

AGENDA SUPPLEMENT (1)

Meeting: Southern Area Licensing Sub Committee
Place: The Enterprise Network, 2 Salt Lane, Salisbury, SP1 1DU
Date: Tuesday 6 September 2022
Time: 10.30 am

The Agenda for the above meeting was published on 26 August 2022. Additional documents are now available and are attached to this Agenda Supplement.

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This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

- 6a **Appendix 01 - Application – Thwaites Case Law & Chapel Bundle Papers (Pages 3 - 86)**
- 6d **Appendix 04 - Representation – Statement of Licensing Police (Pages 87 - 134)**

DATE OF PUBLICATION: 2 September 2022

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a **R (on the application of Daniel Thwaites plc) v Wirral Borough Magistrates' Court**

b [2008] EWHC 838 (Admin)

QUEEN'S BENCH DIVISION (ADMINISTRATIVE COURT)

BLACK J

10 MARCH, 6 MAY 2008

c *Licensing – Licensing authorities – General duties of licensing authorities – Licensing objectives – Licensing guidance – Application for licence – Licensing authority granting licence – Local objectors appealing to magistrates' court – Magistrates' court imposing restrictions – Whether restrictions necessary to promote licensing objectives – Whether magistrates' court having proper regard to guidance – Licensing Act 2003, s 4.*

d The Licensing Act 2003 was intended to provide a 'more efficient', 'more responsive' and 'flexible' licensing system which did not interfere unnecessarily. By virtue of s 4^a of the 2003 Act a licensing authority had to carry out all its functions under the Act with a view to promoting the licensing objectives

e which were the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. A licensing authority also had to have regard to guidance issued by the Secretary of State as to the discharge of its functions under the 2003 Act. The claimant owned a hotel which it operated licensed premises (the premises). It had originally held a licence under the Licensing Act 1964. In June 2005 it commenced an

f application to the licensing sub-committee (the licensing authority) for the existing licence to be converted to a premises licence under the 2003 Act and for it to permit music and dancing to 11 pm and alcohol sales until midnight on all nights except Friday and Saturday and, on Friday and Saturday nights, music and dancing to midnight and alcohol sales until 1 pm, with the doors closing one hour after the last alcohol sale every night. There was opposition to the

g proposals at the hearing from the local conservation society (the first interested party) and other local residents. There was no objection from the police, as the extension to the hours was not that originally proposed and had been restricted to the hours acceptable to the police. The licence was granted including an extra 30 minutes for the hours the premises were to be open to the public over

h Christmas and at major bank holidays. The licensing authority imposed conditions which were aimed at controlling noise, namely that the area outside had to be cleared by 11 pm. The interested parties appealed against the decision to the magistrates' court on the ground that the licensing authorities' decision was not made with a view to promotion of and in accordance with the licensing objectives pursuant to s 4. The justices allowed the appeal, imposing

j shorter hours than those requested for the supply of alcohol and for entertainment even though they accepted that there had been no reported complaint in regard to public nuisance and that the extended hours had operated without any incidents. Their concern was that, because of

^a Section 4, so far as material, is set out at [17], below

'migration'—customers coming to the premises when other premises in the vicinity closed—public nuisance and crime and disorder would be an inevitable consequence of leaving the hours as granted by the licensing authority. The claimant applied for judicial review. It argued that the decision was unlawful as it was not in line with the philosophy of the 2003 Act and imposed restrictions on its operation which were not necessary to promote the licensing objectives; that it was based on speculation rather than evidence; that it took into account irrelevant considerations and failed to take into account proper considerations; and that it was a decision to which no properly directed magistrates' court could have come on the evidence. In so far as the court imposed conditions as to the time at which the premises had to close, it was submitted that that was not a matter which could be regulated under the 2003 Act. It was further argued that the magistrates failed to give adequate reasons for their decision.

Held – A licensing authority or magistrates' court was not entitled simply to ignore the guidance or fail to give it any weight. When a magistrates' court was entitled to depart from the guidance and justifiably did so, it had to give proper reasons for doing so. The justices had to give full reasons for their decision overall and full reasons for departing from the guidance if they considered it proper to do so. It was incumbent on them to at least advert in broad terms to those matters which they had taken into account. In the instant case, it would be wrong to say that the justices had failed to take account of the licensing objectives, however, they did not take proper account of the changed approach to licensing introduced by the 2003 Act. With proper regard to the Act and the guidance, they would have approached the matter with a greater reluctance to impose regulation and would have looked for real evidence that it was required in the circumstances of the case. Their conclusion that restriction was required on the basis of a risk of 'migration' from other premises in the vicinity was not one to which a properly directed bench could have come. The fact that the police had not opposed the hours sought on that basis should have weighed very heavily with them. They should also have considered specifically the question of precisely how frequently the premises would be likely to be open late and made findings about it. Having formed a clear view of how frequently late opening could be anticipated, they would also have been able to draw more reliable conclusions about the willingness of customers from further afield to migrate to the claimant's premises. They proceeded without proper evidence and gave their own views excessive weight and their resulting decision limited the hours of operation of the premises without it having been established that it was necessary to do so to promote the licensing objectives. In all the circumstances, their decision was unlawful. Accordingly, the application would be allowed and the decision of the magistrates' court would be quashed (see [38], [42], [45], [46], [55], [63]–[65], [68], below).

Per curiam. The hours of opening can be regulated as part of the licensing of premises. There is power to regulate the time by which people must leave the premises. While keeping premises open is not a licensable activity as such, the operating schedule which must be supplied with an application for a premises licence must include a statement of certain matters set out in s 17(4) of the 2003 Act, including not only the times when it is proposed that the licensable activities are to take place but also 'any other times during which it is proposed that the premises are to be open to the public'. On a new grant of a premises licence, where there are no representations, the licensing authority has to grant the application subject only to such conditions as are consistent with the

- a* operating schedule. If it is necessary to promote the licensing objectives, these conditions should include a provision requiring the premises to be shut by the time that is specified in the operating schedule. If representations are made and the licensing authority ultimately grants the application, it can depart from the terms set out in the operating schedule when imposing conditions in so far as this is necessary for the promotion of the licensing objectives. It follows that it
- b* can impose an earlier time for the premises to be locked up than that specified in the operating schedule. The role of the licensing authority and, if there is an appeal, the court, has two dimensions: the fundamental task is to license activities which require a licence and the associated task is to consider what, if any, conditions are imposed on the applicant to ensure the promotion of the licensing objectives. A requirement that the premises close at a particular time
- c* is a condition just like any other, such as keeping doors and windows closed to prevent noise. There is no reason why a condition of closing up the premises at a particular time should not therefore be imposed where controlling the hours of the licensable activities on the premises (and such other conditions as may be imposed) is not sufficient to promote the licensing objectives (see [67],
- d* below).

Notes

For general duties of licensing authorities, see 26 *Halsbury's Laws* (4th edn) (2004 reissue) para 103.

- e* For the Licensing Act 2003, s 5, see 24 *Halsbury's Statutes* (4th edn) (2006 reissue) 484.

Cases referred to in judgment

R v Westminster City Council, ex p Ermakov [1996] 2 All ER 302, CA.

- R (on the application of JD Wetherspoon plc) v Guildford BC* [2006] EWHC 815 (Admin), [2007] 1 All ER 400.

Application for judicial review

- g* The claimant Daniel Thwaites plc, with permission granted by Pitchford J on 2 November 2006, applied for judicial review of (i) the licensing decision made by the Wirral Magistrates' Court on 5 April 2006 and (ii) the court's decision on 21 April 2006 concerning the costs of the proceedings. The Saughall Massie Conservation Society (the first interested party) and Wirral Metropolitan Borough Council (the second interested party) appeared as interested parties. The magistrates' court filed material in response to the proceedings but was not represented at the hearing. The facts are set out in the judgment.

- h* *David Pickup* (instructed by *Naphens plc*) for the claimant.
David Flood (instructed by *Kirwans*) for the first interested party.
Matthew Copeland (instructed by *Wirral MBC*) for the second interested party.

Judgment was reserved.

- j* 6 May 2008. The following judgment was delivered.

BLACK J.

[1] This is an application by Daniel Thwaites plc (the claimant) for judicial review of a licensing decision made by the Wirral Magistrates' Court (the magistrates' court) on 5 April 2006 and that court's decision on 21 April 2006

concerning the costs of the proceedings. The claimant seeks an order quashing both decisions. Permission to apply for judicial review was granted by Pitchford J on 2 November 2006. *a*

THE FACTUAL BACKGROUND

[2] The claimant owns the Saughall Hotel in Saughall Massie, Wirral which it operates as licensed premises (the premises). It originally held a licence under the Licensing Act 1964. In June 2005, it commenced an application to the licensing sub-committee of the Metropolitan Borough of Wirral (the licensing authority) for the existing licence to be converted to a premises licence under the Licensing Act 2003 (the Act) and for the licence to be varied simultaneously. *b*

[3] In essence, the claimant was seeking to conduct business at the premises for longer hours than were permitted under the original licence. The police did not support the extension of the hours to the extent that the claimant initially proposed. The claimant agreed to restrict the hours to those that were acceptable to the police. Accordingly, the licensing authority was asked to grant a licence that would permit music and dancing to 11 pm and alcohol sales until midnight on all nights except Friday and Saturday and, on Friday and Saturday nights, music and dancing to midnight and alcohol sales until 1 pm, with the doors closing one hour after the last alcohol sale every night. *c*

[4] The police withdrew their representations against the modified proposals and did not appear before the licensing authority when the matter was heard on 23 August 2005. No representations were made by the Wirral Environmental Health Services either. However, there was opposition to the proposals at the hearing from the Saughall Massie Conservation Society (the first interested party) and other Saughall Massie residents. *d*

[5] The claimant told the licensing authority at the hearing that the hours of operation at the premises would not vary significantly from the existing hours of operation and that the application for extended hours was to allow flexibility to open later 'on special occasions'. This was a matter of which the licensing authority took note as is recorded in the minutes of their determination. *e*

[6] The licence was granted in the modified terms requested together with an additional hour for licensable activities and an extra 30 minutes for the hours the premises were to be open to the public over Christmas and at the major bank holidays. Special arrangements were also permitted for New Year's Eve. The licensing authority removed certain conditions that had been imposed on the old licence (requiring all alcohol to be consumed within 20 minutes of the last alcohol sale and banning children under 14 from the bar) and imposed other conditions which were obviously aimed at controlling noise, namely that the area outside must be cleared by 11 pm, that the premises must promote the use of taxi firms which use a call-back system, that all doors and windows must be kept closed when regulated entertainment was provided and that prominent notices should be placed on the premises requiring customers to leave quietly. *f*

[7] The Saughall Massie Conservation Society and 'others' appealed against the licensing decision to the magistrates' court on the ground that the licensing authority's decision 'was not made with a view to promotion of and in accordance with the licensing objectives pursuant to Section 4, Part 2 of [the Act]'. *g*

[8] The appeal occupied the magistrates' court from 3–5 April 2006. The respondents to the appeal were the licensing authority and the claimant which both defended the licensing authority's decision. Witnesses were called *h*

a including Saughall Massie residents, Police Sergeant Yehya who dealt with the stance of the Merseyside police, and Mr Miller, the manager of the premises.

[9] The justices granted the appeal. Their reasons run to three pages of typescript, one page of which is entirely taken up with setting out the new hours of operation they imposed. These permitted entertainment until 11 pm and alcohol sales until 11.30 pm on all nights except Friday and Saturday when entertainment would be permitted until 11.30 pm and alcohol sales until midnight. The premises could remain open to the public until midnight on all nights except Friday and Saturday when they could close at 1 am. Similar provisions were imposed to those imposed by the licensing authority in relation to later opening at Christmas and major bank holidays and the provisions relating to New Year's Eve and the conditions of the licence remained unaltered.

[10] The new licence had come into effect on 24 November 2005 so the new arrangements had been running for several months by the time of the hearing before the magistrates' court. There had been no formal or recorded complaints against the premises under the old or the new regime as the justices acknowledged in their reasons. The residents who gave evidence were fearful of problems if the extended hours were allowed in the summer. The chairman of the Conservation Society, who gave oral evidence, spoke of people urinating in the gardens and a problem with litter. It appears from the statement filed by the chairman of the bench for these judicial review proceedings that evidence was also given of interference with machinery on nearby Diamond Farm. The justices' reasons make no reference at all to these matters. As to the statements of the 'Witnesses of the Appellant', they say simply that they have read and considered them but attached little or no weight to them.

[11] The justices and their legal advisor have filed a considerable amount of material in response to the judicial review proceedings, in all 31 closely typed pages. These comprise their response to the claim, statements from Alistair Beere (who was the chairman of the bench), Mary Woodhouse (another of the bench) and Stephen Pickstock (the legal advisor), and what is said in the index to be a document by Mr Beere from which he prepared his statement. There was limited argument before me as to the status of these documents and the weight that I should give to them. It was not submitted that I should decline to have any regard to them although I think it is fair to say that it was common ground between the parties, rightly in my view, that I should concentrate principally on the reasons. It is established by authorities such as *R v Westminster City Council, ex p Ermakov* [1996] 2 All ER 302 that the court can admit evidence to elucidate or, exceptionally, correct or add to the reasons given by the decision maker at the time of the decision but that it should be very cautious about doing so. The function of such evidence should generally be elucidation not fundamental alteration, confirmation not contradiction. In the circumstances, I have read carefully what the magistrates have provided but approached its role in the judicial review proceedings cautiously.

j THE BROAD NATURE OF THE CLAIM IN RELATION TO THE LICENSING DECISION

[12] The claimant argues that the magistrates' court decision is unlawful for a number of reasons. It is argued that the decision was not in line with the philosophy of the Act and imposed restrictions on the claimant's operation which were not necessary to promote the licensing objectives set out in that Act, that it was based on speculation rather than evidence, that it took into

account irrelevant considerations and failed to take into account proper considerations, and that it was a decision to which no properly directed magistrates' court could have come on the evidence. In so far as the court imposed conditions as to the time at which the premises must close, it is submitted that this was not a matter which can be regulated under the Act. It is further argued that the magistrates failed to give adequate reasons for their decision.

THE LEGAL BACKGROUND

[13] The 2003 Act was intended to provide a 'more efficient', 'more responsive' and 'flexible' system of licensing which did not interfere unnecessarily. It aimed to give business greater freedom and flexibility to meet the expectations of customers and to provide greater choice for consumers whilst protecting local residents from disturbance and anti-social behaviour.

[14] Note 12 of the explanatory notes to the Act gives an indication of the approach to be taken under the Act. It reads:

'In contrast to the existing law, the Act does not prescribe the days or the opening hours when alcohol may be sold by retail for consumption on or off premises. Nor does it specify when other licensable activities may be carried on. Instead, the applicant for a premises licence or a club premises certificate will be able to choose the days and the hours during which they wish to be authorised to carry on licensable activities at the premises for which a licence is sought. The licence will be granted on those terms unless, following the making of representations to the licensing authority, the authority considers it necessary to reject the application or vary those terms for the purpose of promoting the licensing objectives.'

[15] Section 1 of the Act provides:

'(1) For the purposes of this Act the following are licensable activities—(a) the sale by retail of alcohol, (b) [clubs] (c) the provision of regulated entertainment, and (d) the provision of late night refreshment.'

[16] To carry on a licensable activity, a premises licence granted under Pt 3 of the Act is generally required (see s 2). Application for a premises licence must be made to the relevant licensing authority (see s 17(1)).

[17] By virtue of s 4, the licensing authority must carry out all its functions under the Act (including its functions in relation to determining an application for a premises licence or an application for a variation of a premises licence) with a view to promoting the 'licensing objectives'. These are set out in s 4 as follows:

'(2) The licensing objectives are—(a) the prevention of crime and disorder; (b) public safety; (c) the prevention of public nuisance; and (d) the protection of children from harm.'

[18] In carrying out its licensing functions, by virtue of s 4(3) the licensing authority must also have regard to its licensing statement published under s 5 and any guidance issued by the Secretary of State under s 182.

[19] Section 182 obliges the Secretary of State to issue guidance to licensing authorities on the discharge of their functions under the Act. Guidance was issued in July 2004 (the guidance). It was updated in June 2007 but it is the original guidance that is relevant in this case. In any event, none of the changes made are material to the issues I have to determine.

a [20] The foreword (pp 7–8) says that the guidance—

‘is intended to aid licensing authorities in carrying out their functions under the 2003 Act and to ensure the spread of best practice and greater consistency of approach. This does not mean that we are intent on eroding local discretion. On the contrary, the legislation is fundamentally based on local decision-making informed by local knowledge and local people. Our intention is to encourage and improve good operating practice, promote partnership and to drive out unjustified inconsistencies and poor practice.’

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[21] As the guidance says in para 1.7, it does not replace the statutory provisions of the Act or add to its scope. Paragraph 2.3 says:

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‘Among other things, section 4 of the 2003 Act provides that in carrying out its functions a licensing authority must have regard to guidance issued by the Secretary of State under section 182. The requirement is therefore binding on all licensing authorities to that extent. However, it is recognised that the Guidance cannot anticipate every possible scenario or set of circumstances that may arise and so long as the Guidance has been properly and carefully understood and considered, licensing authorities may depart from it if they have reason to do so. When doing so, licensing authorities will need to give full reasons for their actions. Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.’

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[22] An application to the licensing authority for a premises licence must be accompanied by an operating schedule in the prescribed form including a statement of the matters set out in s 17(4) which are as follows:

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‘(a) the relevant licensable activities, (b) the times during which it is proposed that the relevant licensable activities are to take place, (c) any other times during which it is proposed that the premises are to be open to the public, (d) where the applicant wishes the licence to have effect for a limited period, that period, (e) where the relevant licensable activities include the supply of alcohol, prescribed information in respect of the individual whom the applicant wishes to have specified in the premises licence as the premises supervisor, (f) where the relevant licensable activities include the supply of alcohol, whether the supplies are proposed to be for consumption on the premises or off the premises, or both, (g) the steps which it is proposed to take to promote the licensing objectives, (h) such other matters as may be prescribed.’

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[23] Section 18 deals with the determination of an application for a premises licence. Section 35 deals in very similar terms with the determination of an application to vary a premises licence. It will be sufficient only to set out here the provisions of s 18.

[24] Section 18(2) provides that, subject to sub-s (3), the authority must grant the licence in accordance with the application subject only to:

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‘(a) such conditions as are consistent with the operating schedule accompanying the application, and (b) any conditions which must under section 19, 20 or 21 be included in the licence.’

[25] Section 19 deals with premises licences which authorise the supply of alcohol. Such licences must include certain conditions ensuring that every

supply of alcohol is made or authorised by a person who holds a personal licence and that no supply of alcohol is made when there is no properly licensed designated premises supervisor. Sections 20 and 21 are not relevant to this claim. a

[26] Section 18(3) provides that where relevant representations are made, the authority has certain specified obligations. In so far as is relevant to this appeal ‘relevant representations’ are defined in s 18(6) as follows: b

‘For the purposes of this section, “relevant representations” means representations which—(a) are about the likely effect of the grant of the premises licence on the promotion of the licensing objectives, (b) meet the requirements of subsection (7), (c) ...’ c

[27] Subsection (7) provides:

‘The requirements of this subsection are—(a) that the representations were made by an interested party or responsible authority within the period prescribed under section 17(5)(c), (b) that they have not been withdrawn, and (c) in the case of representations made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.’ d

[28] Where relevant representations are made, the authority must hold a hearing to consider them unless the authority, the applicant and each person who has made representations agrees that a hearing is unnecessary. By virtue of s 18(3)(b), the authority must also— e

‘having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.’

[29] Section 18(4) provides:

‘The steps are—(a) to grant the licence subject to—(i) the conditions mentioned in subsection (2)(a) modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and (ii) any condition which must under section 19, 20 or 21 be included in the licence; (b) to exclude from the scope of the licence any of the licensable activities to which the application relates; (c) to refuse to specify a person in the licence as the premises supervisor; (d) to reject the application.’ f

[30] Conditions are modified for the purposes of sub-s (4)(a)(i) if any of them is altered or omitted or any new condition is added.

[31] During the currency of a premises licence, by virtue of s 51, an interested party (broadly speaking, a local resident or business) or a responsible authority (police, fire, environmental health etc) may apply to the relevant licensing authority for a review of the licence on a ground which is relevant to one or more of the licensing objectives. By virtue of s 52, a hearing must be held to consider the application and any relevant representations and the authority must take such steps from a specified list as it considers necessary for the promotion of the licensing objective. The steps range from modifying the conditions of the licence to suspending it or revoking it completely. g

[32] The Act makes provision in Pt 5 for ‘permitted temporary activity’ which, loosely speaking, is a form of ad hoc licensing to cover licensable activities which are not covered by a more general licence. The system involves proper notification of an event to the licensing authority and the police. h

a Provided the applicable number of temporary event notices has not been exceeded and the police do not intervene, the event is automatically permitted. Temporary event notices can only be given in respect of any particular premises 12 times in a calendar year and the period for which each event lasts must not exceed 96 hours.

b [33] Section 181 provides for appeals to be made against decisions of the licensing authority to a magistrates' court which is, of course, how the decisions in relation to which judicial review is sought in this case came to be made.

THE DETAIL OF THE CLAIM

c [34] The claimant submits that in making its decision to allow the appeal in relation to the premises licence, the magistrates' court failed in a number of respects to take account of the changes that the new licensing regime has made and failed to adopt the approach required by the Act. It is further submitted that the magistrates failed properly to consider and take into account the guidance.

d [35] There is no doubt that the guidance is relevant in the magistrates' decision-making. As I have set out above, s 4(3) requires the licensing authority to 'have regard' to the guidance. By extension, so must a magistrates' court dealing with an appeal from a decision of the licensing authority. The guidance says:

e '10.8 In hearing an appeal against any decision made by a licensing authority, the magistrates' court concerned will have regard to that licensing authority's statement of licensing policy and this Guidance. However, the court would be entitled to depart from either the statement of licensing policy or this Guidance if it considered it is justified to do so because of the individual circumstances of any case.'

f [36] Mr Pickup submits that although the guidance is not binding and local variation is expressly permitted, it should not be departed from unless there is good reason to do so.

g [37] Mr Flood for the first interested party submits that the guidance simply serves to provide information for the magistrates and provided that they have had regard to it, that is sufficient. He also points out that, in some respects (as is clear from the wording of the guidance), the guidance is a statement of government belief rather than proved fact. Inviting attention to the judgment of Beatson J in *R (on the application of JD Wetherspoon plc) v Guildford BC* [2006] EWHC 815 (Admin), [2007] 1 All ER 400, he identifies that different policy elements in the guidance may pull in different directions in a particular case, flexibility and customer choice potentially conflicting with the need to prevent crime and disorder. He submits that provided that the magistrates consult the guidance, they do not need to use it as 'a decision making matrix that the deciding Court has to sequentially address in making its decision in the manner it would if considering a section of a statute'.

h [38] There is no doubt that regard must be had to the guidance by the magistrates but that its force is less than that of a statute. That is common ground between the parties. The guidance contains advice of varying degrees of specificity. At one end of the spectrum, it reinforces the general philosophy and approach of the Act. However, it also provides firm advice on particular issues, an example being what could almost be described as a prohibition on local authorities seeking to engineer staggered closing times by setting quotas

for particular closing times. I accept that any individual licensing decision may give rise to a need to balance conflicting factors which are included in the guidance and that in resolving this conflict, a licensing authority or magistrates' court may justifiably give less weight to some parts of the guidance and more to others. As the guidance itself says, it may also depart from the guidance if particular features of the individual case require that. What a licensing authority or magistrates' court is not entitled to do is simply to *ignore* the guidance or fail to give it any weight, whether because it does not agree with the government's policy or its methods of regulating licensable activities or for any other reason. Furthermore, when a magistrates' court is entitled to depart from the guidance and justifiably does so, it must, in my view, give proper reasons for so doing. As para 2.3 of the guidance says in relation to the need for licensing authorities to give reasons:

'When [departing from the guidance], licensing authorities will need to give full reasons for their actions. Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.'

This is a theme to which the guidance returns repeatedly and is a principle which must be applicable to a magistrates' court hearing an appeal as it is to a licensing authority dealing with an application in the first instance. I agree with Mr Flood for the first interested party that the magistrates did not need to work slavishly through the guidance in articulating their decision but they did need to give full reasons for their decision overall and full reasons for departing from the guidance if they considered it proper so to do.

[39] In this case, Mr Pickup submits that proper attention to the guidance would have helped the magistrates to come to a correct and reasonable decision and that they have failed to adhere to it without proper reason and failed to carry out their licensing function in accordance with the Act.

