

Notice of Licensing Committee

Date: Thursday, 19 September 2024 at 10.00 am

Venue: HMS Phoebe, BCP Civic Centre, Bournemouth BH2 6DY



Membership:

Chairman:

Cllr D A Flagg

Vice Chairman:

To be appointed

Cllr A Chapmanlaw

Cllr M Dower

Cllr G Farquhar

Cllr A Filer

Cllr E Harman

Cllr P Hilliard

Cllr M Howell

Cllr A Keddie

Cllr C Matthews

Cllr J Richardson

Cllr P Sidaway

Cllr L Williams

Vacancy

All Members of the Licensing Committee are summoned to attend this meeting to consider the items of business set out on the agenda below.

The press and public are welcome to view the live stream of this meeting at the following link:

<https://democracy.bcpCouncil.gov.uk/ieListDocuments.aspx?MIId=5833>

If you would like any further information on the items to be considered at the meeting please contact: Michelle Cutler 01202 128581 or email democratic.services@bcpCouncil.gov.uk

Press enquiries should be directed to the Press Office: Tel: 01202 118686 or email press.office@bcpCouncil.gov.uk

This notice and all the papers mentioned within it are available at democracy.bcpCouncil.gov.uk

GRAHAM FARRANT
CHIEF EXECUTIVE

11 September 2024

**DEBATE
NOT HATE**



Available online and
on the Mod.gov app



Maintaining and promoting high standards of conduct

Declaring interests at meetings

Familiarise yourself with the Councillor Code of Conduct which can be found in Part 6 of the Council's Constitution.

Before the meeting, read the agenda and reports to see if the matters to be discussed at the meeting concern your interests



What are the principles of bias and pre-determination and how do they affect my participation in the meeting?

Bias and predetermination are common law concepts. If they affect you, your participation in the meeting may call into question the decision arrived at on the item.

Bias Test

In all the circumstances, would it lead a fair minded and informed observer to conclude that there was a real possibility or a real danger that the decision maker was biased?

Predetermination Test

At the time of making the decision, did the decision maker have a closed mind?

If a councillor appears to be biased or to have predetermined their decision, they must NOT participate in the meeting.

For more information or advice please contact the Monitoring Officer
(janie.berry@bcpcouncil.gov.uk)

Selflessness

Councillors should act solely in terms of the public interest

Integrity

Councillors must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships

Objectivity

Councillors must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias

Accountability

Councillors are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this

Openness

Councillors should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing

Honesty & Integrity

Councillors should act with honesty and integrity and should not place themselves in situations where their honesty and integrity may be questioned

Leadership

Councillors should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs

AGENDA

Items to be considered while the meeting is open to the public

1. **Apologies**

To receive any apologies for absence from Councillors.

2. **Substitute Members**

To receive information on any changes in the membership of the Committee.

Note – When a member of a Committee is unable to attend a meeting of a Committee or Sub-Committee, the relevant Political Group Leader (or their nominated representative) may, by notice to the Monitoring Officer (or their nominated representative) prior to the meeting, appoint a substitute member from within the same Political Group. The contact details on the front of this agenda should be used for notifications.

3. **Election of Vice Chair**

To elect a Vice Chair of the Licensing Committee for the remainder of the Municipal Year 2024/25.

4. **Declarations of Interests**

Councillors are requested to declare any interests on items included in this agenda. Please refer to the workflow on the preceding page for guidance.

Declarations received will be reported at the meeting.

5. **Confirmation of Minutes**

To confirm and sign as a correct record the minutes of the Licensing Committee held on 15 May 2024 and the Licensing Sub Committees held on 11 April, 5, 18 and 25 June, 3, 16, 31 July and 14 August 2024.

The exempt section of the minutes where relevant are also appended as restricted documents.

6. **Public Issues**

To receive any public questions, statements or petitions submitted in accordance with the Constitution, which is available to view at the following link:

<https://democracy.bcpccouncil.gov.uk/ieListMeetings.aspx?CommitteeID=151&Info=1&bcr=1>

The deadline for the submission of a public question is midday on Friday 13 September 2024 [midday 3 clear working days before the meeting].

The deadline for the submission of a public statement is midday on Wednesday 18 September 2024 [midday the working day before the meeting].

The deadline for the submission of a petition is Thursday 5 September

2024 [10 working days before the meeting].

ITEMS OF BUSINESS

- | | |
|---|-----------|
| 7. Consideration of revised Statement of Licensing Policy 2025-2030 | 83 - 202 |
| <p>The current Statement of Licensing Policy 2020-2025 is due for review.</p> <p>Workshops have taken place with Members, officers and Dorset Police and a proposed draft policy has been produced for review and agreement by the Licensing Committee.</p> <p>Once approved the draft policy will be subject to 12 weeks public consultation.</p> | |
| 8. Approval of Statement of Licensing Principles- Gambling Act Policy 2025 - 2028 | 203 - 242 |
| <p>The Gambling Act 2005 requires all local authorities to review their Statement of Licensing Principles – Gambling Act Policy every three years.</p> <p>National guidance to support and update the content of these policies is issued by the Gambling Commission on a regular basis. The BCP Council Policy is due for review by the end of 2024 for implementation from January 2025.</p> <p>Currently there are several consultations ongoing within the Gambling Commission which will impact on national guidance issued to local authorities. The Gambling Commission has therefore suggested that rather than a full review of policies this year, local authorities can undertake a 'refresh' of the document and then review fully once national guidance has been issued, this is anticipated to be at some point during 2025.</p> | |
| 9. Forward Plan | 243 - 248 |
| <p>To consider, amend as required and agree the Committee's Forward Plan.</p> | |

No other items of business can be considered unless the Chair decides the matter is urgent for reasons that must be specified and recorded in the Minutes.

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING COMMITTEE

Minutes of the Meeting held on 15 May 2024 at 10.00 am

Present:-

Cllr D A Flagg – Chairman

Cllr S Moore – Vice-Chairman

Present: Cllr B Castle, Cllr A Chapmanlaw, Cllr M Dower, Cllr G Farquhar,
Cllr E Harman, Cllr P Hilliard, Cllr A Keddie and Cllr J Richardson

1. Apologies

Apologies for absence were received from Councillors Filer, Howell and Matthews.

2. Substitute Members

There were no substitute members.

3. Election of Chair

Councillor Flagg was elected as Chair for the ensuing municipal year.

4. Election of Vice Chair

Councillor Moore was elected as Vice Chair for the ensuing municipal year.

5. Declarations of Interests

There were no declarations of interest.

6. Confirmation of Minutes

Resolved that the Minutes of the Licensing Committee on 7 March 2024 and the Licensing Sub-Committees held on 28 February, and 13 and 27 March 2024, be signed by the Chair as an accurate record.

7. Public Issues

There were no public questions, statements, or petitions for this meeting.

8. Amendment to Private Hire Vehicle Fee

The Licensing Manager addressed the Committee and explained that on 7 March 2024 the Committee approved an increase in the Private Hire and

Hackney Carriage Fees. Since then, officers had realised that there was an error within the spreadsheet provided. All fees were subject to a 4% inflationary increase. Unfortunately, the calculation for the Private Hire Vehicle fee used the fee for 2022 which was £160, however, the fee for 2023, which should have been subjected to the increase, was £175. This meant that the fee for 2024 should be £182 and not £166, as stated within the report.

The fees were subjected to public consultation and no objections were received. However, this amendment would mean the consultation would need to run again for Private Hire Vehicle Licence Fees.

The chart on page one of the appendix should be updated as follows:

Vehicle	BCP Current Fees	BCP Proposed Fees 2024
Private Hire Vehicle Licence (1 year)	£175.00	£182.00

The Chair accepted that an error had occurred and asked committee members if they had any questions or comments. No questions/comments were raised.

RESOLVED that the Licensing Committee agree the proposed fees as stated.

9. Forward Plan

The Licensing Manager took members through the Committee's Forward Plan, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'B' to these Minutes in the Minute Book.

The following updates were provided:

- The Pleasure Boats and Boatpersons Licensing Policy consultation had been postponed until next year out of respect for the upcoming one-year anniversary of the Bournemouth Beach Tragedy.
- The Review of Hackney Carriage and Private Hire Driver, Vehicle and Operator Policies had been postponed until the December meeting to allow the Committee more time to consider the draft policy.
- The Review of Scrap Metal Policy had been postponed until the December meeting.
- Review of Statement of Licensing Principles -Gambling Act 2005 - Following guidance issued by the Gambling Commission a light touch update would be presented for approval as a final document at the December meeting. A full review would take place during 2025.

The Committee discussed the process for formulating a Sex Establishment Policy, should the Council decide to have one. The Licensing Manager advised that this would be led by members and senior management and that no instructions had been received to create a policy. It was noted that

the Review of the Statement of Licencing Policy would need to be completed prior to considering the formulation of a Sex Establishment Policy.

The Chair and Vice-Chair agreed to prepare a brief report to present to full Council to get a view on whether the Council felt a Sex Establishment Policy was necessary. The Licensing Manger advised that she would draft a report to include legislative background, which could form a starting point for discussions. The report would be presented to the Licensing Committee for endorsement prior to going to full Council.

The meeting ended at 10.20 am

CHAIRMAN

This page is intentionally left blank

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 11 April 2024 at 10.00 am

Present: Cllr B Castle, Cllr D A Flagg and Cllr L Williams

1. Election of Chair

RESOLVED that Councillor Flagg be elected Chairman of the Sub-Committee for the duration of the meeting.

Voting: Unanimous

2. Apologies

Apologies for absence were received from Councillor Dower and Councillor Moore replaced her as a reserve member.

3. Declarations of Interests

There were no declarations of interest.

4. Protocol for Public Speaking at Licensing Hearings

The protocol for public speaking was noted.

5. Asda Express PFS Bath Road, 23 Bath Road, Bournemouth, BH1 2NJ

Attendance:

BCP Council:

Tania Jardim – Licensing Officer

Linda Cole - Legal Advisor to the Sub-Committee

Sinead O'Callaghan - Clerk to the Sub-Committee

The Chair made introductions and explained the procedure for the hearing, which was agreed by all parties.

The Licensing Officer presented the report, a copy of which had been circulated and a copy of which appears as Appendix A to these minutes in the Minute Book.

The Sub-Committee was asked to consider an application for a new premises licence, for the premises known as 'Asda Express PFS Bath Road' 23 Bath Road, Bournemouth, BH1 2NJ to permit late night refreshment Monday to Sunday 23:00 to 05:00 and the Supply of Alcohol (Off Sales only) 24 hours, 7 days per week.

The Licensing Authority received 6 representations on the grounds that to grant the application would undermine the prevention of crime and disorder, prevention of public nuisance, public safety and the protection of children from harm licensing objectives.

The following persons attended the Hearing and addressed the Sub-Committee to expand on the points made in their written submissions:

Richard Taylor – Solicitor for the applicant

Lucy Johnston – Asda General Manager

Mr Andre and Mrs Joan Martin – Objectors

The Sub-Committee asked various questions of all parties present and was grateful for the responses received.

All parties were invited to sum up before the Sub-Committee retired to make its decision. Before concluding the Hearing, the Legal Advisor advised all parties of the right of appeal.

RESOLVED that the application dated 26 January 2024 by Euro Garages Ltd for a new premises licence in respect of the premises known as ‘Asda Express’, Petrol Filling Station, 23 Bath Road, Bournemouth, BH1 2NJ, to permit late night refreshment 23:00 to 05:00 hours, 7 days per week and the Supply of Alcohol (Off Sales only) amended whilst in mediation with Dorset Police to 06:00 hours to 00:00 hours, 7 days per week be GRANTED subject to the addition of the following conditions:

These conditions were proposed by Dorset Police when in mediation prior to the hearing on 11th April 2024 and confirmed as agreed both prior and during the hearing by the Applicant.

- *There shall be no sale of beer, lager or cider with an ABV of above 6.5% sold at the premises, other than artisan/ craft beer, lager or cider.*
- *There will be no sale of beer, lager or cider in single cans. For the avoidance of doubt this condition will not apply to artisan/ craft beer, lager or cider sold in single units.*
- *Spirits to be sold in 70cl / 1 litre bottles only.*
- *Night hatch in operation between the hours of 22.00 – 06.00.*

All steps set out in section 18 of the application will be added as conditions to the Licence.

Reason for Decision:

The Sub-Committee considered all the information which had been submitted before the Hearing and contained in the report for Agenda Item 5, together with the verbal submissions made at the hearing by Mr Richard Taylor, of Gosschalks LLP the applicant’s solicitor, and by Mr Martin, who had submitted a written objection.

During the hearing Mr Martin produced a map showing the proximity of the premises to Amberley Court and a photograph on his mobile phone of an empty wine bottle that had been discarded in the communal garden. Mr Taylor agreed that although late this supplementary information could be included in the hearing.

The Sub-Committee noted the applicant was agreeable to the amendments proposed by Dorset Police and was mindful that due to this successful mediation, Dorset Police did not make a representation regarding this application.

It was noted that there had been no representations made by any other responsible authorities such as Environmental Health and that there was no substantial evidence before the sub-committee of crime and disorder, public nuisance or public safety issues associated with the premises.

The Sub-Committee also considered the six written representations made by 'other persons' all residents of Amberley Court and determined that the concerns raised were a fear of what may happen should the licence be granted. The Sub-Committee noted the issues of anti-social behaviour being experienced and were sympathetic to the points raised and the residents concern that the licence if granted would exacerbate the problems. However, in determining this application, the Sub Committee is only able to consider the licensing objectives and whether the proposed premises licence would undermine those objectives. No substantial evidence had been provided that the premises, if licensed would lead to increased crime and disorder or public nuisance in the local area that could be considered when determining the application.

The Sub-Committee was mindful of the spirit of the Licensing Act 2003 and the case of *Thwaites PLC v Wirral Borough Magistrates' Court* 2008.

It was noted that a review of the premises licence could be applied for at any time by a Responsible Authority or any other person should there be any issues associated with the premises in the future that undermine the licensing objectives.

The applicant operates nationwide, and the Sub-Committee were reassured that the Applicant has robust policies and procedures in place to deal with sale of alcohol and staff training. They are of the view that the applicant is a responsible operator and noted their willingness to accept conditions in mediation with Dorset Police to deter 'street drinking'. They would expect they would continue to work closely with Dorset Police to deal with any issues should they arise going forward.

In making this decision the Sub-Committee have had regard to the Bournemouth, Christchurch and Poole Council Licensing Policy, the revised guidance, as set out by the Secretary of State and the licensing objectives, as set out in the Licensing Act 2003.

All parties to the application have the right to appeal to the Magistrate's Court within the period of twenty-one days beginning with the day on which the applicant is notified by the Licensing Authority of this decision in writing.

The meeting ended at 10.43 am

CHAIRMAN

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 05 June 2024 at 10.15 am

Present: Cllr B Castle, Cllr A Keddie and Cllr L Williams

1. Election of Chair

RESOLVED that Councillor Williams be elected Chairman of the Sub-Committee for the duration of the meeting.

Voting: Unanimous

2. Apologies

There were no apologies for absence.

Post Meeting Note:

An apology for absence was received from Cllr Moore and Councillor Castle, as a reserve member, assumed the role as a Licensing Sub-Committee member.

3. Declarations of Interests

There were no declarations of interest.

4. Protocol for Public Speaking at Licensing Hearings

The protocol for public speaking was noted.

5. Wiggle, 159 Old Christchurch Road, Bournemouth, BH1 1JS

Present:

BCP Council:

Sarah Rogers – Licensing Officer

Linda Cole – Legal Advisor to the Sub-Committee

Michelle Cutler – Clerk to the Sub-Committee

Members of the Public Present: 2

The Chair made introductions and explained the procedure for the hearing, which was agreed by all parties.

Post Meeting Note:

The running order of the hearing had been changed to allow Mrs Stockwell to speak first, at her request.

The Licensing Officer presented the report, a copy of which had been circulated and a copy of which appears as Appendix A to these minutes in the Minute Book.

The Sub-Committee was asked to consider an application for the renewal of the Sexual Entertainment Venue Licence for the premises known as 'Wiggle', 159 Old Christchurch Road, Bournemouth, to permit relevant entertainment to continue for a further twelve-month period.

One valid representation had been received and it was confirmed that there had been no representations received from any of the responsible authorities.

The following persons attended the hearing and addressed the Sub-Committee to expand on the points made in their written submissions:

Applicant and Representatives:

Mr Paul Ojla - Applicant

Mr Taran Ojla - General Manager

Objector:

Mrs Susan Stockwell

The Sub Committee asked various questions of all parties present and was grateful for the responses received. All parties had the opportunity to ask questions. All parties were invited to sum up before the Sub-Committee retired to make its decision. Before concluding the hearing, the Legal Advisor advised all parties of the right of appeal.

Decision:

The Sub-Committee resolved to grant the application to renew the Sexual Entertainment Venue Licence for Wiggle, 159 Old Christchurch Road, Bournemouth BH1 1JS

Reasons for the Decision:

The Sub-Committee considered in detail all the information which had been submitted before the hearing and contained in the report for Agenda Item 5, Wiggle, 159 Old Christchurch Road, Bournemouth.

The Sub-Committee also considered the written and verbal submissions submitted by the objector Susan Stockwell, together with the written and verbal submissions of the applicant, Mr Paul Ojla, owner of the premises, and Mr Taran Ojla, General Manager.

The Sub-Committee had regard to the provisions of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (“the 1982 Act”), and in particular the available grounds for refusing the application contained within that Schedule. They did not find that the Applicant was unsuitable to hold a sexual entertainment venue licence and were reminded that BCP Council no longer had a Sex Establishments Policy. It was agreed that the only grounds to be considered were the ‘discretionary’ grounds set out in paragraph 12(3)(d) of Schedule 3. It was to those grounds that the Sub-Committee turned their focus.

Character of locality

The Sub-Committee noted that the premises has operated as a lap dancing club in the same location since 2006. Since 2010 when such premises were required to operate under a Sexual Entertainment Venue licence, such a licence has been in place and applications made annually for it to renewed as is required by the Act. Although the character of the locality had evolved and changed throughout this period, it was still considered to be in the heart of the Bournemouth night time economy and the Sub-Committee did not consider that it had changed materially since the last decision to renew the licence in 2023, or that there was any basis in the context of the character of the locality at this moment to refuse the application. However, it was noted the character of the location will continue to evolve and more residential accommodation was being planned in the town centre area.

It acknowledged the numbers of pupils at Livingstone Academy, in Stafford Road, Bournemouth which opened in September 2021, will continue to increase year on year as new year groups were admitted and more children may have cause to walk past the premises on route to and from school. It was noted however the premises only opened from 10pm in the evening and operated outside school hours. The Sub-Committee was pleased to note that the venue’s logo of a silhouette of a naked female included on the sign at the front of the premises had been covered in black tape and so removed from the view of those passing by the premises and there was an improvement in the maintenance of the outside area, both causes of concern at hearing in June 2023.

Currently the location of the premises was not thought inappropriate, having regard to the character of the locality, or to the use to which other premises in the vicinity were put, to warrant refusal of the application.

Layout

The Sub-Committee was satisfied that the layout was acceptable and did not warrant refusal of the application. Mrs Rogers explained copies of the plans held by the Licensing Authority had been forwarded to the objector Mrs Stockwell. It was confirmed that there were now separate ladies’ toilets for customers included within the premises rather than unisex toilets and there were separate secure toilets and changing facilities for use of the dancers. Reference was made to the smoking shelter in the written objections, but the authorisation for such a structure is not within the scope of this application.

PSED

In considering the application, and in coming to their decision, the Sub-Committee had regard to the need to eliminate discrimination, foster good relations, and advance equality of opportunity between those with a protected characteristic, and those without. In this case that arose primarily in the context of sex.

The Sub-Committee noted the premises had a diverse customer base and welcomed customers of various genders and considered that some of the points raised in the objection were irrelevant and some were without evidence.

It was noted that there had been no complaints made to the Police or the licensing authority since the last renewal, and the Police had not submitted any comments in response to the application. The Sub-Committee was of the view that if the Police had concerns about the premises and its effect on crime and disorder or inappropriate behaviour towards women in the vicinity, they would have voiced these concerns. There was no evidence brought that showed any increase in crime that can be connected to this premises. Although not required the Licensing Authority also informed all Responsible Authorities as set out in the Licensing Act 2003 of this application but received no comments or objections in response. It was also noted that no objections had been made by either Livingstone Academy or Bournemouth University and with so many female students now living in the vicinity, the Sub-Committee was of the view that the University would have shared any concerns raised by students with the Licensing Authority or the Police. In addition, no objections were raised by any religious establishment or any other resident of the Town Centre.

The Licence to be renewed contains comprehensive conditions on age verification, no persons under 18 can be admitted to or employed to work in any capacity at the premises. There are conditions governing the nature of the performance and limiting personal contact and audience participation, identifying where a performance takes place and that suitable clothes should be worn in any other areas, supervision, CCTV to cover all public areas. Conditions also cover advertising, visibility of the interior from outside the premises and there is both a customer and dancer code of conduct.

On balance, on determining the application and considering the conditions that will be attached to any licence and having regard to the Public Sector Equality Duty, the Sub-Committee did not feel that the duty compelled the refusal of the application.

After full consideration of the grounds set out in paragraph 12 of schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 the Sub-Committee did not feel there was any basis to refuse the application and they thus resolved to grant it.

Right of Appeal

The decision being to grant the application, there is no statutory right of appeal against this decision.

The meeting ended at 11.00 am

CHAIRMAN

This page is intentionally left blank

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 18 June 2024 at 10.00 am

Present:-

Cllr G Farquhar – Chairman
– Vice-Chairman

Present: Cllr A Chapmanlaw, Cllr G Farquhar and Cllr J Richardson

Officers in attendance: Sarah Rogers – Licensing Officer
Michelle Fletcher – Licensing Officer
Mary Almeida - Legal Advisor to the Sub-Committee
Claire Johnston - Clerk to the Sub-Committee
Rebekah Rhodes – Clerk to the Sub-Committee

Also in attendance: Cllr P Hilliard

6. Election of Chair

RESOLVED that Councillor G Farquhar be elected Chairman of the Sub-Committee for the duration of the meeting.

Voting: Unanimous

7. Apologies

There were no apologies received for this meeting.

8. Declarations of Interests

There were none on this occasion.

9. Protocol for Public Speaking at Licensing Hearings

The Protocol for Public Speaking was noted.

10. Bournemouth Bake House, 3-5 Fir Vale Road, Bournemouth

Attendance:

BCP Council:

Sarah Rogers – Licensing Officer
Mary Almeida - Legal Advisor to the Sub-Committee
Claire Johnston - Clerk to the Sub-Committee
Rebekah Rhodes – Clerk to the Sub-Committee (observing)

The Chair made introductions and explained the procedure for the hearing, which was agreed by all parties.

The Licensing Officer presented the report, a copy of which had been circulated and a copy of which appears as Appendix 'A' to these minutes in the Minute Book.

The Sub-Committee was asked to consider an application for a new premises licence at Bournemouth Bake House, 3 – 5 Fir Vale Road, Bournemouth, to permit late night refreshment between the hours of 23:00 and 05:00, each day of the week.

The Licensing Authority received 3 representations from other persons on the grounds that to grant the application would undermine the prevention of crime and disorder, public safety and the prevention of public nuisance licensing objectives. It was clarified that 2 of the representations which were identical in content were received by the same person and therefore there were only 2 separate representations.

The following persons attended the Hearing and addressed the Sub-Committee to expand on the points made in their written submissions:

Mr Mark Cater – Applicant

Mr Ismail Ecker – Objector

Mr Ecker also brought the following witnesses who addressed the Sub-Committee:

Ms Merve Eker

Ms Berfin Eker

Mr Jesus Giordano

The Sub-Committee asked various questions of the parties present and was grateful for the responses received.

All parties were invited to sum up before the Sub-Committee retired to make its decision. Before concluding the Hearing, the Legal Advisor advised all parties of the right of appeal.

RESOLVED: RESOLVED that the application for a new premises licence at Bournemouth Bake House, to permit late night refreshment between the hours of 23:00 and 05:00, each day of the week, be GRANTED.

The Application is granted with the conditions offered in the applicants' operating schedule, the condition suggested by Dorset Police as outlined in the report and the following additional conditions offered by the applicant during the hearing:

Conditions put forward by the applicant at the hearing:

- The premises shall operate and maintain a record of regular litter checks in the vicinity of the premises in accordance with a schedule to be agreed with the Licensing Authority
- CCTV coverage provided by the premises shall be extended to the alleyway adjacent to the premises, which will be checked and maintained in accordance with the conditions offered by the premises in the Licensing Schedule.

Reasons for Decision:

The Sub-Committee gave detailed consideration to all of the information which had been submitted before the hearing and contained in the report for Agenda Item 5.

The Sub-Committee also considered additional information submitted by the applicant on 12th June prior to the hearing and the verbal submissions made at the hearing by Mr Mark Cater, the applicant, Mr Ismail Eker, who had submitted a representation and two witnesses.

The Sub-Committee did not feel that it was appropriate to accept additional information from the applicant which had been received the evening prior to the hearing and this did not therefore form part of their considerations.

The Sub-Committee also noted that there were effectively only two objections received to the application as two of the representations were identical and had been made by the same person, Mr Ecker, in different names and for different addresses.

The Sub-Committee noted that the applicant had demonstrated a willingness to negotiate with those making representations prior to the hearing to address their concerns however, those making representations had not responded to any of his communications.

The Sub-Committee also noted that the applicant had agreed to an additional condition as suggested by Dorset Police that an SIA registered door supervisor shall be on duty at the premises from 23:00 hours until the end of licensable hours daily, this negated a representation from the police.

The Sub-Committee noted that the applicant appeared to have a good understanding of the Licensing Objectives and was willing to respond positively to concerns which were raised by the Sub-Committee concerning the generation of litter from the premises and the CCTV cover of an alleyway in the immediate vicinity of the premises.

The Sub-Committee was reassured by the applicant's previous experience in the industry which was outlined by Mr Cater and which included a number of businesses run over several years in demanding areas of the town. The Sub-Committee was of the opinion that an additional SIA in the area and the greater CCTV coverage offered by the applicant would support the prevention of crime and disorder.

The Sub-Committee also considered relevant case law, R (on application of Daniel Thwaites plc) v Wirral Magistrates' Court and Others (2008) and that the Responsible Authorities who were experts in their fields, had not made any representations.

The Sub-Committee was satisfied that if the premises operated in accordance with the conditions offered in the operating schedule of the application, the conditions agreed with Dorset Police and the conditions put forward by the applicant at the hearing, that the premises would not undermine the licensing objectives and as such the application for the premises licence should be allowed.

In making this decision the Sub-Committee have had regard to the Bournemouth, Christchurch and Poole Council Licensing Policy, the revised guidance, as set out by the Secretary of State and the licensing objectives, as set out in the Licensing Act 2003.

Finally, the objections which were received did not appear to be relevant to the application and were based on speculation.

All parties to the application have the right to appeal to the Magistrate's Court within the period of twenty-one days beginning with the day on which the applicant is notified by the Licensing Authority of this decision in writing.

11. Exclusion of Press and Public

RESOLVED that under Section 100 (A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1 and 2 in Part I of Schedule 12A of the Act and that the public interest in withholding the information outweighs such interest in disclosing the information.

12. Private Hire and Operator Licence Holder

This item was withdrawn prior to the meeting.

13. Public Carriage Driver / Operator Suitability

This item was restricted by virtue of paragraphs 1 and 2 of Schedule 12A of the Local Government Act 1972.

Exempt information – Categories 1 (information relating to any individual) and 2 (information which is likely to reveal the identity of an individual).

From BCP Council:

Mary Almeida – Legal Adviser to the Sub-Committee

Michelle Fletcher – Licensing Officer

Rebekah Rhodes – Clerk to the Sub-Committee

Claire Johnston – Clerk to the Sub-Committee (observing)

The Applicant was also in attendance.

The Chair made introductions and explained the procedure to be followed in considering this item, which was agreed by all participating parties.

The Licensing Officer presented a report, a copy of which had been circulated to each Member and a copy of which appears as a non-public Appendix 'B' to these Minutes in the Minute Book.

The Sub Committee was asked to consider whether the driver remained a 'fit and proper' person to continue to hold a Hackney Carriage and Private Hire driver licence.

The applicant addressed the Sub Committee to present their case.

The Sub-Committee asked various questions of all parties present and was grateful for the responses received.

All parties were invited to sum up before the Sub-Committee retired to make its decision. Before concluding the Hearing, the Council's Legal Advisor advised all parties of the right of appeal.

RESOLVED that the applicant was not considered to be a 'fit and proper' person to continue holding a hackney carriage and/or private hire driver/operator Licence.

Reasons For Decision

Detailed reasons for the decision are outlined further in the exempt minute for this item. The Sub Committee concluded that the applicant was not a 'fit and proper person' to continue to hold a license and that it was appropriate to depart from the policy, that the applicant cannot continue with the renewal process to become a licensed Hackney Carriage driver.

The Sub-Committee took into consideration the written documents and information contained in Agenda Item 6; the BCP Council Private Hire and Hackney Carriage Conditions, Bylaws and Guidance, the BCP Private Hire and Hackney Carriage Policy, the provisions of the Local Government (Miscellaneous Provisions) Act 1976 and the Institute of Licensing (IOL) Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades and the oral representations made at the Hearing on 18th June 2024.

Anyone aggrieved by the decision has the right of appeal to the Magistrates' Court within a period of 21 days beginning with the day that the applicant is notified, in writing, of the decision.

The meeting ended at 12.50 pm

CHAIRMAN

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 25 June 2024 at 10.00 am

Present: Cllr A Chapmanlaw, Cllr D A Flagg and Cllr L Williams

14. Election of Chair

RESOLVED that Councillor Flagg be elected Chairman of the Sub-Committee for the duration of the meeting.

Voting: Unanimous

15. Apologies

There were no apologies for absence.

16. Declarations of Interests

There were no declarations of interest.

17. Protocol for Public Speaking at Licensing Hearings

The protocol for public speaking was noted.

18. Exclusion of Press and Public

RESOLVED that under Section 100 (A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1 and 2 in Part I of Schedule 12A of the Act and that the public interest in withholding the information outweighs such interest in disclosing the information.

19. Westover Express, 45 Westover Road, Bournemouth

Attendance:

BCP Council:

Sarah Rogers – Licensing Officer

Johanne McNamara - Legal Advisor to the Sub-Committee

Sinead O'Callaghan - Clerk to the Sub-Committee

Jill Holyoake – Democratic Service Support

The Chair made introductions and explained the procedure for the hearing, which was agreed by all parties.

The Licensing Officer presented the report, a copy of which had been circulated and a copy of which appears as Appendix A to these minutes in the Minute Book.

The Sub-Committee was asked to consider an application for a new premises licence, for the premises known as 'Westover Express' 45 Westover Road, Bournemouth to permit off sales of alcohol from the premises between the hours of 08:00 and 23:00 each day of the week.

The Licensing Authority received 2 representations on the grounds that to grant the application would undermine the prevention of crime and disorder, public safety and protection of children from harm licensing objectives.

Following the publication of the report, additional information was received on behalf of applicant and Dorset Police, copies of which were circulated and appear as Appendix B, C and D to these minutes in the Minute Book.

The following persons attended the Hearing and addressed the Sub-Committee to expand on the points made in their written submissions:

Mr Philip Day – Solicitor for applicant
Mrs Elina Kadir - Applicant
Mr Gareth Gosling - Dorset Police
Ms Katie Attridge - Trading Standards
Ms Hayley Browning- Trading Standards

The Sub-Committee asked various questions of all parties present and was grateful for the responses received.

During the hearing the Sub Committee passed the following resolution to enable the exempt information provided by Trading Standards in their representation to be presented, with all parties having the ability to ask questions and note responses provided:

RESOLVED that under Section 14 (2) of the Licensing Act 2003 (Hearings) Regulations 2005, and with regard to Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that the public interest in withholding the information outweighs such interest in disclosing the information and that it involves the likely disclosure of exempt information as defined in Paragraphs 1, 2 and 7 in Part I of Schedule 12A of the Act.

All parties were invited to sum up before the Sub-Committee retired to make its decision. Before concluding the Hearing, the Legal Advisor advised all parties of the right of appeal.

RESOLVED that the application for a new premises licence at Westover Express, 45 Westover Road, Bournemouth, BH1 2BZ, GRANTED subject to the addition of the following conditions:

The Conditions offered by the Applicant during mediation with Dorset Police prior to the hearing on 25th June 2024. It was noted that Dorset Police's representation was that if a Licence were granted the Sub Committee should impose those conditions offered by the Applicant as set out below.

- Westover Express will meet all 4 Licensing Objectives as shown below, in particular through ensuring comprehensive staff training, good neighbour practices, Challenge 25.
- All staff working at the premises concerned with the sale of alcohol shall be trained in accordance with the SWERCOTS scheme or such other scheme as may be approved by Trading Standards or the Licensing Authority from time to time and shall receive refresher training at least every 6 months.
- A record of all staff training shall be maintained and kept on the premises and made available on request to an authorised officer of the Council or the Police.
- A further notice reading "We do not sell single cans or bottles of beers, ciders or lagers that are stronger than 5.3%" will be displayed at or near the beer display area.
- All spirits shall be displayed only behind the counter area.
- Alcohol shall only be displayed in areas visible from the sales counter or covered by CCTV.
- No sale of alcohol shall knowingly be permitted to anyone under the influence of illegal drugs. Appropriate signage advising customers of the Policy shall be prominently displayed throughout the premises.
- Whole service area is visible to Management and staff who will be trained and supervised by a DPS and their authorised staff
- CCTV is installed to cover all trading and immediate access and exit routes.
- Posters will be visible from the window to deter customers from congregating by the main door and to remind them to be considerate of neighbours and residents.
- An incident log shall be kept at the premises. The log shall include the date and time of the incident and the name of the member of staff who has been involved. and made available on request to an authorised officer of the Council or the Police, which shall record the following:
 - (a) any complaints received
 - (b) any incidents of disorder
 - (c) any faults in the CCTV system / or searching equipment / or scanning equipment
 - (d) any refusal of the sale of alcohol
 - (e) any visit by a relevant authority or emergency service
 - (f) all crimes reported to the venue
 - (g) all ejections of patrons
 - (h) all seizures of drugs or offensive weapons

This log to be checked on a weekly basis by the DPS of the premises.

- A CCTV system shall be installed to cover all entry and exit points enabling frontal identification of every person entering in any light condition. There must be a member of staff on duty at all times that the premises are trading under this licence who is able to access the CCTV and produce images to the Police on request.
- The CCTV system shall continually record and cover areas where alcohol is kept for selection and purchase by the public, whilst the premises is open for licensable activities. It shall operate during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with correct date and time stamping. Recordings shall be made available immediately upon the request of Police or an authorised officer of the council throughout the preceding 31 day period.
- The CCTV system shall be updated and maintained according to police recommendations. Challenge 25 Age Verification policy to be adopted and advertised with posters.
- Adequate rubbish bins provided close to the building.
- A copy of any such risk assessment shall be kept up the premises and made available for inspection by police or other authorised officers.

The Sub Committee further noted the additional conditions offered by the Applicant in their written representation dated 24th June 2024 and the Sub Committee imposes the following

- The holder of the licence shall undertake a risk assessment regard to the deployment of SIA door supervisors on any occasion when the premises are open beyond 20:00 hours.

Due to concerns raised by Dorset Police about crime and disorder in the local area the Sub Committee felt an earlier time for this would further support the Licensing Objectives.

- The premises shall not stock, sell or supply bottles of any cider, beer or lager that has a strength of over a size greater than 1 litre. Further, the premises shall not sell single bottles or cans of any beer, cider or lager that has a strength of over 5.3%

The Sub Committee noted the Applicant requested the percentage strength of the cider, beer or lager be capped at 6.3% but the Licensing Sub Committee felt the original offer of 5.3% would better support the Licensing Objectives of crime and disorder. It was noted that the area has had a history of alcohol related crime and disorder and the Sub Committee felt that the capping the strength to 5.3% would assist in ensuring this does not increase.

- No alcohol shall be sold by way of delivery from the premises but shall only be sold or supplied to customers attending the

premises in person. Any staff employed under the age of 18 will be constantly supervised.

Reasons for Decision:

The Sub-Committee gave detailed consideration to all of the information which had been submitted before the hearing and contained in the report for Agenda Item 5, together with the verbal submissions made at the hearing by Mr Philip Day, the applicant's solicitor, by Dorset Police, and by Trading Standards who had submitted written objections.

The Sub-Committee raised concerns regarding other premises that have come to the attention of Trading Standards on multiple occasions and their connection to the Premises Licence Holder and DPS at the premises comprising this Application. but took the view that such concerns were not specifically directed at the premises connected to this Application. The Sub-Committee also noted in the matrix provided by Trading Standards that recent visits to the premises were satisfactory. Any concerns regarding the DPS at these premises were not something for the Sub Committee to consider at this hearing and noted that it was only Dorset Police who could challenge the suitability of a DPS. The Sub-Committee noted that Dorset Police had set out in their representation that they had no concerns regarding the DPS proposed.

With regard to the representation from Dorset Police, the Sub-Committee was mindful that the Licensing Authority should look to Dorset Police as its main source of advice on crime and disorder. The sub-committee acknowledged the concerns raised by the police in their representation against the application on the grounds of preventing crime and disorder. The areas of concern highlighted in the representation were that the addition of this alcohol provision in this sensitive area will undermine the efforts of the Police and introduce additional challenges which will affect the progress that has been achieved in tackling the known issues within this area of Bournemouth.

The Sub-Committee noted the concerns raised by the Police. The Sub Committee welcomed Dorset Police's comments that the area is improving. On this occasion the Sub-Committee did not feel the concerns raised justified the refusal of the Application.

In conclusion, the Sub-Committee was satisfied that if the premises operated in accordance with the additional conditions the premises should not undermine the licensing objectives.

The Sub-Committee would encourage the Premises to work with Trading Standards and the Police to ensure that all four licensing objectives are continuously met.

In making this decision the Sub-Committee have had regard to the Bournemouth, Christchurch and Poole Council Licensing Policy, the revised

guidance, as set out by the Secretary of State and the licensing objectives, as set out in the Licensing Act 2003.

All parties to the application have the right to appeal to the Magistrate's Court within the period of twenty-one days beginning with the day on which the applicant is notified by the Licensing Authority of this decision in writing.

The meeting ended at 11.11 am

CHAIRMAN

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 03 July 2024 at 10.15 am

Present: Cllr M Dower, Cllr G Farquhar and Cllr A Filer

20. Election of Chair

RESOLVED that Councillor Farquhar be elected Chairman of the Sub-Committee for the duration of the meeting.

Voting: Unanimous

21. Apologies

Apologies were received from Cllrs Sandra Moore & Brian Castle. Cllrs Farquhar and Dower stepped up as reserve members to sit on the Sub-Committee.

22. Declarations of Interests

There were no declarations of interest received on this occasion.

23. Protocol for Public Speaking at Licensing Hearings

The Protocol for Public Speaking at Licensing Hearings was noted.

24. Application for a Premises Licence at Trouville Hotel, 5-7 Priory Road, Bournemouth, BH2 5DH

Present:

BCP Council:

Ellie King – Licensing Officer

Linda Cole – Legal Advisor to the Sub-Committee

Louise Smith – Clerk to the Sub-Committee

Michelle Cutler – Democratic Support

The Chair made introductions and explained the procedure for the hearing, which was agreed by all parties.

The Licensing Officer presented the report, a copy of which had been circulated and a copy of which appears as Appendix A to these minutes in the Minute Book.

Mr Philip Day of Laceys Solicitors made an application on behalf of ABQ Leisure Ltd for a new premises licence at the Trouville Hotel, located at 5-7 Priory Road, Bournemouth

The application was to permit:

- Plays (Indoors) - 10:00 to 01:00 Monday to Sunday
- Indoor sporting events - 10:00 to 01:00 Monday to Sunday
- Live Music (Indoors) - 10:00 to 01:00 Monday to Sunday
- Recorded Music (Indoors) - 10:00 to 01:00 Monday to Sunday
- Performances of dance (Indoors) - 10:00 to 01:00 Monday to Sunday
- Activity similar to music and dance (Indoors) - 10:00 to 01:00 Monday to Sunday
- Late night refreshment (Indoors) - 23:00 to 01:00 Monday to Sunday for non residents and until 05:00 hours for residents and bona fide guests
- Supply of Alcohol (On and Off Sales) from 10:00 to 01:00 on every day of the week, for non residents and 24 hours a day for residents and bona fide guests.

The Licensing Authority had received representations from 27 other persons on the grounds that to grant the application would undermine the prevention of crime and disorder, prevention of public nuisance, public safety and protection of children from harm licensing objectives.

The following persons attended the hearing and addressed the Sub-Committee to expand on the points made in their written submissions:

For the Applicant:

Philip Day – Applicant's representative

Muhammad Malik - applicant

Other Persons:

Karen & Anthony Davies (also representing Laith & Diana Majeed, who had made a representation but did not attend).

Stewart Green

The following joined the meeting virtually:

Michael Carr

Keith Lucas

Peter Jopling

The Sub Committee asked various questions of all parties present and was grateful for the responses received. All parties had the opportunity to ask questions. All parties were invited to sum up before the Sub-Committee retired to make its decision. Before concluding the hearing, the Legal Advisor advised all parties of the right of appeal.

Decision:

GRANTED as applied for, to include the conditions offered by the Applicant Company as detailed in Part 3 Operating Schedule,

Paragraph M. In addition, that the following conditions, be added to the Licence at the request of the Sub-Committee:

- **That all non-fixed tables and chairs located in the outside areas at the front of the premises be removed by 11pm each day.**
- **That contact details of the hotel manager and DPS be placed on display within the hotel reception area and made available to residents of Coast Development if requested.**

Reasons for Decision

The Sub-Committee considered all the information which had been submitted before the Hearing and contained in the report for Agenda Item 5, together with verbal submissions made at the hearing by Mr Philip Day, the applicant's solicitor, Mr Muhammad Malik, on behalf of the applicant and Mrs Davies (also representing Mr Davies and Mr and Mrs Majeed), Mr Green, Mr Carr, Mr Lucas and Mr Jopling all objecting to the application.

The Sub-Committee also considered the 27 written representations made by 'other persons' and noted the concerns raised should the licence be granted. The Sub-Committee noted the issues raised re anti-social behaviour being experienced in the wider locality and were sympathetic to the residents' concerns that the licence if granted would exacerbate the problems. However, in determining this application, the Sub-Committee is only able to consider the licensing objectives and whether the proposed premises licence would undermine those licensing objectives. No relevant substantial evidence had been provided that the premises, if licensed would lead to increased crime and disorder or public nuisance in the local area that could be considered when determining the application.

The Sub-Committee noted that the Licensing Officer had advised that no complaints had been made to the Licensing team when the Trouville Hotel was previously operational under the lapsed licence and no complaints had been received regarding the recent operation under the Temporary Event Notices. The Sub-Committee particularly noted that no representations had been made by either Dorset Police or Environment Health or any other responsible authority and that there was no evidence of crime and disorder, public nuisance or public safety issues associated with the premises. The Sub-Committee deem each responsible authority to be an expert in their respective field and the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective.

Residents were concerned that table and chairs being outside the premises overnight could attract late night drinkers and the Sub-Committee did agree that such furniture could encourage those walking from the town centre to sit and cause a noise nuisance. Mr Day on behalf of the premises offered a condition that the non-fixed tables and chairs would be removed and stored

away by 11pm each evening to mitigate this concern and the Sub-Committee agreed that this condition should be added to the Licence

The Sub-Committee heard that Mr Jopling had in the past complained to the Premises regarding late night noise and people drinking on the roof to no effect. The Sub-Committee noted that the applicant company has experience of running hotels in the local area and Mr Malik representing the Applicant appeared proactive and keen to work with residents. The Sub-Committee felt it was proportionate to add a condition to the licence that relevant contact details for the hotel manager and DPS be displayed in the hotel reception area and made available to residents of Coast Development so that should a problem occur, the manager or DPS can be made aware immediately and that any incidents of public nuisance or crime and disorder be reported to the Police as appropriate.

The Sub-Committee noted all the conditions offered within the operating schedule and appreciated that the Applicant had endeavoured to bring the Licence up to date and include the array of conditions that the Licensing Authority expects in order to promote the Licensing Objectives.

The Sub-Committee was mindful of the spirit of the Licensing Act 2003 and the presumption to grant and the case of *Thwaites PLC v Wirral Borough Magistrates' Court* 2008.

It was noted that a review of the premises licence could be applied for at any time by a Responsible Authority or any other person should there be any issues associated with the premises in the future that undermine the licensing objectives.

In making this decision the Sub-Committee have had regard to the Bournemouth, Christchurch and Poole Council Licensing Policy, the revised guidance, as set out by the Secretary of State and the licensing objectives, as set out in the Licensing Act 2003.

Right of Appeal

All parties to the application have the right to appeal to the Magistrate's Court within the period of twenty-one days beginning with the day on which the applicant is notified by the Licensing Authority of this decision in writing.

25. Review of Premises Licence - Pirata, 125 Charminster Road, Bournemouth

Present:

BCP Council:

Sarah Rogers – Licensing Officer

Linda Cole – Legal Advisor to the Sub-Committee

Louise Smith – Clerk to the Sub-Committee

Michelle Cutler – Democratic Support

The Chair made introductions and explained the procedure for the hearing, which was agreed by all parties.

The Licensing Officer presented the report, a copy of which had been circulated and a copy of which appears as Appendix B to these minutes in the Minute Book.

RESOLVED that under Section 14 (2) of the Licensing Act 2003 (Hearings) Regulations 2005, and with regard to Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that the public interest in withholding the information outweighs such interest in disclosing the information and that it involves the likely disclosure of exempt information as defined in Paragraphs 1, 2 and 7 in Part I of Schedule 12A of the Act.

This item was restricted by virtue of paragraphs 1, 2 and 7 of Schedule 12A of the Local Government Act 1972.

Exempt information – Categories 1 (information relating to any individual), 2 (information which is likely to reveal the identity of an individual) and 7 (information relating to the financial or business affairs of any particular person (other than the authority)).

The Sub-Committee was asked to consider the application for review of the premises licence, under Section 51 of the Licensing Act 2003. The review request from Dorset Police was received on 15 May 2024.

Dorset Police believed that the premises had undermined all four licensing objectives - the prevention of crime and disorder, prevention of public nuisance, public safety and the protection of children from harm licensing objectives with full details of the review appended to the Officer Report. In addition to the review application, the Police submitted some supplementary information and showed the Committee two CCTV videos to support their review request.

