, where relevant, local residents and businesses before applications are submitted in order to minimise the scope for disputes to arise.

6.23 Applicants may find contacting their local ward councillor helpful. Dorset councillors provide a voice to the people living in the ward that they represent. They are aware of the needs of their community and are in touch with the issues that local people face. As well as influencing council decisions on funding and development, they work with other organisations, such as the police, local schools and health services to help bring about improvements to services and the environment for their local community.

6.24 Other publicly available sources which may be of use to applicants include:

- The Police.gov website;
- Neighbourhood Statistics websites;
- Websites or publications by local responsible authorities;
- Websites or publications by local voluntary schemes and initiatives; and
- On-line mapping tools.

6.25 The council expects individual applicants to complete the operating schedule in a manner that is specific to the application being made in respect of those premises and the licensable activity to be carried on rather than in general or standard terms. Information should be given to demonstrate how the individual application proposes to address and promote the licensing objectives. Applicants are referred to the paragraphs in this section which contain information on carrying out a risk assessment.

6.26 Any application or operating schedule not completed in accordance with the Act and the regulations may be returned to the applicant unprocessed, with a request to complete the forms correctly before the application is accepted by council.

### **Risk assessments**

6.27 The council recommends that applicants complete a risk assessment of their business in order to understand what steps are required to complete the operating schedule in a manner which enables the council and responsible authorities to assess how they will seek to promote the licensing objectives.

6.28 The council is aware that any risk assessment will vary according to the nature of the business. It is for applicants to decide what is appropriate in each case. To assist applicants in completing their operating schedules the council has devised a risk assessment proforma and suggested wording for

volunteered conditions. A copy may be obtained from the Licensing team. A special risk assessment proforma designed for outdoor events and broadly based on the 'Purple Guide' is also available.

- 6.29 The risk assessment contains many of the key factors which the responsible authorities will be expecting applicants to meet in order to fulfil the licensing objectives. The contents are not exhaustive but the risk assessment approach will reduce the likelihood of representations.
- 6.30 It is recognised that some areas of the risk assessment may duplicate issues which applicants have previously addressed in order to satisfy other legislation. Where this does occur the operating schedule may cross reference to alternative documents.
- 6.31 The council recognises that it cannot insist on a risk assessment. However, an applicant who decides not to complete or provide a risk assessment may face additional representations and the expense of hearings as a result. If a risk assessment is not completed then applicants will need to demonstrate how these matters have been addressed through the operating schedule provided.

### **Children's Safeguarding**

- 6.32 If you are providing services to children/families and your staff may come in to contact with children in the course of their working day, there is an expectation that you will provide a safeguarding policy in line with the expectation of the Pan-Dorset Safeguarding Children Partnership.  
<https://pdscp.co.uk/>

### **Local Concerns**

- 6.33 If you live in some of the more deprived areas of Dorset you can expect your life expectancy to be lower than that of residents in other parts of the Dorset Council area. There are a number of contributory factors to a reduced life expectancy including alcohol, obesity and smoking. The Licensing Act 2003 authorises the activities of the sale by retail of alcohol and the provision of late night refreshment and therefore the question is whether reducing people's access to alcohol and high fat content takeaway food will have a positive outcome on life expectancy in these areas.
- 6.34 In these more deprived areas there is concern about:
- Sale of alcohol
  - The wide and obvious availability of alcohol in convenience stores, newsagents, corner shops and off licences.
  - The contributory factor and possible links between violent crime and domestic violence which may be exacerbated by the availability of alcohol sold in these areas.
  - The higher proportion of premises licensed for alcohol for consumption off the premises.
  - The ability for people with mental health or alcohol problems to easily obtain alcohol.
  - The ability for people who are already intoxicated to easily obtain more alcohol.
  - The pack size super strength white cider is sold in, which leads to people with alcohol dependency issues to drink more than they need to.

#### **Protection of children**

- The normalisation of alcohol abuse and the effect this has on children living in the area
- The sale and supply of alcohol to young people and children and the impact this has on the behaviour in the community and impact on their health.

#### **Public nuisance**

- The accumulation of premises providing takeaway food and off sales of alcohol

- Littering of food wrappers and waste food originating from takeaways
- Harassment of persons by those drinking in the streets

6.35 The availability of alcohol is a major concern, as harmful and hazardous drinking is a contributory factor in many of the concerns mentioned in this policy. As such the council would expect anyone wishing to open or extend premises that sell alcohol, or sell hot food to provide extra measures to ensure these problems are not exacerbated.

6.36 An application for premises in deprived areas which includes the sale by retail of alcohol or the sale of hot food and drink may attract representations from a number of interested people. Applicants are encouraged to contact the Licensing team, Dorset Police, Environmental Health and Public Health to see if there are any specific measures that can be included in the operating schedule to mitigate local concerns.

6.37 The Licensing team provides a Proforma Risk Assessment which is a list of suggested measures applicants may like to include in their operating schedule. Applicants in the deprived areas should carefully consider if the measures relating to the following concerns could be offered as part of their operating schedule:

#### Crime and disorder

- Measures that control the display of alcohol including proximity to the door, display of spirits and high strength alcohol
- The sale of high-strength lager and cider
- CCTV coverage of alcohol displays

#### Prevention of public nuisance

- Hourly checks of the surrounding area and removal of litter

#### Protection of children

- Display of alcohol, name of premises and windows advertising which normalise the availability of alcohol

### Dispersal

6.38 There has been concern for many years that a lack of transport provision in the town centres during the early hours of the morning may contribute to an increase in disorder incidents and operators will be expected to consider suitable dispersal policies to address such concerns.

### Excessive Consumption of Alcohol

6.39 The council is acutely aware of the link between the supply of alcohol, that is subject to certain promotions, and the possibility of resultant incidents of alcohol related crime and disorder arising and implications on the four licensing objectives

6.40 The council also recognises the impact that excessive or binge drinking can have on public health and that positive action on promoting the licensing objectives is equally likely to have an impact on public health.

6.41 The British Beer and Pub Association states that a promotion is irresponsible where it encourages or incites individuals to drink to excess, behave in an anti-social manner or fuels drunkenness. The council, as the licensing authority, will use the powers contained within the Licensing Act 2003 to ensure operators' promotional activities do not undermine any of the licensing objectives.

- 6.42 In April 2010 mandatory conditions came into effect which:
- Ban irresponsible promotions;
  - Ban the dispensing of alcohol directly into the mouth; and
  - Ensure that customers have access to free tap water so that they can space out their drinks and not get too intoxicated too quickly.
- 6.43 The legislation makes it clear that an irresponsible promotion is one that is “carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carried a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance or harm to children”.
- 6.44 As a consequence any on-trade premises that participates in irresponsible drinks promotions will be breaching licence conditions and will be dealt with in accordance with the council’s Enforcement Policy, which is available from the council’s website, and may also be subject to a review of their licence.

### **Conditions**

- 6.45 The council may only impose conditions where relevant representations are made following an application to grant or vary a licence or where a review request is being considered.
- 6.46 The council recognises that the only conditions that should be imposed on a licence are those which are appropriate and proportionate to the promotion of the licensing objectives. There may be circumstances where existing legislation and regulations already effectively promote the licensing objectives and no additional conditions are required.
- 6.47 Where conditions are imposed they will be tailored to the individual style and characteristics of the premises and events concerned.
- 6.48 Applicants are strongly encouraged to make early contact with the appropriate responsible authorities to discuss proposed conditions in advance of the submission of their application to the council.
- 6.49 There is a pool of sample conditions attached to this policy at Appendix B. This is a generic resource which can be utilised by applicants, responsible authorities, persons making representations and committee members alike. The council will never attach any set of conditions as a matter of routine and would not expect applicants to do so either. Any conditions which are applied to a licence must be as a result of conducting a risk assessment or attached by committee following due consideration of the merits of each individual application, any representations received and the specific measures required to promote the licensing objectives.

### **Designated Premises Supervisor**

- 6.50 An application for a premises licence which includes the sale and supply of alcohol must nominate a Designated Premises Supervisor (DPS). That person will normally have been given the day to day responsibility for running the premises. The DPS will also be required to hold a personal licence issued under the Licensing Act 2003.
- 6.51 The Act does not require the presence of the DPS at all times and the authorisation for the sale of alcohol may be made by another personal licence holder. The council would expect that this



authorisation is made in writing.

- 6.52 If a DPS is not specified on the licence no sale or supply of alcohol may be made. Similarly no sale or supply of alcohol can be made if the DPS does not hold a personal licence.

### **Staff Training**

- 6.53 The council recommends that all people employed on licensed premises who are engaged in the sale and supply of alcohol be encouraged to attend training programmes to raise awareness of their responsibilities and particularly of the offences contained within the Act. Similarly, people employed at on-licensed premises should be encouraged to attend training programmes which will raise their awareness of the issues relating to drugs and violence in licensed premises, and that suitable training be extended to all staff involved in managing or supervising the premises.
- 6.54 It is also recommended that people employed on premises providing entertainment for children and youths attend training programmes in basic child protection and safety, and if appropriate have the necessary DBS checks.
- 6.55 All people employed on licensed premises should be provided with in-house training on basic public safety and the housekeeping arrangements relative to those premises.

### **Club Premises Certificate**

- 6.56 The Act recognises that premises to which public access is restricted and where alcohol is supplied other than for profit, give rise to different issues for licensing law than those presented by commercial enterprises selling direct to the public. For this reason qualifying clubs may apply for a Club Premises Certificate as an alternative to a premises licence.
- 6.57 A Designated Premises Supervisor or Personal Licence Holder is not required where a Club Premises Certificate is in force. However, an applicant for a Club Premises Certificate is still required to act in a manner which promotes the licensing objectives. An application for a Club Premises Certificate must be in the form prescribed by regulations.
- 6.58 Any qualifying club may choose to obtain a Premises Licence if it decides that it wishes to offer its facilities commercially for use by the public, including the sale of alcohol. Any individual on behalf of the club may also provide Temporary Events Notices. The Licensing team can give further guidance regarding this process on request.

### **Community Halls**

- 6.59 The management committees of community premises can apply to remove the requirement of a Designated Premises Supervisor and the authorisation of the sale of alcohol by a Personal Licence Holder. If they do so all sales of alcohol are authorised by the management committee. The Licensing team can give further guidance regarding this process on request.

### **Minor Variations**

- 6.60 It is possible to make small changes to premises licences or club premises certificates through the minor variation process, which is cheaper, quicker and simpler than the full variation process. The test for whether a proposed variation is 'minor' is whether it could impact adversely on any of the four licensing objectives. The Licensing team can give further guidance regarding this process on request.

## **Alcohol Deliveries**

- 6.61 An applicant seeking a licence that will enable them to provide alcohol as part of an alcohol delivery service should include in their operating schedule the procedures they intend to operate to ensure that:
- The person they are selling alcohol to is over the age of 18
  - That alcohol is only delivered to a person over the age of 18
  - That a clear document trail of the order process from order, despatch from the licensed premises and delivery to the customer is maintained (with times and signatures) and available for inspection by an authorised officer
  - The time that alcohol is sold on the website/over the phone and the time the alcohol is delivered is within the hours stated on the licence for the sale of alcohol.

