

# Southampton City Council Statement of Licensing Policy 2021 - 2026



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**Statement of Licensing Policy**  
**2021 - 2026**

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# 1. Background

## VISION STATEMENT

To create an environment that attracts a diverse range of well managed premises, able to flourish and grow, offering a range of entertainment to satisfy the needs of the city. To ensure Southampton is a safe and pleasant city to live, work and visit.

## INTRODUCTION

- 1.1 The Licensing Act 2003 (the Act) requires licensing authorities to publish a “statement of licensing policy” every five years, which sets out how they intend to exercise their functions. The policy sets out a general approach to making licensing decisions. Each application will be considered on its own individual merits. The discretion of the Licensing Authority in relation to applications is only used if relevant representations are made.
- 1.2 The policy relates to all those licensing activities identified as falling within the provisions of the Act (Part 1 Section 1) namely:
  - Retail sale of alcohol;
  - Supply of alcohol to club members;
  - The supply of hot food and/or drink from any premises between 11 pm and 5 am;
  - Provision of "Regulated Entertainment" – to the public, to club members or with a view to profit. “Regulated Entertainment” is defined as:
    - A 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;
    - Provision of facilities for making music; and
    - Provision of facilities for dancing.
- 1.3 The Legislative Reform (Entertainment Licensing) Order 2014 and the Deregulation Act 2015 provide significant exemptions to some of the activities.
- 1.4 The Licensing Authority has a duty under the Act to carry out its functions with a view to promoting the four licensing objectives, which are:
  - Prevention of crime and disorder
  - Public safety
  - Prevention of public nuisance
  - Protection of children from harm
- 1.5 The council must have regard to this Statement of Licensing Policy and any statutory guidance issued by the Secretary of State. The council retains the right to act outside the provisions of this policy and to depart from it if, having properly taken it into account, the council has good reason to do so and where it is appropriate to do so to promote one or more of the licensing objectives.
- 1.6 In promoting the licensing objectives the Licensing Authority has a number of key aims and purposes which should be principal aims for everyone involved in licensing work and are therefore integral to the policy. They include:
  1. Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;

2. Giving the police, licensing officers and responsible authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
3. Recognising the important role which licensed premises play in our local communities and economy by minimizing the regulatory burden on business, encouraging innovation and supporting responsible premises;
4. Providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
5. Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may impact upon them.

## CONSULTATION

1.7 In accordance with section 5 of the Act and prior to the publication of this policy the Licensing Authority consulted with

- Chief Officer of Police for the area (Hampshire Police)
- Hampshire Fire and Rescue Authority
- Persons/bodies representative of local holders of premises licences;
- Persons/bodies representative of local holders of club premises certificates; and
- Persons/bodies representative of local holders of personal licences.

In addition the council consulted with:

- Health and Safety Executive
- Southampton Marine Office
- Head of Regulatory Services, SCC
- Planning and Development Manager SCC
- Children's Social Services, SCC
- Hampshire Chamber of Commerce
- Licensing Solicitors used by applicants to SCC
- Residents Associations
- Licensing Authorities across Hampshire and the Isle of Wight
- Public Health
- Trading Standards
- Environmental Health
- Home office immigration enforcement

## 2. City Profile

- 2.1 Southampton is the south coast's regional capital with a population of over 256,000 in an area of 50 square km. The dynamic and vibrant city is forward-looking, balancing steady growth as a prosperous commercial centre with a high quality of life for its citizens.

### Facts and figures



### THE IMPACTS OF ALCOHOL ON SOUTHAMPTON

- 2.2 Figures from Public Health England show Southampton is significantly higher than the England average in all the groups measured in the Local Alcohol profile. The table below are their figures for the year 2018/19.
- 2.3 Public Health England state "Alcohol consumption is a contributing factor to hospital admissions and deaths from a diverse range of conditions. Alcohol misuse is estimated to cost the NHS about £3.5 billion per year and society as a whole £21 billion annually.
- 2.4 The following table compares Southampton to the England average and other cities on key indicators on alcohol admissions. In each area Southampton is above the average for England, the highest for under 18 and male admissions and there is no area where Southampton record the lowest number. Consideration has to be given that each of the cities in the comparison have their own unique demographics, but they do provide a guide and demonstrate cities are the areas with alcohol issues.
- 2.5 Figures are standardised per 100,000 population. All comparators have been selected by PHE because they are in the same deprivation decile as Southampton (Fourth most deprived).