The following persons attended the hearing and addressed the Sub-Committee to expand on the points made in their written submissions:

Applicant:

Vanessa Rosales - Dorset Police

Louise Busfield – Dorset Police

License Holder:

Mr Enrico Guadagno – Premises Licence Holder

The Sub-Committee asked various questions of all parties present and was grateful for the responses received. All parties had the opportunity to ask questions. All parties were invited to sum up before the Sub-Committee

retired to make its decision. Before concluding the hearing, the Legal Advisor advised all parties of the right of appeal.

Decision:

RESOLVED that having considered the application to review the premises licence for the premises known as ‘Pirata’, 125 Charminster Road, Bournemouth, BH8 8UH, the Sub-Committee has decided to revoke the premises license on the grounds that the premises are not upholding the prevention of crime and disorder, public safety, and the protection of children from harm licensing objectives.

Reasons for Decision:

The Sub-Committee considered all the information which had been submitted before the hearing and contained in the report for Agenda Item 6, the written evidence provided by Dorset Police in support of the application for review and the verbal submissions made at the hearing by Louise Busfield and Vanessa Rosales on behalf of Dorset Police, and by Mr Enrico Guadagno, both Premises Licence Holder and DPS.

In determining the review, the Sub-Committee considered the options available as set out in the recommendations of the report and the Licensing Act 2003 and acknowledged that it was only able to consider matters directly relevant to the licensing objectives in respect of the operation of the premises licence.

The Sub-Committee noted that the premises had failed to engage with Dorset Police despite repeated attempts by the Police to address issues that had arisen at the premises. The Sub-Committee noted that this was a small business being run solely by the Premises Licence Holder/DPS and they had no confidence after considering the evidence before them and hearing from the parties that the premises would not continue to undermine the licensing objectives of the prevention of crime and disorder, public safety and the prevention of children from harm.

The Sub-Committee shared the view of Dorset Police that none of the other available options would address the reasons for the review and that these options would not be appropriate in upholding the Licensing Objectives

The Sub-Committee accepted that Dorset Police had identified and continued to receive reports of concerns associated with this premises and that no further engagement tools were available to Dorset Police that would support the management of this premises to improve their operating practices to enable compliance.

In making this decision the Sub-Committee have had regard to the Bournemouth, Christchurch and Poole Council Licensing Policy, paragraphs 11.27 and 11.28 of the section 182 revised statutory guidance, as set out by the Secretary of State and the licensing objectives, as set out

in the Licensing Act 2003 and agreed that revocation of the Licence was a proportionate response to the issues raised in the review.

Right of appeal

An appeal against the review decision may be made to a Magistrates Court within 21 days of the appellant being notified of the Licensing Authority's determination on the review. An appeal may be made by the premises licence holder, the Chief Officer of Police and/or any interested person who made relevant representations.

The meeting ended at 2.10pm.

CHAIRMAN

This page is intentionally left blank

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 16 July 2024 at 10.00 am

Present:-

Cllr D A Flagg – Chair

Present: Cllr D A Flagg, Cllr E Harman and Cllr S Moore

Also in attendance: Cllr J Richardson (reserve member), observing

26. Election of Chair

RESOLVED that Cllr D Flagg be elected Chair of the Sub-Committee for the duration of the meeting.

27. Apologies

Apologies were received from Cllr A Filer. Cllr E Harman as first reserve stepped up to be a member of the sub committee.

28. Declarations of Interests

There were no declarations of interest.

29. Protocol for Public Speaking at Licensing Hearings

The protocol was circulated with the agenda sheet for noting.

30. Easy Tiger, 27 The Triangle, Bournemouth, BH2 5SE

BCP Council:

Sarah Rogers – Principal Licensing Officer – Senior Licensing Officer

Johanne McNamara – Legal Advisor to the Sub-Committee

Jill Holyoake – Clerk to the Sub-Committee

The Chair made introductions and explained the procedure for the hearing, which was agreed by all parties.

The Principal Licensing Officer presented the report, a copy of which had been circulated and a copy of which appears as Appendix A to these minutes in the Minute Book. The Sub Committee was asked to consider an application for the renewal of the Sex Establishment Licence for the premises known as 'Easy Tiger', 27 The Triangle, Bournemouth, BH2 5SE, to permit the premises to trade as a sex shop for a further twelve-month period.

As a result of the consultation one objection had been received against the renewal of the licence. A copy of the objection was included with the report, together with the applicant's mediation letters and a business and customer petition in support of the application. 56 letters of support had been received these were also appended to the report.

It was confirmed that there had been no representations received from any of the responsible authorities.

The following persons attended the hearing and addressed the Sub-Committee to expand on the points made in written submissions:

- Mr Jonathan Spencer – licence holder and proprietor
- Mrs Susan Stockwell – Objector

The Sub Committee asked various questions of all parties present and were grateful for the responses received. All parties were invited to sum up before the Sub-Committee retired to make its decision.

RESOLVED that the application to renew the Sex Establishment Licence for the premises known as 'Easy Tiger', 27 The Triangle, Bournemouth, BH2 5SE, to permit the premises to trade as a sex shop for a further twelve-month period, be GRANTED.

Reason for Decision:

The Sub-Committee considered in detail all the information which had been submitted before the hearing, including the Principal Licensing Officer's report, the written submissions of the objector, Susan Stockwell, and the written submissions of the applicant, Jonathan Spencer. The Sub-Committee also considered the verbal submissions made by all parties at the hearing and was grateful to all parties for their responses to questions.

In making its decision the Sub-Committee had regard to the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and the available grounds for refusing the application contained within paragraph 12 of that schedule. The Sub Committee was unable to find sufficient evidence in the objector's submission to support a refusal on any of the available grounds.

The Sub-Committee noted that the premises has traded as a sex shop at its current location for 15 years under the current ownership and a further 9 years before that at another location in the Triangle. The Principal Licensing Officer confirmed that one complaint had been received in relation to the premises, this was from the objector in April 2024, regarding the use of wording relating to a female sex organ in a window display. Following contact with the Licensing Authority this had been removed from the advertising display. The objection had also cited various apparent breaches of the licence in questioning the suitability of the applicant. The Principal Licensing Officer confirmed that there were no other breaches recorded by the Licensing Authority.

The Sub-Committee noted the points raised in the objection regarding the location of the premises in an area of regeneration near a library and bus stops, both accessible to children, and her views on the use of the area by certain groups (pregnant women, women breastfeeding, women with small children and children themselves) and the impact the proximity of the premises would have on them, including the risk of harassment, particularly by intoxicated individuals. The Sub Committee noted the detailed responses provided by the applicant in respect of his premises' location and customers in his written submissions, including in his letters of mediation to the objection.

The Sub-Committee did not consider that there had been a material change in the locality since the licence was renewed last year or that there were sufficient grounds based on the character of the locality to refuse the application.

The Sub-Committee was mindful that Dorset Police had not made any observations on or objection to the application and agreed that that if the Police had concerns about the premises and its effect on crime and disorder in the vicinity, they would have voiced these concerns.

The Sub Committee noted the points raised by the applicant in terms of his premises being a valuable addition to the local community, collectively supporting local businesses and promoting the upkeep and regeneration of The Triangle area. It was noted that the application was accompanied by petitions of support signed by 17 local businesses and 172 customers. In addition, 56 letters of support were received from customers and members of the local community.

Public Sector Equality Duty

In considering the application, and in coming to its decision, the Sub-Committee had regard to the need to eliminate discrimination, foster good relations, and advance equality of opportunity between those with a protected characteristic, and those without. In his written submissions the applicant had explained that the premises was frequented by approximately 50% females and provided for the LGBTQ community.

The Sub-Committee determined that some of the points raised in the objections were not grounds contained in paragraph 12 of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 on which the application can be refused.

After full consideration of the objections raised, the case of *R. v Newcastle Upon Tyne City Council Ex p. The Christian Institute* 2000 which the Objector referred to in her written objections, the grounds set out in paragraph 12 of schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and the Equality Act 2010 the Sub Committee did not

feel there was any basis to refuse the application and therefore resolved to grant it.

Right of Appeal

If the application for renewal is refused on relevant grounds the applicant may appeal the decision to the Magistrates' Court within 21 days of the date of this letter.

If however, if the application was refused under Schedule 3, paragraph 12 (3) (c) or (d) of the Local Government (Miscellaneous Provisions) Act 1982, any challenge must be by way of Judicial Review.

If any objector to the application wants to challenge the decision they can do so by way of Judicial Review.

31. 561 Christchurch Road, Boscombe, Bournemouth, BH1 4AH

Attendance:

BCP Council:

Tania Jardim – Licensing Officer

Johanne McNamara – Legal Advisor to the Sub-Committee

Jill Holyoake – Clerk to the Sub-Committee

The Chair made introductions and explained the procedure for the hearing, which was agreed by all parties.

The Licensing Officer presented the report, a copy of which had been circulated and a copy of which appears as Appendix A to these minutes in the Minute Book. The Sub Committee was asked to consider an application for a new premises licence for 561 Christchurch Road, Bournemouth, BH1 4AH, to permit Late Night Refreshment Friday and Saturday 23:00 to 02:00 and the Supply of Alcohol (off sales only) on Sunday to Thursday 06:00hrs to 23:00hrs and Friday and Saturday 06:00hrs to 02:00hrs.

The application had resulted in ten representations from Other Persons on the grounds that the licence if granted would undermine the prevention of crime and disorder, prevention of public nuisance, public safety and protection of children from harm licensing objectives. Dorset Police had also made a representation under the prevention of crime and disorder and public safety licensing objectives but had subsequently withdrawn their representation having agreed conditions with the applicant through mediation. A copy of the proposed conditions had been circulated and appears as Appendix B to these minutes in the Minute Book.

Prior to the hearing the applicant's representative submitted supplementary information questioning the validity of some of the representations received. A copy of this submission had been circulated and appears as Appendix C to these minutes in the Minute Book.

The following persons attended the hearing and addressed the Sub Committee to expand on the points made in written submissions:

Applicant:

Gill Sherratt – Applicant's representative

Thyagaraju Sankarapu – Applicant

Other Persons:

Martha Covell, BCP Bournemouth Towns Fund Programme Manager on behalf of Better Boscombe Regeneration Hub
Lee Hall

The Sub Committee asked various questions and were grateful for the responses received. All parties were given the opportunity to ask questions and were invited to sum up before the Sub-Committee retired to make its decision.

RESOLVED that the application for a new premises licence for 561 Christchurch Road, Bournemouth, BH1 4AH, to permit Late Night Refreshment Friday and Saturday 23:00 to 02:00 and the Supply of Alcohol (off sales only) on Sunday to Thursday 06:00hrs to 23:00hrs and Friday and Saturday 06:00hrs to 02:00hrs, be GRANTED, subject to the following additional conditions:

Conditions agreed through mediation with Dorset Police:

- All staff working at the premises concerned with the sale of alcohol shall be trained on the law relating to sale of alcohol, the age verification policy adopted by the premises and the conditions attached to the premises licence. Refresher training shall be provided at least annually. In the case of paper records, the record shall be maintained of all staff training and that record shall be signed by the person receiving the training and the trainer. The records shall be kept for a minimum of 12 months and made available for inspection by police, licensing or other authorised officers and in the case of online training within 48 hours.
- An incident log shall be kept at the premises. The log shall include the date and time of the incident and the name of the member of staff who has been involved. and made available on request to an authorised officer of the Council or the Police, which shall record the following:
 - (a) any complaints received
 - (b) any incidents of disorder
 - (c) any faults in the CCTV system / or searching equipment / or scanning equipment
 - (d) any refusal of the sale of alcohol
 - (e) any visit by a relevant authority or emergency service.

This log to be checked on a weekly basis by the DPS of the premises.

- No beer, lagers or ciders of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, in metal or plastic containers. This restriction shall not apply in respect of specialist branded premium priced products, for example craft ales, local or microbrewery specialist products, boxed gifts or national celebratory/commemorative beer, lager or cider (anything of this nature above 7.5% ABV should be agreed with Police).
- The premises will adopt a 'Challenge 25' policy. This means that if a customer purchasing alcohol appears to be under the age of 25, they will be asked for proof of their age, to prove that they are 18 years or older. The only forms of identification that will be accepted will bear their photograph, date of birth and a holographic mark and/or ultraviolet feature. Examples of appropriate identification include a passport, photocard driving licence, military ID, and Home Office approved proof of age ID card bearing the PASS hologram.
- Posters will be on display advising customers of the 'Challenge 25' policy.
- A CCTV system shall be installed to cover all entry and exit points enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record and cover areas where alcohol is kept for selection and purchase by the public, whilst the premises is open for licensable activities. It shall operate during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with correct date and time stamping. Footage shall be made available for viewing immediately upon the request of Police or an authorised officer of the council throughout the preceding 31-day period in accordance with the requirements of the DPA.
- A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested and in accordance with the requirements of the DPA.
- A documented check of the CCTV shall be completed weekly to ensure all cameras remain operational and the 31 days storage for recordings is being maintained

Conditions added by the Sub Committee:

- Two staff members to be present on the premises between the anticipated busiest hours of 19:00 and 21:00 hours each day.

Reason for Decision:

The Sub-Committee gave detailed consideration to all of the information which had been submitted before the hearing and contained in the Licensing Officer's report for Agenda Item 6 and the supplementary information provided by Dorset Police and the applicant's agent before the hearing. The Sub Committee also considered the verbal submissions provided at the hearing by Gill Sherratt, the applicant's agent, Thyagaraju Sankarapu, the applicant, and two of the objectors, Martha Covell (representing Boscombe Regeneration Hub) and Lee Hall. The Sub Committee also noted the points raised in the written representations made by other objectors who did not speak at the hearing.

The Sub Committee noted the submissions on behalf of the applicant which questioned the validity of some of the representations received due to the Licensing Authority's alleged failure to verify their provenance. The Sub Committee noted the responses of the Licensing Officer and the Legal Advisor regarding the procedures followed by the Licensing Authority when considering whether or not a representation was vexatious. The Sub Committee confirms that it only considered comments made that were directly related to the Licensing Objectives.

In considering the application, the Sub Committee was mindful that Dorset Police was its main source of advice on crime and disorder. Members noted that following mediation with the applicant, the concerns raised by Dorset Police had been addressed through agreed conditions. This had resulted in Dorset Police withdrawing its representation.

The Sub-Committee noted those issues raised which were pertinent to the licensing objectives in the representations from Other Persons. In particular, Members were sympathetic to the concerns raised on behalf of the Better Boscombe Engagement Hub in respect of the specific problems experienced in this area of Boscombe, including street drinking, drug taking and associated anti-social behaviour, and the potential impact of another premises licence being granted. The applicant's agent acknowledged these concerns at the hearing and had referred to the robust set of conditions agreed with Dorset Police to address these issues, including a restriction on selling beer, lagers or ciders of 5.5% ABV or more and the provision of CCTV. The Sub Committee was advised that the applicant was a responsible and experienced operator who understood the licensing objectives, he had familiarised himself with the area at night-time and was willing to work with Dorset Police and other agencies.

Having heard the concerns on behalf of the Better Boscombe Engagement Hub and the recognition from the Applicant that this area of Boscombe experiences its own particular challenges, especially in respect of the prevention of crime and disorder and public safety licensing objectives, the Sub Committee felt that it was a proportionate measure, in relation to upholding the Crime and Disorder and Public Safety Licensing Objectives, to add a condition requiring two members of staff to be on the premises

between what were purported to be the busiest hours of 19:00 and 21:00 hours each day, to safeguard staff, customers and the general public.

The Sub-Committee was satisfied that if the premises operated in accordance with the agreed conditions and the additional condition imposed by the Licensing Sub Committee, that the premises should not undermine the licensing objectives and as such the application should be granted.

It was noted that a review of the premises licence could be applied for at any time by a Responsible Authority or any other person should there be any issues associated with the premises in the future that undermine the licensing objectives.

In making this decision the Sub-Committee have had regard to the Bournemouth, Christchurch and Poole Council Licensing Policy, the revised guidance, as set out by the Secretary of State and the licensing objectives, as set out in the Licensing Act 2003.

All parties to the application have the right to appeal to the Magistrate's Court within the period of twenty-one days beginning with the day on which the applicant is notified by the Licensing Authority of this decision in writing.

The meeting ended at 11.35 am

CHAIR

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 31 July 2024 at 10.15 am

Present: Cllr P Hilliard, Cllr A Keddie and Cllr C Matthews

32. Election of Chair

RESOLVED that Councillor P Hilliard be elected Chairman of the Sub-Committee for the duration of the meeting.

Voting: Unanimous

33. Apologies

An apology for absence was received from Cllr E Harman. Cllr C Matthews, as first reserve, stepped up to be a member of the Sub-Committee.

34. Declarations of Interests

There were no declarations of interest.

35. Protocol for Public Speaking at Licensing Hearings

The protocol was circulated with the agenda for noting.

36. The Governor, 364 Lymington Road, Highcliffe, BH23 5EY

The Sub-Committee was asked to open and adjourn consideration of this application until 14th August 2024, to allow Dorset Police to attend the hearing.

RESOLVED that the application be adjourned until the Licensing Sub-Committee taking place on 14th August 2024.

37. The Bell, 915 Christchurch Road, Bournemouth, BH7 6AX

The Sub-Committee was asked to open and adjourn consideration of this application until 14th August 2024, to allow Dorset Police to attend the hearing.

RESOLVED that the application be adjourned until the Licensing Sub-Committee taking place on 14th August 2024.

The meeting ended at 10.19 am

CHAIRMAN

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 14 August 2024 at 10.15 am

Present:-

Cllr C Matthews – Chairman

Present: Cllr J Richardson and Cllr L Williams

38. Election of Chair

RESOLVED that Councillor Chris Matthews be elected Chairman of the Sub-Committee for the duration of the meeting.

Voting: Unanimous

39. Apologies

Apologies for absence were received from Cllr A Keddie, as a reserve member for this Sub-Committee.

40. Declarations of Interests

There were no declarations of interest received on this occasion.

41. Protocol for Public Speaking at Licensing Hearings

The Protocol for Public Speaking at Licensing Hearings was noted.

42. The Governor, 364 Lymington Road, Highcliffe, BH23 5EY

Present:

BCP Council:

Sarah Rogers – Principal Licensing Officer

Mike Forster – Legal Advisor to the Sub-Committee (Barrister from 12A College Place)

Louise Smith – Clerk to the Sub-Committee

The Chair made introductions and explained the procedure for the hearing, which was agreed by all parties.

The Principal Licensing Officer presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'A' to these Minutes in the Minute Book.

The Licensing Sub-Committee were asked to consider an application by BCP Council Environmental Health for the review of the premises licence

as they could demonstrate that the premises were not upholding the prevention of public nuisance licensing objective. The Sub-Committee were also asked to consider the additional information provided by the Environmental Health Officer which was published as a supplementary to the report and appendices.

Dorset Police and BCP Council Licensing Authority had made representations in support of the review in addition to 4 other persons. A total of 8 representations had been received in support of the review.

The following persons attended the hearing and addressed the Sub-Committee to expand on the points made in their written submissions:

Applicant:

Andrew Hill – Environmental Health Officer

Other Persons supporting review:

Ellie King – BCP Licensing Officer

Sgt Gosling – Dorset Police

Despite being invited, there was no representation from the premises.

The Sub Committee asked various questions of all parties present and was grateful for the responses received. All parties had the opportunity to ask questions. All parties were invited to sum up before the Sub-Committee retired to make its decision. Before concluding the hearing, the Legal Advisor advised all parties of the right of appeal.

Decision:

RESOLVED that having considered the application to review the premises licence for the premises known as 'The Governor, 364 Lymington Road, Highcliffe BH23 5EY, the Sub-Committee has decided that it is necessary to impose conditions on the premises licence on the grounds that the premises are not upholding the prevention of crime and disorder, public nuisance, and public safety licensing objectives, and the imposition of conditions will promote these objectives.

Voting – 2 For, 1 Against.

Reasons for decision:

The Sub-Committee gave detailed consideration to all of the information which had been submitted before the hearing and contained in the report for Agenda Item 5, in particular the written and oral evidence provided by Mr Andrew Hill BCP Environmental Health, Sergeant Gosling of Dorset Police, as well as the verbal submissions made at the hearing by Louise Busfield on behalf of Dorset Police Licensing, by Sarah Rogers who presented the report, and Ellie King a licensing officer who gave evidence in support of the review. It has also given careful consideration to the

written representations from local residents. The current Premises Licence holder Syeda Ruzina Khatun, did not attend the meeting and did not make any representations.

In determining the review, the Sub-Committee considered the options available as set out in the recommendations of the report and the Licensing Act 2003 as well as the Guidance by the Secretary of State made under section 182 of that Act as well as relevant policy.

The Sub-Committee's decision is based upon consideration of the promotion of the four Licensing Objectives: the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm. The Sub-Committee acknowledged that it was only able to take into account matters directly relevant to the licensing objectives in respect of the operation of the premises licence.

The Sub-Committee concluded that the premises had failed to uphold the licensing objectives, in particular the prevention of public nuisance, in that since the transfer of the licence to Ms Khatun and change of DPS following an application on 26.10.23, there was a period during which there were repeated complaints by local residents involving excessive noise, as well as incidents of violence, disorder and anti-social behaviour associated with the venue, until the early hours of the morning on most weekends. The licence holder has failed to engage with a view to negotiating a variation of the licence conditions for the purpose of alleviating problems experienced and in order to promote the licensing objectives.

The only substantive communication from the licence holder has been during a telephone conversation when Mr Hill was advised that the intention was to operate as a restaurant providing tapas, and to move away from operation as a traditional vertical drinking establishment. The premises has not been open when Mr Hall made visits during the day and there have been no recent complaints from neighbours, so it may be that the premises has closed. However, there has been a recent indication that the premises has re-opened. The situation has not been confirmed and until the position is regularised, it is necessary to assume that the establishment will continue to operate as previously.

Because of the lack of engagement and the failure of the licence holder to attend or make any representations, which is considered to be highly unusual in the circumstances, the Sub-Committee felt that they had no confidence that the premises could promote the licensing objectives of the prevention of crime and disorder, public safety, the prevention of public nuisance, in light of the history of incidents.

The Sub-Committee concluded that revocation of the Licence was not a proportionate response to the issues raised in the review, on the evidence currently available to it. However, it is necessary that the current conditions of the licence should be varied in order to promote the licensing objectives.

Members of the Sub-Committee were asked to consider the following options: -

- a) Modify the conditions of the licence; and/or
- b) Exclude a licensable activity from the scope of the license; and / or
- c) Remove the Designated Premises Supervisor; and/or
- d) Suspend the licence for a period not exceeding three months; and/or
- e) Revoke the licence; or
- f) Leave the licence in its current state.

(f) Leave the licence in its current state.

In considering the evidence, representations and verbal submissions made during the hearing, the Licensing Sub-Committee agreed that taking no action would not be a sufficient response to ensure that the licensing objectives are upheld due to the number and nature of reported incidents and the lack of any appropriate response or engagement by the License holder. The Sub-Committee decided that, at present, only the imposition of conditions was necessary, rather than revocation.

a) Modify the conditions of the licence; and/or

The Sub-Committee shared the view of the agencies that the imposition of the following conditions was necessary and proportionate in order to promote the licencing objectives and, in particular reduce disturbance to residents in the vicinity. The Sub-Committee concluded that none of the other available options would proportionately address the reasons for the review and in upholding the Licensing Objectives.

Conditions

The Sub-Committee decided that the following conditions were necessary:

1. All staff working at the premises concerned with the sale of alcohol shall be trained in accordance with an accredited training scheme on the law relating to prohibited sales, the age verification policy adopted by the premises and the conditions attaching to the premises licence. Refresher training shall be provided at least once every 6 months. A record shall be maintained of all staff training and that record shall be signed by the person receiving the training and the trainer. The records shall be kept for a minimum of 12 months and made available for inspection by police, licensing or other authorised officers.

This condition is considered appropriate to promote the prevention of crime and disorder as well as public safety because trained staff will be better able to manage patrons.

2. An incident log shall be kept at the premises. The log shall include the date and time of the incident and the name of the member of staff who

has been involved. and made available on request to an authorised officer of the Council or the Police, which shall record the following:

- (a) any complaints received
- (b) any incidents of disorder
- (c) any faults in the CCTV system / or searching equipment /or scanning equipment
- (d) any refusal of the sale of alcohol
- (e) any visit by a relevant authority or emergency service
- (f) all crimes reported to the venue
- (g) all ejections of patrons
- (h) all seizures of drugs or offensive weapons

This log to be checked on a weekly basis by the DPS of the premises.

This condition is considered appropriate to promote the prevention of crime and disorder, by ensuring an appropriate record is kept of incidents.

3. Challenge 25, shall be operated at the premises where the only acceptable forms of identification are (recognised photographic identification cards, such as a driving licence or passport I Holographically marked PASS scheme identification cards). Appropriate signage advising customers of the policy shall prominently displayed in the premises.

This condition is considered appropriate to promote the prevention of crime and disorder, and the protection of children by ensuring that only adults are permitted to drink alcohol in the premises.

4. A CCTV system, shall be installed to cover all entry and exit points enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record and cover areas where alcohol is kept for selection and purchase by the public, whilst the premises is open for licensable activities. It shall operate during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31days with correct date and time stamping. Recordings shall be made available immediately upon the request of Police or an authorised officer of the council throughout the preceding 31 day period. The CCTV system shall be updated and maintained according to police recommendations.

A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.

CCTV shall be downloaded on request of the Police or authorised officer of the council. Appropriate signage advising customers of CCTV being in operation, shall be prominently displayed in the premises.

A documented check of the CCTV shall be completed weekly to ensure all cameras remain operational and the 31 days storage for recordings is being maintained.

This condition is considered appropriate because the presence of CCTV will deter people from engaging in criminal or disorderly behaviour and assist in providing evidence to the police of those who have been involved in such behaviour so that appropriate action can be taken.

5. SIA

A minimum of 2 SIA to be employed on Fridays, Saturdays, and any day preceding a Bank Holiday from 20:00 until close and the last customer has dispersed the immediate area

All SIA to wear hi viz jackets or vests at all times they are on duty

A register of SIA personnel employed on the premises shall be maintained in a legible format and kept on the premises at all times and made available to police upon reasonable request.

The register should be completed by the DPS or Duty Manager at the commencement and end of each shift, by each member of security staff.

Details recorded to include: Full name, 16 digit SIA badge number, time of commencement and end of duties.

The security operative should then sign their name against these details.

The premises shall maintain membership of the PubWatch scheme (or any successor scheme); a senior member of staff shall attend all PubWatch meetings unless an emergency arises preventing such attendance and the premises will support PubWatch initiatives.

This condition is considered appropriate because the presence of SIA will deter people from engaging in criminal or disorderly behaviour, and will encourage the sharing of information.

6. Risk Assessments

If it is intended to show any major sporting event on a television within the premises (other than Snooker or Pool tournaments, golf, motor racing events, athletics competitions or tennis or cricket matches), or to hold any function, special event or live music, the Premises will conduct a written risk assessment to determine whether it is appropriate to deploy door supervisors for a period of time before the event is scheduled to start, during the event and for a period of time after the event is scheduled to end and will deploy door supervisors in accordance with the outcome of the risk assessment.

Such risk assessments will also be conducted at the request of the police in respect of any other event scheduled to take place at the premises.

Copies of all risk assessments shall be retained on the premises for a minimum period of 6 months and shall be made available for inspection by police and other authorised officers on request.

This condition is considered appropriate because a risk assessment will enhance public safety ie of customers on occasions when there is a heightened risk of criminal or disorderly behaviour and promote public safety of clients by indicating if appropriate action should be taken.

7. Queues

The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.

This condition is considered appropriate to promote the prevention of crime and disorder, and public nuisance as well as promoting public safety by ensuring that persons gathered near the premises in queues behave in an orderly manner.

8. Noise Report

A report shall be submitted detailing the potential for noise from (amplified music and patrons) at the premises affecting neighbouring noise sensitive properties and residential properties above the premises.

The report shall include a detailed scheme of noise mitigation measures to show that nuisance will not be caused to the occupiers of the noise sensitive properties by noise from the licensed premises.

The report shall be submitted to and approved in writing by the Council through an authorised officer of the Pollution Control Team and all recommended works carried out in full prior to the commencement of any further regulated entertainment.

The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of BS4142: 2014. "Method of rating industrial noise affecting mixed residential and industrial areas" and BS 8233: 1999 "Sound Insulation and Noise Insulation for Buildings - Code of Practice". The recommended design criteria for dwellings are as follows: Daytime (07.00 – 23.00) LAeq(16 hours) 35 dB & Noise Rating Curve NR35 in all rooms. Nighttime (23.00 – 07.00) LAeq(8 hours) 30 dB & Noise Rating Curve NR20 to NR25 in bedrooms NP34.

This condition is considered appropriate to promote the prevention of public nuisance by ensuring that noise emission is reduced to a reasonable level to protect residential neighbours.

9. Noise Limiter

A noise limiter shall be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder.

The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

This condition is considered appropriate to promote the prevention of public nuisance by ensuring that noise emission is reduced to a reasonable level to protect residential neighbours.

10. Noise

No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance. This includes noise from the television

A lobbied entrance (that is two sets of doors that are set so that one is closed when the other one is open) shall be installed at the premises.

All windows and external doors shall be kept closed after (23:00) hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.

This condition is considered appropriate to promote the prevention of public nuisance by ensuring that noise emission is reduced to a reasonable level to protect residential neighbours.

11. Smoking area

The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.

A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.

This condition is considered appropriate to promote the prevention of public nuisance by ensuring that noise emission is reduced to a reasonable level to protect residential neighbours, and that there is a clear line of communication in case of problem.

12. That the terminal hour of business be reduced to 23:00 every day of the week.

This condition is considered appropriate to promote the prevention of public nuisance by ensuring that noise emission is reduced to a reasonable level to protect residential neighbours. There has been a history of noise and other nuisance associated with the premises at unsociable hours.

The Sub-Committee considered that these conditions were proportionate and necessary in order to prevent disturbance in the neighbourhood late in the evening and in the early hours of the morning.

(c) The removal of the Designated Premises Supervisor from the licence:

The sub-committee considered that the removal of the DPS is not proportionate at present.

(d) Suspension of the Licence:

The Sub-Committee considered the suspension of the premises licence to allow a new team to be introduced by the licence holder and a new DPS to be employed. But the committee consider that suspension would only be effective to promote the licensing objectives if combined with engagement and co-operation from the License holder, which has been entirely absent thus far.

(e) Revocation of the Licence

The Sub-Committee considered that revocation at this point would be disproportionate. However, the Sub-Committee issued a warning that in the event of breach of condition and if disturbances of the type set out recur, then consideration is likely to be given to revocation of the License.

Right of appeal:

An appeal against the review decision may be made to a Magistrates' Court within 21 days of the appellant being notified of the Licensing Authority's determination on the review. An appeal may be made by the premises licence holder, the Chief Officer of Police and/or any interested person who made relevant representations.

43. The Bell, 915 Christchurch Road, Bournemouth, BH7 6AX

Present:

BCP Council:

Tania Jardim – Licensing Officer

Mike Forster – Legal Advisor to the Sub Committee

Louise Smith – Clerk to the Sub Committee

The Chair made introductions and explained the procedure for the hearing, which was agreed by all parties.

The Licensing Officer presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'B' to these Minutes in the Minute Book.

The Licensing Sub-Committee were asked to consider an application by Dorset Police for the review of the premises licence as they no longer had confidence in the designated premises supervisor (DPS) to uphold the licensing objectives and the premises licence holder had not made any significant changes to the premises licence to ensure the licensing objectives were promoted.

The Sub Committee were also directed to consider the additional supplementary information provided by the Solicitor on behalf of the premises.

The following persons attended the hearing and addressed the Sub-Committee to expand on the points made in their written submissions:

Applicant:

Sergeant Gareth Gosling – Dorset Police

For the premises:

Michelle Hazlewood - Solicitor

Steff Kent – Area Manager

Craig Deacon – Regional Manager

Adam Sealy – DPS

RESOLVED that under Section 14 (2) of the Licensing Act 2003 (Hearings) Regulations 2005, and with regard to Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that the public interest in withholding the information outweighs such interest in disclosing the information and that it involves the likely disclosure of exempt information as defined in Paragraphs 1, 2 and 7 in Part I of Schedule 12A of the Act.”

This item was restricted by virtue of paragraphs 1, 2 and 7 of Schedule 12A of the Local Government Act 1972.

Exempt information – Categories 1 (information relating to any individual), 2 (information which is likely to reveal the identity of an individual) and 7 (information relating to the financial or business affairs of any particular person (other than the authority)).

The Sub-Committee were shown a CCTV video provided by Dorset Police regarding the incident which occurred on 18 May 2024.

The Sub Committee asked various questions of all parties present and was grateful for the responses received. All parties had the opportunity to ask questions. All parties were invited to sum up before the Sub-Committee retired to make its decision. Before concluding the hearing, the Legal Advisor advised all parties of the right of appeal.

Decision:

RESOLVED that having considered the application to review the premises licence for the premises known as ‘The Bell’, 915 Christchurch Road, Bournemouth BH7 6AX the Sub-Committee has decided that it is necessary to impose conditions on the premises licence on the grounds that the premises is not upholding the prevention of crime and disorder, the prevention of public nuisance, and public safety licensing objectives.

Reasons for decision:

The Sub-Committee gave detailed consideration to all of the information which had been submitted before the hearing and contained in the report for Agenda Item 6, in particular the written evidence provided by Sergeant Gareth Gosling on behalf of Dorset Police Licensing and by Michelle Hazlewood, Solicitor acting on behalf of Marston’s PLC and the current Premises Licence holder Adam Sealy together with Steff Kent, Area Manager and Craig Deacon, Regional Manager for Marston’s PLC, and the responses to questions given at the hearing by all parties.

In determining the review, the Sub-Committee considered the options available as set out in the recommendations of the report and the Licensing Act 2003 and the Secretary of State’s latest Guidance issued under section 182 of that Act, as well as all policy and guidance cited. The Sub-Committee acknowledged that it was only able to take into account matters directly relevant to the licensing objectives in respect of the operation of the premises licence.

The Sub-Committee’s decision is based upon consideration of the promotion of the four Licensing Objectives: the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm.

The Sub-Committee felt that the premises had failed to uphold the licensing objectives, in particular the prevention of crime and disorder, as well as public safety, in that there was a serious incident of violence inside (as

evidenced by Adam Sealy ('the DPS')'s first account to the police recorded on Body Worn Video) and outside the premises on Saturday 18.05.24, which directly involved the DPS.

However, accepted that there have been some positive changes since the incident. A better CCTV back up power system has been installed and the pub watch system has been re-joined. It is also of note that Marston's PLC continues to provide strong support for the current DPS.

Members of the Sub-Committee were asked to consider the following options:

- a) Modify the conditions of the licence; and/or
- b) Remove the Designated Premises Supervisor; and/or
- c) Suspend the licence for a period not exceeding three months; and/or
- d) Revoke the licence; or
- f) Leave the licence in its current state.

A further option, namely e) exclusion of a licensable activity from the scope of the licence is listed in the Agenda, but the Sub-Committee considered that this is not necessary in this case and was not contended for by any party.

(f) Leave the licence in its current state.

In considering the evidence, representations and verbal submissions made during the hearing by all parties, the Licensing Sub-Committee agreed that taking no action would not be a sufficient response to ensure that the licensing objectives are upheld.

(a) Modification/addition of conditions of the premises licence:

A number of conditions have been suggested, which are agreed by the licence holder and which we consider will assist in supporting the licensing objectives. In those circumstances, we do not consider that the evidence is sufficient to justify the removal of the DPS at present. The modified conditions are necessary as set out below.

Conditions

The Sub-Committee decided to modify the existing conditions, as follows:

- 2.1. **Remove** the requirement for a cooling off period of 30 minutes after last sales of alcohol is permitted and that music shall be turned off after the last sale of alcohol.
- 2.2. **Remove** the condition that table service shall be provided during televised sporting events.

- 2.3. **Remove** the condition that the premises shall comply with the current report of the Dorset Police Crime Prevention Officer dated 09 November 2005.
- 2.4. **Retain** the condition in relation to sale of alcohol from the external bar:
- 2.4.1. shall be restricted to 20 days per calendar year
 - 2.4.2. shall not take place on any day that AFC Bournemouth play at home
 - 2.4.3. Shall not take place after 22:00
 - 2.4.4. shall not take place on consecutive weekends; and
 - 2.4.5. shall not take place for more than two evenings in a row
- 2.5. **Retain** the condition that noise from regulated entertainment shall not emanate from the premise so as to cause a nuisance to nearby noise sensitive premises.
- 2.6. **Retain** the condition that when regulated entertainment comprising live or recorded music is provided after 23:00 then a staff member/nominated noise monitor shall regularly check the boundary of the **premises** with noise sensitive properties to ensure that no nuisance from noise is occurring. The boundary checks shall **be** recorded in a log book and shall be available to be reviewed by an authorised Officer on request.
- 2.7. **Retain** the condition that music shall be turned down to background level at least 30 minutes before closing time.
- 2.8. **Retain** the condition to ensure doors & windows closed by 23:00 hours except for access and egress.
- 2.9. **Retain** the condition that members of staff shall ask customers to leave quietly at closing time.
- 2.10. **Retain** the condition that notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
- 2.11. **Delete** the condition that soft drinks and/or hot drinks such as coffee shall be available during the cooling down period.
- 2.12. **Retain** the condition to ensure that all plant/machinery continues to be serviced.

This condition is necessary to ensure the constant provision of CCTV coverage which is necessary to assist in the prevention of crime and disorder and promote public safety whilst using the premises.

- 2.13. Condition shall be **amended** as follows:
- Delete** Staff shall **be** trained in the identification of under 18's and current proof of age schemes. **Insert** that Challenge 25, shall be operated at the premises where the only acceptable forms of identification are (recognised photographic identification cards, such as driving licence or passport/Holographically marked PASS scheme identification cards).

Appropriate signage advising customers of the policy shall prominently displayed in the premises.

- 2.14. **Delete** the requirement that the licence holder shall ensure that children are properly supervised by parents or guardians.

The Sub Committee agreed that the following Conditions be **added**:

1. Staff Training

All staff working at the premises concerned with the sale of alcohol shall be trained in accordance with an accredited training scheme on the law relating to prohibited sales, the age verification policy adopted by the premises and the conditions attaching to the premises licence. Refresher training shall be provided at least once every 6 months. A record shall be maintained of all staff training and that record shall be signed by the person receiving the training and the trainer. The records shall be kept for a minimum of 12 months and made available for inspection by police, licensing or other authorised officers.

2. Personal Licence Holder Requirement

A personal licence holder to be always on the premises when the premises is providing licensable activities. This is necessary in light of the event of serious violence on 18 May 2024 which could have been prevented by the DPS had he contacted the Police.

3. First Aid Provision

Add a condition that a First Alder to be always on the premises when the premises is providing licensable activities.

4. Incident Log

Add a condition that an Incident log shall be kept at the premises. The log shall include the date and time of the incident and the name of the member of staff who has been involved and made available on request to an authorised officer of the Council or the Police, which shall record the following:

- Any complaints received.
- Any Incidents of disorder.
- Any faults in the CCTV system / or searching equipment / or scanning equipment.
- Any refusal of the sale of alcohol.
- Any visit by a relevant authority or emergency service.
- All crimes reported to the venue.
- All ejections of patrons.
- All seizures of drugs of offensive weapons.

This log is to be checked on a weekly basis by the DPS of the premises.

5. CCTV Requirement

A condition shall be added that A CCTV system shall be installed to cover all entry and exit points enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record and cover areas where alcohol is kept for selection and purchase by the public, whilst the premises is open for licensable activities. It shall operate during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with correct date and time stamping. Recordings shall be made available immediately upon the request of Police or an authorised officer of the council throughout the preceding 31-day period. The CCTV system shall be updated and maintained according to police recommendations.

A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show police, licensing or other authorised officers recent data or footage with the absolute minimum of delay when requested.

CCTV shall be downloaded on request of the Police or authorised officer of the council. Appropriate signage advising customers of CCTV being in operation, shall be prominently displayed in the premises.

A documented check of the CCTV shall be completed weekly to ensure all cameras remain operational and the 31 days storage for recordings is being maintained.

These conditions are necessary to ensure the constant provision of CCTV coverage which is necessary to assist in the prevention of crime and disorder and promote public safety whilst using the premises.

6. Pubwatch Membership Requirement

A condition be added that the premises shall maintain membership of the PubWatch scheme {or any successor scheme}; a senior member of staff shall attend all PubWatch meetings unless an emergency arises preventing such attendance and the premises will support PubWatch initiatives and exclusions.

7. Toilet Checks

Toilet checks should be undertaken at random times after 20:00 hours on at least 5 occasions each day and documented in a register and be retained for 6 months and available for inspection by Police or other authorised officers.

These conditions are necessary in order to promote prevention of crime and disorder and public safety in encouraging the sharing of information and deterring illicit activities in the toilets.

8. Door Supervisors

A condition to be added that the DPS will risk assess the need for and provision of door supervision and security in conjunction with major live or televised sporting events.

A condition will be added that Door supervisors will be provided in such numbers, between such times and on such dates as required by the risk assessment carried out by the DPS.

Such risk assessments will also be conducted at the request of the police in respect of any other event scheduled to take place at the premises.

All SIA to wear hi viz jackets or vests when they are on duty.

A register of SIA personnel employed on the premises shall be maintained in a legible format and always kept on the premises. The register will be made available to police upon reasonable request.

The register should be completed by the DPS or Duty Manager at the commencement and end of each shift, by each member of security staff.

At the commencement of work security personnel should ensure that they are recorded on the CCTV system and that a clear head and shoulders image showing their face clear of any hat, glasses or other obstruction is recorded.

Details recorded to include - Full name, 16 digit SIA badge number, time of commencement and end of duties.

The security operative should then sign their name against these details. Copies of all risk assessments shall be retained on the premises for a minimum period of 6 months and shall be made available for inspection by police and other authorised officers on request.

These conditions in relation to door supervisors are necessary because the evidence tends to demonstrate that there was insufficient security during the incident of serious violence which occurred on 18 May 2024.

The Sub-Committee concluded that none of the following options were either proportionate, or would address the problems triggering the review and that these options would not be appropriate in upholding the Licensing Objectives.

(b) The removal of the Designated Premises Supervisor from the licence:

For the reasons above the current evidence is not sufficient to justify removal of the current DPS at present.

(c) Suspension of the Licence:

The Sub-Committee considered the suspension of the premises licence would only be necessary in these circumstances if it had decided to remove the DPS in order for a replacement to be put in place.

(d) Revocation of the Licence

For the reasons above the current evidence is not sufficient to justify revocation of the license at present.

Right of Appeal

An appeal against the review decision may be made to a Magistrates Court within 21 days of the appellant being notified of the Licensing Authority's determination on the review. An appeal may be made by the premises licence holder, the Chief Officer of Police and/or any interested person who made relevant representations.

The meeting ended at 1.10 pm

CHAIRMAN

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

LICENSING COMMITTEE



Report subject	Consideration of revised Statement of Licensing Policy 2025-2030
Meeting date	19 September 2024
Status	Public Report
Executive summary	<p>The current Statement of Licensing Policy 2020-2025 is due for review.</p> <p>Workshops have taken place with members, officers and Dorset Police and a proposed draft policy has been produced for review and agreement by the Licensing Committee.</p> <p>Once approved the draft policy will be subject to 12 weeks public consultation.</p>
Recommendations	<p>It is RECOMMENDED that:</p> <p>Members consider the draft policy put forward for approval and either</p> <p>I. Agree the draft policy as presented or</p> <p>II. Amend the draft policy presented and agree a final version of the draft policy ready for consultation.</p> <p>Additionally Members are asked to consider any specific questions they may consider necessary to support the public consultation of this policy.</p>
Reason for recommendations	<p>Section 5 of the Licensing Act 2003 sets out the requirement for a Licensing Authority to determine and publish its policy every five years setting out how they exercise their licensing functions</p> <p>When considering any amendments to the Statement of Licensing Policy (the Policy) consideration should also be given to the Licensing Act 2003, the Guidance issued under Section 182 of the Licensing Act 2003 and the four licensing objectives (the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm).</p> <p>The current Policy was adopted in agreed in 2020 following the creation of BCP Council and replaced the three preceding legacy authority policies.</p> <p>This is the first BCP Council review of the Statement Of Licensing</p>

	<p>Policy.</p> <p>Before determining a revised Statement of Licensing Policy the licensing authority must consult with persons listed in Section 5(3) of the 2003 Act.</p> <p>Guidance issued under Section 182 of the 2003 Act states that “During the five-year period, the policy must be kept under review and the licensing authority may make any revisions to it as it considers appropriate ...”.</p>
--	---

Portfolio Holder(s):	Councillor Kieron Wilson – Housing and Regulatory Services
Corporate Director	Jilliam Kay – Director for Wellbeing
Report Authors	Nananka Randle- Licensing and Trading Standards Manager Sarah Rogers – Principal Licensing Officer
Wards	Council-wide
Classification	For Decision

Background

1. Section 5 of the Licensing Act 2003 sets out the requirement for a Licensing Authority to determine and publish its policy every five years setting out how they exercise their licensing functions
2. When considering any amendments to the Statement of Licensing Policy (the Policy) consideration should also be given to the Licensing Act 2003, the Guidance issued under Section 182 of the Licensing Act 2003 and the four licensing objectives (the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm).
3. The current BCP Statement of Licensing Policy was the first policy for the newly formed BCP Council and commenced on 24 November 2020.
4. Before determining its policy, the Licensing Authority must consult with the following:-
 - The Chief Officer of Police
 - The Chief Fire Officer
 - The Local Health Authority
 - Such persons as the Licensing Authority considers to be representative of the holders of premises licences and club premises certificates
 - Such persons as the Licensing Authority considers to be representative of personal licence holders issued by that Authority
 - Other persons the Licensing Authority considers to be representative of businesses and residents in its area

Draft Policy development

5. At the Licensing Committee meeting on 7th December 2023 the forward plan was agreed and membership of workshops to review the existing policy and suggest amendments was agreed.
6. The first workshop took place on 6 February 2024 in attendance were Cllrs Moore, Dowler, Harman and Moore, together with legal, Dorset Police and licensing officers the existing policy was discussed and suggested amendments

put forward. There were substantial improvements suggested to consolidate content and expand in some subject areas.