## **Live Music Act & licensing deregulation**

- 6.62 The Live Music Act 2012 came into force on 1st October 2012 and is designed to encourage more performances of 'live' music. The Act removes the licensing requirements for:
- Amplified 'live' music between 8am and 11pm before audiences of no more than 200 people on premises authorised to sell alcohol for consumption on the premises
  - Amplified 'live' music between 8am and 11pm before audiences of no more than 200 people in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment)
  - Unamplified 'live' music between 8am and 11pm in all venues
  - The provision of entertainment facilities.
- 6.63 Where licensable activities continue to take place on premises any licence conditions relating to 'live' music will be suspended, but it will be possible to impose new, or reinstate existing conditions following a review.
- 6.64 When considering whether an activity constitutes the provision of regulated entertainment each case will be treated on its own merits. There will inevitably be a degree of judgement as to whether a performance is live music or not, so organisers are encouraged to check with the licensing authority if in doubt.
- 6.65 There was a further deregulation of entertainment licensing in June 2013 when the Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013) came into force on 27 June 2013.
- 6.66 The effect of the order is that no authorisation is required for the following activities to the extent that they take place between 08:00-23:00 on any day:
- A performance of a play in the presence of any audience of no more than 500 people
  - An indoor sporting event in the presence of any audience of no more than 1000 people
  - A performances of dance in the presence of any audience of no more than 500 people.
- 6.67 Entertainment licensing requirements were further deregulated as a result of the Legislative Reform (Entertainment Licensing) Order 2014, which came into force on 6 April 2015.
- 6.68 The 2014 Order deregulated entertainment licensing in the following ways:
- The provision of regulated entertainment by or on behalf of local authorities, health care providers, or schools on their own defined premises became exempt from entertainment licensing between 08.00-23.00 on the same day, with no audience limit.
  - The audience limit for a performance of live amplified music in relevant alcohol licensed

premises or in a workplace between 08.00-23.00 on the same day was raised from 200 to 500.

- Local authorities, health care providers and schools are now exempt from entertainment licensing when making their own defined premises available to third parties for live and recorded music activities between 08:00-23:00 on the same day for audiences of up to 500. [Community premises not licensed to supply alcohol are now exempt from entertainment licensing requirements for live and recorded music between 08:00-23:00 on the same day for audiences of up to 500.
- Travelling circuses are now exempt from entertainment licensing in respect of all descriptions of entertainment, except an exhibition of a film or a boxing or wrestling entertainment, where the entertainment or sport takes place between 08:00-23:00 on the same day, with no audience limit.
- Greco-Roman and freestyle wrestling are now deregulated between 08:00-23:00 for audiences of up to 1000 people.
- An exhibition of film that is incidental to another activity (where that other activity is not itself a description of entertainment set out in paragraph 2 of Schedule 1 to the 2003 Act) is exempt now from licensing.

6.69 The exhibition of films in community premises has also been deregulated as a result of section 76 of the Deregulation Act 2015. No licence is required for an exhibition of film on community premises between 08:00 and 23:00 on any day provided that:

- The film entertainment is not provided with a view to profit;
- The film entertainment is in the presence of an audience of no more than 500 people;
- The admission of children is subject to such restrictions as are necessary to comply with the recommendation issued by the BBFC or relevant licensing authority regarding the admission of children; and
- A person concerned in the organisation or management of the exhibition of the film has obtained the prior written consent of the management committee of the premises, or if there is no management committee, a person who has control of the premises in connection with the carrying on by that person of a trade, business or other undertaking, or failing that a person with a relevant property interest in the premises.

### **Suspension of Licence for non-payment of annual fees**

6.70 As a result of powers introduced under the Police Reform and Social Responsibility Act 2011, the Licensing Authority must suspend Premises Licences and Club Premises Certificates if the holder of the relevant authorisation fails to pay their annual fee.

6.71 However, this does not apply immediately if the payment was not made before or at the time of the due date because of an administrative error, or because the holder disputed liability for the fee. In either of these cases, there is a grace period of 21 days. This period will be used by the Licensing Authority to contact the licence or certificate holder in attempt to resolve the dispute or error. If the dispute or error is not resolved during this 21-day period, the licence or certificate will be suspended.

6.72 When suspending a licence or certificate a notice of suspension will be given in writing to the licence or certificate holder. The police and any other relevant responsible authorities will also be notified of the suspension at the same time.

A premises licence or certificate that has been suspended does not therefore authorise licensable activities. However, it can for example be subject to a hearing or, in the case of a premises licence, an application for transfer. The licence will nevertheless only be reinstated when the outstanding fee has been paid. Formally, debt is owed by the holder who held the licence at the time it was suspended. However, it may be more likely in practice that the new holder will actually make the payment.

- 6.73 Once payment has been received a written acknowledgement will be given to the licence/certificate holder and the suspension will be lifted. The police and any other relevant responsible authorities will be notified that the suspension has been lifted at the same time.

## Section 7 Cumulative Impact

- 7.1 The concept of “cumulative impact” has been described in the Section 182 guidance issued by the Home Office since the commencement of the Licensing Act 2003. Cumulative impact assessments were introduced at Section 5A in the Licensing Act 2003 by the Policing and Crime Act 2017. Cumulative impact is the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area.
- 7.2 In some areas, where the number, type or density of licensed premises, such as those selling alcohol or providing late night refreshment, is high or exceptional, serious problems of nuisance and disorder may arise outside or some distance from those premises. Such problems generally occur as a result of large numbers of drinkers being concentrated in an area, for example when leaving premises at peak times or when queuing at fast food outlets or for public transport.
- 7.3 Queuing in itself may lead to conflict, disorder and anti-social behaviour. Moreover, large concentrations of people may also attract criminal activities such as drug dealing, pick pocketing and street robbery. Local services such as public transport, public lavatory provision and street cleaning may not be able to meet the demand posed by such concentrations of drinkers leading to issues such as street fouling, littering, traffic and public nuisance caused by concentrations of people who cannot be effectively dispersed quickly.
- 7.4 Variable licensing hours may facilitate a more gradual dispersal of customers from premises. However, in some cases, the impact on surrounding areas of the behaviour of the customers of all premises taken together will be greater than the impact of customers of individual premises. These conditions are more likely to arise in town centres, but may also arise in other urban centres and the suburbs, for example on smaller high streets with high concentrations of licensed premises.
- 7.5 Once away from the licensed premises, a minority of customers will behave badly. Other mechanisms for addressing such concerns may be more appropriate than cumulative impact, or may work alongside licensing policy. For example:
- Planning controls
  - Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority, including best practise schemes such as Purple Flag, Best bar None, Pubwatch or BIDs
  - Community Protection Orders
  - The provision of CCTV surveillance in town centres, taxi ranks, provision of public conveniences open late at night, street cleansing and litter patrols
  - Public Spaces Protection Orders
  - Police enforcement of the law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices
  - Prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale)

- Late Night Levy
- Early Morning Restriction Orders
- Other licensing measures such as fixed closing times, staggered closing times and zoning.

### **Cumulative Impact Assessments**

- 7.6 A cumulative impact assessment (CIA) may be published by a licensing authority to help it limit the number or type of licences granted in an area where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives.
- 7.7 Weymouth and Portland Borough Council, one of the predecessor councils which were merged into Dorset Council on 1<sup>st</sup> April 2019 had an existing Cumulative Impact Area (CIA) in Weymouth town centre, designated following consultation and consideration of a Cumulative Impact Assessment. The CIA applies to applications for new premises licences and club premises certificates and applications to vary existing premises licences and club premises certificates within the Area.
- 7.8 The initial assessment included a call for evidence from the responsible authorities, including crime statistic reports commissioned from Dorset Police and ASB/nuisance statistics provided by the council's Licensing, Community Safety and Environmental Health Services. Local residents were also given the opportunity to comment on the proposals through the consultation period and relevant elected ward councillors and Community Committees during the development of the cumulative impact assessment.
- 7.9 As required by the law, the council is conducting a formal consultation process on retaining the cumulative impact Area with:
- The responsible authorities
  - Licensees and those representing licensees
  - Local residents and businesses
  - Those representing local residents and businesses.
- 7.10 Responses from these consultations will be reviewed and reports are available from the Licensing team.
- 7.11 The council will review the cumulative impact policy area at least every three years, as required by the legislation. The Cumulative Impact Assessments are available on the council's website. Applicants should contact the Licensing team to ensure they are in possession of the latest information before making their application.

### **Cumulative Impact Areas**

- 7.12 The cumulative impact assessment has shown that the number or type of licence applications granted in the following area(s) are having a cumulative impact and this is leading to problems which are undermining the licensing objectives.

#### Weymouth Town Centre

- 7.13 The council has considered the available data and has determined that there is an area that is suffering from the cumulative impact of licensed premises and as a consequence this is leading to problems which are undermining the licensing objectives.

- 7.14 Weymouth Town Centre is an area where the impact of the licensed premises is considered so severe that the council's position is that any application for a new licence or the variation of an existing licence within the area should be refused, unless the applicant can show how their application would not lead to an increase in the detrimental impact of licensed premises in this area. Maps showing the exact geographical area can be found in the cumulative impact assessment at Appendix A to this Policy.
- 7.15 In this area the nature of the problems are alcohol related violent crime being perpetrated by people visiting and using this area during specific peak hours. More information on the evidence can be found in the cumulative impact assessment.
- 7.16 It would be inconsistent with the council's duty to promote the licensing objectives to grant new and variation application for any premises licence (on sales, off sales and late night takeaways), that seek to operate during the peak hours described in the cumulative impact assessment for the town centre.

#### **Applications within a cumulative impact area**

- 7.17 Applications for premises situated within a designated cumulative impact area for new premises licences or variations that are likely to add to the existing cumulative impact will normally be refused if relevant representations are received. It is for the applicant to demonstrate that their application would not add to the cumulative impact of such licensed premises in the area and so give good reason for the council to depart from its own policy.
- 7.18 An applicant wishing to obtain a new or varied licence for premises falling within the cumulative impact area must identify, through the risk assessment process (if used) and operating schedule, the steps that they intend to take so that the council and responsible authorities can be satisfied that granting a new licence will not add to the problems already being experienced.
- 7.19 To assist this process applicants are encouraged to submit a full and thoroughly considered application at the earliest opportunity. The onus is on the applicant to demonstrate to the responsible authorities the suitability and detail for their planned operation. The applicant is encouraged to make early contact with the responsible authorities to discuss their plans, and suggested control measures. Applicants should also have particular regard to the guidance issued by the Home Office under section 182 of the Act.
- 7.20 The existence of a cumulative impact assessment for a specific area does not relieve the responsible authorities or any other person of the need to make relevant representations where they consider it appropriate to do so for the promotion of the licensing objectives. Anyone making a representation may base it on the evidence published in the cumulative impact assessment, or the fact that a cumulative impact assessment has been published for that area. It remains incumbent on all responsible authorities and other people to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing. As with all licensing applications under the Licensing Act 2003, if there are no representations, the licensing authority must grant the application in terms that are consistent with the operating schedule submitted as part of the application.
- 7.21 The council recognises that cumulative impact policies should not be absolute. The circumstances of each application will be considered properly on its own merits and applications for licences that are unlikely to add to the cumulative impact on the licensing objectives may still be granted, depending on the individual circumstances. After receiving representations in relation to a new application or for a variation of a licence, the licensing authority will consider whether it would be justified in departing from its policy and cumulative impact assessment in the light of the individual

circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics. If the council decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of the licensing objectives and that appropriate conditions would be ineffective in preventing the problems involved.

