

LICENSING ACT 2003
STATEMENT OF LICENSING POLICY

Commencing Date: January 2011

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STATEMENT OF LICENSING POLICY

LICENSING ACT 2003

1. Introduction

Doncaster Metropolitan Borough has diverse leisure and entertainment facilities. These range from Town Centre Pubs, Country Inns and Hotels, centres of tourism and sports venues to major nightclubs, which provide facilities for residents and visitors. Doncaster has a geographic area of 58,000 hectares and has a population of approximately 293,000. It is regarded as an important provider of leisure and entertainment with South Yorkshire and is posed to provide 24 hour entertainment.

The Statement of Licensing Policy aims to secure public safety, protect children from harm, prevent public nuisance and prevent crime and disorder whilst encouraging a sustainable leisure and entertainment industry.

The four aims listed above form the statutory licensing objectives that this policy, the Licensing Authority and all licence holders must strive to achieve.

The Council recognises both the expectations of local residents for a safe and health environment in which to live and work, and the need for the provision of safe and well conducted entertainment and leisure facilities throughout the Borough.

The Policy aims to provide information and guidance to applicants, those making representations and other interested parties on the general considerations and approach that will be adopted by the Licensing Authority, in making determinations under the Licensing Act 2003. The Licensing Authority has delegated the responsibilities under the Licensing Act to the Licensing Section of the Regulation and Enforcement service within the Directorate of Neighbourhoods.

These general considerations will take into account the Council's position in relation to its partnership working initiatives and strategies to deal with various issues, including creating a safer environment, reducing and prevent crime and disorder, providing reassurance to residents and persons who work in the area, reducing alcohol harm, reducing drug harm, use of planning controls, promoting the transport strategy, encouraging tourism, cultural events, live music and associated activities, supporting city and town centre strategies and promoting the safer clubbing guidance.

This Policy incorporates the statutory requirement in relation to Section 17 of the Crime and Disorder Act 1998 which requires the Council to have regard to the likely effect of the exercise of their functions on, and to do all the Council can to prevent crime and disorder in the area.

With the introduction of the Policing and Crime Act 2009, the Licensing Authority further acknowledges and supports that this legislation has been introduced against a background of increasing alcohol related anti-social behaviour and subsequent hospital admissions that has led to criticism due to the increased cost to local residents.

The Policing and Crime Act 2010 introduced a set of additional mandatory licence conditions, affecting the way that premises and clubs that sell alcohol are allowed to

operate. The new mandatory conditions apply to all premises licences and club premises that authorize the sale or supply of alcohol on the premises.

This Statement of Licensing Policy accepts the right of an individual to make an application under the Licensing Act 2003 and that each application will be determined on its individual merits. This Statement of Licensing Policy will uphold the right of any responsible authority or interested person to make representations on an application or seek a review of a licence where provision has been made for them to do so under the Licensing Act 2003.

This Policy has been prepared after consultation with those bodies listed in Section 5(3) of the Licensing Act 2003, consideration of the guidance issued by the Secretary of State for the Department of Culture, Media and Sport and having full regard to all the regulations issued pursuant to the Licensing Act 2003. The Licensing Authority's Statement of Licensing Policy is a public information document.

Appendix M sets out the procedure to be followed for an interested person to make representations in relation to an application for a premises licence or club premises certificate or a review of such licences.

The Human Rights Act 1998 and the European Convention on Human Rights make it unlawful for a Local Authority to act in a way that is incompatible with a convention right. In relation to this Statement of Licensing Policy the council has given regard to The Human Rights Act 1998.

The Council has given regard to the Race Relations Act 1976 and the Race Relations (Amendment) Act 2000 in the formulation of this policy and in particular the duty to have due regard to the need to eliminate unlawful racial discrimination, to promote equality of opportunity and promote good relations between persons of different racial groups. The Council's Race Equality Scheme has been considered in the formulation of this policy and the Licensing Authority will monitor and assess the Statement of Licensing Policy against those criteria using information supplied by the relevant bodies.

EU Services Directive

The EU Services Directive is intended to develop a single market for services by breaking down barriers to cross border trade within the EU and making it easier for service providers within scope to set up businesses or offer their services in other EU countries. In light of the changes to the law regarding the EU Services Directive for online applications the Licensing Authority will accept online and electronic applications, however all relevant documents must be supplied together with the appropriate fee. All hard copy applications will be treated in line with the relevant regulations and all applications and relevant documentation must continue to be submitted in their entirety and not in stages to avoid the potential for any errors.

This Authority will continue to assist the applicant in correcting any minor factual errors in their applications. However, the Licensing Authority shall not consider errors to fall within this category which, if permitted could potentially breach relevant regulations nor errors which could result in changes to consultation dates. The interpretation of obvious factual errors shall rest with the Licensing Authority.

The four statutory objectives of the Licensing Act 2003 takes account of the human rights of local people and the Licensing Authority will ensure that they are protected and

will only interfere with these rights where measures need to be taken with the intention of preventing crime and disorder or to protect the rights and freedom of others.

The role of the Licensing Authority in relation to applications for new or varied licences and certificates is:

- To check that any form of application or notice is completed and served in accordance with legal requirements.
- If no relevant representations are received from responsible authorities or interested parties to grant the licence subject only to any mandatory conditions required by law, and to give effect to any steps proposed in the operating schedule.
- If relevant representations are received to conduct a hearing, following which the Licensing Authority may grant the application subject to any mandatory conditions to give effect to the operating schedule. If and to the extent necessary to promote the licensing objectives, add to, modify or delete the conditions proposed in the operating schedule and/or refuse to add any other conditions required to promote the licensing objectives; or if necessary to promote the licensing objectives, refuse the application, refuse to accept the proposed designated premises supervisor or exclude certain licensable activities.

Minor Variations

- Applicants now have the ability to apply for “minor variations” to their licences under a simplified procedure, which would generally fall into four categories:
 - Minor changes to the structural layout of the premises
 - Small adjustments to licensing hours
 - Removal of out of date, irrelevant or unenforceable conditions of the addition of volunteered conditions
 - The addition of certain licensable activities.

In all cases concerning minor variations the overall test is whether the proposed variation would impact adversely on any four licensing objectives.

Other Means of Control

Licensing is only one of the ways the Council is working to improve community safety. We will continue to work in partnership with neighbourhoods, the police, local businesses and people to secure these objectives.

The council acknowledges that the licensing function cannot be used for the general control of anti-social behaviour by individuals once they are beyond the direct control of the licensee of any premises concerned. The licensing controls do however play a key role in preventing crime and disorder in and around licensed premises and support this objective on the streets generally. Apart from the licensing function, there are a number of other measures available for addressing issues of unruly behaviour that can occur away from licensed premises; these include:

- Planning controls;
- Working in partnership with local businesses and transport operators on a number of measures to create a safe and clean environment in these areas, including:

Provision of extensive CCTV and radio communication systems
Provision of appropriate street lighting, rubbish collection and street cleaning
Provision of better late night bus, rail and taxi/minicab services
Provision of Policy Community Support Officers/street litter wardens
Police enforcement of the law with regard to disorder and anti-social behaviour
Prosecutions of those selling alcohol to people who are already drunk
Powers to designate parts of the borough as places where alcohol may not be consumed publicly, and powers to confiscate alcohol from persons in those areas.
Acknowledging the powers of the police or other responsible authority, or a local resident or business under the Licensing Act 2003, to seek a review of the licence or certificate.

However, the Council nonetheless considers that licensing law plays a key role in both preventing and controlling alcohol related crime and anti-social behaviour by ensuring that the licensing objectives are promoted through well-managed premises and where appropriate by regulating and applying conditions to affect the number (if necessary through a cumulative impact policy), location and hours of premises.

The Council also operates a Best Bar None Scheme which is aimed at promoting responsible management and operation of alcohol-licensed premises with the ultimate intention of offering and maintaining a safe, more welcoming attractive and lively drinking experience.

Adult Entertainment

Nudity, striptease and other adult entertainment of a sexual nature no longer falls within the remit of the Licensing Act 2003. These premises are now regulation under the Local Government (Miscellaneous Provisions) Act 1982, which classify them as Sexual Entertainment Venues (subject to the Council's adoption of the amendment to Schedule 3 by the Policing and Crime Act 2009). Such adult entertainment is known as "relevant entertainment", in summary, this will cover lap dancing/pole dancing and similar venues.

However we must be aware that the Act allows for premises to offer adult entertainment up to 11 times in a calendar year without the need for a licence under the LGMP Act 1982. In such circumstances the Licensing Authority will pay attention to the conduct of the premises and the activities being offered and will enforce the law diligently. This Authority will seek to ensure that applicants applying for "the performance of a dance" on their licence are able to make clear that it will not involve any adult entertainment as a condition on their licence.

Outside Activities

Under Section 115 of the Highways Act 1980 permission is required to place amenities such as tables and chairs on the public highway but permission is not required to place tables and chairs on private frontages. The Licensing Authority should ensure that where an Operating Schedule indicates that outside tables and chairs are to be included within the licensed area that an application is made to cover those areas. The Licensing Authority will liaise with the relevant officers and Enforcement Teams about the grant of permission under Part 7A of the Highways Act 1980. However, when determining the permit the following matters will be considered:

- Whether the grant of the permit is likely to have an adverse impact on the safety and amenity of local residents.
- The history of the permit holder/premises, particularly in relation to past enforcement issues or complaints received.
- Whether the application receives any objections and the nature of those objections.
- Whether the grant of the permit is likely to conflict with conditions on any Premises Licence granted under the Licensing Act 2003 or meets the relevant planning requirements.
- Whether appropriate measures have been agreed and put into effect by the applicant to mitigate any adverse impacts that may arise as a result of being granted the permit.
- That the use of the tables and chairs will cease by 20.00hours to minimize any late night noise that may arise.

Children

The main concern of regulatory authorities involves the exposure of children to underage drinking, drug use and the necessary level of supervision and care that needs to be exercised to ensure a safe environment. Premises must ensure that children are protected from physical, moral or psychological harm.

Applicants in their Operating Schedule should set the appropriate steps they will take to ensure proper protection of children from harm while licensable activities are taking place. When addressing the protection of children the applicant should initially identify any particular issues having regard to their particular type of premises and/or activities that are likely to cause concern in relation to children.

These may include following:

In cases of under 18 events the Licensing Authority strongly recommends that applicants adopt a Code of Conduct/Policy for these events to ensure the four Licensing Objectives are complied with. This could include:

- Searches on entry to prevent alcohol being brought onto the premises
- Policy to prevent under aged persons leaving and returning to the premises in order to consume alcohol outside
- Where there is normally a bar, ensuring that alcohol is not on display and is locked away
- Ticketed events to monitor capacity
- No adult entertainment
- CRB check staff assisting at the event and to assist dispersal at the end of the event
- Sufficient door staff/stewards monitoring the event
- Ensure an efficient dispersal at the end of the event and the young people are not left hanging around outside the premises

The Licensing Authority would encourage applicants and clubs to discuss operating schedules with responsible authorities to improve the efficiency of the applications process.

Control at Premises

This Authority recognises that a DPS may supervise more than one premises, that DPS must be able to ensure that the four Licensing Objectives are promoted and that the licensing law and licensing conditions are complied with. Where the DPS is not available at the premises The Licensing Authority recommends a responsible individual be nominated The Licensing Authority recommends a responsible individual be nominated who can deal with matters in the absence of the DPS, and written dated consent be given to that nominated person. If there are concerns that a DPS is repeatedly absent, the Police may review the Premises Licence if this gives rise to concerns about the operation of the premises and its impact on the licensing objectives.

Community Centres

This Authority recognises that the legislative Reform Order provides that certain community premises may apply for an exemption from the requirement to have a DPS but the Licensing Authority must be satisfied that arrangements for the management of the premises by their Committee or Board of individuals are sufficient to ensure the adequate supervision of the supply of alcohol on the premises. The Licensing Authority will need to be notified if there are any key changes in the committee composition as this committee will be responsible for ensuring compliance with licence conditions and licensing law.

2. Consultation

In accordance with Section 5(3) of the Licensing Act 2003, the Licensing Authority has consulted with the following groups in the process of the development of this policy:

- South Yorkshire Police Authority
- South Yorkshire Fire and Rescue Authority
- Federation of Licensed Victuallers Associations for the Doncaster District
- Doncaster Chamber of Commerce
- Doncaster Tenants and Residents Association
- Doncaster and District Club and institute Union
- Doncaster Branches of the Federation of Small Businesses
- Doncaster Licensees Association
- Safer Doncaster Partnership
- Doncaster Primary Care Trust
- Doncaster Safeguarding Children Board
- All relevant Doncaster Council departments e.g Building Control, Planning, Adult Social Care etc.

Due consideration has been taken of all the matters raised by these bodies and the policy has taken into account any observations where this is appropriate.

3. Principles of the Policy

This Policy will come into effect in January 2011 and will be kept under review. A full Policy review will be undertaken every three years and the next full review will be undertaken in October, November 2013 and a revised version adopted in January 2014.

The Licensing Objectives covered by the Policy are:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

Each is of equal importance.

These will be the principles on which each application is viewed to ensure that in terms of premises, qualifying clubs and at temporary events, the applicants have focused on meeting these objectives on the matters which are within their control and have sought to engage, or be a partner in the wider issues surrounding the application. The policy will be focused on the direct impact of activities taking place on or in the vicinity of those premises.

In relation to applications for personal licences the applicants should be able to show they can and will work towards meeting the Licensing Objectives, not just in relation to themselves, but to all staff they work with, or who are appointed as responsible persons on licensed premises, qualifying clubs or at temporary events. The Licensing Authority will promote these objectives when carrying out its licensing functions under the Licensing Act 2003.

In carrying out its licensing functions, the Licensing Authority will give due regard to its Statement of Licensing Policy and the Licensing Guidance issued by the Secretary of State for the Department of Culture, Media and Sport.

With regard to all applications the Licensing Authority will ensure that every licence application will be considered on its own merits. Where a cumulative impact policy is in place applications will be considered on their own merit but the applicant would have to provide that it would not affect the cumulative impact.

Information in the British Crime Survey in relation to alcohol indicates:

- Almost half of all violence is alcohol related
- Stranger violence and acquaintance violence are most likely to be committed by someone under the influence of alcohol
- One in five violence incidents occurs in or around a pub or club
- A quarter of the population consider drunk or rowdy behaviour to be a very or fairly big problem in their local area

The Licensing Act 2003 is not the primary way to control anti-social or violence behaviour away from premises and beyond the direct control of licensees. Nevertheless it remains a key aspect of such control. There are other controls to deal with these matters and licensees have a duty to be aware of these measures and support the strategies. Licensing control does provide for measures intended to prevent and control these problem areas inside and in the vicinity of licensed premises and to make the licence holders, both personal and premises, responsible for meeting the Licensing Objectives.

The Licensing Authority will participate in the strategies and action plans of the Safer Doncaster Partnership (the local Crime and Disorder Reduction Partnership) and expect all licence holders, both personal and for premises, to be aware of these initiatives, either individually or through their trade associations.

Nothing in the Policy will prevent all relevant representations being given full considerations. The exception to this principle is that any representations deemed by the Licensing Authority to be irrelevant, frivolous, vexatious or repetitious may not be considered. In such circumstances the maker of the representation will be so informed, in writing, by the Licensing Authority. Where no representations are received the application will be granted without the imposition of additional conditions being imposed.

Applications must indicate the steps that the applicant proposes to take to promote the licensing objectives. If the applicant has no proposals this should be indicated in the application.

The Licensing Authority recognises the importance of a partnership approach between licence holders, authorised persons, interested parties and responsible authorities in the promotion of the Licensing Objectives. It will give licence holders early warning of concerns from authorised officers and responsible authorities about problems identified at the premises concerned and the need for improvement. Failure to respond to such early warnings could lead to a decision by a Responsible Authority to request a review of the licence.

When considering proposed steps to promote the licensing objectives an applicant may wish to consider circumstances such as the size, facilities, design, construction, condition, type and frequency of the entertainment or facilities, location of premises, proximity to such places as hospitals, schools, nursing homes, religious establishments, residential property, senior citizens homes, shops, offices and access to public transport or off street parking. This list is neither prescriptive nor exhaustive.

The Licensing Authority will, as far as reasonably possible, assist applicants on how best to adequately address these matters or inform them of the relevant statutory body or other organization that can give advice and information.

The Licensing Authority wishes to encourage applicants to submit fully completed applications in order to reduce unnecessary delays and the costs associated with returning application forms or the attendance at hearings. This Statement of Licensing Policy is a public document. It will be available to view at the Licensing Office during normal office hours or on the Council Website, www.doncaster.gov.uk.

A copy of the Statement of Licensing Policy can be obtained from the Licensing Officer for a fee of £5.00 (subject to review). The Licensing Register, required to be kept by the Licensing Authority by virtue of Section 8 of the Act, will be maintained and available to view by any person at the Licensing Office during office opening hours. There is no charge to view the register but there is a charge for copies of the entries in the register. This charge is currently £1 per sheet and this charge is subject to review. An electronic copy of the full requirements of Section 8 will be maintained on the Council Website.