7. Officers then made suggested amendments to a draft version of the policy; these were then discussed at a further workshop which was held on 10 June 2024. Prior to the workshop members received a copy of the proposed draft policy together with a table of amendments made (it was felt this was easier than having all tracked changes visible which made it almost impossible to review the document.)
8. The draft version of the document was discussed, and further amendments were proposed, and the document was amended to reflect this. All members of the workshop were given the opportunity to provide feedback.
9. Following the workshop the draft document was then circulated to all Responsible Authorities to capture any additional input which may assist the Committee in agreeing on a final draft version ready for members consideration.
10. The proposed draft Statement of Licensing Policy is attached at Appendix 1 this includes all proposed changes following member and responsible authority feedback.
11. All proposed changes are detailed in the Table of Amendments at appendix 2.
12. The existing Statement of Licensing Policy is attached at Appendix 3 and is also available on our website [SOLP-2020-2025 \(bcpccouncil.gov.uk\)](https://www.bcpccouncil.gov.uk/SOLP-2020-2025)

Options Appraisal

13. Members are asked to consider the proposed draft policy and either
 - a. Agree the draft policy as presented, or
 - b. Amend the draft policy and agree a final version of the draft policy.
14. Once the final version of the draft policy has been agreed it will be subject to full public consultation for 12 weeks it is proposed to present consultation feedback and any proposed amendments to the draft document to Licensing Committee on 14 May 2025.
15. Members may wish to consider the content of any consultation and propose questions they feel should be asked as part of this consultation.

Summary of financial implications

16. Any fees incurred will be absorbed within current budgets. Any costs associated with the review process will be covered by the income from the Licensing Act 2003 fees and/or annual fees received.
17. Paragraph 13.8 of the Section 182 Guidance states “When undertaking consultation exercises, licensing authorities should have regard to cost and time. Fee levels are intended to provide full cost recovery of all licensing functions including the preparation and publication of a statement of licensing policy, but this will be based on the statutory requirements. When licensing authorities exceed these requirements, they will have to absorb these costs themselves

Summary of legal implications

18. The Licensing Act 2003 requires all authorities to publish a policy and review this policy every 5 years. If the authority does not publish such a policy the authority cannot rely on the policy as part of its decision-making process and could be subject to Judicial review

Summary of human resources implications

19. There are no implications on human resources the current licensing team will continue to implement the policy within current resource levels.

Summary of sustainability impact

20. There are no sustainability impacts.

Summary of public health implications

21. Public health is considered within the policy. In addition as a responsible authority under the Licensing Act all applications are sent to colleagues in public health so that if there are concerns these can be addressed.

Summary of equality implications

22. A full Equality Impact Assessment will be carried out during the course of the consultation period and consideration of all responses and will be presented to the Equalities Panel prior to the final draft being presented to the Licensing Committee for approval.

Summary of risk assessment

23. There is a risk of judicial review should any new policy be challenged. The Committee must ensure that any decisions are made with reference to the public sector equality duty.

Background papers

Licensing Act 2003 [Licensing Act 2003 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2003/30/contents/enacted)

Revised guidance issued under s182 of the Licensing Act 2003 last updated in January 2024 [Revised guidance issued under section 182 of Licensing Act 2003 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/118848/Revised_guidance_issued_under_section_182_of_Licensing_Act_2003_-_GOV.UK.pdf)

Appendices

Appendix 1 – draft Statement of Licensing Policy 2025 - 2030

Appendix 2- Table of amendments for the draft policy

Appendix 3 –Statement of Licensing Policy 2020 - 2025

This page is intentionally left blank

DRAFT

Statement of Licensing Policy 2025 - 2030

Licensing

Author; **Licensing Manager**

Version; 1

Review Date;



CHAPTER		PAGE NO
1	Purpose Statement	3
2	Who the Policy Applies to	3
3	This Policy Replaces	4
4	Approval Process	4
5	Links to Council Strategies	4
6	BCP Area	5
7	Policy Consultation	7
8	Fundamental Principles of the Policy	7
9	Licensable Activities	8
10	Licensing Objective: Prevention of Crime and Disorder	8
11	Licensing Objective: Public Safety	9
12	Licensing Objective: Prevention of Public Nuisance	10
	Outside areas and smoking	12
	Night Cafes and Takeaways	12
13	Licensing Objective: Protection of Children from Harm	13
14	Public Health	15
15	Responsible Retailing for Off Sales	16
16	The Licensing Process and applications	17
17	Representations	18
	Disclosure of personal information of making a representation	19
18	Licence Conditions	19
19	Enforcement	21
20	The Cumulative Impact of a Concentration of Licensed Premises	22
21	Other Mechanisms for Controlling the Impact of Licensed Premises	23
22	Planning and Building Control	24
23	Promotion of Equality	24
24	Management of Premises	25
	Designated Premises Supervisor	26
	Door Supervisors	26
	Dispersal Policies	26

	Risk Assessments	26
25	Temporary Events Notices	27
26	Outside Events	28
27	The Review Process	28
	Powers of the Local Authority on the Determination of a Review	29
28	Late Night Levy	30
29	Early Morning Restriction Orders (EMROs)	30
30	Personal Licences	30
31	How this to use this policy	31
32	Roles and Responsibilities	31
33	Further Information and Evidence	32
	APPENDICIES	
A	Glossary	33
B	Regulated Entertainment Exemptions	40
C	Application process flow chart	44
D	Model Pool of Licence Conditions	45

1. Purpose Statement

- 1.1 BCP Council is the Licensing Authority for the Bournemouth, Christchurch and Poole area under the Licensing Act 2003 and is responsible for Premises Licences, Club Premises Certificates, Temporary Event Notices and Personal Licences in its administrative area in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late-night refreshment.
- 1.2 This Policy is prepared under Section 5 of the Licensing Act 2003 and was approved by BCP Council on XXXXx. It will be kept under review and as a minimum will be reviewed no later than 2030.
- 1.3 Unless otherwise stated any references to the Council are to the BCP Council Licensing Authority.
- 1.4 This policy covers the licensable activities as defined by the Licensing Act 2003. These are;
 - The sale of alcohol by retail
 - Supply of alcohol by or on behalf of a club, or to the order of a member of the club
 - The provision of regulated entertainment
 - The provision of late-night refreshment
- 1.5 This policy has regard to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.
- 1.6 The council will carry out its functions under the Licensing Act 2003 with a view to promoting the licensing objectives namely;
 - The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm

Each objective is of equal importance.

- 1.7 This Policy is concerned with the regulation of licensable activities on licensed premises, by qualifying clubs and at temporary events. The conditions that are offered or mediated and ones which the council may attach to the various licences will focus on matters that are relevant to the four licensing objectives and will centre upon the premises that are being used for licensable activities.
- 1.8 With regards to this policy the council adopts the overall approach of encouraging the responsible promotion of licensed activities, in the interests of its residents and visitors, it will not tolerate irresponsible licensed activity.

2. Who the Policy Applies To

- 2.1 This Statement of Licensing Policy will assist applicants, officers of the Licensing Authority, Responsible Authorities, members of the Licensing Committee and persons making representations in the consideration of the relevant issues regarding applications and ensuring they are dealt with fairly and in line with the law.
- 2.2 This Policy also affords members of the Licensing Committee and officers alike, to consider the concerns of the public and other recognised bodies and to take appropriate

measures where the objectives of the Licensing Act 2003 are put in jeopardy after licences have been issued.

3. This Policy Replaces

- 3.1 This Policy replaces the previous BCP Council Licensing Act 2003 Statement of Licensing Policy.

4. Approval Process

- 4.1 During the five year period, the Policy must be kept under review and the Licensing Authority may make any revisions to it as it considers appropriate, for instance in the light of feedback from the local community on whether the statutory objectives are being met.
- 4.2 Where revisions are made to the Section 182 Statutory Guidance by the Secretary of State, it will be for the Licensing Authority to determine whether revisions to its own Statement of Licensing Policy are appropriate.
- 4.3 BCP Council as the Licensing Authority has delegated the Licensing Committee to oversee the development and review of its Statement of Licensing Policy. Once finalised the policy is presented to the Full Council for ratification.

5. Links to Council Strategies

- 5.1 This Policy supports the BCP Council Corporate vision and ambitions. The Council's vision is to create vibrant places where people and nature flourish with a thriving economy in a healthy natural environment. Where everyone lives a fulfilled life maximising opportunity for all.. Effective licensing of controlled premises and activities is a key component to achieving this strategic vision for our communities.
- 5.2 The Licensing Authority aims to meet the BCP Council Corporate ambitions by ensuring the licensing process supports local businesses. We aim to help them to meet their statutory obligations and keep residents and visitors to our licensed venues safe, whilst still having an enjoyable leisure experience.
- 5.3 During the preparation of this policy document due consideration has been given to the following key BCP Council Strategies;
- Corporate Strategy & Delivery Plan
 - Health & Wellbeing Strategy
 - Safeguarding Strategy
 - Communities Engagement Strategy
 - Crime & Disorder Reduction Strategy
 - Equality & Diversity
 - Community Safety Plan

6. The BCP Area

- 6.1 Bournemouth, Christchurch and Poole Council (BCP Council) is located in Dorset on the South Coast. It is the 12th largest Unitary Council in England with a population of 401898 residents most of which are from a white British background (88%).
- 6.2 The population growth is predicted to be 2% to 2028 the percentage of over 65s account for 24% of the population. The percentage of BCP population of working age is 61%.

- 6.3 The BCP area is predominantly urban with associated suburban areas, beaches, harbours, quay sides, open spaces, parks and gardens.
- 6.4 It has long established road and rail links to London, the Midlands and the South West and benefits from an international airport and a thriving freight port for commercial shipping, as well as an important destination for passenger and vehicle ferries and cruise vessels.
- 6.5 There are three Universities within the BCP area with approximately 23000 students.
- 6.6 It is one of the Country's main holiday destinations and benefits from 15 miles of coastline with world recognised Blue Flag beaches. It is renowned for its water sports, music and arts festivals.
- 6.7 Bournemouth's nighttime economy has been accredited with the prestigious Purple Flag status since 2010. This is awarded to town and city centres that meet or surpass the standards of excellence in managing the evening and nighttime economy.
- 6.8 The area welcomes 15 million visitors each year spending a total of £800 million locally. They benefit from a vibrant mix of entertainment facilities for residents and visitors alike with established theatres, restaurants, cinemas, concert venues, conference facilities, museums and historic sites.
- 6.9 The entertainment economy is well served with a wide variety of restaurants, pubs, bars and clubs. The Council is keen to encourage a wide range of entertainment throughout the conurbation to support local cultural strategies. It recognises that live music, dancing, cinema and theatre enrich the cultural offer and benefit the wider economy.

7. Policy Consultation

- 7.1 Section 5 of the Licensing Act 2003 <http://www.legislation.gov.uk/ukpga/2003/17/contents> requires a Licensing Authority to prepare and publish a statement of its licensing policy every five years. Such a policy must be published before the Authority carries out any function in respect of individual applications and notices made under the terms of the 2003 Act. A glossary of terms used within this document and within the Act and guidance can be found in Appendix A.
- 7.2 During the five-year period, the policy must be kept under review and the Licensing Authority may make any revisions to it as it considers appropriate, for instance in the light of feedback from the local community on whether the statutory objectives are being met. If the Licensing Authority determines and publishes its Policy in this way, a new five year period commences on the date it is published. Where revisions are made to the Section 182 Statutory Guidance by the Secretary of State, it will be for the Licensing Authority to determine whether revisions to its own Statement of Licensing Policy are appropriate.
- 7.3 This policy will commence on **XXXXX** and remain in force for five years but will be kept under review subject to further consultation as referred to above.
- 7.4 Before determining its policy, the Licensing Authority consulted with the persons listed in section 5(3) of the 2003 Act. These are;
- The Chief Constable for the Dorset Police
 - Dorset and Wiltshire Fire and Rescue
 - The BCP Director of Public Health
 - Persons/bodies representative of local Premises Licence Holders

- Persons/bodies representative of local Club Premises Certificate Holders
- Persons/bodies representative of local Personal Licence Holders
- Persons/bodies representative of businesses and residents in its area

7.5 The views of all these persons or bodies were given appropriate weight when the policy was determined. We believe that we have made reasonable efforts to consult an appropriate range of representatives and individuals in determining this policy.

7.6 Fees are set by Regulation and are intended to provide full cost recovery of all licensing functions including the preparation and publication of a Statement of Licensing Policy, but this will be based on the statutory requirements. Where a Licensing Authority exceeds these requirements, they will have to absorb those costs themselves.

Further advice can be obtained from licensing@bcpcouncil.gov.uk

8. Fundamental Principles of the Policy

8.1 This Statement of Licensing Policy has been prepared in accordance with the provisions of the Licensing Act 2003 and the Statutory Guidance issued under Section 182 of the 2003 Act by the Secretary of State. This Policy should be read as a whole and in conjunction with those provisions.

8.2 This statement is intended to assist Officers and Members in determining applications and to set out those factors that will normally be taken into consideration. Equally it seeks to provide clarity for applicants, residents and other occupiers of property and investors, in order to enable them to plan a move to remain or invest in the area with some measure of certainty.

8.3 This Policy sets out a general approach to making licensing decisions, it will not ignore or be inconsistent with provisions of the 2003 Act. For example, a Statement of Licensing Policy must not undermine the right of any person to apply under the terms of the 2003 Act for a variety of permissions and to have any such application considered on its individual merits. Similarly, it will not override the right of any person to make representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the 2003 Act provided they are not frivolous or vexatious.

8.4 Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the 2003 Act. Conditions attached to various authorisations will be focused on matters which are within the control of individual licence holders and others with relevant authorisations, i.e. relevant to the premises and its vicinity.

8.5 Whether or not incidents can be regarded as being "in the vicinity" of licensed premises is a question of fact and will depend on the particular circumstances of the case. In cases of dispute, the question will ultimately be decided by the courts. In addressing this matter, the Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working, or engaged in normal activity in the area concerned.

8.6 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of the overall approach to the management of the day time, evening and night-time economy within the conurbation.

8.7 Each application will be considered on its own merits and in accordance with this Statement of Licensing Policy. Conditions attached to licences and certificates will be tailored to the

individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions will be avoided, and the licensing authority acknowledges it may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

9. Licensable Activities

9.1 The Licensing Authority is responsible for considering all applications for licensable activities as defined in section 1 of the 2003 Act. Licensable activities are;

- The sale of alcohol by retail
- The supply of alcohol to club members and their guests
- The provision of regulated entertainment
- The provision of late-night refreshment (the supply of hot food or drink between 23.00 and 05.00.)

9.2 Schedule 1 to the 2003 Act sets out what activities are regarded as the provision of regulated entertainment and when they are licensable together with those activities which are not and therefore exempt from the regulated entertainment regime. Appendix B of this policy sets out in more detail the types of exemptions.

9.3 The descriptions of entertainment activities licensable under the 2003 Act are:-

- A performance of a play
- An exhibition of a film
- An indoor sporting event
- A boxing or wrestling entertainment
- A performance of live music *
- Any playing of recorded music*
- A performance of dance
- Entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance

*[See](#) Appendix B for further information

10. Licensing Objective: Prevention of Crime and Disorder

10.1 The Licensing Committee will look to Dorset Police as the main source of advice on crime and disorder.

10.1 Conditions, if imposed, will be targeted on deterrence and preventing crime and disorder. For example, where there is a good reason to suppose that disorder may take place, the presence of CCTV cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may choose to use CCTV for the prevention of crime directed against the business itself, its staff or its customers, but any condition may require a broader approach to the overall promotion of the prevention of crime and disorder objective. The Licensing Committee would wish to ensure that the precise locations of cameras are identified on plans to ensure that certain areas are properly covered and to avoid any uncertainty/dispute as to the terms of any condition imposed.

10.2 The Licensing Authority expects applicants to address excessive consumption of alcohol and drunkenness on relevant premises. This will reduce the risk of anti-social behaviour occurring both on the premises and elsewhere after customers have departed. It is expected that

operating schedules and conditions will demonstrate a general duty of care to customers using the premises and others affected by their activities this may include developing a policy to prevent the sale of alcohol to drunk customers.

10.3 The Licensing Team will work with the police and other relevant Responsible Authorities and licensees to encourage good practice. In considering an application that has attracted relevant representations, the Council will also have regard to the following, where relevant:

- Any representations made by the Police, or other relevant agency about the training given to staff in crime prevention measures appropriate to those premises. This could include training in specific areas such as recognising drunkenness, use of illegal substances and the assessment of drinks promotions.
- The physical security features installed in the premises. This may include matters such as the position of cash registers, where alcohol is stored in 'off-licences', the standard of CCTV that is installed, adequate lighting, metal detection and search facilities or the use of plastic bottles in pubs and clubs.
- Procedures for risk assessing promotions such as 'happy hours' which may contribute to the impact on crime and disorder and plans for minimising such risks.
- The measures employed to prevent the consumption or supply of illegal drugs, including any search procedures and entry policies.
- Where premises are subject to age-restrictions, the procedures in place to conduct age verification checks. The Licensing Authority will expect the premises licence holder to follow any guidance issued by the Home Office in this regard. The current Home Office guidance is available at False ID guidance - GOV.UK (www.gov.uk)
- The likelihood of any violence, public order or policing problem if the authorisation is granted.
- Whether the design of the premises has been considered having regard to reducing conflict and minimising opportunities for crime.
- Whether steps are proposed to avoid the adverse impact of the promotion of the licensing objectives which result from high strength alcohol being sold at a low price.
- The measures taken to control admission to the premises and the use of and number of Security Industry Authority licensed door supervisors employed at the premises.
- Measures taken to ensure that no public nuisance or other crime results from customers seeking to smoke tobacco and related products at or in the vicinity of the premises, and the extent to which these measures are likely to be effective.
- Other appropriate measures, such as participation in a local pub watch scheme or other body designed to ensure effective liaison with the local community, subscription to dedicated security radio circuits and other examples of industry best practice.

10.4 It is recommended that applicants discuss the crime prevention procedures in their premises with the police before submitting their application

11.Licensing Objective: Public Safety

11.1 Licence holders have a responsibility to ensure the safety of those persons using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result as customers become more vulnerable from alcohol consumption, such as unconsciousness or alcohol poisoning.

11.2 Conditions relating to public safety may also promote the crime and disorder objective as noted above.

11.3 Applicants should give consideration to a number of matters in relation to public safety which may include

- Reference should be made to the guidance on requirements under the Regulatory Reform (Fire Safety) Order 2005 which are available from Dorset & Wiltshire Fire and Rescue Service www.dwfire.org.uk
- Ensuring appropriate access for emergency services such as ambulances
- Good communication with local authorities and emergency services, for example communications networks with the Dorset Police and signing up for local incident alerts
- Ensuring the presence of trained first aiders on the premises and appropriate first aid kits
- Ensuring appropriate and frequent waste disposal, particularly of glass bottles
- Ensuring appropriate limits on the maximum capacity of the premises
- Consider the use of CCTV in and around the premises (which may also assist with promoting the crime and disorder objective)
- Provision of a defibrillator
- Ensuring use of toughened or plastic drinking vessels if appropriate
- Training of staff to deal with violence against women and implementation of safeguards to protect them

11.4 It is recognised that measures that are appropriate to promote public safety will vary between premises and the examples listed above may not be applicable in all cases. Applicants should give due consideration when making their application which steps are appropriate to promote the public safety objective and demonstrate how they intend to achieve that.

11.5 Safeguarding patrons against spiking should be considered and awareness training for staff should be provided where appropriate and proportionate to do so. The Licensing Authority strongly support campaigns such as Ask for Angela.

11.6 Applicants should make provision to ensure that premises users and staff can safely leave their premises and get home. Measures that may assist include;

- Providing information on the premises of local licensed taxi companies who can provide transportation home
- Signing up to the get me home safely campaign. [Get ME Home Safely | Make Our Communities & Workplaces Safer \(unitetheunion.org\)](http://unitetheunion.org)
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks

11.7 Public safety may include the safety of performers appearing at any premises but does not extend to the prevention of injury from participation in a boxing or wrestling entertainment.

12. Licensing Objective: Public Nuisance

12.1 Licensed premises, particularly those operating after 23:00 hours and into the early morning, can adversely affect people living or working in the vicinity of the premises. The applicant's operating schedule must therefore contain practical steps to prevent disturbance to local residents. The issues will concern nuisance from noise, light, odour and litter.

12.2 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time or persons are not permitted in garden areas of the premises after a certain time. More sophisticated design measures to mitigate sound escape from the premises may be appropriate where individual

circumstances dictate. Any conditions appropriate to promote the prevention of public nuisance will be tailored to the type, nature and characteristics of the specific premises and its licensable activities.

- 12.3 Where applications have given rise to representations, any appropriate conditions shall normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a licensing requirement for performances of live music between 11 pm and 8am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.
- 12.4 The Licensing Authority is mindful of the potential for noise nuisance from amplified sound and live music. Where there are relevant representations on this issue, the Licensing Authority will normally impose appropriate conditions on variations or new licences or refuse consent if necessary for the promotion of the licensing objective. A condition to prevent noise nuisance could be imposed in such circumstances.
- 12.5 Applicants must demonstrate that they have considered those factors that cause or add to public nuisance. It is good practice to consult with a noise expert to ensure the effectiveness of measures undertaken. The Council's Pollution Control Team can also be consulted to assist in developing a Noise Management Plan.
- 12.6 Factors to consider include;
- Location of the premises and use of associated outside areas, for example, particularly for [smoking](#)
 - Hours of operation
 - Customer profile
 - Nature of activities to be provided - temporary or permanent
 - Location of activities - inside or outside
 - Design and layout of the premises
 - Use of noise limiting devices
 - Number of people attending the premises
 - Availability of public transport and parking provision
 - Winding down period between the end of the licensable activities and closure of the premises
 - Last admission time
 - Fliers and other advertising material (The Council operates a licensing scheme to regulate this , further details can be obtained [here](#))
- 12.7 Measures to control light nuisance will also be given careful consideration. Bright lighting outside premises, which is considered appropriate to prevent crime and disorder may itself give rise to light nuisance for some neighbours. Applicants, the Licensing Authority and responsible authorities will need to balance these issues.
- 12.8 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour are accountable for their own actions. However, it is considered perfectly reasonable for the Licensing Committee to impose a condition, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of other external areas, and to respect the rights of people living nearby to a peaceful night.

Outdoor Areas and Smoking Areas

12.9 Where applicants propose to provide seating, tables or other facilities in any outdoor area, whether covered or not, or to permit the use of outdoor areas as smoking areas, applicants will be expected to demonstrate in their operating schedule that;

- Suitable and sufficient measures will be in place to prevent the escape of noise and other public nuisance from that outdoor area, from the licensed premises or from any of the licensable activities
- Effective management controls and other measures are put in place this will include removal of seating/tables, presence of staff and installation of CCTV to ensure that licensable activities and the use of such areas by customers or other persons is controlled so as not to adversely impact on nearby residents

12.10 After 23:00 hours consideration should be given to the impact of patrons using outside smoking areas. The Licensing Authority will normally expect the public use of external areas in the licensee's control to cease at 23:00 hours. Where outside areas will be in use after 23:00 additional management controls will need to be considered which may include limiting the number of patrons permitted in the area and the presence of security staff.

12.11 Following the implementation of the smoking ban in July 2007 the Licensing Authority recognises that smokers wishing to smoke will have to go outside the licensed premises. They may also want to take alcohol purchased inside for consumption outside.

12.12 In some cases smoking will be in garden areas. In others, it may be on other parts of the licensed premises or even the highway.

12.13 Where patrons are permitted to take drinks outside the premises the Licensing Authority will expect Licensees to take such steps as possible to ensure glasses/bottles and other receptacles are not left outside. Where broken glass may become an issue this should be included within the management plan of the premises.

12.14 The premises may provide some form of shelter for those smoking outside, but these must not be fully or substantially enclosed in accordance with the Health Act 2006. Licensees should be aware of their responsibilities to prevent public nuisance.

12.15 Noise is likely to be caused not only from persons outside, but from the licensed premises if doors are continually opened or left open as customers go in and out.

12.16 If relevant representations are received, the Licensing Authority may consider conditions restricting the use of outside areas. Such conditions may include the prevention of drinks within the external area, restricting the carrying of any receptacle outside, prohibiting re-entry to premises after customers have left or restrictions on the number of people allowed at any one time in the outside areas and having dedicated staff to monitor the smoking area and take action where necessary.

12.17 The Licensing Authority may impose conditions on licences requiring the operators to provide cigarette disposal units in the vicinity of the premises and to carry out regular cleaning of the area as necessary in order to prevent public nuisance.

Night Cafes and Takeaway Premises

12.18 Premises open after 23:00 hours supplying hot food or hot drink for consumption on or off the premises can attract large groups of customers, many of whom have already consumed

alcohol. The gathering of people around takeaways can lead to additional noise, disturbance and greater amounts of litter and rubbish.

12.19 The Licensing Authority will look to applicants to evidence steps they will take to address these associated issues which can present a public nuisance issue which should include

- Provision of bins outside to reduce littering by patrons
- Evidence of commercial bin waste contract and pest control contract as necessary.
- Management of outside queues or seating areas after 2300. Where a risk assessment deems it necessary security staff may be needed at busy times of the night or year when business is seasonal
- Restrictions on the times for deliveries and when bins are emptied
- Consider parking and access arrangement for any third party delivery staff such as Uber Eats or Deliveroo as these can cause considerable public nuisance in terms of parking and noise

12.20 Premises that operate late at night offering alcohol and/or takeaway food can generate concerns about antisocial behaviour and nuisance in the vicinity. It is expected that applicants should address such issues within their operating schedule and the Model Pool of Conditions in Appendix E will assist applicants in addressing this.

13. Licensing Objective: Protection of Children from Harm

13.1 The Licensing Authority has determined that Children's Services Compliance Team are the Responsible Authority who will lead on the protection of children from harm.

13.2 A child is any person under the age of 18 unless otherwise stated.

13.3 The Licensing Authority notes the amended statutory guidance has now placed emphasis on child sexual exploitation (CSE) matters and accordingly will look to the responsible authorities to be particularly robust and vigilant so far as any CSE matters are concerned at venues holding either a premises licence or club premises certificate.

13.4 Where children are expected to attend a licensed event or an event held on licensed premises even though alcohol is not being served, appropriate adult supervision will be required if considered necessary by way of risk assessment.

13.5 For premises that give rise to particular concern, there will be a presumption against permitting any access for those under 18 years of age. Premises that give particular concern include those where;

- Entertainment or services of an adult or sexual nature are commonly provided
- There have been convictions of members of the current staff at the premises for serving alcohol to minors or premises where clear evidence is produced by a Responsible Authority to prove underage drinking has been permitted by the premises licence holder or the operator
- There is known association with drug taking or dealing
- There is a strong element of gambling on the premises, excluding premises which have a limited number of cash prize gaming machines only
- The supply of alcohol for consumption on the premises is the exclusive or primary purpose of the service provided at the premises

13.6 The protection of children from harm and their welfare is of paramount importance. Family-friendly and food led premises are encouraged, but the risk of harm to children is an essential consideration when determining applications.

- 13.7 With accompanied children having greater access to licensed premises there is an opportunity to have more family-friendly leisure. Clearly, this places additional responsibilities upon licence holders. It is recognised too that parents and others accompanying children have responsibilities to ensure the welfare and protection of children.
- 13.8 The protection of children from harm includes the protection of children from moral, psychological and physical dangers. Specifically, in relation to the exhibition of films, or transmission of programmes or videos, this includes protection from exposure to strong language, sexual expletives and portrayals of sexual activity.
- 13.9 Children are more vulnerable, and their needs will require special consideration. This vulnerability includes their susceptibility to suggestion, peer group influences, inappropriate example, the unpredictability of their actions due to their age, and the lack of understanding of danger.
- 13.10 Where no licensing restriction is necessary, admission of children remains entirely a matter at the discretion of the individual licensee or club. Conditions requiring the admission of children may be imposed and can be offered by the applicant.
- 13.11 Whilst children may be adequately protected from harm by the action taken to protect adults, they may also need special consideration and no policy can anticipate every situation. When addressing the issue of protecting children from harm, applicants are advised to demonstrate what practical measures they will take where appropriate.
- 13.12 The Licensing Authority will expect applicants to be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration will also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.
- 13.13 Conditions requiring the admission of children to any premises cannot be attached to licences or certificates. Where no licensing restriction is appropriate, it remains a matter for the discretion of the individual licence holder, club or premises user.
- 13.14 Venue operators seeking premises licences and club premises certificates should consider including such prohibitions and restrictions in their operating schedules particularly where their own risk assessments have determined that the presence of children is undesirable or inappropriate.
- 13.15 The following examples of control measures are given to assist applicants. They should be taken into account when producing any operating schedule;
- Provision of a sufficient number of staff employed or engaged to secure the protection of children from harm
 - Complete exclusion of children and limitations on the hours when they may be present whether or not accompanied by a responsible adult
 - Restrictions to certain parts of the premises or exclusion of children from certain activities
 - Imposition of requirements for children to be accompanied by a responsible adult
 - Adoption of "Challenge 25" or other similar initiative to require sight of evidence of age from any person under 25 who is attempting to buy alcohol or have alcohol delivered

- Acceptance of “proof of age” documentation, by means from time to time recognised by the Licensing Authority in consultation with the Police and Trading Standards. (The PASS accreditation system of the British Retail Consortium is commended)
- Measures to ensure that children do not purchase, acquire or consume alcohol, including keeping a refusals register in English and in accordance with any relevant and reasonable requirements of Trading Standards which may include signing up to the No Proof of Age No Sale (NPOANS) toolkit which includes age restricted sales training
- Measures to avoid children being exposed to incidents of violence or disorder

13.16 The Licensing Authority supports the following measures to reduce alcohol-related anti social behaviour by those under 18;

- Police powers under the Confiscation of Alcohol (Young Persons) Act 1997 to remove alcohol from young people in any public place where the public have access
- BCP have a Public Space Protection Order in place for the whole area which allows CSAS officers to also seize alcohol where antisocial behaviour is linked to alcohol consumption
- Police and Trading Standards powers to implement test purchasing to target on and off licences selling to under 18-year-olds and carry out age challenges to reduce underage drinking from supermarkets, off licences, in pubs and other licensed venues
- Further promotion of proof of age schemes
- Prosecution of those persistently selling alcohol to children, under the Violent Crime Reduction Act 2006

13.17 The Licensing Authority will expect applicants to ensure that children are not allowed access into premises when licensable activities involving entertainment or services of an adult or sexual nature take place.

13.18 Licensees’ operating schedules for premises showing films must include arrangements to prevent children from viewing age-restricted films as classified by the British Board of Film Classification. Uncertified films must be brought to the attention of the Licensing Authority for classification.

14. Public Health

14.1 Whilst public health is not a licensing objective, health bodies are deemed to be responsible authorities under the 2003 Act. They may now make representations in respect of applications and call for the review of a premises licence or club premises certificate where they have appropriate evidence to do so and can demonstrate how an applicant's proposals at the specific premises will undermine one or more of the licensing objectives.

14.2 The Licensing Authority recognises that the health and wellbeing of communities can be adversely affected by drinking excess alcohol. National evidence shows that whilst there is little difference in alcohol consumption between people living in more or less deprived areas, people living in the most deprived areas has an almost two-fold greater risk of an alcohol-related death than people living in the least deprived areas.
(see <https://bmcpublichealth.biomedcentral.com>)

14.3 Public Health Dorset supports safeguarding initiatives which include vulnerable adults. Ensuring robust staff training as part of any application and setting out training and identification of vulnerable or intoxicated people and ensuring they are safe when on and as they leave the premises.

- 14.4 Public Health Dorset as a responsible authority works closely with the other responsible authorities and plays an active part in contributing to the licensing policy and assisting applicants promote the licensing objectives. Health bodies may hold information which other responsible authorities do not, but which would assist the Licensing Authority in exercising its functions. This information may be used by the health body to make representations or to support representations.
- 14.5 There is also potential for health bodies to participate in the licensing process in relation to the protection of children from harm. This objective not only concerns the physical safety of children, but also their moral and psychological wellbeing.
- 14.6 Evidence relating to under-18 alcohol-related emergency department attendance, hospital admissions and underage sales of alcohol could potentially have implications for both the protection of children from harm and the crime and disorder objectives. Consumption of alcohol by under 18s can lead to serious and acute health impacts. Health bodies can provide evidence to lead or support representations in relation to this objective. In relation to proxy purchases, data collected by health bodies could be used to inform other responsible authorities, including the police and the licensing authority, about a prevalence of proxy purchasing in a particular area.
- 14.7 Although less obvious, health bodies may also have a role to play in the prevention of public nuisance where its effect is prejudicial to health and where they hold relevant data.
- 14.8 The Licensing Authority seeks to encourage and support any voluntary initiatives that premises may wish to adopt to help reduce alcohol harm within our communities. Such initiatives may include;
- Avoiding the sale of beers, lagers and ciders over 6.5% ABV which are sold in plastic bottles or metallic cans (this does not include premium, craft or specialist products as these are not a target for problem drinkers)
 - Taking steps to consider the display of alcohol in such a manner that will not unduly encourage people to drink irresponsibly and equally limit the exposure children have to alcohol advertising
 - Refraining from placing alcohol products amongst, near or next to confectionary that would usually be consumed by children or young people (which would include till point toys or stickers)

15. Responsible Retailing for Off Sales

- 15.1 The Licensing Authority is concerned that the irresponsible consumption of alcohol from off-sales is a significant problem and adversely affects the licensing objectives as it gives rise to problems of drunkenness, disorderly behaviour and a higher risk of alcohol sales to children.
- 15.2 There is a Community Alcohol Partnership (CAP) scheme which is run by a locally managed multi-agency partnership and whose aim is to reduce alcohol harm in local communities from drinking by young people under 25, with a particular emphasis on preventing underage drinking.
- 15.3 The Licensing Authority wishes to minimise the negative impact on the licensing objectives created by irresponsible consumption of alcohol from retail alcohol sales. Some parts of Bournemouth, Christchurch and Poole have Public Spaces Protection Orders (PSPOs) in place to help address problems of drinking alcohol in public areas. Drinking in public spaces can be a major source of anti-social behaviour, often involving young persons, and it can lead to crime or the fear of crime.

- 15.4 When considering an application or review where evidence indicates issue relating to problem drinking from off-sales the Licensing Committee will consider the design and layout of premises wishing off-sales. In such areas all new applications must;
- Specify the area to be used for the sale or exposure for sale of alcohol
 - Displays should conform to the guidance issued by the British Retail Consortium or any other future guidance issued by trade bodies, Government departments or locally adopted standards to provide a 'responsible display' of alcohol
 - Applicants should note that a display will not be considered suitable at entrance/exit points of premises where it might interfere with customer flow, near check outs, entrances or exits where shop lifting may become easier
 - By using advertising that does not promote irresponsible drinking
 - Consisting of significant amounts of high strength alcohol or give undue prominence to high strength alcohol
- 15.5 The Licensing Authority may not support applications and may refuse on the evidence presented to support representations where representations are made against applications for off sales of alcohol for premises that are;
- In areas where Public Spaces Protection Orders (PSPOs) are in place
 - Near to alcohol addiction recovery activities or buildings held in hospital or clinic settings.
 - In areas where drinking in public spaces affects any of the licensing objectives

16. The Licence Process and Applications

- 16.1 Generally, all applications will follow the same general process as set out in [Appendix C](#).
- 16.2 Applications must be made to the Licensing Authority in the form prescribed by Regulations. Guidance is available to applicants setting out the detail of the process on the BCP Council website.
- 16.3 The Licensing Committee expects applicants to have regard to this statement of licensing policy when completing their operating schedule. Applicants are expected provide sufficient information within their applications to ensure that they demonstrate the steps they propose to take to promote the licensing objectives.
- 16.4 The applicant is expected to demonstrate that they understand the local area demographics including crime and disorder hotspots, proximity to residential premises, housing and/or treatment for vulnerable people (including addictions), and the proximity to areas where children/vulnerable people congregate
- 16.5 Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate;
- An understanding of how the policy impacts on their application
 - Any measures they will take to mitigate the impact
 - Why they consider the application should be an exception to the policy
- 16.6 It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the

promotion of the licensing objectives and where there are no known concerns, acknowledge this in their application.

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

16.8 The Responsible Authorities are: -

Dorset Police
Dorset & Wilshire Fire and Rescue Service
Protection of Children from Harm
Trading Standards
Environmental Health
Health and Safety Executive
Planning Authority
Public Health
Home Office (Immigration Enforcement)
Maritime & Coastguard Agency

Full contact details are provided on our website. [Responsible Authority list](#)

16.9 When applicants complete section M of the application form they are providing the Licensing Authority with their proposed conditions. Applicants are expected to provide sufficient information to ensure their proposed conditions and actions are appropriate to promote the licensing objectives.

16.10 The Licensing Authority will expect applicants to consider the following matters in the context of promoting the four licensing objectives

- The nature of the area where the premises are situated
- The precise nature, type and frequency of the proposed activities
- Where alcohol is to be sold for consumption on the premises, the extent of seating available
- Any measures proposed by the applicant as outlined in the operating schedule to mitigate or prevent any adverse impact upon the licensing objectives, including the proposed hours of operation
- The nature, principally in terms of the age and orderliness, and number of customers likely to attend the premises
- Means of access to and exit from the premises
- The impact of the smoking ban, to include reference to noise pollution
- Transport provision in the area, and the likely means of public or private transport for customers arriving/leaving the premises
- Parking provision in the area
- The potential cumulative impact of licensable activities in the relevant local area
- Other means and resources available to mitigate any adverse impact particularly to local residents
- Such other matters as may be relevant to the application

16.11 A copy of the Licensing Authority's Model Pool of Conditions is attached at Appendix E which may assist applicants in completing the operating schedule of their application form.

- 16.12 Once the application has been submitted there is a 28 day consultation period. This gives the responsible authorities and other persons the opportunity to make a representation and to enter into mediation with the applicant.
- 16.13 Where mediation is unsuccessful, and representations have not been withdrawn the application will be referred for consideration by the Licensing Sub Committee.
- 16.14 Where there are no representations or where mediation has successfully taken place, the application will be deemed granted at the end of the consultation period and the licence will be issued including all agreed conditions.

17.Representations

- 17.1 When an application has been made, there is a 28-day period for consultation in which the applicant will have displayed a notice on their premises and also in a local newspaper.
- 17.2 In addition the Licensing Authority will publish notice on their website. As a matter of good practice officers will email all members and parish councils on a regular basis to notify them of applications received.
- 17.3 Anyone can make a representation (or objection) in relation to any new application, a variation to an existing licence or a review of a licence. However, for a representation to be considered relevant, it must relate to and address the likely effect that granting the application will have on the promotion of one or more of the licensing objectives.
- 17.4 Ward Councillors may make representations themselves or support other persons if asked to do so.
- 17.5 Guidance on how to make a representation is provided on the councils' website. [Challenge a licence | BCP \(bcpCouncil.gov.uk\)](https://www.bcpCouncil.gov.uk/Challenge-a-licence)

Disclosure of personal details of persons making representation

- 17.6 Once a representation has been accepted by the Licensing Authority it will be forwarded to the applicant to allow mediation to take place.
- 17.7 Ultimately the representation may become part of a hearing report which is a public document, if mediation is not.
- 17.8 Unless there are genuine and well-founded fears of intimidation, representations will be published with names and addresses attached (your email will not be disclosed).
- 17.9 Government Guidance on this matter, states: 'In exceptional circumstances, persons making representation to the licensing authority may be reluctant to do so because of fears of intimidation or violence if their personal details, such as name and address, are divulged to the applicant.'
- 17.10 Where the Licensing Authority consider that the person has a genuine and well - founded fear of intimidation and may be deterred from making a representation on this basis, they may decide to withhold some or all personal details from the applicant, giving only minimal details (such as street name or general location within a street). However, withholding such details will only be considered where the circumstances justify such action.

18.Licence Conditions

18.1 There are three types of conditions:

- **Mandatory** The 2003 Act provides for certain mandatory conditions to be applied to premises licences or club premises certificates. The full list of mandatory conditions that apply at the publication date of this statement of licensing policy can be found at [Mandatory Licensing Conditions](#)

The Licensing Authority expects that applicants, licence and certificate holders will familiarise themselves and ensure all staff are familiar with the mandatory conditions and any additional conditions which are attached to the premises licence they hold.

- **Offered** These are conditions included in Section M of the application form as part of the operating schedule or agreed following mediation.
- **Imposed** These are conditions imposed by the Licensing Committee, if they consider necessary, following a hearing of the application before them.

18.2 Conditions on a premises licence or club premises certificates are important in setting the parameters within which premises can lawfully operate. The use of wording such as "must", "shall" and "will" is considered necessary to emphasise their importance.

18.3 Licence conditions;

- Must be appropriate and proportionate for the promotion of the licensing objectives
- Must be precise and enforceable
- Must be unambiguous and clear in what they intend to achieve
- Should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation
- Must be tailored to the individual type, location and characteristics of the premises and events concerned
- Should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case
- Should not replicate offences set out in the 2003 Act or other legislation
- Should be proportionate, justifiable and be capable of being met
- Cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave
- Should be written in a prescriptive format

18.4 A copy of the Licensing Authority's Model Pool of Licensing Conditions is attached at [Appendix D](#) this can be used to assist applicants when considering the four licensing objectives within their proposed operating schedule.

18.5 Where responsible authorities and other persons do not raise any representations about the application made to the Licensing Authority, it is the statutory duty of the Authority to grant a licence or certificate subject only to conditions that are consistent with the operating schedule and any mandatory conditions prescribed in the 2003 Act.

18.6 It is possible that in certain cases, where there are other legislative provisions which are relevant and must be observed by the applicant, no additional conditions at all are needed or considered appropriate to promote the licensing objectives.

18.7 The Licensing Authority wishes to work in partnership with all parties to ensure that the licensing objectives are promoted collectively. To support this aim and to minimise disputes

and the necessity for hearings, the Licensing Authority considers it sensible for applicants to seek the views of responsible authorities before formally submitting applications, but it acknowledges that there is no legal requirement to do this.

19. Enforcement

19.1 The Licensing Authority has established a joint working agreement with Dorset Police and other enforcing authorities. This agreement assists officers to address issues on a 5 step problem solving matrix which helps to prioritize efforts to tackle 'problem' and 'high-risk' premises and forms the basis of an intelligence led approach.

19.2 In respect of premises which are shown to be well maintained and managed a 'lighter' approach will be applied.



Targeted enforcement visits and actions are taken in accordance with the 5 steps listed above to ensure that it is effective, well targeted and contributes to economic progress.

19.3 The Licensing Authority will process personal information in accordance with the Data Protection Act 2018. The personal details provided by applicants will be held on a database and where the law allows, may be shared with other departments within the Council to update details they hold. The Licensing Authority may also be required to disclose personal information to third parties (such as the Police, Department for Work and Pensions, Immigration Enforcement or the National Fraud Initiative) for the purposes of preventing or detecting crime or apprehending or prosecuting offenders.

- 19.4 When judged necessary to do so, authorised officers of the Licensing Authority and other responsible authorities will undertake unannounced inspections or test purchase visits to licensed premises in order to ensure compliance with the provisions of the 2003 Act and any other associated legislation.

20. The Cumulative Impact of a Concentration of Licensed Premises

- 20.1 The Licensing Authority will not take 'need' into account when considering an application (i.e. commercial demand), as this is not a licensing objective. However, it recognises that the cumulative impact of the number, type and density of licensed premises in a given area, may lead to serious problems of nuisance and disorder outside and some distance from the premises.
- 20.2 Cumulative Impact Policies (CIP) are also commonly known as "stress" or "special policy areas" and may relate to premises licensed to carry on any licensable activity, including the sale of alcohol for consumption on or off the premises, and the provision of late night refreshment. This includes late-night fast-food outlets which are not licensed to sell alcohol.
- 20.3 In some areas, where the number, type or density of premises selling alcohol or providing late night refreshment is high or exceptional, serious problems of nuisance and disorder may be arising or have begun to arise outside or some distance from those premises. Such problems generally occur as a result of large numbers of drinkers being concentrated in an area, for example when leaving premises at peak times or when queuing at fast food outlets or for public transport. Licensing Authorities should consider whether the number of fast food outlets or off licences in an area contribute to these problems, and may choose to include them in their cumulative impact policy.
- 20.4 Queuing in itself may lead to conflict, disorder and anti-social behaviour. Moreover, large concentrations of people may also increase the incidence of other criminal activities such as drug dealing, pick pocketing and street robbery. Local services such as public transport services, public lavatory provision and street cleaning may not be able to meet the demand posed by such concentrations of drinkers leading to issues such as street fouling, littering, traffic and public nuisance caused by concentrations of people who cannot be effectively dispersed quickly.
- 20.5 Variable licensing hours may facilitate a more gradual dispersal of customers from premises. However, in some cases, the impact on surrounding areas of the behaviour of the customers of all premises taken together will still be greater than the impact of customers on individual premises. These conditions are more likely to arise in town and city centres, but may also arise in other urban centres and the suburbs, for example on smaller high streets with high concentrations of licensed premises
- 20.6 The Licensing Authority will take the following steps when considering whether to adopt a special saturation policy: -
- Identify concern about crime and disorder; public safety; public nuisance; or protection of children from harm
 - Consider whether there is good evidence that crime and disorder or nuisance are occurring, or whether there are activities which pose a threat to public safety or the protection of children from harm
 - If such problems are occurring, identify whether these problems are being caused by the customers of licensed premises, or that the risk of cumulative impact is imminent

- Identify the boundaries of the area where problems are occurring (this can involve mapping where the problems occur and identifying specific streets or localities where such problems arise)
- Consult those specified in section 5(3) of the 2003 Act, and subject to the outcome of the consultation, include and publish details of the special policy in the licensing policy statement

20.7 The Licensing Authority will review any cumulative impact policy every three years to see whether they have had the effect intended, and whether they are still required.

20.8 The Licensing Authority will not use such policies solely:-

- as the grounds for removing a licence when representations are received about problems with existing licensed premises, or
- to refuse modifications to a licence, except where the modifications are directly relevant to the policy, for example where the application is for a significant increase in the capacity limits
- to impose any form of quota

20.9 The Licensing Authority recognises that there is a wide diversity of premises requiring a licence and will have full regard to the differing impact these will have on the local community.

20.10 It therefore also recognises that, within this policy, it may be able to approve licences that are unlikely to add significantly to the saturation and will consider the circumstances of each individual application.

21. Other Mechanisms for Controlling the Impact of Licensed Premises

21.1 Once away from the licensed premises, a minority of customers may behave badly and unlawfully. Other mechanisms exist both within and outside the licensing regime that are available for addressing such issues.

21.2 The Bournemouth Street Pastors were established in 2017 and they patrol the Bournemouth town centre area from 2200 – 0200 every Saturday night. They assist anyone in need and also carry radios which link to the police, paramedics and CCTV. On their patrols they will support individuals in need with slippers, a thermal blanket call a cab or just wait with them until they can make their own way safely home.

21.3 The Purple Flag accreditation scheme recognises excellence in the management of town and city centres in the early evening and nighttime economy. It provides an endorsement of the vibrancy of the local late-night economy and Bournemouth town centre has held a Purple Flag since 2014.