[40] The foundation of the claimant's argument is that the Act expects licensable activities to be restricted only where that is *necessary* to promote the four licensing objectives set out in s 4(2). There can be no debate about that. It is clearly established by the Act and confirmed in the guidance. For example, in the Act, s 18(3)(b), dealing with the determination of an application for a premises licence, provides that where relevant representations are made the licensing authority must 'take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives' (the steps in sub-s (4) include the grant of the licence subject to conditions). Section 35(3)(b), dealing with the determination of an application to vary a premises licence, is in similar terms. The guidance repeatedly refers, in a number of different contexts, to the principle that regulatory action should only be taken where it is *necessary* to promote the licensing objectives. In particular, it clearly indicates that conditions should not be attached to premises licences unless they are necessary to promote the licensing objectives, see for example para 7.5 and also para 7.17 which includes this passage:

'... Licensing authorities should therefore ensure that any conditions they impose are only those which are necessary for the promotion of the licensing objectives, which means that they must not go further than what is needed for that purpose.'

a [41] The guidance also refers a number of times to the need for regulation to be ‘proportionate’. This is not a term contained in the Act but if a regulatory provision is to satisfy the hurdle of being ‘necessary’, it must in my view be confined to that which is ‘proportionate’ and one can understand why the guidance spells this out.

b [42] Mr Pickup submits, and I accept, that the Act anticipates that a ‘light touch bureaucracy’ (a phrase used in para 5.99 of the guidance) will be applied to the grant and variation of premises licences. He submits that this means that unless there is evidence that extended hours will adversely affect one of the licensing objectives, the hours should be granted. A prime example of this arises when an application for a premises licence is made and there are no relevant representations made about it. In those circumstances, s 18(2) obliges

c the licensing authority to grant the licence and it can only impose conditions which are consistent with the operating schedule submitted by the applicant. Mr Pickup says that such a light touch is made possible, as the guidance itself says, by providing a review mechanism under the Act by which to deal with concerns relating to the licensing objectives which arise following the grant of

d a licence in respect of individual premises. He invites attention also to the existence of other provisions outside the ambit of the Act which provide remedies for noise, for example the issue of a noise abatement notice or the closure of noisy premises under the Anti-social Behaviour Act 2003. The guidance makes clear that the existence of other legislative provisions is relevant and may, in some cases, obviate the need for any further conditions to

e be imposed on a licence. Paragraph 7.18 from the section of the guidance dealing with attaching conditions to licences is an illustration of this approach:

f ‘It is perfectly possible that in certain cases, because the test is one of necessity, where there are other legislative provisions which are relevant and must be observed by the applicant, no additional conditions at all are needed to promote the licensing objectives.’

[43] The guidance includes a section dealing with hours of trading which the claimant submits further exemplifies the philosophy of the Act. It begins with para 6.1 which reads:

g ‘This Chapter provides guidance on good practice in respect of any condition imposed on a premises licence or club premises certificate in respect of hours of trading or supply.’

[44] It continues:

h ‘6.5 The Government strongly believes that fixed and artificially early closing times promote, in the case of the sale or supply of alcohol for consumption on the premises, rapid binge drinking close to closing times; and are a key cause of disorder and disturbance when large numbers of customers are required to leave premises simultaneously. This creates excessive pressures at places where fast food is sold or public or private transport is provided. This in turn produces friction and gives rise to

j disorder and peaks of noise and other nuisance behaviour. It is therefore important that licensing authorities recognise these problems when addressing issues such as the hours at which premises should be used to carry on the provision of licensable activities to the public.

6.6 The aim through the promotion of the licensing objectives should be to reduce the potential for concentrations and achieve a slower dispersal of

people from licensed premises through longer opening times. Arbitrary restrictions that would undermine the principle of flexibility should therefore be avoided. We will monitor the impact of the 2003 Act on crime and disorder and the other licensing objectives. If necessary in the light of these findings, we will introduce further legislation with the consent of Parliament to strengthen or alter any provisions.'

[45] The claimant submits that in imposing shorter hours than it requested for the supply of alcohol and for entertainment, the magistrates went beyond that which was necessary for these premises and failed to take into account that, as the guidance explains, longer opening times would in fact reduce the potential for problems arising from licensed premises whereas curtailing operations could run counter to the licensing objectives.

[46] The magistrates' reasons record their acceptance that there had been no reported complaint in regard to public nuisance and that the extended hours had operated without any incidents. The magistrates also record in the reasons, as I have already said, that they had attached little or no weight to the statements from witnesses of the appellant. Nothing is said about difficulties mentioned in evidence by the witnesses. As it was clearly incumbent on the magistrates at least to advert in broad terms to those matters that they took into account, it is fair to conclude in the circumstances that they proceeded upon the basis that there was no reliable evidence of actual problems linked to the premises either under the old licence or under the new revised licence. This was in line with the oral evidence of Police Sergeant Yehya (as recorded in the rather truncated notes of the legal advisor):

'1 reported incident for the site. No other incidents or complaints have been received. There are none in my file. There are no incidents we can directly link to the Saughall Hotel since previously open. There have been incidents locally but not linked to these premises.'

[47] To judge by the reasons therefore, what led the magistrates to impose restricted hours of operation was their forecast as to what would occur in the future in association with the premises, notwithstanding the absence of reliable evidence of past problems. The first interested party observes that the manager of the premises had given evidence that he intended in the summer to 'make hay while the sun shines' and submits, correctly in my view, that the magistrates were entitled to take this apparent change of emphasis into account. However, Mr Flood further submits that the evidence of what had happened in the winter months was therefore of 'little evidential value' in determining what was likely to happen in the future and I cannot wholly agree with him about this. Undoubtedly the fact that the claimant intended in future to make more use of the extended hours reduced the value of the premises' past record as a predictor of the future but it could not, in my view, be completely discarded by the magistrates. They still had to take into account that there had been extended hours for some months without apparent problems.

[48] It is plain that the magistrates' particular concern was 'migration' rather than problems generated by those coming directly to the premises for their evening out. Under the heading 'The Four Licensing Objectives', they say that they accept that there have been no formal or recorded complaints against the premises 'but feel that because of the concept of migration that public

a nuisance and crime and disorder would be an inevitable consequence of leaving the hours as granted by the Local Authority'. Under the heading 'Migration/Zoning' they begin:

b 'The Saughall Hotel due to its location and the fact that a number of license premises in the surrounding area have reduced hours to that of the Saughall Hotel we believe that as a consequence of this would be that customers would migrate from these premises to the Saughall Hotel [sic].'

and end:

c 'We appreciate that the extended hours have been in operation for several months without any incidents but have taken into consideration this was during the Winter months and inevitable numbers will increase in the Summer causing nuisance/criminality.'

[49] They reiterate their concern under the heading 'Nuisance (Existing/Anticipated)' saying that they 'feel that public nuisance will be inevitable'.

d [50] The claimant complains that the magistrates' treatment of the issue of 'migration' was fundamentally flawed on a number of grounds.

e [51] Firstly, it submits that there was no evidence on which the magistrates could find that customers *would* come to the premises when other premises in the vicinity closed or cause trouble and their concerns were no more than inappropriate speculation. The claimant's position was that there was no evidence of migration to their premises. There were no recorded complaints of any kind about the premises let alone specifically about migration. Ms Lesley Spencer who lives opposite the premises and is the Secretary of the Saughall Massie Conservation Society gave evidence of her fear that customers would migrate but said that she did not think there had been any migration.

f [52] Apart from their own local knowledge, the only material on which the magistrates could possibly have formed their views about migration was what Police Sergeant Yehya said in evidence. According to the legal advisor's notes, whilst being cross-examined by Mr Kirwan, the sergeant gave evidence about the other licensed premises operating in the vicinity (which I have seen marked on a local map and which were within walking distance of the premises) and their closing hours and said that there were three assaults each week at one of the premises. The legal advisor records that he also said:

g 'We have staggered closing. This could cause problems it has the potential to cause difficulties in the area. I have a list of considerations but none would rank as high as crime, not even noise. No complaints have been made to me even regarding noise. One concern was dispersal. We gave people one hour to disperse and therefore reduced from 2.00am to 1.00am. 1.00am closing at 2. 280 people leaving premises. Other premises subject to high levels of crime *migration not an issue.*' (My emphasis.)

h [53] I appreciate that this evidence acknowledged that staggered closing *could* cause problems but, had migration been a significant issue as opposed to a mere possibility, one can, I think, assume that the police would have made representations on that score, particularly given that they had plainly considered the impact of trading hours specifically and *had* initially objected to the even longer hours originally proposed by the claimant. It is noteworthy that even when they were in opposition to the plans, it was never on the basis of migration of disruptive characters from other licensed premises and always

simply on the basis of late noise from ordinary customers of the premises dispersing. The absence of police objections before either the licensing authority or the magistrates' court seems to have surprised the magistrates who said so in their reasons, commenting:

'We were surprised that the Police originally objected to the application but withdrew that objection after a slight variation of the terms.'

In so saying, they convey, in my view, not only their surprise about the police approach but also their disagreement with it.

[54] It was not open to the magistrates, in my view, to elevate what Sergeant Yehya said in the witness box to evidence that a problem with migration could reasonably be expected, nor do they say anything in their reasons which suggests that they did rely on his evidence in this way. The only concerns about migration were therefore the magistrates' own with perhaps some fears expressed by local residents though not on the basis of firm historical examples of migration to the premises.

[55] It is clear from the guidance that drawing on local knowledge, at least the local knowledge of local licensing authorities, is an important feature of the Act's approach. There can be little doubt that local magistrates are also entitled to take into account their own knowledge but, in my judgment, they must measure their own views against the evidence presented to them. In some cases, the evidence will require them to adjust their own impression. This is particularly likely to be so where it is given by a responsible authority such as the police. They must also scrutinise their own anxieties about matters such as noise and other types of public nuisance particularly carefully if the responsible authorities raise no objections on these grounds. These magistrates did recognise the absence of police objections which caused them surprise and they chose to differ from the police in reliance on their own views. The claimant submits that in so doing they departed into the realms of impermissible speculation not only in concluding that there would be migration but also in concluding that in this case it would generate nuisance and disorder. The first interested party is correct in submitting that the guidance accepts a link between migration and a potential breach of the licensing objectives but it is also clear from the guidance that each case must be decided on its individual facts so the magistrates could not simply assume that if people came from other premises, there would be trouble.

[56] The claimant complains that the magistrates' treatment of the migration issue also flies in the face of the guidance because firstly it was an improper attempt to implement zoning and secondly it ignored the general principle of longer opening hours.

[57] Zoning is the setting of fixed trading hours within a designated area so that all the pubs in a given area have similar trading hours. The problem created by it, as demonstrated by experience in Scotland, is that people move across zoning boundaries in search of pubs opening later and that causes disorder and disturbance. The guidance says (at para 6.8):

'... The licensing authority should consider restricting the hours of trading only where this is necessary because of the potential impact on the promotion of the licensing objectives from fixed and artificially-early closing times.'

It stresses that above all, licensing authorities should not fix predetermined closing times for particular areas.

a [58] I am not convinced that the magistrates' limiting of the claimant's operational hours can properly be described as implementing zoning which, in my view, is a term that is more appropriate to describe a general policy imposed by a licensing authority for a defined area than an individual decision of this type, albeit made with reference to the opening hours of other premises in the vicinity and having the effect of imposing the same hours as those

b premises.

[59] What has more weight, however, is the claimant's submission that the magistrates failed to give proper weight to the general principle of later opening hours and to the intention that the approach to licensing under the Act would be to grant the hours sought for the premises unless it was

c necessary to modify them in pursuit of the licensing objectives. The reasons include a heading 'Flexibility' under which the magistrates say simply: 'We have considered the concept of Flexibility.' In so saying, they may be referring to the sort of flexibility to which reference is made, for example, in para 6.6 of the guidance (see [44], above) but their shorthand does not enable one to know to what conclusions their consideration of the concept led them in this case

d nor whether they had reliably in mind that the starting point should be that limitations should not be imposed upon the licence sought unless necessary to promote the licensing objectives rather than that the licensing authority or the court should form its own view of what was necessary for the premises and only grant that.

[60] The claimant was seeking to have the freedom to open later on certain occasions when the trade justified it or, as the magistrates put it, 'the application for extended hours was to allow *flexibility* to open later on certain occasions'. As the first interested party would submit, the magistrates may have inferred from Mr Miller's comment about making hay that the premises would *often* be open late rather than this happening only infrequently in

f accordance with the picture presented to the licensing authority. If this was their inference, however, it is odd that they considered that the claimant could deal with the position by applying for a temporary certificate because this would have allowed the premises to open later on only a limited number of occasions. They make no express finding in their reasons as to the frequency on which they considered the claimant intended to keep the premises open late.

g This was material not only to the degree of disturbance that might be caused generally by late opening but also specifically to the issue of whether there would be migration. It would seem unlikely that customers from nearby pubs would bother to walk or even drive to the Saughall Hotel in search of another drink at the end of their evenings unless the Saughall Hotel was open late sufficiently frequently to lead them to a reasonable expectation that their

h journey would be worthwhile.

[61] The magistrates' comment about the temporary certificate also seems to me to be an example of a failure by them to adopt the lighter approach that the Act dictated and to allow flexibility to those operating licensed premises unless the licensing objectives required otherwise. Temporary certificates

j would be a cumbersome and restricted means of achieving flexibility, not responsive to the day-to-day fluctuations in business, only available a limited number of times, and not in line with the philosophy of the Act.

[62] There is no consideration in the magistrates' decision of whether the imposition of conditions to control noise or other nuisance (which were going to be imposed) would be sufficient to promote the licensing objectives without

reducing the operating hours of the premises. Given that the Act dictates that only such steps as are necessary should be taken with regard to the variation of the terms of operation sought, such consideration was required. a

MY OVERALL CONCLUSIONS

[63] It would be wrong, in my judgment, to say that the magistrates failed to take account of the licensing objectives. At the outset of their reasons, they correctly identify those which are relevant. Similarly, as the first interested party submits, whilst they did not *articulate* that the curtailment of the hours sought was 'necessary' to promote those objectives, it is implied in their decision that they did take this view and it can also be inferred from their comment that because of the concept of migration, public nuisance and crime and disorder would be 'an inevitable consequence' of leaving the hours as granted by the local authority. However, in my view their approach to what was 'necessary' was coloured by a failure to take proper account of the changed approach to licensing introduced by the Act. Had they had proper regard to the Act and the guidance, they would have approached the matter with a greater reluctance to impose regulation and would have looked for real evidence that it was required in the circumstances of the case. Their conclusion that it was so required on the basis of a risk of migration from other premises in the vicinity was not one to which a properly directed bench could have come. The fact that the police did not oppose the hours sought on this basis should have weighed very heavily with them whereas, in fact, they appear to have dismissed the police view because it did not agree with their own. They should also have considered specifically the question of precisely how frequently the premises would be likely to be open late and made findings about it. They would then have been able to compare this to the winter opening pattern in relation to which they accepted there had been no complaints and draw proper conclusions as to the extent to which the summer months would be likely to differ from the winter picture. Having formed a clear view of how frequently late opening could be anticipated, they would also have been able to draw more reliable conclusions about the willingness of customers from further afield to migrate to Saughall Massie. They proceeded without proper evidence and gave their own views excessive weight and their resulting decision limited the hours of operation of the premises without it having been established that it was necessary to do so to promote the licensing objectives. In all the circumstances, their decision was unlawful and it must be quashed. b
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[64] I have said little so far about what appears in the magistrates' response for the judicial review proceedings. The various documents comprising the response did nothing to allay my concerns about the magistrates' decision. Indeed quite a lot of what was said reinforced my view that the magistrates had largely ignored the evidence and imposed their own views. They refer in their response to incidents about which the residents had given evidence and to the residents not having complained formally for various reasons, for example because it was Christmas or because there was thought to be no point. If the magistrates considered these matters to be relevant, it was incumbent on them to say so clearly in their reasons whereas they there recorded their acceptance that there had been no formal or recorded complaints, that the extended hours had been in operation for several months without incidents and that they had attached little or no weight to the statements of the witnesses of the appellant. They also refer extensively in their response to their thoughts on migration, h
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- a* including that people may come from further afield than the pubs in the vicinity in cars. Particularly concerning is that they refer repeatedly to a perceived issue over police resources which is not something that, as far as I can see, had been raised by Sergeant Yehya or explored with him in evidence. Mr Beere says in his statement for example, 'there is also the question of Police resources and their ability to effectively police this area especially at weekends
- b* with already stretched resources being deployed in Hoylake'.
[65] Reference is made in the response documents to the court feeling that the brewery's proposed opening hours contradicted the acceptable activities of a family pub and that the Saughall Hotel is 'a village pub and not a night spot in the centre of town'. For the court to take matters such as this into account
- c* seems to me to be an interference with the commercial freedom of the premises of a type that was not permissible under the Act unless it was necessary to promote the licensing objectives. I appreciate that the magistrates' response seems to suggest that they feared that a different type of customer was being courted or would invite themselves once it got too late for families but this does not seem to have been founded on anything that was given in
- d* evidence so was really not much more than speculation.
[66] Mr Beere's statement ends with a reference to the brewery wanting to make hay while the sun shines, of which he says: 'I believe that this statement was indicative of the Brewery's attitude to local residents and to the general management of the premises.' Given that problems with or in the vicinity of the premises had been almost non-existent and that the magistrates had not
- e* seen fit to make reference in their reasons to any difficulties caused by the hotel, it is hard to see how this belief could be justified but it does perhaps exemplify the approach of the magistrates.
[67] I have considered quite separately the argument as to whether the hours of opening can be regulated as part of the licensing of premises as opposed to the hours during which licensable activities take place. It was suggested during
- f* argument that there was no power to regulate the time by which people must leave the premises. I cannot agree with this. Clearly, keeping premises open (as opposed to providing entertainment or supplying alcohol there) is not a licensable activity as such. However, the operating schedule which must be supplied with an application for a premises licence must include a statement of the matters set out in s 17(4) and these include not only the times when it is
- g* proposed that the licensable activities are to take place but also 'any other times during which it is proposed that the premises are to be open to the public'. On a new grant of a premises licence, where there are no representations the licensing authority has to grant the application subject only to such conditions as are consistent with the operating schedule. I see no reason why, if it is
- h* necessary to promote the licensing objectives, these conditions should not include a provision requiring the premises to be shut by the time that is specified in the operating schedule. If representations are made and the licensing authority ultimately grants the application, it can depart from the terms set out in the operating schedule when imposing conditions in so far as this is necessary for the promotion of the licensing objectives. It must follow
- j* that it can impose an earlier time for the premises to be locked up than the applicant wished and specified in its operating schedule. It is important to keep in mind in this regard that the role of the licensing authority and, if there is an appeal, the court, has two dimensions: the fundamental task is to license activities which require a licence and the associated task is to consider what, if any, conditions are imposed on the applicant to ensure the promotion of the

licensing objectives. A requirement that the premises close at a particular time seems to me to be a condition just like any other, such as keeping doors and windows closed to prevent noise. I see no reason why a condition of closing up the premises at a particular time should not therefore be imposed where controlling the hours of the licensable activities on the premises (and such other conditions as may be imposed) is not sufficient to promote the licensing objectives. a
b

THE COSTS ARGUMENT

[68] In the light of my conclusion that the magistrates' decision is unlawful and therefore must be quashed, it is not appropriate for me to consider the arguments in relation to their costs order further. The appellants had given an undertaking to the licensing authority that they would not seek costs against the licensing authority and they sought the entirety of their costs of the appeal from the claimant. The magistrates granted that order and the claimant submits that that was not an order that was open to them. Whatever the merits of that argument, the magistrates' order in relation to costs cannot now stand. The basic foundation for the order for costs was that the appeal had succeeded and the claimant had lost. That position has now been overturned and the costs order must go along with the magistrates' main decision. The magistrates would have had no reason to grant costs against the claimant if the appeal had been dismissed. c
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Application allowed. e

Karen Widdicombe Solicitor.

Epic Bars and Clubs

The Chapel 24 Milford Street Salisbury SP1 2AP

Licensing Committee Hearing 6th September 2022

Bundle Index

1. Summary of Epic Bars
2. Operational Manual

Epic Bars and Clubs Limited

Summary of Applicant

Epic Bars and Clubs Limited ("Epic Bars") are owned by Mark Shorting , Nigel Blair and Jimmy Elias and are specialist late night bar operators with considerable experience dating back to the 1990s.

They have operated successfully in over 40 towns across the UK and currently operate in 11 venues.

They invest both in people and financially in each site to ensure a safe and well managed experience is provided to customers and they work closely and in partnership with all the authorities.

They employ a large number of staff in each site, for example in Bangor there are 49 members of staff, in Blackpool there are 30 with an additional 20 contractors (security, cleaners and DJs).

The investment in this site will be in excess of £400,000 so far and there will be 25-30 members of staff on the payroll. Including security, cleaners and DJs there will be another 15 contractors. There is no outside funding or investment. It is the owners money which is invested.

They have won awards both as a company and as individuals. Jimmy Elias was awarded the Gloucestershire police and crime commissioner's community hero award for excellent work with Cheltenham's late night economy at the impact awards in October 2018.

They operate with a detailed Operational Manual/Risk Assessment in all sites which continues to evolve as the Premises trade.



EPIC
Bars & Clubs



Epic Bars & Clubs Limited

OPERATIONAL MANUAL

LICENSING POLICIES & PROCEDURES



EPIC
Bars & Clubs



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1. Introduction

The aim and purpose of this manual is to promote the Four Licensing Objectives:-

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

The manual sets out Epic Bars & Clubs operating standards and the policies and procedures to be followed by all staff.

The manual will be reviewed regularly to ensure any changes at **INSERT VENUE NAME** or to licensing laws are addressed.

The policies and procedures contained within the manual will be incorporated into staff induction and training sessions.



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2. Terms of Entry

The aim of this policy is to prevent problems inside **INSERT VENUE NAME** by ensuring that the highest standards are in place when vetting guests prior to them entering.

It is very important that there is a consistent standard and approach to whom is allowed on the premises.

The following controls on entry will be implemented by managers, door hosts and security at the entrance on any days when licensable activities are being provided.

The following persons will be refused entry:-

1. Any persons deemed by management or security to be under the influence of alcohol or illegal substances
2. Any persons carrying or thought to be carrying any form of offensive weapon
3. Any person who refuses to be searched when asked
4. Any person who refuses to provide ID when asked
5. Any persons not in keeping with the dress code, set out below
6. Any persons, who are known to have been involved in any criminal activities either within or in the areas surrounding Fever & Boutique
7. Any ex-employees of the business, whose employment was terminated by the company
8. Large single sex groups
9. Any person who is under the age of 18 on any day where the premises will be open for licensable activities.
10. Any person who is excluded on Pubwatch/Nightsafe schemes

INSERT VENUE NAME retains the right to search customers as a condition of entry to ensure the safety of both customers and staff

Guest Dress Code

Smart casual dress, no gym trainers or sports wear. **INSERT VENUE SPECIFIC DRESS CODE**

No males wearing hoodies. If customers are wearing caps, these are to be removed on entry.

Management reserve the right of entry. Being on a guest list, or having a reservation, does not guarantee entry.

3. Young People

The aim of this policy is to protect children from harm, prevent breaches of Premises Licence conditions and to prevent underage entry to **INSERT VENUE NAME**.

All serving staff will receive regular training (at minimum intervals of no less than 3 months) on age identification and verification. It is imperative that staff understand the restrictions under the Licensing Act 2003 and ways to identify underage persons and prevent sales of alcohol to them.

It should be noted that the premises has a no under 18's policy. However, it is very important for serving staff to be generally aware of the provisions of the Licensing Act 2003 in relation to young persons.

Provisions of the Licensing Act 2003

Children under 16; cannot be allowed on licensed premises that are solely or primarily for the sale of alcohol unless accompanied by someone over 18 years old (premises offering entertainment or food would not necessarily be considered in this category).

It is unlawful under the Act to allow unaccompanied children aged less than 16 years into the premises between midnight and 5 a.m. where alcohol is supplied for consumption on the premises

16 and 17 years old's: can have beer, wine or cider with a table meal as long as someone over 18 years old accompanies them & purchases the drink for them

Under 18year old's

- Cannot purchase alcohol
- Cannot knowingly consume alcohol (unaccompanied – see above)

Under 18year old's

- Cannot sell alcohol unsupervised

Over 18year old's

- Cannot send an under 18 to purchase alcohol
- Cannot purchase alcohol for an under 18 unless they are 16 or 17 and eating a meal at a table
- Cannot allow the unsupervised sale of alcohol by someone under 18

Offences under the Licensing Act 2003

There are numerous offences involving the sale of alcohol to children:



A person commits an offence under section 146 if he sells alcohol to a child under 18. A club commits an offence under section 146(2) if alcohol is supplied by it or on its behalf to, or to the order of, a member of the club who is under 18.

A person charged with an offence by reason of his own conduct has the same defence as is available in respect of a section 145 charge, that the person charged had no reason to suspect that the individual was under 16; and a person charged because of the act or default of another has a due diligence defence available.

Under section 147 it is also an offence to knowingly allow the sale of alcohol, on relevant premises, to a child under 18. Here, the offence would not be committed if the child unwittingly consumed a spiked drink.

A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 (£5,000) on the standard scale.

Mandatory Conditions

Every Premises Licence that authorises sales of alcohol is subject to a mandatory condition requiring an age verification policy.

(1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either (a) a holographic mark, or (b) an ultraviolet feature.

Venue Specific Conditions **ADD IN VENUE SPECIFIC CONDITIONS**
INSERT VENUE NAME is also subject to specific age related conditions.

If the system used for identification scanning should not be working, then the premises will operate a challenge 25 policy whereby any person attempting to buy alcohol appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted will be passports, driving licences with a photograph, photographic military ID or proof of age cards bearing the PASS mark hologram. The list of approved forms of ID may be amended or revised with the prior written agreement of police and the Licensing Authority, without the need to amend the Licence or conditions attached to it.