Figures in italics represent the worst figure of the comparators for that indicator. Figures in bold are the worst figure in England.

Indicator	England Average	Southampton	Gateshead	County Durham	Sefton	Plymouth	Wirral	Bristol	Leeds	Portsmouth	Wakefield	Enfield	Sheffield	Greenwich	Luton	Brent
5.01 Alcohol Specific Admission - Under 18 Year Olds	31.6	39.7	<i>62.8</i>	54.7	52.9	47.7	43.3	42.6	34.1	34	27.9	15.8	15.7	14.7	11.7	8.6
6.01 - Alcohol Specific Hospital Admission	626	<b>2074</b>	954	732	1200	575	1281	1045	687	967	589	414	556	484	630	646
6.01 - Alcohol Specific Hospital Admission (Male)	869	<b>3087</b>	1234	971	1653	783	1784	1399	953	1309	764	620	766	741	901	1052
6.01 - Alcohol Specific Hospital Admission (Female)	397	<b>1121</b>	688	507	796	376	830	710	437	650	423	231	354	238	362	261
7.01 - Persons admitted to hospital due to alcohol related conditions (Broad)	2367	<b>4022</b>	3053	2496	2962	2172	3162	2998	2105	2410	2511	2550	2234	2446	3039	3080
7.01 - Persons admitted to hospital due to alcohol related conditions (Broad), Male	3246	<b>5723</b>	4104	3323	4144	2961	4370	3985	2961	3299	3320	3586	3015	3325	3992	4348
7.01 - Persons admitted to hospital due to alcohol related conditions (Broad), Female	1608	<b>2520</b>	2137	1778	1986	1473	2137	2137	1380	1639	1814	1708	1559	1697	2201	1968
8.01 - Persons admitted to hospital due to alcohol related conditions (Narrow)	664	857	<i>1045</i>	758	912	636	895	856	649	640	882	567	736	566	772	646
8.01 - Persons admitted to hospital due to alcohol related conditions (Narrow), Male	851	1119	<i>1292</i>	939	1226	825	1224	1022	896	805	1074	681	907	715	968	835
8.01 - Persons admitted to hospital due to alcohol related conditions (Narrow), Female	494	611	<i>820</i>	594	640	458	603	707	427	492	708	470	581	430	590	471
Years of Life Lost Due to Alcohol Related Conditions (Persons)	637	755	<i>1015</i>	864	727	823	811	797	853	708	755	350	740	538	460	498
Years of Life Lost Due to Alcohol Related Conditions (Male)	926	1188	<i>1487</i>	1190	1022	1244	1124	1136	1253	787	1120	520	1000	772	689	782
Years of Life Lost Due to Alcohol Related Conditions (Female)	353	302	545	550	450	403	516	452	462	<i>630</i>	395	188	478	299	225	206

- 2.6 Most people who drink alcohol do so in moderation. Any associated harms can be minimised by drinking within governmental lower risk guidelines. Drinking more than the guidelines poses a threat to the health and wellbeing of not only the consumer but also to their friends, family, communities and wider society through problems such as crime, anti-social behaviour and loss of productivity. Alcohol consumption is also directly linked to a range of health issues such as high blood pressure, mental ill-health, accidental injury, violence, liver disease and sexually transmitted infection.
- 2.7 The consumption of alcohol is related to criminal activity because its effects on the mind and body are more likely to induce antisocial behaviour, leading to criminal acts. It reduces self-control, which leads to an increased likelihood of committing a violent crime, and is addictive, which may lead offenders to commit acquisitive crimes in order to fund their addiction. Each year alcohol is associated with one million crimes in the UK.
- 2.8 In April 2017 it became mandatory for police to record whether a crime was affected by alcohol, that is, where the effects of alcohol consumption on the offender or victim were perceived by any person to be an aggravating factor. In 2018/19 there were 2,647 crimes which were recorded as affected by alcohol in Southampton (including offences affected by both alcohol and drugs), an increase of 6.2% from 2017/18 and a rate of 10.5 offences per thousand population.