21.4 Safer BCP is a community safety partnership for the local area. It brings together the public bodies and the community, voluntary and private sector partners. The council, police, health services, fire and rescue services, and probation services share a collective responsibility to understand the causes and nature of crime, anti-social behaviour, and substance misuse. Together these agencies work with our communities and voluntary-sector agencies to identify community safety priorities for BCP and put plans in place to address them these include addressing issues around violence against women and girls (VAWG).

21.5 The Unity Promise women's charter was launched in March 2024 and supports businesses with training on how to improve safety for women and girls.

- 21.6 Safe Places is a scheme which makes it easier vulnerable people to identify places where they can seek help if they are anxious, scared or at risk while they are out. Premises register with the scheme then display recognisable signs to make them identifiable for those seeking assistance.
- 21.7 The voluntary sector nighttime community guardianship scheme for Bournemouth town centre now works with the universities and students to develop a student-led peer community guardianship scheme to cover the Lansdowne area.
- 21.8 In partnership with Dorset Police, the BID's (Coastal, Bournemouth Town Centre and Poole) and UKPAC (UK Partners Against Crime), BCP Council are supporting the delivery of a Business Crime Reduction Partnership focusing on both the daytime and night-time economies. SentrySis is an information sharing and crime reporting platform delivered by UKPAC in cooperation with the BID's for Poole, Bournemouth and Coastal alongside Dorset Police and BCP Council.
- 21.9 The objective of SentrySis system is to further enhance the partnership between industry professionals and authorities to accurately record, manage and tackle crime and antisocial behaviour associated with the nighttime economy. Through enhanced information sharing capability, this system has proven effective in facilitating greater reporting of crime, enabling officers to be appropriately directed to identified hotspot areas. As a GDPR-compliant database, this system is used to immediately share details of known perpetrators who are present in the Bournemouth Town Centre amongst professionals responsible for managing venues and the safeguarding of customers and staff to ensure that they do not gain access to the venues.
- 21.10 Those premises delivering on-sales provision are encouraged to make use of this system to prevent crime and disorder within their premises to ensure that perpetrators are identified, their information shared with Police, the local authority and other premises to reduce the threat of harm towards the public wishing to enjoy the Town Centre.
- 21.11 Additionally, Bournemouth Town Centre Townwatch are funding Licensing Safety and Vulnerability Initiative (LSAVI) accreditations for their members. This self-assessment tool platform combines the benefits of a self-assessment, an audit by Dorset Police and a catalogue of guidance templates, best practice advice and other support to enable venues to proactively prepare themselves to deliver licensable activities in a safe and compliant manner. Once accredited, venues can proudly publicise their score, with a maximum score of 5/5. The process is intended to be achievable and venues not achieving the maximum score are offered feedback and suggestions as to how they can improve in advance of their next assessment, which takes place annually.
- 21.12 New and existing licensed premises are encouraged to undertake the LSAVI accreditation to assist them to ensure that the safety and safeguarding measures are appropriate to their premises.
- 21.13 Outside of the licensing regime there are other powers which can address negative behaviours which result in the consumption of alcohol these include:-
- **Public Spaces Protection Orders (PSPO)** -all of the BCP area is covered by an alcohol PSPO this is not an alcohol ban, it means that anyone drinking in a manner that adversely impacts on others must cease drinking and must also surrender the alcohol on request.
 - **Community Protection Warning/Notice (CPW and CPN)** - can be used to address individuals' behaviour which is having a detrimental impact on a communities quality of life. Initially a CPW is issued to the individual to make them aware that their

behaviour is not acceptable, if there is then evidence that the behaviour is continuing then a CPN will be issued.

- **Civil Injunction** – is a civil power to deal with antisocial is a formal process resulting in court action and is only used once other measures have not been successful.

21.14 The Licensing Authority support organisations such as Best Bar None, Town Watch and Pub Watch which contribute towards providing safer environments for the patrons of premises operating in the evening and night time economy. There are a number of groups covering areas and districts throughout Bournemouth, Christchurch and Poole that seek to improve the network of real time information that allows them to take proactive action to minimise the effects on crime and disorder and anti-social behaviour. The Licensing Authority expects licensees to support and be active members of trade led best practice schemes.

22.Planning and Building Control

22.1 The Secretary of State has provided guidance on the relationship between planning and licensing stating that they are separate regimes. Where the Licensing Authority receives relevant representations that a licensing proposal is contrary to a planning consent and that to grant a licence for such activity would be likely to affect the licensing objectives then a refusal, or the attaching of conditions to prevent such a use until the position has been regularised may be appropriate.

22.2 In appropriate situations a hearing could be deferred until planning consent has been obtained, or arrangements made for the applications to be considered together. A responsible and prudent applicant would ensure that an appropriate planning consent was in place before submitting a licence application or choose to submit both at the same time. The Council will not duplicate restrictions on planning permissions unless such restrictions are necessary to promote the licensing objectives.

22.3 Whilst recognising that licensing and planning are separate regimes the Licensing Authority will work closely with planning to ensure that where possible the two regimes will align with each other. The 'agent of change' principle which seeks to protect existing uses, particularly with regard to venues that provide regulated entertainment through permissions under the Licensing Act, is recognised as an important concept under both regimes and is supported by this policy. Where reviews are sought by residents or responsible authorities in relation to public nuisance alleged to arise from a licensed premises, the nature of the premises, it's track record and length of time it has been providing the activities complained of will all be taken into account in determining the application.

22.4 The granting by the licensing sub-committee of any variation of a licence which involves a material alteration to a building will not relieve the applicant of the need to apply for planning permission or building control where appropriate.

22.5 In circumstances when, as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes and where those hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission will be liable to prosecution under planning law.

22.6 The Planning Authority may also make representations as a responsible authority as long as they relate to the licensing objectives. The Licensing Authority recognises that nuisance and crime and disorder are matters that share common ground within the planning and licensing regimes. Concerns relating to the character and function of an area and aspects of amenity that do not constitute a public nuisance are outside the scope of the licensing regime and will be dealt with separately by the Planning Authority. The Licensing Authority

therefore recognises that a combination of licensing and planning powers together with effective management of the street environment is required to overcome these problems.

23. Promotion of Equality

- 23.1 Under the Equality Act 2010 it is against the law to discriminate against anyone because of age, gender reassignment, being married or in a civil partnership, being pregnant or on maternity leave, disability, race including colour, nationality, ethnic or national origin, religion or belief, sex, or sexual orientation.
- 23.2 The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities.
- 23.3 The licensing authority will look to discharge this duty by making arrangements where appropriate to provide information in a format that meet the requirements of those with special needs such as large type, audio information and information in foreign languages. Specific needs will be dealt with on an individual basis.
- 23.4 The licensing authority has had regard to this duty when publishing this statement of policy and will have regard to the duty when determining applications for relevant authorisations under the Licensing Act 2003.
- 23.5 In the design and layout of premises, applicants and licence holders are encouraged to consider access and facilities for customers with protected characteristics.
- 23.6 Any person who is concerned that a premises is failing to comply with the Equality Act should make their complaint to the premises in the first instance. Advice can also be sought from the Equality Advisory Support Service (EASS) - www.equalityadvisoryservice.com

24. Management of Premises

- 24.1 The Statement of Licensing Policy sets out the Authority's expectations in relation to certain matters. Whilst applicants are not obliged to meet these expectations in their operating schedules, they may find that responsible authorities and other persons and businesses are more likely to raise representations if they do not. This can lead to a delay with the application having to be considered by a Committee/Panel which may then either refuse the application or impose conditions if the licensee is not found to sufficiently promote the licensing objectives and meet this policy.
- 24.2 The licensing authority encourages licence holders and operators of licensed premises:
- To adhere to all relevant national legislation regarding the sale of alcohol, including ensuring that sales are not made to underage persons and alcohol is not knowingly sold to a person who is drunk.
 - Take all reasonable steps to prevent the entry of people with drugs into licensed premises, to take appropriate steps to prevent drugs changing hands within the premises and to take practical measures to prevent drug use.
 - To have regard for relevant Dorset Police policies relating to drugs.
 - Consider wider local concerns in the conurbation as a whole, including drink spiking, sexual abuse, alcohol-related violence, alcohol-related road traffic incidents and other alcohol related harm.
 - Ensure alcohol delivery businesses complete ID checks at the point of sale and at the point of delivery.
 - Where appropriate, provide leaflets or posters for alcohol treatment services from agreed commissioned alcohol services.

- Encourage and promote the reduction of street litter and other forms of waste associated with licenced premises.
- To understand that the sexual exploitation of a child is sexual abuse and a crime ensure that staff are aware of the signs of child sexual exploitation and trafficking, and;
- To provide intelligence to relevant authorities on any identified criminal activity witness on or linked to the premises.

24.3 The policy is only engaged where the licensing authority has a discretion following the receipt of objections. In such cases, the licensing authority will not apply the policy rigidly. The licencing authority will always have regard to the merits of the case with a view to promoting the licensing objectives.

Designated Premises Supervisor (DPS)

- 24.4 Any premises where alcohol is sold under a premises licence must have a designated premise supervisor. The DPS will be named in the premises licence, a summary of which must be displayed on the premises. A DPS must be a personal licence holder. Every sale of alcohol must be made or authorised by a person who holds a personal licence (or must be made or authorised by the management committee in the case of community premises).
- 24.5 The Licensing Act 2003 does not require a DPS or any other personal licence holder to be present on the premises at all times when alcohol is sold. However, the DPS and the premises licence holder remain responsible for the premises at all times.
- 24.6 The Licensing Authority will normally expect the DPS to have been given the day-to-day responsibility for running the premises and as such it is expected that the DPS would usually be present at the licensed premises on a regular basis.
- 24.7 The premises licence holder will be expected to ensure that the DPS has experience commensurate with the size, capacity, nature and style of the premises and licensable activities to be provided..
- 24.8 Within all licensed premises, whether or not alcohol is to be sold, the Licensing Authority will expect there to be proper management arrangements in place which will ensure that there is an appropriate number of responsible, trained/instructed persons at the premises to ensure the proper management of the premises and of the activities taking place, as well as adherence to all statutory duties and the terms and conditions of the premises licence.

Door Supervisors

- 24.9 The premises licence holder and DPS should ensure that their premises do not increase the fear of crime as well as actual crime in their locality. To this end they should ensure, so far as is possible, that customers do not cause nuisance or disorder outside the premises and that measures to ensure the safety of customers and prevention of nuisance are in place.
- 24.10 Door supervisors have an important role in managing customers, not only on the doors but also in the immediate area of premises.

Dispersal Policies

- 24.11 The Licensing Authority accepts that licensed premises can have a diffuse impact. People can cause disturbance when returning to residential areas from later-opening premises elsewhere and people who use off-licences may locate to a remote spot to drink. These problems may not be within the direct control of any particular licensed premises. However, premises licence holders are generally expected to take measures to encourage people to

leave their premises quietly and considerately. The Licensing Authority would encourage premises to adopt a dispersal policy where appropriate.

Risk Assessments

- 24.12 The Licensing Authority will expect that appropriate and satisfactory general and technical risk assessments, management procedures and documentation have been made available to the relevant responsible authorities and to the Licensing Authority, that demonstrate that the public will be safe within and in the vicinity of the premises.
- 24.13 As a minimum the following matters must be taken into consideration:
- Whether the premises already have a licence which specifies the maximum number of people that can be present and, whether a risk assessment has been undertaken as to the maximum number of people who can be present in various parts of the premises, so that they can be operated safely and can be evacuated safely in the event of an emergency
 - Whether patrons can arrive at and depart from the premises safely
 - Whether music and dance venues and performance venues will use equipment or special effects that may affect public safety (e.g. moving equipment, vehicles, pyrotechnics, strobe lights, smoke machines)
 - Whether there are defined responsibilities and procedures for medical and other emergencies and for calling the emergency service

25. Temporary Events Notices

- 25.1 The system of permitted temporary activities is intended as a light touch process and as such, the carrying on of licensable activities does not have to be authorised by the Licensing Authority on an application.
- 25.2 Temporary Event Notices are subject to various rules which are set out in the home office guidance using this link.
- https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/118375/tens.pdf
- 25.3 **Standard TEN** - The Licensing Authority encourages applicants to give as much notice as possible of such events in excess of the minimum statutory period of ten working days so that appropriate advice and guidance can be given to organisers. Ten working days' notice means ten working days exclusive of the day on which the event is to start and exclusive of the day on which the notice is given.
- 25.4 **Late TEN** - Applicants can apply for a 'late TEN' up to 5 working days before the event and can apply for up to 10 late TENs per calendar year.
- 25.5 The most important aspect of the system of temporary event notices is that no permission is required for these events from the Licensing Authority. Instead a person wishing to hold an event at which such activities are proposed to be carried on (the "premises user") gives notice to the Licensing Authority of the event (a "Temporary Event Notice" or TEN). Once notification is received only the Police or Environmental Health (EH) may intervene to prevent such an event or modify the arrangements for such an event. The Licensing Authority will only intervene itself if the limits on the number of notices that may be given in various circumstances would be exceeded.

- 25.6 It is recognised that many applicants submitting a Temporary Event Notice will not have a commercial background or ready access to legal advice. They will include, for example, people acting on behalf of charities, community and voluntary groups, all of which may stage public events to raise funds and usually the event will include licensable activities. The Licensing Authority will ensure that applicants are guided and supported through the process.
- 25.7 In exceptional circumstances, the Police or Environmental Health may issue an objection notice because they believe the event would undermine the one or more of the four licensing objectives set out in the 2003 Act.
- 25.8 The Police or Environmental Health must issue an objection notice within three working days of being notified, they can subsequently withdraw the notice if the applicants can provide robust assurances. The issuing of such an objection notice requires the consideration of the objection by the Licensing Committee or Sub Committee. If an objection notice is issued in relation to a late notification (between 9 – 5 working days) before the event the notification is cancelled, and licensable activities are not authorised.
- 25.9 The ability of the Police and Environmental Health to serve such a notice is a further reason why event organisers are strongly encouraged by the Licensing Authority not to rely on giving the minimum amount of notice and to contact the local Police and Environmental Health at the earliest possible opportunity about their proposals.
- 25.10 Outside spaces should provide a location plan which clears the area to be covered by the TEN.
- 25.11 In large events the location of the TEN shall also show the position of the TEN within an event.

26. Outside Events

- 26.1 The Licensing Authority advises applicants for outside events to plan well in advance and contact a licensing officer to discuss the need for a premises licence or other permission.
- 26.2 Where events may be of large, diverse or contentious in nature, the Licensing Authority advise that the organisers discuss the event with the responsible authorities to consider potential issues relating to the licensing objectives that could result in representations being made. The event may be referred to a Safety Advisory Group (SAG) which is made up of the responsible authorities, emergency services and other relevant bodies that advise on the safety and local impact of events within BCP Council.
- 26.3 An Event Management Plan (EMP) should be drawn up for final approval by the SAG members and should include details regarding drug testing if appropriate.
<https://www.bournemouth.co.uk/dbimsgs/Event-guidelines-update-joint-2020.pdf>
- 26.4 Any advice given by the Safety Advisory Group will not preclude responsible authorities and interested parties from making representations relating to the event.
- 26.5 The Licensing Authority advises any applicant for an outside event to be aware of and take note of the Purple Guide and Managing Crowds Safely (HSG 154) and any other official guidance to ensure the safety of the public attending the event.

27. The Review Process

- 27.1 The proceedings set out in the 2003 Act for reviewing premises licenses and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 27.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the Licensing Committee to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives. In incidents of serious crime and/or disorder the Police may apply for an Expedited/Summary Review of a premises licence.
- 27.3 An application for review may be made electronically as long as it is on the required form and in accordance with the Regulations.
- 27.4 In addition, the Licensing Authority must review a licence if the premises to which it relates was made the subject of a closure order by the Police based on nuisance or disorder and the Magistrates' Court has sent the Authority the relevant notice of its determination, or if the Police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 27.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the Licensing Authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that Licensing Authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review of a licence in their own right if they have grounds to do so. It is also reasonable for the Licensing Authority to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the Police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. Likewise where there are concerns about noise nuisance, it is reasonable to expect the Local Authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 27.6 Where the Licensing Authority does act as a Responsible Authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. Further information on how the Licensing Authority should achieve this separation of responsibilities can be found in Chapter 9 of the Statutory Guidance. ([Guidance issued under s182 LA03](#))
- 27.7 Where authorised persons and Responsible Authorities have concerns about problems identified at premises, it is good practice for them to give licence holders' early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review.
- 27.8 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the Licensing Authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 11 of the Statutory Guidance. ([Guidance issued under s182 LA03](#))

- 27.9 When the Licensing Authority receives an application for a review it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website. www.legislation.gov.uk It is particularly important that the Premises Licence Holder or Club Premises Certificate Holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

Powers of the Licensing Authority on the Determination of a Review

- 27.10 Where the Licensing Committee considers that action under its statutory powers is appropriate, it may take any of the following steps;
- Modify the conditions of the premises licence
 - Exclude a licensable activity from the scope of the licence
 - Remove the Designated Premises Supervisor, for example, because they consider that the problems are the result of poor management
 - Suspend the licence for a period not exceeding three months
 - Revoke the licence
- 27.11 In deciding which of these powers to invoke, the Licensing Committee will seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken will generally be directed at these causes and will always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

28. Late Night Levy

- 28.1 The Licensing Authority acknowledges that the Police Reform and Social Responsibility Act 2011 enables a Licensing Authority to charge a levy on premises who are licensed to sell alcohol late at night in the conurbation (between midnight and 06:00 hours), as a means of raising a contribution towards the costs of policing the late-night economy. BCP Council has not introduced such a levy but the option of introducing such a levy may be kept under review by the Licensing Committee.

29. Early Morning Restriction Orders (EMROs)

- 29.1 In addition to the provisions contained within the Police Reform and Social Responsibility Act 2011 for the Late Night Levy, there is an additional power for the Licensing Authority to restrict sales of alcohol in the whole or part of their areas for any specified period between midnight and 06:00 hours if it considers it appropriate for the promotion of the licensing objectives, the option of introducing an EMRO may be reviewed by the Licensing Committee.

30. Personal Licences

- 30.1 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a Personal Licence. The Act does not require the presence of a Personal Licence Holder at all times but if any sales are made when a Designated Premises Supervisor (DPS) is not present, then they must have been authorised by somebody who holds a Personal Licence. Regardless of whether a Personal Licence holder is present or not he will not be able to escape responsibility for the actions of those authorised to make such sales.
- 30.2 The Licensing Authority recommends that the DPS authorises authorisations for the sale of alcohol be made by other staff members to be in writing to ensure that those authorised are

clear what their legal responsibilities are. Any premises at which alcohol is sold or supplied may employ one or more Personal Licence Holders.

- 30.3 The Council recognises it has no discretion regarding the granting of personal licences where;
- the applicant is 18 or over
 - possesses a licensing qualification
 - has not had a licence forfeited in the last five years and
 - has not been convicted of a relevant offence
- 30.4 An application for a personal licence to sell alcohol must be made in the form specified in government guidance or regulations. The application form must be accompanied by the requisite fee. The applicant should also produce evidence of the relevant qualifications and their right to work in the UK.
- 30.5 Applicants should produce a Disclosure and Barring Service (DBS) certificate along with the application form. The certificate must be current (produced within 1 month of application) and comply with the Regulations on personal licence applications. Applicants are also expected to make a clear statement as to whether or not they have been convicted outside England and Wales of a relevant offence or a similar offence.
- 30.6 Where the application discloses relevant unspent convictions the Licensing Authority will notify the Police of the application and the convictions. The police may make objection on the grounds of crime and disorder. If an objection is lodged a hearing must be held. The Licensing Authority will, at such a hearing, consider carefully whether the grant of the licence will compromise the promotion of the crime prevention objective. It will consider the seriousness and relevance of the conviction(s), the period that has elapsed since the offence(s) were committed and any mitigating circumstances. The Licensing Authority will normally refuse the application unless there are exceptional and compelling circumstances which justify granting it.

31. How to use this Policy

- 31.1 This policy is a guidance document for applicants and members to assist the decision making process in line with the licensing act 2003. Failure to have reference to this policy could result in an appeal to the magistrate's court and costs being awarded to either party depending on the outcome of the appeal.
- 31.2 This statement of licensing policy should be used in conjunction with the following documents;
- The Licensing Act 2003 <http://www.legislation.gov.uk/ukpga/2003/17/contents>
 - The revised guidance issued under section 182 of the Licensing Act 2003 <https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>
 - The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 <http://www.legislation.gov.uk/uksi/2005/42/contents/made>
 - The Licensing Act 2003 (Hearings) Regulations 2005 <http://www.legislation.gov.uk/uksi/2005/44/contents/made>
 - The Licensing Act 2003 (Fees) Regulations 2005 <http://www.legislation.gov.uk/uksi/2005/79/contents/made>
 - Alcohol Licensing Guidance <https://www.gov.uk/guidance/alcohol-licensing>
 - Live Music Act 2012 <http://www.legislation.gov.uk/ukpga/2012/2/contents/enacted>

- Entertainment Licensing Reform
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/328492/Entertainment_Licensing_Legislative_Reform_Order_Explanatory_Document.pdf

32. Roles and Responsibilities

- 32.1 The 2003 Act provides that the functions of the Licensing Authority are to be taken or carried out by its Licensing Committee. Many of the decisions and functions will be purely administrative in nature, and in the interests of speed, efficiency and cost effectiveness, the Licensing Authority shall undertake a process of delegation of its functions.
<https://democracy.bcpccouncil.gov.uk/documents/s12892/Part%203%20-%20Responsibility%20for%20Functions.pdf>
- 32.2 In accordance with the Licensing Act 2003, BCP Council has established a Licensing Committee consisting of 15 Council members. Where relevant representations are made against an application (and not withdrawn) or review requested, the application shall be determined at either a Licensing Committee or Sub Committee which will constitute three members of the Licensing Committee.

33. Further Information and Evidence

- 33.1 Further information relating to this policy can be found at the following sites;
- <https://democracy.bcpccouncil.gov.uk/ieListMeetings.aspx?CommitteeId=288>
 - [Home \(saferbcp.co.uk\)](http://saferbcp.co.uk)
 - [Equality Action Commission | BCP \(bcpccouncil.gov.uk\)](http://equality.bcpccouncil.gov.uk)
 - [Statistics, data and census | BCP \(bcpccouncil.gov.uk\)](http://statistics.bcpccouncil.gov.uk)

Glossary

This section explains the key terms used in the policy statement. These terms are all defined in the Licensing Act 2003 and Guidance. This glossary is only intended to clarify the general meaning of each of the terms. This list is not exhaustive nor are the definitions legally comprehensive.

ACPO	Association of Chief Police Officers (see www.acpo.police.uk)
Applicant	A person making an application in respect of a Premises Licence or Club Premises Certificate
Application to vary a Premises Licence	Where a Premises Licence holder wishes to amend the licence the Act allows, in most cases for an application to vary to be made rather than requiring an application for a new Premises Licence
ASB	Anti social behaviour
British Beer and Pub Association (BBP)	See www.beerandpub.com
British Board of Film Classification (BBFC)	The national body responsible for the classification of cinema films and videos
CCTV	Closed Circuit Television
Child	The Licensing Act 2003s145(2) defines a child as an individual under the age of 16
Club Premises Certificate	Club Premises Certificates are authorisations needed by clubs to carry on certain activities eg. selling alcohol to members and their guests. They may be granted to clubs that meet the special requirements set out in Part 4 of the 2003 Act regarding membership, that the club is established and conducted in good faith and special conditions where the club supplies alcohol to its members). The application process is similar to that for a Premises Licence, for example there are similar provisions about advertising applications and making representations. However, a key difference is that, unlike a Premises Licence, there is no requirement to identify a designated premises supervisor to allow the supply of alcohol under a Club Premises Certificate
Community Alcohol Partnership Scheme (CAP)	CAP is the national co-ordinating organisation for the establishment of local Community Alcohol Partnerships
Community Safety and Accreditation Scheme (CSASS)	Officers who have been given some police powers who patrol key areas within the BCP Council Area
Community Protection Notices (CPN)	A Community Protection Notice (CPN) is aimed to prevent unreasonable behaviour that is having a negative impact on the local community's quality of life
Conditions/Conditions consistent with the Operating Schedule	Conditions include any limitations or restrictions attached to a licence or certificate and essentially they are the steps or actions the holder of the Premises Licence or the Club Premises Certificate will be required to take or refrain from taking at all times when licensable activities are taking place at the premises in question
Councillor	An elected member of the Council
CSE	Child Sexual Exploitation

Decile	Ten equal groups into which a population can be divided according to the distribution of values of a particular variable. Such as "the lowest income decile of the population"
DPS	The Designated premises Supervisor is a personal licence holder specified in the Premises Licence. All premises licensed to sell alcohol will have an identified personal licence holder, known as the DPS. The purpose of the DPS is to ensure there is always one specified individual who can be identified as a person in a position of authority on the premises
Early Morning Alcohol Restriction Order (EMRO)	An additional power for the Licensing Authority to restrict sales of alcohol in the whole or part of their areas for any specified period between midnight and 06.00 hours if it considers it appropriate for the promotion of the licensing objectives
Expedited/Summary Review	An application undertaken when the Police consider that the premises concerned are associated with serious crime and/or disorder
Guidance	Section 182 of the Licensing Act 2003 provides that the Secretary of State must issue and from time to time may revise guidance to Licensing Authorities on the discharge of their functions under the 2003 Act. The Guidance is provided for Licensing Authorities carrying out their functions. It also provides information for magistrates hearing appeals against licensing decisions and has been made widely available for the benefit of operators of licensed premises, their legal advisers and the general public. It is a key mechanism for promoting best practice, ensuring consistent application of licensing powers across the country and for promoting fairness, equal treatment and proportionality
In the Vicinity	Whether somebody lives or works 'in the vicinity' of a premises is a matter that will be decided by the relevant licensing authority. The word has no particular technical meaning and in licensing matters should be interpreted as an ordinary English word and in a common sense fashion. In doing this, Licensing Authorities might take into account whether the party is likely to be affected by any disorder or disturbance occurring or potentially occurring at those premises
Irresponsible Promotions	An irresponsible promotion is one that encourages the sale or supply of alcohol for consumption on the premises and carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance or harm to children. This is dealt with by mandatory conditions which are attached to all premises authorised for the sale of alcohol on the premises
Late Night Levy	A means of raising a contribution towards the costs of policing the late-night economy
Late-night Refreshment	The provision of late-night refreshment means the supply of hot food or hot drink to the public, for consumption on or off the premises, between 11pm and 5am or the supply of hot food or hot drink to anyone

	between 11pm and 5am on or from premises to which the public has access. However, there are a number of exemptions in Schedule 2 of the Licensing Act 2003 eg, vending machines in certain circumstances, where the hot food or hot drink is supplied free of charge or where it is supplied by a registered charity
Licensable Activities	Licensable activities are the sale of alcohol, the supply of alcohol by or on behalf of a club to or to the order of, a member of the club, the provision of regulated entertainment and the provision of late-night refreshment. If you carry on any of these activities you are likely to need an authorisation by way of a (a Premises Licence, a Club Premises Certificate or a Temporary Event Notice)
Licensee	Generally refers to the holder of a Premises Licence but also includes in this policy an applicant for a Premises Licence or applicant for a provisional statement unless otherwise stated
Licensing Act 2003	The Licensing Act 2003 became law on 24 November 2005. The Licensing Act 2003 introduced a single licence scheme for licensing premises that; <ul style="list-style-type: none"> – Supply alcohol – Provide regulated entertainment – Provide late-night refreshment
Licensing Authority	This refers to Bournemouth Christchurch and Poole Council as the body responsible for licensing under the Licensing Act 2003
Licensing Objectives	Licensing Authorities must carry out their functions with a view to promoting four licensing objectives. These are; <ul style="list-style-type: none"> – The prevention of crime and disorder – Public safety – The prevention of public nuisance – The protection of children from harm Licensing Authorities must decide applications in connection with Premises Licences and Club Premises Certificates on the basis of the steps it considers appropriate to promote these objectives. Each objective is of equal importance
Licensing Policy	See Statement of Licensing Policy
Licensing Subcommittee	The full Licensing Committee delegates a number of their functions to one or more 'Licensing Subcommittees'. These are made up of three members of the full Licensing Committee
Lower Super Output Areas (LSOA)	LSOA is a geographic area used by the NHS to highlight statistical health data. Also known as Lower Layer Super Output Areas they are a geographic hierarchy designed to improve the reporting of small area statistics in England and Wales
Mandatory Conditions	The 2003 Act provides for Mandatory Conditions to be included in every licence and/or Club Premises Certificate. See Mandatory Condition section for conditions
Memorandum of Understanding (MOU)	An MOU is an agreement between two or more parties. It expresses a convergence of will between the parties, indicating an intended common line of action

Minor Variation	<p>Small variations that will not impact adversely on the licensing objectives are subject to a simplified 'minor variations' process. Variations to;</p> <ul style="list-style-type: none"> – extend licensing hours for the sale or supply of alcohol for consumption on or off the premises between the hours of 11pm and 7am or; – increase the amount of time on any day during which alcohol may be sold or supplied for consumption on or off the premises are excluded from the minor variations process and must be treated as full variations in all cases
Off-Sales	Supply of alcohol in a sealed or open container for consumption off the premises
Operating Schedule	<p>The Operating Schedule is the part of the application form for a Premises Licence or Club Premises Certificate where the applicant sets out various details about how they propose to operate the premises when carrying on licensable activities. Among other things, it must include a description of the proposed licensable activities, proposed opening hours and times for licensable activities, proposed duration of the licence or certificate and a statement of the steps the applicant proposes to take to promote the licensing objectives, (for example, arrangements for door security to prevent crime and disorder). The significance of the Operating Schedule is that if the application for the Premises Licence or Club Premises Certificate is granted it will be incorporated into the licence or certificate itself and will set out the permitted activities and the limitations on them</p>
Personal Licence	<p>Personal Licences authorise an individual to supply alcohol or authorise the supply of alcohol in accordance with a Premises Licence or a Temporary Event Notice. Not everybody who works in any licensed premises will need to hold a Personal Licence, however all premises licensed to sell alcohol will have an identified personal licence holder, known as the designated premises. In addition, all supplies of alcohol under a Premises Licence must be made or authorised by a person who holds a Personal Licence</p>
Premises Licence	A Premises Licence authorises the use of premises for 'licensable activities'
Provisional Statement	<p>This 'statement' can be applied for where premises are being or about to be constructed for licensable activities. This will give the owner some reassurance about whether a licence would be granted if the premises were built as set out in the application for the Provisional Statement. However a Provisional Statement is not an authorisation, so the relevant permission must still be obtained in order to carry on licensable activities</p>
Public Space Protection Order (PSPO)	<p>Public Spaces Protection Orders (PSPOs) were brought in under the Antisocial Behaviour Crime and Policing Act 2014. PSPOs specify an area where activities are taking place that are or may be detrimental to the local community's quality of life. PSPOs impose conditions or</p>

	restrictions on individuals using that area such as to stop drinking alcohol, not act in a manner that causes alarm or distress to others in the area.
Purple Guide	Best practice guidance document for outside events
Qualifying Clubs (with regard to Club Premises Certificates)	Qualifying clubs are those clubs that meet the special requirements set out in Part 4 of the 2003 Act regarding membership, that the club is established and conducted in good faith and special conditions where the club supplies alcohol to its members. These are clubs where members join together for a particular social, sporting or political purpose and then combine to purchase alcohol in bulk for its members (see examples under 'Club Premises Certificate' above). Such clubs carry on activities from premises to which public access is restricted and where alcohol is supplied other than for profit
Regulated Entertainment	<p>Generally speaking, the provision of regulated entertainment means the commercial or public provision of entertainment facilities or the commercial or public provision of any of the following sorts of entertainment;</p> <ul style="list-style-type: none"> – The performance of a play – An exhibition of a film – An indoor sporting event – Boxing or wrestling entertainment – A performance of live music – Any playing of recorded music – A performance of dance – Entertainment of a similar description to live music, recorded music or dance <p>Schedule 1 of the Licensing Act 2003 contains further specific rules about where the definition of 'regulated entertainment' applies. These rules concern the intended audience and whether the regulated entertainment is for profit</p>
Relevant Representation	These are written representations about the likely effect of the grant of an application for or variation to a Premises Licence or Club Premises Certificate on the promotion of the licensing objectives. Any persons, such as local residents or businesses and Responsible Authorities, such as Environmental Health, can make representations. The term 'relevant' refers to representations that are considered 'valid' by the Licensing Authority. The representations must be made within 28 days after the day on which the application is given and if made by a person other than a Responsible Authority, must be made seriously eg, must not be frivolous or vexatious. Representations can also be made in relation to an application for the review of a Premises Licence or Club Premises Certificate
Responsible Authorities	Responsible Authorities include public bodies that must be notified of applications and are entitled to make representations to the Licensing Authority in relation to the application for the grant, variation or review of a Premises Licence or Club Premises Certificate. Any representations must be about the likely effect of

	<p>granting the application on the promotion of the licensing objectives. Responsible Authorities include the following for the area in which the premises are situated;</p> <ul style="list-style-type: none"> – The Licensing Authority – The Chief officer of Police – The Fire Authority – The Planning Authority – The Health Authority – The Health and Safety Authority – The Environmental Health Authority – The body recognised as being responsible for protection of children from harm – Inspectors of Weights and Measures (trading standards officers) <p>and in respect of vessels only;</p> <ul style="list-style-type: none"> i) The Environment Agency ii) The British Waterways Board iii) The Maritime and Coastguard Agency and if different from these iv) The relevant navigation authority/authorities for the place(s) where the vessel is usually moored or berthed or any waters where it is proposed to be navigated at a time when it is used for licensable activities <ul style="list-style-type: none"> - Home Office Immigration Enforcement
Review	<p>Interested parties including local residents can also request a review of a particular Premises Licence when problems occur that are related to the licensing objectives. Following the review, the Licensing Authority can consider a range of responses such as suspending or revoking the licences, excluding certain licensable activities or changing conditions attached to a licence. However it can only take these actions where they are appropriate to address the problem and promote one or more of the four licensing objectives</p>
Risk Assessment	<p>The overall process of identifying all the risks to and from an activity and assessing the potential impact of each risk.</p>
Safety Advisory Group (SAG)	<p>Safety Advisory Group or SAG is made up of representatives from the Local Authority such as Environmental Health, Licensing Authority, Emergency Services such as Police and Fire and Rescue Service, other relevant bodies and the event organiser. It is a platform for discussing and advising on public safety and concerns at an event</p>
SIA	<p>Security Industry Authority who is the authority who licence for door supervisors. Door supervisors are responsible for the safety and security of customers and staff in venues such as pubs, bars, nightclubs and other licensed premises or at public events</p>
Statement of Licensing Policy	<p>Every Licensing Authority will publish a 'Statement of Licensing Policy' every five years. This will set out the general approach the Licensing Authority will take when making licensing decisions</p>

Temporary Event Notice (TEN)	This is the notice that organisers of small-scale temporary events must give to make it a 'permitted temporary activity'. This notice must be in a prescribed form. There are certain limitations imposed on this system. A TEN can be referred to as a Standard TEN or a Late TEN
Variation	See Application to vary a Premises Licence

Regulated Entertainment Exemptions

Overview of circumstances where entertainment activities are not licensable

There are a number of exemptions that mean that a licence (or other authorisation) under the Act is not required. Whilst it is not possible to give examples of every eventuality or possible entertainment activity that is not licensable, the following activities are examples of entertainment which is not licensable:

- Activities which involve participation as acts of worship in a religious context;
- Activities in places of public religious worship;
- Education - teaching students to perform music or to dance;
- The demonstration of a product – for example, a guitar - in a music shop;
- The rehearsal of a play or performance of music for a private audience where no charge is made with a view to making a profit;
- Morris dancing (or similar);
- Incidental music - the performance of live music or the playing of recorded music if it is incidental to some other activity;
- Incidental film - an exhibition of moving pictures if it is incidental to some other activity;
- A spontaneous performance of music, singing or dancing;
- Garden fetes - or similar if not being promoted or held for purposes of private gain;
- Films for advertisement, information, education or in museums or art galleries;
- Television or radio broadcasts - as long as the programme is live and simultaneous;
- Vehicles in motion - at a time when the vehicle is not permanently or temporarily parked;
- Games played in pubs, youth clubs etc (e.g. pool, darts and table tennis);
- Stand-up comedy; and • Provision of entertainment facilities (e.g. dance floors).

Amendments to the Licensing Act 2003

There have been a number of deregulatory changes to the Act in relation to regulated entertainment, these are listed, for information, below:

- The Live Music Act 2012; Licensing Act 2003 (Descriptions of Entertainment)(Amendment) Order 2013;
- The Legislative Reform (Entertainment Licensing) Order 2014; and
- The Deregulation Act 2015.

Activities where no licence is needed

Plays

No licence is required for performances between 08:00 and 23:00 hours on any day, provided that the audience does not exceed 500.

Dance

No licence is required for performances between 08:00 and 23:00 hours on any day, provided that the audience does not exceed 500.

Films

No licence is required for "not for profit" film exhibitions held in community premises

between 08:00 and 23:00 hours on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that such screening abides by age classification ratings.

Indoor Sporting Events

No licence is required for an event between 08:00 and 23:00 hours on any day provided that those present do not exceed 1000.

Boxing or wrestling entertainment

No licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.

Live Music - no licence permission is required for:

- A performance of unamplified live music between 08:00 and 23:00 on any day, on any premises;
- A performance of amplified live music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500;
- A performance of amplified live music between 08:00 and 23:00 on any day, in a workplace¹⁴ that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500;
- A performance of amplified live music between 08:00 and 23:00 hours on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises;
- A performance of amplified live music between 08:00 and 23:00 hours on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500 and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.

Recorded Music - no licence permission is required for:

- Any playing of recorded music between 08:00 and 23:00 hours on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500;
- Any playing of recorded music between 08:00 and 23:00 hours on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
- Any playing of recorded music between 08:00 and 23:00 hours on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organisers gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Cross activity exemptions - no licence is required between 08:00 and 23:00 on any day, with no limit on audience size for:

- Any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
- Any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care

provider;

- Any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
- Any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Local authorities, hospital healthcare providers and school proprietors: cross-entertainment activity exemption

No licence is required for any entertainment provided by or on behalf of a local authority, health care provider, or school proprietor to the extent that it takes place on defined premises, between 08:00 and 23:00 hours on any day provided that:

- For entertainment provided, or on behalf of, a local authority it takes place on premises in which that authority has a relevant property interest, or is in lawful occupation;
- For entertainment provided by, or on behalf of, a health care provider it takes place on any premises forming part of a hospital in which the provider has a relevant property interest, or is lawful occupation; and
- For entertainment provided by, or on behalf of, a school proprietor it takes place on the premises of the school.

Local authority, hospital and school premises: third party music entertainment

No licence is required for a performance of live music or the playing of recorded music on local authority, hospital or school premises, that are not domestic premises, between 08:00 and 23:00 hours on any day provided that:

- It is performed in front of an audience of no more than 500 people; and
- A person concerned in the organisation or management of the music entertainment has obtained the prior written consent of the local authority, health care provider or school proprietor (as appropriate) for that entertainment to take place. It is for these "trusted providers" to determine whether, or not, they wish to make their premises available for music entertainment by a 3rd party and on what terms they deem it appropriate.

Community premises: music entertainment

No licence is required for a performance of live music or the playing of recorded music on community premises between 08:00 and 23:00 hours on any day provided that:

- The community premises are not authorised, by a premises licence or club premises certificate, to be used for the supply of alcohol for consumption on the premises.
- The music entertainment is in the presence of an audience of no more than 500 people; and
- A person concerned in the organisation or management of the music entertainment has obtained the prior written consent of the management committee of the premises, or if there is no management committee, a person who has control of the premises in connection with the carrying on by that person of a trade, business or other undertaking, or failing that a person with a relevant property interest in the premises.

Community premises: exhibition of film

No licence is required for an exhibition of a film on community premises between 08:00 and 23:00 hours on any day provided that:

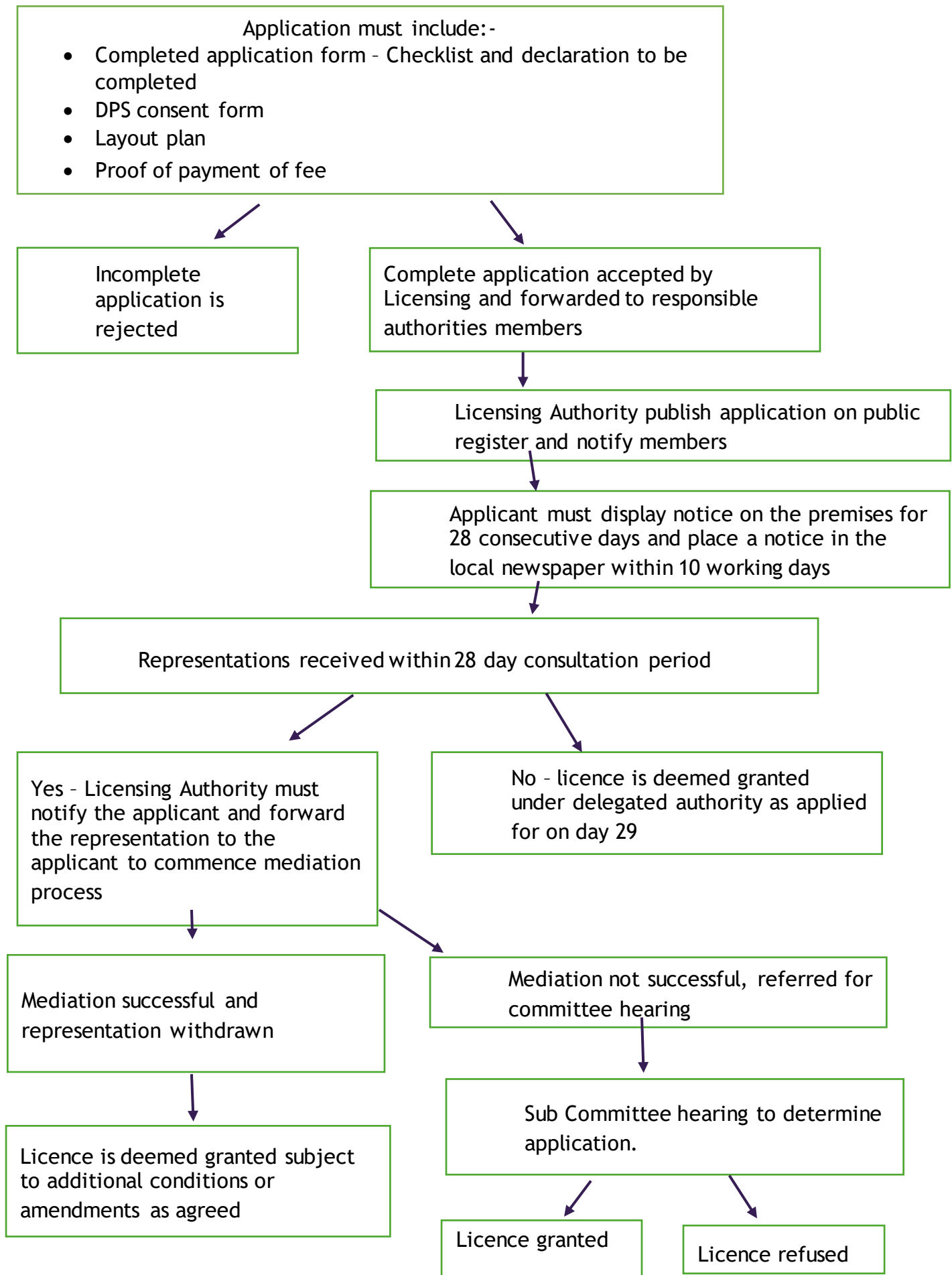
- The film entertainment is not provided with a view to profit; and
- The film entertainment is in the presence of an audience of no more than 500 people.

Travelling circuses

Where types of entertainment are present in a performance by a travelling circus they will not be licensable provided that certain qualifying conditions are met. The qualifying conditions are that:

- The entertainment is not an exhibition of a film or a boxing or wrestling entertainment;
- The entertainment takes place between 08:00 and 23:00 hours on the same day;
- The entertainment takes place wholly within a moveable structure and the audience present is accommodated wholly inside that moveable structure; and
- The travelling circus has not been located on the same site for more than 28 consecutive days

Application process



Model Pool of Licensing Conditions

The following list of proposed model conditions has been produced by the Licensing Authority in order to assist in the application process for the grant or variation of Premises Licence or Club Premises Certificate.

Relevant conditions shall be added to the operating schedule (Part M of the application form which sets out the steps the applicant will take to promote the four licensing objectives should the application be granted. These then form the conditions which will be attached to any issued licence if granted.

It is important that applicants consider the contents of their Operating Schedule carefully and only offer those which they consider appropriate to promote the licensing objectives for their particular premises and style of operation. Location, size and capacity, hours of operation and licensable activities should be considered.

This list is not exhaustive and is not intended to prevent or deter applicants from proposing their own conditions which they consider appropriate for their particular premises.