A Challenge 25 policy shall be implemented and only photographic identification such as passport, driving licence or citizen cards bearing the PASS hologram shall be accepted. If an individual is unable to provide such identification then they shall not be served with any alcoholic beverage. Posters shall be displayed confirming this policy.



Training shall be given to all persons involved in the sale of alcohol regarding offences under the Licensing Act 2003 and acceptable forms of ID (photo driving licence, passport or PASS scheme card) and the challenge 25 policy. Written records shall be kept of all training that is carried out, such records shall include details of the names of staff trained including their signature, and a summary of the training matters covered in the training. Training records will be kept on site for a minimum of two years and shall be available for inspection on demand by police and local authority officers.

The following procedures will be implemented by managers and security at the entrance and by serving staff at the point of sale.

1. The premises operates a strict 'Challenge 25' policy where any guest appearing under 25 years of age will be required to provide proof of age
2. **INSERT VENUE NAME** does not allow under 18 year olds on the premises when they are open and providing licensable activities.
3. This policy is enforced at the entrance by security and managers
4. Only international passports, UK driving licences (or other driving licences, such as EU, with a photo), military card or any PASS approved proof of age card will be accepted as proof of age
5. When checking ID staff will:-
 - Check the 3D effect hologram is not stuck on
 - Check photo to ensure it is the correct person
 - Check date of birth
 - Check ID for any tampering
 - If unsure of the persons age refuse service/entry
6. IDs will be electronically scanned using an identity scanning machine if one is on site.
7. If a guest cannot provide satisfactory proof of age, Entry will be denied and they will be reminded to bring proof of age in the future.
8. There will be clear and prominent signage displayed at the entrance advising guests of the age policy and that "if you look under 25 you will be asked to prove you are over 18"
9. The age policy will be displayed on the premises' website and any promotional material
10. The premises will keep a record each night of guests who are refused entry or service at the bar due to their age



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CHALLENGE 25 POLICY

- Any person who appears to a server/seller of alcohol to be under the age of 25 shall be challenged to produce an acceptable form of ID unless the server/seller knows them to be over the age of 18.
- The server/seller shall make clear eye contact and shall assess the person's
 - Appearance
 - Behaviour
 - Physical attributes
- Where the seller/server believes the person to be under 25 (unless they know the person is of legal age) then they shall challenge the person to produce acceptable identification
- Where no acceptable form of identification can be produced then the sale of alcohol shall be refused
- The seller/server shall involve a manager if required



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4. Search and Seizure

The aim of this policy is to prevent prohibited items being brought into **INSERT VENUE NAME**. For the purposes of this policy, prohibited items are considered to be the following:

- Weapons
- Non-prescription drugs
- Alcohol

The following procedures will be implemented by managers and security at the entrance.

1. All persons entering may be subject to a search at any time.
2. Signage will be prominently placed at the entrance and queuing area stating:
*The premises operates a search policy. All persons entering **INSERT VENUE NAME** may be subject to a search of outer clothing and personal belongings. This is a condition of entry. Those unwilling to be searched will be refused admittance. Any illegal drugs or weapons will be seized and the police notified. By order of the management.*
3. Searching will consist of a physical pat down search and guests may be asked to empty their pockets.
4. Bags may be opened and searched.
5. All searches of customers will take place in a well-lit area clearly covered by CCTV.
6. Searches will take place prior to any entrance fee payment.
7. All searches will be same sex, i.e. male security to search male guests and female security to search female guests.
8. Guests may be searched on entry and re-entry.
9. Guests may be asked to be searched once inside the venue.

In addition please be aware that all Managers and/or door supervisors are instructed to call the Police in any case where a weapon or drug dealing is involved or suspected.

In the event of seizure of a weapon or drugs:

- Ensure the process is witnessed.
- Confiscate the item found.
- Record and log details of drugs found in the incident book.
- Place drugs in a sealed evidence bag (provided by police) or sealed envelope which is signed across the seal.
- Drugs should then be placed in the drop safe if you have one
- Place knives or sharp objects in a weapons tube (provided by police) or suitable, safe, container.
- Call police on the non-emergency number (101) and inform them of seizure.



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- In the event of a large quantity of drugs or a weapon being found, call the police immediately. Where possible the suspect should be detained (subject to the safety of staff).

Drug Seizures

An entry will be made in the incident book for every seizure. The process will be witnessed. The register will contain the following information.

1. Date / time item found
2. Where found
3. Details of person finding and any witnesses
4. Description of item
5. Seal number of property evidence bag (if applicable)
6. Any action taken (e.g. person detained, police called)
7. Signature of person seizing
8. Signature of manager

Details of person searched (if available)



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5. Preventing & Dealing with Intoxication

The aim of this policy is to prevent guests becoming intoxicated and, if so identified, dealing with them in an effective and appropriate manner.

All serving staff will receive regular training (at a minimum intervals of no less than every 6 months) on preventing, identifying and dealing with intoxication and their responsibilities under the Licensing Act 2003.

It is an offence under the Licensing Act 2003 to knowingly sell to (or obtain alcohol for) a drunk person. It is also an offence for a drunk and disorderly person to fail to leave a licensed premises when asked by a police officer or the person in charge of the premises.

Procedures

1. Security and management to regularly patrol venue, monitoring customer behaviour
2. Any member of staff who believes a customer is intoxicated will inform a member of management and/or security team
3. Anyone appearing intoxicated must be escorted outside to get air
4. The person will be informed clearly why they have been approached
5. Drinking water will be provided to any person believed to be intoxicated
6. A manager or the head of the security team must be present at all walkouts
7. The guest will be walked out through the main entrance unless there is a good reason to do otherwise; e.g. aggression with another group
8. Security and management on the door must be informed to ensure the person does not regain entry to the venue without the consent of the manager or head of security
9. Any person wanting to gain re-entry must see the manager or head of security who will make a decision whether the person is fit to re-enter the venue
10. If yes, this will be communicated to all security and managers that the person is now back in the venue
11. If the person is escorted out the venue a second time, they will not be allowed to re-enter
12. All walk outs will be recorded in the ejections log/incident book
13. The guest's welfare will be considered at all times
14. Advice on local transport options will be given
15. If required, taxis should be arranged to ensure the person arrives home safely
16. Where necessary, the expense of the taxi will be met by premises
17. Staff will understand that some illnesses can have symptoms which may make a person appear intoxicated.



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Staff Training

Identification

Servers are not expected to know a customer's blood alcohol content (BAC) but they are expected to recognise the signs of visible intoxication. Staff will be taught to identify four main areas using a system known as SAAB.

1. Speech
2. Appearance
3. Attitude
4. Behaviour

There are more than 50 indicators within these four areas. If a person shows one or two of these signs that does not necessarily mean the person is intoxicated. But a combination of some of these and a sudden change in behaviour could be a strong indication that a person is intoxicated.

If a member of staff is not sure they should not serve the person and consult a manager.

Intervention and Refusing Service

Staff have the right to refuse alcohol service to anyone as long as they don't violate anti-discrimination laws. Management commitment is essential to create a supportive environment that encourages responsible employee practices.

Owners and managers have an obligation to support their servers' efforts to obey the law. The best way to do that is to establish policies that promote responsible alcohol service.

At some point all serving staff will be faced with a decision about refusing to serve alcohol to a patron. Whether this decision is based on legal or safety requirements, it is important we deliver a consistent message that all patrons understand.

Intervention is the plan of action for a server that:

- Prevents a customer from drinking to intoxication
- Prevents minors from drinking

It is the servers' plan for bringing together legal and professional duties. Staff will show a professional attitude and approach when refusing service and will be instructed to:

Intervene early – don't let a problem develop

If possible, obtain agreement from a supervisor and notify security, if available, before speaking to the patron.

Be courteous & concerned - People are cooperative when being treated respectfully

Be tactful – Try not to accuse a guest of being intoxicated. Simply say you cannot serve them alcohol at this time

Be firm – remain calm & don't back down. Don't allow the customer to talk you out of your decision. If necessary ask for assistance from a manager or another employee

Be confident - This convinces people you know what you are doing

Be discreet - Try not to embarrass the customer in front of others.



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All serving staff will:

- Smile, make eye contact, and take your time checking ID if necessary
- Chat with customers to determine their status.
- Watch for signs of visible intoxication (speech, attitude, appearance, behaviour)
- Check with co-workers if they have served the customer.
- Make sure water or other non-alcoholic drinks are available if required.
- When you are refusing service, inform their manager and co-workers.
- Take a manager or security with you when you have to refuse service or pull a drink.
- Use peer pressure when appropriate by asking for support from the customer's friends.
- Replace a pulled drink with something else i.e. water.
- Make a record of refusal of service, especially those involving threats or aggression.

Staff will also be taught to use 'intervention Scripts'

Avoiding "you" statements - Using "I" statements

Not to: bargain; debate; get defensive; or give lengthy explanations.

To focus on the law and the consequences you face

"I'm not able to bring you another drink tonight. I could get into trouble with the authorities and we could lose our Licence if I serve you more alcohol. How about I bring you a water."

"Our company policy doesn't allow me to serve you any more alcohol. We could get into trouble with licensing and lose our premises license. I'll bring you some water."

"Listen, I could get fired if I serve you another drink. The police could fine the business and me, and I could lose my job. I'll bring you a water."

To focus on the customer's well-being

"Look, I'm concerned about your safety. I want to be sure you get home okay tonight. Why don't I bring you a glass of water?"

"Legally, I'm not allowed to serve you another drink. This glass of water will help you avoid getting a hangover tomorrow."

Don'ts of service refusal

- Don't call your patron a 'drunk' - warn them politely that their behaviour is unacceptable or inappropriate.
- Don't be persuaded to give them 'one last drink' after you have stated that they have had enough.



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- Don't agree to let the person finish their drinks (it is an offence under the Liquor Act to allow a minor or unduly intoxicated or disorderly person to consume liquor on licensed premises).
- Don't raise your voice. If they raise theirs, lower yours.
- Don't put off refusal hoping that the patron will leave after the next drink - act while the patron can still be reasoned with.
- Don't judge other people.
- Don't think the matter is over because you have verbally addressed it.
- Don't tell them what to do or how to behave.
- If you need to involve a manager or security then do so

In addition, as part of your premises' due diligence regime, a record will be kept of all persons:

- a) refused entry to the premises
- b) any person refused service of alcohol
- c) any person assessed for intoxication
- d) any person asked to leave because of intoxication.



6. Drugs

The aim of this policy is to prevent the use and/or supply of controlled (illegal) drugs.

The use of controlled drugs represents a health and safety risk to our guests and staff. We are committed to providing a drug free environment for the benefit of all our customers and employees.

This policy sets out how we intend to meet this commitment through the following three main aims:

- Prevention of drug use on the premises;
- Prevention of drug dealing on the premises;
- Safeguarding those that have taken drugs.

Policy

Awareness

Staff

All new members of staff are required to read and sign this policy as part of their induction. A copy of this policy, endorsed with a manager's signature, is kept on each staff member's file. Staff members have a responsibility to seek clarification on any points of this policy they do not understand.

Staff can expect to receive drug awareness training on a regular basis. All staff will be made aware of any changes to this policy.

Management

In addition we will endeavour to ensure that all members of management attend formal drug awareness training.

Managers/supervisors have a role to ensure that all staff under their control are familiar with this policy and attend refresher training as appropriate.

Guests

Customers and other visitors to our premises shall be made aware of our expectations in regard to this policy in a number of ways:

- Appropriately sited notices (see appendix 3).
- Implementation of a search policy on occasions where a drug related risk is identified (see separate search policy document).
- Staff adopting a zero tolerance to use of controlled drugs on the premises.

Policy

Implementation Staff

The possession, supply, and distribution of controlled drugs is absolutely prohibited on this premises. This includes inside the building and surrounding land such as outside seating areas and smoking areas.

Staff will receive training on the following:

1. The relevant laws controlling the use and supply of drugs. Please refer to Appendix 1.

2. The types and effects of the common controlled drugs, including signs of misuse. Please refer to Appendix 2.
3. The measures taken to prevent the use and dealing of the common controlled drugs.

If a staff member suspects that controlled drugs are being taken or distributed by employees or customers, they must inform a manager immediately. Any information given will be treated in the strictest confidence.

In connection with the supply or consumption of controlled drugs, staff must:

- Remain vigilant at all times during the performance of their duties. This includes being mindful of individuals showing signs of drug use, evidence of drug paraphernalia, knowledge of high-risk areas such as toilets, corridors and secluded areas, overheard conversations involving drug references and suspicious behaviour.
- Notify a manager if they suspect that any person is using, dealing or attempting to deal in drugs on the premises (whether such person is a customer or an employee of the company).
- Fully support the company in its drugs policy.
- Report to a manager any drugs or suspected drugs which the employee may find in the premises at any time. Ideally suspected drugs should only be handled with appropriate personal protective equipment. For example, puncture resistance gloves should be worn to handle needles to avoid needle stick injury and appropriate gloves worn to prevent any skin to drug contact.
- Any suspected drugs found on the premises should not be left unattended if at all possible.
- Staff shall not attempt to purchase any illegal substances as a means of trying to trap someone who they suspect is dealing – this is illegal

All staff are expected to fully cooperate with the authorities in any investigations arising from the use, or suspected use, of controlled drugs associated with this premises.

Please note that anyone in breach of the above points will be disciplined as per guidelines in the employee policy.

Managers

If you are concerned in the management of the premises and are made aware of the use or attempted use of controlled drugs, whether for personal consumption or supply to others, then you have a legal obligation to take action. If you do not take action to prevent the activity it is likely that you are committing an offence.

In the event of discovering the personal use of controlled drugs:

- The person(s) concerned should be informed that the premises operates a zero tolerance to the use of controlled drugs.
- If practical any controlled drugs should be seized.



- The person(s) concerned should either be warned or instructed to leave the premises depending on the circumstances.
- A written record made of the incident, including a description of the drugs involved and steps taken to prevent the drug use.

Managers are instructed to involve the Police in any case where drug dealing is involved or suspected.

In the event of seizure of drugs:

- Ensure the process is witnessed, ideally by security or another member of staff.
- Confiscate any drugs found, if safe to do so.
- Record and log details of drugs found in the drug register (see Appendix 5).
- Place drugs in sealed bags (provided by police) or a sealed envelope (signed and dated across the seal) and put in a secure place.
- Call police on the non-emergency number (101) and inform them of seizure in accordance with local police procedure. Make sure a CAD or incident number is taken and added to the entry in the drugs register (see appendix 4).
- In the event of a large quantity of drugs being found, call the police (999) immediately.
- If drug seizure captured on CCTV, secure backup of relevant footage.

Managers should ensure they are fully trained on the use of CCTV equipment (separate CCTV policy in place to ensure correct operation). They are required to familiarise themselves with locations of cameras, and any potential “dark” spots.

Managers should be familiar with local police protocols on the seizure and holding of controlled drugs.

In certain instances it may be necessary to implement the crime scene preservation policy, for example, if there is a suspected overdose or a large quantity of controlled drug is discovered.

Door Supervisors

Well trained, professional, SIA (Security Industry Authority) registered door supervisors are employed at the venue. Their duties include monitoring those entering and using the premises, checking toilets, and monitoring those leaving who showing signs of drug misuse. Registered door supervisors must undergo drug awareness training as part of the registration process.

A door supervisor log is maintained and endorsed by management to ensure all security staff are appropriately registered.

Toilet Attendants

On occasions where toilet attendants are employed their duties include:



- Reporting instances of suspected drug use or dealing to a duty manager. This may include those who spend unusually long periods in a cubicle, overheard conversations and evidence of drugs paraphernalia such as needles, wraps, powder etc.
- Being vigilant about those that may have taken drugs, particularly those that may be in distress, and report to management.

In addition managers and security are required to carry out regular toilet checks.

Safeguarding those that have taken drugs

We ensure that we have sufficient first aiders on duty who have been trained to recognise and respond to common drug induced problems.

Anyone suspected of suffering ill effects of drugs will be encouraged to stay on the premises where they can be closely monitored. The attending first aider will make an assessment whether to call an ambulance. In cases where no further medical intervention is considered necessary, management will ensure appropriate steps are taken to ensure the person is delivered to a safe environment.

Staff are made aware of the potential risk of drink spiking. In recent years there has been an increase in reports of "Drug Facilitated Sexual Assault". Typically the victim has a drug, such as Rohypnol or GHB surreptitiously placed in their drink. Once the drug has taken effect the victim is often powerless to prevent assault. Staff should be vigilant about:

- Unattended drinks. Any unattended drinks should be kept behind the bar for safe keeping.
- Customers displaying signs of "accelerated" intoxication.
- Suspicious behaviour, associated with a DFSA scenario.

Staff should report any instances of suspected drink spiking to a manager.

To see the Employee Declaration to confirm that this policy has been read and understood please see Employee Training Folder.

Name of manager: _____

Manager's signature: _____ Date: _____

Appendix 1 – Relevant Drug Laws



The Misuse of Drugs Act 1971 is the main piece of legislation covering drugs and their categorisation. The following table sets out a summary of the potential penalties for possession and dealing controlled drugs:

		Possession:	Dealing:
Class A	Ecstasy, LSD, heroin, cocaine, crack, magic mushrooms, amphetamines (if prepared for injection).	Up to seven years in prison or an unlimited fine or both.	Up to life in prison or an unlimited fine or both.
Class B	Amphetamines, Cannabis, Methylphenidate (Ritalin), Pholcodine.	Up to five years in prison or an unlimited fine or both.	Up to 14 years in prison or an unlimited fine or both.
Class C	Tranquilisers, some painkillers, Gamma hydroxybutyrate (GHB), Ketamine.	Up to two years in prison or an unlimited fine or both.	Up to 14 years in prison or an unlimited fine or both.

Drug Seizure

Section 5, Misuse of Drugs Act 1971, allows for certain circumstances when a person may have legitimate reason for being in possession of controlled drugs:

“In any proceedings for an offence under subsection (2) above in which it is proved that the accused had a controlled drug in his possession, it shall be a defence for him to prove—

(a) that, knowing or suspecting it to be a controlled drug, he took possession of it for the purpose of preventing another from committing or continuing to commit an offence in connection with that drug and that as soon as possible after taking possession of it he took all such steps as were reasonably open to him to destroy the drug or to deliver it into the custody of a person lawfully entitled to take custody of it; or

(b) that, knowing or suspecting it to be a controlled drug, he took possession of it for the purpose of delivering it into the custody of a person lawfully entitled to take custody of it and that as soon as possible after taking possession of it he took all such steps as were reasonably open to him to deliver it into the custody of such a person”

Consequence of Allowing Drug Use

Section 8, Misuse of Drugs Act 1971.

“A person commits an offence if, being the occupier or concerned in the management of any premises, he knowingly* permits or suffers any of the following activities to take place on those premises, that is to say—

(a) producing or attempting to produce a controlled drug in contravention of section 4(1) of this Act;

(b) supplying or attempting to supply a controlled drug to another in contravention of section 4(1) of this Act, or offering to supply a controlled drug to another in contravention of section 4(1);

(c) preparing opium for smoking;



(d) smoking cannabis, cannabis resin or prepared opium.”

*knowingly includes reference to what you should know, i.e. it is not permissible to “turn a blind eye”. If you are concerned in the management of the premises and are made aware of the use or attempted use of controlled drugs you have a legal obligation to take action.

Licence Review

Under the Licensing Act 2003 the Police may seek a review of a Premises Licence where they believe a licenced premises is connected with crime and disorder. Evidence of controlled drug use or dealing is considered a serious matter and therefore could potentially lead to a review of the Premises Licence. A review of the Premises Licence has serious consequences and could result in the Licence being revoked by the Local Authority.

Appendix 2

Common drugs and their effects

Controlled drugs can be divided into three categories, depending on their likely effect: stimulants, depressants and hallucinogens.

Type	Example	Symptoms	Form
Stimulants	Ecstasy, Amphetamines, Cocaine, Herbal Highs	Hyperactivity Anxiety/Paranoia Teeth grinding Excess sweating Dilated pupils	Tablet Powder Rocks
Depressant	“G” GHB/GBL Heroin Codeine	Lethargy Vomiting Unresponsiveness Constricted pupils	Liquid Tablets Powder
Hallucinogens	LSD Ketamine Mushrooms	Hallucination Paranoia Aggression Anxiety	Paper Powder Liquid Tablet

Signs of Misuse

- Torn pieces of cardboard such as beer mats, cigarette and “Rizla” packets.
- Small packets of paper, pieces of foil, plastic packets and sweet wrappers.
- Use of tightly rolled bank notes.
- Syringes and spoons.
- Burnt foil.
- Powder traces, on surfaces and around the nose.



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- Small bottles.

Signs of Drug Dealing

- A person receiving several visitors for short periods of time.
- Secretive exchanges of cash and packages.
- Conversation containing drug references.

Appendix 3 Drugs Signage

WARNING

**ZERO TOLERANCE
DRUGS POLICY AT
THIS VENUE.**

**(VENUE NAME) operates a Zero
Tolerance Drugs Policy.**

**Any person found in possession
of drugs will be detained and the
Police called Immediately.**

**By Order of the
Management.**

Appendix 4 - Drugs / Weapons Confiscation Form

DATE OF SEIZURE	LOCATION OF SEIZURE	REPORTED BY	DESCRIPTION OF DRUGS FOUND	NAME / DESCRIPTION OF OFFENDER	CONFISCATION BAG SERIAL NUMBER	DATE COLLECTED BY POLICE	NAME + NUMBER OF POLICE OFFICER COLLECTING	SIGNATURE OF POLICE OFFICER COLLECTING

7. Prevention & Intervention

The aim of this policy is to prevent or intervene in relation to serious incidents.

'Early Intervention is better than a cure'

Police regularly scrutinise events leading up to a serious incident. If a venue has not got the appropriate procedures and measures in place and this was a direct (or even indirect) cause of the incident (or escalation of an incident) then it is likely the police will take some form of remedial action. This could range from requiring appropriate measure to be implemented, or conditions being added to the Licence, for less serious incidents to more robust action that can include Review of the Premises Licence and even closure of the venue.

Prevention and intervention measures fall into three groups – policies and procedures, human resources and physical measures.

1. Comprehensive & Effective Policies & Procedures
 - The Operational Manual details the premises policies and procedures, including:
 - Terms of Entry
 - Search and Seizure
 - Age Verification
 - Responsible Alcohol Sales
 - Drugs
 - Ejections
 - Security Positions – Specific Job Requirements
 - Violence & Aggression
 - Management of Outside / Dispersal
 - Smoking
 - Incident Reporting
 - Major Incidents
 - Crime Scene Preservation
 - Smoking
 - CCTV
2. Human Resources
 - Staff Training
 - Proactive Managers and Staff
 - Staff Awareness and Vigilance
 - Door Supervisors
 - Toilet Attendants
3. Physical Measures
 - Design of Premises – lines of sight etc.
 - Access Controls
 - Searching



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- CCTV
- Good Premises Maintenance
- Polycarbonate Glassware
- Signage

8. Guest Welfare

The aim of this policy is to explain the importance of guest welfare and to present ways to provide for the welfare of our guests.

It is very important that the various risks that can affect the welfare of our guests is understood. You will also know the measures available to keep your guests safe.

There is a clear responsibility for operators to have a duty of care for their customers. Aside from this, the vast majority of businesses want their guests to have a good time in a safe environment.

There are various policies and procedures – both from a licensing and a health & safety perspective that address the welfare of guests inside the premises, e.g. risk assessments, first aiders, a responsible alcohol sales policy, door supervisors, customer care rep etc

It is also important to consider the welfare of guests as they leave your premises. Ask the following questions:-

- Are they intoxicated?
- Are they vulnerable?

If they are, you should consider the following:-

- Do they have the means to get home safely? Should you offer to book a taxi (and even pay for it if necessary)
- Do they have their property? E.g. coat (especially if it is winter)
- Are they with their friends? Could you help them make contact?
- Do they need assistance? – Whether it be medical, a bottle of water or just onward travel advice
- Who is the right person to help them? Customer care rep, first aider. If the person is a female, consider a female member of staff or, if it is a more serious situation, the police or an ambulance (whichever is appropriate).

Vulnerable people, particularly through intoxication, are far more likely to become the victim of crime:-

- They are less aware of their property, and can become the victim of theft
- They are less aware of their surroundings and can become victims of assault, e.g. knocking into people, sitting at the wrong table, spilling drinks and prompting an aggressive response from other people.
- They are less aware of their surroundings and can become a victim of sexual assault



Vulnerable people, particularly through intoxication, are also far more likely to become the victim of an accident:-

- From slips, trips or a fall
- Road traffic accidents

Our guests' safety and welfare is of paramount importance and should be considered at all times and the appropriate action taken.

9. Ejections

The aim of this policy is to ensure safe ejections / walk outs of guests who are



required to leave the venue.

It is very important that the various risks that can affect the welfare of our guests is understood. You will also know the measures available to keep your guests safe.

Security will be instructed to use the following procedures:-

We employ a strict procedure which is set out to ensure safe ejection for both the Customer and Contracted Door Staff, whilst causing the minimum disruption to other guests.

ALWAYS USE THE FRONT ENTRANCE (WHERE POSSIBLE) AND USE YOUR RADIO TO INFORM THE DOOR

Hands off Ejection

Wherever possible, the person(s) being ejected should not be touched, although in law, reasonable force may be used.

Understanding the Situation

Security should always take account of the whole situation, e.g. those involved may be with large groups of friends who may react badly.