The website address for the Register is www.doncaster.gov.uk.

The address and opening hours for the licensing Officers are detailed in Section 16 of this report.

Operating Schedule

The Operating Schedule for both premises and club registration applications is an essential part of an application and the document must be supplied in the prescribed form and state:

- The relevant licensable activities that are to take place
- The time these activities are to take place
- Any other times it is proposed that the premises are open to the public
- If the licence is to have effect for a limited period, that period
- If selling alcohol by retail, prescribed information about the individual who will be specified in the premises licence as the designated premises supervisor
- If selling alcohol by retail or supplying alcohol, whether this will be consumed on or off the premises or both
- The steps that will be taken to promote the licensing objectives
- Such other matters as may be prescribed

The Operating Schedule is an important document. Whether or not steps are being proposed to promote the licensing objectives the applicant may consider including the results of all risk assessments carried out in relation to the activities that are to take place on the premises and the actual risk assessments if they are relevant.

The Operating Schedule must show if the premises are selling alcohol how the premises licence holder, club and the personal licence holder, will promote the licensing objectives of the prevention of crime and disorder, promotion of public safety, prevention of public nuisance and the protection of children from harm.

The times when the premises are to be open should include the times and the type of licensable activity and the times when the premises are open to the public. For example the service of morning coffee to members of the public before the time the premises are licensed to sell alcohol i.e. 8.00am would be within the law but it is not a licensable activity so both the times the premises are open for licensable and non-licensable activities needs to be included in the Operating Schedule.

Where relevant representations are made the Licensing Authority will use the Operating Schedule as part of the material information in their determination of the application, any conditions required and if necessary to promote the licensing objectives, the refusal of the application.

Applicants for premises, club and personal licences should be fully aware of their legal responsibilities for ensuring adequate supervision and management of licensed premises.

The Licensing Authority believe that the training of all persons involved in the operation of the premises, club or temporary event will form an important and crucial role in the premises, club or temporary event being able to promote the Licensing Objectives.

The Licensing Authority would recommend that a record of all training received or given to all staff, personal licence holders, designated premises supervisor, committees and secretaries of registered clubs and premises licence holders should be maintained.

4. Scope of the Policy

This Policy covers new applications, reviews, transfers, renewals and variations of premises licences, club registration certificates and temporary event notices for the following licensable activities.

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to or to the order of a member of the club
- The provision of regulated entertainment
- The provision of late-night refreshment

This Authority also recognises the changes set out in the Policing and Crime Act 2009, which includes an amendment to the Local Government (Miscellaneous Provisions) Act 1982 which introduces a new category of sex entertainment called a “sexual entertainment venue”. This means that entertainment such as lap dancing/pole dancing will not be covered by the Licensing Act and will be covered by the adoption of the relevant legislation and a separate Policy will be introduced.

This policy covers new applications, reviews, transfers, variations, minor variations, renewals and removals in relation to personal licences and designated premises supervisors.

The term “sale by retail” is defined in Section 192 of the Licensing Act 2003.

The supply of alcohol in relation to a qualifying club is defined in Section 1(2) and Section 2 of the Licensing Act 2003.

The provision of regulated entertainment is defined in Schedule 1 of the Licensing Act 2003.

The provision of late-night refreshment is defined in Schedule 2 of the Licensing Act 2003.

5. Cumulative Impact

Cumulative impact relates to the potential impact on the promotion of the Licensing Objectives of a significant number of licensed premises concentrated in one area.

If the number of licensed premises in one area of the District has an effect whereby the licensing objectives cannot be met, or are seriously jeopardised, the Licensing Authority may consider the question of whether the grant of further premises licences, or club premises certificates would further undermine one, or more of the licensing objectives. In these extreme circumstances, the Licensing Authority may consider the application with a view to ensuring the promotion of the licensing objectives.

This will be based on the individual merits of each application, and if the application is unlikely to significantly add to the cumulative impact, then the licence may be granted.

If there are serious problems of nuisance and disorder arising, or beginning to arise outside, or within the locality of premises licensed to serve alcohol, because of the number of premises in the area increasing the number of individuals in that area, then this could be seen as a cumulative impact. This would usually be more than the impact of all the individual premises and would make the area a focal point for large groups to

gather and circulate away from individual licensed premises. In these circumstances the Licensing Authority would first look to imposing conditions on the individual premises in that area, where relevant representations are made.

If, because of the number, density and/or capacity of premises, these conditions will be ineffective in addressing the general impact on the area of the disorder and nuisance, then the Licensing Authority may implement a special policy of refusing new licences in that area, because it is saturated with premises of that type, to ensure it can achieve the licensing objectives.

Any applications for that area would still be viewed on their individual merits, but it would be for the applicant to prove that the additional premises or capacity would not affect the cumulative impact and the licensing objectives if relevant representations were made. Conversely, it will be the responsibility of those making representations to show evidence of how the additional licence or capacity would affect the cumulative impact and the promotion of the licensing objectives.

The Licensing Authority will adopt the following procedures if a Special Saturation Policy is required:

- Identify that a serious concern from a responsible authority or representative of residents in relation to crime and disorder, or public nuisance exists
- Assess the situation to identify the causes
- Establish if crime and disorder or nuisances are arising and if so, do the customers of licensed premises cause it. Identify the area and its boundaries
- consult with the bodies specified in Section 5(3)
- Adopt a policy to ensure the licensing objectives are met
- Publicise the special policy as part of this policy (see Appendix N)

Before such a special saturation policy is implemented there would need to be evidentiary-based information available to the Licensing Authority. This could be part of the information made available by the Police, Safer Doncaster Partnership, Responsible Authorities or other groups when they are reporting on matters affecting members of the public.

The Licensing Authority is aware of the likelihood that a minority of customers, having left licensed premises will behave badly and unlawfully. The Licensing Authority will use its licensing functions to deal with this problem if appropriate and necessary. Other mechanisms may also be engaged by local authorities and their partners including:

- 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
- The provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols
- Powers of local authorities to designate parts of the local authority as places where alcohol may not be consumed publicly
- Police enforcement of the general law concerning disorder and anti social behaviour, including the issuing of fixed penalty notices

- The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk
- The confiscation of alcohol from adults and children in designated areas
- Police powers to close instantly for up to 24 hours any licensed premises or temporary event on the grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance.
- The power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question
- Any other local initiatives that are available to address the problem

If the Licensing Authority has determined that a Special Saturation Policy is required, it will be kept under constant review to ascertain if such a policy is having the effect intended and whether it is still required (see Appendix N for the current position).

There is a clear difference between need, a matter for planning and market forces, and a cumulative impact. The need for premises is not a matter for the Licensing Authority.

The Licensing Authority will consider each application on its own merits and obtaining planning permission will not automatically ensure the issue of an authority under the Licensing Act 2003 if the application does not promote the Licensing Objectives. The grant of planning permission does not fetter a determination by the Licensing Authority in relation to any application. The Licensing Authority is not established to provide a rerun of the planning application, nor can they re-determine matters for which the Planning Authority has statutory control. The Licensing Authority is required to and will provide regular reports to the Planning Authority, in relation to the situation regarding licensed premises in the District. It will include issues such as the general impact of licensed premises and alcohol related crime and disorder.

The Licensing Authority will publish any special saturation policy that it determines is necessary so that all Responsible Authorities, Consultees, the Licensing Trade and other parties including the public are aware of its existence and aims.

As part of the consultation for the development of this current policy, an application to retain the existing Saturation Policy, which covers a specific area within the Town Centre was received. It is therefore hereby confirmed that the Licensing Authority will continue the existing policy for the named streets as detailed in Appendix N

6. Licensing Hours

The Licensing Authority recognises that longer licensing hours, with regard to the sale of alcohol, may help to ensure that the concentration of customers leaving premises at the same time can be avoided. This reduces the pressure on late night food outlets, taxi ranks, private hire operator's offices and other sources of transport and will help prevent the current situation, which leads to confrontations, assaults, disorder and disturbance.

The Licensing Authority will not seek to have fixed trading hours in designated areas, as this leads to a migration from that area, to another area with longer hours, causing a concentration of individuals moving about the area creating artificial peaks of disturbance over a larger area. The Licensing Authority believes this style of zoning or staggering closing times could be seen to be treating residents in one area more or less preferentially over others, simply because, of where they choose to live. The Licensing

Authority accepts that longer more flexible opening hours can reduce the concentration of people and achieve a slower dispersal from licensed premises.

The Licensing Authority will deal with the issue of licensing hours based on the merits of the individual application. It will give consideration to any relevant representation made. Where relevant representations are made and if necessary to promote the Licensing Objectives (and in particular the prevention of public nuisance and the prevention of crime and disorder) the Licensing Authority may impose restrictions on opening hours. Such a restriction will not be imposed without due regard to the individual merits of the application.

In relation to shops, supermarkets and stores the Licensing Authority will look to allow opening hours the same as the other retail part of the premises, for sales of alcohol for consumption off the premises.

Limitations may have to be imposed for example in the case of isolated premises known to be a focus of disorder and disturbance, in particular following police representations about the premises. It is accepted that in some cases youths gathered in the area can and do intimidate counter-staff in such premises as well as local residents, and the control of opening hours for the sale of alcohol may be used to meet the licensing objectives.

7. The Protection of Children from Harm

Strategic Aims

Doncaster's Licensing Authority acknowledges a principal aim is to protect children from harm in relation to any premises licensed under the Licensing Act 2003 who propose to allow children into the premises for part or all of the operation hours. That aim is to protect children from moral, psychological and physical harm.

The Licensing Act 2003 does not prohibit a child from having access to the various licensed premises. It does however impose statutory restrictions in relation to specific premises when they are providing licensable activities and these will be strictly enforced.

Each and every application in relation to premises and children will be dealt with separately and on its own merits. The aim is to promote the Protection of Children from Harm and, where relevant representations are received and upheld conditions may be attached to the licence. All applications will be dealt with according to the full licensing policy which is produced to allow all persons involved with the process to understand the aims of the Licensing Authority. This will allow the Licensing Authority in partnership with responsible authorities, the trade and the public to have confidence in the policy and so ensure that children from the area and visiting the area are protected from harm.

It is a requirement that applications for a premises licence, a club registration certificate or a temporary event notice, include in the operating schedule all the steps proposed to be taken to promote the licensing objectives. The protection of children from harm may be considered particularly relevant where children are to be allowed on the premises.

An example would be in cases where the following apply:

- Where entertainment or services of an adult or sexual nature are commonly provided
- Where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking
- Where there is a known association with drug taking or drug dealing
- Where there is a strong element of gambling on the premises, (but not for example, the simple presence of a small number of cash prize gaming machines)
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises

In these circumstances the conditions which may be attached to any licence are:

- a) Limitations on the hours when children will be permitted
- b) Station a minimum age for access by children
- c) Limiting or prohibiting access when certain activities are taking place
- d) Permitting access only when the child is accompanied by an individual aged 18 years or over
- e) A combination of (a), (b), (c) or (d)
- f) A full exclusion of all individuals aged less than 18 years

No condition will be imposed by the Licensing Authority requiring admission of children to any licensed premises and where no limitation on the admission of children is imposed this will be left to the discretion of the licence holder of the club and should be shown in the operating schedule.

In the case of “children only” events, for example, an under 18 disco, production of play, a pantomime or similar event the Licensing Authority will recommend a minimum specific ratio of adult supervisors to children that can be reasonably expected on the premises for the activity.

The ratio will be one supervisor per 50 children plus one supervisor for each floor and one supervisor for each exit. This would mean at an event where 300 children are expected, which takes place on premises which have 2 floors and 4 exits there would need to be 6 supervisors for the capacity of the premises, plus 2 for the floors, plus 4 for the number of exits giving a total of 12 supervisors on duty throughout the duration of the event.

The Licensing Authority recommend that applicants ensure that all persons employed by them in connection with the supervision or management are deemed fit and proper persons to be engaged in the activity.

Children and Alcohol

In relation to premises which have authority to serve alcohol, the Licensing Authority require the responsible person, who is serving or supplying alcohol, to comply with the restrictions in relation to serving individuals under 18 years of age. The Licensing Authority recommends that the only way to ascertain evidence of age where there is any doubt is:

- A passport
- A photo card driving licence
- A proof of age (PASS approved) scheme card

- An official identity card, issued by H.M. Armed Forces or a European Country, bearing the holders photograph and date of birth

Children and Cinemas

The Licensing Authority will expect the operating schedule for the cinema to include measures to ensure that under age children will be prevented from viewing films that have an age restriction as determined by the British Board Film Classification or by this Council.

A mandatory condition will be made as required by Section 20 of the Act in relation to the admission of children, that is people less than 18 years of age, to age restricted films as determined by the BBFC or this Council. Proof of age Cards produced by any of the schemes supported by the Council and accepted throughout South Yorkshire may be accepted as evidence in this context.

Appendix H sets out the mandatory conditions.

Childrens and Theatres

Theatres present a wide range of entertainment activities, including those specifically for children, as well as more adult entertainment.

It is a requirement that the operating schedule will include all measures to ensure children are not allowed admission on those occasions when the entertainment is not suitable.

Children may be present at an event as the entertainers in part or in full and it would be good practice to have nominated adults responsible for the child performers. The Children (Performances) Regulations 1968 sets out the requirements for children performing in a show.

The Licensing Authority will look at such matters as the venue, fire safety, special effects and the control of children in terms of equipment and accounting form them in an emergency. Conditions may be imposed to deal with these matters to meet the Licensing Objectives, in particular, the protection of children from harm.

The proof of age schemes referred to previously can assist with age-restricted entertainment in ascertaining the age of children.

Children and other Licensable Activities

The Licensing Authority is aware that certain licensable activities in relation to entertainment may not be suitable for children or the environment may not be suitable for children. This could involve a comic show with adult material or a satirical review with adult material. Some entertainers use different material for their act at different times of the day when the audiences are of different age groups.

The Licensing Authority recommend that applicants set out in the operating schedule the steps to ensure as far as is practicable that children are not subjected to inappropriate material so that Responsible Authorities charged with the protection of children from harm will be able to see that appropriate measures are in place.

One such step might be that the applicant, his designated supervisor or other responsible employee shall liaise with the entertainer to ascertain the material the entertainer shall use and the appropriate age range.

Children and the Provision of Late Night Refreshment

The Licensing Authority are aware of the number of premises that children can access during the daytime which have no regulatory controls in terms of age of entry or the times they can be present of if they need to be accompanied by a parent or guardian.

In relation to premises licensed under the Act for the provision of late night refreshment the time specific controls apply between 11.00pm and 5.00am. During these times the number of children should have declined by the Licensing Authority recommend that the operator show in the Operating Schedule what measures are in place, or are proposed to protect children from harm.

These may be to refuse admission to all children, require all persons under 18 years to be accompanied by a person over 18 years or a combination of these measures. The premises licence holder may indicate how he proposes to deal with children on the premises, if adult disorder is likely or if unsuitable, foul or abusive language is being used by others.

Children, General Criteria

The Licensing Authority will not issue licences with unwarranted conditions. As with all other conditions, conditions relating to the protection of children from harm will only be imposed if:

- They are mandatory conditions i.e. the Licensing Act 2003 or regulations made under the Act require their imposition
- They give effect to the operating schedule
- Relevant representations have been made and upheld, they are relevant to the promotion of the Licensing Objectives, are within the control of the licensee and are reasonable

Applicants for premises licences or club registrations may need to undertake risk assessment to establish the hazards and risks they need to deal with. Applicants should have regard to such risk assessments when considering what, if any, proposed steps promote the Licensing Objectives, to include in the operating schedule.