Licensing Objective: Prevention of Crime and Disorder	Suggested wording
Refusals Register	<p>A Refusals Register shall be maintained at the premises and used to record any and all occasions upon which any person is refused the sale of alcohol (or delivery of the same) with a note of the reason for the refusal, the date and time and a brief description of the person(s) concerned</p> <p>If the refusal relates to a delivery, the record shall also contain a note of the delivery address and the name of the customer concerned</p> <p>The register shall be kept at the premises for a minimum period of 12 months and made available for inspection by Police, Licensing Authority and other authorised officers on request</p>
Incident Log	<p>An incident log shall be kept at the premises</p> <p>The log should include the date and time of the incident and the name of the member of staff involved</p> <p>The log to be made available on request to an authorised officer of the Licensing Authority or the Police, which will record the following;</p> <ul style="list-style-type: none"> (a) All crimes reported to the venue as having occurred within or immediately outside the premises (b) All ejections of patrons (c) Any complaints received relating to crime and disorder (d) Any incidents of disorder (e) All seizures of drugs or offensive weapons (f) Any faults in the CCTV system or searching equipment or scanning equipment

	<p>The incident log shall be kept at the premises for a minimum period of 12 months and be made available for inspection by Police, the Licensing Authority and other authorised officers on request</p>
Alcohol Deliveries	<p>All persons making deliveries of alcohol from the premises shall be instructed to report to the holder of the licence or the DPS any and all occasions when a delivery is refused and the reason for that refusal and a record of all such refusals shall be maintained at the premises</p> <p>ID Checks for proof of age will be completed and recorded for all deliveries. This will be available for review on request.</p> <p>The record shall be checked by the DPS or the manager(ess) in charge of the premises at least once a week and shall be signed to that effect</p> <p>Delivery of alcohol shall be limited to XXXX per delivery.</p>
ABV Limit Useful for example where there are particular concerns about street drinking	<p>No beer, lagers or ciders of 5.5% ABV (alcohol by volume) or above shall be sold at the premises</p>
CCTV	<p>A CCTV system, shall be installed and thereafter maintained in good working order to cover all public parts of the premises (excluding lavatories) Cameras covering entry and exit points shall be capable of enabling frontal identification of every person entering in any light condition</p> <p>The CCTV system shall continually record and cover areas where alcohol is kept for selection and purchase by the public, whilst the premises is open for licensable activities. It shall operate during all times when customers remain on the premises</p> <p>All recordings shall be stored for a minimum period of 31 days with correct date and time stamping Recordings shall be made available for viewing (subject to Data Protection Act 2018 or any replacement legislation) immediately upon the request of Police or an authorised officer and copies provided in a playable format as soon as is reasonably practicable, provided in each case that requests for viewing and/or copies are compliant with data protection regulations</p> <p>A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public</p>

SIA Door Supervisors	<p>The holder of the licence shall undertake a risk assessment with regard to the deployment of SIA Door Supervisors at different times of the day and on different days of the week to determine whether it is appropriate to deploy door staff on those days and/or at any other time(s) and to then implement the outcome of the risk assessment</p> <p>A copy of the risk assessment should be made available to an authorised officer of the Licensing Authority or Dorset Police upon request</p>
Queues	<p>The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway</p> <p>The designated queuing area shall be enclosed within appropriate barriers to ensure that the footway is kept clear</p> <p>All staff engaged outside the entrance to the premises, or supervising or controlling queues shall wear high visibility yellow jackets or vests</p>
Pub and Town Watch	<p>The premises shall maintain membership of the Townwatch scheme (or any successor scheme) a senior member of staff shall attend all Townwatch meetings unless an emergency arises preventing such attendance and the premises will support Townwatch initiatives</p>
Off Sales	<p>There shall be no sales of alcohol for consumption off the premises</p> <p>All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.</p>
Drugs	<p>There shall be a written drugs policy detailing the actions to be undertaken to minimize the opportunity to use or supply illegal substances with the premises</p> <p>Training of staff in relation to this policy shall be recorded and available for inspection by an authorised officer at all reasonable times</p> <p>Records shall be retained for at least 12 months A drug safe shall be available on the premises to deposit any illegal substances found</p> <p>There shall be a clear policy with the agreed procedure for handling and the retention of any article seized</p> <p>There shall be a clear visible notice displayed on the premises advising those attending that the Police</p>

	may be informed if anyone is found in possession of controlled substances or weapons
Glass and Bottles	<p>All drinks shall be served in plastic/paper/toughened glass or polycarbonate containers</p> <p>The contents of any bottled beverage shall be decanted into a plastic/paper/toughened glass or polycarbonate container before service to any customer</p> <p>The collection of glass and bottles shall be undertaken at regular intervals Bottle bins shall be provided at the exit doors and staff shall show due diligence in preventing bottles and glasses being taken from the premises</p>
Licensing Objective : Prevention of Public Nuisance	
<p>Noise Limiter</p> <p><i>For High Risk Businesses with residential located above or in the local vicinity and/or a business whose main purpose is provision of music</i></p>	<p>A noise limiter shall be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service so as to ensure that no noise nuisance is caused to local residents or businesses</p> <p>The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder</p> <p>The limiter shall not be altered without prior agreement with the Environmental Health Service</p> <p>No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service</p> <p>No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device</p>
<p>Noise Control</p> <p><i>For all businesses with residential located above or in the local vicinity.</i></p>	<p>No noise generated on the premises-or by its associated plant or equipment-shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance</p> <p>All audio from the music system will be played at background level only</p> <p>A lobbied entrance, that is two sets of doors that are set so that one is closed when the other one is open shall be installed at the premises</p>

	<p>Loudspeakers shall not be located in the entrance lobby or outside the premises building</p> <p>Live/recorded music will stop at (XX.XX)</p> <p>The front entrance doors to the premises shall have self-closers and be maintained as such for the duration of the licence</p> <p>Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly</p> <p>No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (08.00) hours on the following day</p> <p>No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (08.00) on the following day</p>
Doors and Windows	<p>All windows and external doors shall be kept closed after 23.00 hours, except for the immediate access and egress of persons</p>
Control of People Outside/Smoking	<p>There shall be no admittance or re-admittance to the premises after (XX.XX) except for patrons permitted to temporarily leave the premises to smoke or to make a telephone call, if impractical to do so from within the building</p> <p>Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or to make a telephone call, shall be limited to (X) persons at any one time</p> <p>Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or to make a telephone call, shall not be permitted to take drinks or glass containers with them</p> <p>The Premises Licence Holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway Loudspeakers shall not be located outside the building</p> <p>Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly</p> <p>Patrons permitted to temporarily leave and then re-enter the premises to smoke or to make a telephone</p>

	<p>call shall be restricted to a designated smoking area defined as (specify location)</p> <p>After 23.00 Patrons will only be permitted to use the outside area for temporary purposes e.g. to smoke or to make a telephone call</p>
When intending to use external tables and chairs	<p>No food or alcohol shall to be served on the patio/terrace area after 23.00 hours</p> <p>All outside tables and chairs shall be rendered unusable by 23.00 each day</p> <p>All tables and chairs shall be removed from the outside area by 23.00 each day</p>
Takeaways For all businesses operating takeaway/delivery functionality late into the evening	All staff including delivery drivers will be trained making them aware that they must be considerate of neighbouring premises, a sign requiring this will also be placed on any door used for the collection of the delivery at all times
Manager's Phone Number to be Available For high risk businesses likely to cause a nuisance	<p>A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open</p> <p>This telephone number is to be made available to residents and businesses in the vicinity</p>
Licensing Objective: Protection of Children from Harm	
Challenge 25	<p>Challenge 25 shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport I holographically marked PASS scheme identification cards</p> <p>Appropriate signage advising customers of the policy shall prominently displayed in the premises</p>
No Proof of Age No Sale NPOANS	All staff shall receive training and guidance using the NPOANS toolkit which is available for free from No Proof Of Age, No Sale.
Staff Training	<p>All staff working at the premises concerned with the sale of alcohol shall be trained with regard to the law on restricted sales to persons under the age of 18 and/or who are intoxicated</p> <p>All staff shall be aware of the premises licence and all conditions attached to it.</p> <p>A written record of all staff training shall be maintained and kept on the premises and made available on request to an authorised officer of the Licensing Authority or the Police</p>
Considerations for child safeguarding	Children (under 18) shall not be allowed upon the premises

	<p>Clear signage of the times and areas children (under 18) admitted shall be displayed</p> <p>Children (under 18) shall only be allowed to remain on the premises between the hours of XXXX and XXXX on any day</p> <p>A lost children procedure shall be in place with DBS checked staff to care for any lost children</p>
--	--

TABLE OF AMENDMENTS DRAFT 2025

Para No	Amendment / Detail
1.2	Amend date once finalised
1.7	Wording amended to clarify wording regarding conditions attached to licences
3.1	Updated to remove references to legacy authorities
5.2	Removed weblinks which no longer work
6	New content – new numbering and removed weblinks which no longer work
6.1	Updated population statistics
6.2	Added in age profile
6.5	Added in student numbers
6.8	Added in visitor numbers and total spending
7	Removed previous paragraph 7.6 and consultation list
7.3	Amend date once finalised
9	New chapter detailing the Licensable Activities. This was previously part of chapter 8. Includes reference to new appendix B.
10	New Chapter Licensing Objective: Crime and Disorder (previously within chapter 14) add new, and to consolidate previous content
11	New Chapter Licensing Objective: Public Safety (previously within chapter 14) add new, and to consolidate previous content
12	New Chapter Licensing Objective: Public Nuisance (previously within chapter 14) to add new and to consolidate previous content relating to Outside areas and Smoking areas, and Nigh cafes and Takeaways
12.19	Added bullet point regarding waste and pest control measure contracts
12.20	Wording amended for clarification - Premises that operate late at night offering alcohol and/or takeaway food can generate concerns about antisocial behaviour and nuisance in the vicinity. It is expected that applicants should address such issues within their operating schedule and the Model Pool of conditions in Appendix E will assist applicants in addressing this.
13	New Chapter Licensing Objective: Crime and Disorder (previously within chapter 14) new and consolidated previous content
13.4	Amended to be less prescriptive and more based on risk assessment.
13.9	Last sentence amended to state conditions regarding child admission may be imposed or can be offered
13.15	Reference to Portman Group Code of Practice deleted and replaced with underage training availability NPOANS
13.16	New bullet point added regarding alcohol PSPO and CSAS officers
14	Public Health (previously chapter 15) consolidation of previous content
14.8	Last bullet point re breathalysers deleted
15	Responsible Retailing for Off Sales (previously chapter 19)
15.4	4 th Bullet point amended
15.5	15.4 and 15.6 merged to make more sense
16	The Licence Process and Application (previous chapter 12) new and consolidated previous content. Reference to flow chart added within Appendix C as suggested within members workshops
16.4	Additional detail around expected considerations to be included within the application to identify and mitigate risks to vulnerable persons
16.7	Added list of responsible authorities and link to webpage for contact information

17	New chapter Representation - clarifying requirements of a representation and what happens to them and disclosure of details
18	New chapter Licence Conditions to explain different types of conditions
19	Enforcement (previously included within chapter 8 as enforcement and sanctions) new content including 5 steps approach to enforcement flow chart
20	Cumulative Impact of a Concentration of Licensed Premises (previously chapter 9)
21	Other Mechanisms for controlling the impact of licensed premises this was previously chapter 10. New content as well as consolidated previous content.
2.12	Added detail about Street Pastors
21.3	Added detail regarding purple flag
21.4	Added detail priority of Safer BCP and VAWG
21.5	Added detail around Unity Promise
21.6	Added detail around Safe Places
21.7	Added detail around development of community guardianship scheme
21.9	Added detail about SentrySis crime reporting platform
21.11	Added detail about LSavi accreditation supported by Dorset Police
22	Planning and Building Control (previously contained within chapter 11)
22.3	Added information about the agent of change principle
23	Promotion of Equality (previously within chapter 11)
24	Management of Premise previously "Care, Control and Supervision of Premises" at chapter 13. Additional sub headings and details added with regard to Door Supervisors, Designated Premises Supervisors, risk assessments and dispersal policies.
25	Temporary Event Notices (previously chapter 16)
25.10 and 25.11	New paragraphs adding requirement to provide location plan
26	Outside Events (previously chapter 17)
26.5	Addition wording "and any other official guidance2
27	The Review Process (previously chapter 18)
28	Late Night Levy (previously chapter 20)
29	Early Morning Restriction Order (EMROs) (previously chapter 21)
30	Personal Licences previously chapter 22
Appendix	Removed List of consultees previous Appendix B
Appendix A	Glossary
Appendix B	New content Regulated Entertainment Exemptions
Appendix C	New content Application Process Flow Chart
Appendix D	Model Pool of Licensing Conditions

Statement of Licensing Policy

2020 - 2025

Licensing

Author; **Licensing Manager**
Version; V7
Review Date; November 2025



CHAPTER		PAGE NO
1	Purpose Statement	3
2	Who the Policy Applies to	3
3	This Policy Replaces	4
4	Approval Process	4
5	Links to Council Strategies	4
6	Background Information	5
7	Policy Consultation	5
8	Fundamental Principles of the Policy	6
	Licensable Activities	8
	Duplication	9
	Licence Conditions	9
	Mandatory Conditions	10
	Enforcement and Sanctions	10
	Entertainment Provisions	11
	Need for Licensed Premises	11
9	The Cumulative Impact of a Concentration of Licensed Premises	11
10	Other Mechanisms for Controlling the Impact of Licensed Premises	11
	Best Bar None, Town Watch and Pub Watch	12
	Preventing Glass Injuries	12
	Alcohol Deliveries	13
	Licensing Hours	13
11	Integration of Strategies	14
	Planning and Building Control	14
	Promotion of Equality	15
12	The Licence Process and Applications	15
13	Care, Control and Supervision of Premises	18
14	The Licensing Objectives	18
	Prevention of Crime and Disorder	18
	Public Safety	18
	Prevention of Public Nuisance	19

	Protection of Children from Harm	22
15	Public Health	23
16	Temporary Event Notices	25
17	Outside Events	26
18	The Review Process	27
19	Responsible Retailing for Off Sales	28
20	Late Night Levy	29
21	Early Morning Restriction Orders (EMROs)	29
22	Personal Licences	30
23	How this Policy Works	30
24	Roles and Responsibilities	30
25	Further Information and Evidence	30
	APPENDICIES	
A	Glossary	32
B	List of Consultees to the Policy	39
C	Responsible Authority Contact List	42
D	Model Pool of Licence Conditions	46
E	Protocol of Hearings	56
F	Protocol of Virtual Hearings	57

1. Purpose Statement

- 1.1 BCP Council is the Licensing Authority for the Bournemouth, Christchurch and Poole area under the Licensing Act 2003 and is responsible for Premises Licences, Club Premises Certificates, Temporary Event Notices and Personal Licences in its administrative area in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late night refreshment.
- 1.2 This Policy is prepared under Section 5 of the Licensing Act 2003 and was approved by BCP Council on 24 November 2020. It will be kept under review and as a minimum will be reviewed no later than 2025.
- 1.3 Unless otherwise stated any references to the Council are to the BCP Council Licensing Authority.
- 1.4 This policy covers the licensable activities as defined by the Licensing Act 2003. These are;
 - The sale of alcohol by retail
 - Supply of alcohol by or on behalf of a club, or to the order of a member of the club
 - The provision of regulated entertainment
 - The provision of late-night refreshment
- 1.5 This policy has regard to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.
- 1.6 The council will carry out its functions under the Licensing Act 2003 with a view to promoting the licensing objectives namely;
 - The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm

Each objective is of equal importance.

- 1.7 This Policy is concerned with the regulation of licensable activities on licensed premises, by qualifying clubs and at temporary events. The conditions that the council attaches to the various licences will focus on matters that are relevant to the four licensing objectives and will centre upon the premises that are being used for licensable activities.
- 1.8 With regards to this policy the council adopts the overall approach of encouraging the responsible promotion of licensed activities, in the interests of its residents and visitors, it will not tolerate irresponsible licensed activity.

2. Who the Policy Applies To

- 2.1 This Statement of Licensing Policy will assist applicants, officers of the Licensing Authority, Responsible Authorities, members of the Licensing Committee and persons making representations in the consideration of the relevant issues regarding applications and ensuring they are dealt with fairly and in line with the law.
- 2.2 This Policy also affords members of the Licensing Committee and officers alike, to consider the concerns of the public and other recognised bodies and to take appropriate measures where the objectives of the Licensing Act 2003 are put in jeopardy after licences have been issued.

3. This Policy Replaces

- 3.1 This Policy replaces the three previous Licensing Act 2003 Statement of Licensing Policies that covered Bournemouth Borough Council, Christchurch Borough Council and the Borough of Poole.

4. Approval Process

- 4.1 During the five year period, the Policy must be kept under review and the Licensing Authority may make any revisions to it as it considers appropriate, for instance in the light of feedback from the local community on whether the statutory objectives are being met.
- 4.2 Where revisions are made to the Section 182 Statutory Guidance by the Secretary of State, it will be for the Licensing Authority to determine whether revisions to its own Statement of Licensing Policy are appropriate.
- 4.3 BCP Council as the Licensing Authority has delegated the Licensing Committee to oversee the development and review of its Statement of Licensing Policy. Once finalised the policy is presented to the Full Council for ratification.

5. Links to Council Strategies

- 5.1 This Policy supports the BCP Council Corporate Strategy and the Pan Dorset Drug and Alcohol Strategy (2016-2020). The Council's vision is to create vibrant communities with outstanding quality of life where everyone plays an active role. Effective licensing of controlled premises and activities is key to achieving this strategic vision for our communities.
- 5.2 The Licensing Authority aims to meet the BCP Council Corporate priorities regarding Dynamic Places and Connected Communities by ensuring the licensing process supports local businesses. We aim to help them to meet their statutory obligations and keep residents and visitors to our licensed venues safe, whilst still having an enjoyable leisure experience.
<https://www.bcpCouncil.gov.uk/About-BCP-Council/bcp-council-docs/BCP-Corporate-Strategy.pdf> <https://www.dorset.police.uk/media/2768/bpd-alcohol-drugs-strategy-2016-2020.pdf>
- 5.3 During the preparation of this policy document due consideration has been given to the following key BCP Council Strategies;
- Corporate Strategy & Delivery Plan
 - Health & Wellbeing Strategy
 - Safeguarding Strategy
 - Communities Engagement Strategy
 - Crime & Disorder Reduction Strategy
 - Equality & Diversity

6. Background Information

- 6.1 Bournemouth, Christchurch and Poole Council (BCP Council) is located in Dorset on the South Coast. It is the 12th largest Unitary Council in England with a population of nearly 400,000 residents. The BCP area is predominantly urban with associated suburban areas, beaches, harbours, quay sides, open spaces, parks and gardens.
- 6.2 It has long established road and rail links to London, the Midlands and the South West and benefits from an international airport and a thriving freight port for commercial shipping, as well as an important destination for passenger and vehicle ferries and cruise vessels. It has three Universities, an innovative and business focused college and business strengths in the creative, digital, finance, aerospace, marine and environmental technology sectors.
- 6.3 It is one of the Country's main holiday destinations and benefits from 15 miles of coastline with world recognised Blue Flag beaches. It is renowned for its water sports, music and arts festivals and its annual air festival. Bournemouth's night time economy has been accredited with the prestigious Purple Flag status for the last 10 years which is awarded to town and city centres that meet or surpass the standards of excellence in managing the evening and night time economy.
- 6.4 The area offers a vibrant mix of entertainment facilities for residents and visitors alike with established theatres, restaurants, cinemas, concert venues, conference facilities, museums and historic sites. The entertainment economy is well served with a wide variety of restaurants, pubs, bars and clubs.
- 6.5 The Council is keen to encourage a wide range of entertainment throughout the conurbation to support local cultural strategies. It recognises that live music, dancing, cinema and theatre enrich the cultural offer and benefit the wider economy.
- 6.6 The Council holds premises licences for a variety of public open spaces, pedestrian areas, the seafront and beaches, town centres, and community halls. This avoids the need for performers and entertainers to obtain a Premises Licence or give a Temporary Event Notice to perform in such areas. A schedule of the areas of land licensed in this way is available from the Council's Licensing Department and is also available from the website of the Department of Digital, Culture, Media and Sport.
- 6.7 Further information and statistics relating to BCP Council can be found via the following link; <https://www.bcpCouncil.gov.uk/Council-and-Democratic/Consultation-And-Research/Local-Data/Local-Data.aspx>

7. Policy Consultation

- 7.1 Section 5 of the Licensing Act 2003 <http://www.legislation.gov.uk/ukpga/2003/17/contents> requires a Licensing Authority to prepare and publish a statement of its licensing policy every five years. Such a policy must be published before the Authority carries out any function in respect of individual applications and notices made under the terms of the 2003 Act. A glossary of terms used within this document and within the Act and guidance can be found in Appendix A.
- 7.2 During the five-year period, the policy must be kept under review and the Licensing Authority may make any revisions to it as it considers appropriate, for instance in the light of feedback from the local community on whether the statutory objectives are being met. If the Licensing Authority determines and publishes its Policy in this way, a new five year period commences on the date it is published. Where revisions are made to the Section 182 Statutory Guidance by the Secretary of State, it will be for the Licensing Authority to determine whether revisions to its own Statement of Licensing Policy are appropriate.

- 7.3 This policy will commence on **24th November 2020** and remain in force for five years but will be kept under review subject to further consultation as referred to above.
- 7.4 Before determining its policy, the Licensing Authority consulted with the persons listed in section 5(3) of the 2003 Act. These are;
- The Chief Constable for the Dorset Police
 - Dorset and Wiltshire Fire and Rescue
 - The BCP Director of Public Health
 - Persons/bodies representative of local Premises Licence Holders
 - Persons/bodies representative of local Club Premises Certificate Holders
 - Persons/bodies representative of local Personal Licence Holders
 - Persons/bodies representative of businesses and residents in its area
- 7.5 The views of all these persons or bodies were given appropriate weight when the policy was determined. We believe that we have made reasonable efforts to consult an appropriate range of representatives and individuals in determining this policy.
- 7.6 Subject to the statutory requirements, it is for each Licensing Authority to determine the extent of the consultation it should undertake, and whether any particular person or body is representative of the groups described in the 2003 Act. A full list of consultees can be found in Appendix B.
- 7.7 Fees are set by Regulation and are intended to provide full cost recovery of all licensing functions including the preparation and publication of a Statement of Licensing Policy, but this will be based on the statutory requirements. Where a Licensing Authority exceeds these requirements, they will have to absorb those costs themselves.

Further advice can be obtained from;

The Licensing Manager

Licensing Team

BCP Council

Civic Offices

Bourne Ave,

Bournemouth BH2 6EB

Tel; 01202 451180

Email - licensing@bcpcouncil.gov.uk

8. Fundamental Principles of the Policy

- 8.1 This Statement of Licensing Policy has been prepared in accordance with the provisions of the Licensing Act 2003 and the Statutory Guidance issued under Section 182 of the 2003 Act by the Secretary of State. This Policy should be read as a whole and in conjunction with those provisions.
- 8.2 This statement is intended to assist Officers and Members in determining applications and to set out those factors that will normally be taken into consideration. Equally it seeks to provide clarity for applicants, residents and other occupiers of property and investors, in order to enable them to plan a move to remain or invest in the area with some measure of certainty.
- 8.3 This Policy sets out a general approach to making licensing decisions, it will not ignore or be inconsistent with provisions of the 2003 Act. For example, a Statement of Licensing Policy must not undermine the right of any person to apply under the terms of the 2003 Act for a variety of permissions and to have any such application considered on its individual

merits. Similarly, it will not override the right of any person to make representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the 2003 Act provided they are not frivolous or vexatious.

- 8.4 Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the 2003 Act. Conditions attached to various authorisations will be focused on matters which are within the control of individual licence holders and others with relevant authorisations, i.e. relevant to the premises and its vicinity.
- 8.5 Whether or not incidents can be regarded as being "in the vicinity" of licensed premises is a question of fact and will depend on the particular circumstances of the case. In cases of dispute, the question will ultimately be decided by the courts. In addressing this matter, the Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working, or engaged in normal activity in the area concerned.
- 8.6 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of the overall approach to the management of the day time, evening and night-time economy within the conurbation.
- 8.7 Each application will be considered on its own merits and in accordance with this Statement of Licensing Policy. Conditions attached to licences and certificates will be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions will be avoided and the licensing authority acknowledges it may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

Licensable Activities

- 8.8 The Licensing Authority is responsible for considering all applications for licensable activities as defined in section 1 of the 2003 Act. Licensable activities are;
- The sale of alcohol by retail
 - The supply of alcohol to club members and their guests
 - The provision of regulated entertainment
 - The provision of late night refreshment
- 8.9 Schedule 1 to the 2003 Act sets out what activities are regarded as the provision of regulated entertainment and when they are licensable together with those activities which are not and therefore exempt from the regulated entertainment regime. More details regarding the types of exemption can be found in Chapter 16 of the Section 182 Statutory Guidance by the Secretary of State.
- https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf.

The descriptions of entertainment activities licensable under the 2003 Act are(;)

- A performance of a play
- An exhibition of a film
- An indoor sporting event

- A boxing or wrestling entertainment
- A performance of live music *
- Any playing of recorded music *
- A performance of dance
- Entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance *

*see Live Music Act 2012 and Legislative Reform (Entertainment Licensing) Order 2014 below

The Live Music Act and Legislative Reform Order made the following changes to the Licensing Act 2003

- 8.10 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 8am and 11pm on the same day with no audience limit.
- 8.11 Community premises not licensed to supply alcohol will be exempt from entertainment licensing requirements for live and recorded music between 8am and 11pm on the same day for audiences of no more than 500 persons.
- 8.12 The provision of amplified live music taking place on premises authorised by a premises licence or club premises certificate to supply alcohol for consumption on the premises (at a time when those premises are open for the purposes of being used for the supply of alcohol for consumption on the premises) will be exempt from entertainment licensing between 8am and 11pm before audiences of no more than 500 persons. This is subject to the right of a Licensing Authority to impose conditions about live music following a review of a premises licence or club premises certificate.
- 8.13 The provision of amplified live music taking place in a workplace not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment) will be exempt from entertainment licensing between 8am and 11pm of in front of audiences of no more than 500 persons.
- 8.14 The provision of unamplified live music taking place in any place will be exempt from entertainment licensing between 8am and 11pm. This is subject to the right of a Licensing Authority to impose conditions about live music following a review of a premises licence or club premises certificate relating to premises authorised to supply alcohol for consumption on the premises.
- 8.15 The provision of entertainment facilities is exempt from entertainment licensing.
- 8.16 Live and recorded music that is integral to a performance of Morris dancing or dancing of a similar national/international traditional type is exempt from entertainment licensing.
- 8.17 Travelling circuses are 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 8am and 11pm on the same day, with no audience limit.
- 8.18 Greco-Roman and freestyle wrestling is exempt from licensing between 8am and 11pm for audiences of up to 1000 persons.
- 8.19 An exhibition of film that is incidental to another activity (where that other activity is not itself a description of entertainment set out in paragraph 2 of Schedule 1 to the 2003 Act) is exempt from licensing.

Duplication

- 8.20 The Licensing Authority will actively seek to avoid attaching conditions that duplicate other regulatory regimes as far as possible.
- 8.21 However, these provisions will not always adequately address specific issues that arise on the premises in connection with certain types of licensable activities. Therefore it may be necessary for the Licensing Authority to consider the imposition of conditions, if not volunteered by the applicant in their operating schedule and following relevant representations, if they are considered appropriate for the promotion of the licensing objectives and are not already provided for in any other legislation.

Licence Conditions

- 8.22 Conditions on a premises licence or club premises certificates are important in setting the parameters within which premises can lawfully operate. The use of wording such as "must", "shall" and "will" is considered necessary to emphasise their importance.
- 8.23 Licence conditions;
- Must be appropriate for the promotion of the licensing objectives
 - Must be precise and enforceable
 - Must be unambiguous and clear in what they intend to achieve
 - Should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation
 - Must be tailored to the individual type, location and characteristics of the premises and events concerned
 - Should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case
 - Should not replicate offences set out in the 2003 Act or other legislation
 - Should be proportionate, justifiable and be capable of being met
 - Cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave
 - Should be written in a prescriptive format

A copy of the Licensing Authority's Model Pool of Licensing Conditions is attached at Appendix D which can be used to assist applicants when considering the four licensing objectives within their proposed operating schedule.

- 8.24 Where responsible authorities and other persons do not raise any representations about the application made to the Licensing Authority, it is the statutory duty of the Authority to grant a licence or certificate subject only to conditions that are consistent with the operating schedule and any mandatory conditions prescribed in the 2003 Act.
- 8.25 It is possible that in certain cases, where there are other legislative provisions which are relevant and must be observed by the applicant, no additional conditions at all are needed or considered appropriate to promote the licensing objectives.
- 8.26 The Licensing Authority wishes to work in partnership with all parties to ensure that the licensing objectives are promoted collectively. To support this aim and to minimise disputes and the necessity for hearings, the Licensing Authority considers it sensible for applicants to seek the views of responsible authorities before formally submitting applications, but it acknowledges that there is no legal requirement to do this.

Mandatory Conditions

- 8.27 The 2003 Act provides for certain mandatory conditions to be applied to premises licences or club premises certificates. The full list of mandatory conditions that apply at the publication date of this statement of licensing policy can be found at;
<https://www.legislation.gov.uk/ukdsi/2014/9780111116906>
<https://www.gov.uk/government/publications/guidance-on-mandatory-licensing-conditions>
- 8.28 The Licensing Authority expects that applicants, licence and certificate holders will familiarise themselves and ensure all staff are familiar with the mandatory conditions and any additional conditions such as those associated with the operating schedule or that may be attached by committee.

Enforcement and Sanctions

- 8.29 The enforcement and sanctions open to the Licensing Committee are set out in the Licensing Act 2003 and associated regulations.
- 8.30 The Licensing Authority has established a Memorandum of Understanding (MOU) with Dorset Police and other enforcing authorities. This agreement assists officers to prioritise efforts to tackle 'problem' and 'high-risk' premises and forms the basis of an intelligence led approach. In respect of premises which are shown to be well maintained and managed a 'lighter' approach will be applied.
- 8.31 All inspections and enforcement procedures are carried out in accordance with the MOU to ensure that it is effective, well targeted and contributes to economic progress. The Licensing Authority uses a graduated approach to enforcement in order to achieve compliance.
- 8.32 The Licensing Authority will process personal information in accordance with the Data Protection Act 2018. The personal details provided by applicants will be held on a database and where the law allows, may be shared with other departments within the Council to update details they hold. The Licensing Authority may also be required to disclose personal information to third parties (such as the Police, Department for Work and Pensions, Immigration Enforcement or the National Fraud Initiative) for the purposes of preventing or detecting crime or apprehending or prosecuting offenders.
- 8.33 When judged necessary to do so, authorised officers of the Licensing Authority and other responsible authorities will undertake unannounced inspections or test purchase visits to licensed premises in order to ensure compliance with the provisions of the 2003 Act and any other associated legislation.
- 8.34 The Licensing Authority will receive, from time to time, reports from its officers on any formal enforcement proceedings instigated against licence holders in relation to offences under the 2003 Act.

Entertainment Provisions

- 8.35 The Licensing Authority is committed to facilitating a broad range of entertainment provision within Bournemouth, Christchurch and Poole for the enjoyment by a wide cross-section of the public.
- 8.36 The Licensing Authority in wishing to offer such facilities recognises that a balance needs to be struck between promoting the provision of entertainment and addressing concerns relevant to the licensing objectives. The Licensing Authority is conscious of the risk that a

licensing policy may inadvertently deter live music by imposing indirect costs of a disproportionate nature and will therefore only seek to impose conditions, when representations are received, that will be proportionate, justifiable, capable of being met and appropriate for the promotion of the four licensing objectives.

Need for licensed Premises

- 8.37 The Licensing Authority recognises that there can be confusion about the difference between the "need" for premises and the "cumulative impact" of premises on the licensing objectives, for example, on crime and disorder. "Need" concerns the commercial demand for other premises and is a matter for the planning authority and for the market. This is not a matter for the Council in discharging its licensing functions or for its Statement of Licensing Policy.

9. The Cumulative Impact of a concentration of licensed premises

- 9.1 In some areas where the number, type or density of licensed premises, such as those selling alcohol or providing late night refreshment, is high or exceptional, serious problems of nuisance and disorder may arise outside or some distance from those premises. Such problems generally occur as a result of large numbers of drinkers being concentrated in an area, for example when leaving premises at peak times or when queuing at fast food outlets or for public transport.
- 9.2 Queuing in itself may lead to conflict, disorder and anti-social behaviour. Moreover, large concentrations of people may also attract criminal activities such as drug dealing, pick pocketing and street robbery. Local services such as public transport, public lavatory provision and street cleaning may not be able to meet the demand posed by such concentrations of drinkers leading to issues such as street fouling, littering, traffic and public nuisance caused by concentrations of people who cannot be effectively dispersed quickly.
- 9.3 In order to address the issue of a high concentration of licensed premises in an area the Licensing Authority may produce a Cumulative Impact Assessment Policy in accordance with the Licensing Act 2003. If such a Policy is produced the Licensing Authority will take this into consideration when determining any applications within the BCP Council area.

10. Other Mechanisms for Controlling the Impact of Licensed Premises

- 10.1 Once away from the licensed premises, a minority of customers may behave badly and unlawfully. Other mechanisms exist both within and outside the licensing regime that are available for addressing such issues. For example
- Planning control
 - Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority, including Best Bar None, Pub Watch or BIDs
 - Community Alcohol Partnership Scheme (CAP)
 - Community Protection Notices
 - The provision of CCTV surveillance in town centres, taxi ranks, street cleaning and litter patrols
 - Powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly
 - A Public Spaces Protection Order
 - The confiscation of alcohol from adults and children in designated areas
 - Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices

- A prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale)
- Closure Notices and Closure Orders
- The power of the police, other responsible authorities or other persons to seek a review of a licence or certificate
- Raising a contribution to policing the late night economy through the Late Night Levy and Early Morning Alcohol Restriction Orders

10.2 The Licensing Authority recognises the importance of initiatives to aid public safety such as the Safe Bus in Bournemouth which has been running since July 2005 and was set up to provide a one stop shop in the town centre to support vulnerable people and deflect any minor injuries away from the ambulance service, unnecessary attendances at the A&E department and subsequent admissions. The use of Club Nannies also assists in the reduction of persons requiring the attention of the emergency services. The Licensing Authority also uses the Street Pastor schemes, Business Improvement District (BID) and Public Spaces Protection Orders (PSPO) as well as other alcohol related anti social behaviour initiatives. In key areas Community Safety and Accreditation Scheme (CSAS) officers patrol and take action to address street drinking and support council initiatives.

10.3 The Licensing Authority has not considered the use of alternative measures such as fixed closing times, staggered closing times or zoning within its area. Should the Licensing Authority intend to use such measures in order to orchestrate closing times so as to manage problems in the night-time economy based upon the promotion of the licensing objectives, then a review of this aspect of the policy will be undertaken and will justify its reasons for doing so within its Statement of Licensing Policy.

Best Bar None, Town Watch and Pub watch

10.4 The Licensing Authority will support organisations such as Best Bar None, Town Watch and Pub Watch which contribute towards providing safer environments for the patrons of premises operating in the evening and night time economy. There are a number of groups covering areas and districts throughout Bournemouth, Christchurch and Poole that seek to improve the network of real time information that allows them to take proactive action to minimise the effects on crime and disorder and anti-social behaviour. The Licensing Authority expects licensees to support and be active members of trade led best practice schemes.

Preventing Glass Injuries

10.5 Glass-related injuries, whether accidental or due to violent crime, can lead to major injury and be life changing. Customers prefer glasses and bottles and using alternatives for glass can place extra financial burdens on businesses. However, glasses and bottles can be used as weapons in the drinking environment and by removing glass from premises, injuries may fall.

10.6 Removing glass from premises will be targeted to those that are considered to carry a higher risk for potential crime and disorder or the nature of the activity increases the risk of glass becoming a risk.

10.7 The Licensing Authority will expect licensees to consider the need for alternatives to glass as part of their application and to have early discussions with Dorset Police on suitable alternatives;

- It may be appropriate to provide alternatives to glass in the following circumstances

- Where the nature of the event or activity prevents the frequent collection of glass from the venue
- High volume vertical drinking establishments trading beyond midnight, particularly in any cumulative impact area
- Large outdoor events
- Areas where children or vulnerable adults are likely to be present, e.g. play areas, children's parties
- Where there is a history of glass incidents

10.8 Where alternatives to glass bottles are considered they must form part of the operating schedule or supporting information. Licensees will also be expected to maintain an on-going review of the need for alternatives to glass.

Alcohol Deliveries

10.9 Premises such as takeaways should make clear on their application if they intend to sell alcohol via a delivery service. Test purchases of alcohol deliveries to an under 18 carried out by the Licensing Authority noted a number of failures to ensure alcohol was not handed directly to those under 18 or if an adult was present on the premises.

10.10 An applicant seeking a licence that will enable them to provide alcohol as part of an alcohol delivery service should include in their operating schedule the procedures they intend to operate to ensure that;

- The person they are selling alcohol to is over the age of 18
- That alcohol is only delivered to a person over the age of 18
- That a clear document trail of the order process from order, despatch from the licensed premises and delivery to the customer is maintained (with times and signatures) and available for inspection by an authorised officer
- The time that alcohol is sold on the website/over the phone and the time the alcohol is delivered is within the hours stated on the licence for the sale of alcohol

Licensing hours

10.11 With regard to licensing hours the Licensing Authority recognises that the Government acknowledges that different approaches may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the Licensing Authority power to make decisions regarding licensed opening hours as part of the implementation of its Statement of Licensing Policy. The Licensing Authority expects applicants for all types of licensed premises to consider licensing hours as an important issue when preparing their operating schedules, and to consider the impact of the hours requested on the licensing objectives.

10.12 The Licensing Authority recognises that licensed premises make an important contribution to our local community and that it has a wide range of tools available to effectively manage the different pressures that licensed premises can bring. In determining any strategies concerning licensing opening hours, the Licensing Authority will not seek to restrict the activities of licensed premises where it is not appropriate for the promotion of the licensing objectives.

10.13 In considering licensing hours each case will be decided on its merits. The Licensing Authority will consider relevant representations received and may limit the hours permitted for licensable activities and impose different hours from those requested. This will be done only if it is necessary to promote the licensing objectives. There will be no general presumption in favour of lengthening licensing hours.

- 10.14 The Licensing Authority expects applicants to consider winding down periods when they prepare their operating schedules. Gradual winding down of entertainment such as loud music should take place before the sale of alcohol concludes and the end of trading hours. Such winding down will encourage customers to leave of their own volition and may reduce any potential for nuisance as they leave the licensed premises. Customers may be more likely to leave the premises spasmodically in small groups rather than en masse.
- 10.15 The Licensing Authority will always consider an applicant's specific case. If the matter of licensing hours has been raised in a representation, it will take into account any proposals from the applicant to minimise the risk of nuisance and disorder being caused or exacerbated by customers leaving the premises. However, it is unlikely that statement such as "the premises are well managed" or "the applicant is of good character" or that "the style of the premises is intended and likely to attract a discerning clientele" will alone be sufficient to demonstrate that restrictions on hours of trading should not be applied.

11. Integration of Strategies

- 11.1 The Licensing Authority will endeavor to promote proper integration of the Statement of Licensing Policy with local crime prevention, planning, transport, tourism, equality schemes and cultural strategies together with any other plans introduced for the management of town centres' and the night-time economy. Whilst many of these strategies are not directly related to the promotion of the four licensing objectives, they indirectly impact upon them. The Licensing Authority recognises the importance of co-ordination and integration of such policies, strategies and initiatives.
- 11.2 Licensing Authority notes that the Statement of Licensing Policy must have regard to an expectation of preventing crime and disorder pursuant to Section 17 of the Crime and Disorder Act 1998.
- 11.3 The Licensing Authority also recognises the connection between excessive alcohol consumption, poor health and cost to the Health Authority. As part of a wider package of initiatives, the Licensing Authority is aiming to deal with the negative effects of alcohol consumption through its The Pan Dorset Drug and Alcohol Strategy (2016 – 2020).

Planning and Building Control

- 11.4 Planning permission, building control approval and licensing regimes will be properly separated to avoid duplication and inefficiency. Granting of licences will not relieve applicants of the need to apply for planning permission or building control consent and there is an expectation that these issues will have been explored before licensing applications are submitted. Applicants are recommended to obtain correct planning consents prior to applying for a licence to avoid potentially inoperative licenses.
- 11.5 Matters for consideration in licensing applications will not duplicate matters considered as part of any planning application. Licensing decisions will consider any relevant planning decisions either by the Planning Committee or following appeals against decisions taken by that committee and as such licensing applications shall not be a re-run of the planning application and will not cut across decisions taken by the Planning Committee or following appeals against decisions taken by that committee.
- 11.6 The Licensing Sub-Committee is not bound by decisions made by the Planning Committee, and vice versa, but, as set out in Chapter 9 of the Statutory Guidance, will consider discussions with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.

- 11.7 The granting by the licensing sub-committee of any variation of a licence which involves a material alteration to a building will not relieve the applicant of the need to apply for planning permission or building control where appropriate.
- 11.8 In circumstances when, as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes and where those hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission will be liable to prosecution under planning law.
- 11.9 The Planning Authority may also make representations as a responsible authority as long as they relate to the licensing objectives. The Licensing Authority recognises that nuisance and crime and disorder are matters that share common ground within the planning and licensing regimes. Concerns relating to the character and function of an area and aspects of amenity that do not constitute a public nuisance are outside the scope of the licensing regime and will be dealt with separately by the Planning Authority. The Licensing Authority therefore recognises that a combination of licensing and planning powers together with effective management of the street environment is required to overcome these problems.

Promotion of Equality

- 11.10 The Licensing Authority recognises that the Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation, to advance equality of opportunity and to foster good relations between persons with different protected characteristics. The protected characteristics are, age, disability, gender reassignment, pregnancy, maternity, race, religion or belief, sex and sexual orientation.
- 11.11 The Licensing Authority is required to publish information at least annually to demonstrate its compliance with the Equality Duty. These details are published on the Council's website. Further guidance is available from Government Equalities Office and the Equality and Human Rights Commission <https://www.gov.uk/government/organisations/government-equalities-office>; <https://www.equalityhumanrights.com/en>

12. The Licence Process and Applications

- 12.1 Applications must be made to the Licensing Authority in the form prescribed by Regulations. Guidance is available to applicants setting out the detail of the process on the BCP Council website.
- 12.2 The Licensing Committee expects applicants to have regard to this statement of licensing policy when completing their operating schedule. Applicants are expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives that they understand;
- The layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate
 - Any risk posed to the local area by the applicants' proposed licensable activities
 - Any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks

- 12.3 Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate;
- An understanding of how the policy impacts on their application
 - Any measures they will take to mitigate the impact
 - Why they consider the application should be an exception to the policy
- 12.4 It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives and where there are no known concerns, acknowledge this in their application.
- 12.5 The majority of information which applicants will require will be available within this statement of licensing policy. However other publicly available sources which may be of use to applicants include;
- The Home Office Police Crime Mapping website
 - The Dorset Police websites
 - Websites or publications by local responsible authorities
 - Websites or publications by local voluntary schemes and initiatives
 - Online mapping tools
 - Any information made publicly available by Public Health Dorset to identify key facts in relation to alcohol related harm
- 12.6 While applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application. The Licensing Committee encourages co-operation between applicants, responsible authorities and, where relevant, local residents and businesses before applications are submitted in order to minimise the scope for disputes to arise.
- 12.7 Applicants are expected to provide the Licensing Authority with sufficient information in the operating schedule of their application form to clearly demonstrate the extent to which their proposed conditions and actions are appropriate to promote the licensing objectives. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises. A copy of the Licensing Authority's Model Pool of Conditions is attached at Appendix D.
- 12.8 In some circumstances, it is possible that no measures will be appropriate to promote one or more of the licensing objectives, for example, because they are adequately covered by other existing legislation. It is however important that all operating schedules should be precise and clear about the measures that are proposed to promote each of the licensing objectives.
- 12.9 In the absence of relevant representations from responsible authorities or other persons, the application must be granted, subject only to any mandatory conditions prescribed by the Act and such other conditions consistent with the applicant's operating schedule. In this context "relevant" means; **relating solely to one or more of the licensing objectives.**
- 12.10 The applicant must ensure that a copy of the application is served on each responsible authority. Where the Council is the responsible authority, the applicant must serve a separate

copy of the application on each of the various Council departments – it is not the function of the Licensing Team to do this for the applicant (unless received electronically).

- 12.11 The responsible authorities are entitled to make representations in relation to applications for the grant, variation or review of a licence in the context of any of the four licensing objectives. Any other persons have the same entitlement and can instigate a premises licence review.

Ward Councillors may make representations themselves or support other persons if asked to do so.

- 12.12 The Licensing Authority will expect applicants to consider the following matters in the context of promoting the four licensing objectives

- The nature of the area where the premises are situated
- The precise nature, type and frequency of the proposed activities
- Where alcohol is to be sold for consumption on the premises, the extent of seating available
- Any measures proposed by the applicant as outlined in the operating schedule to mitigate or prevent any adverse impact upon the licensing objectives, including the proposed hours of operation
- The nature, principally in terms of the age and orderliness, and number of customers likely to attend the premises
- Means of access to and exit from the premises
- The impact of the smoking ban, to include reference to noise pollution
- Transport provision in the area, and the likely means of public or private transport for customers arriving/leaving the premises
- Parking provision in the area
- The potential cumulative impact of licensable activities in the relevant local area
- Other means and resources available to mitigate any adverse impact particularly to local residents
- Such other matters as may be relevant to the application

- 12.13 The Chairman, Vice-chairman and Members of the Licensing Committee are elected at the annual meeting of the Council. The Licensing Authority will ensure that Licensing Committee members and officers are appropriately trained to carry out their duties under the Licensing Act 2003.

- 12.14 In cases where applicants and anyone making a representation or objection against the application cannot reach agreement the matter will be referred to the Licensing Committee or Sub Committee for consideration to decide whether the granting of the application would result in the licensing objectives being undermined. It may refuse an application, it being subject to conditions that are needed to promote the licensing objectives or take such other action as set out in the Act. A copy of the Procedure of Hearings is attached at Appendix F and Protocol of Virtual Hearings Appendix G.

13. Care, Control and Supervision of Premises

- 13.1 Within all licensed premises, whether or not alcohol is to be sold, the Licensing Authority will expect to see evidence of proper management both in practice and in the Operating Schedule. All persons involved in the management of the premises must ensure that a sufficient number of responsible and trained persons are at the licensed premises at all times. They have the responsibility to monitor and manage the activities taking place. They must ensure that all statutory responsibilities and the terms and conditions of the licence are complied with. The applicant's operating schedule must address the issue of the management of the licensed premises.

- 13.2 The operating schedule for premises in which alcohol will be sold must appoint a Designated Premises Supervisor (DPS). The Licensing Authority will normally expect the premises licence holder to give the DPS day-to-day responsibility for running the premises. As such, the DPS should normally be present on the licensed premises on a regular basis. When not on the premises, the Licensing Authority will expect the DPS to be readily contactable and able to deal quickly with any problems that arise.
- 13.3 The Licensing Authority also recommends that the DPS undergoes additional training or has experience relevant to the nature and scope of the licensable activities taking place on the premises.

14. The Licensing Objectives

Prevention of Crime and Disorder

- 14.1 The Licensing Committee will look to Dorset Police as the main source of advice on crime and disorder.
- 14.2 Conditions, if imposed, will be targeted on deterrence and preventing crime and disorder. For example, where there is a good reason to suppose that disorder may take place, the presence of CCTV cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may choose to use CCTV for the prevention of crime directed against the business itself, its staff or its customers, but any condition may require a broader approach to the overall promotion of the prevention of crime and disorder objective. The Licensing Committee would wish to ensure that the precise locations of cameras are identified on plans to ensure that certain areas are properly covered and to avoid any uncertainty/dispute as to the terms of any condition imposed.
- 14.3 The inclusion of radio links and ring-round systems should be considered by applicants for public houses, bars and nightclubs operating in the town centres and other leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the Police and each other which can facilitate a rapid response to any disorder which may be endangering the customers and staff at premises.