### 3. Licensing Process

- 3.1 Applicants are strongly encouraged to seek guidance at the earliest possible stage from the Licensing Authority and other responsible authorities before making an application. Applicants will need to comply with the statutory requirements or risk their application being invalid.
- 3.2 Individuals applying for either personal licence or a premises licence for the sale of alcohol or late night refreshment must be entitled to work in the UK. Licensing authorities must be satisfied that an individual who applies for a premises licence is entitled to work in the UK. This includes applications made by more than one individual applicant. An application made by an individual without the entitlement to work in the UK must be rejected.
- 3.3 This applies to applications which include the sale of alcohol and the provisions of late night refreshment but does not include applications which apply to regulated entertainment only. For example, a person applying for a licence for a music venue who does not intend to sell alcohol or late night refreshment is not prohibited from applying for a licence on grounds of immigration status. However, they will commit a criminal offence if they work illegally.
- 3.4 If an applicant has restrictions on the length of time they may work in the UK, a premises licence or personal licence may still be issued, but the licence will cease to have effect when the right to work lapses.
- 3.5 The Licensing Authority will expect individual applicants to address the licensing objectives in their operating schedule, having regard to the type of premises (which includes a vessel i.e. ship or boat), the licensable activities to be provided, the operational procedures, the nature of the location and needs of the local community.
- 3.6 It is recommended that applicants obtain planning permission and building regulation approval along with all other necessary permissions and licences for the premises prior to an application being submitted. Having a licence to undertake an activity does not override other legal requirements such as planning, for example a licence allowing the sale of alcohol by

retail and regulated entertainment until 2am does not override a planning requirement to cease such activity by midnight.

- 3.7 When formulating their operating schedule applicants will be expected to make themselves aware of any relevant planning and transportation policies, tourism and cultural strategies or local crime prevention strategies and to have taken these into account where appropriate.
- 3.8 When determining applications the Licensing Authority will have regard to any guidance issued by the Government. In particular, account will be taken of the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community as a whole. If representations are made concerning the potential for limited disturbance in a particular neighbourhood, the Licensing Authority's consideration of those representations will be balanced against the wider benefits to the community. A number of public spaces are already licensed in the name of Southampton City Council. These are managed by the events team at Southampton City Council.
- 3.9 When determining applications and there have been no valid representations the Licensing Authority must grant the application, subject only to conditions that are consistent with the operating schedule in addition to the relevant mandatory conditions:
- Conditions attached to a licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as 'must', 'shall' and 'will' is encouraged. 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; and
    - 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 the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
    - should be written in a prescriptive format.
- 3.10 Additionally, regard will be had to any Crime Prevention Strategies (Southampton Safe City Strategy), any cultural strategies such as those that are aimed at monitoring the impact of licensing on the provision of regulated entertainment and any relevant health strategies.
- 3.11 The Licensing Authority acknowledges that the views of vocal minorities should not be allowed to predominate over the general interests of the community.

## **OPERATING SCHEDULES**

- 3.12 The operating schedule must form part of the completed application form for a premises licence. It should include information, which is necessary to enable a responsible authority or other person to assess whether and what steps have been taken or are proposed in order to promote the licensing objectives.
- 3.13 As and when appropriate the applicant should provide in the operating schedule such further relevant additional information/evidence where there is an apparent departure from the promotion of the licensing objectives.

3.14 It is strongly recommended that applicants and/or their legal advisors discuss with Council officers and representatives of responsible authorities the draft operating schedule before it is formally submitted. This will help ensure it properly addresses all relevant issues that might give rise for concern. This may avoid the necessity for a hearing if the application otherwise passes without representation.

### GUIDANCE DOCUMENTS

3.15 The Licensing Authority has provided a number of documents to assist with the process; these are available at: <http://www.southampton.gov.uk/business-licensing/licensing/licensing-act-2003/>

### REPRESENTATIONS

3.16 There is a prescribed period during which the Licensing Authority can receive a written representation to an application. This is usually 28 days from the date the Licensing Authority receives the application but varies depending on the type of application under consideration. **Current guidance can be found by visiting [www.southampton.gov.uk/licensing](http://www.southampton.gov.uk/licensing)**

3.17 “Relevant representations” can include positive, supportive representations as well as objections.

3.18 Representations must address at least one of the four licensing objectives.

### DECISION MAKING PROCESS

3.19 It is the Licensing Authority’s policy to provide an efficient and cost effective service to all parties involved in the licensing process. With the exception of the approval and review of this Policy, decisions on licensing matters will be taken in accordance with an approved scheme of delegation.