Staff

Staff will be trained to identify potentially dangerous and / or violent situations. However, security should deal with any potentially violent situation NOT bar staff. It is good practice to keep radios behind bars and in the cloakroom. Staff will be trained to use the radios to inform door supervisors and management of any potentially violent behavior.

Confrontations between Customers

Generally, any situation that disrupts the business will lead to both parties being ejected, using more than one exit, or delay one party leaving, to avoid further confrontation outside.

The manager on duty or the DPS (if in attendance) will have the final say on who is ejected following any confrontation in the venue (it is expected that they will usually support any recommendation of the security team).

Records

In all cases a record will be kept of all ejections. Where any force has been used a full incident report will be written. If the Authorities require further statements and / or your attendance is required at a Police Station, this must be done immediately, or as the Police request.



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Staff Procedures

1. On identifying a potential ejection; radio security or otherwise make them aware of your location and the reason they have been called, possible intoxication, inappropriate behaviour etc.
2. On their arrival summarise your observations of the situation to them.
3. It is a manager's responsibility to talk to guests who may need to be asked to leave the premises.
4. If possible, the ejection process will be recorded on a body worn camera (BWC) if one is used.
5. Observe the customer and if it is decided there is a problem with the person identified make first contact with them introducing yourself and giving the reason for approaching them. If the customer shows signs of aggression then at least two members of security will approach the person, but the manager and/or head of security will observe and coordinate the walking out of the person, to the front door, other emergency exits will only be used in less of an emergency or deemed unsafe to do it any other way.
6. Once the person is outside the venue put them in a location where they are being recorded on CCTV (if possible), the customer then needs to be informed they are on CCTV / BWC and explain the reason for their removal from the venue.
7. Security will position themselves in a casual manner in order to support the manager.
8. Speak to the customer in a manner you would wish to be spoken to if you were in their position.
9. Asses the customers behaviour, speech, posture, ability to respond to establish the customers state.
10. Decide whether the customer will be permitted to remain in the venue or be asked to leave.
11. If it is decided the customer has to leave the reason will be clearly explained to them.
12. After the decision has been made, should the customer not understand the reason after two explanations then disengage and hand responsibility to security who will advise the customer that they will be shown the route off site by security, the manager will observe their removal at all times.
13. Should a physical ejection be necessary only reasonable force will be used.
14. Offer to find the friends of the customer and collect any coat or personal belonging they have left in the venue. REMEMBER GUEST WELFARE. The customer will remain with the manager and the member of security while these happen.
15. Give advice on how to get home safely.
16. If a customer refuses to have their friends leave with them then appropriate help will be provided to ensure they leave safely and are able to get home, to the best of our ability. If appropriate pay for a taxi home.
17. If a customer is being collected and it is safe to allow them to wait to be picked up, an appropriate area will be available for them with security presence.
18. The customer will be offered water.



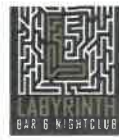
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19. Take the details and description of any customer being ejected from the venue and make a written record.

Where appropriate check that the manager or security team have called the police or emergency services.

10. Security Roles & Responsibilities



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This is an example of security positions and roles when the venue is operating on peak nights or at capacity. Variations of this plan will be used on less busy nights after assessment by the DPS. All security will sign in the door supervisor log at the beginning of their shift. These positions will be allocated at the security briefing at the beginning of the shift.

AMEND TO SUIT VENUE LAYOUT & DESCRIPTION

Entrance

- Vet entry and evaluate customers according to Entry Policy and Dress Code
- Advise guests in the queue about likely waiting times.
- Bring anything untoward to Managers attention
- Ensure that any beggars or drunks are not harassing guests in the queue
- Refusing entry will be conducted in a professional manner. Management always have the final say.
- Control of clickers ensuring that we are never over capacity at any time.
- Complete the clicker count sheet at 30 minute intervals.
- Ensure that there is a steady flow of guests in and out
- The entrance is a fire exit and must be kept clear
- Check guests for identification and for intoxication
- Monitor all guests as they leave the venue, ensuring they are not intoxicated. If somebody is believed to be intoxicated, ensure they are with responsible company and they have a safe means of getting home.
- Prevent congestion at the front entrance occurring once people have left the premises
- Ask people to leave in an orderly and quiet fashion
- Help direct customers to relevant transport facilities
- Stop any drinks from leaving the venue, watch out for bottle under coats and in pockets
- Support door manager using the ID scanner where applicable

Smoking area

- Monitor smoking customers
- Prevent guests causing a nuisance
- No drinks allowed in this area



Searching

- Search guests in line with the search policy
- Search guests in a professional, quick and efficient manner remaining welcoming and polite at all times.
- Search all bags

Reception

- Direct guests to cash desk/cloakroom
- Stop any drinks from leaving the premises, watch out for bottle under coats and in pockets
- Deter customers from holding open doors for unnecessarily long periods of time
- Encourage customers to use the cloakroom
- Monitor for any customers who may be intoxicated
- Ensure reception area is a drink free zone
- Reception is a fire exit and must be kept clear

Dancefloors Main Arena & Disco Disco

- Monitor floor and bar
- Monitor any customers who may be intoxicated.
- Control congestion
- Monitor interaction between staff and customers
- Watch for pushing/aggressive/inappropriate behaviour

Toilet corridors & toilets

- Regularly check toilets and corridors
- Monitor behaviour
- Monitor any customers who may be intoxicated.
-

Rooms/Areas Main Arena, Disco Disco & Botanic

- Monitor floor and bar
- Monitor any customers who may be intoxicated.
- Control congestion
- Monitor interaction between staff and customers
- Watch for pushing / aggressive behavior
- Prevent unauthorized use of fire exit

11. Dealing with Serious Incidents



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The aim of this policy is to ensure serious incidents are dealt with effectively and that staff understand the various measures to take following a serious incident and why they are necessary.

For the purposes of this policy a serious incident is defined (by police) as the following:

- An injury has occurred due to some form of weapon, eg; knife, bottle, pole etc.
- A broken skin injury has occurred.
- An incident has occurred which has resulted in death or serious injury. (i.e.; heart failure, accident, serious assault, etc.).
- Any other crime committed where police may need to search and investigate for any evidence.

In the event of a major incident the manager in charge and/or head of security will:

1. Inform the police immediately, or confirm that the police have been informed (and any other appropriate emergency service) The senior manager and/or head of security will usually always meet and brief the first Police Officer on scene to ensure clear communication and appropriate actions are carried out upon Police instructions.
2. Ensure that adequate victim welfare and any medical assistance required is provided including calling and involving the emergency services
3. If safe to do so locate and detain offender(s). Suspects will be held by security pending arrival of police
4. Identify and secure crime scene(s). Evacuate area where incident occurred where appropriate to do so and preserve the scene as you find it– do not move any objects, furniture, bottles, glasses etc.
5. Identify any witnesses and keep them on premises for police or, if this is not possible, obtain contact details
6. Burn relevant CCTV and supply all images required to police
7. Identify persons involved and supply information to police
8. Keep customers at premises if at all possible



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9. Keep all till receipts and details of credit cards
10. Ensure all staff write comprehensive incident reports and give statements to police
11. Inform the duty manager and all security of the incident

Investigate - Who? What? When? Where?

Do NOT make assumptions, find out the facts – Speak to witnesses (customers and staff) especially any person WHO may have an injury.

Look around you. WHAT do you see? – Broken glass, wet floor, blood? WHERE do you see it?

Find out WHEN it happened – treat and speak to injured person(s), trace offender (if there is one), view CCTV.

All staff will remain at scene until no longer required by police.

REMEMBER: PRESERVE CRIME SCENE - All staff will be instructed in the Crime Scene Preservation Policy in relation to serious:-

- Do not attempt to clean or clear crime scene area

Do not allow people to walk through crime scene area or move anything

12. Sexual Assaults

The aim of this policy is to prevent sexual assaults, ensure staff are informed and aware of the risks and to ensure that should anyone be sexually assaulted that adequate procedures are in place to provide for the welfare of the victim and detention of any suspects.

1. Offences -

Definitions Rape

Under the *Sexual Offences Act 2003*, it is an offence for any male to penetrate with his penis the vagina, anus or mouth of a female or male without their consent. A person found guilty of this offence could be sent to prison for life.

Assault by penetration

The Act makes it an offence for any male or female to penetrate the vagina or anus of another person without their consent. The offence is committed where the penetration is by a part of the body (for example, a finger) or anything else (for example, a bottle) for sexual intent.

Sexual Assault

Section 3 of the Act makes it an offence for any male or female to intentionally touch another person sexually without his or her consent. A person found guilty of this offence could be sent to prison for a maximum of ten years.

Causing sexual activity without consent

It is an offence to cause or encourage another person to engage in sexual activity without his or her consent. If penetration is involved then a person found guilty of this offence could be sent to prison for life. If no penetration is involved then a person found guilty of this offence could be sent to prison for up to ten years.

What does 'consent' mean?

The definition of a sexual offence often revolves around consent. In simple terms, it's all about permission (or agreement). This is something that must be clearly established between two people before any kind of sexual act or behaviour. If an individual is accused of a sex offence, they must show that they reasonably believed consent had been given by the other person.

2. Drink Spiking

Drink spiking is when mind-altering substances, such as drugs or alcohol, are added to your drink without you knowing. Mind-altering means that it may affect your actions, or how you behave with other people.

There are many reasons why someone might spike a drink, and it is not only females who could be targeted. The most common reasons are:

- for amusement,
- to be malicious (deliberately nasty),
- to carry out a sexual assault, or rape,
- to carry out a physical assault, or
- to carry out a theft.

The symptoms of drink spiking will depend on whether alcohol, or another drug, has been used, how much of the substance was used, and how much alcohol has already drunk. A person will need to have your blood or urine tested by the police to confirm that a drink has been spiked with drugs.

Drink spiking is illegal, even if an attack or assault has not been carried out. It can result in a maximum punishment of 10 years in prison for anyone who is found guilty of doing it. If an assault, rape, or robbery is also carried out, the sentence will be even higher.

If a person's drink has been spiked, the symptoms will depend on what drug has been used. The effect of any drug will depend on body shape and size, age, how much of the spiked drink has been consumed, and how much alcohol (if any) has already been drunk.

Any drug could be slipped into a person's drink without their knowledge. Drugs can come in powder, or liquid, form, and may not have a taste, or smell, that you can identify as unusual.

Date Rape Drugs

The most common drugs that are used in drink spiking are often referred to as date rape drugs. This is because they make it harder for a person to resist an assault. The most common date rape drugs are:

- alcohol,
- gamma-hydroxybutyrate (GHB) and gamma-butyrolactone (GBL),
- tranquilizers, most often benzodiazepines, including valium and rohypnol, and,
- ketamine.

These drugs are depressants which work by slowing down your nervous system and dulling your responses and your instincts. In moderation, alcohol can help to relax you, and some date rape drugs are legally prescribed for anxiety and insomnia. However, when taken without knowing, these substances leave you vulnerable to danger.

Date rape drugs will affect your behaviour and the messages that you give out to other people. You will not be fully in control of yourself and someone could take advantage of you.

Date rape drugs can start to take effect within five minutes of being taken, or up to an hour after being taken. The symptoms for the above drugs, including alcohol, are quite similar, and will include some of the following:

- drowsiness or light headedness,



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- difficulty concentrating,
- feeling confused or disorientated, particularly after waking up (if you have been asleep),
- difficulty speaking, or slurring your words,
- loss of balance and finding it hard to move,
- lowered inhibitions,
- paranoia (a feeling of fear or distrust of others),
- amnesia (memory loss) or a 'black-out' of events (when you cannot remember large sections of your evening),
- temporary loss of body sensation (feeling like you are floating above your body, or having an 'out of body' experience),
- visual problems, particularly blurred vision,
- hallucinations (seeing, hearing, or touching things that are not really there),
- nausea and vomiting, and
- unconsciousness.

All date rape drugs are particularly dangerous when they are mixed with alcohol because they combine to have a very powerful anaesthetic effect. This causes unconsciousness and, in more extreme cases, it can cause coma or even death.

How long the effects of the drugs last will depend on how much has been taken and how much alcohol, if any, has been drunk. The symptoms could last between 3-7 hours, but if a person passes out it will be hard to know the full effect. It is possible to still feel some of the symptoms of a date rape drug after a night's sleep, particularly confusion, amnesia or nausea.

The more common date rape drugs are described in more detail below.

Alcohol

Alcohol is the most common date rape drug. It can be added to a soft (non-alcoholic) drink without a person's knowledge, or double measures can be used instead of singles. If a person has had a drink already, they may find it harder to tell how much alcohol they are consuming. The effects of alcohol will depend on how much they drink, and if they had been drinking already.

Gamma-hydroxybutyrate and gamma-butyrolactone

Gamma-hydroxybutyrate (GHB) usually comes in the form of a slightly oily, colourless, liquid, and less often as a powder.

Gamma-butyrolactone (GBL) is a more basic form of GHB and another possible date rape drug. It comes in liquid form and is found in some household products. After entering the body, GBL changes into GHB.



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Only a very small amount of GHB is needed in order to have an effect, and it can be dissolved easily into other liquids. GHB has an unpleasant taste, and a weak odour but, in very small doses, or if is mixed with a strong flavoured drink, a person is unlikely to notice it.

Tranquilizers

Tranquilizers come in hundreds of different forms, but the most common are called benzodiazepines. You may hear of these as valium, rohypnol, roofies, or benzos. They are sometimes legally prescribed to treat anxiety or insomnia. Tranquilizers work by slowing down a person's body, relieving tension, and making them feel very relaxed. They normally come as a tablet.

Ketamine

Ketamine, sometimes just called K, is a powerful anaesthetic that is used for both animals and humans. In its legal form it is a liquid, but illegally, it is normally a grainy white powder or a tablet. Ketamine can cause hallucinations or it can create a feeling of your mind being separate from your body.

Preventing Drink Spiking

- Clear away unattended drinks
 - Advise customers not to leave drinks unattended
 - Be aware of what customers are ordering
 - Try to observe who drinks are for
- Watch out for suspicious behaviour

3. Customer Behaviour

All staff must be aware of any behaviour that could become a potential problem.

- Over amorous couples
- Males in female toilets
- Males giving females too much attention or unwanted attention
- Females that are displaying signs of intoxication and are vulnerable
- Upset females

4. Patrolling Premises

The premises needs to be patrolled effectively. This responsibility will lie with the manager and/or head of security to ensure this happens. Certain areas, such as toilets, will require a record of checks. Customer care rep to walk around the venue.



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Each premises should have a security plan. The positions (and responsibilities) will be allocated in the security briefing before shift begins.

Every member of staff has a responsibility to report any suspicious behaviour in any part of the premises.

5. Vulnerable Areas

Vulnerable areas will vary from site to site, but areas that should be paid particular attention are listed below. Your security plan, pre-shift briefing and regular checks must take in account the following, as well as any venue specific areas.

- Toilets
- Dark areas with low lighting
- Private rooms/booths
- Back of house/cupboards
- Fire exits

You must carefully assess your site to identify any vulnerable areas and take the appropriate measures, e.g. allocate security, include in checklists, raise lighting etc.

As a minimum, vulnerable areas should be checked every 30 minutes.

6. CCTV

CCTV, as far as possible, covers all vulnerable areas. Where this is not possible additional appropriate measures are taken, e.g. patrolling the premises or positioning of security.

7. Training

All staff receive training on how to identify potential situations. Training will include:

- Danger signs
- Communication to other staff
- Victim care
- Crime scene preservation
- Report/statement writing

Training sessions will be held quarterly. All staff must have a signed record of attending the training.

Reactive Measures

1. Victim Care

The victim of a sexual assault is to be considered an extremely vulnerable person and, as such, the appropriate level of care and consideration must be given.

A same sex member of staff should remain with the victim until police arrive.



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The victim / witnesses to the incident are to be asked to remain inside the club and if possible they are to be seated in an area away from other customers, free non-alcoholic refreshments (such as coffee, mineral water) should be offered to them to assist in their comfort.

Do not try and interview the victim (other than basic questions to ascertain if the suspect is on the premises).

Bear in mind that the victim is, in fact, a crime scene. You must keep any suspect away from the victim.

2. Crime Scene Preservation

The scene of the assault must be preserved pending arrival of police as per the Crime Scene Preservation Policy. The suspect must not be allowed to destroy evidence, e.g. washing hands / body etc and should not be left alone whilst waiting for police to arrive.

3. Suspects

If a suspect has been identified, they should be detained pending the arrival of the police in the same way you would deal with any other serious assault.

Bear in mind that the suspect could also be a crime scene. You must keep any suspect away from the victim.

4. Police

If a sexual assault has been alleged, or even suspected, the police will be called immediately.

The victim of sexual assault will quite often not want to call police or even make an allegation. It is quite common for an allegation to be made at a later date.

Following an assault the victim will often just want to go home or get away from the scene of the crime. It is not for you or security to investigate the assault. The police are the only people that can ascertain if a crime has taken place. It is for that reason that police should always be called.

5. CCTV

Any relevant CCTV images will be downloaded or burnt to DVD or CD or downloaded to a USB memory stick as soon as possible following any serious incident. Four copies will be retained – one for police, one for the business' licensing solicitor, one for the directors and one placed in the safe at the premises.

Relevant images will include the area the assault took place, but also where the victim and suspect had been in the premises. It will also include the victim and suspect arriving and leaving the premises.



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6. Incident Reporting / Statements

A full incident report will be written by the GM as per the premises' Incident Reporting Policy. Statements will be provided by any staff who witnessed the incident



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13. Crime Scene Preservation

The aim of this policy is to ensure a crime scene is preserved, when necessary, and that staff understand the various measures to take following a serious incident and why they are necessary.

1. What constitutes a serious incident which may require a crime scene to be preserved?
 - An injury has occurred due to some form of weapon, e.g.; knife, bottle, pole etc.
 - A broken skin injury has occurred.
 - An incident has occurred which has resulted in death or serious injury. (i.e.; heart failure, accident, serious assault, etc.).
 - Any other crime committed where police may need to search and investigate for any evidence.

2. Crime Scene Preservation

A crime scene is to be preserved when there has been a serious incident where police may need to search and investigate for any evidence.

Terminology

Crime Scene: Any physical location in which a crime has occurred or is suspected of having occurred.

Primary Scene: The original Location

Secondary Scene: An alternate location where additional evidence may be found

Physical Evidence: Any material items present at crime scene, on victims or found in suspects possession

Suspect: Person thought to have committed a crime

Accomplice: Person associated with suspect

Testimonial Evidence: Oral or written statements given to police or in court

Procedures

The authority to preserve a potential crime scene remains with the senior manager on duty.

Full responsibility for all events following an incident will be taken by the senior manager on duty. This includes incident reporting, removing tapes and liaison with Police on the night. Any co-operative witnesses are to be taken to a holding area and the senior manager is to inform the first attending officer.

Once an area has been declared as a crime scene by the senior manager on duty, then all access to the area must cease immediately.

There is to be no access to the preserved area which is to be marked off by barriers, ropes and security. Any evidence must be left where it falls (broken glass, bottle etc.) unless it is dangerous to leave it where it is. If it has to be moved – a manager must pick it up using gloves (avoiding



finger prints) and place it inside a police evidence bag. It is to be signed and sealed and placed in the safe to hand over to police on their request.

Individuals may be considered crime scenes and all precaution must be taken to prevent the transfer of evidence. E.g. A door supervisor who has restrained a suspect for assault should not then have contact with a victim. A suspect and victim should also be kept apart.

A manager on duty must remain at the crime scene until the police arrive.

The senior manager on the door will then make first contact with the police and relay the information as to whether the crime scene remains preserved or is cleared.

It is imperative that a preserved crime scene takes precedent over the financial needs of the business. Whenever possible, if a crime scene can be preserved without disruption to the general public, then Fever & Boutique should run as normal. If the crime scene disrupts the use of one of the fire exits, then the front door should be closed to the public immediately and a view will be taken as to whether trading will continue. If the crime scene will either greatly disrupt the public or jeopardise public safety, then the senior manager on duty will be responsible for the decision to close.

Witnesses to the incident are to be asked to remain inside the premises and if possible they are to be seated in an area away from other customers, free non-alcoholic refreshments (water) should be offered to them to assist in their comfort.

Victim care must be considered when dealing with vulnerable people – see the Guest Welfare Policy.

Remember:

- Protect the crime scene to preserve its physical aspects.
- Steps need to be taken as soon possible after incident even while victims are being attended to.
- Cordon off if possible or station staff in relevant positions – Reroute traffic
- Prevent unneeded walking around and intrusions
- Prevent unneeded movement or touching of physical evidence
- Do not allow any items to be removed from scene without permission from authorities.
- Do not discuss the crime with witnesses and bystanders.
- Be alert to secondary scenes – EG. weapon discarded in toilets or exit
- Follow the same procedures as primary scene
- Remember people can also be crime scenes and avoid transfer of evidence



14. Theft Prevention

The aim of this policy is to prevent property theft in (and around) **INSERT VENUE NAME**

Thefts can be prevented using four broad approaches:-

1. Staff awareness
2. Customer awareness
3. Property control
4. Security

The following measures are in place to prevent thefts at the venue.

Staff awareness

- Regular briefings (including information from incident reports / crime mapping etc.)
- Allocate responsibilities
- Training

Customer awareness

- Signage (at entrance and in toilets)
- Direct guests to cloakroom on entry
- Verbal advice to look after property

Property control

- As the weather deteriorates there will be more coats that may attract thieves and in particular pickpockets, all staff should be briefed to encourage the use of cloakrooms
- Encourage all guests to use cloakroom
- Bags to be placed in the cloakroom at no charge at managers' discretion
- Security & managers to be vigilant
- All staff have a part to play
- Log all found property
- Log and incident report any reported lost stolen property

Security

- Include in staff briefings & training
- Entry controls – vetting at entrance
- Searching
- Patrol premises for unattended property
- Door Supervisor positions
- CCTV – use to detect suspects following the report of lost property
- Lighting levels



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PIN Theft

- Known as 'shoulder surfing'
- Train staff on 'protect your PIN'
- Label credit card machines
- Instruct guests to cover their PIN
- Look for people watching machines
- Effective signage asking guests to cover their PIN

Unattended Items

- Inform guests of cloakroom facilities
- Unattended items to be placed in the cloakroom throughout the night as they are found
- All items to be recorded in the office as soon as they are found
- All items not claimed throughout the evening must be recorded on a spreadsheet

Unclaimed Items

- All phones, wallets, bags, passports and items of value **MUST** be left in the appropriate secure place in the office and recorded on the internal spreadsheet
- Each item must be tagged with a label indicating the date left
- All phones must be called to retrieve the owner. You must call 'home', 'last caller', 'mum' etc.
- Items with some form of identification must be contacted by the reservationist the following morning. All records of attempt should be updated on the internal spreadsheet

Lost Cloakroom Tickets

- Guests that lose their cloakroom ticket must wait until the end of the evening to claim their items
- Only the senior manager on duty can authorise the release of property before the end of the evening. This is only to be done in the case that clearly identifiable items are in the pockets and these items are required for that person to get home. For example, purse, keys etc.
- Guests that claim property without a ticket the following day must sign and print their contact details if future follow up is required.

15. Staff Behaviour



The following code of conduct will apply to all staff employed at **INSERT VENUE NAME**. Where it states 'Members of staff' this also includes all members of management.

1. Members of staff are not to be in the company of a customer except in an area open to the public within the club.
2. There shall be no indecent or inappropriate contact between members of staff and customers.
3. Members of staff must not engage in any unlawful activity inside the club.
4. Members of staff will not consume any alcohol whilst on duty.
5. Members of staff may never consume, possess or be under the influence of any unlawful drug or substance, unless it is personally prescribed medication by a registered doctor.
6. Members of staff are not to invite or knowingly permit their spouses, girlfriends / boyfriends, or anyone else with whom they are romantically involved with to enter the club without the express consent of the Designated Premises Supervisor (DPS).
7. Members of staff will report any person engaged in unlawful activities immediately to a manager.
8. Members of staff will not encourage, incite or participate in antisocial behaviour.
9. Members of staff will not serve intoxicated guests and will not encourage drunkenness in customers.
10. All members of staff have a duty to comply with the Licensing Act 2003 and to promote the four licensing objectives in the course of their work - The Prevention of Crime & Disorder, Public Safety, The Prevention of Public Nuisance and The Protection of Children from Harm
11. All members of staff will receive training on, and must be familiar with, the Premises Licence and the conditions the Licence is subject to and ensure compliance at all times.
12. Any member of staff found to be in breach of any of the above rules will be subject to disciplinary procedure.
13. The premises will review this code of conduct periodically and an amendments may be incorporated into this code.

16. Management of Outside Area & Dispersal Policy

The aim of the procedures laid out in this document is to ensure there is an absolute



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minimum of noise and to prevent any nuisance being caused to our neighbours and the general public.

All staff will be trained in the procedures and will receive regular refresher training. This document will be reviewed on an annual basis to ensure its effectiveness and relevance is not compromised.

1. Roles and Responsibilities

- 1.1. The manager in charge will be responsible for ensuring the plan is fully implemented.
- 1.2. There will be a briefing each trading night where staff are assigned specific roles and responsibilities.
- 1.3. The briefing will be documented and will address any issues or complaints from the previous trading night.
- 1.4. Each briefing will consider any aspects of trading that could cause a nuisance to neighbours and put appropriate measures in place accordingly.
- 1.5. The briefing will also ensure that each member of staff has an effective means of communicating with the manager and other members of staff.