Public Safety

- 14.4 Licence holders have a responsibility to ensure the safety of those persons using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result as customers become more vulnerable from alcohol consumption, such as unconsciousness or alcohol poisoning.
- 14.5 Conditions relating to public safety may also promote the crime and disorder objective as noted above.
- 14.6 Applicants should give consideration to a number of matters in relation to public safety which may include
- Reference should be made to the guidance on requirements under the Regulatory Reform (Fire Safety) Order 2005 which are available from Dorset & Wiltshire Fire and Rescue Service www.dwfire.org.uk
 - Ensuring appropriate access for emergency services such as ambulances

- Good communication with local authorities and emergency services, for example communications networks with the Dorset Police and signing up for local incident alerts
- Ensuring the presence of trained first aiders on the premises and appropriate first aid kits
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late night transportation)
- Ensuring appropriate and frequent waste disposal, particularly of glass bottles
- Ensuring appropriate limits on the maximum capacity of the premises
- Consider the use of CCTV in and around the premises (which may also assist with promoting the crime and disorder objective)
- Provision of a defibrillator
- Ensuring use of toughened or plastic drinking vessels if appropriate

14.7 It is recognised that measures that are appropriate to promote public safety will vary between premises and the examples listed above may not be applicable in all cases. Applicants should give due consideration when making their application which steps are appropriate to promote the public safety objective and demonstrate how they intend to achieve that.

14.8 Applicants should make provision to ensure that premises users safely leave their premises. Measures that may assist include;

- Providing information on the premises of local licensed taxi companies who can provide transportation home
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks

14.9 Public safety may include the safety of performers appearing at any premises, but does not extend to the prevention of injury from participation in a boxing or wrestling entertainment.

Prevention of Public Nuisance

14.10 Licensed premises, particularly those operating after 23:00 hours and into the early morning, can adversely affect people living or working in the vicinity of the premises. The applicant's operating schedule must therefore contain practical steps to prevent disturbance to local residents. The issues will mainly concern nuisance from noise, light, odour and litter.

14.11 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time or persons are not permitted in garden areas of the premises after a certain time. More sophisticated design measures to mitigate sound escape from the premises may be appropriate where individual circumstances dictate. Any conditions appropriate to promote the prevention of public nuisance will be tailored to the type, nature and characteristics of the specific premises and its licensable activities.

14.12 Where applications have given rise to representations, any appropriate conditions shall normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a licensing requirement for performances of live music between 11 pm and 8am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

14.13 The Licensing Authority is mindful of the potential for noise nuisance from amplified sound and live music. Where there are relevant representations on this issue, the Licensing Authority will normally impose appropriate conditions on variations or new licences or refuse consent if necessary for the promotion of the licensing objective. A condition to prevent noise nuisance could be imposed in such circumstances.

14.14 Applicants must demonstrate that they have considered those factors that cause or add to public nuisance. It is good practice to consult with a noise expert to ensure the effectiveness of measures undertaken. The Council's Pollution Control Team can also be consulted to assist in developing a Noise Management Plan.

Factors to consider include;

- Location of the premises and use of associated outside areas, for example, particularly for smoking (see paragraphs 14.17 – 14.23)
- Customer age and behavioural profile
- Hours of operation
- Nature of activities to be provided - temporary or permanent
- Location of activities - inside or outside
- Design and layout of the premises
- Use of noise limiting devices
- Number of people attending the premises
- Availability of public transport and parking provision
- Winding down period between the end of the licensable activities and closure of the premises
- Last admission time
- Fliers and other advertising material (The Council operates a licensing scheme to regulate distributors, further details can be obtained [here](#))

14.15 Measures to control light nuisance will also be given careful consideration. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light nuisance for some neighbours. Applicants, the Licensing Authority and responsible authorities will need to balance these issues.

14.16 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour are accountable for their own actions. However, it is considered perfectly reasonable for the Licensing Committee to impose a condition, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of other external areas, and to respect the rights of people living nearby to a peaceful night.

Outdoor Areas and Smoking Areas

14.17 Where applicants propose to provide seating, tables or other facilities in any outdoor area, whether covered or not, or to permit the use of outdoor areas as smoking areas, applicants will be expected to demonstrate in their operating schedule that;

- (a) Suitable and sufficient measures will be in place to prevent the escape of noise and other public nuisance from that outdoor area, from the licensed premises or from any of the licensable activities
- (b) Effective management controls and other measures such as removal of seating/tables, presence of staff and installation of CCTV are in place to ensure that

licensable activities and the use of such areas by customers or other persons, ceases at such time as may be prescribed as a condition on the licence

- 14.18 After 23:00 hours consideration should be given to the impact of patrons using outside smoking areas. The Licensing Authority will normally expect the public use of external areas in the licensee's control to cease at 23:00 hours or addition controls of patrons put in place.
- 14.19 Following the implementation of the smoking ban in July 2007 the Licensing Authority recognises that smokers wishing to smoke will have to go outside the licensed premises. They may also want to take alcohol purchased inside for consumption outside.
- 14.20 In some cases smoking will be in garden areas. In others, it may be on other parts of the licensed premises. The premises may provide some form of shelter but these must not be fully or substantially enclosed in accordance with the Health Act 2006. Licensees should be aware of their responsibilities to prevent public nuisance.
- 14.21 Noise is likely to be caused not only from persons outside, but from the licensed premises if doors are continually opened or left open as customers go in and out.
- 14.22 If relevant representations are received, the Licensing Authority may consider conditions restricting the use of outside areas. Such conditions may include the prevention of drinks within the external area, restricting the carrying of any receptacle outside, prohibiting re-entry to premises after customers have left or restrictions on the number of people allowed at any one time in the outside areas and having dedicated staff to monitor the smoking area and take action where necessary.
- 14.23 The Licensing Authority may impose conditions on licences requiring the operators to provide cigarette disposal units in the vicinity of the premises and to carry out regular cleaning of the area as necessary in order to prevent public nuisance.

Night Cafes and Takeaway Premises

- 14.24 Premises open after 23:00 hours supplying hot food or hot drink for consumption on or off the premises can attract large groups of customers many of whom have already consumed alcohol. The gathering of people around takeaways can lead to additional noise, disturbance and litter. Concerns have been raised about the level of crime, disorder and nuisance outside takeaway food premises late at night. Model pool of conditions available for applicants to ensure steps are taken include in order to address these concerns.

Protection of Children from Harm

- 14.25 The applicant's operating schedules must demonstrate that suitable measures are in place to protect children from harm.
- 14.26 Where children are expected to attend a licensed event or an event held on licensed premises even though alcohol is not being served, appropriate adult supervision will be required if considered necessary by way of risk assessment. Supervision should comprise one adult member of staff for every 50 children. Where the entertainment is music and dancing, two door supervisors licensed by the Security Industry Authority must be employed for every 50. Nothing in this Policy shall seek to override child supervision requirements contained in other legislation.
- 14.27 For premises that give rise to particular concern, there will be a presumption against permitting any access for those under 18 years of age. Premises that give particular concern include those where;

- Entertainment or services of an adult or sexual nature are commonly provided
- There have been convictions of members of the current staff at the premises for serving alcohol to minors or premises where clear evidence is produced by a Responsible Authority to prove underage drinking has been permitted by the premises licence holder or the operator
- There is known association with drug taking or dealing
- There is a strong element of gambling on the premises, excluding premises which have a limited number of cash prize gaming machines only
- The supply of alcohol for consumption on the premises is the exclusive or primary purpose of the service provided at the premises

14.28 The protection of children from harm and their welfare is of paramount importance. Family-friendly and food led premises are encouraged, but the risk of harm to children is an essential consideration when determining applications.

14.29 With accompanied children having greater access to licensed premises there is an opportunity to have more family-friendly leisure. Clearly, this places additional responsibilities upon licence holders. It is recognised too that parents and others accompanying children have responsibilities to ensure the welfare and protection of children.

14.30 The protection of children from harm includes the protection of children from moral, psychological and physical dangers. Specifically, in relation to the exhibition of films, or transmission of programmes or videos, this includes protection from exposure to strong language, sexual expletives and portrayals of sexual activity.

14.31 Children are more vulnerable, and their needs will require special consideration. This vulnerability includes their susceptibility to suggestion, peer group influences, inappropriate example, the unpredictability of their actions due to their age, and the lack of understanding of danger.

14.32 Where no licensing restriction is necessary, admission of children remains entirely a matter at the discretion of the individual licensee or club. Conditions requiring the admission of children will not be imposed.

14.33 Whilst children may be adequately protected from harm by the action taken to protect adults, they may also need special consideration and no policy can anticipate every situation. When addressing the issue of protecting children from harm, applicants are advised to demonstrate what practical measures they will take where appropriate.

14.34 The following examples of control measures are given to assist applicants. They should be taken into account when producing any operating schedule;

- Provision of a sufficient number of staff employed or engaged to secure the protection of children from harm
- Complete exclusion of children and limitations on the hours when they may be present whether or not accompanied by a responsible adult
- Restrictions to certain parts of the premises or exclusion of children from certain activities
- Imposition of requirements for children to be accompanied by a responsible adult
- Adoption of "Challenge 25" or other similar initiative to require sight of evidence of age from any person under 25 who is attempting to buy alcohol or have alcohol delivered.

- Acceptance of “proof of age” documentation, by means from time to time recognised by the Licensing Authority in consultation with the Police and Trading Standards. (The PASS accreditation system of the British Retail Consortium is commended)
- The Licensing Authority commends the Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks, and compliance with the terms of that Code
- Measures to ensure that children do not purchase, acquire or consume alcohol, including keeping a refusals register in English and in accordance with any relevant and reasonable requirements of Trading Standards
- Measures to avoid children being exposed to incidents of violence or disorder

14.35 The Licensing Authority supports the following measures to reduce alcohol-related anti social behaviour by those under 18;

- Police powers under the Confiscation of Alcohol (Young Persons) Act 1997 to remove alcohol from young people in any public place where the public have access
- Police and Trading Standards powers to implement test purchasing to target on and off licences selling to under 18 year olds and carry out age challenges to reduce underage drinking from supermarkets, off licences, in pubs and other licensed venues.
- Further promotion of proof of age schemes
- Prosecution of those persistently selling alcohol to children, under the Violent Crime Reduction Act 2006

14.36 The Licensing Authority will expect applicants to ensure that children are not allowed access into premises when licensable activities involving entertainment or services of an adult or sexual nature take place.

14.37 Licensees’ operating schedules for premises showing films must include arrangements to prevent children from viewing age-restricted films as classified by the British Board of Film Classification. Uncertified films must be brought to the attention of the Licensing Authority for classification.

15 Public Health

15.1 Whilst public health is not a licensing objective, health bodies are deemed to be responsible authorities under the 2003 Act. They may now make representations in respect of applications and call for the review of a premises licence or club premises certificate where they have appropriate evidence to do so and can demonstrate how an applicant's proposals at the specific premises will undermine one or more of the licensing objectives.

15.2 The Licensing Authority recognises that the health and wellbeing of communities can be adversely affected by drinking excess alcohol. National evidence shows that whilst there is little difference in alcohol consumption between people living in more or less deprived areas, people living in the most deprived areas has an almost two-fold greater risk of an alcohol-related death than people living in the least deprived areas.
(see <https://bmcpublichealth.biomedcentral.com>)

15.3 Public Health Dorset supports safeguarding initiatives which include vulnerable adults. Ensuring robust staff training as part of any application and setting out training and identification of vulnerable or intoxicated people and ensuring they are safe when on and as they leave the premises.

15.4 Public Health Dorset as a responsible authority works closely with the other responsible authorities and plays an active part in contributing to the licensing policy and assisting applicants promote the licensing objectives. Health bodies may hold information which other

responsible authorities do not, but which would assist the Licensing Authority in exercising its functions. This information may be used by the health body to make representations in its own right or to support representations.

- 15.5 There is also potential for health bodies to participate in the licensing process in relation to the protection of children from harm. This objective not only concerns the physical safety of children, but also their moral and psychological well being.
- 15.6 Evidence relating to under-18 alcohol-related emergency department attendance, hospital admissions and underage sales of alcohol could potentially have implications for both the protection of children from harm and the crime and disorder objectives. Consumption of alcohol by under 18s can lead to serious and acute health impacts. Health bodies can provide evidence to lead or support representations in relation to this objective. In relation to proxy purchases, data collected by health bodies could be used to inform other responsible authorities, including the police and the licensing authority, about a prevalence of proxy purchasing in a particular area.
- 15.7 Although less obvious, health bodies may also have a role to play in the prevention of public nuisance where its effect is prejudicial to health and where they hold relevant data.
- 15.8 The Licensing Authority seeks to encourage and support any voluntary initiatives that premises may wish to adopt to help reduce alcohol harm within our communities. Such initiatives may include;
- Avoiding the sale of beers, lagers and ciders over 6.5% ABV which are sold in plastic bottles or metallic cans (this does not include premium, craft or specialist products as these are not a target for problem drinkers)
 - Taking steps to consider the display of alcohol in such a manner that will not unduly encourage people to drink irresponsibly and equally limit the exposure children have to alcohol advertising
 - Refraining from placing alcohol products amongst, near or next to confectionary that would usually be consumed by children or young people (which would include till point toys or stickers)
 - The use of breathalysers as a means of determining intoxication and supporting door staff decisions not to admit, or serve customers who are already intoxicated

16 Temporary Event Notices

- 16.1 The system of permitted temporary activities is intended as a light touch process and as such, the carrying on of licensable activities does not have to be authorised by the Licensing Authority on an application.
- 16.2 Temporary Event Notices are subject to various rules which are set out in the home office guidance using this link.
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/118375/tens.pdf
- 16.3 **Standard TEN** - The Licensing Authority encourages applicants to give as much notice as possible of such events in excess of the minimum statutory period of ten working days so that appropriate advice and guidance can be given to organisers. Ten working days' notice means ten working days exclusive of the day on which the event is to start and exclusive of the day on which the notice is given.

Late TEN - Applicants can apply for a 'late TEN' up to 5 working days before the event and can apply for up to 10 late TENS per calendar year.

- 16.4 The most important aspect of the system of temporary event notices is that no permission is required for these events from the Licensing Authority. Instead a person wishing to hold an event at which such activities are proposed to be carried on (the “premises user”) gives notice to the Licensing Authority of the event (a “Temporary Event Notice” or TEN). Once notification is received only the Police or Environmental Health (EH) may intervene to prevent such an event or modify the arrangements for such an event. The Licensing Authority will only intervene itself if the limits on the number of notices that may be given in various circumstances would be exceeded.
- 16.5 It is recognised that many applicants submitting a Temporary Event Notice will not have a commercial background or ready access to legal advice. They will include, for example, people acting on behalf of charities, community and voluntary groups, all of which may stage public events to raise funds and usually the event will include licensable activities. The Licensing Authority will ensure that applicants are guided and supported through the process.
- 16.6 In exceptional circumstances, the Police or Environmental Health may issue an objection notice because they believe the event would undermine the one or more of the four licensing objectives set out in the 2003 Act.
- 16.7 The Police or Environmental Health must issue an objection notice within three working days of being notified, they can subsequently withdraw the notice if the applicants can provide robust assurances. The issuing of such an objection notice requires the consideration of the objection by the Licensing Committee or Sub Committee. If an objection notice is issued in relation to a late notification (between 9 – 5 working days) before the event the notification is cancelled, and licensable activities are not authorised.
- 16.8 The ability of the Police and Environmental Health to serve such a notice is a further reason why event organisers are strongly encouraged by the Licensing Authority not to rely on giving the minimum amount of notice and to contact the local Police and Environmental Health at the earliest possible opportunity about their proposals.

17 Outside Events

- 17.1 The Licensing Authority advises applicants for outside events to plan well in advance and contact a licensing officer to discuss the need for a premises licence or other permission.
- 17.2 Where events may be of large, diverse or contentious in nature, the Licensing Authority advise that the organisers discuss the event with the responsible authorities to consider potential issues relating to the licensing objectives that could result in representations being made. The event may be referred to a Safety Advisory Group (SAG) which is made up of the responsible authorities, emergency services and other relevant bodies that advise on the safety and local impact of events within BCP Council.
- 17.3 An Event Management Plan (EMP) should be drawn up for final approval by the SAG members and should include details regarding drug testing if appropriate.
<https://www.bournemouth.co.uk/dbimsgs/Event-guidelines-update-joint-2020.pdf>
- 17.4 Any advice given by the Safety Advisory Group will not preclude responsible authorities and interested parties from making representations relating to the event.
- 17.5 The Licensing Authority advises any applicant for an outside event to be aware of and take note of the Purple Guide and Managing Crowds Safely (HSG 154) to ensure the safety of the public attending the event.

18 The Review Process

- 18.1 The proceedings set out in the 2003 Act for reviewing premises licenses and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 18.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the Licensing Committee to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives. In incidents of serious crime and/or disorder the Police may apply for an Expedited/Summary Review of a premises licence.
- 18.3 An application for review may be made electronically as long as it is on the required form and in accordance with the Regulations.
- 18.4 In addition, the Licensing Authority must review a licence if the premises to which it relates was made the subject of a closure order by the Police based on nuisance or disorder and the Magistrates' Court has sent the Authority the relevant notice of its determination, or if the Police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 18.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the Licensing Authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that Licensing Authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review of a licence in their own right if they have grounds to do so. It is also reasonable for the Licensing Authority to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the Police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. Likewise where there are concerns about noise nuisance, it is reasonable to expect the Local Authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 18.7 Where the Licensing Authority does act as a Responsible Authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. Further information on how the Licensing Authority should achieve this separation of responsibilities can be found in Chapter 9 of the Statutory Guidance.
(<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>)
- 18.8 Where authorised persons and Responsible Authorities have concerns about problems identified at premises, it is good practice for them to give licence holders' early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review.
- 18.9 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the Licensing Authority must first consider whether the complaint being

made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 11 of the Statutory Guidance.

(<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>)

18.10 When the Licensing Authority receives an application for a review it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website. www.legislation.gov.uk It is particularly important that the Premises Licence Holder or Club Premises Certificate Holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

Powers of the Licensing Authority on the Determination of a Review

18.11 Where the Licensing Committee considers that action under its statutory powers is appropriate, it may take any of the following steps;

- Modify the conditions of the premises licence
- Exclude a licensable activity from the scope of the licence
- Remove the Designated Premises Supervisor, for example, because they consider that the problems are the result of poor management
- Suspend the licence for a period not exceeding three months
- Revoke the licence

18.12 In deciding which of these powers to invoke, the Licensing Committee will seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken will generally be directed at these causes and will always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

19 Responsible Retailing for Off-Sales

19.1 The Licensing Authority is concerned that the irresponsible consumption of alcohol from off-sales is a significant problem and adversely affects the licensing objectives as it gives rise to problems of drunkenness, disorderly behaviour and a higher risk of alcohol sales to children.

19.2 Bournemouth have established a Community Alcohol Partnership (CAP) scheme which is run by a locally managed multi-agency partnership and whose aim is to reduce alcohol harm in local communities from drinking by young people under 25, with a particular emphasis on preventing underage drinking.

19.3 The Licensing Authority therefore wishes to minimise the negative impact on the licensing objectives created by this irresponsible consumption of alcohol from retail alcohol sales. Some parts of Bournemouth, Christchurch and Poole have Public Spaces Protection Orders (PSPOs) in place to help address problems of drinking alcohol in public areas. Drinking in public spaces can be a major source of anti-social behaviour, often involving young persons, and it can lead to crime or the fear of crime.

19.4 When considering an application or review where evidence indicates problems relating to problem drinking from off-sales the Licensing Committee will consider the design and layout of premises wishing off-sales. In such areas all new applications must;

- Specify the area to be used for the sale or exposure for sale of alcohol

- Displays should conform to the guidance issued by the British Retail Consortium or any other future guidance issued by trade bodies, Government departments or locally adopted standards to provide a 'responsible display' of alcohol
- Applicants should note that a display will not be considered suitable at entrance/exit points of premises where it might interfere with customer flow, near check outs, entrances or exits where shop lifting may become easier
- By using advertising that does not conform to the Portman Group Code or promote irresponsible drinking
- Consisting of significant amounts of high strength alcohol or give undue prominence to high strength alcohol

19.5 In cases where representations are made against applications for off sales of alcohol for premises that are;

- In areas where Public Spaces Protection Orders (PSPOs) are in place
- Near to alcohol addiction recovery activities or buildings held in hospital or clinic settings
- In areas where drinking in public spaces affects any of the licensing objectives

Local information including areas of deprivation, population and crime statistics can be found via this link <https://www.bcpCouncil.gov.uk/Council-and-Democratic/Consultation-And-Research/Local-Data/Local-Data.aspx>

The Licensing Authority may not support such applications and may refuse dependant on the evidence presented to support the representations.

20 Late Night Levy

20.1 The Licensing Authority acknowledges that the Police Reform and Social Responsibility Act 2011 enables a Licensing Authority to charge a levy on premises who are licensed to sell alcohol late at night in the conurbation (between midnight and 06:00 hours), as a means of raising a contribution towards the costs of policing the late-night economy. BCP Council has not introduced such a levy but the option of introducing such a levy may be kept under review by the Licensing Committee.

21 Early Morning Restriction Orders (EMROs)

21.1 In addition to the provisions contained within the Police Reform and Social Responsibility Act 2011 for the Late Night Levy, there is an additional power for the Licensing Authority to restrict sales of alcohol in the whole or part of their areas for any specified period between midnight and 06:00 hours if it considers it appropriate for the promotion of the licensing objectives, the option of introducing an EMRO may be reviewed by the Licensing Committee.

22 Personal Licenses

22.1 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a Personal Licence. The Act does not require the presence of a Personal Licence Holder at all times but if any sales are made when a Designated Premises Supervisor (DPS) is not present, then they must have been authorised by somebody who holds a Personal Licence. Regardless of whether a Personal Licence holder is present or not he will not be able to escape responsibility for the actions of those authorised to make such sales.

22.2 The Licensing Authority recommends that the DPS authorises authorisations for the sale of alcohol be made by other staff members to be in writing to ensure that those authorised are clear what their legal responsibilities are. Any premises at which alcohol is sold or supplied may employ one or more Personal Licence Holders.

- 22.3 The Council recognises it has no discretion regarding the granting of personal licences where;
- the applicant is 18 or over
 - possesses a licensing qualification
 - has not had a licence forfeited in the last five years and
 - has not been convicted of a relevant offence
- 22.4 An application for a personal licence to sell alcohol must be made in the form specified in government guidance or regulations. The application form must be accompanied by the requisite fee. The applicant should also produce evidence of the relevant qualifications and their right to work in the UK.
- 22.5 Applicants should produce a Disclosure and Barring Service (DBS) certificate along with the application form. The certificate must be current (produced within 1 month of application) and comply with the Regulations on personal licence applications. Applicants are also expected to make a clear statement as to whether or not they have been convicted outside England and Wales of a relevant offence or a similar offence.
- 22.6 Where the application discloses relevant unspent convictions the Licensing Authority will notify the Police of the application and the convictions. The police may make objection on the grounds of crime and disorder. If an objection is lodged a hearing must be held. The Licensing Authority will, at such a hearing, consider carefully whether the grant of the licence will compromise the promotion of the crime prevention objective. It will consider the seriousness and relevance of the conviction(s), the period that has elapsed since the offence(s) were committed and any mitigating circumstances. The Licensing Authority will normally refuse the application unless there are exceptional and compelling circumstances which justify granting it.

23 How to use this Policy

- 23.1 This policy is a guidance document for applicants and members to assist the decision making process in line with the licensing act 2003. Failure to have reference to this policy could result in an appeal to the magistrate's court and costs being awarded to either party depending on the outcome of the appeal.
- 23.2 This statement of licensing policy should be used in conjunction with the following documents;
- The Licensing Act 2003 <http://www.legislation.gov.uk/ukpga/2003/17/contents>
 - The revised guidance issued under section 182 of the Licensing Act 2003 <https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>
 - The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 <http://www.legislation.gov.uk/uksi/2005/42/contents/made>
 - The Licensing Act 2003 (Hearings) Regulations 2005 <http://www.legislation.gov.uk/uksi/2005/44/contents/made>
 - The Licensing Act 2003 (Fees) Regulations 2005 <http://www.legislation.gov.uk/uksi/2005/79/contents/made>
 - Alcohol Licensing Guidance <https://www.gov.uk/guidance/alcohol-licensing>
 - Live Music Act 2012 <http://www.legislation.gov.uk/ukpga/2012/2/contents/enacted>
 - Entertainment Licensing Reform https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/328492/Entertainment_Licensing_Legislative_Reform_Order_Explanatory_Document.pdf

24 Roles and Responsibilities

24.1 The 2003 Act provides that the functions of the Licensing Authority are to be taken or carried out by its Licensing Committee. Many of the decisions and functions will be purely administrative in nature, and in the interests of speed, efficiency and cost effectiveness, the Licensing Authority shall undertake a process of delegation of its functions.

<https://democracy.bcpCouncil.gov.uk/documents/s12892/Part%203%20-%20Responsibility%20for%20Functions.pdf>

24.2 In accordance with the Licensing Act 2003, BCP Council has established a Licensing Committee consisting of 15 Council members. Where relevant representations are made against an application (and not withdrawn) or review requested, the application shall be determined at either a Licensing Committee or Sub Committee which will constitute three members of the Licensing Committee.

24.3 The list of responsible authorities can be found in Appendix C.

25 Further Information and Evidence

25.1 Further information relating to this policy can be found at the following sites;

- <https://www.bcpCouncil.gov.uk/About-BCP-Council/bcp/your-place-bcp-facts.aspx>
- <https://www.bcpCouncil.gov.uk/About-BCP-Council/EIA/Equality-Impact-Assessments.aspx>
- <https://www.bcpCouncil.gov.uk/Council-and-Democratic/Consultation-And-Research/Local-Data/Local-Data.aspx>
- <https://democracy.bcpCouncil.gov.uk/ieListMeetings.aspx?CommitteeId=288>

Appendix A – Glossary

Appendix B – List of Consultees

Appendix C – Responsible Authority Contact List

Appendix D – Model Pool of Conditions

Appendix E – Enforcement Memorandum of Understanding

Appendix F – Procedure at Hearings

Appendix A

Glossary

This section explains the key terms used in the policy statement. These terms are all defined in the Licensing Act 2003 and Guidance. This glossary is only intended to clarify the general meaning of each of the terms. This list is not exhaustive nor are the definitions legally comprehensive.

ACPO	Association of Chief Police Officers (see www.acpo.police.uk)
Applicant	A person making an application in respect of a Premises Licence or Club Premises Certificate
Application to vary a Premises Licence	Where a Premises Licence holder wishes to amend the licence the Act allows, in most cases for an application to vary to be made rather than requiring an application for a new Premises Licence
ASB	Anti social behaviour
British Beer and Pub Association (BBP)	See www.beerandpub.com
British Board of Film Classification (BBFC)	The national body responsible for the classification of cinema films and videos
CCTV	Closed Circuit Television
Child	The Licensing Act 2003s145(2) defines a child as an individual under the age of 16
Club Premises Certificate	Club Premises Certificates are authorisations needed by clubs to carry on certain activities eg. selling alcohol to members and their guests. They may be granted to clubs that meet the special requirements set out in Part 4 of the 2003 Act regarding membership, that the club is established and conducted in good faith and special conditions where the club supplies alcohol to its members). The application process is similar to that for a

	Premises Licence, for example there are similar provisions about advertising applications and making representations. However, a key difference is that, unlike a Premises Licence, there is no requirement to identify a designated premises supervisor to allow the supply of alcohol under a Club Premises Certificate
Community Alcohol Partnership Scheme (CAP)	CAP is the national co-ordinating organisation for the establishment of local Community Alcohol Partnerships
Community Safety and Accreditation Scheme (CSASS)	Officers who have been given some police powers who patrol key areas within the BCP Council Area
Community Protection Notices (CPN)	A Community Protection Notice (CPN) is aimed to prevent unreasonable behaviour that is having a negative impact on the local community's quality of life
Conditions/Conditions consistent with the Operating Schedule	Conditions include any limitations or restrictions attached to a licence or certificate and essentially they are the steps or actions the holder of the Premises Licence or the Club Premises Certificate will be required to take or refrain from taking at all times when licensable activities are taking place at the premises in question
Councillor	An elected member of the Council
CSE	Child Sexual Exploitation
Decile	Ten equal groups into which a population can be divided according to the distribution of values of a particular variable. Such as "the lowest income decile of the population"
DPS	The Designated premises Supervisor is a personal licence holder specified in the Premises Licence. All premises licensed to sell alcohol will have an identified personal licence holder, known as the DPS. The purpose of the DPS is to ensure there is always one specified individual who can be identified as a person in a position of authority on the premises
Early Morning Alcohol Restriction Order (EMRO)	An additional power for the Licensing Authority to restrict sales of alcohol in the whole or part of their areas for any specified period between midnight and 06.00 hours if it considers it appropriate for the promotion of the licensing objectives
Expedited/Summary Review	An application undertaken when the Police consider that the premises concerned are associated with serious crime and/or disorder
Guidance	Section 182 of the Licensing Act 2003 provides that the Secretary of State must issue and from time to time may revise guidance to Licensing Authorities on the discharge of their functions under the 2003 Act. The Guidance is provided for Licensing Authorities carrying out their functions. It also provides information for magistrates hearing appeals against licensing decisions and has been made widely available for the benefit of operators of licensed premises, their legal advisers and the general public. It is a key mechanism for promoting best practice, ensuring consistent application of licensing powers across the country and for promoting fairness, equal treatment and proportionality
In the Vicinity	Whether somebody lives or works 'in the vicinity' of a premises is a matter that will be decided by the relevant

	licensing authority. The word has no particular technical meaning and in licensing matters should be interpreted as an ordinary English word and in a common sense fashion. In doing this, Licensing Authorities might take into account whether the party is likely to be affected by any disorder or disturbance occurring or potentially occurring at those premises
Irresponsible Promotions	An irresponsible promotion is one that encourages the sale or supply of alcohol for consumption on the premises and carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance or harm to children. This is dealt with by mandatory conditions which are attached to all premises authorised for the sale of alcohol on the premises
Late Night Levy	A means of raising a contribution towards the costs of policing the late-night economy
Late-night Refreshment	The provision of late-night refreshment means the supply of hot food or hot drink to the public, for consumption on or off the premises, between 11pm and 5am or the supply of hot food or hot drink to anyone between 11pm and 5am on or from premises to which the public has access. However, there are a number of exemptions in Schedule 2 of the Licensing Act 2003 eg, vending machines in certain circumstances, where the hot food or hot drink is supplied free of charge or where it is supplied by a registered charity
Licensable Activities	Licensable activities are the sale of alcohol, the supply of alcohol by or on behalf of a club to or to the order of, a member of the club, the provision of regulated entertainment and the provision of late-night refreshment. If you carry on any of these activities you are likely to need an authorisation by way of a (a Premises Licence, a Club Premises Certificate or a Temporary Event Notice)
Licensee	Generally refers to the holder of a Premises Licence but also includes in this policy an applicant for a Premises Licence or applicant for a provisional statement unless otherwise stated
Licensing Act 2003	The Licensing Act 2003 became law on 24 November 2005. The Licensing Act 2003 introduced a single licence scheme for licensing premises that; <ul style="list-style-type: none"> – Supply alcohol – Provide regulated entertainment – Provide late-night refreshment
Licensing Authority	This refers to Bournemouth Christchurch and Poole Council as the body responsible for licensing under the Licensing Act 2003
Licensing Objectives	Licensing Authorities must carry out their functions with a view to promoting four licensing objectives. These are; <ul style="list-style-type: none"> – The prevention of crime and disorder – Public safety – The prevention of public nuisance – The protection of children from harm

	Licensing Authorities must decide applications in connection with Premises Licences and Club Premises Certificates on the basis of the steps it considers appropriate to promote these objectives. Each objective is of equal importance
Licensing Policy	See Statement of Licensing Policy
Licensing Subcommittee	The full Licensing Committee delegates a number of their functions to one or more 'Licensing Subcommittees'. These are made up of three members of the full Licensing Committee
Lower Super Output Areas (LSOA)	LSOA is a geographic area used by the NHS to highlight statistical health data. Also known as Lower Layer Super Output Areas they are a geographic hierarchy designed to improve the reporting of small area statistics in England and Wales
Mandatory Conditions	The 2003 Act provides for Mandatory Conditions to be included in every licence and/or Club Premises Certificate. See Mandatory Condition section for conditions
Memorandum of Understanding (MOU)	An MOU is an agreement between two or more parties. It expresses a convergence of will between the parties, indicating an intended common line of action
Minor Variation	Small variations that will not impact adversely on the licensing objectives are subject to a simplified 'minor variations' process. Variations to; <ul style="list-style-type: none"> – extend licensing hours for the sale or supply of alcohol for consumption on or off the premises between the hours of 11pm and 7am or; – increase the amount of time on any day during which alcohol may be sold or supplied for consumption on or off the premises are excluded from the minor variations process and must be treated as full variations in all cases
Off-Sales	Supply of alcohol in a sealed or open container for consumption off the premises
Operating Schedule	The Operating Schedule is the part of the application form for a Premises Licence or Club Premises Certificate where the applicant sets out various details about how they propose to operate the premises when carrying on licensable activities. Among other things, it must include a description of the proposed licensable activities, proposed opening hours and times for licensable activities, proposed duration of the licence or certificate and a statement of the steps the applicant proposes to take to promote the licensing objectives, (for example, arrangements for door security to prevent crime and disorder). The significance of the Operating Schedule is that if the application for the Premises Licence or Club Premises Certificate is granted it will be incorporated into the licence or certificate itself and will set out the permitted activities and the limitations on them
Personal Licence	Personal Licences authorise an individual to supply alcohol or authorise the supply of alcohol in accordance with a Premises Licence or a Temporary Event Notice.

	Not everybody who works in any licensed premises will need to hold a Personal Licence, however all premises licensed to sell alcohol will have an identified personal licence holder, known as the designated premises. In addition, all supplies of alcohol under a Premises Licence must be made or authorised by a person who holds a Personal Licence
Premises Licence	A Premises Licence authorises the use of premises for 'licensable activities'
Provisional Statement	This 'statement' can be applied for where premises are being or about to be constructed for licensable activities. This will give the owner some reassurance about whether a licence would be granted if the premises were built as set out in the application for the Provisional Statement. However a Provisional Statement is not an authorisation, so the relevant permission must still be obtained in order to carry on licensable activities
Public Space Protection Order (PSPO)	Public Spaces Protection Orders (PSPOs) were brought in under the Antisocial Behaviour Crime and Policing Act 2014. PSPOs specify an area where activities are taking place that are or may likely be detrimental to the local community's quality of life. PSPOs impose conditions or restrictions on people using that area
Purple Guide	Best practice guidance document for outside events
Qualifying Clubs (with regard to Club Premises Certificates)	Qualifying clubs are those clubs that meet the special requirements set out in Part 4 of the 2003 Act regarding membership, that the club is established and conducted in good faith and special conditions where the club supplies alcohol to its members. These are clubs where members join together for a particular social, sporting or political purpose and then combine to purchase alcohol in bulk for its members (see examples under 'Club Premises Certificate' above). Such clubs carry on activities from premises to which public access is restricted and where alcohol is supplied other than for profit
Regulated Entertainment	<p>Generally speaking, the provision of regulated entertainment means the commercial or public provision of entertainment facilities or the commercial or public provision of any of the following sorts of entertainment;</p> <ul style="list-style-type: none"> – The performance of a play – An exhibition of a film – An indoor sporting event – Boxing or wrestling entertainment – A performance of live music – Any playing of recorded music – A performance of dance – Entertainment of a similar description to live music, recorded music or dance <p>Schedule 1 of the Licensing Act 2003 contains further specific rules about where the definition of 'regulated entertainment' applies. These rules concern the intended audience and whether the regulated entertainment is for profit</p>

Relevant Representation	<p>These are written representations about the likely effect of the grant of an application for or variation to a Premises Licence or Club Premises Certificate on the promotion of the licensing objectives. Any persons, such as local residents or businesses and Responsible Authorities, such as Environmental Health, can make representations. The term 'relevant' refers to representations that are considered 'valid' by the Licensing Authority. The representations must be made within 28 days after the day on which the application is given and if made by a person other than a Responsible Authority, must be made seriously eg, must not be frivolous or vexatious. Representations can also be made in relation to an application for the review of a Premises Licence or Club Premises Certificate</p>
Responsible Authorities	<p>Responsible Authorities include public bodies that must be notified of applications and are entitled to make representations to the Licensing Authority in relation to the application for the grant, variation or review of a Premises Licence or Club Premises Certificate. Any representations must be about the likely effect of granting the application on the promotion of the licensing objectives. Responsible Authorities include the following for the area in which the premises are situated;</p> <ul style="list-style-type: none"> – The Licensing Authority – The Chief officer of Police – The Fire Authority – The Planning Authority – The Health Authority – The Health and Safety Authority – The Environmental Health Authority – The body recognised as being responsible for protection of children from harm – Inspectors of Weights and Measures (trading standards officers) <p>and in respect of vessels only;</p> <ul style="list-style-type: none"> i) The Environment Agency ii) The British Waterways Board iii) The Maritime and Coastguard Agency and if different from these iv) The relevant navigation authority/authorities for the place(s) where the vessel is usually moored or berthed or any waters where it is proposed to be navigated at a time when it is used for licensable activities <ul style="list-style-type: none"> - Home Office Immigration Enforcement
Review	<p>Interested parties including local residents can also request a review of a particular Premises Licence when problems occur that are related to the licensing objectives. Following the review, the Licensing Authority can consider a range of responses such as suspending or revoking the licences, excluding certain licensable activities or changing conditions attached to a licence. However it can only take these actions where they are appropriate to address the problem and promote one or more of the four licensing objectives</p>

Risk Assessment	The overall process of identifying all the risks to and from an activity and assessing the potential impact of each risk.
Safety Advisory Group (SAG)	Safety Advisory Group or SAG is made up of representatives from the Local Authority such as Environmental Health, Licensing Authority, Emergency Services such as Police and Fire and Rescue Service, other relevant bodies and the event organiser. It is a platform for discussing and advising on public safety and concerns at an event
Safe Bus Bournemouth	Is a bus run by a partnership project to provide a safe place for vulnerable people to go during the late night environment
SIA	Security Industry Authority who is the authority who licence for door supervisors. Door supervisors are responsible for the safety and security of customers and staff in venues such as pubs, bars, nightclubs and other licensed premises or at public events
Statement of Licensing Policy	Every Licensing Authority will publish a 'Statement of Licensing Policy' every five years. This will set out the general approach the Licensing Authority will take when making licensing decisions
Temporary Event Notice (TEN)	This is the notice that organisers of small-scale temporary events must give to make it a 'permitted temporary activity'. This notice must be in a prescribed form. There are certain limitations imposed on this system. A TEN can be referred to as a Standard TEN or a Late TEN
Variation	See Application to vary a Premises Licence

LICENSING ACT 2003
CONSULTATION OF STATEMENT OF LICENSING POLICY REVIEW 2020

Age UK Bournemouth	info@ageukbournemouth.org.uk
Age Concern Christchurch	contact@ageconcernchristchurch.org.uk
APPL Solutions Limited, Managing Director	solutions@applicensing.co.uk
Arts University Bournemouth	hello@aub.ac.uk
Association of Convenience Stores	acs@acs.org.uk
Association of Licensed Multiple Retailers	info@almr.org.uk
Best One	enquiries@best-one.co.uk
BH Live	peter.gunn@bhlive.co.uk
BII (British Institute of Innkeeping)	qualifications@bii.org
Bishop of Salisbury	bishop.salisbury@salisbury.anglican.org
Bishop of Winchester	andrew.robinson@winchester.anglican.org
John Gaunt & Partners	JWallsgrove@john-gaunt.co.uk
Bournecoast Property Agents	info@bournecoast.co.uk ;
Bournemouth & District Law Society	office@bournemouthlaw.com
Bournemouth and Poole Rough Sleepers Team, Assertive Outreach Worker (Alcohol)	info@mungos.org
Bournemouth Accommodation and Hotel Association	info@bhhotels.co.uk
Bournemouth Area Hospitality Association	bha@bha.org.uk
Bournemouth Branch of the Federation of Small Businesses	matthew@escapeyachting.com
Bournemouth Chamber of Trade & Commerce	president@bournemouthchamber.org.uk
Bournemouth Coastal BID	info@coastalbid.co.uk
Bournemouth Community Church	office@bournemouthcommunitychurch.com
Bournemouth Interpreters Group	AMarsh1004@aol.com
Bournemouth Islamic Centre and Central Mosque	info@salaam.co.uk
Bournemouth Magistrates' Court	do-bournemcgen@hmcts.gsi.gov.uk
Bournemouth Symphony Orchestra	jmale@bsorchestra.co.uk
Bournemouth Town Centre BID	info@towncentrebid.co.uk
Bournemouth Town Centre Parish (The Diocese of Winchester)	ianterry@live.co.uk
Bournemouth Town Watch	jon.shipp@bcpcouncil.gov.uk
Bournemouth University	enquiries@bournemouth.ac.uk
Bournemouth YMCA	enquiries@bournemouthymca.org.uk
British Beer & Pub Association	contact@beerandpub.com
Burton and Winkton Parish Council	burton@dorset-aptc.gov.uk
CAMRA (Campaign for Real Ale)	camra@camra.org.uk
CAP (Community Alcohol Partnership)	andrew.williams@bcpcouncil.gov.uk
Castlepoint	peter.matthews@castlepointshopping.co.uk
Christchurch Chamber of Commerce	office@christchurchbusiness.co.uk
Christchurch Town Council	townclerk@christchurch-tc.gov.uk
Charminster Traders Association	info@experiencecharminster.info
Citizens Advice Bureau	admin@bournemouthcab.co.uk
College at Lansdowne	enquiries@bpc.ac.uk
Diageo	gbcustomerservice@diageo.com
Dorset Council Licensing	licensingteamb@dorsetcouncil.gov.uk

Dorset Healthcare University NHS Foundation Trust	ron.shields@dhuft.nhs.uk
East Bournemouth Pubwatch	davidgmh@yahoo.co.uk
Enterprise Inns plc, Regional Manager	liz.appleton@enterpriseinns.com
Gambling Commission, Area Manager	n.dowse@gamblingcommission.gov.uk
Highcliffe and Walkford Parish Council	trish.jamieson@highcliffewalkford-pc.gov.uk
Hope FM	sddayman@gmail.com
Hurn Parish Council	hurnparishcouncil@talktalk.net
Innpacked	info@innpacked.com
Institute of Licensing	info@instituteoflicensing.org
JCP Law, Licensing Solicitor	julia.palmer@jcplaw.co.uk
Keep Britain Tidy	enquiries@keepbritaintidy.org
Kuits Solicitors	anthonylyons@kuits.com
Laceys Solicitors	info@laceyssolicitors.co.uk
Lansdowne Baptist Church	office@lansdownebaptistchurch.org.uk
LV Streetwise Safety Centre, Centre Manager	alison@streetwise.org.uk
National Coastal Tourism Academy	jo.edom@coastaltourismacademy.co.uk
National Organisation of Residents Associations	chairman@nora-uk.co.uk
North Bournemouth Pubwatch	tom@barbuffalo.co.uk
NTE Strategy Group	jon.shipp@bcpcouncil.gov.uk
Pokesdown Community Forum	Pokesdown.cf@gmail.com
Police and Crime Commissioner	pcc@dorset.pnn.police.uk
Poppleston Allen, Licensing Solicitors	c.eames@popall.co.uk
Poole BID	Info@poolebid.com
Poole Chamber of Commerce	info@poolechamber.org.uk
Poole Dolphin Centre Manager	John.grinnell@dolphinshoppingcentre.co.uk
Poole Harbour Commissioner	pooleharbourcommissioners@phc.co.uk
Poole Town Centre Manager	info@pooletowncentre.com
Prama Life	Sarah-jane.wouthern@pramacare.co.uk
RNLI – Poole Lifeboat station	poole@rnli.org.uk
Robert Sutherland, Keystone Law	robert.sutherland@keystonelaw.co.uk
Sacred Heart Catholic Church, Bournemouth	office.sacredheart@btinternet.com
Samaritans	jo@samaritans.org
Saxon Square Management Company	bhcommercial@ellis-partners.co.uk
Security Industry Authority	info@the-sia-org.uk
South Western Ambulance Service	wayne.darch@swast.nhs.uk
Southbourne-on-Sea Business Association	info@sosba.co.uk
St Mungos	info@mungos.org
St Swithun's Church	tim@stswithuns.me
Trethowans solicitors	licensing@trethowans.com
The Avenue Shopping Centre	avenuecentre@btconnect.com
The Dorset SARC (Sexual Assault Referral Centre)	dorsetsarc@twelvescompany.co.uk
UK Youth Parliament	info@ukyouthparliament.org.uk
Wallisdown Info	admin@wallisdown.info
Wine and Spirit Association	info@wsta.co.uk
Winton Online	winton.communityofficer@bcpcouncil.gov.uk
Winton Traders Association	execofficer@bournemouthchamber.org.uk

IN ADDITION THE FOLLOWING GROUPS HAVE BEEN CONSULTED

Responsible Authorities	Dorset Police
	Wiltshire & Dorset Fire and Rescue Service
	Public Health Dorset
	Trading Standards
	Pollution Control
	Planning
	Child Protection
	Health & Safety
	Home Office Immigration
BCP Council	All Councillors
	Legal Services
	Corporate Directors
	Libraries
	Tourism and Corporate Communication
	Events team
	Equalities and Diversity Manager
	Industry Partnership Manager
	Seafront and Business Development
	Community Engagement

Licensing and Responsible Authority

Applicants are required to submit the original licensing application to the Licensing Authority and send a full copy of the application (including plans) to each of the following responsible authorities.

Where an application for a Premises Licence, Club Premises Certificate (or variations to the same) or provisional statements or Temporary Event Notice has been submitted electronically, copies of the application will be forwarded to the relevant Responsible Authorities by the Licensing Authority.

Licensing Authority

The Licensing Manager
Licensing Team
BCP Council
Civic Centre
Bourne Ave,
Bournemouth BH2 6EB
Tel; 01202 451180
E-mail : licensing@bcpcouncil.gov.uk
www.bcpCouncil.gov.uk/Home.aspx

Payment Methods

Pay by Debit or Credit Card

Online by visiting bcpcouncil.gov.uk/payonlineB

Type of payment = Licensing

Then select, EHL licensing Act 2003

Ref = **Licence number/reference number**

Amount =

Select add to add further payments

Complete Card Holder details

Select next

Confirm details and make payment

Send remittance by email to licensing@bcpcouncil.gov.uk

I enclose my cheque - payable to; **BCP Council**.