3.20 In accordance with relevant guidance, the Licensing Authority has delegated licensing functions to the Licensing (Licensing and Gambling) sub-committee or in appropriate cases, to officials supporting the Licensing Authority as follows:

Matter to be dealt with	Sub Committee	Officers
Application for personal licence	If a police objection	If no objection made
Application for person licence with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	If a police objection	All other cases
Request to be removed as designated premises supervisor		All cases

<b>Matter to be dealt with</b>	<b>Sub Committee</b>	<b>Officers</b>
Application for transfer of premises licence	If a police objection	All other cases
Applications for interim authorities	If a police objection	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc.		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of a police objection to a temporary event notice	All cases	
Determination of application to vary premises licence at a community premises to include alternative licence condition	If a police objection	All other cases
Decision whether to consult other responsible authorities on minor variation application		All cases
Determination of minor variation application		All cases

- 3.21 If no relevant representations are received then the authorisation will be issued automatically with, in the case of a premises licence or club premises certificate, such conditions attached as are mandatory or are consistent with the operating schedule accompanying the application. The Licensing Authority will have no discretion to refuse the application. The operating schedule will be translated into conditions attached to the licence.
- 3.22 Where relevant representations are made and not withdrawn, the Licensing Authority must hold a hearing before the Licensing Committee or, more usually, a sub-committee of the Licensing Committee who will take such of the following steps as it considers appropriate for the promotion of the licensing objectives. The steps are:
- grant the licence subject to the operating schedule modified to such extent as the (Sub) Committee considers appropriate for the promotion of the licensing objectives, and subject to the relevant mandatory conditions;
  - exclude from the scope of the licence any of the licensable activities to which the application relates; and
  - to refuse to specify a person in the licence as the premise's supervisor;
  - reject the application.
- 3.23 The need for a hearing can be avoided with the agreement of the Licensing Authority, where the applicant and all of the persons who made relevant representations have given notice to the authority that they consider a hearing will be unnecessary. The authority will give notice to the parties the hearing is dispensed with. However if the authority believes it is still necessary to have a hearing the authority shall provide reasons in writing to the parties for the need to have the hearing.

#### **APPLICATIONS FOR LARGE EVENTS**

- 3.24 Events that the council believe may require a co-ordinated approach to manage may be subject to partnership discussion through relevant groups. This will be at the discretion of the Council. Applicants will need to demonstrate to relevant partners that they are supporting the licensing objectives.

## 4. Southampton Policies Affecting Licensing

### PUBLIC SPACES PROTECTION ORDERS (PSPOs)

- 4.1 There are currently 5 locations within the city with PSPOs. These are all in place to assist in reducing anti-social behaviour associated with street drinking. It provides the police with a power to require alcohol to be surrendered. With the exception of Shirley they are the commercial areas:
- City centre
  - Bitterne
  - Portswood
  - Shirley (Extends West from Hill Lane to Millbrook Road)
  - Woolston
- 4.2 The Licensing Authority recognises the effectiveness of this tool in preventing crime and disorder and tackling anti-social behaviour. Premises are expected to have measures in place to prevent their customers contributing to anti-social behaviour.
- 4.3 The PSPOs were reviewed in April 2019 and extended for a further 3 years, they expire in April 2022 and will be reviewed at that point.
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### 4.6 – 4.13: Section under consultation

### LATE NIGHT LEVY

- 4.4 The Late Night Levy was introduced by Southampton City Council on 1 April 2015. The late night levy is a contribution paid by late opening premises supplying alcohol. The money raised is used to pay for policing the night time economy. Imposing the levy is a local power which Southampton City Council has decided to adopt. The council can choose which exemptions (from those set out in regulations) it will allow in relation to payment of the charge.
- 4.5 Currently, the following exemptions are applied:
- Premises providing overnight accommodation
  - Theatres
  - Cinemas
  - Bingo halls
  - Registered community amateur sports clubs
  - Certain community premises
  - New Year's Day
- 4.6 No reductions have been allowed.
- 4.7 The Council is required to pass 70% of the net amount to the Police and Crime Commissioner who has agreed to apply the money to purposes within the city in accordance with the arrangements as specified in the late night levy legislation.
- 4.8 The arrangements, as specified in the Act, are for:
1. the reduction or prevention of crime and disorder;
  2. the promotion of public safety;
  3. the reduction or prevention of public nuisance;
  4. the cleaning of any highway maintainable at the public expense or land in the Council's area.

#### 4.9 Various schemes support the Night Time Economy in Southampton:

- Taxi marshals
- Southampton Street Pastors
- Street cleaning
- Security patrols
- CCTV

#### 4.10 These schemes have received funding from the Late Night Levy.

4.11 On 1<sup>st</sup> April 2017 GO! Southampton came into being as a Business Improvement District covering an area that extends from Town Quay north to Wilton Avenue. This encompasses the main city shopping areas and a significant number of premises that operate in the night time economy.