8. Integration of Strategies

The Licensing Authority will seek to actively participate in other council, statutory authority, police, fire and rescue authority service and government strategies and objectives that have a bearing on the promotion of the licensing objectives. These will include:

- The Safer Doncaster Partnership, in relation to community safety and the Crime and Reduction Strategy
- The Substances Abuse Strategy, in relating to drugs and other substances abuse
- The alcohol Abuse Strategy, in relation to alcohol abuse for both children and adults

- The Youth Offending Service Strategy, in relation to anti-social behaviour and its reduction
- The Crime Prevention Strategy, in relation to best practice, designing out crime and the policy “secure by design”
- Cultural issues and objectives, including museums, local public places, street entertainment and facilities
- Tourism Strategies and objectives, including places of interest, open-air concerts and other events and gatherings of special interest
- Anti-social Behaviour Strategies to review the inter-action between licensed premises and offenders
- Transport Strategies, including the provision and effect of both private and public services
- Planning Strategy and objectives as set by the relevant committee
- Private Security Industry Authority’s Strategy and objectives, to ensure only licensed security staff are employed
- Safeguarding Children Strategy, in relation to its effects on all licensed premises not just alcohol licensed premises
- Primary Care Trust Strategy, in relating to the effects of licensed activities on the residents of the area
- Pub Watch Schemes, in relation to the effective use of the scheme and its geographical locations
- Fire and Rescue Authority Services Strategies, to ensure all premises are working to achieve the highest standards of fire safety procedures as set by the South Yorkshire Fire and Rescue Authority
- Police Authority Strategies to deal with nuisance, anti-social behaviour, crime and disorder, drugs, alcohol and other areas relevant to the promotion of the licensing objectives
- Doncaster Council’s Building Control Services to ensure all premises are to the standard required for the type of use intended for the building and are maintained to that level
- Doncaster Council’s Regulation and Enforcement Service that deals with the Health and Safety at Work Act 1974 and other relevant statutory provisions, to ensure all premises minimize the risk of injury or ill health to persons using the premises
- Doncaster Council’s Regulation and Enforcement Service also has statutory powers to deal with nuisance, including noise nuisance, by taking appropriate action and if legally supported seize and remove sound generating equipment from premises and open spaces. This is in addition to requiring sound and noise control conditions on the premises licence.
- Doncaster Council’s Trading Standards Service ensures integrated strategies relating to protection of children and underage sales
- Race Equality Scheme

This list is not in any priority order nor is it exhaustive.

The intention is to ensure that account is taken of these strategies, objectives and responsibilities including any guidance documents issued and to integrate them into this Licensing Policy to promote the licensing objectives. This would include ensuring that any conditions do not detract from, or work in opposition to, these strategies.

The Licensing Authority will have to ensure that it is informed of the continuing work of these groups to ensure its policy is both current and can add to local strategies the benefit of its information and actions.

The exchange of information between all these groups will be instrumental in the Licensing Authority and the other groups being able to determine of the strategies and objectives are working and to seek the reasons if they are not.

In essence the Licensing Authority needs to be aware of the aims and aspirations of all these groups to ensure the Licensing Policy and its implementation reflect these local matters.

The Licensing Authority will seek to strike a balance in relation to the rights and expectations of residents, businesses, workers and users of these facilities against the wishes of facilities providers applying for permissions. In doing so, each application and representation will be looked at on its individual merits. Arrangements will be made for the strategies and guidance from all these groups to be made available to the Licensing Authority.

9. Duplication

The Licensing Authority will endeavour to avoid duplicating conditions that are, as a result of statutory requirements, placed on premises licence holders, club premises certificates or temporary events.

The legislation covering health and safety, fire safety, building safety and nuisance all place a range of statutory duties both on licensees and their employees in respect of the general public when on the premises concerned.

Where existing legislation does not cover these issues, or they are exempted, or the circumstances of the application require, the Licensing Authority may attach such conditions in order to promote the licensing objectives, where relevant representations have been received.

10. Conditions

The Licensing Authority will not issue licences with unwarranted conditions. Conditions will only be imposed if:

- They are mandatory conditions i.e. the Licensing Act 2003 or regulations made under the Act require their imposition
- They give effect to the operating schedule
- Relevant representations have been made and upheld, they are relevant to the promotion of the Licensing Objectives, are within the control of the licensee and are reasonable

The conditions will relate to the licensing objectives:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

Each objective is of equal importance.

The primary purpose of a licence or certificate is to regulate and control behaviour on premises, access to and from those premises and those individuals when in the immediate vicinity of the premises.

The Licensing Authority will not impose conditions that are disproportionate to the type of activity to be licensed and will only apply conditions that are necessary to achieve the relevant Licensing Objective.

Conditions attached to licences or certificates will be tailored to the individual style and characteristics of the premises and events concerned.

The Licensing Authority will use the pool of conditions published by the Secretary of State and develop other conditions, which are necessary and proportionate to the applications, for attachment to the licence in order to promote the licensing objectives.

The Operating Schedule has to include the steps that it is proposed to take to meet the Licensing Objectives. Where there is no objection, the Licensing Authority will include conditions in the licence, which are consistent with such steps.

The applicant may prepare a "risk assessment" based on the licensable activities being applied for and the Licensing Objectives. This ought to provide the applicant with information on how to meet the objectives, and therefore what steps to include in the operating schedule. A risk assessment is the consideration of how the proposed activities will impact on others and how this impact, if it is contrary or does not meet the Licensing Objectives, can be prevented, controlled or mitigated.

The conditions attached to a licence will be expressed in clear and unambiguous terms, so that the meaning and duty placed on the licence holder, in terms of compliance are clear. If the applicant is unsure or does not understand the conditions attached to the licence it will be the applicant's responsibility to seek clarification from the Licensing Authority.

Failure to comply with any condition attached to a licence or certificate will follow through in terms of enforcement action, representations or other proceedings being taken against the holder of the licence or certificate or other individuals who have breached the condition. Failure to comply is a criminal offence, which on conviction would be punishable by a fine of up to £20,000 or up to six months imprisonment or both.

Crime and Disorder

The Licensing Authority recognises public concern that places which supply alcohol or provide entertainment, particularly late at night, can often be associated with problems of crime and disorder. Applicants will need to consider what measures are required to meet the objective to prevent crime and disorder.

The lead agency for the prevention of crime and disorder is the Police. The Licensing Authority will look to the Police as the main source of advice on these matters. The Licensing Authority will look to the Police to give advice to applicants on how to put in place measures to deal with crime and disorder, and will actively support these

measures in terms of best practice, partnership schemes and conditions based on the operating schedule for the individual application.

Applicants for premises licences, club premises certificates and personal licences will be required to be fully aware of their legal responsibilities for ensuring adequate supervision and management of licensed premises. Any described measure or action proposed by the applicant to promote the prevention of crime and disorder will be incorporated into the licence or certificate as a condition.

Applicants should consider all forms of crime and disorder and especially what actions they propose to ensure that problems from their premises are not just moved into a public place. Crime and disorder could become associated with particular premises, and if so, there is a possibility that a responsible authority of interested party will seek a review.

Applicants should consider this objective in terms of “designing out” potential problems and, where appropriate, consider the use of lighting, installation of closed circuit television; non-shatter glass for windows, drinking glasses, bottles etc. to promote the objective.

Whilst it may, depending upon the circumstances, not be a legal requirement the Licensing Authority recommends that the designated premises supervisor or a personal licence holder to be on the premises or be readily available at all times alcohol is being supplied so as to be the focal point for enquiries and action should the need arise.

Whilst it may, depending upon the circumstances, not be a legal requirement the Licensing Authority recommends that if the Designated Premises Supervisor is to be away from the premises for more than one month then appropriate arrangements be made for the running of the premises so that all the Licensing Objectives and any conditions are met and to inform the Licensing Authority of these arrangements prior to being away from the premises. This is to ensure that other suitable persons are identifiable as being on control of the premises and can be contacted in respect of the conduct of the premises.

Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity then if the licence is so conditioned the requirement of Section 21 of the Licensing Act 2003 for each such individual to be licensed by the Security Industry Authority under the terms of the Private Security Industry Act 2001 will apply. The Security Industry Authority who will advise applicants in relation to the system they operate and the training and costs involved administers the Private Security Industry Act 2001. A “security activity” is defined as guarding premises against unauthorised access or occupation, against outbreak of disorder or against damage and includes screening the suitability of people entering the premises.

The Licensing Authority will not require some categories of persons who are responsible for the care of others e.g. looking after children or looking after child performers, to be licensed with the Security Industry Authority if their employment or duties do not meet the definition of a security activity as defined in the Private Security Act 2001. All such persons will, however, have to be fit and proper persons and the Licensing Authority will seek verification of this standard before they can be employed

or used. This may include data checks with the police on subject access applications by the person at their own expense.

Appendix A lists the measures applicants can include in the Operating Schedule, to promote this licensing objective where they are working in partnership with others.

Appendix B is the Secretary of State's pool of conditions in relation to the prevention of crime and disorder.

Appendix K is the mandatory conditions required by Section 21 of the Licensing Act 2003 in relation to door supervisors.

Point of Sale Promotions

The Licensing Authority has some concerns about point of sale promotions in respect of alcohol.

No alcoholic drinks promotion should encourage anti-social behaviour or alcohol misuse.

The Licensing Authority accepts that promotions of alcoholic drink are a legitimate trading measure for introducing new products, increasing customer awareness of products, boosting trade and promoting competitions but this must be balanced against the Licensing Objectives. It is recommended that the Drinks Industry's Social Responsibility Standards for the Production and Sale of Alcoholic Drinks in the United Kingdom to be taken into account when issues relating to point of sale promotions are being considered.

Applicants for premises licences authorising the sale or supply or sale of alcohol may wish to consult the Government's Alcohol Harm Reduction Policy and the Licensing Authority's Local Alcohol Harm Reduction Policy when considering whether and which steps to promote the Licensing Objectives to include in the Operating Schedule. If they fail to promote the Licensing Objectives and point of sale promotions have encouraged anti-social behaviour, crime and disorder, public nuisance or offences against common standards of decency the Licensing Authority may impose conditions on the premises licence to prevent such activities so as to ensure the promotion of the Licensing Objectives, where relevant representations are received.

Offences under the legislation of serving or allowing alcohol to be sold to a person who is drunk, obtaining alcohol for a person who is drunk or allowing disorderly conduct on licensed premises may be committed by premises licence holders, personal or authorised persons in these circumstances where point of sale promotions are not conducted responsibly.

The Licensing authority believes that the Licensing Objectives may be threatened where intoxicated or disorderly customers are ejected into streets, unless the police, other premises, the Pub Watch Scheme and licensed door supervisors within the area have been informed. Licensees are therefore encouraged to liaise closely with other parties to ensure a partnership approach to handling of such customers.

Where relevant representations are made, the Licensing Authority may, upon the granting of a premises licence impose a condition setting occupancy limits if the premises are liable to overcrowding.

Applicants need to be aware that the limit would be set for the activity in the room not the room itself. Therefore it is important to note that although fixed for a specific purpose e.g. a seated restaurant, the number may be different for a dance room. These occupancy limits will assist licence holders when applying for a temporary activity in that they will know whether to apply for a temporary event by notice or for a variation to the existing premises licence or a new application or whether they can comply with Section 177 of the Act.

Public Safety

The Licensing Authority will seek to promote public safety at all licensed premises or events. Some of these requirements will already be included within existing legislation and it will be the responsibility of every applicant to carry out a risk assessment for the premises and activities they intend to apply for which will aid them in determining what is required to meet the Licensing Objectives and these other statutory requirements.

Each application will be unique and any conditions beyond the existing legislative requirements relating to this part of the policy will only be attached to the licence to promote the licensing objective for public safety. Any conditions the Licensing Authority may need to attach to the licence to promote this objective, where relevant representations have been received will seek to be the most cost effective solution taking into account the nature of the premises and the scale and type of entertainment to be provided.

The legislation referred to includes:

- Health and Safety at Work etc Act 1974 and its relevant statutory provisions including the Management of Health and Safety at Work Regulations 1999
- The Electricity at Work Regulations 1989. The IEE Wiring Regulations (BS7671) currently the 16th Edition
- The Fire Precaution (Workplace) Regulations 1997 and the Regulatory Reform (Fire Safety) Order 2005
- The Disability Discrimination Act 1995

The Licensing Authority recommends that all Health and Safety Laws are observed. Failure to do so might not only result in a prosecution by the relevant enforcement authority but could lead to a responsible Authority or interested party seeking a review of the licence.

The Licensing authority recommends that applicants consider the need for availability of appropriate first aid, paramedic facilities where licensable activities involve an enhanced risk of physical injury (for instance at a sporting event). Applicants may consider if appropriate to carry out a risk assessment and propose steps to ensure appropriate facilities as above in the application or notice.

Applicants are recommended to positively address the need to ensure access and safety for people with disabilities who wish to visit the premises or use the facilities. Failure to comply with any requirement imposed by the above mentioned legislation might lead to a request for a review by a responsible authority or interested party.

Applicants may wish to consult a professional body, trade organization, association who have experience in the relevant field to advise with regard to any risk and any steps to promote this Licensing Objective that might be included in the operating schedule.

The relevant authorities that deal with these statutory provisions are listed in Appendix C.

The Licensing Authority, responsible authorities and applicants should refer to the publications list in Appendix D for advice and guidance.

Appendix E is the Secretary of State's pool of conditions for the promotion of public safety.

Appendix F is the Secretary of State's pool of conditions for the promotion of public safety in a theatre or cinema.

Public Nuisance

This section of the policy outlines how the issue of public nuisance will be considered in relation to applications and variations where relevant representations are made and reviews of licences issued under the Act.

The applicant may before submitting an application, consider how the proposed activities will impact on others and how the impact can be prevented or controlled.

The Licensing Authority may refuse a licence where relevant representations in relation to public nuisance are made and upheld. Applicants should therefore indicate in the operating schedule steps within their control that they intend to take to minimize public nuisance.

In considering such steps the applicant may wish to have regard to any risk assessment carried out, and other factors such as the locality, structure or premises, hours of operation, type of activity etc. which will have a direct bearing on the likelihood of public nuisance being caused.

The Licensing Authority recognises that noise is a major concern for residents and workers in premises close to licensed premises. It is a source of numerous complaints from dwelling house occupants who are affected by noise nuisance. The control of noise is already catered for to some extent by existing legislative requirements. Each application will be unique and any conditions beyond those proposed in the operating schedule will only be attached to the licence where this is necessary to promote the prevention of public nuisance, and where relevant representations have been received.

The legislation referred to includes:

- Environmental Protection Act 1990
- The Noise Act 1996
- Control of Pollution Act 1974
- Noise and Statutory Nuisance Act 1993

The Licensing Authority recognises that different people have different levels of tolerance to the unavoidable activities involved in the everyday provision of entertainment and refreshment.

The Licensing Authority will look carefully at the impact of licensed premises and events with regard to noise and disturbance in the vicinity of the premises. This is especially the case where entertainment takes place late at night and during other times when the activities may be more intrusive.

Applicants might consider proposing steps to encourage customers to leave in an orderly manner, using properly training door supervisor and/or staff to facilitate this, backed up by suitable announcements and notices appropriately displayed at exits from the premises.

If relevant representations are made the Licensing Authority when considering each application may examine steps taken or proposed to be taken to deal with:

- Amplified and Non Amplified Music, Signing and Speech from inside the building
- Amplified and Non Amplified Music, Singing and Speech from outside the building
- Fireworks and like items
- Delivery, collection and storage activities
- Rowdy behaviour
- Disposal of waste and bottle bins, litter collection and litter bins
- Plant and machinery
- Food preparation including cleaning of premises and equipment
- Use of gardens, play areas, car parks, open-air areas and temporary structures
- Disturbance by customers leaving the premises
- Queuing in the area with either vehicles or persons
- Where queuing is unavoidable steps that will be taken to minimize that effect
- Disturbance by staff leaving the premises
- Disturbance from patrons cars in the car park or in the vicinity or as they leave
- Provision of transport with regard to opening hours where no public transport would normally be available, i.e. taxis, private hire, hired coaches etc
- Proximity to Churches and other religious centres, hospitals, nursing homes etc. and measures to minimise disturbance to such noise sensitive establishments
- Suitability of collection and delivery points and times if these are during a period when disturbance may be caused
- Siting of external and internal lighting for safety, advertising or other purposes so as not to cause a nuisance
- Prevention of odours being released into other premises
- Concerns in relation to vibration, smell, pollution and other intrusive activities

This list is not intended to be an exhaustive list but is indicative of matters that may be relevant.

Applicants may wish to consult with a professional body, trade association etc with experience in the relevant field to give appropriate professional advice on how to ensure their risk assessment and, ultimately, the Operating Schedule will meet this objective.

The relevant authorities that deal with these statutory provisions are listed in Appendix C.

Applicants may also wish to consult publications such as Institute of Acoustics' Good Practice Guide on the control of Noise from Pubs and Clubs 2003 as well as good practice guides published by trade associations, particularly where licensable activities are to take place between 11.00pm and 7.00am.

Where offered in the operating schedule, or where relevant representations are made and upheld the provision of licensable activities within the premises may be controlled by conditions to effect the promotion of this objective. These could include different operating hours, closure of sound deadening doors etc. This could mean for example that a beer garden or other areas within the premises, which are open to the air, may have to close earlier than those within the fabric of the premises to minimise noise pollution and the outer sound insulating premises doors may have to be closed at the same time to limit noise escaping from the building.

The Licensing Authority recommends the use of structural and physical methods of noise reduction where practicable as a permanent means of preventing or controlling nuisance rather than by reliance on individual human intervention or control. This may mean structural alteration or construction of the premises rather than relying on the physical control of the volume of music. The Licensing Authority will not replicate other regulatory controls where they are deemed to be adequate to prevent public nuisance but where the Licensing Authority does not consider the available statutory controls to be able to deal with public nuisance issues then where relevant representations are received and upheld, it may impose conditions on the licence to prevent public nuisance.