2. Entry Controls

- 2.1. Whenever there is a queue it will be supervised at all times.
- 2.2. Guests in the queue will be advised on likely waiting times.
- 2.3. Guests will be advised that entry is subject to providing satisfactory identification.
- 2.4. Guests will be advised that entry may be subject to a search.
- 2.5. If waiting times for entry are excessive consideration should be given to asking those queuing to leave.
- 2.6. Any guests causing noise or disturbance or who appeared to be impaired / intoxicated through alcohol or drugs will be REFUSED ENTRY and asked to leave.
- 2.7. A manager will check the outside area regularly throughout the night.
- 2.8. The entrance must not be obstructed.



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3. During Trading

- 3.1. Door supervisors outside the venue will wear high visibility clothing where applicable.
- 3.2. Door supervisors will monitor activity in the vicinity of the venue throughout each night to prevent crime and disorder, noise or disturbance arising from customers.
- 3.3. Door supervisors will discourage illegal taxi touts from congregating outside the venue
- 3.4. Guests will not be allowed to take drinks outside.
- 3.5. Door supervisors will discourage customers from congregating outside. Any guests outside will either be encouraged to leave or be directed back inside the venue.

4. Guests Smoking

- 4.1. Guests will only be permitted outside to smoke in the dedicated smoking area in line with Smoking Policy.
- 4.2. Customers will be directed to the dedicated smoking area.
- 4.3. Customers will be reminded to keep the noise down and to respect the residents in the area.
- 4.4. Any person causing a nuisance or disturbance in the smoking area will be asked to leave the venue immediately.
- 4.5. No drinks shall be permitted to be taken into the smoking area where applicable.
- 4.6. Notices will be prominently placed in smoking area reminding guests to be quiet and consider our neighbours.

5. Exit Controls

- 5.1. The music volume will be lowered within the last 20 minutes prior to closing.
- 5.2. There will be an announcement over the PA system asking guests to leave quickly, quietly and to respect the venue's neighbours

- 5.3. Door supervisors will endeavour to control a slow stream of customers and guests leaving the venue.
 - 5.4. Door supervisors will be proactive about dispersal of groups of people outside the venue.
 - 5.5. Guests will be encouraged to leave the area quickly and quietly.
 - 5.6. Guests will be directed towards the nearest transport link as they leave the venue.
 - 5.7. Door supervisors will patrol the street outside the venue to ensure customers and guests leave the area quietly. Any customers and guests causing noise or disturbance will be asked to be quiet. Those that do not will be refused entry in the future.
 - 5.8. As customers leave and the venue empties, door supervisors from inside the venue will be posted outside to assist with dispersal, as appropriate.
 - 5.9. Guests will not be allowed to take drinks with them as they leave. Security will be posted at the exit to prevent this happening.
 - 5.10. A taxi service will be available to guests.
6. Other Measures
- 6.1. The tempo of music will be slowed down and the volume will be lowered gradually at the end of the night to encourage guests exit in a calm manner.
 - 6.2. The brightness of the lighting inside will be increased gradually as part of a 'cooling off' period.
 - 6.3. Guests will be supplied with information on transport options available late at night.
 - 6.4. Notices will be prominently displayed at exits requesting the guests to respect the needs of local residents and to leave the venue and the area quietly.
 - 6.5. A bottle of water will be available free of charge from the reception area should the guests require it.
7. Complaints procedure and contacts



- 7.1. A telephone number will be available to local residents for them to call during trading hours should they have an issue. The telephone number is published on the website.
- 7.2. Any complaint will be dealt with promptly by the senior member of staff on duty. The complaint will also be reviewed and followed up by the DPS on the next working day.
- 7.3. A detailed record will be kept of any complaint received. This will include the nature of the complaint and action taken together with the details of the complainant.



17. Smoking

INSERT VENUE NAME operates a zero tolerance policy to smoking in the venue in line with the Smoke Free regulations and Health Act 2006.

1. "No Smoking" signage will be displayed at the venue that clearly states it is against the law to smoke anywhere inside the premises.
2. Staff will take immediate action if any customer attempts to smoke inside the venue. Any customer who still attempts to smoke inside the premises will be asked to leave.
3. Staff will not smoke anywhere inside the venue, including back of house areas.
4. All staff will receive training on dealing with smoking in smoke free premises including the penalties involved:-
 - Smoking in smoke free premises: a fixed penalty notice of £50 (reduced to £30 if paid in 15 days) imposed on the person smoking. Or a maximum fine of £200 if prosecuted and convicted by a court.
 - Failure to display no-smoking signs: a fixed penalty notice of £200 (reduced to £150 if paid in 15 days) imposed on whoever manages or occupies the smoke free premises. Or a maximum fine of £1000 if prosecuted and convicted by a court.
 - Failing to prevent smoking in a smoke free place: a maximum fine of £2500 imposed on whoever manages or controls the smoke free premises if prosecuted and convicted by a court. There is no fixed penalty notice for this offence.

18. Incident Reporting & Due Diligence Records

The aim of this policy is to detail the records that will be kept to provide evidence of due diligence and the responsible operation of the premises in line with the Four Licensing Objectives.

1. Incident Reports

It is important accurate details of any incident is recorded at the time should there be a requirement for investigation at a later date and to show that incidents were dealt with correctly.

The following incidents will be fully reported

1. all crimes reported to the venue
2. all ejections of patrons where there has been physical force used
3. any complaints which are not frivolous, vexatious or unmerited received relating to the four licensing objectives
4. any incidents of serious disorder or violence
5. seizures of drugs or offensive weapons
6. any faults in the CCTV or ID scanning system
7. any visit by a relevant authority or emergency service
8. Any emergency situation such a fire, flood, loss of power, or bomb threat
9. Any accident or injury to employee, contactor or customer

Ordinarily, a separate record will also be kept of refusals (of entry and service) and ejections (where no force was used)

Each incident report will usually contain the following:

- The full name and position of person reporting
- Their SIA registration if security
- Date, time and location of incident
- Whether the incident was captured by CCTV – which camera – have the images been burnt onto DVD?
- Was a crime scene preserved
- Full details of the incident
- Whether the police were called (and who called them if known)
- Police incident number (if police were called and where known)
- Whether police attended (if so provide shoulder numbers where possible)
- Whether anyone was injured (give full details, including any medical assistance given and whether an ambulance attended)
- Describe all persons involved in the incident



- Give details of all known witnesses to the incident

STAFF WILL BE INSTRUCTED NOT TO:

- Use slang
- Use acronyms, abbreviations or terminology that may not be understood
- Make assumptions or speculate – be factual

2. Due Diligence Records

The following daily records should normally be completed:

- Pre-opening safety checks – to show that emergency exits, lighting, signage and fire safety equipment is all maintained, working and in place.
- Clicker counts / accommodation numbers – to show that a safe capacity is managed and never exceeded.
- Refusals of entry – to show customers are vetted before allowed entry
- Refusal of service – to show that we do not serve intoxicated or underage persons
- Ejections – to show that unsuitable guests (e.g. through intoxication, behaviour etc.) are asked to leave the venue.
- Door supervisor log – to show that properly SIA registered staff are employed at the venue.
- Toilet checks – to show that toilets are regularly checked for criminal activity / antisocial behaviour.
- CCTV checks – to show our CCTV is working correctly and holds footage for the minimum required 31 days.

19. CCTV

The aim of this policy is to ensure CCTV is operated effectively and that records are retained for due diligence purposes.

For the purposes of this document 'CCTV' will also include body worn cameras (BWC) if applicable.



It is very important to be able to demonstrate that the system is working, has been operational historically, and that any issues are resolved as soon as possible.

CCTV is operated for the purposes the prevention and detection of crime, public safety and employee security. The following procedures are in place:

1. The CCTV system shall continually record whilst the venue is open for licensable activities and during all times when customers remain on the premises.
3. The CCTV system will retain images for a period of not less than 31 days. Copies of images will be provided to police upon request with the absolute minimum of delay.
4. The CCTV system will capture a clear head and shoulders image of "identification standard" of every person entering the premises. Persons entering the venue should be asked to remove any headwear which obscures the persons' face unless it is worn as part of religious observance.
5. The CCTV system will be kept secure at all times. Access will be limited to the DPS and managers.
6. A dedicated CCTV system log will be kept at the venue. All usage, checks, faults and requests for images will be recorded in the log. Any person taking a copy of the CCTV such as the police, fire authority or local authority officer MUST sign in the relevant section of the log acknowledging receipt of the data. The signing officer must also enter their place of work and a contact telephone number.
7. A full incident report will be made of any faults with the system.
8. When reporting any faults with the CCTV system, anticipated times scales for repairs and who the issue has been escalated to if these time scales are not met will be included.
9. The DPS and all managers will all be trained in the use of the CCTV system. The training will include interrogation of the system and transfer of images to separate media (CD, DVD, flash drive etc.)
10. A member of staff who is conversant with the operation of the CCTV system shall be on the premises at all times when it is open for trade. This member of staff shall provide the Police or an authorised officer from the Licensing Authority with copies of the footage



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(whether in USB stick or DVD format) with the minimum of delay when reasonably requested to do so.

11. The DPS will ensure as far as possible that the system is maintained and working correctly at all times. At minimum, a weekly, documented test will be carried out to ensure the system is working correctly.
12. Relevant CCTV images will be burnt to DVD, CD or USB stick as soon as possible following any serious incident. Two copies will be retained – one for police and a backup placed in the safe at the premises.
13. All searches of customers will take place in an area clearly covered by CCTV.
14. Signage will be placed prominently at the entrance to the venue advising all persons entering that CCTV is in operation in accordance with the Data Protection Act 1998.
15. When body worn cameras (BWC) are in use on any day any recordings of incidents shall be downloaded at the end of each day (the following morning in practice) and be kept/made available in line with the general provisions in this policy and any Premises Licence conditions.

20.Noise Management



EPIC
Bars & Clubs



The aim of the procedures laid out in this document is to ensure there is an absolute minimum of noise and to prevent any nuisance being caused to our neighbours and the general public.

- Notices will be prominently displayed at exits requesting the guests to respect the needs of local residents and to leave the venue and the area quietly.
- Guests will be directed towards the nearest transport link as they leave the venue.
- Door supervisors will patrol the street outside the venue to ensure customers and guests leave the area quietly. Any customers and guests causing noise or disturbance will be asked to be quiet. Those that do not will be refused entry in the future.
- The venue will have a dispersal policy in place which will be instructed to the door supervisors and staff. Management will be responsible for ensuring the policy is followed and all staff are trained.
- Staff are trained on dispersal and noise management.
- Fire exits/outside doors will remain shut to minimize noise leakage from the venue. Where it is not possible to shut the outside doors, then efforts will be made to install lobby doors to minimize the noise leakage from the venue.
- Noise management risk assessments are in place in the company health & safety manual.
- Where required noise limiters for sound equipment will be installed.
- Fire exits are regularly checked. At times patrols around the venue will be taken to ensure/deter any antisocial behaviour.
- Notices will be prominently placed in smoking area reminding guests to be quiet and consider our neighbours.
- Door supervisors will discourage customers from congregating outside. Any guests outside will either be encouraged to leave or be directed back inside the venue.
- Management to check the vicinity of the venue.

21. Appendices

Signage

- Age Policy Notice



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- CCTV Notice
- Drugs Policy Notice
- Searching Policy Notice

WARNING

AGE POLICY IN OPERATION AT THIS VENUE.

(VENUE NAME) operates a strict 'Challenge 25' policy where any guest appearing under 25 will be required to provide proof of age

**Entry will be refused
if a guest cannot provide
satisfactory proof of age.**

Only Passports, UK Driving Licence or any PASS approved proof of age card will be accepted as proof of age.



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CCTV NOTICE

(VENUE NAME) operates a CCTV system that conforms to the Data Protection Act 1998 and is operated for the purposes the prevention and detection of crime, public safety and employee security.

The Data Controller is **(VENUE NAME)**.

For any further information or enquiries regarding (VENUE NAME) CCTV system, please telephone:



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(Venue Contact Number)



EPIC
Bars & Clubs



WARNING

**ZERO TOLERANCE
DRUGS POLICY AT
THIS VENUE.**

**(VENUE NAME) operates a
Zero Tolerance Drugs Policy.**

**Any person found in possession
of drugs will be detained and the
Police called Immediately.**

By Order of the



EPIC
Bars & Clubs



Management.

(VENUE NAME) Search Policy

(VENUE NAME) operates a search policy.

All persons entering **(VENUE NAME)** may be subject to a search of outer clothing and personal belongings.

This is a condition of entry.

Those unwilling to be searched will be refused admittance to the venue.

Any illegal drugs or weapons or prohibited items will be seized and the police notified.

By order of the management.

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Statement of Licensing Policy

The Licensing Act 2003

2019 – 2024

Please read this document carefully and retain it for future reference

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1.1 Introduction

This statement has been prepared having regard to the guidance issued by the Secretary of State for Culture, Media and Sport under Section 182 of the Licensing Act 2003 ('the Act') and as required of the licensing authority under Section 5 of the Act.

This statement of licensing policy will be kept under review throughout its period of validity and amended as considered necessary. Any amendments will be subject to consultation.

This statement takes effect from 1 November 2019 and will be scheduled for review in 2024

The licensing regime implemented by the Act and operated by Wiltshire Council as licensing authority is about the appropriate control of licensed premises, qualifying clubs and temporary events. It also covers the people who manage these premises or hold personal licences within the terms of the Act. Applications covered by the Act and relevant to this statement include:

- personal licences
- premises licences – including provisional statements
- variations
- transfers
- interim authorities
- temporary events
- club premises certificates
- designated premises supervisors
- reviews.

1.1 Purpose and Scope

This statement sets out the policy of the licensing authority with respect to carrying out its licensing functions under the Licensing Act. These include policy formulation, administration, monitoring, and enforcement activities. The latter will include working with and sharing permitted data with other regulatory and enforcement agencies.

The following will also be relevant to the way in which the licensing authority exercises its functions under the Act:

- Each application will be determined on its own merits having regard to the licensing objectives; relevant guidance including that issued under Section 182 of the Licensing Act 2003, and local criteria.
- The solicitor to the council will ensure that the Committee in its role as a quasi-judicial Committee acts in accordance with the rules of 'natural justice' and ensure the Committee acts and appears to act fairly and approaches all matters before the Committee with an open mind during hearings or reviews.

- The statutory right of any responsible authority or other person to make appropriate representations to an application or to seek a review in respect of a granted authorisation where appropriate is accepted.
- The impact of the activities taking, or proposed to take, place at a licensed premises on businesses or individuals who are likely to be affected by it.
- The licensing authority, on behalf of the council, may notify parties they consider appropriate such as divisional councillors, town and parish councils of relevant applications.
- There is no presumption that any application for a licence under the Licensing Act will be granted.

1.2 Key Aims

The key aims of this statement of licensing policy are for the council as the licensing authority to:

- Promote and give precedence to the licensing objectives.
- Recognise the need to assist in building a fair, vibrant, and prosperous society in Wiltshire that properly balances the rights of residential communities, the business sector and other relevant parties.
- Secure the safety and amenity of residential communities whilst facilitating a sustainable, diverse, entertainment and hospitality sector in Wiltshire.
- Integrate its aims and objectives with other initiatives that will:
 - create an attractive and vibrant area, which has a positive effect on employment
 - reduce local crime, disorder and anti-social behaviour
 - reduce alcohol harm
 - reduce the supply and use of illegal drugs in licensed premises
 - encourage the self-sufficiency of local communities
 - reduce the burden of unnecessary regulation on businesses and promote self-help
 - reduce the health impacts of alcohol misuse and dependence; reduce the impact of alcohol related incidences on Emergency Services
 - continue its commitment to working in partnership with other agencies and organisations through both formal and informal arrangements towards the promotion and achievement of the objectives set out in this policy
 - endeavour to reflect the diversity of Wiltshire through its blend of urban and

rural settlements

- give direction to applicants, so that they can make informed decisions in respect of their own ventures.

1.3 Consultation

In reviewing this statement the licensing authority consulted widely with all necessary bodies and relevant stakeholders. A list of those consulted is available from the licensing authority on request. The consultation process was conducted between April 2019 and August 2019 by way of an email to those identified and also via publication on the council's website. Responses received were listed on a matrix document and each point made was given due consideration.

1.4 Licensing function

The licensing authority recognises that the provision of entertainment is a major contributor to the economy of the council's area. It makes for a vibrant and attractive area, which subsequently has a positive effect on employment. The licensing authority also recognises that owners and occupiers of commercial premises have a legitimate expectation of an environment that makes and keeps their businesses sustainable.

The licensing authority welcomes the opportunity to encourage the development of the cultural, artistic, leisure and hospitality sectors in Wiltshire. It will assist all applicants in endeavouring to meet their aspirations within the law.

The licensing authority also has regard to wider considerations affecting the residential population and the amenity of any area. These include dropping litter and street fouling, noise and street crime. It is, however, recognised that the licence holder has limited control over individuals once they are away from the premises.

The licensing authority recognises that the diverse range of licensed premises throughout Wiltshire makes a major contribution to attracting both initial and repeat visitors to both the historic localities, and diverse venues.

The licensing authority acknowledges that circuses can fall on the edge of the licensing regime depending on the nature of their show. The Legislative Reform (Entertainment Licensing) Order 2014 removed the requirement for the need of circuses to be licensed between 08.00 and 23.00, providing that the circus is of a traditional nature, i.e. it is a travelling circus which takes place within a moveable structure.

1.5 Licensing objectives

The council will carry out its statutory duties under the Licensing Act 2003 as the licensing authority and have due regard to the licensing objectives.

It is important to note that all objectives have equal importance in the implementation of this policy.

The Licensing objectives are:

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

The licensing authority expects individual applicants to address the licensing objectives in their operating schedule having regard to the type of premises, the licensable activities to be provided, the nature of the location and the impact on the local community.

Where there are no relevant representations, or they have been withdrawn at or before a hearing, the application will be granted as requested subject only to conditions which reflect the operating schedule and any mandatory conditions. Most premises do and will operate without any significant concerns to the licensing objectives. However, where there is a relevant representation, the application will usually proceed to a hearing, following which the licensing authority may take such steps as are necessary to promote the licensing objectives, as provided for in the Act.

The following sections set out the licensing authority's policy relating to the four licensing objectives. It is emphasized that these objectives are the only matters which can be taken into account by the Licensing Committee and they will pay particular attention to them at a hearing, when determining applications and applying any conditions. A hearing must be called when relevant and valid representations are made by any person or responsible authority, based upon the four licensing objectives.

2.0 Prevention of crime and disorder

The council acting as the licensing authority has a duty to act solely or with its partners to reduce crime and disorder throughout Wiltshire, consistent with its statutory duty under section 76 of the Anti-Social Behaviour, Crime & Policing Act 2014. The council as a member of the Wiltshire Community Safety Partnership will work with relevant partners to utilise legislation as required to prevent crime and disorder issues.

Applicants are required by law to set out in their operating schedule the steps they propose to promote the prevention of crime and disorder. Responsible applicants will ensure proper regard in their operating schedule to the location, character and condition of the premises, the nature and extent of the proposed use and the persons likely to be attracted to the premises.

The council expects the premises licence, or club certificate holder to take steps to control excessive consumption and drunkenness on their premises. This will reduce the risk of anti-social behaviour and violent crime occurring both on the premises and elsewhere after customers have departed. Licence holders are expected to be able to demonstrate a general duty of care to customers using their premises and others affected by their activities. The licensing authority expects all applicants to consider a number of key conditions, where relevant to the type of licensable activity being proposed:

2.1 Toughened/safety glasses

Standard annealed glass bottles and drinking containers used in the leisure and hospitality sectors to supply alcoholic and non-alcoholic drinks may be used as weapons inflicting serious harm during incidents of disorder. Police evidence indicates that incidents are particularly likely in or within the immediate vicinity of a pub, club or nightclub. It is suggested that where the application relates to the sale of alcohol on the premises, the applicant considers measures to prevent glass bottles or glasses being taken off the premises.

In particular this is expected in premises considered to be high volume vertical drinking establishments and those premises open beyond 11pm. Possible exceptions would be facilities for hotel residents and their guests or a restaurant where the bar is primarily provided for restaurant customers.

Outside licensed premises, glass containers, as well as being potential weapons, add to street debris, pose risks to street cleaners and pedestrians and generally undermine the objective to minimise public nuisance. Therefore the policy also applies to any premises where outside areas are provided for consumption of alcohol, particularly where the outside area is in or adjacent to a public place.

The licensing authority believes that the use of safer alternatives to annealed glass i.e. polycarbonate “glasses” will help promote public safety and the prevention of crime and disorder in licensed venues.

2.2 Pubwatch

The licensing authority recognises the value of Pubwatch schemes and will therefore play a supportive role and attend meetings as appropriate. Where such a scheme is active in the locality of a premise, the applicant is strongly encouraged to become an active member of Pubwatch. As well as traditional pubs and entertainment venues, this includes premises that are licensed solely for the sale of alcohol for consumption off the premises. Pubwatch provides a forum for sharing information, disseminating best practice and meeting with representatives of the licensing authority, the police and other responsible authorities. The licensing authority encourages all licensees to actively participate in their local Pubwatch scheme and is keen to support the development of more schemes where there is a demand.

2.3 Information sharing and reporting incidents

As well as sharing information through formalised Pubwatch schemes, licensees are encouraged to share and report incidents to relevant agencies as and when appropriate, rather than waiting for the next meeting. Licensed Premises are often favoured for criminal activities such as child sexual exploitation, modern slavery, human trafficking, drug dealing and violence. Any issues of crime and disorder should be reported as soon as possible to Wiltshire Police. If persons or property are in danger then this should be done through calling '999', alternatively the '101' number should be used. Incidents that occur on licensed premises should be recorded and made available to Wiltshire Police and other agencies. Wiltshire Police and Wiltshire Council work in partnership to target those individuals who cause crime and disorder. Drink Banning Orders (sec 1-14 Violent Crime Act 2006), Exclusion Orders (sec 1 Licensed Premises Act 1980), Public Space Protection Orders (sec 59-68 Anti-Social Behaviour, Crime and Policing Act 2014) and any replacement powers will be utilised to assist in the perception of crime and disorder. Information about relevant orders against persons will be shared with premises. Licence holders are also expected to assist in preventing crime and disorder by notifying Wiltshire Police of any persons who breach orders relevant to their premises.

2.4 Door supervisors/stewards

Any person engaged at licensed premises to carry out security activities including the prevention of access to or the physical ejection of a person from the same premises on behalf of the licensee must hold and display a valid current licence issued by the Security Industry Authority (SIA) or any successor system.

The licensing authority will consider representations that indicate that specific premises require door supervision for the purpose of meeting the crime and disorder or public safety licensing objectives. In such cases, the licensing authority may impose a condition that an agreed number or ratio of licensed door supervisors must be employed at the premises

either at all times, or at such times as certain licensable activities are taking place.

In certain circumstances it may be appropriate to use trained stewards to provide a satisfactory level of customer care and general safety awareness. These individuals must not carry out security activities, and would not be required to hold an SIA licence. If they were employed to undertake duties involving children then the applicant should consider whether the relevant level of disclosure check is appropriate.

Front line staff should receive relevant training in conflict management and basic first aid training.

The applicant may find it beneficial in developing the operating schedule for a premises licence or certificate to have undertaken a security risk assessment in order to determine the resources necessary to meet the licensing objectives.

2.5 Dispersal policy

Every venue whether a pub, club or bar should prepare and implement a dispersal policy working in partnership with other venues within the vicinity through mechanisms such as Pubwatch. Applicants should consider how the venue will minimise the potential for disorder and disturbance as customers leave the premises. This should be prepared in consultation with the licensing authority and police and reviewed regularly and staff should be trained in how to implement this policy.

2.6 Drugs in premises

The licensing authority recognises that the supply and use of illegal drugs by individuals is not relevant to all licensed premises but it is recognised that conditions may need to be attached to the premises licences for certain venues if representations are received. The aim will be to endeavour to reduce the availability, sale, and consumption of illegal drugs and to create a safer environment for those who may have taken them. Any conditions will take into account the relevant guidance and advice from appropriate bodies.

The licensing authority expects licensees to permit the access and use of drug dogs within the public and staff areas of the premises upon request of the licensing authority and/or police involved in such an initiative.

The licensing authority expects licensees to permit access for drugs analysis equipment and staff so that random drug tests can be carried out on the skin of persons wishing to have access to the licensed premises, in addition to the staff and contractors employed at the premises.

Psychoactive substances are those intended for human consumption that is capable of producing a psychoactive effect. These substances prior to May 2016 were more commonly known as “legal highs” and included items such as Nitrous Oxide (NOS), Spice and Black Mamba amongst others. It is a criminal offence to produce, supply or sell

psychoactive substances. The Psychoactive Substances Act 2016 amends the Licensing Act 2003, creating new powers of entry relating to any of the offences mentioned above. These offences are also considered “relevant offences” in relation to Personal licences.

It is expected that licensees have a written drugs policy for their premises or event which staff are fully trained in.