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### SHOPS SELLING ALCOHOL (OFF LICENCES)

- 4.12 Drinkaware report that in 2017 31% of all alcohol was sold in the 'on trade', this has decreased from 47% in 2000 ([www.drinkaware.co.uk/research/data/consumption-uk](http://www.drinkaware.co.uk/research/data/consumption-uk)). Studies by CGA early in the Covid 19 emergency suggests peoples drinking habits change during lockdown with an increase in on line purchases of alcohol. It is not known what the long term impact of this will have on the nations drinking habits, however this is a clear move to the majority of consumption being undertaken away from regulated premises. This change in habit has the potential to negatively impact on the licensing objectives. There are additional increased potential risks such as easier access to alcohol by children (given that consumption is not monitored / regulated), theft, increased street drinking and an increase in crime and disorder.
- 4.13 To address this, applicants, existing premises and the authority can consider a number of strategies to mitigate these challenges. To address 'pre-loading' the consideration of an earlier terminal hour for off-licences near to or on a well-used route to established late night premises will be considered. To address theft and access by children to alcohol the layout of premises, CCTV, where alcohol will be displayed and what steps will be undertaken to support the licensing objectives will be considered. In areas where it is identified street drinking is an issue consideration should be given to not selling single cans of high strength drinks or even whether single cans of high strength alcohol are to be sold at all.
- 4.14 Premises providing an on-line service will need to satisfy the authority they have measures in place to ensure no underage sales are undertaken, the sale is not a proxy sale to facilitate underage consumption and the sale will not contribute to crime, disorder public nuisance such as a disruptive house party.

### PROMOTION OF ALCOHOL

- 4.15 The Licensing Act relaxed the restrictive hours of the previous regime with a desire to promote a café culture. Although providing opportunities to local licensed premises, it also resulted in adverse media coverage of binge drinking and drunken violent behaviour nationally.
- 4.16 To compliment planning and health policies and promote the licensing objectives the Licensing Authority will expect any premises operating that is likely to attract customers attending late night venues, including those supplying off sales, to not solely rely on the consumption or promotion of alcohol as the purpose to attract custom. Further, the council encourage operators to be innovative to provide a diverse range of activities and attractions where alcohol is ancillary to such activity.

- 4.17 To compliment the mandatory drinks promotion condition the Licensing Authority in partnership with other responsible authorities will monitor alcohol promotions. Premises with a history of offers such as significantly reduced priced drinks or unlimited drinks for a fixed price submitting applications or notices should demonstrate how these promote the licensing objectives.

### **TEMPORARY EVENT NOTICES (TENS)**

- 4.18 The Licensing Act 2003 enables certain organised events for fewer than 500 people to take place following notification to the Licensing Authority, the Police and Environmental Health.
- 4.19 Guidance on giving Notice can be found in the Home Office Fact Sheet.  
<https://www.gov.uk/government/publications/temporary-events-notices-factsheet>
- 4.20 Although the statutory legal minimum time required for the notification of a temporary event to the Licensing Authority, Police and Environmental Health is ten working days, or five working days for a late temporary event, it is essential that proper consideration of the proposed event is given.
- 4.21 The Licensing Authority will encourage bona fide community events. Giving TENS for existing licensed premises will not be encouraged where the proposal is simply to extend the existing hours of operation. TENS given for premises in cumulative impact areas will be subject to increased scrutiny due to the potential impact upon an area already identified as suffering from increased crime and disorder. Objections should not rely solely on this policy but should be based on one or more of the licensing objectives.
- 4.22 The Licensing Authority expects those who have given notice of a temporary event to have identified any particular issues having regard to their type of premises and/or activities, and to have in place written policies for addressing issues such as drunkenness, crime/disorder and drugs on their premises and for ensuring staff are trained on these policies.

## **5. Management of Premises**

### **DESIGNATED PREMISES SUPERVISOR**

- 5.1 Any premises where alcohol is sold under a premises licence must have a designated premise supervisor (DPS). 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).
- 5.2 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.
- 5.3 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. The Authority expects that this will be in excess of 50% of a seven-day week.
- 5.4 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.
- 5.5 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**

5.6 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. Door supervisors have an important role in managing customers, not only on the doors but also in the immediate area of premises.

### **DISPERSAL POLICIES**

5.7 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 ASSESSMENT**

5.8 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.