Licensable activities can give rise to a number of physical effects that have the potential to cause public nuisance. These include noise pollution, light intrusion, foul smells, food odours, waste, litter and the despoiling of areas.

Where relevant representations are made and upheld the Licensing Authority may impose conditions to promote this licensing objective, and in particular to ensure that:

- Light intrusion does not cause a public nuisance to neighbours, road users or even aircraft. The use of varied lighting styles including strobe, neon, flood or beam lighting has the potential to cause public nuisance as well as providing safety and security in otherwise dark areas in addition to decorative and advertising effects.
- Odours that may emanate or escape from the premises are dealt with so as not to cause a nuisance to other persons either in the area or passing through the area
- Waste and litter that emanate from the business of the premises are dealt with so that they do not cause a nuisance to other persons either in the area or passing through the area, including adequate provision for the placing of litter in suitable bins where this is appropriate for the licensable activity to ensure litter does not cause a public nuisance.

Each individual application will be determined on its own merits and conditions to prevent public nuisance will focus on those measures within the direct control of the licence holder.

The Licensing Authority accepts that an individual who engages in anti-social behaviour is accountable in their own right and other criminal legislation is available to deal with

this type of incident. However this should not prevent the licence holder for the premises, club, or event or personal licence holder including the designated premises supervisor or other responsible persons from the premises taking appropriate positive action to deal with or inform the relevant authority of the incident.

Appendix G is the Secretary of State's pool of conditions form the promotion of the prevention of public nuisance.

The Protection of Children from Harm

The Licensing Authority will promote the objective of the protection of children from harm and encourages all applicants to complete a risk assessment for their application and include in the operating schedule measures they intend to take to promote the objective.

Section 7 of this document is the Licensing Authority's policy in relation to children on licensed premises and it should be noted that the focus will be on enforcement of those parts of the Licensing Act 2003 which relates to the sale, or supply of alcohol to minors and associated offences.

Appendix H is the Secretary of State's pool of conditions for the promotion of the protection of children from harm, which may be attached where relevant representations are made and upheld.

Appendix J sets out the mandatory conditions in relation to film exhibitions provided by Section 20 of the Licensing Act 2003, which will be attached to all relevant licences.

General

The Licensing Authority will only seek to impose conditions that are required to meet the licensing objectives, where relevant representations have been received and upheld. In relation to the promotion of the licensing objectives the Licensing Authority will take notice of specific policies and strategies to direct these aims. Such policies and strategies include Alcohol Harm Reduction policy, Drug Harm Reduction policy, Crime and Disorder Reduction strategy, etc.

In relation to nightclubs, the Safer Clubbing Guide and the updated Drug Strategy 2002 form a key element in the Licensing Authority seeking to ensure promotion of the licensing objectives and the Licensing Authority encourages operators of nightclubs, similar premises or temporary events to incorporate its principles in their operating schedules.

The Licensing Authority will include the mandatory condition required by Section 19 of the Licensing Act 2003, in relation to premises where the supply of alcohol is a licensable activity and which refers to the requirements for a personal licence holder and the identification of the designated premises supervisor.

Appendix I shows details of Section 19 of the Licensing Act 2003.

Licence Variations

An applicant who wishes to make changes to an existing Premise Licence or Club Premises Certificate must do so by making an application to vary the existing authorization.

A full variation should be used to:

- Extend the hours during which licensable activities can take place
- Add licensable activities that may impact on one or more of the licensing objectives
- Remove or amend conditions that may impact on one or more of the licensing objectives
- Remove or amend conditions that may impact on one or more of the licensing objectives

A variation should not be used where changes are being made to the building such as using previously unlicensed parts of a building, this could result in an increase to the capacity of the licensed premises, in such instances the Licensing Authority will expect a new application to be submitted for a grant of a new authorization.

The Authority would also expect a new application to be submitted where the nature of the licensed premises is being substantially changed e.g. a restaurant being converted to a nightclub.

Minor Variations

The minor variations process allows licensees to make application to the Licensing Authority to make certain minor changes to an existing licence, without the need for a full application to vary the existing authorisation. Minor variations do not have to be copied to the Responsible Authorities and are only advertised by way of a white notice displayed at the premises for a period of ten working days starting on the first working day after the application was given to the Licensing Authority.

Minor variations can only be used in cases where the variation sought shall not impact adversely on the licensing objectives. There is no right to a hearing to take place to consider minor variations. The decision as to whether or not a minor variation is appropriate will be made by the officers of the Licensing Authority, and this decision shall be final. In making such decision, officers must have regard to any relevant representations received from interested parties within the statutory time limit. Representations must be relevant where they relate to the likely effect of the grant of the application on one or more of the licensing objectives.

Officers shall consult when and if necessary with the relevant Responsible Authorities. In the Licensing Authority fails to respond to a request for a minor variation within fifteen working days, it is deemed refused.

A minor variation should only be used in the following circumstances:

- Reductions in the hours during which licensable activities may take place
- Reduction in opening hours
- Minor changes to the layout of premises that do not impact on the licensing objectives, such as moving the location display cabinets for alcohol within a supermarket or shop
- The removal of licensable activity
- Variation to the times alcohol is sold, where those times are between 7.00am and 11.00pm
- Adding conditions that will assist in promoting the licensing objectives
- Amending conditions that are badly worded

- Removing or amending conditions that are unenforceable
- Removing conditions that are obsolete

Relevant Considerations

- Whether the application increases the capacity for consuming alcohol on the premises
- Whether access to emergency exists or escape routes shall be blocked by the proposed changes
- Whether the alterations might affect the operation of noise reduction measures such as an acoustic lobby
- Whether the addition of a licensable activity might impact on the promotion of the licensing objectives, e.g. the addition of live or recorded music on the prevention of public nuisance objective
- The proximity of the unlicensed premises to residential accommodation
- Conditions volunteered by the applicant to mitigate the effects of any changes
- The previous history of the premises
- The likely effect on surrounding premises

Representations

Local residents and businesses are able to raise representations (objections) to applications for, and variation to premises licences. These must relate to the four licensing objectives and the proposals made in the application. Representations will normally be made in writing to the Licensing Section.

Details of applications and variations to premises licences will be required to be displayed on or outside the premises concerned.

Members as Interested Parties, the law has changed, giving elected members will be able to both make representations and potentially call for reviews of licences. There are some caveats, the foremost being evidence to support your case.

This is a significant change from the previous situation, where individual members could only make such representations if they lived in or had a business in the vicinity of the premises, or had been specifically asked to represent a constituent at a hearing.

The statutory constraints on the reasons for representations or reviews still apply – they may only be made on the grounds of one or more of the licensing objectives, which are:

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

Representations or applications for review on other grounds cannot be considered. For instance, public health is not a statutory objective and cannot be considered.

All representations or reviews:

- Must be in writing, showing the name and address of the writer (the representation/review application must be published as part of the process) – there is a prescribed form for reviews on the Licensing webpage

- Must clearly set out the likely effects the grant of the licence would have on the promotion of at least one of the licensing objectives
- Must present evidence in support of the representation or review
- Must clearly relate to the premises for which application is being made. For example, representations on the basis of general noise and disturbance, without evidence of a link to specific premises, will carry little or no weight with the Sub-Committee

The Licensing Authority will not seek to impose conditions that are designated to censor or modify the content of regulation entertainment. Existing legislation in relation to indecency and obscenity govern these areas. If the entertainment is not suitable for children they should and will be excluded both by condition and in the operating schedule.

In relation to film exhibitions, if a premises wishes to show a film not given an age rating by the British Board of Film Classification, then the licensee will be required to submit a copy of the film exhibition or arrange a viewing of the film exhibition for the Licensing Authority at least 28 days before it proposes to show the film exhibition to enable the Licensing Authority to impose a classification. The Licensing Authority will not authorize film exhibitions where no classification has been given.

Full details of this procedure can be obtained from the Licensing Office.

The Licensing Authority will seek, as part of its local authority function in terms of Cultural strategy, to promote and encourage live music, dancing and theatre for the wider cultural benefit of the community in general. To this end the Licensing Authority will encourage and promote the organization of live musical and other entertainment in the open air or in temporary structures. Such events provide opportunities for community involvement, civic pride and attract visitors to the district.

The success of such events by way of contributing to the Cultural and Tourist strategies of the Council depend upon the quality, levels of safety, consideration of the rights of people who live and work in the vicinity and the standards and extent of facilities provided for those coming to such events. The common threads between the Licensing Authority, Museums, Tourism and Cultural Strategy and Planning will be monitored to ensure that the impact of this policy does not cause a diminution of these events whilst at the same time acknowledging the rights of others.

In relation to major art or pop festivals, fairs, carnivals and circuses the Licensing Authority requests that all organisers approach them at the earliest opportunity to discuss arrangements for the licensing of activities falling under the Licensing Act 2003.

The Licensing Authority is prepared to offer advice and guidance to assist in the preparation of the operating schedule, to allow the applicant, the Licensing Authority and the responsible authorities to assist the applicant in advance of a formal application.

Where there are several applications for the same period for premises licences, which in combination form the whole event, the Licensing Authority would recommend that a co-coordinating committee be formed of all the applicants to develop the operating schedule for the event. The use of a co-coordinating body could prevent conflicting conditions and give a strategic view of the event.

If the individual applications were made for temporary event notices for a combined event, the Licensing Authority may not be able to grant them if the combined number of persons for the whole event exceeded the limit of “the presence of not more than 499 people at any one time”.

The Licensing Authority recommends that at least 28 days notice of a temporary event be given to them to ensure proper evaluation and determination of the notice and enable the applicant to engage fully in the licensing process for the event.

In addition to the normal requirement to ensure the Police, Fire and Rescue Authority and other statutory bodies have been consulted about the licensable event, any special circumstances in relation to the event; for example, events near or on water or rivers, at fairgrounds etc. must be properly considered and dealt with.

In relation to licensable events taking place using temporary structures including staging, platforms, tented accommodating or barns and like buildings there are clear areas that need to be addressed by risk assessment to ensure that the safety of the public, performers and employees is properly considered and appropriate action is taken to effectively deal with these matters.

The Licensing Authority will be looking at the following areas to ensure steps have or will be taken where relevant representations have been made to include:

- Completion of a comprehensive risk assessment and operating schedule including the precautions to be implemented
- Emergency and Contingency plans
- Provision of Public Liability insurance
- Stewarding and Ticket arrangements
- Sanitation, First Aid, Parking, Temporary Structures, Signs etc.
- Liaise with local residents and businesses
- Positive proposals for access, safety and comfort of disabled persons
- Arrangements for lost children, etc.

11. Enforcement

The Licensing Authority will establish a protocol for carrying out application verification and inspection with the relevant responsible authorities to establish if representations are to be made, conditions status and the overall picture as to the actual premises suitability, in relation to the types of licensable activities it intends to request authority for and based on the promotion of the Licensing Objectives.

The Licensing Authority will establish a protocol for the enforcement of the provisions of the Act with all those persons who have enforcement functions in relation to premises or persons licensed under the Act or who have a statutory requirement to comply with the other legislation enforced by the Responsible Authorities or other groups. That protocol will be drawn together by the Licensing Department. It will expect the Police and other responsible authorities to share information on a formal basis as provided by Section 185 of the Licensing Act 2003.

The aim of the protocols will be to provide a more efficient deployment of Police, Fire and Rescue Authority and Local Authority staff that are engaged in enforcing the

licensing law and other statutory provisions. The protocol will set out the intelligence led pro-active enforcement of the Act based on targeting those premises that fail to promote the licensing objectives, fail to comply with the conditions attached to the licence or commit offences or allow the commission of offences within the meaning of the Licensing Act 2003.

This principle of targeted intelligence led pro-active enforcement will ensure resources are effectively concentrated on problem premises. The gathering of the intelligence required to effectively achieve this will be co-coordinated by the Licensing Authority, but all responsible authorities, including the Police, residents and businesses of the area and other local and district groups can actively assist in this matter. The Licensing Authority will employ Enforcement Officers to investigate allegations in relation to licensable activities and to ensure that licence conditions are complied with, those officers will be employed within the Licensing Section of the Authority.

The Licensing Authority will seek to improve the work of the Doncaster Licensing forum, and establish a local forum for liaison activities between statutory bodies responsible for premises licensed under the Act.

The Licensing Authority will work with the representative groups of the licensed trade to develop and encourage a partnership approach to enable standards etc. for licensed premises to be achieved. The Licensing Authority will liaise closely with the Safer Doncaster Partnership to ensure the Licensing Policy reflects the crime reduction policy initiatives in relation to those areas covered by the Licensing Objectives and will monitor the situation with the Safer Doncaster Partnership.

Formal enforcement action will be taken when other options have been considered and will be proportionate to the degree of risk and in line with the Enforcement Concordat. To this end the Licensing Authority will use the principles of consistency, transparency and proportionality to maintain this approach.

12. Administration, Exercise and Delegation of Functions

The Licensing Authority will establish a Licensing Committee consisting of at least ten, but not more than fifteen Elected Members of the Council.

The Licensing Committee will establish sub-committees of not more than three Members of the Licensing Committee. The Licensing Committee will arrange for the discharge of its functions by a sub-committee or by an officer of the Licensing Authority in line with the following table:

Delegation of Functions

Matter to be Dealt With	Full Committee	Sub-committee	Officers
Formulating the statement	The policy will be determined by the Licensing Authority after recommendations from the Licensing Committee		
Application for Personal Licence		If a Police objection is made	If no objection is made
Application for Personal		All cases	

Matter to be Dealt With	Full Committee	Sub-committee	Officers
Licence with unspent convictions			
Application for Premises Licence/Club Premises Certificate		If relevant representation is made	If no relevant representation made
Application for provisional statement		If relevant representation is made	If no relevant representation made
Application to vary Premises Licence/Club Premises Certificate		If relevant representation is made	If no relevant representation made
Application to vary designated Premises Supervisor		If a Police objection is made	In 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	In all other cases
Application for interim authorities		If a Police objection is made	In all other cases
Application to review Premises Licence/Club Premises Certificate		All cases, unless mediation has remedied the problems by the addition of agreed conditions to the Licence	Following mediation and an agreed change in conditions that remedy the concerns of those seeking to review and are agreed by all parties
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.			All cases
Decision to object when Local Authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a Police objection to a Temporary Event Notice		All cases	

The Licensing Authority will deal with all matters in relation to the determination of its Policy with respect to the exercise of its licensing functions and the publication of that statement. This will include any review of that statement and the subsequent three-year period determination. The Full Licensing Committee can deal with any matters referred to it by a Sub-Committee or an Officer of the Licensing Authority. A Sub-Committee can decide to refer a matter to the full committee for a decision where it considers that it is appropriate to do so. Officers are not precluded from referring matters to the sub-committee in similar circumstances.

The Licensing Authority will adopt the procedures in the table of delegations in relation to Officers as these licensing applications will be non-contentious applications and

administrative in nature. This will allow a speedier, efficient and cost effective service to all parties.

The Licensing Authority will adopt a conciliatory meeting scheme where representations are made to establish if there is common ground between the parties so that a solution can be agreed or so that suitable conditions can be recommended to the Licensing Committee or Sub-committee. This is based on the premises that a partnership approach to representations, where all interested parties can have dialogue in a non-confrontational manner, may produce a solution. Officers of the Licensing Authority conducting such a meeting cannot negotiate on behalf of any party concerned and can only act on written information for inclusion in the meeting if the party does not attend in person. This conciliatory meeting in no way prejudices the rights of any individual or responsible authority to have a hearing as permitted by the Act.

13. Conduct of Committees

The hearing process will meet the requirements of the Regulations made by the Secretary of State in all instances. The hearing process will, in terms of the actual process, be in accordance with the Constitution of the Council so long as this is not contrary to the prescribed regulations made by the Secretary of State.

Any hearing so held will focus on the steps needed to promote those licensing objectives subject of the representations being made by a responsible authority or an interested party.

The Committee will act in fair and impartial manner and will not allow personal prejudice to affect the judicial determination of the hearing nor act outside the legislative requirements of the Licensing Act 2003. Any such hearing will not stray into undisputed areas of the application.

The hearing in relation to any application will give appropriate weight to the evidence and argument presented by all parties, the Secretary of State's Guidance, the Statement of Licensing Policy and the steps that are required to promote the licensing objectives.

If a determination in relation to the attachment of conditions to the licence is made, the Committee will have to show evidence why they are necessary and that they are the minimum required to promote the licensing objectives and be consistent with the Operating Schedule.

Every determination of the Full Licensing Committee or a Sub-Committee will be accompanied by clear, cogent reasoning for the decision. The decision will be stated forthwith to the applicant, any person who has made relevant representations and the Chief Officer of Police. Every determination will be confirmed in written form to the above persons within seven days and if a licence is granted, the licence, with a summary, will be issued.

The Committee, when sitting either as a full or Sub-committee, will be able to request evidence or input from any relevant person or body who has information or knowledge that will aid the committee in determining any matter before it. The Licensing Committee or Licensing Sub Committee meetings will be held in public.