7.22 When considering an application where the subject premises is in a cumulative impact area, the council will need to be satisfied that the grant of the licence or variation will not impact on the cumulative impact of existing licensed premises in the area and as the burden of proof is on the applicant, they will often suggest measures which they assert will demonstrate there will be no impact. Examples of factors the licensing authority may consider as demonstrating there will be no impact may include, though are not limited to:

- Small premises who intend to operate up to midnight.
- Premises which are not alcohol led and only operate during the day time economy
- Instances where the applicant is relocating their business to a new premises but retaining the same style of business.
- Conditions which ensure that the premises will operate in a particular manner such as a minimum number of covers or waiter/waitress service to secure a food led operation.
- Premises which will bring a variety of cultural activities to the area and expand the range of activities on offer for customers.

7.23 Examples of factors the licensing authority will not consider as meeting the standard of rebuttal include:

- That the premises will be well managed and run (as all licensed premises should meet this standard)
- That the premises will be constructed to a high quality standard
- That the applicant operates similar premises elsewhere, such as in another licensing authority area, without complaint

7.24 Any relevant representations submitted in support of an application will be taken into consideration by the council when making its determination.

### **Representations based on cumulative impact outside cumulative impact areas**

7.25 In cases where either responsible authorities or other people seek to establish that an application should be refused on the grounds that it would result in or further contribute to a cumulative impact in an area not already designated as such, which would undermine one or more of the licensing objectives, they will be expected to:

- Identify the boundaries of the area from which it is alleged problems are arising
- Identify the licensing objective which it is alleged will be undermined
- Identify the type of licensable activity alleged to be causing the problem (e.g. sale of alcohol, late night refreshment)
- Provide full details and evidence to show the manner and extent to which it is alleged that the licensing objectives are being, or at risk of being, undermined in the area
- Provide evidence to show that the undermining of the objective is caused by the patrons of licensed premises in the area.

7.26 The reason for this is to ensure that there is an evidential basis for the licensing sub-committee to reach a decision and in the case of a representation submitted by persons other than responsible authorities, their objections are neither frivolous nor vexatious.

## Section 8 Early Morning Alcohol Restriction Orders

- 8.1 The power conferred on licensing authorities to make, vary or revoke an EMRO is set out in section 172A to 172E of the Licensing Act 2003. This power was brought into force on 31<sup>st</sup> October 2012 and the Government has provided guidance as part of the S182 Guidance to Licensing Authorities.
- 8.2 An EMRO enables a licensing authority to prohibit the sale of alcohol for a specified time period between the hours of 12am and 6am in the whole or part of its area, if it is satisfied that this would be appropriate for the promotion of the licensing objectives.
- 8.3 EMROs are designed to address recurring problems such as high levels of alcohol related crime and disorder in specific areas at specific times; serious public nuisance and other instances of alcohol related anti-social behaviour which is not directly attributable to specific premises.
- 8.4 It is the council's intention to support businesses rather than hinder them whilst ensuring promotion of the licensing objectives. However where this has deemed to fail then an EMRO could be considered as a possible solution.
- 8.5 An EMRO:
- Applies to the supply of alcohol authorised by premises licences, club premises certificate and temporary event notices;
  - Applies for any period beginning at or after 12am and ending at or before 6am. It does not have to apply on every day of the week and can apply for different time periods on different days of the week;
  - Applies for a limited or unlimited period (for example, an EMRO could be introduced for a few weeks to apply to a specific event);
  - Applies to the whole or any part of the licensing authority's area
  - Will not apply to any premises on New Year's Eve (defined as 12am to 6am on 1 January every year);
  - Will not apply to the supply of alcohol to residents by accommodation providers between 12am and 6am, provided the alcohol is sold through mini-bars/room service; and
  - Will not apply to a relaxation of licensing hours by virtue of an order made under section 172 of the Licensing Act 2003.

### EMRO Request

- 8.6 It is expected that the need for an EMRO may be identified by a number of different organisations. For example the request for an EMRO may originate at an area committee, residents association or the local Neighbourhood Policing Team. It may come via the Licensing Enforcement Group which is a group of partner agencies who meet regularly to discuss issues relating to the sale of alcohol and the provision of entertainment. It is likely that more than one organisation may be involved in the process.
- 8.7 It is anticipated that the request would be referred to the Licensing team where a designated procedure will be applied to determine if an EMRO is appropriate. If appropriate, the request would be referred to the Licensing Committee. Members would be supplied with evidence of the issues being experienced in the area in support of the EMRO. The Licensing Committee will decide if, on the strength of the evidence provided, that an EMRO is appropriate for the promotion of the licensing objectives and if further work is to be undertaken to support the case. Members may decide that other measures would be more effective in dealing with the problems, or that licence holders should engage with the authorities in an attempt to rectify matters before the request is considered further.



## Evidence

8.8 The Section 182 Guidance to Licensing Authorities states that:

*“The licensing authority should be satisfied that it has sufficient evidence to demonstrate that its decision is appropriate for the promotion of the licensing objectives. This requirement should be considered in the same manner as other licensing decisions, such as the determination of applications for the grant of premise licences. The licensing authority should consider the evidence from partners, including responsible authorities and local Community Safety Partnerships, alongside its own evidence, to determine when an EMRO would be appropriate for the promotion of the licensing objectives.”*

8.9 The level of evidence Licensing Committee will consider to support an Early Morning Alcohol Restriction Order is:

- Police evidence of reported alcohol related crime
- Nuisance statistics compiled from complaints made to Environmental Health in relation to noise, odour and litter nuisance
- Data gathered from complaints made to the Licensing team on matters which affect the licensing objectives.
- Anecdotal evidence from residents organisations, ward members and other representatives of people living in a specific area
- Evidence obtained during the public consultation and associated public meetings

8.10 In addition the S182 guidance suggests other sources of evidence such as

- Health related statistics such as alcohol-related emergency attendances and hospital admissions

8.11 This should, in part be provided by the organisation or group who are proposing an EMRO should be in force.

8.12 Once the Licensing Committee is satisfied that an EMRO is required to address the issues in an area, and all other measures have been tried and failed to address these issues, the formal process of implementing an EMRO will begin. The design of the EMRO will include:

- The days (and periods on those days) on which the EMRO would apply
- The area to which the EMRO would apply
- The period for which the EMRO would apply
- The date from which the proposed EMRO would apply

## Consultation

8.13 The proposed EMRO will be advertised for at least 42 days. The proposal will be published on the council’s website and in a local newspaper. A notice will be sent to all affected people in the area who hold a premises licence or club premises certificate, or people who use TENs or who hold a provisional statement. A notice will be displayed in the area, and sent to responsible authorities and adjacent licensing authorities.

8.14 Anyone affected by the EMRO has 42 days in which to make a representation on any aspect of the EMRO design. If relevant representations are received then a hearing will be held to consider them. If there are a number of representations, the licensing authority may consider whether to hold the hearing over several days. The hearing will be commenced within 30 working days of the end of the

notice period.

As a result of the hearing the licensing authority has three options:

- To decide that the proposed EMRO is appropriate for promotion of the licensing objectives
- To decide that the proposed EMRO is not appropriate and therefore the process should be ended
- To decide that the proposed EMRO should be modified. In this case it may be necessary to advertise again.

### Formal Decision

- 8.15 Once the licensing authority is satisfied that the proposed order is appropriate for the promotion of the licensing objectives, its determination will be put to full Council for its final decision. Once the EMRO is made, the authority will send a notice to all affected people and make it available for 28 days on the website.
- 8.16 A variation or a revocation of an order will follow the same process. However, an order could be applied for a specified time and in this case the order ceases to apply on the final day.
- 8.17 Once an EMRO is in place, the licensing authority will update this policy as soon as possible to include reference to the EMRO in this section.
- 8.18 There are currently no EMROs in place in the Dorset Council area.

## Section 9 Late Night Levy

- 9.1 The late night levy is a power, conferred on licensing authorities by provision in Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011. This enables licensing authorities to charge a levy to persons who are licensed to sell alcohol late at night in the authority's area, as a means of raising a contribution towards the costs of policing the late-night economy.
- 9.2 The levy is a power and the Government has recognised that some licensing authorities will not consider that it is appropriate to exercise it.
- 9.3 The licensing authority is not currently satisfied that it is appropriate to introduce a Late Night Levy.
- 9.4 At the present time this licensing authority does not have a large number of premises which are licensed to sell alcohol during the late night supply period.
- 9.5 The decision to introduce the levy is for the licensing authority to make. However the licensing authority will keep the need for a levy under review in consultation with the chief officer of police and police and crime commissioner ("PCC") for the police area.
- 9.6 When considering whether to introduce a levy the licensing authority notes that any financial risk (for example lower than expected revenue) rests at a local level and this will be fully considered prior to making any decision about local implementation.
- 9.7 The licensing authority will decide whether or not it believes it has a viable proposal to introduce the levy before incurring the costs of the formal consultation process.

- 9.8 If the licensing authority decides to give further consideration to the introduction of a levy in the future, it will do so in accordance with the relevant regulations and with reference to any relevant guidance issued by the Home Office.
- 9.9 Any decision to introduce, vary or end the requirement for the levy will be made by the full Council. Other decisions in relation to the introduction and administration of the levy would be delegated to the Licensing Committee.

## Section 10 Power to deregulate late night refreshment premises

- 10.1 Section 71 of the Deregulation Act 2015 inserted paragraph 2A into Schedule 2 of the Licensing Act 2003 in relation to the provision of late night refreshment.
- 10.2 This amendment created a discretionary power to licensing authorities to exempt premises in certain circumstances, from the requirement to have a licence to provide late night refreshment.
- 10.3 The powers allow a relevant licensing authority to exempt the supply of late night refreshment if it takes place:
- on or from premises which are wholly situated in a designated area;
  - on or from premises which are of a designated description; or
  - during a designated period (beginning no earlier than 23.00 and ending no later than 05.00).
- 10.4 The licensing authority does **not** currently consider it appropriate to exercise the discretionary powers within paragraph 2A of Schedule 2 to the Licensing Act 2003.
- 10.5 If the licensing authority was going to consider exercising the powers in the future, it would only do so having carefully considered the risks to the promotion of the licensing objectives and the impact on the locality.