2.7 Immigration and modern slavery

Modern slavery is the recruitment, movement, harbouring or receiving of children, women or men through the use of force, coercion, and abuse of vulnerability, deception or other means for the purpose of exploitation. Individuals may be trafficked into, out of or within the UK, and they may be trafficked for a number of reasons including sexual exploitation, forced labour, domestic servitude and organ harvesting

Forced labour is a situation in which victims are forced to work against their own will under the threat of violence or some other form of punishment. Labour exploitation is placing a worker under extremely poor conditions such as very low wages, being forced to work long hours, having their movements supervised, living in very poor conditions and having their identification documents taken away to prevent them from leaving.

As of April 2017, the Immigration Act 2016 introduced a “Right to Work” test for personal licence and individual premises licence holders (where the licence permits alcohol sales and late night refreshment). The Home Office Immigration Enforcement department became a responsible authority of the Licensing Act 2003.

Premises licence holders, as employers, have a duty to ensure that their employees have a right to work in the UK. The Licensing Authority will work with Immigration Enforcement to ensure that people are not illegally brought into the UK to be exploited as cheap labour in licensed premises.

Any offences committed under the Immigration Act are considered relevant offences for the purposes of a personal licence and are notifiable to the Home Office in the same way that other relevant offences are notifiable to the Police.

3.0 Promotion of public safety

The public safety objective is concerned with the physical safety of the people performing in and staff and customers using the relevant premises. Applicants should carefully consider how they intend to promote the public safety objective in their operating schedule.

Where applicants consider that the public safety objective could be compromised by their intended activities, they are encouraged to contact the Wiltshire Council’s Health and Safety Section and/or Dorset and Wiltshire Fire and Rescue Service as the most relevant responsible authorities for guidance. Other organisations such as the Event Safety

Advisory Group will be able to offer advice. Contact details for these authorities/groups are available from the licensing authority.

Wiltshire Council promotes the use of community initiatives such as Purple Flag which has been awarded to Salisbury and Chippenham. Wiltshire Council aspires to support similar schemes across the county.

3.1 CCTV

CCTV has a role to play in stopping and deterring crime and anti-social behaviour in certain hotspots and is also used as an evidence and detection tool. However, surveillance cameras should only be used if necessary and proportionate, in addition:

- When considering the use of surveillance camera systems, either as part of the conditions attached to a licence or certificate, or within an operating schedule the licensing authority or applicant must in particular have regard to Code of Practice on CCTV published by the Information Commissioner's Office. Any proposed blanket requirement to attach surveillance camera conditions to a licence or certificate is likely to give rise to concerns about the proportionality of such an approach and will require an appropriately strong justification and must be kept under regular review.
- Applications in relation to licensed premises must take into account the circumstances surrounding that application and whether a requirement to have a surveillance camera system is appropriate in any particular case. For example, it is unlikely that a surveillance camera condition would be justified for a trouble-free community pub. Where a licence or certificate is granted subject to surveillance camera system conditions, it is the responsibility of the licensee to comply with any data protection considerations that may arise from the use of such a system.
- The public must have confidence that surveillance is appropriate and proportionate, and that those who operate the camera systems, or use the images and information they capture, demonstrate integrity in doing so and can be held to account.
- CCTV recordings should be kept for a minimum of 31 days and shared with the licensing authority and Wiltshire Police upon request.

3.2 Alcohol consumption

The council expects all premises licence holders to take all necessary steps to control excessive consumption and drunkenness on their respective alcohol licensed premises. This will reduce the risk of anti-social behaviour and violent crime occurring both on and away from the premises after customers have departed. Premises licence holders are expected to be able to demonstrate a general duty of care to customers using their premises and others affected by their activities. The premises licence holders must also be aware of the dangers of over consumption of alcohol and the risk of vulnerability to their customers.

3.3 Alcohol harm reduction

Communities, agencies and businesses are ultimately best placed to identify and deal with alcohol-related problems in their area. It is important to maximise the benefits of partnership working, focusing and co-ordinating the efforts of local agencies, industry and the voluntary sector in tackling alcohol-related problems. Budgets and expertise can be pooled, providing the right services at the right time, making town centres safer and in doing so encourage more people to enjoy a night out, thus promoting economic growth.

Information is a powerful tool in tackling alcohol-related problems. It is vital to strengthen data sharing within local partnerships, in particular between crime and health agencies and licensing authorities.

The licensing authority will continue to work alongside their partners on a countywide and local level. Groups such as licensing tasking will continue to formulate the basis of partnership work and will have clear aims and objectives to ensure they are fit for purpose. This group will sit within the governance of Wiltshire Community Safety Partnership and will feed into local initiatives such as Pubwatch, Purple Flag, and other new schemes as and when required.

3.4 Public health

The inclusion of the health service as a responsible authority under the Licensing Act 2003, which occurred in 2012, enables health bodies to have a say in alcohol licensing. The Licensing and Public Health teams work together within the council to ensure that the health impacts of alcohol licensing are considered.

As there is not a specific licensing objective related directly to health within the current legislation, health bodies, when making a representation, are most likely to relate such representations to the objectives on public safety and protecting children from harm. This is likely to include the prevention of accidents, injuries and other immediate harms that can result from alcohol consumption, such as unconsciousness or alcohol poisoning. Anonymised data can be collected about incidents relating to specific premises or areas when representations are made.

Health bodies hold valuable information which may not be recorded by other agencies, including analysis of data on attendance at emergency departments and the use of ambulance services following alcohol related incidents. Sometimes it may be possible to link ambulance callouts and attendance to irresponsible practices at specific premises.

The Director of Public Health is responsible for making representations and observations on applications on behalf of health bodies.

3.5 Health and safety

By law the applicant or operating company must have a health and safety policy when five or more persons are employed. This policy must be brought to the attention of those employees.

Employers must also record the results of risk assessments and ensure a robust tailor made health and safety action plan, is in place for both staff and customers. Applicants should have these documents available at the request of licensing authority or any other responsible authority.

3.6 Occupancy limits

It is recommended that the applicant or operating company assess and set occupancy limits following a risk assessment of the planned activities being carried out at the premises. The licensing authority may set an occupant capacity following representations received in order to meet the licensing objectives. It is recommended that premises assess and set limits appropriate to their premises/event.

3.7 Positive campaigns to promote public safety

The Licensing Authority will actively promote campaigns which help to reduce or remove risks to vulnerable people who visit or work in licensed premises. Examples of this would be the “Ask for Angela” scheme. The scheme aims to reduce sexual violence and vulnerability by providing customers with a non-descript phrase they can use to get the attention of staff members who can help separate them from the company of someone with whom they feel unsafe due to that person's actions, words or behavior.

Licensing Officers seek to work closely with landlords to encourage positive engagement with such campaigns and to help promote and explain the importance of keeping the public safe.

4.0 Prevention of public nuisance

Public nuisance is a broad concept, which concerns how the activity of one person (or business) affects the rights of others, for example, how noise from playing music interferes with another person's right to sleep.

The Act requires, and the licensing authority expects, applicants to demonstrate within their operating schedule how they intend to prevent public nuisance arising. This will be of particular importance where there are residential properties in the vicinity of the licensed premises.

When appropriate on application or review the licensing authority will consider the adequacy of proposed measures to remove or effectively manage the potential for public nuisance, anti-social behaviour and other crime which may impact on the promotion of the licensing objectives.

When an operating schedule does not sufficiently address the prevention of public nuisance the licensing authority will consider all reasonable conditions recommended by responsible authorities to prevent public nuisance. In some locations it may be necessary to limit opening hours or the times of other licensable activities.

Where considerations apply to late night refreshment premises, they shall only be taken to apply to their operation between the hours of 11pm and 5am when a premises licence would be required.

Applicants should carefully consider how they intend to promote the prevention of public nuisance objective in their operating schedule. This can include several considerations:

4.1 Odour

The applicant should consider any odour that maybe emitted from the premises. This can include the generation of odour from food preparation, waste, bottle storage and/or from smoking areas. Steps should be taken or proposed to be taken by the applicant to prevent odour from the premises causing nuisance.

Most commercial kitchens will require a mechanical extraction system, and the type and size will depend on the size of the cooking facility, type of food prepared and type of cooking appliances used. The applicant may need to get advice from specialist air handling engineers about controlling odour from kitchen air extraction systems.

Controlling odour from waste and bottle storage areas is entirely down to good management practice which involves using sealed waste bins big enough to hold all waste, which can be thoroughly cleaned and are regularly emptied.

When designating a smoking area outside it is important to consider who will be affected by the smoke, the possible number of persons using the area and ensuring a facility to safely dispose of lit cigarettes.

4.2 Lighting

Outdoor artificial lighting is used for a number of reasons, including work, recreation, security, safety, advertising, display and to create a pleasant atmosphere where people gather socially. As many of the premises operating under the Licensing Act will use outdoor lighting late at night, it is important to ensure that it does not become a nuisance to others. Light 'spilling over' onto other property can cause annoyance, distraction and discomfort and may cause driving problems by glaring into drivers' eyes or competing with signs and other traffic signals.

4.3 Waste/litter

Licensed premises of all types can potentially cause public nuisance from litter and waste.

There are a number of laws relating to proper waste collection and disposal, not least of which is the “duty of care” to ensure any waste is properly contained and controlled while in the operator’s possession, and that it is collected by a reputable waste carrier. The Licensing Act does not duplicate these laws, but licence holders will need to apply good waste management practice in order to prevent public nuisance.

Uncontrolled litter, waste and street fouling is unsightly and can lead to a negative image of the area. It can cause offensive odour, may attract rats and insects and therefore be a public health risk, it may cause people to slip, trip and injure themselves, and it may harm the reputation of the licence holder’s business.

Typical examples of litter, waste and street fouling that may cause problems include take-away packaging and food dropped by customers, wind-blown waste and litter from refuse storage areas, discarded and broken bottles, glasses and cans, promotional leaflets (flyers) and posters, cigarette ends and chewing gum discarded by customers and people who have consumed too much alcohol urinating and vomiting in the street.

4.4 Noise

Noise can come either directly or indirectly from licensed premises. Direct noise, such as that from entertainment activity, will be under the premises’ direct control. Indirect noise, such as that from vehicles and customers coming to and from the premises may not be under direct control, but the premises can strongly influence it. Both direct and indirect noise will be of greater importance between 11pm and 7am. Specific types of noise each need different consideration when reducing their impact on public nuisance.

Small outdoor multiday music festivals (often where camping is also involved) can quickly become a source of public nuisance, organisers of such events are advised to contact the public protection noise team at an early stage. Organisers are encouraged to employ event management techniques similar to larger scale events to avoid public nuisance, these can include considering the suitability of the location, the geography, limiting amplifier output, duration or direction.

4.5 Entertainment

Appropriate control measures are needed for premises that operate late at night (after 11pm) and/or have regular entertainment or when the entertainment takes place in the open air or within a marquee. Steps should be taken or proposed to be taken to prevent noise and vibration from entertainment causing nuisance. This may include noise from music, human voices and other forms of entertainment whether amplified or not. Consideration should also be given to ensure noise is not audible at sensitive locations such as dwellings, hospitals, hotels and other business premises. Any noise should also not cause unreasonable disturbance to the wider public, such as passers-by and people using public facilities.

4.6 Disturbance from customers

Appropriate steps must be taken or proposed to be taken to prevent noise and disturbance from customers causing nuisance and anti-social behaviour. This may include noise and disturbance from customers on the premises and customers in outdoor areas such as terraces, beer gardens and smoking areas. It will also include noise, disturbance and obstruction from customers in the vicinity of the premises including customers congregating outside premises to smoke or drink, customers arriving, leaving or queuing outside a premises.

Particular consideration now has to be given to the potential for public nuisance arising from outside areas following the implementation of smoke free laws in July 2007. It must be noted that there is no legal requirement for licensed premises to provide an outdoor smoking area. However, Wiltshire Council encourages premises where practical to do so to minimise congestion on pavements.

Noise and disturbance from people outside can cause public nuisance even when those people are not behaving badly. This will be of more significance in areas with residential accommodation and will usually, but not exclusively, be of greater importance between 11pm and 7am. However it must be noted that noise and disturbance from customers outdoors can cause public nuisance outside of these times.

4.7 Plant and equipment

Steps should be taken or proposed to be taken to prevent noise and vibration from plant or equipment causing nuisance. This includes noise and vibration from ventilation, air conditioning and refrigeration equipment.

4.8 Servicing

Steps should be taken or proposed to be taken to prevent noise from servicing of the premises causing nuisance. This may include noise from deliveries, collections and the onsite disposal of bottles and other waste or recyclable materials.

4.9 Fly posting, flyers and graffiti

Steps should be taken to prevent fly posting and litter problems arising from the distribution of flyers advertising the premises or events at the premises. The applicant should endeavour to reduce the use of promotional leaflets and only hand flyers directly to the public. Flyers should not be left on vehicle windscreens. Ensure a litter bin is near to the distribution point and clear discarded flyers afterwards. The applicant should also remove any graffiti and fly posting from their surfaces as soon as it appears.

5.0 Protection of children from harm

For the purposes of this policy the licensing authority considers anyone less than 18 years of age to be a child or young person unless otherwise agreed.

The policy aims to work alongside the principles set out in the Wiltshire Safeguarding Children Board and Wiltshire Children and Young People's Trust revised Multi-Agency Thresholds for Safeguarding Children (can be found by following this link: <http://www.wiltshirepathways.org.uk>).

The licensing authority expects that, whether or not alcohol is supplied or proposed to be supplied on or in the vicinity of the premises, operating schedules will identify:

- the extent to which it is proposed that children be admitted to the premises;
- whether it is proposed that unaccompanied children will be admitted;
- if they are, the type of regulated entertainment provided whilst children are present;
- The specific steps undertaken to ensure the safety of children and to further ensure that no products or services are sold to children that are not appropriate for their use or consumption.
- That an unaccompanied young person (i.e. somebody under the age of 16 who is not accompanied by a person over the age of 18) must not be allowed into any premises which are "exclusively or primarily used for the supply of alcohol for consumption on the premises".
- That staff are aware of their responsibility to ensure that an adult should not become over intoxicated if accompanied by a young person or child as to inhibit their ability to safeguard that young person.

Whether or not premises with a mixed use are "exclusively or primarily used" is a matter of judgment and will depend upon the particular circumstances of the case. The guidance makes it clear that this does not mean that where the supply of alcohol is not the exclusive or primary use then young people should automatically be given access.

Where it is appropriate and permissible within the law the Licensing Committee should impose conditions that restrict young people from entering all or part of any premises licensed to supply alcohol:

- at certain times of the day and/or;
- when certain licensable activities are taking place and/or;
- where there is an age limitation (over 18);
- unless accompanied by an adult
- where there is a history of crime and disorder

- where the premises are in a high risk area e.g. close to school; in an area with a history of underage sales; in an area with anti-social and criminal behaviour linked to persons under 18.

Applicants, who propose to admit children, particularly where they would not require them to be accompanied by a responsible adult, should be especially careful in ensuring they meet the requirement that their schedule fully and clearly sets out the nature of the activities for which permission is sought. Further, the schedule should specify in sufficient detail the measures and management controls proposed to protect children from harm.

The licensing authority expects that staff are trained and aware of their responsibility for ensuring that customers are old enough to purchase alcohol. This requirement is particularly relevant for bar staff working at premises where door supervisors control entry to a premise. Particular care and appropriate measures should be in place for venues that, due to the nature of the events, attract both over and under 18 year-old patrons.

5.1 Age verification underage sales on/off premises

There is now a mandatory condition on all premises licenses (in the case of alcohol supply) to have adequate age verification systems in place. This could be through the use of a Challenge scheme i.e. “challenging anyone who looks under 25 to prove their age by use of an approved means of identification”; such a scheme to be advertised and enforced on the premises.

The licensing authority supports and may condition an appropriate age policy in licensed premises. Licensees will need to demonstrate that their staff receive regular and adequate training on the law and practice relating to age restricted sales (including challenging purchasers and checking identification). The training provided should be properly documented so that there is an adequate audit trail and records are available for inspection.

The following are examples of identification used:

- Passport
- Photo-card driving licence
- PASS card
- Official identity card issued by HM forces

Details of training provided to members of staff to prevent underage sales should be recorded in a log. Additionally, when a retailer does refuse the sale of alcohol this should be recorded in a ‘refused sales log’. These documents should be kept available for inspection by a police officer or authorised officer of the licensing authority.

5.2 Proxy sales

Adequate procedures must be in place to ensure that all members of staff working at

the premises are routinely trained and regularly reminded of their responsibilities in relation to the issue of proxy sales of alcohol, and shall ensure that all reasonable steps and procedures are in place and implemented to prevent adults purchasing alcohol for those underage.

Steps must be in place to ensure that any designated premises supervisors and members of staff involved with the delivery of alcohol to residential addresses are made fully aware of their responsibilities to ensure that no alcohol is sold to persons underage

5.3 Children and cinemas/theatres

The licensing authority will expect licensees or clubs to include in their operating schedules their arrangements for restricting children from viewing age restricted films according to the recommendations of the British Board of Film Classification (BBFC) or the licensing authority itself. In the event that the licensing authority is asked to stipulate an age category for a film, video etc. that has not been dealt with by the BBFC, the licensing sub-committee or its delegated officers may view the film etc. and use the BBFC published guidelines on categorisation as a 'bench mark' in reaching their decision, which will then become a condition.

In considering any application, the licensing authority will take into account any evidence that age restrictions for cinema exhibitions are not being properly observed.

Where performances are for unaccompanied children in theatres and cinemas and relevant representations are received in response to an application/review, the licensing authority may impose conditions requiring an adequate ratio of adult attendants (over 18 years and relevant criminal record check).

5.4 Child Sexual Exploitation (CSE)

Licensed Premises are often used as a place to exploit and abuse victims of CSE. They provide an ideal environment for the grooming and sexual exploitation of children and young people. As part of the grooming process adults may meet young people or take them to licensed premises, to develop a relationship of trust and make them feel special by giving them 'treats' such as meals or alcohol, or by involving them in adult parties. A premise could be misused for this kind of activity by the people who are socialising or working there.

Under the Licensing Act 2003, premises licence holders and designated premises supervisors have a legal responsibility to make sure that children and young people are protected from harm at their premises.

It is expected that licence holders will take all reasonable steps to promote safeguarding from CSE in their premises. Such steps may include but are not limited to; having a written children and young person's risk assessment to be used in conjunction with the premises operating schedule. It is important for staff to be mindful of areas that are not always supervised or covered by CCTV, for example toilets, beer gardens and play areas.

For premises that provide a delivery service (e.g. a takeaway under a licence for late night refreshment), licence holders should enforce a code of conduct to promote safeguarding

when deliveries are made to unaccompanied children.

Staff should be trained on how to recognise indicators of CSE and be confident in their knowledge on how and what to report to the Police.

It is expected that any incidents or suspicions are also recorded by the licence holder or their managers in the premises' incident book if appropriate to do so.

It should be noted that not all exploitation of children in licensed premises is of a sexual nature and children and young people may also be exploited criminally, which could involve children being coerced or manipulated into criminal activity such as drug dealing. Licence holders can find more information regarding child exploitation in Wiltshire Community Safety Partnership's "Child Exploitation and Missing Children Strategy for 2019-2021"

6.0 Licensing process

A licensing committee, sub-committee, or licensing officers acting under delegated authority, may carry out the powers of the licensing authority under the Act, in accordance with the council's scheme of delegation.

Many of the licensing procedures are largely administrative with no perceived areas of contention. In the interests of efficiency and effectiveness licensing officers generally carry these out.

The licensing authority ensures that all officers and members who deal with applications have received adequate training for their role under the Licensing Act 2003.

A sub-committee of the licensing authority deals with applications and the review of a licence, where there are relevant representations.

When determining applications the licensing authority has regard to any guidance issued by the relevant government department. In particular, account is taken of the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community as a whole. If representations are made concerning the potential for limited disturbance in a particular neighbourhood, the licensing authority's consideration will be balanced against the wider benefits to the community e.g. single or multiple day events at outdoor event arenas in Wiltshire. Any conditions imposed on licences do not seek to discourage such entertainment, but are aimed solely at promoting the licensing objectives.

6.1 Application for premises licences and club premises certificates

The licensing authority will expect individual applicants to address the licensing objectives in their operating schedule having regard to the location and type of premises, the licensable activities to be provided, and the operational procedures.

Applicants should make themselves aware of the council's statement of licensing policy, in particular the issues that will need to be addressed in formulating the operating schedule.

Applicants will be encouraged to make themselves aware of any relevant planning policies, tourism, cultural or local crime prevention, alcohol reduction strategies; and to have taken them into account, where appropriate, when formulating their operating schedule.

When determining applications the licensing authority will have regard to Section 182 (of the act) and other relevant guidance issued.

Prospective holders of new premises licences and those seeking variations to existing premises licences are advised to consult with the council's licensing team and the various responsible authorities early in the planning stages in order to reduce the risk of confusion and disputes arising. The licensing authority will endeavour to work in full co-operation with licensees and applicants to minimise the number of disputes that may otherwise arise in this area.

The Section 182 guidance 8.35-8.37 makes reference to outdoor spaces and whether they are used for off sales or on sales. There is no requirement to show consumption areas for off sales on the plan of the premises, but consumption areas for off sales must be made clear on the application form. For consideration by all parties it is recommended that all areas of consumption are marked on the plans. Areas used but not marked on the plans could have the potential for undermining the prevention of public nuisance.

6.2 Licence conditions

Licensing relates to the control of licensed premises, and other events within the terms of the Act. As part of this control, conditions may be attached to licences, and the various other permissions, which focus on matters falling within the control of individual licence holders.

Any conditions will relate to the premises and other places being used for licensable activities, and the impact of those activities in the vicinity. In this regard the licensing authority primarily focuses on the direct impact of any activities taking place on those living, working, or otherwise engaged, in the area concerned.

The licensing function is not a mechanism for the control of anti-social behaviour by individuals once they are beyond the direct control of the licence holder of any premises concerned. Conditions attached to licences must only seek to impact on the behaviour of customers on, or in the immediate vicinity of the premises as they seek to enter or leave.

The licensing authority may impose conditions following a hearing. These conditions must not be disproportionate or over burdensome. The licensing authority does not implement any standard conditions. Conditions may be attached as appropriate given the circumstances of each individual case. Conditions will not be attached where adequate legislative control exists.

6.2 a "Shadow" Licences

6.2a “Shadow” Licences

Nothing within the 2003 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. (section 2, Licensing Act 2003). The s.182 Guidance further provides at paragraph 8.19, “There is nothing in the 2003 Act which prevents an application being made for a premises licence at premises where a premises licence is already held.”

Shadow Licences may occur where for example a Landlord seeks to protect the Premises Licence by creating a ‘shadow licence’ where the licensed premises is operated by a tenant. Shadow licences are usually created on the same terms as the existing premises licence.

When granting a licence on a premises that already holds a premises licence, the responsible authorities may seek to add conditions to the additional licence, that mirror the current premises licence or may seek to impose a ‘cooling off’ period before trading can begin. Responsible authorities are also able to review the shadow licence whenever the original licence is under review. It must always be clear to the responsible authorities as to which licence is in operation to avoid two individuals trading within the same licensed area at the same time under a different premises licence.

6.3 Licensing hours

The licensing authority deals with the issue of licensing hours on the individual merits of each application. However, when issuing a licence with hours extending beyond 11pm, higher standards of control generally need to be included in operating schedules in order to promote the licensing objectives, especially for premises, which are situated in, or near, residential areas or in areas where crime and / or anti-social behaviour takes place. There is no presumption within the legislation for longer opening hours.

In considering all licence applications, the licensing authority takes into account the adequacy of the measures proposed to deal with the potential for nuisance and/or public disorder and has regard to all the circumstances of the case.

Where no representations are received an application is approved as applied for. Where a hearing or a review takes place the licensing authority may set an earlier terminal hour where it considers this is appropriate to the nature of the activities and the amenity of the area. In addition the licensing authority may in the case of an application refuse to grant a licence and at a review, revoke an existing licence. Throughout the application process consultation with relevant partners is welcomed and encouraged.

The licensing authority recognises that having fixed and artificially early closing times in certain areas can lead to peaks of disorder and disturbance on the streets when large numbers of people leave licensed premises at the same time. The licensing authority

aims, through the promotion of the licensing objectives, to reduce the potential for concentrations of people and thus achieve a slower dispersal of people from licensed premises through longer opening times when appropriate.

The licensing authority does not seek to adopt fixed terminal hours in designated areas (known as “zoning”), as this can lead to the significant movement of people across boundaries in search of premises opening later.

Shops, stores and supermarkets are generally permitted to sell alcohol for consumption off the premises during their normal trading hours, unless there are exceptional reasons relating to the licensing objectives, in particular the prevention of crime and disorder and public nuisance.

6.4 Permitted temporary activities (TENS)

The Licensing Act 2003 provides for certain occasions when small-scale events (where no more than 499 people at a time attend and last for up to 168 hours) do not need a licence if advance notice (temporary events notice) is given and no relevant objections are received.

The licensing authority recommends that at least one month’s notice be given to hold these events to allow it to help organisers plan their events safely. Any significantly longer period than this may mean that organisers do not have all the details available at the time of submitting the notice. Any lesser time means that planning may be rushed and haphazard. The minimum legal timescale may be less than this period.

Event organisers are encouraged to make contact for advice at the earliest opportunity when planning their community events. Persons intending to use premises under a TEN are encouraged to discuss their proposals with the community that may be affected before submission.