In cases where the Licensing Committee felt it is relevant and necessary the hearing, or part of it, may take place with members of the public excluded by the Licensing Committee. The Licensing committee will only invoke this rule for specified circumstances.

The content of this Statement of Licensing Policy can be challenged by way of a judicial review and any decision made by the full committee or any sub-committees in the determination of an application or hearing can be challenged by way of appeal at the Magistrates Court. All parties who are involved in the hearing by a committee, including, those making an application, those making representations, the police and the Responsible Authority may appeal to the Magistrates Court on a decision made by the Licensing Authority.

The Licensing Authority will seek to be satisfied that any representations made under the terms of the Act by an interested party, for example a local business or resident living in the vicinity, are relevant in that it relates to the likely effect of the granting of a licence on the promotion of at least one of the licensing objectives.

Representations which are not relevant or are vexatious or frivolous will not be considered.

In cases where they relate to the Planning Authority or other Local Authority statutory provisions, a licensing hearing should not be used to re-run those applications when they have been lawfully decided. The Licensing Authority accepts that some interested parties may consider a representation to be trivial but it can still be relevant.

Representations allow residents and local businesses the opportunity to participate in discussion and determination as provided by the Licensing Act 2003 in the area where they live or work.

14. Types of Applications or Notifications

An application is not a licence.

Change of Club Rules	A notice from the secretary of a club informing the Licensing Authority of any alteration made to the rules of the club
Change of Name and Address	A notice to the Licensing Authority informing them of a change of name or address of the Personal Licence holder
Change of Name of Club	A notice from the secretary of a club informing the Licensing Authority of any change of name of the club
Change of Relevant Registered Address of a Club	A notice which informs the Licensing Authority of a desire to change, or that it has changed, the relevant registered address of the club
Club Premises Certificate	An application from a qualifying club for a club premises certificate to authorise one or more of the licensable activities
Counter Notice	In relation to a Temporary Event Notice a Counter Notice is given by the Licensing Authority, if required, to the premises user after an Objection Notice has been served
Interim Authority Notice	A notice where death, incapacity or insolvency of the holder caused the premises licence to lapse thereby enabling a person to have the licence reinstated and the person giving the notice to become the holder of the premises licence. Such an Interim Authority Notice will

	not last longer than two months from the date the Licensing Authority receives the interim authority notice
Notification of Change of Name or Address	Required to be sent by the Premises Licence holder as soon as practicable after any such changes have taken place
Notification of Convictions	In relation to a grant or renewal of a Personal Licence an applicant must notify the Licensing Authority if they are convicted of a relevant offence or a foreign offence during the application period. In relation to the holders of a Personal Licence they must, if convicted of a relevant offence or a foreign offence or after the determination of any appeal, notify the Licensing Authority of such a conviction
Objection Notice	In relation to a temporary event notice, an objection notice gives the reasons for the Police objections to an application.
Personal Licence	An application from an individual to be authorised to sell alcohol, or to authorise the sale of alcohol in accordance with a Premises Licence or a Temporary Event Notice
Premises Licence	The licence required for premises to be used for one or more of the licensable activities
Provisional Statement	A determination in relation to premises constructed, to be constructed, being or about to be extended or otherwise altered for one or more of the licensable activities
Reinstatement of Premises Licence	Where the holder of a premises licence dies, is incapacitated or becomes insolvent and no interim authority notice is given, a person listed in Section 16(1) of the Licensing Act 2003 can apply for the transfer of the licence and reinstatement from the date the application is received by the Licensing Authority
Request to be Removed as Designated Premises Supervisor	A notice informing the Licensing Authority that an individual wishes to cease being the designated premises supervisor
Review of a Club Premises Certificate	Where an interested party or a responsible authority or a club member apply to the Licensing Authority to review a Club Premises Certificate
Review of Premises Licence	Where an interested party or a responsible authority apply to the Licensing Authority to review a Premises Licence and the procedures to be followed
Right of Freeholder, etc., to be Notified of Licensing Matters	This applies if a person with a property interest in any premises gives notice of his interest in the premises to the Licensing Authority. In such circumstances the Licensing Authority will inform that person of any changes to the register in relation to those premises
Temporary Event Notice	A notice to the Licensing Authority proposing to use premises for one or more licensable activity for a period not exceeding ninety-six hours for a maximum number of persons, being a number less than five hundred in total
Theft, Loss, etc., of a Personal Licence	An application for a certified copy of a Personal Licence after it has been lost, stolen, damaged or destroyed and notification has been made to the Police in relation to it being lost or stolen
Transfer of Premises Licence	Application to transfer the premises licence from one person to another if they are a person mentioned in Section 16(1) of the Licensing Act 2003
Variation of a Club Premises Certificate	An application to vary the terms or conditions of a club premises certificate, in relation to one or more of the licensable activities.
Variation of Licence to	Application to vary a Premises Licence to specify a proposed

specify Premises Supervisor	individual as the Premises Supervisor where the Licence authorises the supply of alcohol, or where a variation to the Premises Licence to include the supply of alcohol is made
Variation of Premises Licence	Application to vary the terms or conditions of a Premises Licence in relation to one or more of the licensable activities

This is not a comprehensive list of all applications, informations or notices contained within the Licensing Act 2003.

Completion of Applications

The criteria will be that all applications, information and notices will be on the forms prescribed by the Secretary of State in line with the relevant section of the Act.

All forms of application will be required to be completed in the English language and any supporting documents will be required to be translated into the English language and certified by a competent person to that effect.

The receipt of a facsimile transmission of applications or other notices will not be considered as receipt of the document until the hard copy of the original application form is received.

15. Definitions

Listed in Appendix L are some but not all of the definitions set out in the Licensing Act 2003.

The Licensing Authority can accept no responsibility for the interpretation of these definitions as, in the case of a dispute, the courts would ultimately decide the matters in relation to definitions.

16. Address of the Licensing Authority

The address to which all communications must be sent in relation to any matters pertaining to the Licensing Act 2003 which are intended for the Licensing Authority is:

The Licensing Office
 PO Box 257
 The Council House
 College Road
 Doncaster
 DN1 1RN

The office is open to the public Monday to Friday 8.30am to 5.00pm.

The telephone numbers for the Licensing Office are (01302) 737950 and 736671.

The fax number for the Licensing Office is (01302) 737323.

The email address is licensing@doncaster.gov.uk.

The website address to view this Statement of Licensing Policy or the Licensing Register is www.doncaster.gov.uk.

17. List of Appendices

Appendix A	Police Measures to Promote the Licensing Objectives
Appendix B	The Secretary of State's pool of conditions, re Crime and Disorder
Appendix C	List of Responsible Authorities
Appendix D	List of publications to be used for reference
Appendix E	The Secretary of State's pool of conditions, re Public Safety
Appendix F	The Secretary of State's pool of conditions for Theatre and Cinema re Public Safety
Appendix G	The Secretary of State's pool of conditions re Public Nuisance
Appendix H	The Secretary of State's pool of conditions re the Protection of Children from Harm
Appendix I	Premises Licence (Part 3)
Appendix J	The mandatory conditions: Exhibition of Films
Appendix K	The mandatory conditions: Door Supervisor
Appendix L	Definitions
Appendix M	Representations

Appendix A – Police Measures to Promote the Licensing Objectives

- Developing a constructive working relationship with Local Authority Licensing Officers and Bodies, such as the Doncaster Safeguarding Children Board
- Developing a constructive working relationship with designated premises supervisors and other managers of premises, including those providing late-night refreshment
- Advising where necessary on the development of a venue drug policy
- Where appropriate, agreeing to the Protocols for actions to be taken by door supervisors, in relation to illegal drugs or violent behaviour, in particular, when Police Officers should be called immediately to the premises
- Advising on and approving search procedures and the storage procedures for confiscated drugs
- Gathering and sharing intelligence on drug dealing and use with partner organisations and local nightclubs
- Advising on the installation and monitoring of Close Circuit Television Systems
- Advising on the provisions of safe transport home in consultation with Community Safety colleagues
- Working with venue operators, owners and managers to resolve drug related problems and problems of disorder, drunkenness and anti-social behaviour
- Advising on the protection of employees on licensed premises who may be targets for attacks and reprisals

Appendix B – Conditions Relating to the Prevention of Crime and Disorder

It should be noted in particular that it is unlawful under the 2003 Act.

- To knowingly sell or supply or attempt to sell or supply alcohol to a person who is drunk
- Knowingly to allow disorderly conduct on licensed premises
- For the holder of a premises licence or a designated premises supervisor knowingly to keep or to allow to be kept on licensed premises any goods that have been imported without payment of duty or which have otherwise been unlawfully imported
- To allow the presence of children under 16 who are not accompanied by an adult between midnight and 5.00am at any premises licensed for the sale of alcohol for consumption on the premises, and at any time in premises used exclusively or primarily for the sale and consumption of alcohol.

Conditions enforcing these arrangements are therefore unnecessary.

General

When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, when responsible authorities are considering such applications and when licensing authorities are considering applications following the receipt of any relevant representations from a responsible authority or interested party, the following options should be considered as measures which, if necessary, would promote the prevention of crime and disorder.

Whether or not any risk assessment shows them to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature

and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved. It should also be borne in mind that club premises operate under codes of discipline to ensure the good order and behaviour of members.

Necessary conditions for the licence or certificate will also depend on local knowledge of the premises.

Under no circumstances should the following measures be regarded as standard conditions to be automatically imposed in all cases. They are designed to provide a range of conditions drawn from experience relating to differing situations and to offer guidance.

Any individual preparing an operating schedule is at liberty to volunteer any measure, such as those described below, as a step he or she intends to take to promote the licensing objectives. When incorporated into the licence or certificate as a condition, they become enforceable under the law and a breach of such a condition could give rise to prosecution.

Text/Radio Pagers

Text and Radio pagers connecting premises licence holder, designated premises supervisors, managers of premises clubs to the local police can provide for rapid response by the police to situations of disorder which may be endangering the customers and staff on the premises.

Such pagers provide two-way communication, enabling licence holders, managers, designated premises supervisors and clubs to report incidents to the police, and enabling the police to warn those operating a large number of other premises of potential troublemakers or individuals suspected of criminal behaviour who are about in a particular area.

Licence holders, door supervisors, managers, designated premises supervisors and clubs can also use pager systems to warn each other of the presence in an area of such people.

Door Supervisors

Conditions relating to the provision of door supervisors and security teams may be valuable in:

- Prevention the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder
- Keeping out excluded individuals (subject to court bans or imposed by the licence holder);
- Searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons; and
- Maintaining orderly queuing outside of venues prone to such queuing. Where door supervisors conducting security activities are to be a condition of a licence, which means that they would have to be registered with the Security Industry Authority, conditions may also need to deal with the number of such supervisors, the displaying of name badges, the carrying of proof of registration, where and at what times they should be stationed on the premises, and whether at least one

female supervisor should be available (for example, if female customers are to be the subject of body searches)

- Door Supervisors also have a role to play in ensuring public safety (see Appendix K)

Bottle Bans

Bottles may be used as weapons inflicting more serious harm during incidents of disorder. A condition can prevent sales of drinks in their bottles for consumption on the premises. However, responsible authorities and licensing authorities should note that many people consider drinking from bottles to be safer as it is easier from them to prevent the spiking of drinks with drugs in bottles the openings of which may be readily covered. These issues therefore need to be carefully balanced.

Plastic Containers and Toughened Glass

Glasses containing drinks may be used as weapons during incidents of disorder and in normal form can cause very serious injuries. Consideration should therefore be given to conditions requiring either the use of plastic containers or toughened glass, which inflicts less severe injuries. Location and style of the venue and the activities carried on there would be particularly important in assessing whether a condition is necessary.

For example, the use of glass containers on the terraces of outdoor sports grounds may obviously be of concern, but similar concerns may also apply to indoor sports events such as boxing matches.

Similarly, the use of such plastic containers or toughened glass during the televising of live sporting events, such as international football matches, when high states of excitement and emotion fuelled by alcohol might arise, may be a necessary condition.

It should be noted that the use of plastic or paper drinks containers and toughened glass may also be relevant as measures to promote public safety.

CCTV

The use of Closed Circuit Television and Recording systems (CCTV) can have a positive effect in deterring and detecting crime at and immediately outside licensed premises where they are required to promote the Licensing Objectives. The use of the recordings as evidence to prove offences where they have been committed by persons on the premises or in the vicinity of the premises will further help to achieve the Licensing Objectives and where such CCTV systems are a conditional requirement there will have to be a suitable recording system in operation. These recordings may form the evidence for the case and in these circumstances they will be required to be handed to the Police or the Licensing Authority as evidence.

Conditions should not just consider a requirement to have CCTV on the premises, but also the precise site of each camera, the requirement to maintain cameras in working order, and to retain recordings for an appropriate period of time.

It is important to liaise with the police before order or installation of the equipment to ensure it is operated to the required standards, in the correct areas and has suitable recording equipment. The Police should provide individuals conducting risk assessments when preparing operating schedules with advice on the use of CCTV to prevent crime.

Open Containers not to be taken from the Premises

Drinks purchased in licensed premises or clubs may be taken from those premises for consumption elsewhere; where premises are licensed for the sale of alcohol for consumption off the premises that would be entirely lawful. However, consideration should be given to a condition preventing the taking of alcoholic and other drinks from the premises in open containers (e.g. glasses and opened bottles). This may again be necessary to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises.

Restrictions on Drinking Areas

It may be necessary to restrict the area where alcoholic drinks may be consumed in premises after they have been purchased from the bar. An example would be at a sports ground where the police consider it necessary to prevent the consumption of alcohol on the terracing of sports grounds during particular sports events. Such conditions should not only specify these areas, but also indicate the circumstances in which the ban would apply and times at which it should be enforced.

Capacity Limits

Although most commonly made a condition of a licence on public safety grounds, consideration should also be given to conditions which set capacity limits for licensed premises or clubs where it may be necessary to prevent overcrowding which can lead to disorder and violence. Where such a condition is considered necessary, consideration should also be given to whether door supervisors would be needed to ensure that the numbers are appropriately.

Proof of Age Cards

It is unlawful for children under 18 to attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them. To prevent such crimes, it may be necessary to require a policy to be applied at certain licensed premises requiring the production of "proof of age" before such sales are made. This should not be limited to recognized "proof of age" cards, but allow for the production of other proof, such as photo-driving licences, student cards and passports.

Crime Prevention Notices

It may be necessary at some premises for notices to be displayed, which warn customers of the prevalence of crime, which may target them. Some premises may be reluctant to volunteer the display of such notices for commercial reasons. For example, in certain areas, a condition attached to a premises licence or club premises certificate might require the displaying of notices at the premises which warn customers about the need to be aware of pickpockets or bag snatchers, and to guard their property. Similarly, it may be necessary for notices to be displayed, which advise customers not to leave bags unattended because of concerns about terrorism. Consideration could be given to a condition requiring a notice to display the name of a contact for customers if they wish to report concerns.

Drinks Promotions

Standardised conditions should not be attached to premises licences or club premises certificates, which promote fixed prices for alcoholic drinks. It is also likely to be unlawful for licensing authorities or police officers to promote voluntary arrangements of this kind. This can risk creating cartels. Using conditions to control the prices of alcoholic drinks in an area may also breach competition law. Conditions tailored to the individual circumstances of particular premises which address irresponsible drinks

promotions may be permissible provided they are necessary for the promotion of the licensing objectives, but licensing authorities should take their own legal advice before a licence or certificate is granted in that form. Judgements may be subjective, and on occasions, there will be a very fine line between responsible and irresponsible promotions but an even greater distinction to whether the promotion in question can be subject to the imposition of a condition. It is therefore vital that such matters are considered objectively in the context of the licensing objectives and with the benefit of expert legal advice.

Signage

It may be necessary for the normal hours under the terms of the premises licence or club premises certificate at which licensable activities are permitted to take place to be displayed on or immediately outside the premises so that it is clear if breaches of the terms of the licence or certificate are taking place.

Similarly, it may be necessary for any restrictions on the admission of children to be displayed on or immediately outside the premises so that the consequences of breaches of these conditions would also be clear and to deter those who might seek admission in breach of those conditions.

Large Capacity Venues used Exclusively or Primarily for The “Vertical” Consumption of Alcohol (HVVDs)

Where necessary and appropriate, conditions can be attached to premises where there is little or no seating for patrons. These will include a prescribed capacity for the premises, an appropriate ratio of tables and chairs to customers based on the capacity and the presence of SIA registered security teams to control entry for the compliance with the set capacity limit.