## Section 11 Personal Licences

- 11.1 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a Personal Licence. The Act does not require the presence of a Personal Licence holder at all times but if any sales are made when a Personal Licence Holder is not present, then they must have been authorised by somebody who holds a Personal Licence. Regardless of whether a Personal Licence holder is present or not he will not be able to escape responsibility for the actions of those he authorises to make such sales.
- 11.2 The council would expect that authorisations for the sale of alcohol be made in writing to ensure that those authorised are clear what their legal responsibilities are. Any premises at which alcohol is sold or supplied may employ one or more Personal Licence holders.
- 11.3 The council recognises it has no discretion regarding the granting of personal licences where;
- the applicant is 18 or over and
  - possesses an accredited licensing qualification and
  - has not had a licence forfeited in the last five years and
  - has not been convicted of a relevant offence or foreign offence or been required to pay an immigration penalty and

- the applicant has the right to work in the UK.

- 11.4 An application for a personal licence to sell alcohol must be made in the form specified in Government guidance or regulations. The application form must be accompanied by the requisite fee. The applicant should also produce evidence of the relevant qualifications and their right to work in the UK.
- 11.5 Applicants should produce a basic disclosure certificate issued by the Disclosure and Barring Service along with the application form. The certificate must be recent (less than 30 days old) and comply with the regulations applicable to personal licence applications. Applicants are also expected to sign a declaration as to whether or not they have been convicted of a relevant offence or a similar offence outside England and Wales.
- 11.6 Where the application discloses relevant unspent convictions the council will notify the police of that application and the convictions. The police may make objection on the grounds of crime and disorder. If an objection is lodged a hearing must be held.
- 11.7 The council will, at such a hearing, consider carefully whether the grant of the licence will potentially compromise the promotion of the crime prevention objective. It will consider the seriousness and relevance of the conviction(s), the period that has elapsed since the offence(s) were committed and any mitigating circumstances. The council will normally refuse the application unless there are exceptional and compelling circumstances which justify granting it.

### **Suspension & revocation**

- 11.8 Section 138 of the Policing and Crime Act 2017 amended the Licensing Act 2003 and gave the power to a Licensing Authority to suspend or revoke personal licences that it has issued with effect from 6 April 2017.
- 11.9 When a Licensing Authority has granted a personal licence and becomes aware that the licence holder has been convicted of a relevant offence or foreign offence or been required to pay an immigration penalty, a licensing authority may revoke the licence or suspend it for a period of up to six months. This applies to convictions received and civil immigration penalties which a person has been required to pay at any time before or after the licence was granted, as long as the conviction was received after 6 April 2017, or the requirement to pay the civil penalty arose after 6 April 2017. Prior to 6 April 2017 only magistrates' courts can order the forfeiture or suspension of a personal licence for convictions.
- 11.10 The process which must be undertaken by the Licensing Authority to suspend or revoke a personal licence is set out at section 132A of the 2003 Act. The decision to revoke or suspend a personal licence must be made by the licensing committee or sub-committee.
- 11.11 The Licensing Authority may not take action if the licence holder has appealed against the conviction or the sentence imposed in relation to the offence, until the appeal is disposed of. Where an appeal is not lodged, the Licensing Authority may not take action until the time limit for making an appeal has expired.
- 11.12 If a Licensing Authority is considering revoking or suspending a personal licence, the authority must give notice to the licence holder. This notice must invite the holder to make representations about the conviction, any decision of a court in relation to the licence, or any decision by an appellate court

if the licence holder has appealed such a decision. The licence holder may also decide to include any other information, for example, about their personal circumstances.

- 11.13 The licence holder must be given 28 days to make their representation, beginning on the day the notice was issued. Before deciding whether to revoke or suspend the licence the licensing authority must consider any representations made by the licence holder, any decisions made by the court or appellate court in respect of the personal licence of which the licensing authority is aware, and any other information which the licensing authority considers relevant.
- 11.14 The Licensing Authority may not be aware of whether the court considered whether to revoke or suspend the licence, and there is no obligation on the Licensing Authority to find this out before making a decision themselves. Where the court has considered the personal licence and decided not to take action, this does not prevent the Licensing Authority from deciding to take action itself. Licensing Authorities have different aims to courts in that they must fulfil their statutory duty to promote the licensing objectives, and therefore it is appropriate for the licensing authority to come to its own decision regarding the licence.
- 11.15 If the Licensing Authority, having considered a suspension and revocation and subsequently considered all the information made available to it, proposes not to revoke the licence it must give notice to the chief officer of police in the Licensing Authority's area, and invite the chief officer to make representations about whether the licence should be suspended or revoked, having regard to the prevention of crime. The chief officer may make representations within the period of 14 days from the day they receive the notice from the licensing authority.
- 11.16 Any representations made by the chief officer of police must be taken into account by the Licensing Authority in deciding whether to suspend or revoke the licence.
- 11.17 Convictions may come to light via police in another area, for example if the personal licence holder no longer lives in the area of the Licensing Authority which issued the licence, or if the offence took place in another police force area. In this instance it would be good practice for the police providing the information to notify the police force in the Licensing Authority area, because it is the local chief officer who must provide representations if the Licensing Authority proposes not to revoke the licence.
- 11.18 Where the licence holder is convicted of immigration offences or has been required to pay a civil penalty for immigration matters, the Licensing Authority should notify Home Office Immigration Enforcement and allow representations to be made in the same way.
- 11.19 In deciding whether to suspend or revoke a personal licence, the Licensing Authority will have regard to all of the circumstances including the following:
- The need to assess each case on its merits
  - The duty to promote the licensing objectives
  - The guidance issued by the Secretary of State under section 182 of the Licensing Act 2003
  - The seriousness of the relevant offence
  - The sentence or penalty imposed on the licence holder for the relevant offence
  - Any representations made by the Police or Home Office Immigration Enforcement
  - Any representations made by the holder of the licence
  - Any evidence as to the previous character of the holder of the licence.
- 11.20 The Licensing Authority must notify the licence holder and the chief officer of police of the decision made (even if the police did not make representations). The licence holder may appeal the Licensing Authority's decision to revoke or suspend their personal licence. A decision to revoke or suspend the

licence does not take effect until the end of the period allowed for appealing the decision (21 days); or if the decision is appealed against, until the appeal is disposed of.

11.21 If the personal licence holder is a DPS, the licensing authority may notify the premises licence holder once the decision to revoke or suspend the licence has been made, if it becomes necessary to do so in order for the Licensing Authority to be able to carry out their functions.

11.22 The Licensing Authority may also notify any person who has declared an interest in the premises under section 178 of the 2003 Act if it becomes necessary to do so in order for the licensing authority to be able to carry out their functions.

## Section 12 Temporary Event Notices

12.1 The system of permitted temporary activities is intended as a 'light touch' process, and as such, the carrying on of licensable activities does not have to be authorised by the licensing authority on an application. Instead a person wishing to hold an event at which such activities are proposed to be carried on (the "premises user") gives notice to the licensing authority of the event (a "temporary event notice" or TEN).

12.2 Temporary event notices are subject to various limitations. These are concerned with:

- The number of times a premises user may give a TEN – 50 times in a calendar year for a personal licence holder and five times in a calendar year for other people);
- The number of times a TEN may be given for any particular premises (15 times in a calendar year);
- The maximum duration of an event authorised by a TEN is 168 hours (seven days);
- The maximum total duration of the events authorised by TENs in relation to individual premises (21 days in a calendar year);
- The maximum number of people attending at any one time (fewer than 500); and
- The minimum period between events authorised under separate TENs in relation to the same premises (not including withdrawn TENs) by the same premises user (24 hours).

12.3 The most important aspect of the system of temporary event notices is that no permission is required for these events from the council. Only the police or Environmental Health may intervene to prevent such an event from occurring or modify the arrangements for such an event. The council will only intervene of its own volition if one or more of the specified limits listed above were to be exceeded.

12.4 Many premises users giving temporary event notices will not have a commercial background or ready access to legal advice. They will include, for example, people acting on behalf of charities, community and voluntary groups, and those which may stage public events to raise funds, at which licensable activities will take place. The council will ensure that local guidance about the temporary permitted activities is clear and understandable and will strive to keep the arrangements manageable and user-friendly for such groups.

12.5 Where a community event takes place and where TEN applications are submitted, time restrictions may be agreed to reduce the noise and ASB impact on the local community to support the safe running of the event and promote the licensing objectives.

12.6 There are two types of TEN; a standard TEN and a late TEN. These have different notice periods. A

standard TEN is given no later than ten working days before the event to which it relates; a late TEN is given not before nine and not later than five working days before the event. In both instances this does not include the date of the event or the date the council receives the notice.

- 12.7 The council encourages notice providers to give the earliest possible notice of events likely to take place. This is particularly relevant to events which are to take place in the open air or in a temporary structure. Assistance with the planning of events can be provided through multi agency forum meetings.
- 12.8 The council will provide local advice about proper respect for the concerns of local residents, of other legislative requirements regarding health and safety, noise pollution, the building of temporary structures, or other necessary permissions, and of the powers to close down events with no notice on grounds of disorder, the likelihood of disorder or noise emanating from the premises.

### **Police and Environmental Health Intervention**

- 12.9 The Act provides that in exceptional circumstances, the police or Environmental Health may issue an objection notice because they believe the event would undermine the one or more of the four licensing objectives set out in the Act. The police or Environmental Health must issue an objection notice within three working days of being notified, but they can subsequently withdraw the notice. The issuing of such an objection notice requires the consideration of the objection by the council at a hearing in the case of a standard TEN. If an objection notice is issued in relation to a late TEN then the TEN is cancelled by way of serving a counter notice and licensable activities are not authorised.
- 12.10 The ability of police and Environmental Health to serve such a notice is a further reason why event organisers are strongly encouraged by the council not to rely on giving the minimum amount of notice and to contact the local police and Environmental Health at the earliest possible opportunity about their proposals.

### **Additional limitations**

- 12.11 The council, on receiving temporary event notices, will also check that the requirements of the Act as to duration and numbers of notices are met. For these purposes, a notice is treated as being from the same premises user if an associate gives it.
- 12.12 The Act defines an associate as being:
- The spouse or civil partner of that person;
  - A child, parent, grandchild, grandparent, brother or sister of that person; or
  - An agent or employee of that person;
  - The spouse or civil partner of a person listed in either of the two preceding bullet points.
- 12.13 A person living with another person as his or her husband or wife is treated for these purposes as his or her spouse.

## **Section 13    Enforcement and reviews**

- 13.1 The Licensing Act contains measures to ensure that the council, and responsible authorities, are able to deal with premises that wilfully and persistently undermine the licensing objectives. The council and responsible authorities are committed to encouraging a thriving day time and night time licensed

economy but will not tolerate those premises whose activities break the law or infringe upon the quality of life for local residents and businesses.