5.9 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 there are procedures in place to record and limit the number of people on the premises with opportunities for “pass outs” and readmission
- Whether patrons can arrive at and depart from the premises safely
- Whether there may be overcrowding in particular parts of the premises
- 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 services

### **PROMOTERS**

5.10 The premises licence holder, DPS and personal licence holders remain responsible for activities taking place on premises when promotions take place. In addition the Licensing Authority will expect premises licence holders to have in place written agreements to ensure that when hiring out venues to promoters, the responsibility for the management of the premises is clear. The Promoter and its employees or agents shall comply in all respects with all conditions, requirements and regulations of the local authority, Licensing Authority, police authority and fire authority and have regard to good practice for licensed premises.

## **TAKEAWAY PREMISES AND PREMISES PROVIDING LATE NIGHT REFRESHMENT**

- 5.11 The Licensing Authority considers that it will normally be inappropriate to grant a premises licence permitting the sale of alcohol at premises which are principally used for selling hot food for consumption off the premises (“takeaway” premises).
- 5.12 It is recognised that takeaway premises open late at night can be associated with disorder as persons under the influence of alcohol having left, or in some cases being ejected from, late night venues congregate there. Applicants are recommended to have clear written policies for dealing with disorder and nuisance.
- 5.13 Operators of takeaway premises (including mobile units) must have suitable arrangements in place for the containment and disposal of their waste in accordance with the Environmental Protection Act 1990 and subsidiary regulations. Operators of premises where food or drink is provided in disposable containers for consumption elsewhere than on the premises are expected to consider the potential for litter near their premises and take steps to actively reduce the amount of litter generated from their premises. Applicants are also asked to consider the type of packaging container, whether it is always necessary and whether it can be sourced from sustainable materials.
- 5.14 Where the Licensing Authority considers it appropriate, it may impose conditions on a premises licence to require the operator of premises serving customers with hot food or drink to provide litter bins in the vicinity of the premises in order to prevent the accumulation of litter from its customers. It may require the proprietor to service those litter bins as part of their own waste management arrangements.

## **EXTERNAL AREAS**

- 5.15 The introduction of the requirement for smoke free public places under the Health Act 2006 has led to an increase in the number of people outside licensed premises. The provision of tables and chairs outside premises can enhance the attractiveness of a venue, but regard should be had to the need to ensure that the use of such areas will not cause nuisance to the occupiers of other premises in the vicinity. In particular, those with authorisations are expected to manage persons smoking in the vicinity of premises so they do not impede access to the premises and do not cause disturbance. In addition they are expected to provide secure ash trays or wall mounted cigarette bins for patrons so as to minimise litter.
- 5.16 Licensees should also be aware of the possibility of breakages of drinking glasses and glass bottles in outside areas. Consideration should therefore be given to the use of toughened or “plastic” drinking vessels and other management controls to avoid or lessen the likelihood of broken glass in these areas.
- 5.17 The Licensing Authority has a number of concerns with respect to the development of external areas to licensed premises and will consider imposing conditions to improve the management of the outside area or prohibiting or restricting the use of these areas in order to promote the public nuisance objective.
- 5.18 As there is a PSPO in place across the city the DPS needs to carefully consider policies on allowing alcohol outside of the premises.

## 6. Cumulative Impact Policy

- 6.1 'Cumulative impact assessments' (CIA) were introduced into the 2003 Act by the Policing and Crime Act 2017, with effect from 6 April 2018. Cumulative impact is the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area. This should not be confused with the issue of "need" which relates to the commercial demand for licensed premises and cannot be taken into account when determining licensing applications.
- 6.2 In some areas where the number, type or density of licensed premises, such as those selling alcohol or providing late night refreshment, is high or exceptional, serious problems of nuisance and disorder may arise outside or some distance from those premises. Such problems generally occur as a result of large numbers of drinkers being concentrated in an area, for example when leaving premises at peak times or when queuing at fast food outlets or for public transport.
- 6.3 Queuing in itself may lead to conflict, disorder and anti-social behaviour. Moreover, large concentrations of people may also attract criminal activities such as drug dealing, pick pocketing and street robbery as well as predatory behaviours preying on the vulnerable. 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.