Appendix C – Responsible Authorities

The contacts, addresses and telephone numbers of the responsible authorities (for Doncaster) referred to in Section 13(4) of the Licensing Act 2003 are:

- Representative of the chief officer of police (13.4.a): South Yorkshire Police, (Doncaster District) Licensing Officer, Scarborough House, Chequer Road, Doncaster DN1 2BD Telephone 0114 220 2020
- Representative of the fire authority (13.4.b): South Yorkshire Fire and Rescue Authority, Doncaster District Community Safety Office, Leicester Avenue, Doncaster DN2 6AZ Telephone 0114 253 2802
- Enforcing authority within the meaning given by Section 18 of the Health and Safety at Work, etc. Act 1974 (13.4.c): Regulation and Enforcement, Health and Safety Enforcement, Doncaster Council, The Council House, College Road, Doncaster DN1 1RN Telephone 01302 737549
- Planning authority within the meaning given by the Town and Country Planning Act 1990 (13.4.d): Building Control Services, Doncaster Council, Danum House, St Sepulchre Gate, Doncaster Telephone 01302 737848

- Statutory authority in relation to minimizing or preventing the risk of pollution of the environment or of harm to human health (13.4.e): Regulation and Enforcement, Public Health and Noise Enforcement, Doncaster Council, The Council House, College Road, Doncaster DN1 1RN Telephone 01302 737549
- Statutory authority in relating to the protection of children from harm: Regulation and Enforcement, Trading Standards Department, The Council House, College Road, Doncaster DN1 1RN Telephone 10302 737522
- Representative body responsible for matters relating to the protection of children from harm and recognized by the Licensing Authority as competent for advise on such matters (13.4.f): Doncaster Safeguarding Children Board to: Barclay Court, Heaven's Walk, Doncaster DN4 5HZ Telephone 01302 566791. www.doncastersafeguardingchildren.co.uk
- Responsible authorities in relation to a vessel (13.4.h): are the relevant Navigation Authority, the Environment Agency, British Waterways Board and the Secretary of State
- Prescribed person for the purposes of the Act (13.4.i): The Health and Safety Executive, Edgar Allen House, 241 Glossop Road, Sheffield S10 2GW Telephone 0114 289 2000

Appendix D – List of Publications to be used for Reference

- Model national and standard conditions for places of public entertainment and associated guidance. Reference No ISBN 190431110 (Entertainment Technology Press)
- The Event Safety Guide. A guide to health, safety and welfare of music and similar events. (HSE 1999) (The Purple Book). Reference no ISBN 0717624536
- Managing Crowds Safely. (HSE2000) Reference No ISBN 071761998
- The Guide to Safety at Sports Grounds (97) (The Green Guide). Reference No 0113000952
- The Safety Guidance for Street Arts Carnival Processions and Large Scale Performances published by The Independent Street Arts Network. Copies of which may be obtained from www.streetartsnetwork.org.
- Good Practice Guide on the Control of noise from Pubs and Clubs published by the Institute of Acoustics. Tel. 01727 848195
- Code of Practice on Environmental Noise Control at concerts published by the Noise Council. ISBN 0900103515
- Guide to Fire Precautions in Existing Places of Entertainment and Like Premises. ISBN 0113409079
- National society for Clean Air and Environmental Protection in relation to Light Pollution

Appendix E – Conditions Relating to Public Safety (Including Fire Safety)

It should be noted that conditions relating to public safety should be those which are necessary, in the particular circumstances of any individual premises or club premises, and should not duplicate other requirements of the law. Equally, the attachment of conditions to a premises licence or club premises certificate will not in any way relieve employers of the statutory duty to comply with the requirements of other legislation including the Health and Safety at Work etc Act 1974, associated regulations and especially the requirements under the Management of Health and Safety at Work Regulations 1999 and the fire Precautions (Workplace) Regulations 1997 to undertake risk assessments. Employers should assess the risks, including risks from fire, and take measures necessary to avoid and control these risks. Conditions enforcing those requirements would therefore be unnecessary.

General

Where applicants for premises licences or club premises certificates are preparing their Operating Schedules or Club Operating Schedules, Responsible Authorities are considering such applications and Licensing Authorities are consider applications following the receipt of relevant representations from a responsible authority or interested party, the following options should be considered as measures that, if necessary, would promote public safety. Additional matters relating to cinemas and theatres are considered in Appendix F. It should also be recognized that special issues may arise in connection with outdoor and large-scale events.

Whether or not any risk assessment shows any of the measures to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.

Necessary conditions for the licence or certificate will also depend on local knowledge of the premises.

In addition to considering the points made in this Appendix, those preparing Operating Schedules or Club Operating Schedules, Licensing Authorities and Responsible Authorities should consider:

- Model National and Standard Conditions for Places of Public Entertainment and Association Guidance ISBN 1904031110 (Entertainment Technology Press – ABTT Publications)
- The Event Safety Guide – a guide to health, safety and welfare at music and similar events (HSE 1999)(The Purple Book) ISGN 0717524536
- Managing Crowds Safely (HSE 2000) ISBN 071761834X
- 5 Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 0717615804
- The Guide to Safety at Sports Grounds (The Stationery Office 1997)(The Green Guide) ISBN 0113000952

- Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by the Independent Street Arts Network, copies of which may be obtained through – www.streeartsnetwork.org/pages/publications

However, in consulting these texts, which were prepared prior to the coming into force of the Licensing Act 2003, those creating operating schedules or club operating schedules. Licensing authorities and responsible authorities should again note that under no circumstances should any conditions be regarded as standard for all premises.

Any individual preparing an operating schedule or club operating schedule is at liberty to volunteer any measure, such as those described below, as a step he or she intends to take to promote the licensing objectives. When incorporated into the licence or certificate as a condition, they become enforceable under the law and breach of such a condition could give rise to prosecution.

Disabled People

In certain premises where existing legislation does not provide adequately for the safety of the public, consideration might also be given to conditions that ensure that when disabled people are present, adequate arrangements exist to enable their safe evacuation in the vent of an emergency, and disabled people on the premises are made aware of those arrangements.

Escape Routes

It may be necessary to include conditions relating to the maintenance of all escape routes and exits including external exits. These might be expressed in terms of the need to ensure that such exits are kept unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified. In restaurants and other premises where chairs and tables are provided this might also include ensuring that internal gangways are kept unobstructed.

In certain premises where existing legislation does not provide adequately for the safety of the public, consideration might also be given to conditions that ensure that:

- All exit doors and easily openable without the use of a key, card, code or similar means
- Doors at such exits are regularly checked to ensure that they function satisfactorily and a record of the check kept
- Any security fastenings are removed prior to the premises being open to the public
- All fire doors are maintained effectively self-closing and shall not be held open
- Fire resisting doors to ducts, service shafts and cupboards shall be kept locked shut
- The edges of the treads of steps and stairways are maintained so as to be conspicuous

Safety Checks

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- Safety checks are carried out before the admission of the public

- Details of such checks are kept in a Log-book

Curtains, Hangings, Decorations and Upholstery

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- Hangings, curtains and temporary decorations are maintained in a flame retardant condition
- Any upholstered seating meets on a continuous basis the pass criteria for smouldering ignition source 0, flaming ignition source 1 and crib ignition source 5 when tested in accordance with section 5 of BS5852:1990
- Curtains, hangings and temporary decorations are arranged so as not to obstruct exits, fire safety signs or fire-fighting equipment
- Temporary decorations are not used without the consent of the licensing authority

Accommodation Limits

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- Arrangements are made to ensure that any capacity limit imposed under the premises licence or club premises certificate are not exceeded: and
- The licence holder, a club official, manager or or designated premises supervisor should be aware of the number of people on the premises and required to inform any authorised person on request

Fire Action Notices

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests consideration might also be given to conditions that ensure that notices detailing the actions to be taken in the event of fire or other emergencies, including how the fire brigade should be summoned, are prominently displayed and protected from damage and deterioration.

Outbreaks of Fire

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that the fire brigade must be called at once to any outbreak of fire, however slight, and the details recorded in a Fire Log-book.

Loss of Water

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that the local Fire Control Centre are notified as soon as possible if the water supply to any hydrant, hose reel, sprinkler, drencher or other fire extinguishing installation is cut off or restricted.

Access for Emergency Vehicles

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to

conditions that ensure that access for emergency vehicles is kept clear and free from obstruction.

First Aid

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- Adequate and appropriate supply of first aid equipment and materials is available on the premises.
- If necessary, at least one suitably trained first-aider shall be on duty when the public are present; and if more than one suitably trained first-aider that their respective duties are clearly defined.

Lighting

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- In the absence of adequate daylight, the lighting in any area accessible to the public, members or guests shall be fully in operation when they are present. Fire safety signs are adequately illuminated
- Emergency lighting is not to be altered without the consent of the licensing authority. Emergency lighting batteries are fully charge before the admission of the public, members or guests

In the event of the failure of normal lighting, where the emergency lighting battery has a capacity of one hours, arrangements are in place to ensure that the public, members or guests leave the premises within 20 minutes unless within that time normal lighting has been restored and the battery is being re-charged; and, if the emergency lighting battery has a capacity of three hours, the appropriate period by the end of which the public should have left the premises is one hour.

Temporary Electrical Installations

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- Temporary electrical wiring and distribution systems are not provided without notification to the licensing authority at least ten days before commencement of the work
- Temporary electrical wiring and distribution systems shall comply with the recommendations of BS7671 or where applicable BS7909
- Temporary electrical wiring and distribution systems are inspected and certified by a competent qualified person before they are put to use

Ventilation

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- The premises are effectively ventilated

- Where the ventilation system is designed to maintain positive air pressure within part of the premises, that pressure is maintained whenever the public, member or guests are present in that part of the premises. Ventilation ducting is kept clean. Air filters are periodically cleaned and replaced to maintain a satisfactory air supply

Indoor Sports Entertainments

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- If necessary, an appropriately qualified medical practitioner is present throughout a sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature
- Where a ring is involved, it is constructed and supported to the satisfaction of the licensing authority and any material used to form the skirt around the ring is flame-retardant
- At any wrestling or other entertainments of a similar nature members of the public do not occupy any seat within 2.5 metres of the ring
- At water sports entertainments, staff adequately trained in rescue and life safety procedures are stationed and remain with the vicinity of the water at all material times (see also Managing Health and Safety in Swimming Pools issued jointly by the Health and Safety Commission and Sport England)

Appendix F – Conditions Relating to Theatres and Cinemas (Promotion of Public Safety)

There are particular matters in the context of public safety and fire safety which should be considered in connection with theatres and cinemas. The principle remains that conditions must be necessary and should be established through risk assessments and standardized conditions should be avoided. The points which follow are for consideration and do not represent a mandatory list.

Premises Used for Closely Seated Audiences

Attendants

The number of attendants on each floor in a closely seated auditorium should be as set out in the table below:

Number of members of the audience present on a floor	Minimum number of attendants required to be present on that floor
1-100	One
101-250	Two
251-500	Three
501-750	Four
751-1000	Five

And one additional attendant for each additional 250 persons (or part thereof)

Attendants shall not be engaged in any duties that would hinder the prompt discharge of their duties in the event of any emergency or entail their absence from that floor or auditorium where they are on duty.

Any attendant shall be readily identifiable to the audience (but this need not entail the wearing of a uniform)

The premises shall not be used for a closely seated audience except in accordance with seating plan(s), a copy of which is available at the premises and shall be shown to any authorised person on request.

No article shall be attached to the back of any seat which would reduce the clear width of seat ways or cause a tripping hazard or obstruction.

A copy of any certificate relating to the design, construction and loading of any temporary seating shall be kept available at the premises and shall be shown to any authorised person on request.

Standing and Sitting in Gangways, etc

- Sitting on floors shall not be permitted except where authorised in the premises licence or club premises certificate
- Waiting or standing shall not be permitted except in areas designated in the premises licence or club premises certificate

In no circumstances shall anyone be permitted to:

- sit in any gangway
- stand or sit in front of any exit
- stand or sit on any staircase including any landings

Drinks

No drinks shall be sold to or be consumed by a closely seated audience except in plastic and paper containers, except as authorised by the premises licence or club premises certificate.

Balcony Fronts

Clothing or other objects shall not be placed over balcony rails or upon balcony fronts.

Special Effects

Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff.

Special effects include:

- Dry ice machines and cryogenic fog
- Smoke machines and fog generators
- Pyrotechnics, including fireworks
- Real flame
- Firearms
- Motor vehicles
- Strobe Lighting

- Lasers (see HSE Guide The Radiation Safety of lasers used for displays purposes [HS(G)95] and BS EN 60825: Safety of laser products)
- Explosives and highly flammable substances

In certain circumstances, it may be necessary to require that certain special effects are only used with the prior consent of the licensing authority.

Scenery

Any scenery should be maintained flame-retardant.

Safety Curtain

Where a safety curtain is necessary, it should be arranged so as to protect the audience from the effects of a fire or smoke on stage for sufficient time to enable the safe evacuation of the auditorium. Where a stage with a proscenium arch is not equipped with a safety curtain, any curtains provided between the stage and the auditorium should be heavyweight and be made of non-combustible material of inherently or durably treated flame-retardant fabric.

Ceilings

All ceilings in those parts of the premises to which the audience are admitted should be inspected by a suitably qualified person every five years and a certificate concerning the condition of the ceilings forwarded to the licensing authority.

Seating

Where the potential audience exceeds 250 all seats in the auditorium should, except in boxes accommodating not more than 8 persons, be either securely fixed to the floor or battened together in lengths of not fewer than four or more than twelve.

Premises Used for Film Exhibitions

Attendants – Premises without a staff alerting system

Where the premises are not equipped with a staff alerting system the number of attendants present should be as set out below:

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty
1-250	Two

And one additional attendant for each additional 250 members of the audience present (or part thereof)

Where there are more than 150 members of any audience in any auditorium or on any floor, at least one attendant shall be present in any auditorium or on any floor.

Attendants – with a staff alerting system

Where premises are equipped with a staff alerting system the number of attendants present should be as set out in the table below:

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty	Minimum number of staff on the premises who are available to assist in the event of an emergency
1-500	Two	One
501-1000	Three	Two
1001-1500	Four	Four
1501 or more	Five plus One for every 500 (or part thereof) persons over 2000 on the premises	Five plus One for every 500 (or part thereof) persons over 2000 on the premises

Staff shall not be considered as being available to assist in the event of an emergency if they are:

- The holder of the premises licence or the manager on duty at the premises
- A member of staff whose normal duties or responsibilities are likely to significantly affect or delay his response in an emergency situation
- A member of staff whose usual location when on duty is more than 60 metres from the location to which he is required to go on being alerted to an emergency situation

Attendants shall as far as reasonably practicable be evenly distributed throughout all parts of the premises to which the public have access and keep under observation all parts of the premises to which the audience have access.

The staff alerting system shall be maintained in working order.

Minimum Lighting

The level of lighting in the auditorium should be as great as possible consistent with the effective presentation of the film; and the level of illumination maintained in the auditorium during the showing of films would normally be regarded as satisfactory if it complies with the standards specified in BS CP 1007 (Maintained Lighting for Cinemas).

Appendix G – Conditions Relating to the Prevention of Public Nuisance

It should be noted that provisions of the Environmental Protection Act 1990 and the Noise Act 1996 provide some protection to the general public from the effects of noise nuisance. In addition, the provisions in Part 8 of the Licensing Act 2003 enable a senior police officer to close down instantly for up to 24 hours licensed premises and premises carrying on temporary permitted activities that are causing nuisance resulting from noise emanating from the premises. These matters should be considered before deciding whether or not conditions are necessary for the prevention of public nuisance.

General

When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, responsible authorities are considering such applications and licensing authorities are considering applications following the receipt of relevant representations from a responsible authority or interested party, the following options should be considered as measures that, if necessary, would promote the prevention of public nuisance.

Whether or not any risk assessment shows them to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.

Necessary conditions for licences and certificates will also depend on local knowledge of the premises.

Hours

The hours during which the premises are permitted to be open to the public or to members and their guests can be restricted (other than where they are protected by the transitional provisions of the Licensing Act 2003) by the conditions of a premises licence or a club premises certificate for the prevention of public nuisance. But this must be balanced by the potential impact on disorder which results from artificially early fixed closing times.

Restrictions could be necessary on the times when certain licensable activities take place even though the premises may be open to the public as such times. For example, the playing of recorded music after a certain time might be prohibited, even though other licensable activities are permitted to continue.

Restrictions might be necessary on the parts of premises that might be used for certain licensable activities at certain times. For example, while the provision of regulated entertainment might be permitted while the premises are open to the public or members and their guests, regulated entertainment might not be permitted in garden areas of the premises after a certain time.

Noise and Vibration

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:

- Noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties. This might be achieved by a simple requirement to keep doors and windows at the premises closed, or to use noise limiters on amplification equipment used at the premises
- Prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly
- The use of explosives, pyrotechnics and fireworks of a similar nature, which could cause disturbance in surrounding areas, are restricted

- The placing of refuse – such as bottles - into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties

Noxious Smells

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that noxious smells from licensed premises are not permitted so as to cause a nuisance to nearby properties and the premises are properly vented.

Light Pollution

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that flashing or particularly bright lights on or outside licensed premises do not cause a nuisance to nearby properties. Any such condition needs to be balanced against the benefits to the prevention of crime and disorder of bright lighting in certain places.