- 13.2 The council has established a multi-agency enforcement protocol which sets out the framework for the risk based enforcement of the Licensing Act 2003 following the principles of better regulation advocated by the Department for Business, Energy and Industrial Strategy (BEIS). The protocol allows for carrying out of joint inspections with the police, the fire authority and other relevant agencies.

### **Prosecution of breaches**

- 13.3 In accordance with the enforcement protocol, the council adopts a multi-agency approach to the prosecution of offences under the Licensing Act.
- 13.4 Consideration will be given to the appropriate powers that should be used to address a problem where other agencies such as the police, fire authority, environmental protection, environmental health and trading standards also have their own powers.
- 13.5 The council has adopted the principles of the Hampton Report in its enforcement concordat. Formal enforcement will be a last resort and proportionate to the degree of risk. To this end the key principles of consistency, transparency and proportionality will be maintained.
- 13.6 The council has a zero tolerance to antisocial behaviour and environmental crime.

### **Reviews of Licences**

- 13.7 The council recognises that the ability of the police, other responsible authorities and other people to apply for a review of a premises licence.
- 13.8 On receipt of a relevant request to carry out a review the council has a range of options available to it under the Act. These include:
- To modify the conditions of the licence including imposing new conditions, altering existing conditions or removing conditions (permanently or temporarily)
  - To exclude a licensable activity from the scope of the licence (permanently or temporarily)
  - To remove the Designated Premises Supervisor
  - To suspend the licence for a period not exceeding three months
  - To revoke the licence
- 13.9 The council will seek to establish the cause or causes of the concern and remedial action will be targeted at such causes. Any action will be proportionate to the problems involved.
- 13.10 The council has agreed protocols with responsible authorities and published guidance on the review process which is available from the Licensing team.
- 13.11 Where a Magistrates Court makes a Closure Order under part 8 of the Licensing Act 2003 (on grounds of disorder) the council must carry out a review of the licence.
- 13.12 Where a Magistrates Court makes a Closure Order under the Anti-Social Behaviour, Crime and Policing Act 2014 (on grounds of the use, supply or production of Class A drugs associated with disorder or serious nuisance) the police will usually ask the council to carry out a review of the licence.
- 13.13 Where a closure order has been made under the Anti-Social Behaviour, Crime and Policing Act 2014



(on grounds of noise) the council's Environmental Health section will normally request a review of the licence.

- 13.14 Where any agency provides evidence of the keeping of smuggled goods, such as counterfeit alcohol or tobacco, or the employment of persons who do not possess the right to work in the UK, the relevant agency may request a review of the premises licence.

### **Matters to be considered**

- 13.15 When considering a review request or the possibility of enforcement action the council will take into account use of the premises for criminal activities such as the supply of drugs or money laundering
- failure to promptly respond to a warning properly given by a responsible authority
  - failure to engage with the RAs in an effective manner
  - previous convictions for licensing offences
  - previous failure to comply with licence conditions

### **Summary reviews**

- 13.16 The Violent Crime Reduction Act 2006 amended parts of the Licensing Act 2003 and now expands police and council powers to deal with problem premises in a more expedient manner.
- 13.17 A power to carry out summary reviews in serious cases of crime and disorder is brought in at section 53A of the Licensing Act 2003. Where a review application is accompanied by a certificate issued by a senior police officer, the Licensing Authority is required within 48 hours to consider whether it is necessary to take any interim steps pending the completion of the review process. This may include the immediate suspension of the premises licence.

### **Immigration Act 2016**

- 13.18 The Immigration Act 2016 made a number of amendments to the Licensing Act 2003 to introduce immigration safeguards in respect of licensing applications made in England and Wales on or after 6 April 2017. The intention of these changes is to prevent illegal working in premises licensed for the sale of alcohol or late-night refreshment.
- 13.19 The statutory prevention of crime and disorder licensing objective in the Licensing Act 2003 includes the prevention of immigration crime and the prevention of illegal working in licensed premises. The Council will work with the Home Office (Immigration Enforcement) as well as the police, in respect of these matters.
- 13.20 Section 36 of and Schedule 4 to the Immigration Act 2016 (the 2016 Act) amended the 2003 Act to provide that in England and Wales:
- 13.21 Premises licences to sell alcohol or provide late night refreshment and personal licences cannot be issued to an individual who does not have permission to be in the UK, or is not entitled to undertake work relating to the carrying on of a licensable activity;
- 13.22 Licences issued to those with limited permission to be in the UK will lapse when their permission to be in the UK and work in a licensable activity comes to an end;
- 13.23 Immigration offences, including civil penalties, are 'relevant offences' as defined by the 2003 Act;

- 13.24 The Home Secretary (in practice Home Office (Immigration Enforcement)) was added to the list of responsible authorities in the licensing regime, which requires Home Office (Immigration Enforcement) to receive premises licence applications (except regulated entertainment only licences) and applications to transfer premises licences, and in some limited circumstances personal licence applications, and permits Home Office (Immigration Enforcement) to make appropriate representations and objections to the grant of a licence; and Immigration officers are permitted to enter premises which they have reason to believe are being used to sell alcohol or provide late night refreshment, to investigate whether immigration offences are being committed in connection with the licensable activity.
- 13.25 The Licensing Authority will have regard to any guidance issued by the Home Office in relation to the immigration related provisions now contained in the Licensing Act 2003.
- 13.26 The Licensing Authority will also work in partnership with the Home Office (Immigration Enforcement) and Dorset Police with a view to preventing illegal working in premises licensed for the sale of alcohol or late night refreshment.

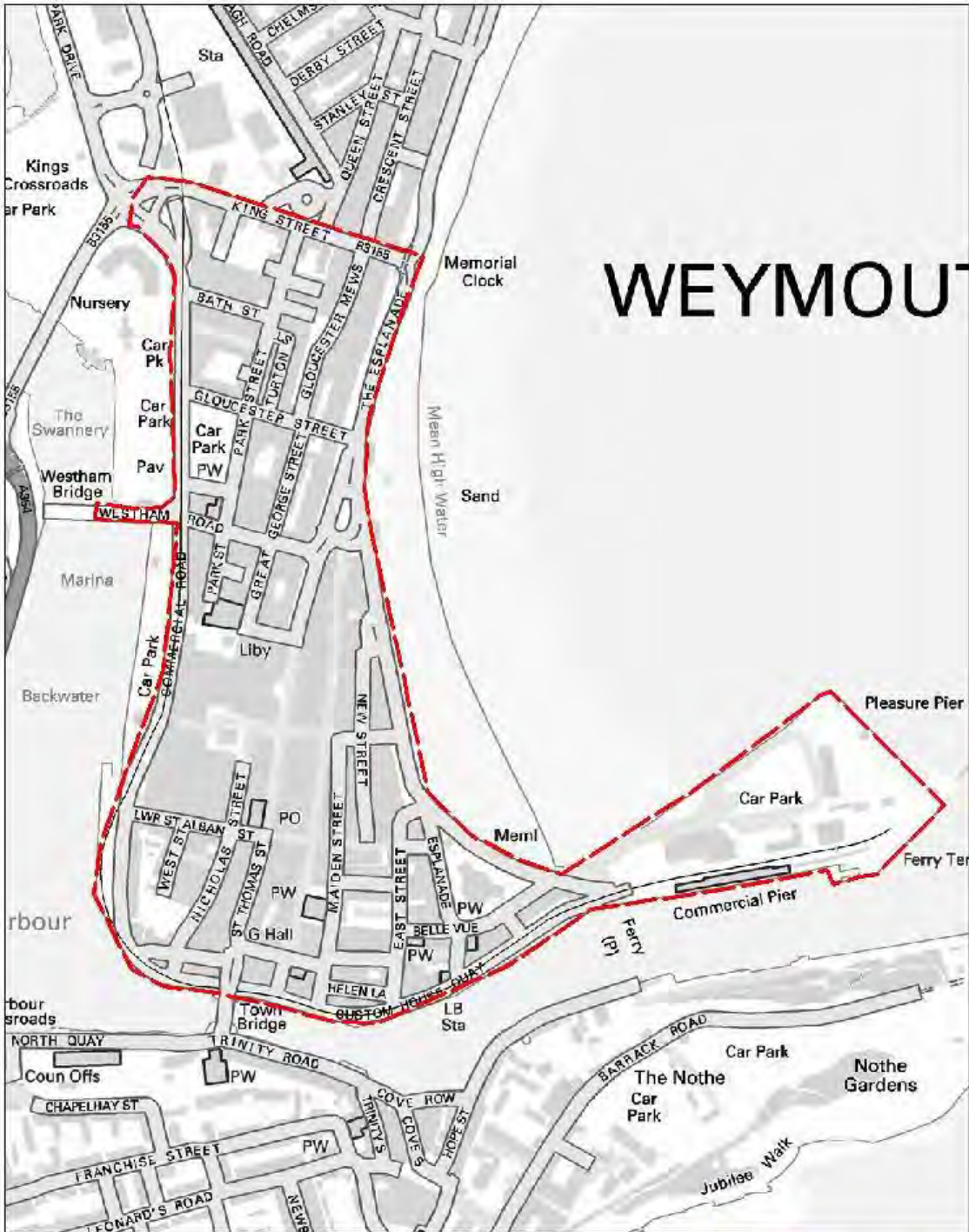
### **Public Space Protection Order (PSPO)**

- 13.27 Public Space Protection Orders were introduced in October 2014 by the Anti-social Behaviour, Crime and Policing Act 2014. They are designed to deal with a particular nuisance or problem in a specific area (a public place) that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. They are intended to help ensure public places can be enjoyed by all and kept free from anti-social behaviour (ASB).
- 13.28 A PSPO can cover multiple restrictions, so one order can prohibit several activities such as the drinking of alcohol and dog fouling. Enforcement will be undertaken by authorised officers, with the support of police officers.
- 13.29 If anyone breaches the requirements of the PSPO, or fails to comply with a request from an authorised officer or Police Officer to cease the prohibited activity, they would be committing a criminal offence and may be issued a Fixed Penalty Notice of £100 or upon conviction a fine of up to £1000.
- 13.30 There is a current PSPO designated area for alcohol consumption in Weymouth. Full details of the Public Spaces Protection Order 2018, and related Schedules, (detailing the restricted areas), can be found here: <https://www.dorsetcouncil.gov.uk/your-community/community-safety/anti-social-behaviour/anti-social-behaviour-in-the-weymouth-and-portland-area.aspx>