The police or environmental health may issue an Objection Notice where they consider that any of licensing objectives may be undermined. In such circumstances, the Licensing Sub-Committee will consider the objection by way of a hearing. If the objection notice relates to a “late TENS” a Counter Notice will be issued making the TENS notice invalid.

6.5 Large scale events

These are events that are temporary but more than 499 people are expected to attend. Much larger crowds may be attracted to large-scale events and the risk to public safety and to crime and disorder, as well as public nuisance, may be considerable. The licensing authority and all other statutory consultees, should be given at the earliest opportunity, notice of such major events to discuss operating schedules with the organiser, prior to a formal application being submitted. It is the responsibility of the event organizer / applicant to provide the licensing authority and all other statutory consultees, at the earliest opportunity, notice of such major events. This will enable discussion about operating schedules prior to a formal application being submitted.

It is expected that the applicant will consider how their event will take place safely and how it will impact on the surrounding area. For large events such as festivals the licensing authority will expect to receive an event management plan to be submitted with their application for a licence. An event management plan should be a working document to include information which outlines how the premises will be run during the event. Details should be provided of (although not limited to):

- Roles and responsibilities of the event organiser
- Crowd management
- Contractor management
- Electrical, gas and water supply
- Temporary structures
- Fire safety
- Medical and first aid provision
- Site accessibility
- Traffic Management (including blue routes)
- Security staff/stewards/marshals
- Incident management
- Health and Safety management for members of the public
- Welfare provision for members of the public

The licensing authority requires they are given at least six months' notice to allow for a sufficient lead in time. Failure to consult in sufficient time may result in an objection on the grounds that insufficient time has been allowed to properly assess and consult to ensure that, in particular, public safety is not undermined.

Wiltshire Council has an established Events Safety Advisory Group (ESAG). This includes relevant council officers, representatives of the emergency services and the voluntary first aid sector. ESAG's aim is to advise on safety at public events held throughout Wiltshire, regardless of whether or not a premises licence or a temporary event notice is required. Event organisers are encouraged to make contact with the Licensing team for advice at the earliest opportunity when planning their community events.

6.6 Delegation of decision making

One of the major principles underlying the Licensing Act 2003 is that the licensing functions contained within the Act should be delegated to an appropriate level so as to ensure efficient and cost effective service delivery.

The Act itself requires that applications be granted unless a representation or objection is raised. Where a function is delegated to an officer they will be responsible for liaising with the applicant, interested parties and the responsible authorities to ensure that any licence granted is subject to proportionate and necessary conditions. Where objections/representations are made, the officer will liaise with the applicant, those making the representation and the responsible authorities to see if a settlement is

possible to overcome the representations without the need for the matter to go before the licensing subcommittee. Only where issues are raised which cannot be agreed will the application be referred through to the licensing sub-committee for determination.

Whilst contested licensing applications are quasi-judicial in nature, the licensing subcommittee will try to keep the proceedings as informal as possible. However, some degree of formality is needed to ensure that all parties receive a fair hearing. The procedures are designed to ensure that all parties are able to express their views openly and fairly. The procedure is inquisitorial rather than adversarial and, whilst applicants, individuals and businesses who may be affected, and responsible authorities are entitled to bring legal representation with them if they wish, this is not a requirement.

Whilst the licensing sub-committee usually meets in public, it does have power to hear certain applications in private and to receive legal advice similarly. A decision is made publicly when the matter has been determined.

The licensing sub-committee will determine each case on its individual merits whilst taking into consideration the terms of this policy document. Where the licensing sub-committee determines that it is appropriate to attach conditions to a licence or certificate it will ensure that those conditions are focused on the direct impact of the activities taking place at the premises concerned. Such conditions will be proportionate to the activity to be controlled and will only be imposed in the interests of the licensing objectives.

The licensing authority will expect the applicant to have had due regard to the contents of this policy and the attached appendices that provide guidance only.

A decision of the licensing authority can be the subject of an appeal at the magistrates' court. As a consequence the licensing authority will record full reasons for any decision(s) made. The refusal of an application does not prevent a further application being made, but the licensing authority would expect the applicant to carefully consider the issues of concern before doing so.

6.7 Application for personal licences

The Police and Home Office Immigration will have the right to object to a person applying for a personal licence if that person has a relevant unspent conviction (at the time of application) or if they obtain a relevant conviction during the application period of their licence.

An individual may seek a personal licence regardless of whether or not they have current employment or business interests associated with the use of the licence. Applications cannot be made in the name of a corporate body.

The licensing authority must grant a personal licence if the applicant:

- is aged 18 years or over
- is in possession of a relevant licensing qualification or is a person of a prescribed description
- has not forfeited a personal licence in the previous five years, beginning with the day the application was made
- has not been convicted of any relevant offence under Schedule 4 of the Act, or a foreign offence
- has the right to work in the UK
- has paid the appropriate fee to the licensing authority

Applicants with unspent criminal convictions for the relevant offences set out in the Licensing Act 2003 are encouraged to first discuss their intended application with the police and licensing authority before making an application.

In order to substantiate whether or not an applicant has a conviction for an unspent relevant offence, applicants will be required to produce a relevant criminal record office basic disclosure certificate, with the application form, together with a signed disclosure form by them.

The licensing authority and police may arrange a joint interview with a prospective personal licence holder(s) to discuss the circumstances surrounding their conviction(s). Ultimately, the police may be minded to object to the grant of the personal licence. In these circumstances, the applicant is entitled to a hearing before the licensing sub-committee. The application will be refused, based on the police's objection, if the licensing authority considers it appropriate for the crime prevention objective to do so.

Wiltshire licensing authority will be the 'relevant licensing authority' for all personal licences, regardless of the subsequent place of residence of the holder. It will maintain all notified changes of address on its database.

The Policing and Crime Act 2017 amended the Licensing Act 2003 to allow the Licensing Authority to suspend, for up to 6 months, or revoke a Personal Licence upon a Personal Licence Holder being convicted of a Relevant Offence.

6.8 Delegation to premises supervisors

The designated premises supervisor need not be physically on the premises at all times when there is a supply or sale of alcohol but the licensing authority expects that there will be an appropriate authorisation system in place in line with the Section 182 (or other) guidance regarding the sale of alcohol at the licensed premises.

Where a designated premises supervisor is to be newly specified, the premises licence holder will apply to the licensing authority (including an application for immediate effect) and show that the individual concerned consents to taking on this responsible role, and

notify the police of the application.

The police are able to object to the designation of a new premises supervisor where in exceptional circumstances, they believe the appointment would undermine the crime prevention objective. Similarly, the police are able to object where a designated premises supervisor is first appointed or transfers to a particular premises, and this combination gives rise to exceptional concerns; such as where a personal licence holder who has been allowed by the courts to retain their licence, despite convictions for selling alcohol to minors transfers to premises which has a degree of notoriety for underage drinking.

The Act provides that the applicant may apply for the individual to take up the post of designated premises supervisor immediately, and in such cases the issue would be whether the individual should be removed. The licensing sub-committee considering the matter must confine their consideration to the issue of crime and disorder. They will give comprehensive reasons for their decision and either party would be entitled to appeal if their argument is rejected.

7.0 Enforcement

The licensing authority will seek to work actively with the police in enforcing licensing legislation. It expects the police (subject to public interest immunity) to share relevant information about licensees and licensed premises under the Crime and Disorder Act 1998 and its common law powers, and to consult closely with the licensing authority when any enforcement action may be required. A joint enforcement protocol is in place with the police and other statutory agencies. These protocols provide for the targeting of agreed problem and high risk premises, but with a lighter touch being applied to those premises which are shown to be well managed and maintained.

The licensing authority have a well-established licensing forum 'Licensing Tasking' for the representatives of relevant organisations to meet on a regular basis to discuss licensing matters related to the four licensing objectives.

The licensing authority recognises that balancing the interests of owners, employees, customers and neighbours of pubs, clubs and off-licences will not always be straightforward, but it will always have regard to the licensing objectives.

The licensing authority will promote 'good practice' in relation to the operation of licensed premises. It will work closely with stakeholders so as to achieve on-going improvements in standards over reasonable periods of time, in the belief that this is in the long term interests of owners, operators, employees, customers and neighbours alike.

In general, action is taken in accordance with agreed enforcement principles and in line with the enforcement policies of the licensing authority and all responsible authorities. The key principles of consistency, transparency and proportionality are acknowledged. Any government advice or requirement in relation to enforcement will be taken into account.

A graduated response is affected where there is evidence of contravention of licensing legislation or licence conditions. Whilst an isolated or minor breach might be dealt with by way of an oral or written warning, more serious breaches and consistent lower level pattern of continued problems are likely to attract prosecution and/or a review of the licence.

Where contraventions or concerns as to compliance with regulations enforced by other agencies are identified during enforcement activities, these matters will be reported to the relevant agency. Complaints against licensed premises, allegations of unlicensed activities, and the breach of licence conditions will be investigated by Public Protection Officers

The licensing authority will refer to the Public Protection Enforcement Policy when considering enforcement. This policy is reviewed every two years and can be found on the council's website: www.wiltshire.gov.uk.

Under the Licensing Act 2003 as amended by the Police Reform and Social Responsibility

Act 2011 the licensing authority must suspend a premises licence or club premises certificate if the holder has failed to pay the authority the annual fee. This does not apply if the failure to pay the fee when it was due was because of administrative error or the holder informed the authority in writing at or before the fee was due that they were disputing liability.

7.1 Inspection of licensed premises

The licensing authority aim to inspect premises on a risk based approach to secure compliance with the Licensing Act and to promote the licensing objectives.

Authorised officers will have the discretion as to which premises require a 'during performance' inspection and the frequency when they are undertaken. Where appropriate, joint visits will take place encompassing a number of relevant agencies.

Licensed premises will be risk-rated by the licensing authority so as to develop a proportionate and targeted inspection program.

7.2 Complaints regarding licensed premises

The licensing authority will investigate or refer to other relevant agencies/council services complaints received against licensed premises where appropriate, normally providing that the complainant's personal details and the nature of the issue(s) must be provided from the outset. For certain matters the complainant may be encouraged to raise the issue of concern directly with the licensee.

In exceptional circumstances the personal details referred to above may not be required, whilst the facts of the complaint are referred onto the police.

7.3 Reviews of licences

The Act sets out the arrangements to enable a review of a premises licence where it is alleged that the licensing objectives are not being promoted. This arrangement will follow an application from a responsible authority or any other person. The Section 182 guidance will be used to ensure that all matters for review are considered appropriately. The process shall not be subject to abuse by disaffected parties. Matters for consideration must be relevant, and not vexatious, frivolous or repetitious. However, matters involving the following may be considered as serious shortcomings by the licensing sub-committee at their hearings:

- use of licensed premises for the sale and distribution of Class A drugs and/or the laundering of the proceeds of drug crimes
- use of licensed premises for the sale and/or distribution of firearms
- evasion of copyright in respect of "pirated" films and music
- underage purchase and/or consumption of alcohol
- use of licensed premises for prostitution or the sale of unlawful pornography

- use of licensed premises for unlawful gaming
- use of licensed premises as a base for organised criminal activity
- the closure of the premises by a senior police officer, or an environmental health officer due to noise nuisance
- use of licensed premises for the organisation of racist, homophobic or sexual abuse or attacks
- use of licensed premises for the sale of smuggled tobacco or goods
- the use of licensed premises for the sale of stolen goods
- where the police are frequently called to attend to incidents of disorder
- prolonged and/or repeated instances of public nuisance
- where serious risks to public safety have been identified, and the management is unable or unwilling to correct those
- where serious risks to children have been identified e.g. repeat underage sales
- significant or repetitive breaches of licence conditions/licensing law
- failure to act on previous warnings/advice/uncooperative attitude towards authorised officers.

In a hearing to determine an application for a licence or consider a review application, the overriding principle adopted by the licensing authority is that each application will be considered on its own individual merits. Licence conditions applied at such a hearing will be tailored to the individual premises and activities and only those necessary to meet the licensing objectives will be applied.

Upon review of a premises licence, the licensing authority must, having regard to the application for review and any relevant representations, take such steps as it considers necessary for the promotion of the licensing objectives. Such steps might be:

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

7.4 Other powers and legislation

A senior police officer, of the rank of superintendent or higher, or an inspector of weights and measures, may issue a closure notice where there is evidence that a person has committed the new offence of persistently selling alcohol to children at the premises in question, and he considers that the evidence is such that there would be a realistic prospect of conviction if the offender was prosecuted for it. A closure notice will prohibit sales of alcohol at the premises in question for a period not exceeding 48 hours; and will offer the opportunity to discharge all criminal liability in respect of the alleged offence by the acceptance of the prohibition proposed in the notice. The premises licence holder will have fourteen days to decide whether or not to accept the proposed prohibition or to elect to be tried for the offence. Where the licence holder decides to accept the prohibition, it must

take effect not less than fourteen days after the date on which the notice was served at a time specified in the closure notice. Closure notices may be served by police officers, trading standards officers and community support officers.

Anti- Social Behaviour, Crime and Policing Act 2014 permits an authorised officer acting on behalf of the council, to require the immediate closure, for a period of up to 24 hours of any licensed premises if it is considered that noise emanating from within its curtilage is causing a public noise nuisance. The 'test' is a lesser one than required to determine a statutory noise nuisance and the statutory defence of 'best practicable means' is not available.

The licensing authority also recognises that there are other tools and powers at their, and their partner agencies', disposal. All powers are subject to change and amendments, in particular by the Anti-Social Behaviour, Crime and Policing Act 2014. More details can be made available on request to the licensing authority.

Other statutory requirements and opportunities for control, for example relating to planning, building regulations, fire safety, nuisance and health and safety, may apply to the provision of any regulated activities at a premises and the responsibility for compliance lies with the licence holder. Advice may be obtained from the appropriate enforcing authority or from the licensing authority's Licensing Officers.

In general, premises referred to in an application for a licence or certificate should have planning permission granted for that use and be compliant with, or have arrangements in place to be compliant with any conditions attached to the planning permission. It is however recognised that licensing applications should not be a re- run of a planning application and the two regimes are entirely separate.

The licensing team will liaise with the relevant planning authority as appropriate.

The Immigration Act 2016 amends the Licensing Act 2003 to provide Immigration Officers enforcement powers. An Immigration Officer will be able to issue an "illegal working closure notice" for up to 48 hours if he or she is satisfied, on reasonable grounds, that an employer operating at the premises is employing a person who does not have the correct work status.

The closure notice prohibits access to the premises unless authorised in writing by the immigration officer.

An application to the Court for a compliance order must be made by the immigration officer and heard within 48hrs after service of the closure notice. The Court may issue the compliance order if satisfied, on the balance of probabilities, that an illegal worker was working on the premises and that it is necessary to make the order to prevent the employer at the premises from employing illegal workers.

The Court can make an order which includes, prohibiting the access to the premises; requiring right to work checks to be carried out; requiring right to work documents to be produced and specifying times for an immigration officer to enter the premises. A compliance order can have effect for a maximum of 12 months, but the immigration officer may apply for this to be extended.

The Court will notify the licensing authority of the order and the licensing authority must then review the premises licence.

If an offence is committed in relation to the compliance order, the court can impose a prison sentence for up to 51 weeks or a fine.

The licensing authority will have regard to the European Convention on Human Rights particularly:

- Article 6- entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal and
- Article 8 - the right to respect for home and private life; and
- Article 1 of the First Protocol - that every person is entitled to the peaceful enjoyment of their possessions, as they may interface with the licensing objectives.

8.0 Other licensing authority powers

8.1 Cumulative impact policy

In the Secretary of State's Section 182 guidance on the Licensing Act 2003, 'Cumulative Impact' is defined as 'the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area'. The number, type and density of licensed premises within an area may be such as to give rise to serious problems of crime, disorder and/or public nuisance.

The locality within which licensed premises are, or may be, located is a major consideration in determining whether a licence should be granted and what conditions should be attached to it. Primary consideration will be given to the direct impact of the licensed activity on those living, working or enjoying the local environment.

Licensing law is not a mechanism for the general control of any anti-social behaviour being displayed by patrons once they have left the curtilage of the licensed premises. Other more specific legislation should be used. However when issues can be linked to customers from a particular premise or area then the licensing authority may consider it relevant to the licensing framework.

In some areas there may be concentrated numbers of licensed premises that can lead to problems with the licensing objectives in the area itself or even some distance away. In such circumstances the impact of those premises when taken as a whole can be far greater than that arising from individual premises. It may not be possible to distinguish individual premises as being the sole cause, or even a major contributory factor to, a particular problem; it is the cumulative impact of all the premises that causes problems for a wider area.

All applications will be considered on their own merits, and no restriction of numbers will be imposed by this policy.

However the licensing authority may receive representations from a responsible authority or an interested party that the cumulative impact of the existing licensed premises or the granting of new licences will lead to an area becoming 'saturated' to the detriment of the locality because of impact on the licensing objectives over and above the impact of the individual premises. In these circumstances the licensing authority may consider that it needs to have a special policy in place.

8.2 Late night levy

Following the introduction of the Police Reform and Social Responsibility Act 2011 the licensing authority may introduce a late night levy. The levy would relate to a late night supply period which begins at or after midnight and ends at or before 6am. Any premises which are not subject to an exemption who supply alcohol during the supply period on any

night of the year would be required to pay the late night levy, the level of which is based on rateable value.

After a night out, members of the public will often migrate to premises offering late night refreshment on their way home. The culmination of over-intoxicated people in a small space often leads to public nuisance from people fighting, shouting and dropping litter. Under the Policing and Crime Act 2017, the government can implement legislation to bring late night food venues into the scope of late night levies. Late night levies are a means through which local councils and police forces can raise funds to help pay for additional enforcement required to deal with increased public nuisance around these premises.

The late night levy will not be introduced without the required consultation as detailed in the legislation and accompanying guidance.

8.3 Early morning restriction order (EMRO)

Following the introduction of the Police Reform and Social Responsibility Act 2011, if the licensing authority considers it appropriate for the promotion of the licensing objectives they can make an early morning alcohol restriction order.

An order would mean that any premises licence, club premises certificate or temporary event notice that authorises the sale of alcohol during the period specified in the order would not have effect. The period specified must begin no earlier than midnight and end no later than 6am.

9.0 Links to strategies and plans

The Wiltshire Community Safety Partnership is a statutory partnership, which includes a number of local partners. Together the partnership oversees the development of various Wiltshire strategies, in particular:

- Wiltshire Drugs and Alcohol Strategy
- Health and Wellbeing Strategy
- Joint Strategic Needs Assessment
- Strategy to prevent and tackle serious violence
- Wiltshire Domestic Abuse Strategy.

To obtain a copy of any of these documents please contact the licensing authority.

10.0 Further advice and guidance

Can be obtained from Wiltshire Council's Licensing Team and on the licensing pages of the council's website.

www.wiltshire.gov.uk

Government information on the Licensing Act 2003 and other relevant legislation is available on:

www.gov.uk/government/organisations/home-office

NHS guidance on Units of alcohol and recommended drinking levels:

<http://www.nhs.uk/Livewell/alcohol/Pages/Alcoholhome.aspx>

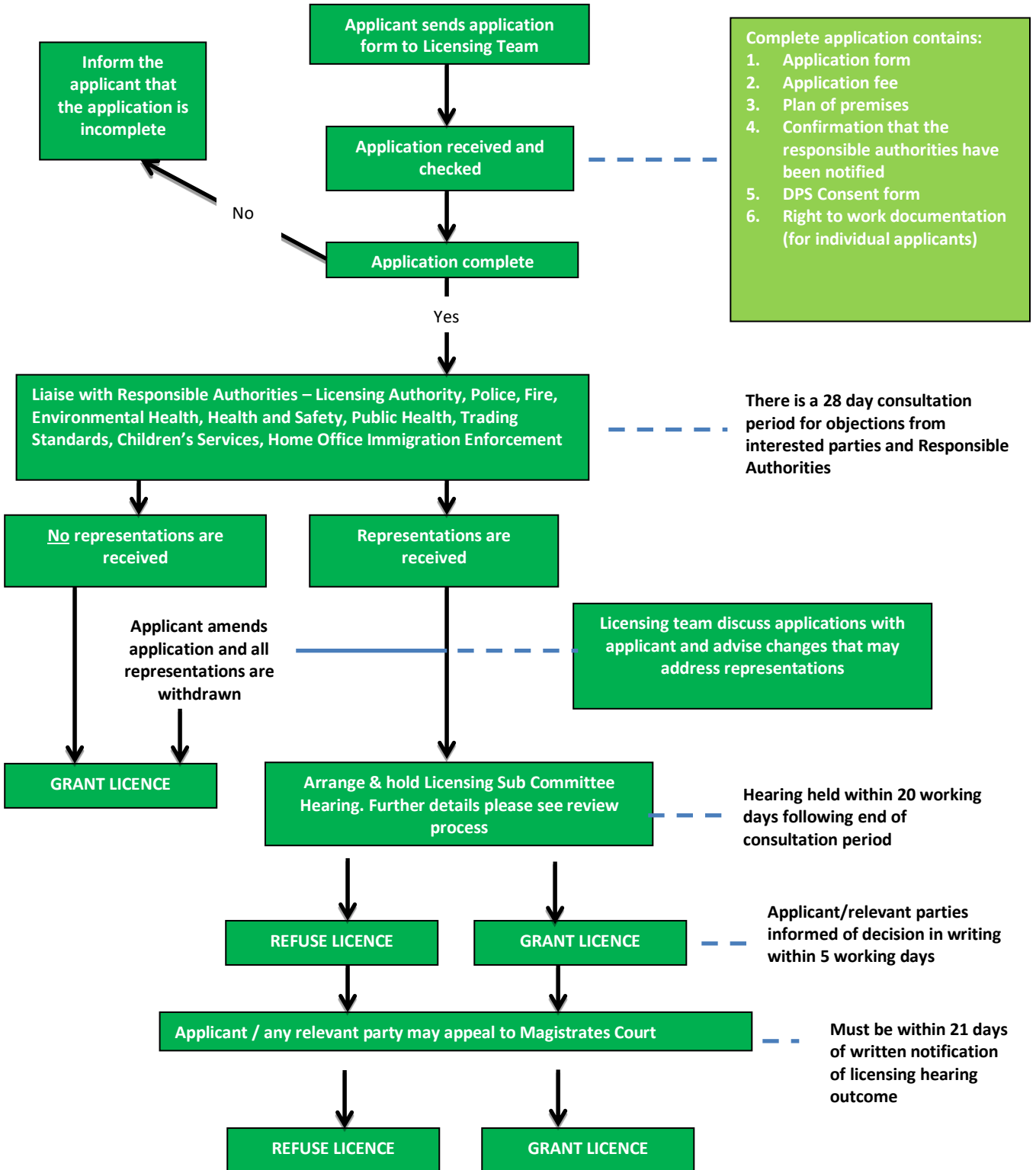
<https://digital.nhs.uk/data-and-information/publications/statistical/statistics-on-alcohol/2019>

<http://www.wiltshire.gov.uk/community-safety-safer-communities>

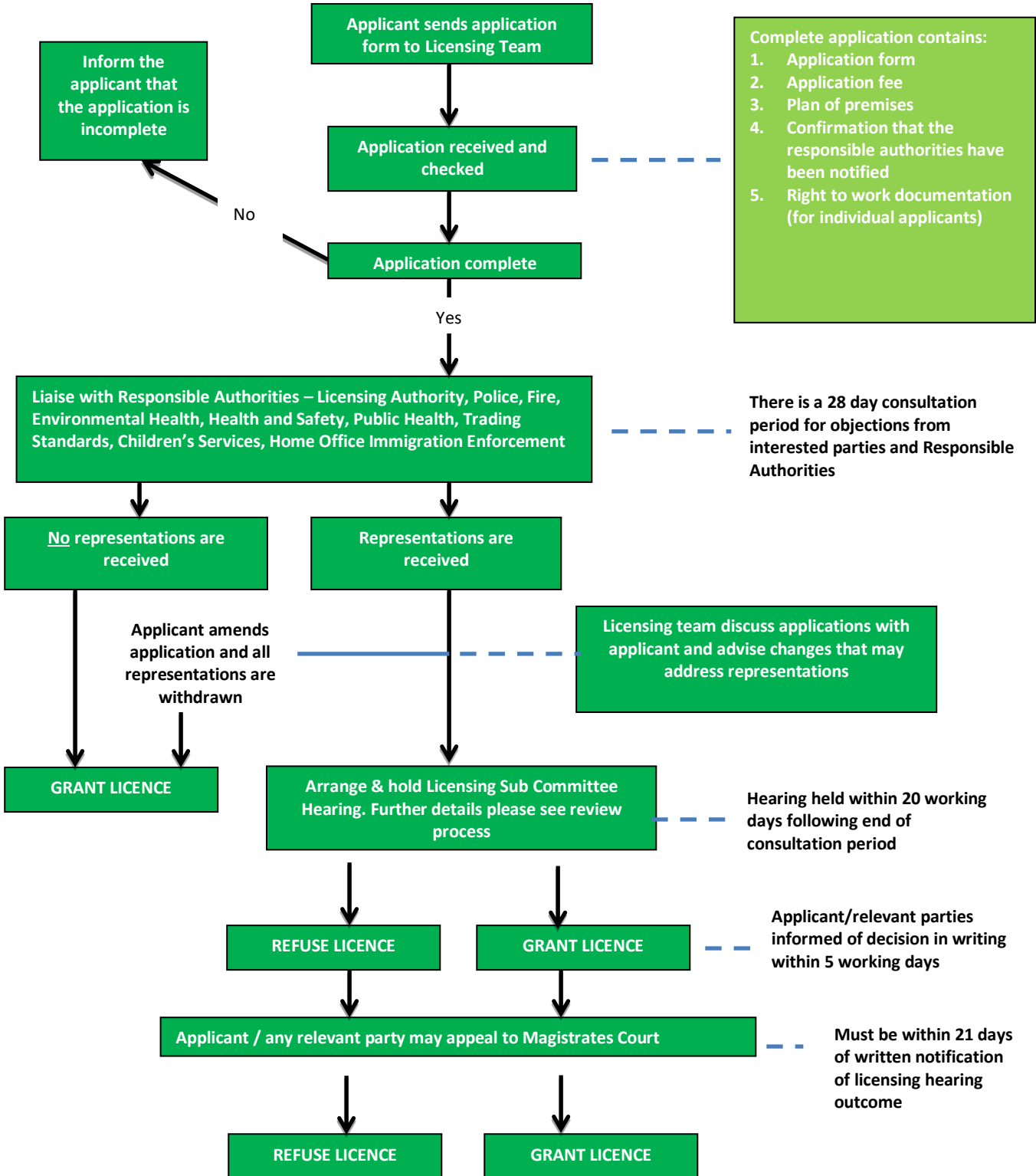
<http://www.wiltshirescb.org.uk/child-sexual-exploitation-professionals/>