Appendix H – Model Pool of Conditions Relating to the Protection of Children from Harm

It should be noted that it is unlawful under the 2003 Act to permit unaccompanied children under the age of 16 to be present on premises exclusively or primarily used for supply of alcohol for consumption on those premises under the authorisation of premises licences, club premises certificates or a temporary event notice when open for the purposes of being used for the supply of alcohol for consumption there. In addition, it is an offence to permit the presence of children under 16 who are not accompanied by an adult between midnight and 5am at all premises supplying alcohol for consumption on those premises under the authorisation of any premises licence, club premises certificate or temporary event notice. Conditions duplicating these provisions are, therefore, unnecessary.

Access for Children to Licensed Premises – In General

Restrictions on the access of children under 18 to premises where licensable activities are being carried on should be made where it is necessary to protect children from harm. Precise policy and details will be a matter for individual licensing authorities. Conditions attached to premises licences and club premises certificates may reflect the concerns of responsible authorities and interested parties who have made representations but only where the licensing authority considers it necessary to protect children from harm. Whilst applications in relation to premises licences and club premises certificates must be judged by licensing authorities on their individual merits and characteristics, the Secretary of State recommends (unless there are circumstances justifying the contrary) that for any premises with known associations (having been presented with evidence at a hearing) with underage drinking, drugs, significant gambling, or any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature, there should be a strong presumption against permitting any access at all for children under 18 years. Applicants wishing to allow access for children to premises where these associations may be relevant, when preparing operating schedules or club operating schedules or variations of those schedules for the purposes of obtaining or varying a premises licence or club premises certificate should explain their reasons; and outline in detail the steps that they intend to take to protect children from harm on such premises.

For any premises not serving alcohol for consumption on the premises, but where the public are allowed on the premises after 10pm in the evening, there should be a presumption against the presence of children unaccompanied by adults under the age of 12 after that time. Applicants wishing to allow access when preparing operating schedules or variations of those schedules or club operating schedules for the purposes of obtaining or varying a premises licence or club premises certificate should explain their reasons; and outline in detail the steps that they intend to take to protect children from harm on such premises.

In any other case, subject to the premises licence holder's or club's discretion, the expectation would be for unrestricted access for children of any age to premises. An operating schedule or club operating schedule should indicate any decision for the premises to exclude children completely, which would mean there was no need to include in the schedule steps the applicant proposes to take to promote the protection of children from harm.

Age Restrictions – Specific

Under the 2003 Act a wide variety of licensable activities could take place at various types of premises and at different times of the day and night. Whilst it may be appropriate to allow children unrestricted access at particular times and when certain activities are not taking place licensing authorities following relevant representations are made by responsible authorities and interested parties will need to consider a range of conditions that are to be tailored to the particular premises and their activities where these are necessary. Licensing authorities are expected to consider:

- The times of day during when age restrictions should and should not apply. For example, the fact that adult entertainment may be presented at premises after 8.00pm does not mean that it would be necessary to impose age restrictions for earlier parts of the day
- Types of event or activity in respect of which no age restrictions may be needed, for example; Family entertainment; or Non-alcohol events for young age groups such as under 18s dances.

Similarly, types of event or activity which give rise to a more acute need for age restrictions than normal, for example:

- During “Happy Hours” or on drinks promotion nights
- During activities outlined in paragraph 1 above

Age Restrictions – Cinemas

The Secretary of State considers that, in addition to the mandatory condition imposed by virtue of section 20, requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 or by the licensing authority itself, conditions restricting the admission of children to film exhibitions should include a condition that where the licensing authority itself is to make recommendations on the admission of children to films, the cinema or venue operator must submit any film to the authority that it intends to exhibit 28 days before it is proposed to show it. This is to allow the authority time to classify it so that the premises licence holder is able to adhere to any age restrictions then imposed. A condition that when films are classified, by either the film classification body as specified in the licence or the licensing authority, they should be classified in the following way:

- U – Universal. Suitable for audiences aged four years and over
- PG – Parental Guidance. Some scenes may be unsuitable for young children
- 12A – Passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult
- 15 – Passed only for viewing by persons aged 15 years and over
- 18 – Passed only for viewing by persons aged 18 years and over

That conditions specify that immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film.

A condition that when a licensing authority has made a recommendation on the restriction of admission of children to a film, notices are required to be displayed both inside and outside the premises, so that persons entering can readily be made aware of the classification attached to any film or trailer. Such a condition might be expressed in the following terms:

“Where a programme includes a film recommended by the licensing authority as falling into the 12, 12A, 15 or 18 category no person appearing to be under the age of 12, under 12 and unaccompanied, 15 or 18 as appropriate shall be admitted to any part of the programme.”

The licence holder shall display in a conspicuous position at each entrance to the premises a notice in the following terms:

PERSONS UNDER THE AGE OF [INSERT APPROPRIATE AGE] CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME

Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction. This condition does not apply to members of staff under the relevant age provided that the prior written consent of the person’s parents or legal guardian has first been obtained.

Theatres

The admission of children to theatres, as with other licensed premises, is not expected to normally be restricted unless it is necessary to promote the licensing objective of the protection of children from harm. However, theatres may be the venue for a wide range of activities. The admission of children to the performance of a play is expected to normally be left to the discretion of the licence holder and no condition restricting the access of children to plays should be attached. However, theatres may also present entertainment including, for example, variety shows, incorporating adult entertainment. A condition restricting the admission of children in such circumstances may be

necessary. Entertainment may also be presented at theatres specifically for children (see below).

Licensing authorities are also expected to consider whether a condition should be attached to a premises licence which requires the presence of a sufficient number of adult staff on the premises to ensure the well being of children present on the premises during any emergency (See Appendix F).

Performances Especially for Children

Where performances are presented especially for children in theatres and cinemas conditions are anticipated to be needed which require an attendant to be stationed in the area(s) occupied by the children, in the vicinity of each exit, provided that on each level occupied by children the minimum number of attendants on duty should be one attendant per 50 children or part thereof.

Licensing authorities are expected, having regard to any representations made by responsible authorities on the issue, to also consider whether or not standing should be allowed. For example, there may be reduced risk for children in the stalls than at other levels or areas in the building.

Children in Performances

There are many productions each year that are one-off shows where the cast is made up almost entirely of children. They may be taking part as individuals or as part of a drama club, stage school or school group. The age of those involved may range from 5 to 18. Requirements for children performing in a show are set out in the Children (Performances) Regulations 1968 as amended. Licensing authorities should familiarise themselves with the requirements of these Regulations and not duplicate any of these requirements. However, if it is necessary to consider imposing conditions, in addition to these requirements, for the promotion of the protection of children from harm then the licensing authority should consider the matters outlined below:

- Venue – the backstage facilities should be large enough to accommodate safely the number of children taking part in any performance
- Fire safety – all chaperones and production crew on the show should receive instruction on the fire procedures applicable to the venue prior to the arrival of the children
- Special effects – it may be inappropriate to use certain special effects, including smoke, dry ice, rapid pulsating or flashing lights, which may trigger adverse reactions especially with regard to children
- Care of children – theatres, concert halls and similar places are places of work and may contain a lot of potentially dangerous equipment. It is therefore important that children performing at such premises are kept under adult supervision at all times including transfer from stage to dressing room and anywhere else on the premises. It is also important that the children can be accounted for at all times in case of an evacuation or emergency

Appendix I – Premises Licences (Part 3)

Mandatory Conditions Where Licence Authorises Supply of Alcohol

Where a premises licence authorises the supply of alcohol, the licence must include the following conditions.

- 1) The first condition is that no supply of alcohol may be made under the Premises Licence:
 - At a time when there is no designated premises supervisor in respect of the premises licence, or
 - At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
- 2) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 3) **The following three conditions apply to all “on” premises licences And club premises certificates**
 - Certain “irresponsible” drinks promotions are banned
 - Tap water must be made available free of charge to customers on request
 - Alcohol may not be directly dispensed into another person’s mouth (unless that person is disabled)

From **1st October 2010**, the following conditions will also apply:

- Require an age verification policy to be in place to prevent underage sales: and
- Ensure that customers have the opportunity to choose small measures of beers, ciders, spirits and wine.

There is no obligation for the licensing authority to re-issue licences. As a matter of good practice, however, this Authority has sent notification to the local licensed trade of the new conditions. The introduction of this legislation signals a shift back from deregulation towards offering greater support for communities being adversely affected

Appendix J – Mandatory Conditions: Exhibition of Films

- 1) Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
- 2) Where the film classification body is specified in the licence, unless the subsection (3) (b) below applies, admission of children must be restricted in accordance with any recommendation made by that body.
- 3) Where:
 - a) The film classification body is not specified in the licence, or
 - b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question;

Admission of children must be restricted in accordance with any recommendation made by that licensing authority.

4) In this section:

- “Children” means persons aged under 18; and
- “Film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c. 39) (authority to determine suitability of video works for classification).

Appendix K – Mandatory Conditions: Door Supervision

- 1) Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Security Industry Authority.
- 2) But nothing in subsection (1) requires such a condition to be imposed:
 - In respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c. 12) (premises with premises licences authorising plays or films), or
 - In respect of premises in relation to:
 - a. Any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - b. Any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
- 3) For the purposes of this section “security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies, and paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Appendix L – Definitions

Alcohol¹ Spirits, wine, beer, cider or any other fermented, distilled or spirituous liquor but does not include:

- a) Alcohol which is of a strength² not exceeding 0.5% at the time of the sale or supply in question
- b) Perfume
- c) Flavouring essences recognised by the Commissioners of Customs and Excise as not being intended for consumption as or with dutiable alcoholic liquor³
- d) The aromatic flavouring essence commonly known as Angostura bitters
- e) Alcohol which is, or is included in, a medicinal product⁴
- f) Denatured alcohol⁵
- g) Methyl alcohol
- h) Naphtha
- i) Alcohol contained in liqueur confectionery⁶

Associate Member Audience See Section 67(2) for interpretation provision
Any reference to an audience includes a reference to Spectators

Authorisation⁷ For the purposes of the Act, “authorisation” means:

- A Premises Licence
- A Club Premises Certificate, or
- A Temporary Event Notice

Authorised Person⁸ Officer of a Licensing Authority in whose area the premises are located, who is authorised by that Authority for the purposes of the Act, or an Inspector appointed under Section 18 of the Fire Precautions Act 1971 or Section 19 of the Health and Safety at Work (etc.) Act 1974, or an Officer of the Local Authority authorised for the purposes of exercising its statutory functions in relation to the prevention of pollution of the environment or of harm to health, or in relation to a vessel an inspector or surveyor of ships, or a person prescribed for the purposes of this subsection

Beer⁹ Has the same meaning as in the Alcoholic Liquor Duties Act

¹ See Section 191 for interpretation provision

² “Strength” is to be construed in accordance with Section 2 of the Alcoholic Liquor Duties Act 1979

³ “Dutiable alcoholic liquor” has the same meaning as in the Alcoholic Liquor Duties Act 1995

⁴ “Medicinal product” has the same meaning as in Section 130 of the Medicines Act 1968

⁵ “Denatured alcohol” has the same meaning as in Section 5 of the Finance Act 1995

⁶ “Liqueur confectionery” means confectionery which:

- i. contains alcohol in a proportion not greater than 0.2 litres of alcohol (of a strength not exceeding 57%) per kilogram of the confectionery, and
- ii. either consists of separate pieces weighing not more than 42g or is designed to be broken into such pieces for the purpose of consumption

⁷ Nothing in the Act prevents two or more authorisations having effect concurrently in respect of the whole or a part of the same premises or in respect of the same person

⁸ See Section 13 (Part 3) and Section 69 (Part 4) for interpretation provision

1979

Boxing or Wrestling	Any contest, exhibition or display of Boxing or Wrestling
Building	Any roofed structure (other than a structure with a roof which may be opened or closed) and includes a vehicle, vessel or moveable structure
Charge	Includes any charge for the provision of goods or services
Charity	The same meaning as in Section 96(1) of the Charities Act 1993
Child	An individual aged less than 16 years (Premises and Alcohol)
Cider	Has the same meaning as in the Alcoholic Liquor Duties Act 1979
Club Premises Certificate	Granted for premises occupied by and habitually used for the purposes of a club for one or more of the qualifying club activities
Content of Notice	In relation to a Temporary Event Notice, the licensable activities, the event period, times of use of premises for licensable events, maximum number of persons, if including the sale of alcohol for consumption whether for on or off sale or both and other prescribed matters
Crime Prevention Objective	The licensing objective mentioned in Section 4(2)(a) (prevention of crime and disorder) of the Act
Designated Premises Supervisor	In relation to a Premises Licence, the individual for the time being specified in the Licence as the Premises Supervisor in relation to alcohol
Educational Institution	A school or institution within the Education Act 1996 or a college, school, hall or university within the Further and Higher Education Act 1992
Entertainment¹⁰	The descriptions of entertainment are: a) A performance of a play ¹¹ b) An exhibition of a film ¹²

⁹ See Section 193 for interpretation provision

¹⁰ See also Regulated Entertainment Exemptions

¹¹ Performance or rehearsal of any dramatic piece, whether involving improvisation or not, which is given wholly or in part by one or more persons actually present and performing and in which the whole or a major proportion of what is done by the person or persons performing, whether by way of speech, singing or action, involves the playing of a role

- c) An [indoor sporting event](#)
- d) A boxing or wrestling entertainment
- e) A performance of live music¹³
- f) Any playing of recorded music¹⁴
- g) A performance of dance
- h) Entertainment of a similar description to that falling within (e), (f) or (g)

where the entertainment takes place in the presence of an audience or spectators and is provided for purpose, or for purposes which include the purpose, of entertaining that audience or those spectators

Entertainment Facilities¹⁵

“Entertainment Facilities” means facilities for enabling persons to take part in entertainment of a description falling within the following for the purpose, or for purposes which include the purpose, of being entertained:

- a. Making music¹⁶
- b. Dancing
- c. Entertainment of a similar description to that falling within (a) or (b)

Event Period

In relation to a Temporary Event Notice, the period not exceeding 96 hours during which the premises will be used

Film Exhibition¹⁷

An “exhibition of a film” means any exhibition of moving pictures.

For Consideration

If any charge is made by on behalf of any person concerned with the organisation or management of the entertainment or any person concerned with the organisation or management of the facilities who is also concerned as above or is paid by or on behalf of some or all of the persons for whom the entertainment

¹² Any exhibition of moving pictures

¹³ A person performing or playing the music is not concerned in the organisation or management of the entertainment (see also ¹⁵) by reason that he does one or more of the following:

- a. Chooses the music to be performed or played
- b. Determines the manner in which he performs or plays it
- c. Provides any facilities for the purposes of his performance or playing of the music

¹⁴ A person performing or playing the music is not concerned in the organisation or management of the entertainment (see also ¹⁵) by reason that he does one or more of the following:

- a. Chooses the music to be performed or played
- b. Determines the manner in which he performs or plays it
- c. Provides any facilities for the purposes of his performance or playing of the music

¹⁵ See also Regulated Entertainment Exemptions

¹⁶ A person performing or playing the music is not concerned in the organisation or management of the entertainment (see also ¹⁵) by reason that he does one or more of the following:

- d. Chooses the music to be performed or played
- e. Determines the manner in which he performs or plays it
- f. Provides any facilities for the purposes of his performance or playing of the music

¹⁷ See also Entertainment and Regulated Entertainment Exemptions

is provided

Foreign Offence Offence under the law of any place outside England and Wales but not a relevant offence

Health Service Body A NHS Trust, a Primary Care Trust or a local Health Board

Hot Food or Hot Drink Food or drink as supplied from premises is hot if the food or drink or any part of the food or drink is heated on those premises or elsewhere for the purpose of enabling it to be consumed at a temperature above the ambient air temperature and at the time of supply is above that temperature or after it is supplied it may be heated on the premises enabling it to be consumed above the ambient air temperature

Hot Food or Hot Drink Exclusions Clubs, hotels, etc., and employees
The supply of hot food or hot drink on or from any premises at any time is an exempt supply if, at that time, a person will neither be admitted to the premises, nor be supplied with hot food or hot drink on or from the premises, unless:

- a. He is a member of a recognised club¹⁸
- b. He is a person staying at a particular hotel, or comparable premises¹⁹, for the night in question
- c. He is an employee of a particular employer
- d. He is engaged in a particular trade, a member of a particular profession or follows a particular vocation
- e. He is a guest of a person falling within (a) to (d)

Premises licensed under certain other Acts

The supply of hot food or hot drink on or from any premises is an exempt supply for the purposes of the Act if it takes place during a period for which the premises may be used for a public exhibition of a kind described in Section 21(1) of the Greater London Council (General Powers) Act 1966 by virtue of a licence under that section, or the premises may be used as a near beer premises within the meaning of Section 14 of the London Local Authorities Act 1995 by virtue of a licence under Section 16 of that Act