### STRESS AREAS

- 6.4 In some circumstances an area may have such numbers of licensed premises / activities that it becomes a focal point for large groups of people to congregate and eventually leave. This can create exceptional problems of crime, disorder, noise and other nuisance.
- 6.5 Stricter controls will generally be expected and may be imposed, if appropriate and proportionate, with regard to noise controls in areas which have denser residential accommodation.
- 6.6 The Licensing Authority wishes to support businesses to create a vibrant social economy and need to balance this with its other responsibilities to support the licensing objectives. Each case is determined on its own merits and any application able to demonstrate it will not adversely impact the licensing objectives should have its application granted.
- 6.7 The five CIPs, generally, deal with the following matters:
1. Identified stress areas
  2. The basic operation of the policy
  3. How hearings will deal with applications within stress areas
  4. How evidence of Cumulative Impact is dealt with outside of a stress area
  5. How hearings will apply the CIP to applications from within or out of a stress area.

### POLICY CIP 1 - Stress areas

- 6.8 The Licensing Authority believes that three areas identified in Appendix A are suffering from Cumulative Impact and are designated as the "Bedford Place Stress Area", the "Above Bar Street Stress Area", and the "Bevois Valley Stress Area". These areas are the same as in previous years. **(Subject to consultation).**

6.9 Reason: Evidence indicates that these areas already suffer from cumulative impact and that it is appropriate, proportionate and necessary for special policies to address that issue.

### **POLICY CIP 2 - The basic operation of the policy**

6.10 Where representations are received in respect of applications for either new premises or variations to existing premises in the three Stress Areas a rebuttable presumption will apply that such applications shall be refused. This policy applies to applications of the types listed below:

- New premises licences
- New club premises certificates
- Provisional statements, including those for material variations to existing premises licences or club premises certificates (i.e. where the modifications are directly relevant to the issue of cumulative impact (e.g. those which significantly increase the capacity of the premises)
- Substantial variations to existing premises or club premises licences (e.g. length of opening hours or increase in period licensable activities may take place). Whether a variation is “substantial” for the purposes of this policy shall be determined by the Licensing Authority in any instance of doubt
- This includes applications for sale of alcohol by retail either on, or off or both types of sales and Late Night Refreshment

6.11 Reason: To ensure that those applications which will add to the cumulative impact already being experienced are refused

6.12 This policy creates a rebuttable presumption that certain types of applications will normally be refused. Because of the short life of activities covered by a Temporary Event Notice these will not be taken into account when considering cumulative impact other than in relation to the crime and disorder objective. However, that does not prevent the reverse – i.e. the consideration of cumulative impact or the fact that a proposed premise for a Temporary Event Notice is within a designated Stress Area when applying the relevant statutory test.

6.13 The onus shall be upon applicants to demonstrate through their Operating Schedule and, where appropriate, supporting evidence such as risk assessments, that the operation of the premises will not add to the cumulative impact already being experienced. The standard of proof for the consideration by the Licensing Committee of any application or matter relating to cumulative impact shall be on the balance of probabilities. This policy, however, does not relieve Responsible Authorities or Interested Parties of the need to make representations raising cumulative impact as an issue before such applications are considered in light of the policy. If no representations are received then the application must be granted in terms consistent with the submitted Operating Schedule.

6.14 Applications for Provisional Statements may be made where new premises are proposed but have not yet been built or where a substantial variation is proposed to existing premises. Potential licensees may make such an application in order to have a degree of assurance that a licence would be granted before committing themselves to the necessary investment.

6.15 Where a Provisional Statement has been issued by the Authority to the effect that an application would be granted and the schedule of works accompanying the application for the Provisional Statement is completed satisfactorily then any subsequent application for a premises licence must be granted and any objection raised at that stage which could have been raised at the Provisional Statement stage must be disregarded (unless there has been a material change in circumstances).