## Section 12 Table of Delegations

Matters to be dealt with	Sub Committee	Officers
Application for personal licence	If Police objection is made owing to unspent relevant convictions.	In all cases unless a Police objection is made owing to unspent relevant convictions.
Application for premises licence/club premises certificate	If a relevant Representation is made	If no relevant representation is made
Application for provisional statement	If a relevant representation is made	If no relevant representation is made
Application to vary premises licence/club premises certificate under sections 34 and 84 of the Act	If a relevant representation is made	If no relevant representation is made
<p>Application to vary premises licence/club premises certificate under sections 41A and 86A of the Act - minor variations</p> <p>1. To consider and determine applications for minor variations, whether representations have been made or not, when such applications relate to:</p> <ul style="list-style-type: none"> <li>i) Changes to the layout and arrangements at premises</li> <li>ii) Reductions in the hours of licensable activities;</li> <li>iii) The removal of licensable activities from a licence.</li> <li>iv) The removal or alteration of defunct or unenforceable conditions on licences;</li> <li>v) Alterations to existing conditions and/or the imposition of new volunteered conditions when such an action has been recommended to the licence holder by a responsible authority.</li> </ul> <p>2. All other minor variation applications</p>	If a relevant representation made	Officers in all cases
Application to vary designated premises supervisor	If a police objection is made	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a police objection is made	All other cases
Applications for interim authorities	If a police objection is made	All other cases
Decision on whether a complaint is irrelevant, frivolous or vexatious etc		All cases
Determination of an objection to a temporary event notice	All cases	
Application to disapply the mandatory condition for a Designated Premises Supervisor at community premises	If a police objection is made	All other cases
Decision whether to consult other responsible authorities on minor variation application		All cases
To serve a counter notice for a 'late' Temporary Event Notice		All cases

## Appendix A Weymouth Town Centre Cumulative Impact Area



**Map of proposed Cumulative Impact Area (CIA) for Weymouth.**

THIS MAP IS NOT DEFINITIVE AND HAS NO LEGAL STATUS

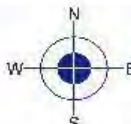
**Ref:**

Date: 15/08/2016

Scale 1:5000

Drawn By: 7889

Cent X: 368161



© 2012 American College of Obstetricians and Gynecologists. All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage or retrieval system, without permission in writing from the American College of Obstetricians and Gynecologists.



## **Licensing Act 2003**

### **Pool of Sample Conditions**

## Index

	Page
Introduction	52
A Capacity, control and management of customers	53
B CCTV	54
C Cinematographic / Film Exhibitions	55
D Children	55
E Controls for Sale of Alcohol	56
F Drug Action	57
G Door Control / Stewarding/Searches & Security	57
H External Areas/Smoking Areas	59
J General Safety and Evacuation	59
K Glass / Bottles	61
L Noise Precautions	61
M Sanitary Facilities	62
N Promoted Events and one-off promotions	62
P Waste Management / Odours	63
Q Miscellaneous	63

## INTRODUCTION

If an application is made for the grant or variation of a premises licence under the Licensing Act 2003 the authority can do so subject to conditions consistent with the operating schedule and mandatory conditions. However further conditions can be imposed if they are considered appropriate and necessary for the promotion of one or more of the four licensing objectives.

The authority must have regard to the Guidance issued under s182 of the Licensing Act 2003 by the Secretary of State which states licensing conditions should be tailored to the size, type, location, characteristics and activities taking place at the individual premises and standardised conditions should be avoided in all circumstances.

These model conditions have been produced to assist prospective licence holders, responsible authorities and other individuals where they consider they would promote the licensing objectives within individual applications. Following an application, all parties are encouraged to work together and where appropriate, utilise the attached list of model conditions to promote a consistent approach when proposing conditions on a premises licence.

Please note the attached model conditions are not an exhaustive list which can be added on a premises licence and there may be instances where alternative conditions are deemed appropriate for the promotion of the licensing objectives. For example specific conditions may be added to a premises licence for an open air event to meet the specific requirements of the Licensing Authority or the Responsible Authorities dependant on the site, the type of entertainment to be held and the anticipated audience.

(NB: Within the list of sample conditions, where a condition contains an instruction to insert any fact, that information must be supplied).

A CAPACITY, CONTROL AND MANAGEMENT OF CUSTOMERS	
A1	There shall be no entry or re-entry to the premises after <i>(Insert terminal hour for entry)</i> hours. Appropriate signage shall be clearly displayed at each exit from the premises advising patrons that re-entry to the premises after <i>(Insert terminal re- entry time)</i> hours is prohibited and that this prohibition also applies to people wishing to leave the premises to smoke.
A2	There shall be no entry or re-entry to the premises after <i>(Insert terminal hour for entry)</i> hours. Appropriate signage shall be clearly displayed at each exit from the premises advising patrons that re-entry to the premises after <i>(Insert terminal re- entry time)</i> hours on any morning is prohibited. Persons wishing to leave the building to smoke, may do so, provided that they go to an allocated and supervised outdoor area and they are issued passes which they return upon wishing to re- enter the premises that this prohibition also applies to people wishing to leave the premises to smoke.
A3	The occupancy shall be restricted to <i>(Insert number)</i> persons in the premises. <i>(Limits may be also be appropriate for different rooms or floors of premises)</i> The occupancy figure includes staff, performers and public. The Premises Licence Holder shall ensure that there are appropriate management controls to ensure that the occupancy figure is not exceeded at any time. Appropriate controls shall be put in place to ensure that the occupancy of the premises / specified areas are not exceeded at any time.
A4	There shall be no security passes for admission other than those issued to bona fide staff and to statutory authorities.
A5	Admission shall be by ticket only. When presented for admission, the ticket shall be retained by the organisers.
A6	Admission to the event shall be through the approved entrances <u>(or specify entrances)</u> . The entrances shall be manned by stewards who shall allow only persons with tickets or security passes into the concert area.
A7	Adequate procedures must be implemented to ensure overcrowding (such as that which may cause injury through crushing) does not occur in any part of the premises.
A8	<p>The licence holder shall determine the occupant capacity of the premises on the basis of documented risk assessment(s).</p> <p>(i) The risk assessment(s) must take into account all relevant factors including space, audience density, means of access and egress, toilet provision, load- bearing capacity of floors, ventilation, etc and must be reviewed regularly, and if circumstances change.</p> <p>(ii) Where necessary separate occupancy levels must be set for different parts of the premises, and when necessary for different premises layouts and different types of events.</p> <p>(v) Measures must be put in place and documented to ensure that the capacity is not exceeded at any time.</p> <p>(vi) All documentation pertaining to the proposed figure must be kept on the premises and must be available immediately on request to any authorised officer of the Licensing Authority or a constable.</p> <p>(vii) The premises licence holder shall regularly review, update and amend any risk assessments particularly following any changes to the layout or operation of the venue. Such reviews etc shall be fully documented and form an integral part of the risk assessment.</p>
A9	Manual <i>(and/or automatic)</i> electronic number control systems shall be installed, used and maintained at the premises at all times the premises is open to the public.
A10	An attendant shall be on duty in the cloakroom during the whole time that it is in use.
A11	Admission to the <i>specified function room</i> shall be through the premises lobby area only.
A12	There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.



A13	In relation to the <i>specified function room</i> there shall be no admission after (midnight) other than to (1) residents of the hotel and their bona fide guests, or (2) persons attending the pre-booked function
A14	No person on behalf of the premises or on behalf of a person carrying or attempting to carry on a licensable activity shall cause, permit, employ or allow, directly or indirectly, whether on payment or otherwise, any person(s) to importune, solicit or tout members of the public on any public highway within the specified area outlined below for the purpose of bringing customers to the premises. The distribution of leaflets or similar promotional material is also prohibited within the specified area. For the purpose of this section; 'Directly' means: employ, have control of or instruct. 'Indirectly' means allowing / permitting the service of or through, a third party. 'Specified' Area' means the area encompassed within (insert name of boundary roads.)
A15	The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
A16	Queuing outside the premises shall be restricted to a designated area located at ( <i>specify location</i> )

<b>B CCTV</b>	
B1	<p>A CCTV system shall be installed at the premises. The CCTV system shall be maintained in working condition and record the premises 24 hours every day. Recordings to be retained for a minimum of 28 days and be made available to the Police or officers of the Council upon request and be of evidential quality.</p> <p>The equipment MUST have a suitable export method i.e. CD/DVD/USB facility so that the Police and officers of the Council can make an evidential copy of the data they require. This data should be in the native file format to ensure that no image quality is lost when making the copy. If this format is nonstandard (i.e. manufacturers proprietary), then the licence holder shall within 14 days of being requested supply the replay software to ensure that the video on the CD can be replayed by the Police and officers of the Council on a standard computer. Copies MUST be made available to the police and officers of the Council upon request.</p> <p>Staff working at the premises will be trained in the use of the equipment and a log will be kept to verify this.</p> <p>Cameras on the entrances must capture full frame shots of the heads and shoulders of ALL people entering the premises, i.e. capable of identification.</p> <p>There shall be signs displayed in the customer area to advise that CCTV is in operation.</p> <p>Should the CCTV become non-functional this will be reported immediately to the Licensing Authority.</p>
B2	CCTV cameras shall monitor all areas used by premise patrons including any external area to monitor numbers and prevent crime and disorder.
B3	At the commencement of work security personnel should ensure that they are recorded on the CCTV system and that a clear head and shoulders image showing their face clear of any hat, glasses or other obstruction is recorded.

<b>C CINEMATOGRAPHIC/FILM EXHIBITIONS</b> (these conditions may not be appropriate for film exhibitions that are ancillary to the main purpose of an event)	
C1	There shall be prominently exhibited at each public entrance whenever the premises are open to the public a notice indicating in tabular form and in clear bold letters and figures- (i) the title of each film to be shown on that day, other than trailers and films of less than five minutes duration; (ii) the approximate times of commencement of each such film; (iii) whether each such film has received a 'U', 'PG', '12A', '15' or '18' certificate from the British Board of Film Classification, and (iv) the effect of such 'U', 'PG', '12A', '15' or '18' certificates in relation to the admission of persons under the age of eighteen years.
C2	The nature of any certificate received in respect of a film from the British Board of Film Classification shall be clearly indicated by the figure 'U', 'PG', '12A', '15' or '18' in any advertisement of the film displayed at the premises.
C3	No category 'R18' film shall be exhibited at the premises.