Miscellaneous exempt supplies

The following supplies of hot food or hot drink are exempt

¹⁸ The supply of hot food or hot drink to a person as being a member or the guest of a member of a club which is not a recognised club is to be taken to be a supply to a member of the public and the admission of any person to any premises as being such a member or guest is to be taken to be the admission of a member of the public

¹⁹ Premises comparable to a hotel for the purposes of the Act are a guest house, lodging house or hostel, a caravan site or camping site, or any premises the main purpose of maintaining which is the provision of facilities for overnight accommodation

supplies for the purposes of the Act:

- a. The supply of hot drink which consists of or contains alcohol
- b. The supply of hot drink by means of a vending machine²⁰
- c. The supply of hot food or hot drink free of charge²¹
- d. The supply of hot food or hot drink by a registered charity²² or a person authorised by a registered charity
- e. The supply of hot food or hot drink on a vehicle at a time when the vehicle is not permanently or temporarily parked

Indoor Sporting Event

[Sporting Event](#) that takes place wholly inside a [building](#) and at which the spectators present for the event are accommodated wholly inside that building

Interested Party

A person or body representing such persons living in the vicinity of the premises, or a person involved in business or a body representing such persons involved in such businesses, this also includes elected members of the local authority. Elected councillors of the Licensing Authority may now make representations or seek a review in their own right. However Councillors will not sit on Licensing Sub Committees dealing with applications within a Councillor's own ward

Late Night Refreshment

For the purposes of the Act, a person "provides late night refreshment" if he, between 11pm and 5am supplies [hot food or hot drink](#) to members of the public or a section of the public on or from any premises whether for consumption on or off the premises or if members of the public are admitted to any premises they are supplied with hot food or hot drink on or from those premises for consumption on or off the premises, unless the supply is an [exempt supply](#)

Licensable Activities^{23 24}

For the purposes of the Act the following are licensable activities²⁵

- a) The sale by retail of alcohol
- b) The supply of alcohol by or on behalf of a club to or to the

²⁰ Hot drink is defined as supplied by means of a vending machine only if the payment for the hot drink is inserted into the machine by a member of the public and the hot drink is supplied directly by the machine to a member of the public

²¹ Hot food or hot drink is not to be regarded as supplied free of charge if, in order to obtain it, a charge must be paid for admission to any premises or for some other item

²² "Registered charity" means a charity which is registered under Section 3 of the Charities Act 1993 or which, by virtue of Subsection 5 of that Section is not required to be so registered

²³ See also Qualifying Club Activities

²⁴ Subject to Sections 173 to 175 (which exclude activities from the definition of licensable activity in certain circumstances)

²⁵ Premises are "used" for a licensable activity if that activity is carried on within or from the premises

²⁶ A licensable activity may be carried on:

- i. Under and in accordance with a Premises Licence (Part 3), or
- ii. In circumstances where the activity is a permitted temporary activity by virtue of Part 5

- order of a member of that club²⁷
- c) The provision of regulated entertainment²⁸
- d) The provision of late night refreshment²⁹

Licensed Premises	Premises in respect of which a Premises Licence has effect
Licensing Authorities	<ul style="list-style-type: none"> • The council of a district in England • The council of a county in England in which there are no district councils • The council of a county or county borough in Wales • The council of a London Borough • The Common Council of the City of London • The Sub-Treasurer of the Inner Temple, or • The Under-Treasurer of the Middle Temple
Licensing Authority Imposed Conditions	Conditions imposed by virtue of Section 18(3)(b), 35(3)(b), 52(3), 167(5)(b) or Section 21
Licensing Committee	At least ten but not more than 15 members of the Licensing Authority
Licensing Functions	Those functions carried out under the Licensing Act 2003 in accordance with Section 4(1)
Licensing Guidance	That issued by the Secretary of State and approved by resolution of both Houses of Parliament
Licensing Register	A register containing a record of each Premises Licence, Club Premises Certificate and Personal Licence issued by the Licensing Authority, each Temporary Event Notice received and details of matters mentioned in Schedule 3
Licensing Statement	A statement of the Licensing Authority's policy with respect to the exercise of its licensing functions
Licensing Sub-committee	Three members of the Licensing Committee
Music	Includes vocal or instrumental music or any combination of the two

²⁷ References to the supply of alcohol by or on behalf of a club to or to the order of a member of the club do not include a reference to any supply which is a sale by retail of alcohol

²⁸ See the definition of regulated entertainment for the purposes of the Act

²⁹ Schedule 2 makes provision about what constitutes the provision of late night refreshment for those purposes (including provision that certain activities carried on in relation to certain clubs or hotels, etc., or certain employees, do not constitute provision of late night entertainment and are, accordingly, not licensable activities)

Music Entertainment	Of a description falling within or similar to that within Paragraph 2(1)(e) or (g) of Schedule 1
Objection Notice	In relation to a Temporary Event Notice, notice from the Police objecting to the event
Opening Hours	The times during which the premises may be used for licensable activities or qualifying club activities in accordance with the licence
Operating Schedule	A document in the prescribed form including a statement of relevant licensable activities, times, period of licence, if including alcohol prescribed information in relation to the premises supervisor in the prescribed form, if for on or off sale or both, steps to promote the licensing objectives and any prescribed matters
Order	Except so far as the contrary intention appears, means an order made by the Secretary of State
Permitted Capacity	The maximum number permitted on the premises by either a certificate under the Fire Precautions Act 1971 or the recommendation of the Fire and Rescue Authority
Permitted Temporary Activity	Licensable activity complying with Section 100
Personal Licence	Granted to an individual by the Licensing Authority to supply or authorise the supply of alcohol
Premises	Means any place and includes a vehicle, vessel or moveable structure
Premises Licence	Licence granted in respect of any premises that authorises the premises to be used for one or more licensable activity
Premises User	Person who gives the Temporary Event Notice
Prescribed	Means prescribed by regulations
Provisional Statement	Relates to premises being or about to be constructed and used for licensable activities or being or about to be extended or otherwise altered for that purpose where application is made the provisional statement can be issued if no representations made or otherwise dealt with and provisional statement issued
Qualifying Club	For the purposes of the Act the following licensable activities are

- Activities** also qualifying club activities³⁰:
- a. The supply of alcohol by or on behalf of a club to or to the order of a member of the club
 - b. The sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place, and
 - c. The provision of regulated entertainment where that provision is by or on behalf of a club for members of the club or members of the club and their guests

Recognised Club Means a club which satisfies conditions 1 to 3 of Section 6(2) General Conditions

- Regulated Entertainment**
1. For the purposes of the Act, the “provision of regulated entertainment” means the provision of:
 - a. Entertainment of a description falling within the definition of [Entertainment](#) above
 - b. Entertainment facilities falling within the definition of [Entertainment Facilities](#) above

where the conditions in (2) and (3) are satisfied

2. The first condition is that the entertainment/entertainment facilities is/are provided:
 - a. To any extent for members of the public or a section of the public
 - b. Exclusively for members of a club which is a qualifying club in relation to the provision of regulated entertainment or for the members of such a club and their guests, or
 - c. In any case not falling within (a) or (b), for consideration and with a view to profit³¹
3. The second condition is that the premises within which the entertainment/entertainment facilities is/are provided are made available for the purpose, or for purposes which include the purpose, of enabling the entertainment concerned to take place.

³⁰ A qualifying club activity may be carried on under and in accordance with a Club Premises Certificate (see Part 4)

³¹ Entertainment/Entertainment Facilities is/are to be regarded as provided for consideration only if any [charge](#) is made by or on behalf of any person concerned in the organisation or management of that entertainment or any person concerned in the organisation or management of those facilities who is also concerned in the organisation or management of making music, dancing or entertainment of a similar description in which those facilities enable persons to take part, and is paid by or on behalf of some or all of the persons for whom that entertainment is, or those facilities are provided

Regulated Entertainment Exemptions

See also Regulated Music Exemptions

Film exhibitions for the purposes of advertisement, information, education, etc.

The provision of entertainment consisting of the exhibition of a film is not to be regarded as the provision of regulated entertainment for the purposes of the Act if its sole or main purpose is to:

- a. Demonstrate any product
- b. Advertise any goods or services, or
- c. Provide information, education or instruction

Film exhibitions: museums and art galleries

The provision of entertainment consisting of the exhibition of a film is not to be regarded as the provision of regulated entertainment for the purposes of the Act if it consists of or forms part of an exhibit put on show for any purposes of a museum or art gallery

Music incidental to certain other activities

The provision of entertainment consisting of the performance of live music or the playing of recorded music is not to be regarded as the provision of regulated entertainment for the purposes of the Act to the extent that it is incidental to some other activity which is not itself a description of entertainment or entertainment facilities falling within the definition of regulated entertainment

Use of television or radio receivers

The provision of any entertainment or entertainment facilities is not to be regarded as the provision of regulated entertainment for the purposes of the Act to the extent that it consists of the simultaneous reception and playing of a programme included in a programme service within the meaning of the Broadcasting Act 1990

Religious services, places of worship, etc.

The provision of any entertainment or entertainment facilities for the purposes of or for purposes incidental to a religious meeting or service or at a place of public religious worship is not to be regarded as the provision of regulated entertainment for the purposes of this Act

Garden fetes, etc.

The provision of any entertainment or entertainment facilities at a garden fete or at a function or event of a similar character is not to be regarded as the provision of regulated entertainment for the purposes of this Act, but this does not apply if the fete,

function or event is promoted with a view to applying the whole or part of its proceeds for purposes of private gain³²

Morris dancing, etc.

The provision of any entertainment or entertainment facilities is not to be regarded as the provision of regulated entertainment for the purposes of the Act to the extent that it consists of the provision of a performance of morris dancing or any dancing of a similar nature or a performance of unamplified, live music as an integral part of such a performance or facilities for enabling persons to take part in entertainment of this description

Vehicles in motion

The provision of any entertainment or entertainment facilities on premises consisting of or forming part of a vehicle and at a time when the vehicle is not permanently or temporarily parked is not to be regarded as the provision of regulated entertainment for the purposes of the Act

Regulations

Means regulations made by the Secretary of State

Relevant Application

- Grant of Licence (Section 17)
- Provisional Statement (Section 29)
- Variation of Licence (Section 34)
- Review of Licence (Section 51)

Relevant Offence

Offence listed in Schedule 4 of the Act

Relevant Representations

About the likely effect of the grant on the promotion of the licensing objectives, made by interested party or a Responsible Authority, if in relation to the premises supervisor are made by the Chief Officer of Police and relates to undermining the crime prevention objective, they have not been withdrawn, for interested party only they are not frivolous or vexatious, not excluded in relation to provisional statement change to licence

Responsible Authority

- Chief Officer of Police for the area
- Fire and Rescue Authority for the area; Enforcing Authority for Section 18 of the Health and Safety at Work (etc.) Act 1974
- Local Planning Authority within the Town and Country Planning Act 1990
- Local Authority responsible for purposes in relation to minimising or preventing risks of pollution of the environment or of harm to human health
- A body that represents those responsible for or has an

³² "Private gain" is to be construed in accordance with Section 22 of the Lotteries and Amusements Act 1976

interest in matters relating to the protection of children from harm and is recognised by the Licensing Authority as being competent to advise in such matters

- Another Licensing Authority (in the case of border premises)
- Navigation Authority, Environment Agency, British Waterways Board or the Secretary of State in relation to a vessel
- A person prescribed for this purpose

Sale by Retail

1. For the purposes of the Act, “sale by retail” in relation to any alcohol means a sale of alcohol to any person, other than a sale of alcohol that:

- a. Is made within subsection (2), or
- b. Is made from premises owned by the person making the sale, or occupied by him under a lease to which the provisions of Part 2 of the Landlord and Tenant Act 1954 (security of tenure) apply, and
- c. Is made for consumption off the premises

2. A sale of alcohol is within this subsection if it is:

- a. To a trader for the purposes of his trade
- b. To a club which holds a Club Premises Certificate for the purposes of that club
- c. To the holder of a Personal Licence for the purpose of making sales authorised by a Premises Licence
- d. To the holder of a Premises Licence for the purpose of making sales authorised by that Licence, or
- e. To the premises user in relation to a Temporary Event Notice for the purpose of making sales authorised by that notice

Secretary

The person who performs the duty of Secretary in relation to a club

Sport

Any game in which physical skill is the predominant factor and any form of physical recreation which is also engaged in for the purposes of competition or display

Sporting Event

Any contest, exhibition or display of any sport

Statutory Function

A function covered by or under any enactment

Supply of Alcohol

Sale by retail of alcohol or supply of alcohol by or on behalf of a club to or on the order of a member of the club

Table Meal	A meal eaten by a person seated at a table or at a counter or other structure which serves the purpose of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure serving the purpose of a table
Temporary Event Notice	For use of premises for one or more licensable activities during a period not exceeding 96 hours where the maximum number of persons is less than 500
Unaccompanied Child	An individual under 16 years who is not accompanied by a person aged 18 or over
Used	Premises are used for a licensable activity if that activity is carried on within or from the premises
Vehicle	Means a vehicle intended or adapted for use on roads
Vessel	Means a ship, boat, raft or other apparatus constructed or adapted for floating on water
Wine	Means wine within the meaning of the Alcoholic Liquor Duties Act 1979 and “made wine” within the meaning of that Act
Working Day	Means any day other than a Saturday, Sunday, Christmas Day, Good Friday or a day which is Bank Holiday under The Banking and Financial Dealings Act 1971 in England and Wales

Appendix M – Representations

The Licensing Act 2003 gives a legal right for residents and businesses in the vicinity of premises licensed under the Act to make representations to the Licensing Authority in respect of the premises.

The Licensing Authority also acknowledges that the changes in legislation expands the definition of the term “Interested Parties” to now include elected members of the local authority. Elected councilors of the Licensing Authority may now make representations or seek a review in their own right. However Councillors will not sit on Licensing Sub-committees dealing with applications within a Councillor’s own ward.

The representations have to be about matters that are specific to the licensing objectives, namely, the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

In the case of persons who wish to challenge the determination in relation to irrelevant, repetitious, frivolous or vexatious they may seek a judicial review of the determination.

Representations should be sent, in writing, to the address in Section 16.

The representations must relate to premises authorised to sell or supply alcohol, provide licensable entertainment or licensable late night refreshment.

The representation cannot relate to other legislative decision made by other authority, for example, the planning authority, where a planning decision has been made this procedure is not the correct manner to deal with that complainant.

The presentations could be related to noise from the premises, disorder outside or inside the premises, children being allowed into the premises and drinking alcohol, being allowed into adult entertainment, litter and spoilment in the vicinity of the premises, banging of car doors or sounding of horns etc, which would be considered relevant.

The Act states that representations, which are irrelevant, repetitious, frivolous or vexatious, will not be considered and it is the Licensing Authority Officers, who make this determination.

Officers of the Licensing Authority will contact persons making representations to obtain full details, give advice and information about the process and in the case of irrelevant, repetitive, frivolous or vexatious representations to advise of that determination. This action will be confirmed in writing.

APPENDIX N – CUMULATIVE IMPACT POLICY

A major concern for Doncaster town centre is the “binge drinking” culture and its impact on policing the night time economy and the town centre streets. Binge drinking has increased markedly over recent years with the advent of:

- Alcopops
- A market focusing on young people
- Cut price alcohol promotions
- Large vertical drinking establishments
- Extended opening hours

The Doncaster Licensing Authority first adopted a Cumulative Impact Policy in January 2008 encompassing the following streets in the Doncaster Town Centre:

- Silver Street
- High Street
- Hall Gate
- Priory Walk
- Bradford Row

Year on year there has been a reduction in alcohol related crime due to the implementation of local initiatives, such as Operation Alligator, involving partnership working between the Council, Police and other statutory/voluntary bodies. However, the prevalence of crime continues to be a cause for concern in some areas of the Doncaster town centre, in particular relating to large vertical drinking establishments.

In particular, the areas of the Doncaster Town Centre listed above account for 53% of all alcohol related crime and disorder in the Operation Alligator area. (*Police statistics 1st April 2010 to 30th September 2010*)

These areas of the town centre which continue to cause concern to local agencies and the Police have again been identified as a Cumulative Impact Area. The Police will generally oppose any further applications for large vertical drinking establishments in the identified area.

Applications made for premises licences within the adopted Cumulative Impact Area will be based on the individual merits of each application, and if the application is unlikely to significantly add to this cumulative impact, then the licence may be granted.

The difference between commercial need and the cumulative impact of premises in an area will remain separate. Need is a matter for the planning committee and for market forces, the cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for the Licensing Authority and its committee to consider.

The consideration of an application in such a designated area will not include a mandatory closing time for the entire area.

Following the consultation procedure as set out in Item 5 of the Licensing Policy January 2011 the Licensing Authority has therefore adopted a Cumulative Impact Policy, for the following streets in Doncaster Town Centre:

- Silver Street
- High Street
- Hall Gate
- Priory Walk
- Bradford Row