Payment by BACS, please quote ref -**WJ110-KG1**

Account No = 21006622. Sort Code = 40-13-07.

Please send remittance by email to licensing@bcpcouncil.gov.uk

If you are applying electronically, via email and wish to make payment via card please provide your contact details so that a member of the team can call you upon receipt of the application.

Responsible Authorities

(1) Dorset Police Authority

Chief Officer of Police
c/o DAHRT Dorset Police
Bournemouth Police Station
Madeira Road
Bournemouth
Dorset
BH1 1QQ
Tel : 01202 223156
Email : licensing@dorset.pnn.police.uk

(2) Dorset & Wilshire Fire and Rescue Service

Five Rivers Health and Wellbeing Centre
Hulse Road
Salisbury
Wiltshire
SP1 3NR
Tel : 01722 691717
Email : fire.safety@dwfire.org.uk

(3) Protection of Children from Harm

Quality and Commissioning – Children's Services
CYP social Care
BCP Council
Tel : 01202 123334
Email : compliance.team@bcpcouncil.gov.uk

(4) Weights and Measures Authority

Trading Standards Manager
Communities
BCP Council
Unit 1 New Fields Business Park
Stinsford Road
Poole
Dorset
BH17 0NF
Tel: 01202 261700
E-mail : tradingstandards@bcpcouncil.gov.uk

(5) Environmental Health Authority

Environmental Health Manager Communities BCP Council
Unit 1 New Fields Business Park
Stinsford Road
Poole
Dorset
BH17 0NF
Tel : 01202 261700
E-mail : environment@bcpcouncil.gov.uk

(6) Inspectors of Health and Safety

If you are applying for a premises licence for one of the following you will need to submit a copy of your application to BCP Councils Environmental Health health and safety officer (;

- Offices
- Shops
- Public Houses
- Restaurants
- Hotels
- Guest Houses
- Campsites
- Saunas
- Solaria
- Art Centres or Galleries
- Sports Centres
- Schools
- Pleasure Craft
- Churches and Church Halls

(6A) Health & Safety

Environmental Health Manager
Environment and Community BCP Council
Unit 1 New Fields Business Park
Stinsford Road
Poole
Dorset
BH17 0NF
Tel : 01202 261700
Email : environment@bcpcouncil.gov.uk

If you require a premises licence for one of the following, you will need to submit a copy of your application to the Health and Safety Executive (;

- Fairgrounds
- Circuses
- Agricultural Shows
- Ski Slopes
- Railways
- Local Authority Premises
- Police Authority Premises
- Fire Authority Premises

(6B) Health and Safety Executive

HSE
2 Rivergate House
Bristol
BS1 6EW
Tel : 01179 886000
E-mail : hse.infoline@natbrit.com

(7) Planning Authority

Planning Manager
BCP Council

Civic Centre
Bourne Ave
Bournemouth BH2 6DY
Tel : 01202 451323
E-mail : planning.bournemouth@bcpcouncil.gov.uk

(8) Public Health

Director of Public Health
Public Health Directorate
1st Floor Princes House
Princes Street
Dorchester
DT1 1TP
Telephone : 01305 225874
Email : publichealth-licensing@dorsetcc.gov.uk

(9) Home Office (Immigration Enforcement)

Alcohol Licensing Team
Immigration Enforcement
Lunar House
40 Wellesley Road
Croydon
CR9 2BY
Email: Alcohol@homeoffice.gsi.gov.uk

In relation to vessels, responsible authorities also include navigation authorities within the meaning of S. 221(1) of the Water Resources Act 1991 that have statutory functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is proposed to be navigated when being used for licensable activities.

(10) Maritime & Coastguard Agency

Marine and Coastguard Agency
Southampton Marine Office
Spring Place
105 Commercial Road
Southampton
SO15 1EG
Tel : 02380 329228
Email: info@mcga.gov.uk

Appendix D

Model Pool of Licensing Conditions

INTRODUCTION

Conditions include any limitations or restrictions attached to a Premises Licence or Club Premises Certificate and are essentially the steps or actions that the holder of the licence or

certificate will be required to take, or refrain from taking, in relation to the carrying on of licensable activities at premises.

There are three types of condition that may be attached to a licence or certificate – proposed, imposed and mandatory.

Failure to comply with a condition imposed on a Premises Licence or Club Premises Certificate is a criminal offence, which on conviction is punishable by an unlimited fine and/or six months imprisonment.

The following list of proposed model conditions has been produced by the Licensing Authority in order to assist applicants for the grant or variation of Premises Licence or Club Premises Certificate when drafting the contents of the operating schedule (Part M of the application form). The operating schedule should set out the steps (proposed conditions) the applicant will take to promote the four licensing objectives should the application be granted.

The licensing objectives are;

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

It is important that applicants consider the contents of their Operating Schedule carefully and only offer those which they consider appropriate to promote the licensing objectives for their particular premises and style of operation. Location, size and capacity, hours of operation and licensable activities should be considered.

This list is not exhaustive and is not intended to prevent or deter applicants from proposing their own conditions which they consider appropriate for their particular premises.

It is important not to propose conditions which are inappropriate for the style of operation or will be impossible to comply with.

INPUT OF RESPONSIBLE AUTHORITY

The list does not restrict applicants, any of the Responsible Authorities, or other person, from proposing any alternative or additional conditions they consider appropriate to promote the licensing objectives during the consultation period.

Applicants are advised to contact the Responsible Authorities before they submit their application to discuss their proposals in detail.

INPUT OF LICENSING COMMITTEE/SUB-COMMITTEE

In the event that your application is considered by the Licensing Committee or Sub-Committee, as a result of relevant representations being made and not withdrawn, the Licensing Committee or Sub-Committee may choose to impose any of the conditions included in the list (but will not be obliged to do so) or may choose to impose individual conditions they see fit or may choose not to impose conditions

Licensing Objective		OPTIONAL CONDITION WORDING
Prevention of Crime and Disorder	Refusal Book	A Refusals Register shall be maintained at the premises and used to record any and all occasions upon which any person is refused the sale of alcohol (or delivery of the same) with a note of the reason for the refusal, the date and time and a brief description of the person(s) concerned If the refusal relates to a delivery, the record shall also contain a note of the delivery address and the name of the customer concerned

		The register shall be kept at the premises for a minimum period of 12 months and made available for inspection by Police, Licensing Authority and other authorised officers on request
	Incident Log	<p>An incident log shall be kept at the premises</p> <p>The log should include the date and time of the incident and the name of the member of staff involved</p> <p>The log to be made available on request to an authorised officer of the Licensing Authority or the Police, which will record the following;</p> <ul style="list-style-type: none"> (a) All crimes reported to the venue as having occurred within or immediately outside the premises (b) All ejections of patrons (c) Any complaints received relating to crime and disorder (d) Any incidents of disorder (e) All seizures of drugs or offensive weapons (f) Any faults in the CCTV system or searching equipment or scanning equipment <p>The incident log shall be kept at the premises for a minimum period of 12 months and be made available for inspection by Police, the Licensing Authority and other authorised officers on request</p>
	<p>Alcohol Deliveries</p> <p>Bespoke conditions should be considered in relation to delivery-only premises to address the following concerns:-</p> <p>ID Checks – How and by whom is this being completed and recorded? What is the protocol for refusal and how is this being monitored?</p> <p>Maximum quantities of alcohol This should be</p>	<p>All persons making deliveries of alcohol from the premises shall be instructed to report to the holder of the licence or the DPS any and all occasions when a delivery is refused and the reason for that refusal and a record of all such refusals shall be maintained at the premises</p> <p>The record shall be checked by the DPS or the manager(ess) in charge of the premises at least once a week and shall be signed to that effect</p> <p>Alcohol sold shall be ancillary to food prepared and served on/delivered from the premises</p> <p>Alcohol deliveries shall only be made to residential/business addresses</p>

	considered to ensure adequate controls and to safeguard against proxy-sales.	
	ABV Limit This condition is applied as needed depending on the application (for example where there are particular concerns about street drinking)	No beer, lagers or ciders of 5.5% ABV (alcohol by volume) or above shall be sold at the premises
	CCTV	<p>A CCTV system, shall be installed and thereafter maintained in good working order to cover all public parts of the premises (excluding lavatories)</p> <p>Cameras covering entry and exit points shall be capable of enabling frontal identification of every person entering in any light condition</p> <p>The CCTV system shall continually record and cover areas where alcohol is kept for selection and purchase by the public, whilst the premises is open for licensable activities. It shall operate during all times when customers remain on the premises</p> <p>All recordings shall be stored for a minimum period of 31 days with correct date and time stamping</p> <p>Recordings shall be made available for viewing (subject to Data Protection Act 2018 or any replacement legislation) immediately upon the request of Police or an authorised officer and copies provided in a playable format as soon as is reasonably practicable, provided in each case that requests for viewing and/or copies are compliant with data protection regulations</p> <p>A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public</p>
	SIA Door Supervisors	<p>The holder of the licence shall undertake a risk assessment with regard to the deployment of SIA Door Supervisors at different times of the day and on different days of the week to determine whether it is appropriate to deploy door staff on those days and/or at any other time(s) and to then implement the outcome of the risk assessment</p> <p>A copy of the risk assessment should be made available to an authorised officer of the Licensing Authority or Dorset Police upon request</p>

	Queues	<p>The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway</p> <p>The designated queuing area shall be enclosed within appropriate barriers to ensure that the footway is kept clear</p> <p>All staff engaged outside the entrance to the premises, or supervising or controlling queues shall wear high visibility yellow jackets or vests</p>
	Pub and Town Watch	The premises shall maintain membership of the Townwatch scheme (or any successor scheme) a senior member of staff shall attend all Townwatch meetings unless an emergency arises preventing such attendance and the premises will support Townwatch initiatives
	Off Sales	<p>There shall be no sales of alcohol for consumption off the premises</p> <p>All sales of alcohol for consumption off the premises shall be in sealed containers only—and shall not be consumed on the premises</p>
	Drugs	<p>There shall be a written drugs policy detailing the actions to be undertaken to minimize the opportunity to use or supply illegal substances with the premises</p> <p>Training of staff in relation to this policy shall be recorded and available for inspection by an authorised officer at all reasonable times</p> <p>Records shall be retained for at least 12 months</p> <p>A drug safe shall be available on the premises to deposit any illegal substances found</p> <p>There shall be a clear policy with the agreed procedure for handling and the retention of any article seized</p> <p>There shall be a clear visible notice displayed on the premises advising those attending that the Police may be informed if anyone is found in possession of controlled substances or weapons</p>
	Glass and Bottles	<p>All drinks shall be served in plastic/paper/toughened glass or polycarbonate containers</p> <p>The contents of any bottled beverage shall be decanted into a plastic/paper/toughened glass or polycarbonate container before service to any customer</p> <p>The collection of glass and bottles shall be undertaken at regular intervals</p> <p>Bottle bins shall be provided at the exit doors and staff shall show due diligence in preventing bottles and glasses being taken from the premises</p>

Licensing Objective		OPTIONAL CONDITION WORDING
Prevention of Public Nuisance	Noise Limiter	<p><i>For High Risk Businesses with residential located above or in the local vicinity and/or a business whose main purpose is provision of music</i></p> <p>A noise limiter shall be fitted to the musical amplification system set at a level determined by and</p>

		<p>to the satisfaction of an authorised officer of the Environmental Health Service so as to ensure that no noise nuisance is caused to local residents or businesses</p> <p>The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder</p> <p>The limiter shall not be altered without prior agreement with the Environmental Health Service</p> <p>No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service</p> <p>No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device</p>
	Noise Escape	<p><i>For all businesses who intend to open into the evening with residential located above or in the local vicinity. (ensure times are the same as other similar businesses in the area)</i></p> <p>No noise generated on the premises-or by its associated plant or equipment-shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance</p> <p>All audio from the music system will be played at background level only</p> <p>A lobbied entrance, that is two sets of doors that are set so that one is closed when the other one is open shall be installed at the premises</p> <p>Loudspeakers shall not be located in the entrance lobby or outside the premises building</p> <p>Live/recorded music will stop at (XX.XX)</p> <p>The front entrance doors to the premises shall have self-closers and be maintained as such for the duration of the licence</p>
	Doors and Windows	<p><i>For all businesses offering music into the evening with residential located above or in the local vicinity (ensure times are the same as other similar businesses in the area)</i></p> <p>All windows and external doors shall be kept closed after (XX;XX) hours-or at any time when regulated entertainment takes place, except for the immediate access and egress of persons</p>
	Allowing People Outside/Smoking	<p><i>For all businesses allowing patrons to leave the premises e.g. to smoke (ensure times are the same as other similar businesses in the area)</i></p> <p>There shall be no admittance or re-admittance to the premises after (XX.XX) except for patrons permitted to temporarily leave the premises to smoke or to make a telephone call, is impractical to do so from within the building</p>

		<p>Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or to make a telephone call, shall be limited to (X) persons at any one time</p> <p>Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or to make a telephone call, shall not be permitted to take drinks or glass containers with them</p> <p>The Premises Licence Holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway</p> <p>Loudspeakers shall not be located outside the building</p> <p>Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly</p> <p>Patrons permitted to temporarily leave and then re-enter the premises to smoke or to make a telephone call shall be restricted to a designated smoking area defined as (specify location)</p> <p>After (XX.XX) Patrons will only be permitted to use the outside area for temporary purposes e.g. to smoke or to make a telephone call</p>
	External Tables and Chairs	<p><i>For those businesses with external tables and chairs (ensure times are the same as other similar businesses in the area)</i></p> <p>No food or alcohol shall to be served on the patio/terrace area after (XX.XX) hours</p> <p>All outside tables and chairs shall be rendered unusable by (XX.XX) each day</p> <p>All tables and chairs shall be removed from the outside area by (XX.XX) each day</p>
	Signs	<p><i>For all businesses where patrons will leave during an evening and have residential in the local area</i></p> <p>Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly</p>
	Queueing to Enter Premises	<p><i>See prevention of crime and disorder above</i></p>
	Movement of Waste Externally	<p><i>For all businesses who store waste externally (ensure times are the same as other similar businesses in the area)</i></p> <p>No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (XX.XX) hours and (XX.XX) hours on the following day</p> <p>No collections of waste or recycling materials (including bottles) from the premises shall take place between (XX.XX) and (XX.XX) on the following day</p>
	Deliveries	<p><i>For all businesses with deliveries to the premises (ensure times are the same as other similar businesses in the area)</i></p>

		No deliveries to the premises other than milk and newspapers shall take place between (XX.XX) and (XX.XX) on the following day
	Takeaways	<i>For all businesses operating takeaway/delivery functionality late into the evening</i> All staff including delivery drivers will be trained making them aware that they must be considerate of neighbouring premises, a sign requiring this will also be placed on any door used for the collection of the delivery at all times
	Manager's Phone Number to be Available	<i>For High Risk businesses likely to cause a nuisance</i> A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open This telephone number is to be made available to residents and businesses in the vicinity
	Steam and Odours	No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated

Licensing Objective		
Public Safety	<p>Considerations of Dorset & Wiltshire Fire and Rescue Service</p> <p>NOTE – These matters must be considered in the Fire Risk Assessment under the Regulatory Reform (Fire Safety) Order 2005 These considerations will not be duplicated to form conditions on your licence.</p>	<p>Occupancy to include:</p> <ul style="list-style-type: none"> • Numbers • Type of Occupants (young/old/mental capacity/vulnerable) • Disabilities/impairments • Floor space calculations / Exit capacities <p>Means of Escape to include:</p> <ul style="list-style-type: none"> • Travel Distances • Emergency Lighting • Signage • Final exits (number, location, locking mechanisms) • Protected Routes to include: • Compartmentation (walls and ceilings) • Fire Doors to satisfy FD30S • Automatic Fire Warning & Detection • Firefighting Provisions • Fire Risk Assessment <p>Your attention is drawn to the following sources of information and advice:</p> <p>FIRE SAFETY RISK ASSESSMENT GUIDES</p> <p>✓ Guides suitable for your type of premises, published by the Department of Communities and Local Government, are available from bookshops, or free by downloading from the internet http://www.gov.uk/workplace-fire-safety-your-responsibilities</p>

		✓ Information regarding Business Fire Safety can be found on Dorset & Wiltshire Fire and Rescue Service website https://www.dwfire.org.uk/business-fire-safety/
--	--	--

Licensing Objective		SUGGESTED CONDITION WORDING
Protection of Children from Harm	Challenge 21 or Challenge 25	Challenge (21/25) shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport / holographically marked PASS scheme identification cards Appropriate signage advising customers of the policy shall prominently displayed in the premises
	Staff Training	All staff working at the premises concerned with the sale of alcohol shall be trained with regard to the law on restricted sales -to persons under the age of 18 and/or who are intoxicated-and with regard to the terms and conditions of the premises licence A written record of all staff training shall be maintained and kept on the premises and made available on request to an authorised officer of the Licensing Authority or the Police
	Considerations for child safeguarding	Children (under 18) shall not be allowed upon the premises Clear signage of the times and areas children (under 18) admitted shall be displayed Children (under 18) shall only be allowed to remain on the premises between the hours of XXXX and XXXX on any day Bars and restaurants expecting under 16s to be accompanied past a certain hour A lost children procedure shall be in place with DBS checked staff to care for any lost children

Appendix E



LICENSING COMMITTEE AND SUB COMMITTEE PROTOCOL FOR PUBLIC SPEAKING

The following protocol for public speaking shall apply in respect of hearings under the Licensing Act 2003, the Gambling Act 2005 and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Policing and Crime Act 2009).

This includes applications relating to the licensing of alcohol, regulated entertainment, late night refreshment, gambling, and sex establishments, Hackney Carriage and Private Hire vehicles, which are the responsibility of the Licensing Committee/Sub Committee to determine as set out in Part 3.3 of the Council's Constitution.

1. The Chair welcomes everyone to the hearing, identifies all parties present and makes introductions.
2. Matters of general housekeeping are dealt with, eg location of fire exits and toilets, fire alarms, notification that the hearing may be recorded, reminder to switch mobile phones to silent.
3. All persons who have given notice of their intention to speak are identified.
4. Identify if any person who wishes to withdraw a representation or wishes not to speak.
5. Chair explains proposed procedure and order of speaking for hearing as set out in Appendix A.
6. All parties confirm agreement or make representations on procedure proposed.
7. Licensing Officer's report is presented.
8. Parties present their representations in the order agreed.

Parties who are speaking should not repeat the information which they have already given in writing in their representation. They will be able to expand on the written information given, provided the information remains relevant. Any additional information should be limited to the grounds of their representation(s). For example, if they are objecting on the grounds of Public Nuisance then they should confine their comments to matters relating to Public Nuisance.

9. Members of the Licensing Committee or Sub Committee may ask questions after each representation and at the end of all representations. Parties will be allowed to ask questions through the Chair.
10. Following representations the parties will be given the opportunity to sum up. Party who spoke first to go last.
11. Members will deliberate in private with the clerk and legal representative as appropriate present.
12. The decision will be taken by the Committee and that decision delivered by the Chair to all parties at the conclusion of the hearing as appropriate. A written decision notice will be issued following the hearing in accordance with the regulations.
13. The Legal Adviser will advise the parties of any right of appeal as appropriate.

General points

- The hearing may be adjourned at any time at the discretion of the Members
- Members may amend the procedure at any time if they consider it to be in the public interest or in the interest of a fair hearing
- Licensing Hearings are held in public. However the Chair may exclude members of the public (including a party to the hearing) from all or part of a hearing where it considers the public interest in so doing, outweighs the public interest in the hearing.
- The Chair may exclude any person from a hearing for being disruptive.
- Meetings of the Licensing Committee in public session are audio recorded by the Council for subsequent publication on its website. The meeting may also be audio

recorded and/or filmed for live or subsequent broadcast by members of the public and media representatives.

- The hearing will take the form of a discussion.
- Only persons (or their representatives) who have made an application, are subject to an application or have submitted a written representation to the Licensing Authority under the relevant Act are permitted to speak at the hearing.
- Any further information to support an application or a representation must be submitted at least 5 working days prior to the hearing. Any submissions submitted less than 24 hours before the hearing must be agreed by all parties at the hearing, before it can be considered
- If a party has informed the Licensing Authority that he does not intend to attend, or be represented at the hearing, or has failed to advise whether they intend to attend or not, the hearing may proceed in their absence

For other matters in Part 3.3 of the Council's Constitution which are the responsibility of the Licensing Committee, the procedures set out in Appendix 6 of the Council's Constitution in relation to public questions, statements and petitions shall apply.

This includes such matters as making recommendations on relevant policies, approving the level of fees charged by the Licensing Authority and making decisions on tariffs charged by the Public Carriage Trade.

The Council's Constitution can be accessed using the following link;

<https://democracy.bcpccouncil.gov.uk/ieListDocuments.aspx?CId=151&MId=3671&Ver=4&Info=1>

For further information please contact democraticservices@bcpccouncil.gov.uk

Appendix A

Proposed procedure and order of speaking for Licensing Act 2003 hearings

- The licensing officer/other Council officer presents report
- Applicant will make their application
- Questions of the applicant by all parties, members of the Committee/Sub-Committee to go first
- Responsible Authorities and other persons will make their representations.
- Questions of the Responsible Authorities and other persons. Members of the Committee/Sub-Committee to go first.
- All parties will be given an opportunity to sum up (with the party who spoke last to go first).
- Sub-Committee will deliberate in private with legal adviser and clerk present. Councillors new to Licensing may observe but will not take part in the decision making)
- Sub-Committee will return, and the Chair will announce the decision as appropriate (a written decision notice will be issued following the hearing in accordance with the regulations).

- The Legal Adviser will advise parties of any right of appeal as appropriate.

Appendix F



LICENSING COMMITTEE AND SUB COMMITTEE **PROTOCOL FOR PUBLIC REPRESENTATION AT VIRTUAL MEETINGS**

The existing protocol for public speaking has been adapted to apply in respect of virtual hearings under the Licensing Act 2003, the Gambling Act 2005, and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Policing and Crime Act 2009). It has been amended in accordance with Article 16 of the Council's Constitution; Covid-19 Interim Decision Making Arrangements and the requirements of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020. This includes applications relating to the licensing of alcohol, regulated entertainment, late night refreshment, gambling, and sex establishments, Hackney Carriage and Private Hire vehicles, which are the responsibility of the Licensing Committee/Sub Committee to determine as set out in Part 3.3 of the Council's Constitution.

14. The Chair welcomes everyone, matters of general housekeeping are dealt with, notification that the hearing may be recorded for live and subsequent broadcast on the Council's website, reminder to switch mobile phones to silent, principles for managing formal virtual meetings.
15. The Chair identifies all parties present and makes introductions.
16. Matters of general housekeeping are dealt with, notification that the hearing may be recorded for live and subsequent broadcast on the Council's website, reminder to switch mobile phones to silent.
17. All persons who have given notice of their intention to speak are identified.
18. Identify any person who wishes to withdraw a representation or wishes not to speak.
19. Chair explains proposed procedure and order of speaking for hearing as set out in Appendix A. All parties confirm agreement or make representations on procedure proposed.
20. Licensing Officer's report is presented.
21. Parties present their representations in the order agreed.
22. Parties who are speaking should not repeat the information which they have already given in writing in their representation. They will be able to expand on the written information given, provided the information remains relevant. Any additional information should be limited to the grounds of their representation(s). For example if they are objecting on the grounds of Public Nuisance then they should confine their comments to matters relating to Public Nuisance.
23. Members of the Licensing Committee or Sub Committee may ask questions after each representation and at the end of all representations. Parties will be allowed to ask questions through the Chair.
24. Following representations, the parties will be given the opportunity to sum up. The party who spoke first to go last. The hearing will then conclude.
25. Members will deliberate in private with the clerk and legal representative as appropriate present.
26. The decision will be taken by the Committee and notification of the decision will be given within the period of five working days beginning with the day or the last day on which the hearing was held in accordance with the regulations. The notification of decision will include information about the right of appeal as appropriate.
27. The Legal Advisor will advise the parties of any right of appeal as appropriate at the conclusion of the hearing.

General points

- The hearing may be adjourned at any time at the discretion of the Members
- Members may amend the procedure at any time if they consider it to be in the public interest or in the interest of a fair hearing

- The Sub Committee may decide to conduct all or part of a hearing in non public session where it considers the public interest in doing so, outweighs the public interest in the hearing
- The Chair may exclude any person from a hearing for being disruptive
- Meetings of the Sub Committee/Licensing Committee in public session are recorded by the Council for live and subsequent broadcast on its website
- The hearing will take the form of a discussion
- Only persons (or their representatives) who have made an application, are subject to an application or have submitted a written representation to the Licensing Authority under the relevant Act are permitted to speak at the hearing
- Any further information to support an application or a representation must be submitted at least 5 working days prior to the Hearing. Any submissions submitted less than 24 hours before the hearing must be agreed by all parties at the hearing, before it can be considered
- If a party has informed the Authority that he does not intend to participate or be represented at the hearing-or has failed to advise whether he intends to participate or not, the hearing may proceed in his absence

* For other matters in Part 3.3 of the Council's Constitution which are the responsibility of the Licensing Committee, the procedures set out in Appendix 6 of the Council's Constitution in relation to public questions, statements and petitions as amended by Article 16; Covid-19 Interim Decision Making Arrangements and the provisions in The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 shall apply.

This includes such matters as making recommendations on relevant policies, approving the level of fees charged by the Council, and making decisions on tariffs charged by the Public Carriage Trade.

The Council's Constitution can be accessed using the following link;

<https://democracy.bcpCouncil.gov.uk/ieListMeetings.aspx?CommitteeID=151&Info=1&bcr=1>

For further information please contact democraticservices@bcpCouncil.gov.uk

Appendix A

Proposed procedure and order of speaking for virtual hearings;

- The licensing officer/other Council officer presents report
- Applicant will make their application
- Questions of the applicant by all parties, members of the Committee/Sub-Committee to go first
- Responsible Authorities and other persons will make their representations.
- Questions of the Responsible Authorities and other persons. Members of the Committee/Sub-Committee to go first.
- All parties will be given an opportunity to sum up (with the party who spoke last to go first).
- The hearing will then conclude
- Sub-Committee will deliberate in private with legal adviser and clerk present. Councillors new to Licensing may observe but will not take part in the decision making)
- Notification of the Sub Committee's decision will be given within the period of five working days beginning with the day or the last day on which the hearing

was held in accordance with the regulations. The notification of decision will include information about the right of appeal as appropriate

- The Legal Adviser will advise parties of any right of appeal as appropriate.

LICENSING COMMITTEE



Report subject	Approve Statement of Licensing Principles- Gambling Act Policy 2025 - 2028
Meeting date	19 September 2024
Status	Public Report
Executive summary	<p>The Gambling Act 2005 requires all local authorities to review their Statement of Licensing Principles – Gambling Act Policy every three years.</p> <p>National guidance to support and update the content of these policies is issued by the Gambling Commission on a regular basis. The BCP Council Policy is due for review by the end of 2024 for implementation from January 2025.</p> <p>Currently there are several consultations ongoing within the Gambling Commission which will impact on national guidance issued to local authorities. The Gambling Commission has therefore suggested that rather than a full review of policies this year, local authorities can undertake a ‘refresh’ of the document and then review fully once national guidance has been issued, this is anticipated to be at some point during 2025.</p>
Recommendations	<p>It is RECOMMENDED that:</p> <p>Members consider the draft policy put forward for approval and either</p> <p>I. Agree the final version of the policy as presented</p> <p>II. Amend the policy and agree final wording of policy</p> <p>The agreed policy will then be presented to Full Council on 10 December 2024 for ratification.</p>
Reason for recommendations	<p>Section 349 of the Gambling Act 2005 requires Licensing Authorities to prepare and publish a Statement of Licensing Principles that they propose to apply in exercising their functions under the Act.</p> <p>The Statement of Licensing Principles is reviewed every three years and reflects the expectations placed on local operators by the Licensing Authority in making applications and maintaining licences.</p>

Portfolio Holder(s):	Councillor Kieron Wilson – Housing and Regulatory Services
Corporate Director	Jilliam Kay – Director for Wellbeing
Report Authors	Nananka Randle- Licensing and Trading Standards Manager
Wards	Council-wide
Classification	For Decision

Background

1. The Gambling Act 2005 (the Act) requires Licensing Authorities to prepare and publish a Statement of Licensing Principles (Statement of Gambling Policy) which is reflective of local issues, local data, local risk and the expectations that the Licensing Authority has of operators.
2. The Statement of Gambling Policy is one means by which the Licensing Authority can make clear their expectations of gambling operators and pubs and clubs who site gaming machines, so they can proactively mitigate risks to the licensing objections, namely;
 - a. preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - b. ensuring that gambling is conducted in a fair and open way; and
 - c. protecting children and other vulnerable persons from being harmed or exploited by gambling.
3. The purpose of the Statement of Gambling Policy is to reflect the local gambling concerns and circumstances, set out the Council's wider strategic objectives and provide a point of reference for gambling activity.
4. As required by the Act and guidance issued by the Gambling Commission, the Council, in carrying out its licensing functions under the Act will aim to permit the use of premises for gambling as long as it is considered to be:
 - In accordance with any relevant code of practice issued by the Gambling Commission,
 - in accordance with any relevant guidance issued by the Commission,
 - reasonably consistent with the licensing objectives and
 - in accordance with this Policy Statement published under section 349 of the Act
5. Nothing in the Statement of Licensing Principles will override the right of any person to make an application under the Act and have that application considered on its individual merits. Equally, nothing in the Statement of Licensing Principles will undermine the right of any person to make representations to an application or seek a review of a licence where there is a legal power to do so.

Gambling Commission Guidance

6. The Statement of Licensing Principles is usually drafted with reference to the guidance issued by the Gambling Commission.
7. On the 15 April 2024 the Institute of Licensing Published a statement issued by the Gambling Commission relating to Statement of Licensing Policy reviews during a time when the Gambling Act is subject to reviews.

The Commission's Policy Manager and Lead, Rob Burkitt, said:

“As required by the Gambling Act 2005 each Licensing Authority is required to renew their Statement every 3 years. The renewal date in this current cycle is January 2025. The Commission is advising that you should make plans as to how to conduct this renewal process.

Given the ongoing consultations regarding the Gambling Act it is very unlikely that we will be able to amend the Guidance to Licensing Authorities document in sufficient time for you to incorporate changes within your own Statement.

Whilst it is a matter for local determination, we suggest that the Statement is refreshed in line with the requirements of the Act so as to be enforceable from January 2025. Thereafter we will publish a revised GLA which you can include in a refreshed Statement. You are permitted to revise your Statement within the 3-year timescale.” <https://www.instituteoflicensing.org/news/gambling-commission-issue-guidance-on-solp-reviews/>

8. In light of this statement the attached draft policy has purely been refreshed with updated dates for implementation and an amendment to reflect the change in population numbers since the last policy was introduced.
9. Once the updated guidance by the Gambling Commission has been published it is the intended to undertake a full review of the BCP Council Statement of Principles this will include full consultation with key stakeholders and the public.

Amendments make to refresh the Policy

10. The current policy is available to view on our website . [Gambling-Licensing-Policy \(bcpcouncil.gov.uk\)](https://www.bcp-council.gov.uk/gambling-licensing-policy)
11. The draft presented in Appendix 1 has the following minor changes proposed from the existing policy dated 2022-2025 [Gambling-Licensing-Policy \(bcpcouncil.gov.uk\)](https://www.bcp-council.gov.uk/gambling-licensing-policy) :-
 - a. Front page updated date to 2025 – 2028 and amended review date to 2028.
 - b. Chapter 3 amended to reflect updated policy and remove mention of legacy authorities.
 - c. Chapter 4 amended to reflect approval and ratification dates.
 - d. Chapter 5 amended at 5.2 to remove the section regarding consultation and amend the wording to reflect the proposed refresh and consultation will take place once the review has taken place.
 - e. Chapter 7 amended at 7.2 to reflect updated population statistics.

- f. Paragraph 7.4 amended to remove the reference to the air festival

Options Appraisal

12. Members are asked to consider the draft policy together with the consultation feedback responses and either
- a. Agree the final version of the policy as presented, or
 - b. Amend the policy and agree final version of the policy.
13. Once the final version of the policy has been agreed it will be presented to Full Council on 10 December 2024 for ratification.

Summary of financial implications

14. All costs in the implementation of this policy will be covered by the fees which are set on a cost recovery basis.

Summary of legal implications

15. It is a legal requirement to produce and reissue the policy every three years.
16. Failure to produce a new policy can put the council at risk of judicial review

Summary of human resources implications

17. The policy will be administered within existing team resources.

Summary of sustainability impact

18. Not applicable

Summary of public health implications

19. One of the licensing objectives is to protect children and vulnerable adults from harm or exploitation from gambling

Summary of equality implications

20. This a refresh of an existing policy with no real changes as such the Equalities Impact Assessment (EIA) that was undertaken at the time the original policy was produced remains valid.
21. When the new guidance is issued, and the policy is reviewed and amended a new EIA will be completed and presented to the BCP EIA panel in due course.

Summary of risk assessment

22. As with any policy, this will be open to potential review. In this case following guidance from the Gambling Commission the existing Policy has purely been refreshed and we have set out our intention to fully review this when the updated Gambling Commission guidance for Local Authorities is issued. We do not have any clear date for the publication of the guidance at this time.
23. A clear and transparent process has been followed to explain the decision to refresh and not fully review the current policy at this time.

Background papers

Gambling Act 2005 [Gambling Act 2005](#)

Gambling Commission – [Guidance to licensing authorities \(gamblingcommission.gov.uk\)](https://www.gamblingcommission.gov.uk/guidance-to-licensing-authorities)

Appendices

Appendix 1 – Draft Statement of Licensing Principles- Gambling Act Policy 2025-2028

This page is intentionally left blank

DRAFT

Gambling Act 2005

Statement of Licensing Principles

2025 - 2028

Licensing

Author: Licensing Manager
Version 1
Review Date: 2028



Index

Chapter		Page No.
1	Purpose Statement	4
2	Who the Policy Applies to	4
3	This Policy replaces	5
4	Approval process	5
5	Policy consultation	5
6	Links to Council strategies	6
	Part A	
7	Geographical area	7
8	Licensing framework	8
9	Declaration	8
10	Responsible Authorities	9
11	Interested parties	9
12	Exchange of information	10
13	Licensing Authority functions	10
14	Promotion of licensing objectives	11
15	Local risk assessment	12
16	Local area profile	14
17	Enforcement	15
	Part B	
18	Premises Licence	16
19	Adult Gaming Centres	18
20	Licensed Family Entertainment Centres	18
21	Casino	19
22	Bingo	19
23	Betting premises	19
24	Tracks	20
25	Travelling fairs	20
26	Provisional statements	20
27	Reviews	21
	Part C	
28	Permits	22
29	Unlicensed Family Entertainment Centres	22
30	Gaming machines in premises licensed for the sale of alcohol	23
31	Prize gaming	23
32	Club gaming and club machines	25

	Part D	
33	Temporary Use Notices	27
34	Occasional Use Notices	27
35	Further information and evidence	27
	Appendix	
A	Glossary of Terms	28
B	Gaming Machines	31
C	Summary of gaming entitlement to clubs and pubs	33

1. Purpose Statement

- 1.1 Section 349 of the Gambling Act 2005 (the Act) requires the Licensing Authority to prepare a statement of principles that they propose to apply in exercising their functions under this Act.
- 1.2 Any decision taken by the Licensing Authority in regard to the determination of licences, permits and registrations under the Act should aim to permit the use of premises for gambling in so far as it is reasonably consistent with the licensing objectives, which are:
 - Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime
 - Ensuring that gambling is conducted in a fair and open way
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling (“the Licensing Objectives”)
- 1.3 The Licensing Authority will follow any regulations and statutory guidance issued in accordance with the Act and will have regard to any codes of practice issued by the national gambling regulator, the Gambling Commission.
- 1.4 In making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it is:
 - In accordance with any relevant code of practice issued by the Gambling Commission
 - In accordance with any relevant guidance issued by the Gambling Commission
 - Reasonably consistent with the licensing objectives and
 - In accordance with the authority’s statement of licensing policy subject to the above bullet points
- 1.5 The Policy provides advice to applicants about the procedure and approach to take when making an application and aims to ensure that activities covered under the Gambling Act 2005 operate in a safe and fair manner and are sensitive to the local area in which they are situated.
- 1.6 In producing this licensing policy statement, the Licensing Authority has had regard to the Licensing Objectives of the Gambling Act 2005, the Guidance issued by the Gambling Commission, and responses received from those consulted on the policy statement.

2. Who the policy applies to

- 2.1 This Statement of Licensing Policy will assist applicants, members of the Licensing Committee, and persons making representations, in the consideration of the relevant issues regarding applications, and ensuring they are dealt with fairly in line with the law.
- 2.2 This Policy also affords members of the Licensing Committee and officers alike, to consider the concerns of the public and other recognised bodies, and to take appropriate measures where the objectives of the Licensing Act 2003 are put in jeopardy after licences have been issued.
- 2.3 Should you have any comments about this policy statement please send them via e-mail to licensing@bcpcouncil.gov.uk or letter to the following contact:

The Licensing Manager
The Licensing Team
Civic Centre

3. This policy replaces

- 3.1 This policy replaces the previous BCP Council Gambling Act 2005 Statement of Licensing Policy 2022 - 2025

4. Approval process

- 4.1 BCP Council as the Licensing Authority has delegated the Licensing Committee to oversee the development and review of its Gambling Act 2005, Statement of Licensing Principles. Once finalised the Statement will be presented to Council for ratification.
- 4.2 This Statement of Licensing Principles was approved at a meeting of the full council on 10 December 2024 and will run for a period of three years commencing on 1 January 2025.
- 4.3 This Statement will be applied in the exercise of the Licensing Authority's functions under the Act during that period.
- 4.4 The Statement will be reviewed from time to time, and in the light of any such review, it may be revised. Any such revision will be published before it takes effect.

5. Policy Consultation

- 5.1 Section 349 of the Act requires that licensing authorities consult with the following on their policy statement or any subsequent revision:
- the Chief Officer of Police;
 - one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
 - one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005
- 5.2 At the time of renewing this policy in line with the statutory timescale of every 3 years, there have been no changes to the guidance issued by the Gambling Commission and as such only minor amendments have been made to reflect updated links and population figures no other amendments have been made.

When the Gambling Commission have published the updated policy guidance a full review of this policy will be undertaken which will then include full stakeholder and public consultation.
date

6. Links to Council Strategies

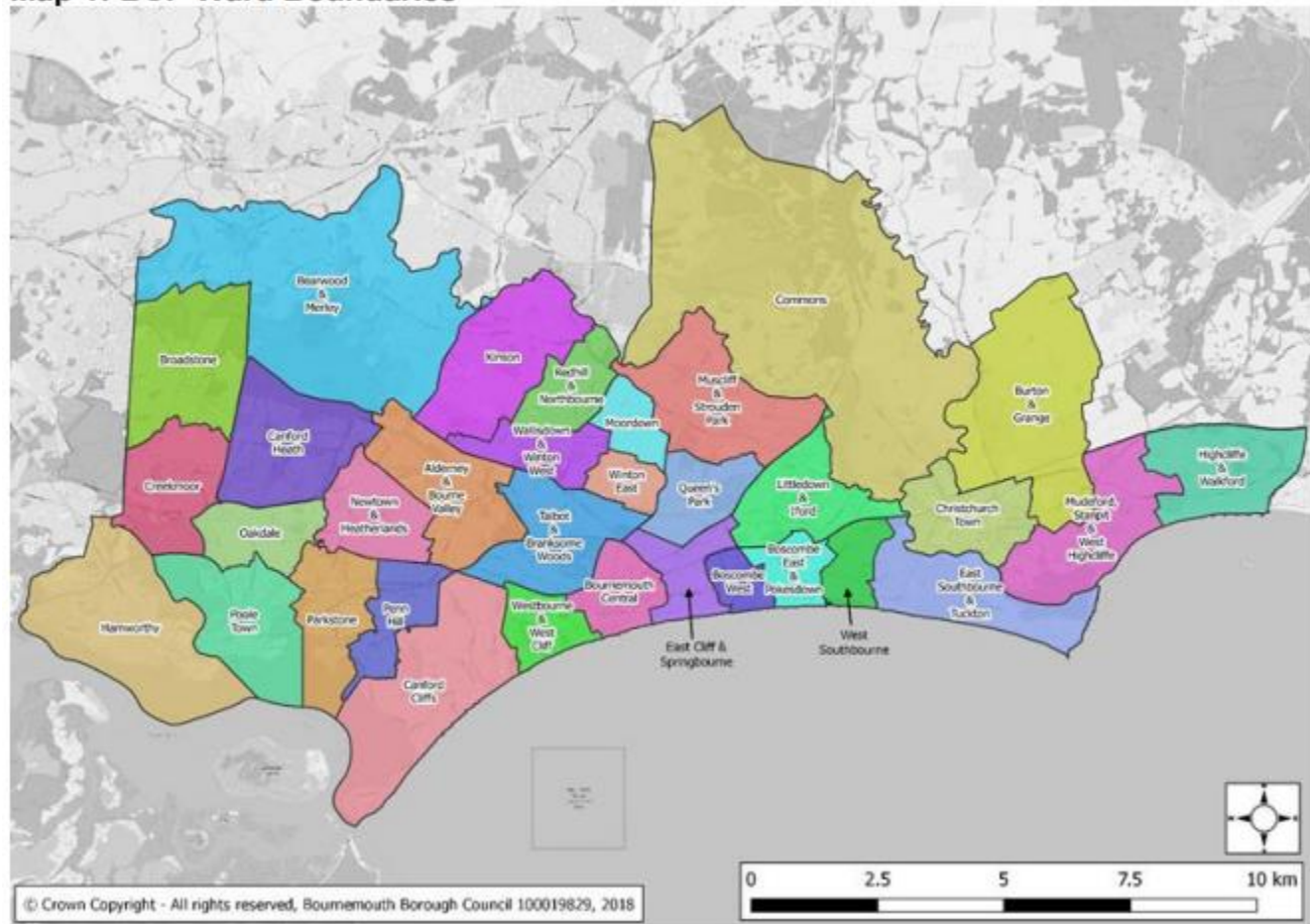
- 6.1 This Policy supports the BCP Council Corporate Strategy [Strategies, plans and policies | BCP \(bcp-council.gov.uk\)](https://www.bcp-council.gov.uk/strategies-plans-and-policies/)
- 6.2 The Council's vision is to create vibrant communities with outstanding quality of life where everyone plays an active role. Effective licensing of controlled premises and activities is key to achieving this strategic vision for our communities.
- 6.3 The Licensing Authority aims to meet the BCP Council Corporate priorities regarding Dynamic Places and Connected Communities by ensuring the licensing process supports local businesses. We aim to help them to meet their statutory obligations and keep residents and visitors to our licensed venues safe, whilst still having an enjoyable leisure experience.
- 6.4 During the preparation of this policy document due consideration has been given to the following key BCP Council Strategies.
- Corporate Plan
 - Health & Wellbeing Strategy
 - Safeguarding Strategy
 - Communities Engagement Strategy
 - Crime & Disorder Reduction Strategy
 - Equality & Diversity

Part A

7. Geographical Area

- 7.1 Bournemouth Christchurch and Poole Council (BCP Council) was formed on 1st April 2019 following a restructure of previous local government arrangements. The council is one of two unitary authorities within Dorset.
- 7.2 BCP Council covers an area of 161km² with 15 miles of coastline. It is the 12th largest council in England with a population of 401899 residents. It is predominantly urban with associated suburban areas and 6,200 acres of open spaces parks and gardens.

Map 1: BCP Ward Boundaries



- 7.3 It has long established road and rail links to London, the Midlands and the Southwest and benefits from an international airport and ferry port. It has three Universities, an innovative and business focused college and business strengths in the creative, digital, finance, aerospace, marine and environmental technology sectors.
- 7.4 It is one of the Country's main holiday destinations and benefits from 15 miles of coastline with world recognised Blue Flag beaches. It is renowned for its water sports, music and arts festivals . Bournemouth's night-time economy has been accredited with the prestigious Purple Flag status for the over 10 years which is awarded to town and city centre's that meet or surpass the standards of excellence in managing the evening and night-time economy.
- 7.5 The area offers a vibrant mix of entertainment facilities for residents and visitors alike with two established theatres, restaurants, cinemas, concert venues, museums and historic sites. The entertainment economy is well served with a wide variety of restaurants, pubs, bars and clubs.

- 7.6 Further information and statistics relating to BCP Council can be found via the following link: [Statistics, data and census | BCP \(bcpCouncil.gov.uk\)](https://www.bcpCouncil.gov.uk/Statistics-data-and-census)

8. Licensing Framework

- 8.1 The Gambling Act 2005 brought about changes to the way that gambling is administered in the United Kingdom. The Gambling Commission is the national gambling regulator and has a lead role in working with central government and local authorities to regulate gambling activity.
- 8.2 The Gambling Commission issues operators licences and personal licences. Any operator wishing to provide gambling at a certain premises must have applied for the requisite personal licence and operator licence before they can approach the council for a premises licence. In this way the Gambling Commission can screen applicants and organisations to ensure they have the correct credentials to operate gambling premises.
- 8.3 The Licensing Authority's role is to ensure premises are suitable for providing gambling in line with the three licensing objectives and any codes of practice issued by the Gambling Commission. The Licensing Authority also issues various permits and notices to regulate smaller scale and or ad hoc gambling in various other locations such as pubs, clubs and hotels.
- 8.4 The Licensing Authority does not licence large society lotteries or remote gambling through websites. These areas fall to the Gambling Commission. The National Lottery is not licensed by the Gambling Act 2005 and is regulated by the Gambling Commission under the National Lottery Act 1993.
- 8.5 In carrying out its functions the Licensing Authority will regulate gambling in the public interest. Any application received will be considered on its individual merits and in accordance with the requirements of the Act.
- 8.6 The Licensing Authority will seek to avoid any duplication with other regulatory regimes so far as possible. There is a clear separation between the Gambling Act, the Licensing Act 2003 and planning legislation and that licensing applications will be viewed independently of applications under the Licensing Act 2003 and planning.
- 8.7 The Licensing Authority will, in particular, when considering its functions in relation to applications and enforcement have regard to the Human Rights Act 1998.
- 8.8 The Licensing Authority is aware of issues relating to online gambling but has not regulation and enforcement powers. This is dealt with by the Gambling Commission.

9. Declaration

- 9.1 This statement of licensing policy will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.
- 9.2 In producing this document, the Licensing Authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the policy statement.