<b>D CHILDREN</b>	
D1	<p><b>1. "Challenge 25":</b> The Licensee will adopt a "Challenge 25" policy where all customers who appear to be under the age of 25 and attempt to purchase alcohol or other age-restricted products are asked for proof of their age.</p> <p>The Licensee to prominently display notices advising customers of the "Challenge 25" policy.</p> <p>The following proofs of age are the only ones to be accepted:</p> <ul style="list-style-type: none"> <li>• Proof of age cards bearing the "Pass" hologram symbol</li> <li>• UK Photo Driving licence</li> <li>• Passport</li> </ul> <p><b>2. Staff Competence and Training:</b> The Licensee will keep a written record of all staff authorised to sell alcohol, the record to contain the full name, home address, date of birth and national insurance number of each person so authorised. The staff record to be kept on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police.</p> <p>The Licensee will ensure that each member of staff authorised to sell alcohol has received adequate training on the law with regard to age restricted products and that this has been properly documented and training records kept. The training record to be kept on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police.</p> <p>The Licensee will ensure that each member of staff authorised to sell alcohol is fully aware of his /her responsibilities in relation to verifying a customer's age and is able to effectively question purchasers and check evidence of proof of age.</p> <p>The Licensee will ensure that each member of staff authorised to sell alcohol is sufficiently capable and confident to confront and challenge under - 18s attempting to purchase alcohol.</p> <p><b>3. Refusals Book:</b> The licence holder will keep a register of refused sales of all age- restricted products (Refusals</p>

	<p>Book).</p> <p>The refusals book will contain details of time and date, description of the attempting purchaser, description of the age restricted products they attempted to purchase, reason why the sale was refused and the name/signature of the sales person refusing the sale.</p> <p>The Refusals book will be examined on a regular basis by the Licensee and date and time of each examination to be endorsed in the book.</p> <p>The Refusals Book will be kept on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police.</p>
D2	All children under the age of <i>(insert age)</i> shall vacate the premises by <i>(Insert time)</i> hours.
D3	Children under the age of <i>(insert age)</i> must be accompanied by an adult.
D4	There shall be no events for persons under 18 years of age.
D5	A till prompt system shall be installed to assist staff by reminding them to challenge for ID when a sale is made.
D6	If the recipient of a delivery of alcohol or the collection or delivery of a takeaway meal which includes alcohol, appears under 25 years of age, recognised photographic identification will be requested before any intoxicating liquor is handed over. Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport.
D7	When the premises are providing services to children/families and staff may come in to contact with children in the course of their working day, you shall prepare and put into force a suitable and sufficient safeguarding policy in line with the expectations of the Dorset Safeguarding Children Partnership. A copy shall be made available to the Licensing Authority upon reasonable request.

<b>E CONTROLS FOR SALE OF ALCOHOL</b>	
E1	There shall be no supply of alcohol for consumption off the premises.
E2	There shall be no supply of alcohol for consumption off the premises except in sealed containers.
E3	All containers of alcohol sold from the premises under the licence shall be clearly and permanently marked with the name and post code of the premises.
E5	Alcohol may only be supplied to customers who are engaging in a sit-down table meal, as an ancillary to that meal.
E6	Beers, lagers, stout and ciders sold at the premises should not exceed <i>(insert e.g. 5.0 or 5.5 or 6%)</i> alcohol volume.
E7	Sprits should not be sold in bottles of less than 35cl/70cl.
E8	Beers, lagers, stout, ciders and alcholpops shall be sold in packs of no less than four. <i>or</i> No single cans or bottles beers, lagers stout, ciders and alcholpops shall be sold.
E9	A Personal Licence Holder is to be present at the premises at all times during licensing hours.
E10	A Personal Licence Holder, Premises Licence Holder, or the DPS is to be present at the premises at all times during licensing hours.
E11	Documented delegation of authorisations to sell alcohol shall be maintained at the premises and shall be available on request by an authorised officer of the Licensing Authority or the Police.

E12	Spirits shall be located (insert location). All other alcohol (e.g. beer, lager, cider) for sale are to be displayed in a position that is not obscured from the constant view of the cashier / staff by fixtures.
E13	<i>'off' licences, when the premises has longer opening hours than the times authorised for the sale of alcohol</i> All alcohol shall be made inaccessible to the public within (insert) minutes of the terminal hour for the sale of alcohol. The alcohol shall remain inaccessible until the next commencement time authorised for the sale of alcohol.
E14	There shall be no promotional sales of alcohol at the premises where alcohol is sold at a price lower than that at which the same or similar alcoholic drinks are sold, or usually sold, on the premises
E15	There shall be no self-service of spirits on the premises.
E16	Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.
E17	The supply of alcohol shall be by waiter or waitress service only.
E18	With the exception of residents and their bona fide guests, no alcohol shall be consumed more than (XX) minutes after the permitted hour for the supply of alcohol.

F DRUG ACTION	
F1	Where there is reasonable suspicion that drugs, defined as Class A, B or C controlled substances under the Misuse of Drugs Act, or weapons are being carried, the premises licence holder shall ensure that the outer clothing, pockets and bags of those entering the premises are searched by door security personnel. In any event where controlled substances or weapons are found, the premises licence holder shall ensure that the designated premises supervisor or nominated person shall immediately inform the Police.
F2	The premises licence holder shall ensure that a clearly visible notice will be placed on the premises advising those attending, that the Police will be informed if anyone is found in possession of controlled substances or weapons.
F3	The premises licence holder shall ensure that documented security arrangements are implemented at the premises to discourage the sale and consumption of controlled substances. Security arrangements shall include having a member of staff regularly check toilet areas, the date and times of all checks are to be recorded in a bound book kept for that purpose and shall be produced upon request to an authorised officer of the Licensing Authority or a constable. Signage shall also be placed in the toilet areas advising patrons that checks are conducted regularly.
F4	The premises licence shall ensure that, with regard to controlled substances, harm reduction information is displayed within the venue and that there are suitably experienced members of staff, or outreach workers from a local drugs agency, dedicated to providing harm reduction information and to dealing with drug related incidents or emergencies appropriately.
F5	The premises licence holder shall ensure that adequate rest facilities are provided, which are cooler, quieter and preferably separate from the main dance area(s). These 'chill out' areas should offer adequate seating.

G DOOR CONTROL / STEWARDING/ SEARCHES & SECURITY	
G1	Door supervisors, shall be used to vet customers and maintain public order. The vetting process must include implementation of the premises' proof of age policy.
G2	There shall be a minimum of (insert number) door supervisors on duty from (Insert hours) hours on each trading day and who shall remain on duty until the premises closes and is empty of patrons.

G3	<p>[A] The premises licence holder shall ensure that the following details for each door supervisor, are contemporaneously entered into a bound register kept for that purpose:</p> <ul style="list-style-type: none"> <li>(i) Full name,</li> <li>(ii) SIA Certificate number and or badge number, or registration number of any accreditation scheme approved by the SIA.</li> <li>(iii) The time they began their duty</li> <li>(iv) The time they completed their duty.</li> </ul> <p>This register is to be kept at the premises at all times and shall be so maintained as to enable an authorised officer of the Licensing Authority or a constable to establish the particulars of all door stewards engaged at the premises during the period of not less than 28 days prior to the request and shall be open to inspection by authorised officers of the Licensing Authority or the Police upon request.</p>
G4	The premises licence holder shall ensure that all door supervisors on duty at the premises wear a current identification badge, issued by the Security Industry Authority or under any accreditation scheme recognised by the Security Industry Authority, in a conspicuous position to the front of their upper body.
G5	The Premises Licence Holder shall ensure that an "Incident report register" is kept in a bound book, in which full details of all incidents are recorded. This shall be completed as soon as possible and in any case no later than the close of business on the day of the incident. The time and date when the report was completed, and by whom, is to form part of the entry. The register is to be kept on the premises at all times and shall be produced to an authorised officer of the Licensing Authority or the Police when required.
G6	Where queuing is allowed outside of a premises door supervisors shall maintain an orderly queue of patrons.
G7	Door supervisors shall be provided at the premises to a ratio of ( <i>*insert ratio e.g. 1:2, 1:3 etc</i> ) patrons. Where the premises incorporates a dedicated smoking area within its curtilage a minimum of (Insert number) door supervisors shall permanently monitor the smoking area during (Insert appropriate hours).
G8	A minimum of ( <i>*insert number</i> ) door supervisors shall be permanently stationed at each entrance/exit to the premise, excluding those exits used solely for the emergency evacuation of the premises.
G9	Door Supervisors shall be on duty at the premises on each trading day from (Insert commencement hours) until (Insert terminal hours).
G10	All door supervisors shall be capable of communicating instantly with one another by way of radio or other simultaneous system of communication.
G11	All door supervisors shall wear distinctive clothing or insignia to clearly identify them as door supervisors. Door supervisors on duty at the front door shall wear some form of 'high visibility' clothing (such as a jacket or waistcoat).
G12	The premises licence holder shall ensure that a documented search policy is implemented at the premises. Any searches shall only be conducted by same sex. Staff training is to be given in the correct procedures and records are to be kept in - a bound book. All documentation shall be produced to an authorised officer of the Licensing Authority or the Police upon request.

G13	Drugs and weapons seized will be placed in a locked receptacle set aside for this purpose. The means for securing or unlocking the receptacle will be retained by the premises licence holder or the designated premises supervisor or in their absence any other responsible person. A record shall be made of the seizure, the time, date and by whom, and to whom the items were handed on to in a bound book specifically kept for that purpose. Such a book to be produced to an authorised officer of the Licensing Authority or the Police upon request. The premises licence holder shall make suitable arrangements with the Police for the - collection of any seized items.
G14	Hand held metal detecting scanners shall be in use at the premises during all trading hours, other metal detecting scanners may be used such as fixed metal detectors at all entrances. Detectors shall be operated by door supervisors or by suitably trained staff when no door supervisors are on duty, and such detectors shall be operative when any licensable activity is taking place. Fixed detectors shall be installed to the satisfaction of the Licensing Authority and the Police.
G15	The premises shall install and maintain a computer based identification entry system. The details of all persons, including staff are to be passed through the system prior to being permitted entry to the premises. The provision and maintenance of such equipment shall be to the reasonable satisfaction of Dorset Police. The details of persons recorded by the system to be made available to police upon reasonable request for the provision of preventing and detecting crime.

<b>H EXTERNAL AREAS/SMOKING AREAS</b>	
H1	The premises licence holder shall take appropriate measures to ensure that patrons using any outside areas (such as terraces and beer gardens) do so in a quiet and orderly fashion.
H2	The (insert name of area i.e. beer garden, upper patio, etc) shall only be open to customers (Insert days) from (insert commencement time) until ( <i>*insert time</i> ). Adequate notices shall be displayed in appropriate locations to ensure that this - information is brought to the attention of patrons.
H3	All outside areas must be closed and cleared of customers by ( <i>*insert time</i> ) Adequate notices shall be displayed to inform patrons of this requirement.
H4	A risk assessment shall be conducted and regularly reviewed to assess the numbers of persons that the outside area can safely accommodate. The premises licence holder shall ensure that there are measures in place to monitor the external area to ensure that a safe occupancy figure is not exceeded.
H5	Smoking Area: If patrons are to be allowed to use an outside area for smoking then: (i) The area must be adequately monitored by door staff and CCTV to ensure that patrons do not cause a nuisance, patrons do not obstruct access to adjoining premises and risk of crime and disorder in this area is adequately controlled. (ii) If there is a risk that patrons may acquire illegal items such as drugs or weapons whilst in this area then they must be searched before being allowed to re- enter the premises. (iii) Patrons must not be allowed to take drinks to the smoking area. (iv) The area must be provided with suitable ashtrays/bins, the use of which is monitored by door staff. (v) The area must be regularly swept to remove cigarette ends (vi) Adequate arrangements must be made to prevent overcrowding or disorder in the area
H6	All tables and chairs shall be removed from the outside area by (Insert hours) each day.
H7	There shall be no sales of hot food or hot drink for consumption off the premises (after XX.00).