11.0 Appendices

APPENDIX A – Premises Licence/Club Premises Certificate – New Applications

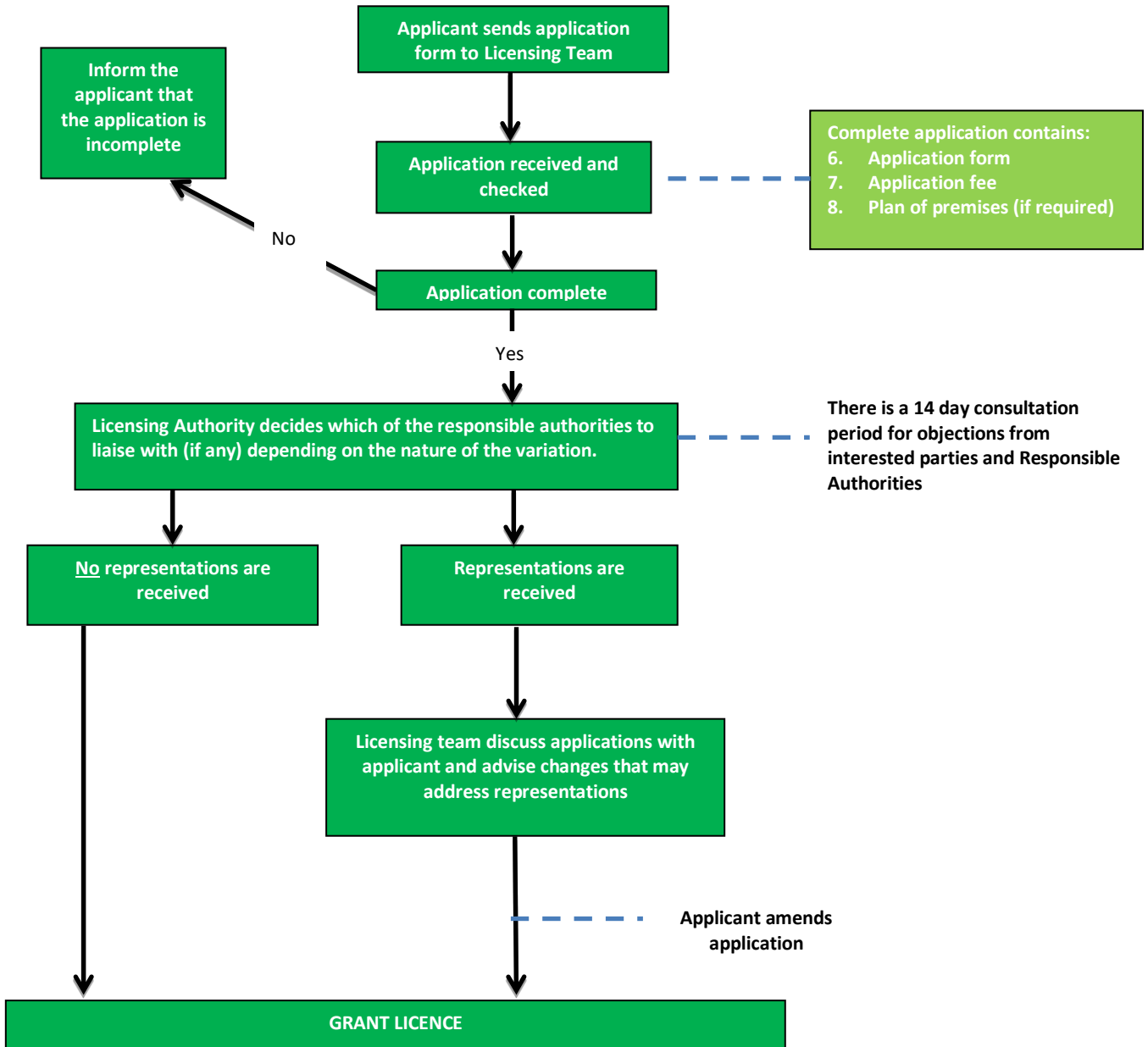


APPENDIX B – Premises Licence/Club Premises Certificate – Variations



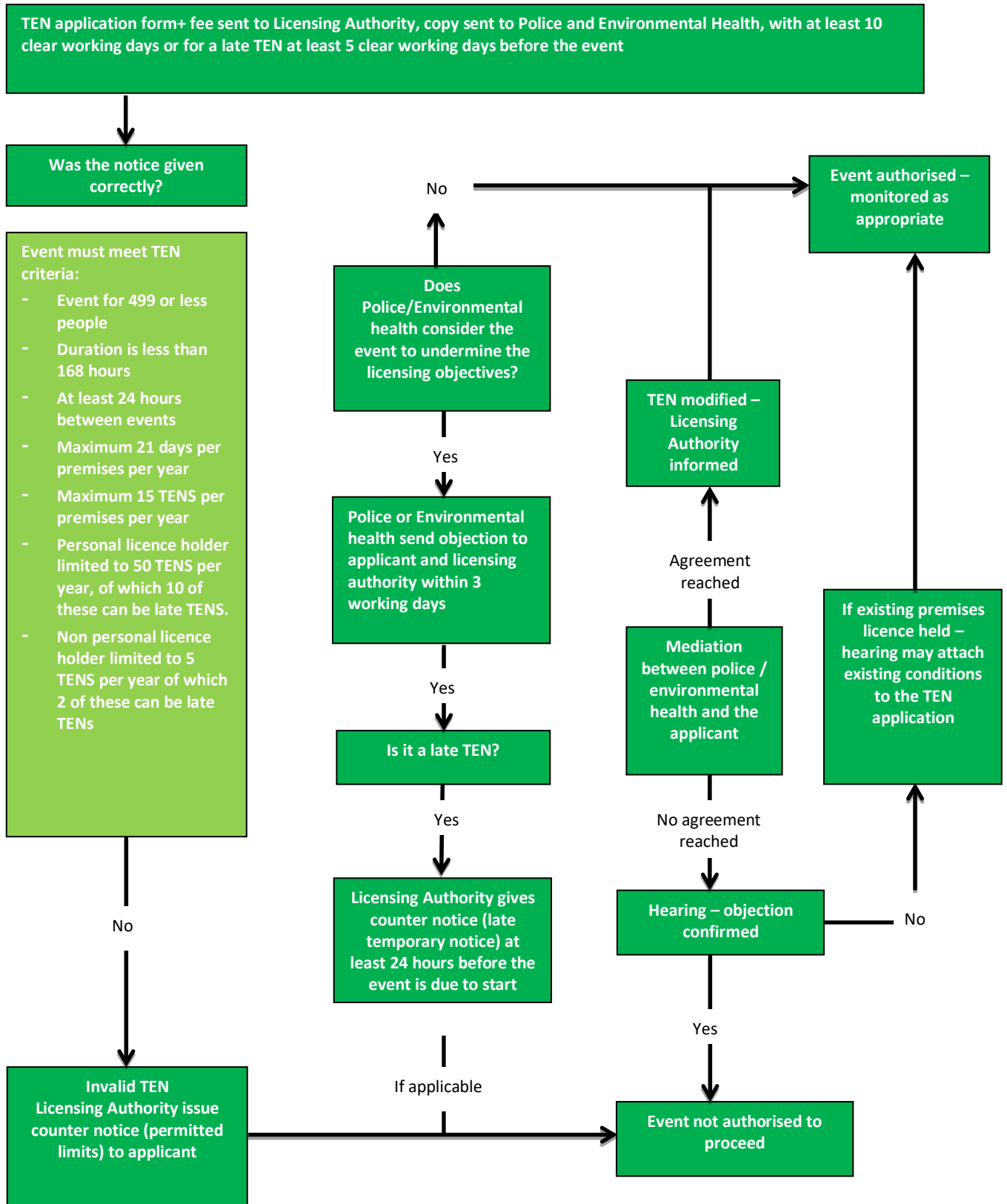
If the request is to substantially change the original licence – a new application must be submitted. Variations of name, address or DPS are covered by a separate process.

APPENDIX Ba – Premises Licence/Club Premises Certificate – Minor Variations

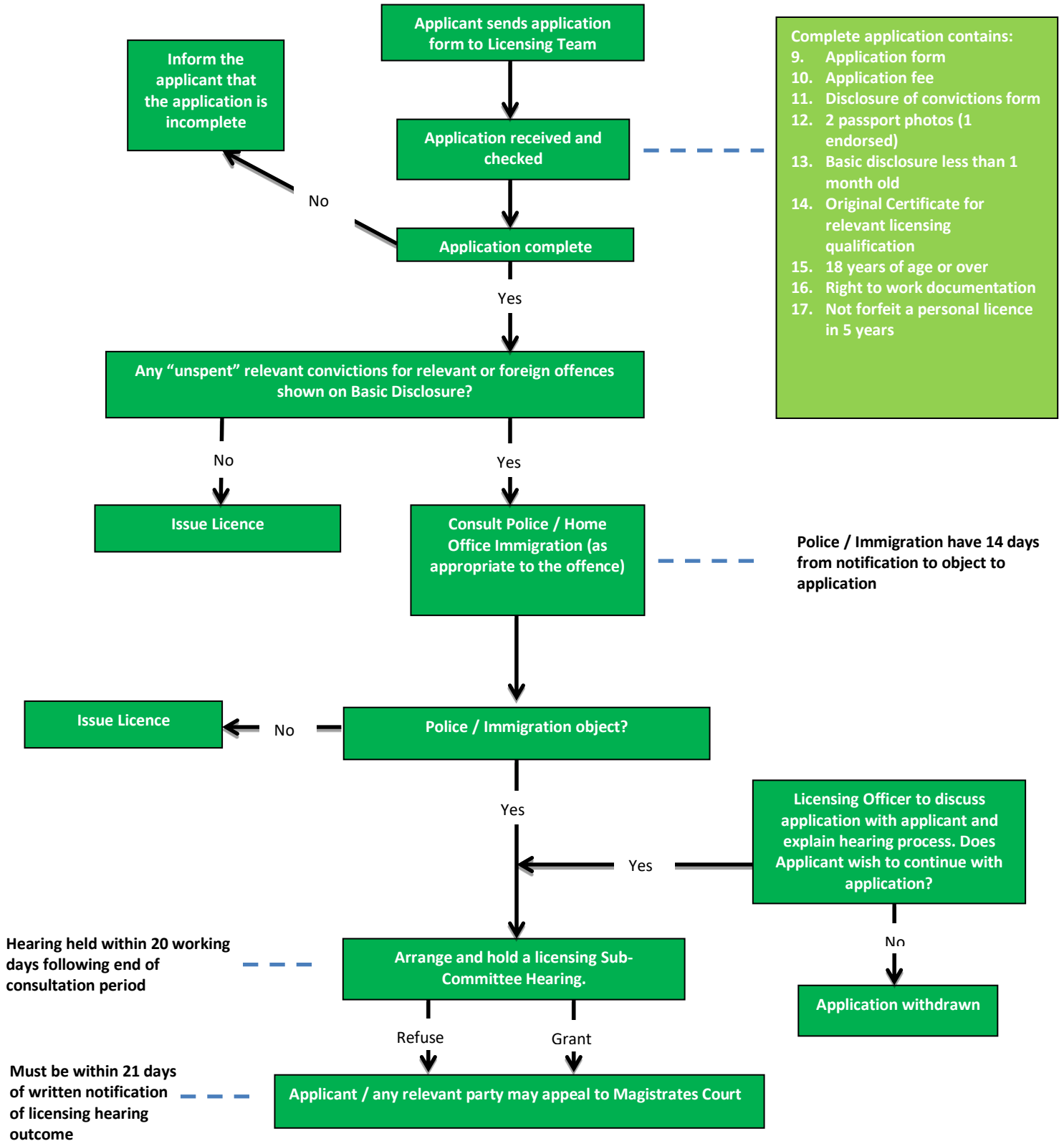


It is important to note that there is no hearing process for minor variations; however Licensing Officers should give regard to any representations received.

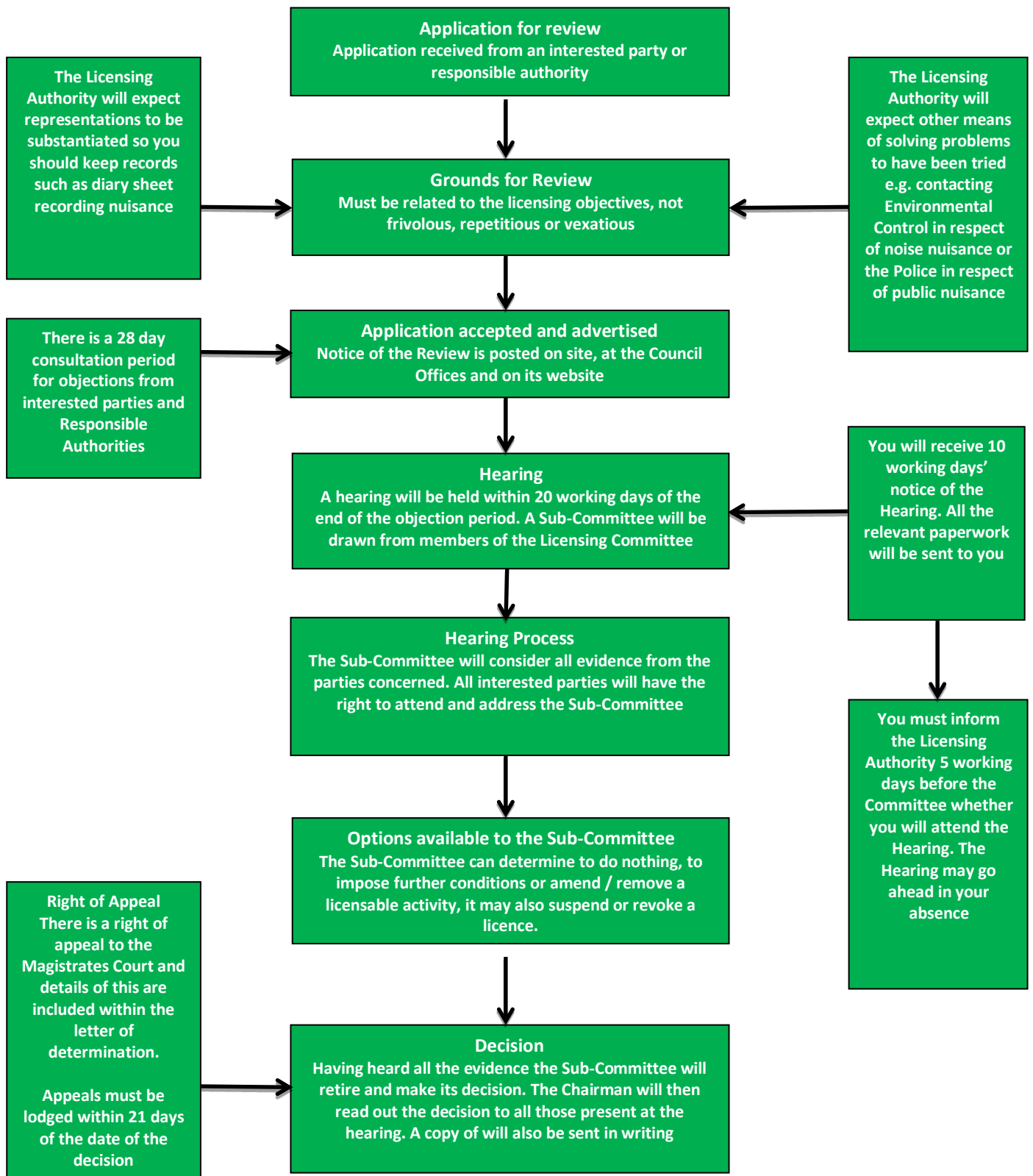
APPENDIX C – Temporary Event Notice



APPENDIX D – Personal Licence – New Applications



APPENDIX E – Review Process for Licensed Premises and Club Premises Certificates



APPENDIX F – The Legislation Reform (Entertainment Licensing) Order 2014

In April 2015 the Legislation Reform Order was introduced to remove the regulatory burden of the Licensing Act 2003 so that certain entertainment activities in defined circumstances no longer require a licensing authority to have granted an authorisation before they can take place. As such the Licensing Act 2003 was amended to deregulate the following entertainment:

Live music in relevant alcohol licensed premises and workplaces

The audience limit for a performance of live amplified music in relevant alcohol licensed premises or in a workplace between 08.00-23.00 on the same day will be raised from 200 to 500.

Recorded music in relevant alcohol licensed premises

Any playing of recorded music in relevant alcohol licensed premises will be deregulated (on a conditional basis) when it takes place between 08:00-23:00 on the same day for audiences of up to 500.

Live and recorded music exemptions

- Local authorities, health care providers and schools will be exempt from entertainment licensing when making their own defined premises available to third parties for live and recorded music activities between 08:00-23:00 on the same day for audiences of up to 500.
- Community premises not licensed to supply alcohol will be exempt from entertainment licensing requirements for live and recorded music between 08:00-23:00 on the same day for audiences of up to 500

Travelling circuses

Travelling circuses will be exempt from entertainment licensing in respect of all descriptions of entertainment, except an exhibition of a film or a boxing or wrestling entertainment, where the entertainment or sport takes place between 08:00-23:00 on the same day, with no audience limit.

Greco-Roman and freestyle wrestling

Greco-Roman and freestyle wrestling will be deregulated between 08:00-23:00 for audiences of up to 1000 people.

Cross-activity exemption

The provision of regulated entertainment by or on behalf of local authorities, health care providers, or schools on their own defined premises will be exempt from entertainment licensing between 08.00-23.00 on the same day, with no audience limit.

A licence to sell or supply alcohol would still be required, and any controls in place in relation to the alcohol licence would remain. Furthermore, the exemptions will not extend to adult entertainment. The background and policy position on adult entertainment was set out in the 2011 consultation, and there was a strong consensus in the consultation responses that existing restrictions on sexual entertainment should be maintained.

APPENDIX G – Live Music Act 2012

The Live Music Act took effect from 1 October 2012, and since 6th April 2015 now applies to recorded music, and covers larger audiences.

The Act disapplies live music related conditions if the following criteria are satisfied:

- There is a premises licence or club premises certificate in place permitting 'on sales';
- The premises are open for the sale or supply of alcohol for consumption on the premises;
- Live or recorded music is taking place between 8am and 11pm;
- If the live music is amplified or recorded, the audience consists of no more than 200 people

Live music also ceases to be classed as regulated entertainment under the Licensing Act 2003 if the above criteria are satisfied.

"Live Music" includes vocal and instrumental music and also karaoke singing. Pre-recorded videos played on karaoke machines are likely to require authorisation for "Films" but if only the words to the song are displayed then no authorisation is required.

The Act also creates a general exemption that live unamplified music provided anywhere shall not be regarded as the provision of regulated entertainment under the Licensing Act 2003 if it takes place between 8am and 11pm, regardless of the number of people in the audience.

There are a number of mechanisms for the protection of residents and these are:

- Upon a review of the premises licence the Licensing Authority can determine that conditions on the premises licence relating to live or recorded music will apply even between 8am and 11pm;
- If the Premises Licence doesn't presently authorise live or recorded music the Licensing Authority can add conditions to the Premises Licence as though the live or recorded music were regulated entertainment authorised by that Premises Licence, again to apply between 8am and 11pm
- The Licensing Authority can determine that live or recorded music at the premises is a licensable activity and live or recorded music can no longer be provided without permission on the Premises Licence or a Temporary Event Notice
- Other noise legislation, for example in the Environmental Protection Act 1990, will continue to apply. The Live Music Act does not allow licensed premises to cause a noise nuisance

The Live Music Act removed the need to licence entertainment facilities completely - regardless of time or audience size. This means that dance floors, microphone stands, pianos made available for use by the public etc. will not be licensable once the Act comes into effect. Health & safety law will of course continue to apply.

The Live Music Act does not remove the requirement for permission to play live and recorded music from PPL PPR.

APPENDIX H – Glossary

The following comprises a glossary of terminology used within the statement of licensing policy. Terms defined at length within the Licensing Act 2003 have generally not been included.

Alcohol harm reduction strategy

A strategy issued by the Government aimed at identifying initiatives and priorities, which may help in the promotion of the licensing objectives.

Appropriate representations

See 'Relevant Representation'.

Basic disclosure check

The Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA) have merged to become the Disclosure and Barring Service (DBS). CRB checks are now called DBS checks. A DBS check may be needed for certain jobs or voluntary work particularly when working with children.

Club premises certificate

A certificate authorising the use of premises by a qualifying club for one or more club activities.

Community Safety Partnership

A partnership comprising relevant sections of the council, the police and other interested parties, established to develop a strategy for the reduction of crime and disorder in the area.

Cumulative impact

The potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.

Designated premises supervisor

The individual specified in the premises licence as the premises supervisor.

High volume vertical drinking establishments

A licensed premise that targets, persons wishing to consume a number of drinks, often with minimal seating to maximise room for customers.

LACORS/TSI code of best practice on test purchasing

The Code of Best Practice on Test Purchasing issued by the Local Authorities Co-ordinators of Regulatory Services (LACORS) and the Trading Standards Institute (TSI). The code gives guidance as to the test purchasing of alcohol by trading standards officers.

Licensing committee

The committee established by the licensing authority to discharge the licensing functions of the

authority.

Licensing hours

The hours during which authorised licensable activities, take place.

Licensing tasking

A Wiltshire based multi-agency meeting where premises causing issues are raised, discussed and actions decided.

Natural justice

In English Law this is the technical term for a rule against bias and the right to a fair hearing.

Operating schedule

A prescribed document which must accompany any application for a premises licence or a club premises certificate, setting out the nature of the proposed licensable activities, the proposed trading hours, and the steps envisaged promoting the licensing objectives, amongst other things.

Personal licence

A licence which authorises an individual to supply or authorise the supply of alcohol in accordance with the premises licence.

Premises licence

A licence authorising premises to be used for one or more licensable activities.

Proportionality

The principle under which, in the licensing context, only appropriate conditions can be imposed on licensable activities, taking specific account of the size, style, and characteristics of such activities taking place at the premises concerned.

Pubwatch scheme

An agreement reached by a group of licence-holders in a particular locality to counter, on a collective basis, those who threaten damage, disorder, and violence or use or deal in drugs in their premises. Normally, action consists of agreeing not to admit or serve individuals who cause such problems.

Purple Flag

Purple Flag is the “gold standard” for town centres at night, it aims to raise standards and improve the quality of our towns and cities between 5pm and 5am.

Qualification approved by DCMS

A licensing qualification accredited by the Secretary of State.

Quasi-judicial

Is an entity or a function, generally of a public administrative agency, which has powers and procedures resembling those of a court of law or judge, and which is obligated to objectively determine facts and draw conclusions from them so as to provide the basis of an official action.

Relevant offence

Any offence listed in Schedule 4 of the Licensing Act 2003.

Relevant representation

A representation regarding the likely effect of the grant of a licence on the promotion of one or more of the licensing objectives.

Responsible authorities

The public bodies that must be fully notified of applications and that are entitled to make relevant representations to the licensing authority in relation to the grant, variation or review of a premises licence. 1 April 2019:

- the chief officer of police
- the local fire and rescue authority
- the local authority with responsibility for public health
- the local enforcement agency for the Health and Safety at Work etc. Act 1974
- the local authority with responsibility for environmental health
- the local planning authority
- a body that represents those who are responsible for or interested in matters relating to the protection of children from harm
- the local weights and measures authority (trading standards)
- the Home Office Immigration Service
- the relevant licensing authority and any other licensing authority, in whose area part of the premises are situated.

Safer clubbing

Guidance issued by the Home Office giving advice to nightclub owners, dance event promoters and local authority licensing departments on how to ensure the health and safety of persons attending dance events.

Special policy

A policy setting up a rebuttable presumption that applications for new premises licences or club premises certificates will normally be refused whenever relevant representations are received as to the cumulative impact on the licensing objectives.

Terminal hours

The times at which authorised licensable activities should cease.

Zoning

The adoption of fixed terminal hours in designated areas.

February 2019