10. Responsible Authorities

- 10.1 The Act empowers certain agencies to act as Responsible Authorities (RA) so that they can use their expertise in a particular area to help promote the licensing objective. The RA's are able to make representations about licence application or apply for a review of an existing licence. They may also offer advice and guidance to applicants.
- 10.2 The Licensing Authority is required under section 157(h) of the Act to designate, in writing, a body competent to advise the Licensing Authority about protection of children from harm, the following principles are applied:
- the need for the body to be responsible for an area covering the whole of the Licensing Authority's area;
 - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group; and
 - whether the body has experience in relation to protection of children issues.
- 10.3 The Licensing Authority designates the Children's Social Care Services of BCP Council Safeguarding Partnership for the purpose of providing advice about protection of children from harm.

11. Interested parties

- 11.1 Interested parties are people or organisations that have the right to make representations about licence applications or apply for a review of an existing licence. These parties are defined in the Act as a person who
- lives sufficiently close to the premises to be likely to be affected by the authorised activities;
 - has business interests that might be affected by the authorised activities; or
 - represents persons who satisfy either of the two sub-paragraphs above.
- 11.2 The Licensing Authority is required to state the principles it will apply to determine whether a person is an interested party. Each case will be decided upon its own merits. The Licensing Authority will not apply a rigid rule to its decision making and will consider examples provided in the Gambling Commissions Guidance to local authorities.
- 11.3 In order to determine if an interested party lives or has business interests, sufficiently close to the premises to be likely to be affected by the gambling activities, the Licensing Authority will consider factors such as
- the size of the premises
 - the nature of the activities taking place
 - distance of the premises from the location of the interested parties
 - other such factors as it considers are relevant.
- 11.4 In determining whether a business interest is "likely to be affected", the Licensing Authority will have regard to such of the following factors as it considers appropriate to the circumstances:
- the size of the premises;
 - the "catchment" area of the premises (i.e. how far people travel to visit);
 - the nature of the business that it is suggested might be affected; and
 - such other factors as it considers are relevant.

11.5 In determining whether a person is regarded as representing a person in either of the other two Interested Party categories, the Licensing Authority in particular considers that the following may fall within this category:

- Members of Parliament or Elected Councillors
- Legal Representation
- Residents' and tenants' associations
- Trade unions and trade associations

11.6 The Licensing Authority will not necessarily consider a person as representing one of the other categories of Interested Party unless the person can demonstrate:

- that they have specifically been requested in writing to represent that person and / or business in relation to the submission of the representation; and / or
- that, in the case of a body, it represents a significant number of persons that have made submission with regard to the representation.

12. Exchange of information

12.1 Licensing Authorities are required to include within their policy statement the principles it will use to exchange information between it and the Gambling Commission as well as other parties listed in Schedule 6 of the Act.

12.2 The Licensing Authority will act in accordance with the provisions of the Act in its exchange of information which includes the provisions that the General Data Protection Regulations and the Data Protection Act 2018 will not be contravened.

12.3 The Licensing Authority will exchange information with other regulatory bodies and will establish protocols in this respect. In exchanging such information, the Licensing Authority will meet the requirements of data protection and freedom of information legislation.

12.4 Any matters of noncompliance will be reported to the Gambling Commission.

13. Licensing Authority functions

13.1 Licensing authorities are responsible under the Act for:

- licensing premises where gambling activities are to take place by issuing premises licences
- issuing provisional statements
- regulating members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- issuing Club Machine Permits to commercial clubs
- granting permits for the use of certain lower stake gaming machines at Unlicensed Family Entertainment Centre's
- receiving notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or less gaming machines
- granting Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required
- registering small society lotteries below prescribed thresholds
- issuing Prize Gaming Permits
- receiving and endorsing Temporary Use Notices
- receiving Occasional Use Notices (for tracks)

- providing information to the Gambling Commission regarding details of licences issued (see section above on 'Exchange of information')
- maintaining registers of the permits and licences that are issued under these functions.

13.2 The Licensing Authority cannot license remote gambling. This is dealt with by the Gambling Commission via operator licences.

14. Promotion of licensing objectives

Preventing gambling from being a source of, or being associated with crime or disorder, or being used to support crime

- 14.1 The Gambling Commission will take a lead role in keeping gambling crime free through its vetting process for applicants for personal and operator licences.
- 14.2 The council's main role is to try and promote this area with regard to actual premises. Thus, where an area has known high levels of organised crime the council will consider carefully whether gambling premises are suitable to be located there and whether conditions may be required such as the provision of door supervision.
- 14.3 Issues of disorder or anti-social behaviour will be considered as activities that are more serious and disruptive than mere nuisance. In order to make the distinction, when incidents of this nature occur, the Licensing Authority will consider a number of factors such as whether police assistance was required and how threatening the behaviour was to those who heard or saw it.
- 14.4 Issues of nuisance cannot always be specifically addressed by the Gambling Act provisions however problems of this nature can be addressed through other legislation as appropriate.

Ensuring Gambling is conducted in a fair and open way

- 14.5 The Licensing Authority is aware that except in the case of tracks generally, the Gambling Commission does not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences.
- 14.6 However, the Licensing Authority will communicate any concerns to the Gambling Commission about misleading advertising, or any absence of required game rules or other matters as set out in the Gambling Commission's Licence Conditions and Code of Practice.

Preventing children and other vulnerable persons from being harmed or exploited by gambling

- 14.7 This licensing objective requires that the Licensing Authorities will ensure that the premises have taken steps to prevent children from accessing most types of gambling. This will include for example adequate supervision of entrances and access to machines, the layout of the premises and segregation of areas.
- 14.8 If the operator fails to satisfy the licensing authority that the risks are sufficiently mitigated, it may be appropriate to conduct a review of the premises licence
- 14.9 The Licensing Authority will pay particular attention to the Gambling Commission Code of practice on access to casino premises by children and young persons.

- 14.10 The Act does not seek to prohibit particular groups of adults from gaming in the same way as it prohibits children. There is no definition of a vulnerable adult within the Act, but for regulatory purposes the Gambling Commission assumes this group includes people who gamble more than they want to, people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to, for example, mental health, a learning disability or substance misuse relating to alcohol or drugs.
- 14.11 In the case of premises licences the Licensing Authority is aware of the extensive requirements set out for operators in the Gambling Commission's Code of Practice regarding social responsibility.
- 14.12 All applicants should familiarise themselves with the operator licence conditions and codes of practice relating to this objective and determine if these policies and procedures are appropriate in their circumstances. The council will communicate any concerns to the Gambling Commission about any absence of this required information.
- 14.13 Applicants should consider the following proposed measures for protecting and supporting vulnerable people, for example:
- leaflets offering assistance to problem gamblers being available on gambling premises, in a location that is both prominent and discreet, such as toilets
 - training for staff members which focuses on building an employee's ability to maintain a sense of awareness of how much (e.g. how long) customers are gambling, as part of measures to detect people who may be vulnerable (see 12.4.1).
 - trained personnel for the purpose of identifying and providing support to vulnerable people
 - self-exclusion schemes
 - operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people
 - posters with GamCare Helpline and website in prominent locations
 - windows, entrances, and advertisements not to be positioned or designed to entice children or vulnerable people.
- 14.14 It should be noted that some of these measures form part of the mandatory conditions placed on premises licences.
- 14.15 The Licensing Authority may consider any of the above or similar measures as licence conditions, should these not be adequately addressed by any mandatory conditions, default conditions or conditions proposed by the applicant as part of their Local Risk Assessment.

15. Local risk assessments

- 15.1 The Gambling Commission's Licence Conditions and Codes of Practice (LCCP) Social Responsibility Code 10.1.1 require all premises providing gambling facilities to assess the local risks to the licensing objectives and have policies, procedures and control measures to reduce those risks. In undertaking risk assessments licensees will be expected to take into consideration relevant matters identified in this Statement of Licensing Principles.
- 15.2 The LCCP goes on to say that licensees must review (and update as necessary) their local risk assessments:
- to take account of significant changes in local circumstance, including those identified in this Statement;

- when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- when applying for a variation of a premises licence; and
- in any case, undertake a local risk assessment when applying for a new premises licence

15.3 The Licensing Authority will expect the local risk assessment to consider as a minimum:

- The proximity of the premises to schools.
- The commercial environment.
- Factors affecting the footfall.
- Whether the premises is in an area of deprivation.
- Whether the premises is in an area subject to high levels of crime and/or disorder.
- The ethnic profile of residents in the area.
- The demographics of the area in relation to vulnerable groups.
- The location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather.
- The range of facilities in the local area such as other gambling outlets, banks, post offices, refreshment, and entertainment type facilities.
- Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activity, etc.
- The proximity of churches, mosques, temples, or any other place of worship.

15.4 In any case, the local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected.

- The training of staff in intervention when customers show signs of excessive gambling, the ability of staff to offer intervention and how the manning of premises affects this.
- Information held by the licensee regarding self-exclusion schemes and incidences of underage gambling.
- Arrangements in place for local exchange of anonymised information regarding self-exclusion and gambling trends.
- Gambling trends that may mirror financial payments such as pay days, pay day loans or benefit payments.
- Arrangements for monitoring and dealing with underage people and vulnerable people, which may include:
 - dedicated and trained personnel,
 - leaflets and posters,
 - self-exclusion schemes,
 - window displays and advertisements designed to not entice children and vulnerable people.
- The provision of signage and documents relating to game rules, gambling care providers and other relevant information be provided in both English and the other prominent first language for that locality.
- The proximity of premises that may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor surgeries, council community hubs, addiction clinics or help centres, places where alcohol or drug dependent people may congregate.

15.5 The local risk assessment should show how children are to be protected:

- The proximity of institutions, places or areas where children and young people frequent such as schools, youth clubs, parks, playgrounds and entertainment venues such as bowling allies, cinemas, etc.
- The proximity of places where children congregate such as bus stops, cafes, shops.
- Areas that are prone to issues of youths participating in anti-social behaviour, including activities such as graffiti, tagging, underage drinking etc.

15.6 Other matters that the assessment may include:

- Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.
- The layout of the premises so that staff have an unobstructed view of people using the premises and in particular the gaming machines and fixed odds betting terminals.
- The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those people using the premises.
- Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.
- Provisions to ensure the health and welfare of staff engaged in lone working.

15.7 Such information may be used to inform the decision the council makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.

15.8 This Statement does not preclude any application being made and each application will be decided on its own merits, with the onus being upon the applicant to show how the concerns can be mitigated, in their Local Risk Assessment.

16. Local area profile

16.1 Each locality has its own character and challenges. To assist applicants, where there is an issue in a local area which impacts on how the applicant should complete their risk assessment, the Licensing Authority has published a Local Area Profile (LAP). Operators will need to consider the types of premises and their operation in the local area surrounding the premises in relation to the local profile that the Licensing Authority considers sensitive, these include:

- Educational facilities
- Community centres
- Vulnerable groups or venues relating to vulnerable groups i.e., homeless, or rough sleeper shelters
- Hospitals
- Mental health care providers
- Gambling care providers
- Religious establishments

16.2 The LAP provides a better awareness of the local area and risks. Importantly, risk in this context includes potential and actual risks, thereby considering possible future emerging risks, rather than reflecting current risks only.

16.3 Information is already available on the Council's website www.bcpccouncil.gov.uk and can be obtained here <https://www.bcpccouncil.gov.uk/Council-and-Democratic/Consultation-And-Research/Local-Data/Local-Data.aspx>

- 16.4 The Local Area Profile should be given careful consideration when making an application. Applicants may be asked to attend a meeting with licensing officers and representatives of Responsible Authorities to discuss the profiles, appropriate measures to mitigate risk in the area and how they might be relevant to their application. The Local Area Profile will be presented to any subsequent licensing sub-committee when it determines an application that has received representations.
- 16.5 The Licensing Authority are aware that it is not a mandatory requirement to have a LAP but recognises the benefits of having one. However, an applicant who decides to disregard the profile may face additional representations and the expense of a hearing as a result.

17. Enforcement

Enforcement Principles

- 17.1 The Licensing Authority will work closely with the responsible authorities in accordance with a locally established joint enforcement protocol and will aim to promote the licensing objectives by targeting known high risk premises following government guidance around better regulation
- 17.2 Any enforcement will be taken having regard to guidance issued by the Gambling Commission and will endeavour follow these principles to be:

Proportionate	regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised
Accountable	regulators must be able to justify decisions, and be subject to public scrutiny
Consistent	rules and standards must be joined up and implemented fairly
Transparent	regulators should be open, and keep regulations simple and user friendly
Targeted	regulation should be focused on the problem, and minimise side effects

- 17.3 The Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 17.4 The main enforcement and compliance role for the Licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operator and personal licences.
- 17.5 Concerns about the manufacture, supply or repair of gaming machines will not be dealt with by the council but will be notified to the Gambling Commission.
- 17.6 In circumstances where the council believes a premises requires a premises licence for gambling activities and no such licence is in force, the council will alert the Gambling Commission.

Part B

18. Premises Licenses

General Requirements

- 18.1 Premises licences will be subject to the requirements set out in the Act and regulations, as well as specific mandatory and default conditions which will be detailed in Regulations issued by the Secretary of State for each category of premises. Licensing Authority will consider the Local Risk Assessment undertaken by the Applicant where required as part of any application for a premises licence and may exclude default conditions if appropriate and attach others where it is believed to be necessary.
- 18.2 Premises licences are issued to allow premises to be used for certain type of gambling. For example, premises licences will be issued to amusement arcades, bingo halls, book makers and casinos.
- 18.3 Applicants should also be aware that the Gambling Commission has issued Codes of Practice for each operational area for which they must have regard. In determining any application, the Licensing Authority will also have regard to these Codes of Practice.
- 18.4 Definition of premises
- 18.5 Premises is defined in the Act as “any place”. Different premises licences cannot apply in respect of a single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances.
- 18.6 Particular care will be taken in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular the entrances and exits from parts of a building covered by one or more licences will need to show that they are separate and identifiable, so that the separation of different premises is not compromised, and that people do not ‘drift’ into a gambling area.
- 18.7 The Licensing Authority will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Issues that will be considered before granting such applications include, whether children can gain access, compatibility of the two establishments and the ability to comply with the requirements of the Act. In addition, an overriding consideration will be whether taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.
- 18.8 An applicant cannot obtain a full premises licence until they have the right to occupy the premises to which the application relates.

Premises Licences – conditions

- 18.9 The Act associated regulations and guidance enable mandatory conditions to be attached to such Premises Licences as may be specified.
- 18.10 Where there are specified risks or problems associated with a particular locality or premises or class of premises the Licensing Authority will attach specific conditions to address.
- 18.11 Any conditions attached to a licence will be proportionate and will be:
- relevant to the need to make the proposed building suitable as a gambling facility;

- directly related to the premises and the type of licence applied for, and/or related to the area where the premises is based;
- fairly and reasonably related to the scale, type and location of premises;
- consistent with the licensing objectives, and;
- reasonable in all other respects.

18.12 Decisions about individual conditions will be made on a case-by-case basis, there will be a number of control measures the council will consider using, such as supervision of entrances, supervision of adult gaming machines, appropriate signage for adult only areas etc. There are specific comments made in this regard under each of the licence types in this policy. The Licensing Authority will also expect the applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively

18.13 Where certain measures are not already addressed by the mandatory/default conditions or by the applicant, the council may consider licence conditions to cover issues such as:

- Proof of age schemes.
- CCTV.
- Supervision of entrances.
- Supervision of machine areas.
- A reduction in the number of betting machines (betting premises).
- The manning of premises.
- Physical separation of areas.
- Location of entrance points.
- Notices/signage.
- Specific opening hours.
- A requirement that children must be accompanied by an adult (in premises where children are allowed).
- Enhanced DBS checks of the applicant and/or staff.
- Staff training in brief intervention, conflict resolution, basic knowledge of mental health, learning disabilities and addiction, including substance misuse.
- Support to people with gambling addiction, including brief intervention.
- Policies to address seasonal periods where children may more frequently attempt to gain access to premises and gamble such as pre and post school hours, half term and school holidays.
- Policies to address the problems associated with truant children who may attempt to gain access to premises and gamble.
- Obscuring windows where appropriate and labelling premises so it's clear that they are gambling premises.

18.14 The list provided above is not mandatory or exhaustive and is merely indicative of examples of certain measures which may satisfy the requirements of the licensing authority and the responsible authorities, depending on the nature and location of the premises and the gambling facilities to be provided.

18.15 It is noted that there are conditions the Licensing Authority cannot attach to premises licences, which are:

- any condition on the premises licence which make it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;

- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- conditions in relation to stakes, fees, winning or prizes.

Door supervision

- 18.16 The need for door supervision will be assessed in terms of the licensing objectives of protection of children and vulnerable people from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime.
- 18.17 It is noted though that the Gambling Act 2005 has amended the Private Security Industry Act 2001 and that door supervisors at casinos or bingo premises are not required to be licensed by the Security Industry Authority.
- 18.18 Where door supervisors are provided at these premises the operator should ensure that any people employed in this capacity are fit and proper to carry out such duties. Possible ways to achieve this could be to carry out criminal records (DBS) check on potential staff and for such personnel to have attended industry recognised training.

19. Adult Gaming Centres

- 19.1 Adult Gaming Centre (AGC) are a category of premises that are adult only amusement arcades. The Premises Licence is granted to make certain prescribed gaming machines available only to persons aged eighteen years and over.
- 19.2 Details of the machine categories and number permitted on a Premises License are in [Appendix C](#)
- 19.3 The Licensing Authority will have regard to the licensing objectives relating to children and vulnerable adults, as such it is expected that applicants must set out sufficient measures to ensure that those under 18 years old do not have access to the premises.
- 19.4 Where certain measures are not already addressed by the mandatory and default conditions the Gambling Commission Codes of Practice or by the applicant, the Licensing Authority may consider attaching licence conditions to address such issues.

20. Licensed Family Entertainment Centres

- 20.1 The Act creates two classes for FECs. This part deals with Licensed Family Entertainment Centres (FEC's) which provide category C and D machines and require a premises licence.
- 20.2 Licensed FEC's are commonly those premises that provide a range of amusements such as computer games, penny pushers and may have a separate section set aside for adult only gaming machines with higher stakes and prizes.
- 20.3 Licensed FEC's are able to make available unlimited category C and D machines where there is clear segregation in place, so children do not access the areas where the category C machines are located (see Appendix C which outlines gaming machine categories).
- 20.4 The Licensing Authority will ensure that premises have suitable levels of staffing and supervision arrangements in place to prevent access to and to challenge children or young people from using Category C machines.

21. Casino

21.1 At the date of adoption of this Policy, the Licensing Authority has not passed a resolution preventing the grant of Casino Premises Licences in accordance with Section 166 of the Gambling Act 2005 but is aware that it has the power to do so. Should the Licensing Authority decide in the future to pass such a resolution, it will update this statement with details of that resolution.

22. Bingo

22.1 There is no official definition for bingo in the Gambling Act 2005 however there is a category of premises licence specifically for bingo premises, which is used by traditional commercial bingo halls for both cash and prize bingo.

22.2 In addition this premises licence will authorise the provision of a limited number of gaming machines in line with the provisions of the Act (see Appendix C).

22.3 It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines.

23. Betting Premises

23.1 Betting premises are premises such as bookmakers where various types of gambling are authorised to take place. The Act contains a single class of licence for betting premises however within this single class there are different types of premises which require licensing such as high street bookmakers, bookmakers located in self-contained facilities at racecourses as well as the general betting premises licences that track operators will require.

23.2 The Licensing Authority will specifically have regard to the need to protect children and vulnerable people from harm or from being exploited by gambling in these premises. The Licensing Authority will expect applicants to satisfy the authority that there will be sufficient measures in place to ensure that those 18-year-old do not have access to the premises.

23.3 There is an expectation that licence holders will keep a record of any damage caused to any Fixed Odds Betting Terminals (FOBTs) by patrons; this report shall be made available to Council officers or the police on request. In cases of damage which result in the police being called to the premises, we expect this to be reported to the appropriate authority within 48 hours, notwithstanding the premises obligations of data collection for the annual regulatory return to the Gambling Commission.

Betting machines

23.4 The Licensing Authority is aware that Section 181 of the Act contains an express power for licensing authorities to restrict the number of betting machines, their nature, and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. When considering whether to impose a condition to restrict the number of betting machines in particular premises, the council, amongst other factors, will consider the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines.

23.5 Where an applicant for a betting premises licence intends to offer higher stake category B gaming machines (categories B2-B4) including FOBTs, then applicants should consider the control measures related to the protection of vulnerable people.

24. Tracks

- 24.1 Tracks are sites (including horse racecourses and dog tracks) where races or other sporting events take place.
- 24.2 For betting to take place on a track a Betting Premises Licence will be required unless an Occasional Use Notice or Temporary Use Notice is in place.
- 24.3 Tracks may be subject to more than one Premises Licence, provided each area relates to a specified area of the track without overlap.
- 24.4 Children, young persons, and other vulnerable persons are permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horseracing takes place. But having regard to the need to protect persons under eighteen from harm they should still be prevented from entering areas where gaming machines (other than category D machines) are provided.
- 24.5 In addition to the above and other relevant factors, the Licensing Authority in having regard to the need to protect children, young persons and other vulnerable persons from harm, will normally when making a decision, have regard to the size of the premises, the counter positions available for person- to-person transactions and the ability of staff to monitor the use of machines.

25. Travelling Fairs

- 25.1 Travelling fairs have traditionally been able to provide various types of low stake gambling without the need for a licence or permit, provided that certain conditions are met. This provision continues under the 2005 Act.
- 25.2 Travelling fairs have the right to provide an unlimited number of category D gaming machines and/or equal chance prize gaming (without the need for a permit) provided the gambling amounts to no more than an ancillary amusement at the fair (see Appendix C.)

26. Provisional Statements

- 26.1 The Licensing Authority will consider the issue of a premises licence for buildings completed to the satisfaction of the Licensing Authority, who will take into account the guidance from the Gambling Commission when deciding if premises are finished.
- 26.2 A provisional statement may be applied for where the Licensing Authority has deemed the premises incomplete or not completed to the satisfaction of the Licensing Authority.
- 26.3 Following the grant of a provisional statement and on application for a premises licence, no further representations from relevant authorities or interested parties can be considered unless:
- they concern matters which could not have been addressed at the provisional statement stage; or
 - in the authority's opinion, they reflect a change in the applicant's circumstances.
- 26.4 The Licensing Authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- which could not have been raised by objectors at the provisional statement stage; or

- which in the authority's opinion reflect a change in the operator's circumstances

27. Reviews

- 27.1 A review is a process defined in the legislation which ultimately leads to a licence being reassessed by the Licensing Committee with the possibility that the licence may be revoked, suspended or that conditions may be amended, or new conditions added.
- 27.2 Requests for review can be made by interested parties or responsible authorities, however, it is for the Licensing Authority to decide whether the review is to be carried out. A request for the review should be
- in accordance with any relevant code of practice issued by the Gambling Commission
 - in accordance with any relevant guidance issued by the Gambling Commission
 - reasonably consistent with a breach of any of the licensing objectives or
 - in accordance with this Authority's Gambling Act 2005 - Statement of Licensing Policy
- 27.3 In addition, the Licensing Authority may also reject the application on the grounds that the request is frivolous, vexatious, will not cause this authority to wish to alter, revoke or suspend the licence, or is substantially the same as previous representations or requests for review.
- 27.4 The Licensing Authority can also initiate a review of a licence for any reason, which it thinks is appropriate.

Part C

28. Permits

- 28.1 Permits are required when premises provide a gambling facility but either the stakes and prizes are very low or gambling is not the main function of the premises. The permits regulate gambling and the use of gaming machines in a specific premises.
- 28.2 Holders of permits for gaming machines (except unlicensed family entertainment centres) will be required to comply with codes of practice, drawn up by the Commission on the location and operation of machines. Information on these codes can be found on the Commission's website.
- 28.3 Licensing authorities may only grant or reject an application for a permit. No conditions may be attached to a permit.

29. Unlicensed Family Entertainment Centres

- 29.1 The term unlicensed FEC is defined in the Act as a premises which are able to offer category D machines only subject to the issue of a permit.
- 29.2 Applications for this permit cannot be made if a Premises licence has been granted under this Act.

Statement of principles

- In considering any application for an unlicensed FEC the Licensing Authority will expect the application to show that there are policies and procedures in place to protect children from harm. Harm is not limited to the harm from gambling but includes wider child protection considerations.
- The Licensing Authority will consider each application on its own merits and consideration will be given to the following:
 - appropriate measures and training for staff as regards suspected truant children on the premises
 - measures and training covering how staff would deal with unsupervised young children being on the premises
 - measures and training covering how staff would deal with children causing perceived problems on or around the premises
 - the arrangements for supervision of premises either by staff or the use of CCTV. Any CCTV system installed should cover both the interior and the entrance, working to the latest Home Office and ACPO standards and to the satisfaction of Dorset Police and the licensing authority. The system must record images clearly and these recordings be retained for a minimum of 31 days. If the equipment is inoperative, the police and licensing authority must be informed as soon as possible, and immediate steps taken to make the system operative. Notices must be displayed at the entrances advising that CCTV is in operation
- Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Disclosure and Barring Service to determine if their staff need to undertake a DBS check.
- The Licensing Authority will also expect, as per the Gambling Commission Guidance, that applicants demonstrate:

- A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs
- That the applicant has no relevant conviction (those that are set out in Schedule 7 of the Act), and
- That staff are trained to have a full understanding of the maximum stakes and prize, which are permissible.
- In accordance with the Act, while the council cannot attach conditions to this type of permit, the council can refuse applications if they are not satisfied that the issues raised in the “Statement of Principles” have been addressed through the application.
- Applicants only need to address the “Statement of Principles” when making their initial applications and not at renewal time.

30. Gaming Machines in premises licenced for the sale of alcohol

- 30.1 The Act provides an automatic entitlement to alcohol premises licenced holders to make available two gaming machines of category C or D. The premises has to notify the Licensing Authority of this.
- 30.2 In certain circumstances the Licensing Authority will use its power to remove this right.
- 30.3 If the premises want more than two machines, an application for a permit will be required and the Licensing Authority will consider the application based on the licensing objectives, the guidance issued by the Gambling Commission and any such matters that are considered relevant to the application.
- 30.4 The Licensing Authority will consider such matters on a case-by-case basis, but generally it is expected that the applicant will demonstrate consideration of the need to protect children and vulnerable adults from harm, or from being exploited by gaming. Policies and procedures for the supervision of machines, to ensure children and young people do not have access to adult gaming machines, will be required.
- 30.5 The Licensing Authority can decide to grant the permit with a smaller number of machines and/or a different category of machines than that applied for.
- 30.6 The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine(s).
- 30.7 It is recognised that some alcohol licensed premises may apply for a premises licence for their non- alcohol licensed areas. Any such application would need to be dealt with under the relevant provisions of the Act.
- 30.8 Alcohol licensed premises can provide some limited equal chance gaming. Licensees are referred to the advice provided by the Gambling Commission and Appendix D of this document.

31. Prize Gaming

- 31.1 The Act defines gaming as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences. Prize gaming can often be seen at seaside resorts in amusement arcades where a form of bingo is offered and the prizes are displayed on the walls.

31.2 In addition to the statutory requirements, as part of any application for a Prize Gaming Permit, the Licensing Authority will require the following, in writing from the applicant, in order to ensure that adequate information is provided to enable a proper assessment to be made:

- an up-to-date enhanced Disclosure and Barring Service (DBS) check
- details of any permit granted to the applicant that has previously been refused, lapsed, surrendered, or forfeited
- details of any other permit held by the applicant in respect of other premises
- the nature of the prizes
- the proposed frequency of prize gaming at the premises
- details of any training and/or training programme on the limits of stakes, prizes and permissible gambling relating to such permits and
- details of any proposed precaution to secure the prevention of harm to persons under the age of eighteen and measures for implementing the same

Statement of principles

31.3 In considering any application the Licensing Authority will normally have regard to the following:

- each case will be considered on its merits
- measures and training covering how staff would deal with unsupervised very young children being on the premises
- measures and training covering how staff would deal with children causing perceived problems on or around the premises
- the arrangements for supervision of premises either by staff or the use of CCTV. Any CCTV system installed should cover both the interior and the entrance working to the Home Office and ACPO standards as described PSDB leaflet 09/05 and to the satisfaction of Dorset Police and the local authority. The system must record images clearly and these recordings be retained for a minimum of 31 days. If the equipment is inoperative the police and local authority must be informed as soon as possible, and immediate steps taken to make the system operative. Notices must be displayed at the entrances advising that CCTV is in operation

31.4 Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Disclosure and Barring Service to determine if their staff need to undertake a DBS check.

31.5 The council will also expect, as per the Gambling Commission Guidance, that applicants demonstrate:

- A full understanding of the maximum stakes and prizes of the gambling that is permissible
- That the gaming offered is within the law

31.6 In line with the Act, while the council cannot attach conditions to this type of permit, the council can refuse applications if they are not satisfied that the issues raised in the "Statement of Principles" have been addressed through the application.

31.7 Applicants only need to address the "Statement of Principles" when making their initial applications and not at renewal time.

32. Club gaming and club machines

- 32.1 Members clubs and miners' welfare institutes may apply for a 'club gaming permit' or a 'club machine permit'. The 'club gaming permit' will enable the premises to provide gaming machines (three machines of categories B4, C or D), equal chance gaming. i.e., poker, bingo etc. A 'club machine permit' will enable the premises to provide gaming machines (three machines of categories B4, C or D).
- 32.2 Commercial clubs may apply for a 'club machine permit' only.
- 32.3 To qualify for these special club permits a member's club must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.
- 32.4 In circumstances where a club is only able or interested in the provision of gaming machines (as opposed to other forms of gaming), a Club Gaming Machine Permit authorises establishments to provide gaming machines where the establishment is a member's club as referred to above.
- 32.5 Clubs must have regard to the protection of children and vulnerable people from harm or being exploited by gambling. They must provide sufficient measures to ensure that under 18-year-olds do not use the adult only gaming machines. These measures may include.
- the machines being in close proximity to the bar, or in any other area where they are capable of being adequately supervised
 - notices and signage
 - the provision of information leaflets / helpline numbers for organisations such as GamCare
- 32.6 Before granting the permit, the council will need to satisfy itself that the premises meets the requirements of a members' club and that the majority of members are over 18.
- 32.7 The Licensing Authority may only refuse an application on the grounds that.
- a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which they have applied
 - b) the applicant's premises are used wholly or mainly by children and/or young people
 - c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities
 - d) a permit held by the applicant has been cancelled in the previous ten years or
 - e) an objection has been lodged by the Commission or the police
- 32.8 There is also a 'fast-track' procedure available for premises which hold a club premises certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the police, and the ground upon which the Licensing Authority can refuse a permit is reduced. The grounds on which an application under the process may be refused are.
- a) that the club is established primarily for gaming

- b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming or
- c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

Part D - Notices

33. Temporary Use Notices

- 33.1 Temporary use notices allow the use of premises on not more than 21 days in any 12-month period for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that may use this provision would include hotels, conference centres and sporting venues.
- 33.2 Temporary Use Notices allow the use of premises for any form of equal chance gambling where those participating in the gaming are taking part in a competition which is intended to produce a single overall winner.
- 33.3 Only people or companies holding a relevant operating licence can apply for a temporary use notice to authorise the particular class of gambling permitted by their operating licence.
- 33.4 A temporary use notice must be lodged with the Licensing Authority not less than three months and one day before the day on which the gambling is due to take place. Detailed information about how to serve a temporary use notice will be available in a separate guidance note.

34. Occasional Use Notices

- 34.1 Where there is betting on a track on 8 days or less in a calendar year, betting may be permitted by an Occasional Use Notice without the need for a Premises Licence.
- 34.2 The Act prescribes the requirements and process for using such Notices; this includes giving notice to the Licensing Authority and copying it to prescribed parties.
- 34.3 There is very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. However, the Licensing Authority will consider the definition of a 'track' and whether the applicant is entitled to benefit from such a notice.

35. Further information and evidence

The Gambling Act 2005	http://www.legislation.gov.uk/ukpga/2005/19/contents
Gambling Commission	www.gamblingcommission.gov.uk
The Gambling Commission Licence Conditions and Codes of Practice (LCCP)	www.gamblingcommission.gov.uk/PDF/LCCP/Licence-conditions-and-codes-of-practice.pdf
Dorset Public Health	www.publichealthdorset.org.uk
Gambling Aware	https://www.begambleaware.org/
Gamcare	https://www.gamcare.org.uk/
When the Fun Stops, Stop	http://www.whenthefunstops.co.uk/
Gaming Machine Stakes and Prizes:	Gaming machine categories (gamblingcommission.gov.uk)

Appendix A – Glossary of terms

Term	Description
ATM	Auto teller machine or cash machine
Betting	Betting is defined as making or accepting a bet on the outcome of a race, competition or other event or process or on the outcome of anything occurring or not occurring or on whether anything is or is not true. It is irrelevant if the event has already happened or not and likewise whether one person knows the outcome or not. (Spread betting is not included within this definition).
Betting machine/Bet receipt terminal	Betting machines can be described as automated betting terminals where people can place bets on sporting events removing the need to queue up and place a bet over the counter
Bingo	There are essentially two types of bingo: cash bingo, where the stakes paid make up the cash prizes that can be won and prize bingo, where various forms of prizes can be won, not directly related to the stakes paid.
Book	Running a 'book' is the act of quoting odds and accepting bets on an event. Hence the term 'Bookmaker'.
Casino games	A game of chance, which is not equal chance gaming. Casino games includes Roulette and blackjack etc
Chip	Casinos in the UK require you to use chips to denote money. They are usually purchased and exchanged at a cashier's booth
Coin pusher or penny falls machine	A machine of the kind which is neither a money prize machine nor a non-money prize machine
Crane grab machine	A non-money prize machine in respect of which every prize which can be won consists of an individual physical object (such as a stuffed toy) won by a person's success in manipulating a device forming part of the machine so as to separate, and keep separate, one or more physical objects from a group of such objects
Default condition	These are prescribed in regulations and will be attached to all classes of premises licence, unless excluded by the council.
Equal chance gaming	Gaming which does not involve playing or staking against a bank
Fixed odds betting	If a gambler is able to establish what the return on a bet will be when it is placed, (and the activity is not 'gaming' see below), then it is likely to be betting at fixed odds
Fixed odds betting terminals (FOBTs)	FOBTs are a type of gaming machine which generally appear in licensed bookmakers. FOBTs have 'touch-screen' displays and look similar to quiz machines familiar in pubs and clubs. They normally offer a number of games, roulette being the most popular
Gaming	Gaming can be defined as 'the playing of a game of chance for winnings in money or monies worth, whether any person playing the game is at risk of losing any money or monies worth or not'.
Gaming Machine	Any type of machine allowing any sort of gambling activity including betting on virtual events but not including home computers even though users can access online gaming websites
Lottery	A lottery generally refers to schemes under which prizes are distributed by chance among entrants who have given some form of value for their chance to take part. A lottery is defined as either a simple lottery or a complex lottery. A simple lottery is one where people are required to pay to participate and one or more prizes are allocated to one or more

Term	Description
	members of a class and the prizes are allocated by a process which relies wholly on chance. A complex lottery is where people are required to pay to participate, and one or more members of a class and the prizes are allocated by a series of processes where the first of those processes relies wholly on chance. Prize means money, articles or services provided by the members of the class among whom the prize is allocated. (It should be noted that the National Lottery is not included in this definition of lottery and is regulated by the National Lottery Commission)
Mandatory condition	A condition which will be set by the Secretary of State (some set out in the Act and some to be prescribed by regulations) which will be automatically attached to a specific type of premises licence. The council will have no discretion to alter or remove these conditions.
Money prize machine	A machine in respect of which every prize which can be won as a result of using the machine is a money prize.
Non money prize machine	A machine in respect of which every prize which can be won as a result of using the machine is a non-money prize. The winner of the prize is determined by: <ul style="list-style-type: none"> (i) the position in which the coin or token comes to rest after it has been inserted into the machine, together with the position of other coins or tokens which have previously been inserted into the machine to pay a charge for use, or (ii) if the insertion of a single coin to pay the charge for use enables the person using the machine to release one or more tokens within the machine, the position in which such tokens come to rest after being released, together with the position of other tokens which have previously been so released.
Odds	The ratio to which a bet will be paid if the bet wins, e.g. 3-1 means for every £1 bet, a person would receive £3 of winnings.
Off- course betting operator	Off-course betting operators may, in addition to premises away from the track, operate self-contained betting premises within a track premises. Such self-contained premises will provide facilities for betting on both events taking place at the track (on-course betting), as well as other sporting events taking place away from the track (off-course betting). In essence such premises operate like a traditional high street bookmakers. They will however only normally operate on race days.
On-course betting operator	The on-course betting operator is one who comes onto on a track, temporarily, while races are taking place, and operates at the track side. On-course betting operators tend to offer betting only on the events taking place on the track that day (on-course betting).
Pool betting	For the purposes of the Gambling Act, pool betting is made on terms that all or part of the winnings: <ul style="list-style-type: none"> 1) Shall be determined by reference to the aggregate of the stakes paid or agreed to be paid by the people betting 2) Shall be divided among the winners or 3) Shall or may be something other than money. For the purposes of the Gambling Act, pool betting is horse-race pool betting if it relates to horse-racing in Britain.
Representation	In the context of the Gambling Act representations are either positive statements of support or negative objections which are made in relation

Term	Description
	to a licensing application. Representations must be made in time, e.g. during a designated notice period.
Responsible authority (RA)	RA's are agencies which have been appointed by the Gambling Act or regulations to fulfil a designated role during the licensing process. RAs must be sent copies of all licensing applications and have the power to make representations about such applications. RAs also have the power to ask for licences to be reviewed.
Skill machine/ Skill with prizes machine	The Act does not cover machines that give prizes as a result of the application of pure skill by players. A skill with prizes machine is one on which the winning of a prize is determined only by the player's skill – any element of chance imparted by the action of the machine would cause it to be a gaming machine. An example of a skill game would be trivia game machines, popular in pubs and clubs, which require the player to answer general knowledge questions to win cash prizes.
Spread betting	A form of investing which is more akin to betting and can be applied either to sporting events or to the financial markets. Spread betting is regulated by the Financial Services Authority.
Stake	The amount pledged when taking part in gambling activity as either a bet, or deposit to the bank or house where the house could be a gaming machine
Statement of principles document	A document prepared by the council which outlines the areas that applicants need to consider before applying for gaming permits.
Table gaming	Card games played in casinos.
Tote	"Tote" is short for Totaliser, a system introduced to Britain in 1929 to offer pool betting on racecourses.
Track	Tracks are sites (including horse tracks and dog tracks) where races or other sporting events take place.

Appendix B - Gaming Machines

This appendix describes the categories of gaming machine as set out in the Act (and in regulations) and the number of such machines that may be permitted in each type of gambling premises.

- Table 1 below sets out the different categories with the maximum stakes and prizes that apply.
- Table 2 shows the maximum number of machines permitted and in the case of casinos the ratios between tables and machines.

Table 1

Category of machine	Maximum Stake	Maximum Prize
A	Unlimited	Unlimited
B1	£5	£10,000 (with the option of a max £20,000 linked progressive jackpot on a premises basis only)
B2	£100	£500
B3	£2	£500
B3A	£2	£500
B4	£2	£400
C	£1	£100
D – money prize	10p	£5
D – non-money prize (other than a crane grab machine)	30p	£8
D – non-money prize (crane grab machine)	£1	£50
D – combined money and non- money prize (other than a coin pusher or penny falls machine)	10p	£8 (of which no more than £5 may be a money prize)
D – combined money and non- money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be a money prize)

Table 2

	Machine category						
Premises Type	A	B1	B2	B3	B4	C	D
Large casino (machine/table ratio of 5-1 up to maximum)		Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)					
Small casino (machine/table ratio of 2-1 up to maximum)		Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)					
Pre-2005 Act Casinos (no machine/table ratio)		Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead					
Betting premises and tracks operated by pool betting		Maximum of 4 machines categories B2 to D (except B3A machines)					
Bingo Premises¹				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4*		No limit C or D machines	
Adult gaming centre²				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4*		No limit C or D machines	
Licensed family entertainment centre³						No limit C or D machines	
Family entertainment centre (with permit)							No limit on category D machines
Clubs or miners' welfare institutes with permits⁴					Maximum of 3 machines in categories B3A or B4 to D*		
Qualifying alcohol licensed premises						1 or 2 machines of category C or D automatic upon notification	
Qualifying alcohol licensed premises with licensed premises gaming machine permit						Number of category C-D machines as specified on permit	
Travelling fair							No limit on category D machines
	A	B1	B2	B3	B4	C	D

Appendix C – Summary of gaming entitlements for clubs and pubs

	Members' club or MW institute with club gaming permit	Bridge or whist club	Members' club or commercial club with club machine permit	Members' club, commercial club or MW institute without a club gaming permit	Pubs and other alcohol-licensed premises
Equal chance gaming	Yes	Bridge and/or whist only	Yes	Yes	Yes
Limits on stakes	No limit	No limit	<u>Poker</u> £1000 per week £250 per day £10 per person per game <u>Other gaming</u> No limit	<u>Poker</u> £1000 per week £250 per day £10 per person per game <u>Other gaming</u> No limit	<u>Cribbage & dominoes</u> No limit <u>Poker</u> £100 per premises per day <u>Other gaming</u> £5 per person per game
Limits on prizes	No limit	No limit	<u>Poker</u> £250 per game <u>Other gaming</u> No limit	<u>Poker</u> £250 per game <u>Other gaming</u> No limit	<u>Poker</u> £100 per game <u>Other gaming</u> No limit
Maximum participation fees – per person per day	<u>Bridge and/or whist*</u> £20 <u>Other gaming</u> £3	£18 (without club gaming permit) £20 (with club gaming permit)	<u>Bridge and/or whist*</u> £18 <u>Other gaming</u> £3 (commercial club) £1 (members club)	<u>Bridge and/or whist*</u> £18 <u>Other gaming</u> £1	None permitted
Bankers or unequal chance gaming	Pontoon Chemin de Fer	None permitted	None permitted	None permitted	None permitted
Limits on bingo	Maximum of £2,000 per week in stakes/ prizes. If more then will need an operating licence.	No bingo permitted	Maximum of £2,000 per week in stakes/ prizes. If more then will need an operating licence.	Maximum of £2,000 per week in stakes/ prizes. If more then will need an operating licence.	Maximum of £2,000 per week in stakes/ prizes. If more then will need an operating licence.

This page is intentionally left blank

Forward Plan – Licensing Committee, 19 September 2024 - *Publication date: 11 September 2024*

Forthcoming meetings 2024/25: 12 December / 13 March / 14 May / 18 September / 11 December

	Subject	Purpose of report	Consultation	Report author(s)	Meeting date
1	Review of Statement of Licensing Policy	<p>To review the existing BCP Statement of Licensing Policy 2020/25.</p> <p>In accordance with Section 5 of the Licensing Act 2003 a Licensing Authority is required to prepare and publish a statement of its licensing policy every five years.</p>	<p>To include those persons listed in section 5(3) of the 2003 Act.</p> <p>These are: Chief Constable of Dorset Police; Dorset and Wiltshire Fire and Rescue; BCP Director of Public Health; Persons/bodies representative of local Premises Licence Holders, local Club Premises Certificate Holders and local Personal Licence Holders; and Persons/bodies representative of businesses and residents in its area.</p> <p>Licensing Committee Working Group</p>	Nananka Randle, Licensing Manager	<p>19 September 2024</p> <p>Draft Policy</p>

	Subject	Purpose of report	Consultation	Report author(s)	Meeting date
2	Update on Statement of Licensing Principles - Gambling Act 2005	<p>Following guidance issued by the Gambling Commission a light touch update will be presented to the Committee for approval as a final document.</p> <p>A full review will take place during 2025.</p>	Public consultation will take place when full review undertaken in 2025.	Nananka Randle, Licensing Manager	19 September 2024
3	Review of Hackney Carriage and Private Hire Driver, Vehicle and Operator Policies	<p>To review the existing BCP Hackney Carriage and Private Hire, Vehicle and Operator Policies 2021/25</p> <p>These policies are due to be reviewed by 2025.</p>	<p>BCP Taxi and Private Hire Association</p> <p>Licensing Committee Working Group</p> <p>Full public consultation</p>	Nananka Randle, Licensing Manager	<p>12 December 2024</p> <p>Draft Policy</p>
4	Review of Scrap Metal Policy	<p>To review the existing BCP Scrap Metal Policy 2020/25.</p> <p>There is no statutory requirement for Councils to have in place a formal policy for dealing with applications made under the Scrap Metal Dealers Act 2013. BCP Council has chosen to adopt a formal policy for this purpose, in line with Best Practice.</p>	Not applicable	Nananka Randle, Licensing Manager	<p>12 December 2024</p> <p>Draft Policy</p>

	Subject	Purpose of report	Consultation	Report author(s)	Meeting date
5	Review of Statement of Licensing Principles - Gambling Act 2005	<p>To commence a full review of the existing BCP Statement of Licensing Principles – Gambling Act 2005.</p> <p>The Council is required to publish a Statement of Licensing Principles under section 349 of the Gambling Act 2005 every three years. The purpose of the Statement is to define how the Licensing Authority will exercise its responsibilities under the Act.</p>	Full public consultation	Nananka Randle, Licensing Manager	2025 (date to be determined)
6	Pleasure Boats and Boatpersons Licensing Policy	To consider the policy following the outcome of the public consultation, amend as required and recommend to Council for adoption.	Harbour Master Public consultation	Sarah Rogers, Senior Licensing Officer	2025 (date to be determined)

Committee Briefings and Training Sessions 2024/25

	Training / Briefing to be delivered	When / Where	Attendees	Suggested Delivery
1.	Overview of the work undertaken by the Council's Licensing Team over the last 12 month period.	√ Circulated by email on 1 February 2024	N/A	Briefing paper from Licensing Manager. To provide further information to members on the various areas of work undertaken by the Council's Licensing team as a whole, in addition to those items referred to the committee and its sub committees.
2.	Licensing Sub Committee Chairing Skills	√ Following Committee meeting on 7 March 2024 Committee Room, BCP Civic Centre Annexe	New and existing chairs (all Licensing Committee Members welcome)	Internal briefing and feedback session on key skills and support required for chairing sub committees.
3.	Night Time Economy	√ Following Committee meeting on 15 May 2024 HMS Phoebe Committee Room, BCP Civic Centre	Licensing Committee Members	Internal briefing to provide members with more detailed understanding of the roles of the Council, the Responsible Authorities and other external agencies in the night time economy. Outcomes from this session will be used to inform the review of the statement of licensing policy.

4	NEW App based Private Hire Operators – mythbusting	√ Following Committee meeting on 15 May 2024 HMS Phoebe Committee Room, BCP Civic Centre	Licensing Committee Members	Officers will present members with information regarding how APP based operators work and seek feedback on approval process.
---	---	---	-----------------------------	--

This page is intentionally left blank