<b>J GENERAL SAFETY AND EVACUATION</b>	
J1	No person shall be permitted to sit or stand in any gangway, unless by express permission of the Licensing Authority who shall stipulate the space allowed for standing and the number of persons permitted to stand.

J2	All gangways, passages, staircases and exit ways must at all times be kept entirely free from chairs or any other obstructions and from any article or substance which may cause a person to slip, trip or fall.
J3	The premises licence holder shall provide training for all staff to ensure that they are familiar with all means of ingress and egress and the appropriate procedures in case of any emergencies that require an immediate evacuation of the premises. A record of the training shall be maintained and shall be available upon request by - an authorised officer of the Licensing Authority or the Police.
J4	Predetermined arrangements shall be made for alerting staff in the event of any emergency. These arrangements shall be of such a nature as to not alarm the public.
J5	All employees or persons involved in the organisation and control of events shall have allotted to them specified duties to be performed in the event of emergencies. Such duties shall aim at the avoidance of panic and the safe evacuation of the - premises where necessary.
J6	Arrangements must be in place to ensure that all parts of the premises that members of the public may use, whether this be regularly or only in case of emergency are suitably illuminated (this includes internal and external areas, for example such as corridors, lobbies, emergency exits, car parks, etc).
J7	Where the premises is part of a shared property and members of the public may require access through areas not under the direct control of the premises licence holder (such as escape routes), the premises licence holder must ensure that he has liaised with the appropriate persons and has in place such arrangements as are necessary to ensure that the safety of members of the public is not compromised by the use of these shared areas and that none of the other licensing conditions may be breached.
J8	Barriers for checking or controlling admission shall not be used save in accordance with a documented policy that includes the following (i) Risk assessments, (ii) Details of type to include design, construction materials, size – e.g. height (iii) Precise location of all elements of the barrier The said document shall kept at the premises and shall be made available to an officer of the Licensing Authority or the Police upon request.
J9	Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used when XX days prior notice has been given to the Licensing Authority where consent has not previously been given. <ul style="list-style-type: none"> <li>• dry ice and cryogenic fog</li> <li>• smoke machines and fog generators</li> <li>• pyrotechnics including fire works</li> <li>• firearms</li> <li>• lasers</li> <li>• explosives and highly flammable substances.</li> <li>• real flame.</li> <li>• strobe lighting.</li> </ul>
J10	A currently qualified first aider must be employed on the premises at all times that the premises are open to the public. The venue will also provide first aid facilities commensurate with the type of event and customers expected

K GLASS / BOTTLES	
K1	The License Holder shall ensure that any glass bottles or glass drink containers are removed from persons leaving the premises.
K2	All beverages (including alcoholic and non-alcoholic drinks) shall only be dispensed in polycarbonate, plastic, non-glass containers, or toughened or safety glass to the appropriate safety standard (in that they shall not produce sharp shards when broken). All glass bottles are to be retained behind the bar for safe disposal.
K3	Items of glass-wear (such as glasses, bottles, etc) shall not be permitted in the [*specify area].
K4	Glass bottles containing wine may only be sold in connection with a table meal to customers who are seated in an area for the consumption of food that is away from the main bar.

L NOISE PRECAUTIONS	
L1	Amplified music shall not be played at a level that will cause unreasonable disturbance to the occupants of any properties in the vicinity.
L2	Unless contrary to fire precautions/procedures, all access and egress doors and windows shall be kept closed whilst the licence is in use (*or specify time).
L3	No speakers for amplification of music shall be placed on the outside of the premises or on the outside of any building forming a part of the premises.
L4	Alarms shall be fitted to (*Specify location of external windows/fire doors) to alert staff when (they are) (it is) opened without authorisation.
L5	No music or speech shall be relayed via external speakers other than for events where the prior approval of the licensing authority has been obtained.
L6	A noise limiting device shall be used in relation to all sound amplification equipment used in conjunction with the premises licence.
L7	The noise limiting device shall be properly secured so that it cannot be tampered with.
L8	<p>Monitoring</p> <p>The manager, licence holder or other competent person shall carry out observations in the vicinity of the properties at (<i>insert location</i>), on at least (<i>insert time period e.g. hourly</i>) intervals between (<i>insert start time</i>) and (<i>insert finish time</i>) whilst the Premises Licence is in use in order to establish whether there is a noise breakout from the premises. If the observation reveals noise breakout at a level likely to cause disturbance to the occupants of properties in the vicinity then the volume of music shall be reduced to a level that does not cause disturbance. A record of such observations shall be kept in a book for that purpose, such a book shall be completed immediately after the observation detailing the time, location and duration of the observation, the level of noise breakout and any action taken to reduce noise breakout. Such book to be made available at all times upon request to an authorised officer of the Licensing Authority or the Police.</p>
L9	<p>(i) A report shall be submitted to the Council detailing the potential for noise from (<i>insert - amplified music, refrigeration, heating, ventilation and air conditioning plant etc</i>) at the premises from affecting neighbouring noise sensitive properties at (<i>insert</i>).</p> <p>(ii) If the assessment indicates that noise from the premises is likely to affect neighbouring noise sensitive properties then it shall include a detailed scheme of noise mitigation measures to show that nuisance will not be caused to the occupiers of neighbouring noise sensitive properties by noise from the licensed premises.</p> <p>(iii) All recommended works shall be completed prior to the commencement of the premises licence and the Licensing Authority is to be notified at least 5 days in advance of the works being completed and the premises being used.</p>
L10	A clear notice shall be displayed at every exit from the premises to instruct customers to respect the needs of local residents and leave the premises and the area quietly.



L11	Noise from plant & equipment Noise from any ventilation, refrigeration or air conditioning plant or equipment shall not cause nuisance to the occupants of any properties in the vicinity.
L12	Deliveries relating to the licensed activities shall only take place between ( <i>insert hours and days as necessary</i> ).
L13	A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.

<b>M SANITARY FACILITIES</b>	
M1	Adequate sanitary accommodation shall be provided at the premises in accordance with the BS6465 standard for sanitary provisions or any British Standard replacing or amending the same.

<b>N PROMOTED EVENTS, SPECIAL EFFECTS, NOVEL AND ONE-OFF PROMOTIONS</b>	
N1	Where the premises, or parts of the premises are hired out to third parties or used by events promoters, the premises licence holder must ensure that the licence conditions and licensing objectives are not compromised.
N2	In respect of promoted events, that is, any events involving the conduct of licensable activities at the premises that are organised by persons other than the premises licence holder or those under his direct control, the premises licence holder shall ensure that a register is maintained in a bound book kept for that purpose. The register shall be kept at the premises and shall be produced by the designated premises supervisor (or his nominated deputy in his absence) to an authorised officer of the Licensing Authority or the Police upon request. The register shall record the following: (i) Date and time of event and brief description of it; (ii) Name of the promoter(s), that is, the person(s) responsible for organising the event; (iii) Where the promoter is a company, its registered number. (iv) The proper address of the promoter (v) Contact telephone number for promoter
N3	A documented risk assessment of promotional or one-off 'entertainment' events shall be conducted by the licence holder of the premises and such risk assessment shall be available upon request by an authorised officer of the Council or the Police. Promotional or one-off events shall be notified to the Licensing Authority and the Police at least one month prior to the proposed event.
N4	Prior to any "designated sporting event" (as defined in the Sporting Events Control of Alcohol Act 1985) the premises licence holder shall ensure that;  (i) Alcohol sales in respect of cans of beer or cider are limited to no more than 4 cans per person for a minimum of four hours before the commencement of the relevant designated sporting event; (ii) No sales of alcohol in bottles or glass containers are made in the period four hours before the commencement of the designated sporting event; (iii) Alcohol sales cease for a period of one hour immediately before the commencement of the relevant designated sporting event; (iv) On any day where there is a relevant designated sporting event taking place, the premises will not externally advertise as a result of a local store promotion the availability of beer or cider in such a way as to be likely to be the sole inducement to attract persons to the premises who are either attending the designated sporting event or in the vicinity of the premises as a result of the designated sporting event;

	<p>(v) All members of staff working at the premises are informed of this condition prior to taking up employment;</p> <p>(vi) On the day of the relevant designated sporting event, upon the direction of a police officer, using the grounds of the prevention of crime and disorder or public safety, the premises will immediately cease to sell alcohol until further directed by the police or until the relevant designated sporting event has finished.</p>
N5	On any occasion in the premises, where a DJ or MC performs to recorded background music, at any time between 10pm and 6am, which is promoted in some form by either the venue or an outside promoter, where entry is either free, by invitation, pay on the door or by ticket, the premises shall be required to provide to police a completed promoted event risk assessment form not less than 14 days prior to the event.
N6	Any person promoting a music event at the premises will be required to hold the BIIAB award for Music Promoters (or equivalent).

<b>P WASTE MANAGEMENT / ODOURS</b>	
P1	No accumulation of combustible rubbish, dirt, surplus material or stored goods shall be permitted to remain in any part of the premises except in an appropriate place and of such quantities so as not to cause a nuisance, obstruction or other safety hazard.
P2	The premises licence holder shall ensure that adequate measures are in place to prevent the escape of odours from the premises. This includes odour from food preparation and refuse storage.
P3	The licence holder shall ensure that adequate measures are in place to remove litter or waste arising from their customers and to prevent such litter from accumulating in the immediate vicinity of their premises. In particular, where necessary the premises licence holder shall ensure that adequate measures are in place to provide customers with sufficient receptacles for the depositing of waste materials such as food wrappings, drinks containers, smoking related litter, etc.
P4	The premises licence holder shall ensure that a sufficient number of suitable receptacles are located in appropriate locations for the depositing of waste materials such as food wrappings, drinks containers, smoking related litter, etc. by customers.
P5	Activities relating to the onsite disposal ( <i>including placing into external receptacles</i> ) and collection of refuse, bottles and recyclable materials shall only take place between ( <i>insert hours and days as necessary</i> ).
P6	Deliveries relating to the licensed activities shall only take place between ( <i>insert hours and days as necessary</i> ).
P7	The premises licence holder shall ensure that all packaging provided with takeaway food is marked in some way as to show its point of origin.

<b>Q MISCELLANEOUS</b>	
Q1	As soon as possible, and in any event within 1 month from the grant of this licence, the premises shall join the local pubwatch or other local crime reduction scheme approved by the police, and local radio scheme if available.



**Further copies of this document can be obtained from:**

Licensing Team  
Dorset Council  
County Hall  
Colliton Park  
Dorchester  
DT1 1XJ

Tel: 01305 221000

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

Web: [Statement of Licensing Policy 2026 to 2031 - Dorset Council](#)