- 6.16 It is important therefore that if there is potential for new or altered premises to contribute to or cause cumulative impact in any given area that the issue is addressed as soon as possible in the licensing process and that Responsible Authorities recognise the continuing requirement to make representations based on cumulative impact if appropriate. For this reason the Provisional Statement procedure is included in **the policy and accordingly the rebuttable presumption will apply when considering applications for provisional statements.**
- 6.17 After publishing a CIA the Licensing Authority must, within three years, consider whether it remains of the opinion set out in the assessment. In order to decide whether it remains of this opinion it must again consult the persons listed in section 5(3) of the Licensing Act 2003. If having consulted with the statutory list of persons the Licensing Authority decides that it is no longer of the opinion set out in the CIA, it must publish a statement to that effect. The statement must make clear that any reference to the CIA in its licensing policy statement no longer applies. The Licensing Authority should remove any reference to the CIA within its licensing policy statement at the earliest opportunity.
- 6.18 If having consulted the Licensing Authority decides that it remains of the opinion set out in the assessment, it must revise the CIA to include a statement to that effect and set out the evidence as to why it remains of that opinion. The Licensing Authority must also at this stage publish any other material change to the assessment.
- 6.19 Responsible Authorities and other persons may make representations on specific applications concerning cumulative impact even though those applications are not for premises in designated Stress Areas (and therefore not covered by this policy). In such circumstances the application may be refused (though there will be no presumption that this will be the case) and the Authority may then choose to review this policy statement and consult as to whether the particular area should be formally designated as a Stress Area to which policy CIP2 (or one similar) should apply. To be clear, nothing within this policy shall prevent the consideration of cumulative impact issues simply because a premise (or proposed premises) is not situated within a designated Stress Area.

## **EXEMPTIONS**

- 6.20 The creation of a “Cultural Quarter” has been fulfilled with a wide variety of activities both within new buildings such as the Sea City Museum and new Arts Complex opposite Guildhall Square, existing buildings, and the improved and expanded Guildhall Square all of which fall within the area of Above Bar partly covered by the above Stress Area as shown edged with a broken line on the attached plan at Appendix B.
- 6.21 The policy is to encourage venues within the Cultural Quarter which promote well run family friendly sit down eating and drinking, complement the City’s cultural offer and may include al fresco dining, subject to appropriate licensing restrictions. These may include theatres, other performing arts venues, galleries and restaurants.
- 6.22 The Licensing Authority will ordinarily treat applications in relation to any licensing use in the Guildhall Square, or within or directly related to any building primarily used for an arts or cultural purpose as an exception to the CIP but each matter will be judged on its merits.

## **POLICY CIP 3 - How hearings will deal with applications within stress areas**

- 6.23 The CIA does not change the fundamental way that licensing decisions are made. It is therefore open to the Licensing Authority to grant an application where it considers it is appropriate and where the applicant can demonstrate in the operating schedule that on the balance of probabilities they would not be adding to the cumulative impact. Applications in areas covered by a CIA should therefore give consideration to potential cumulative impact issues when setting out the steps that will be taken to promote the licensing objectives. Where relevant representations are received and the Licensing Authority decides to grant an

application it will need to provide the applicant, the chief officer of police and all parties who made relevant representations with reasons for granting the application and this should include any reasons for departing from their own policy.

6.24 Whilst making any decision the Committee shall not ordinarily consider the following as an exception to the policies applying to Stress Areas or as justification for departure from those policies:

- The quality of management of the premises
- The character or experience of the applicant
- That the capacity, size, hours or any increase therein applied for, is not substantial
- That the applicant has a good understanding of how to reduce the potential for crime on the premises

#### **POLICY CIP 4 - How evidence of Cumulative Impact is dealt with outside of a stress area**

6.25 In cases where Responsible Authorities or other persons seek to establish that an application, other than within a stress area, should be refused on the grounds that it would result in or further contribute to a cumulative impact which would undermine one or more of the Licensing Objectives they shall be expected to:

1. Identify the boundaries of the area from which it is alleged problems are arising
2. Identify the Licensing Objective(s) which it is alleged will be undermined;
3. Provide full details and evidence with specific regard to the matters listed in Policy CIP1 to 4 to show the manner and extent to which it is alleged that the Licensing Objective(s) are being, or are at risk of being, undermined in the area;
4. Provide evidence to show that the undermining of the objective(s) is caused by the patrons of licensed premises in the area.

6.26 Reason: To ensure that representations are neither frivolous nor vexatious and that there is an evidential basis for the Committee to reach a decision.

#### **REPRESENTATIONS IN RESPECT OF APPLICATIONS IN STRESS AREAS**

6.27 Where a representation seeks to establish that the grant or variation of a premises licence within an existing designated Stress Areas would undermine one or more of the Licensing Objectives and add to the Cumulative Impact the following paragraph and CIP policy 5 will apply.

6.28 In cases where those making representations seek to establish that an application should be refused on the grounds that it would result in (or further contribute to) a Cumulative Impact, which would undermine one or more of the Licensing Objectives, the person or body making the representation shall be expected to:

6.29 Identify the Licensing Objective(s) which it is alleged will be undermined with specific regard to:

- the nature of the licensed activity to be carried on at the premises; and
- its patrons

#### **POLICY CIP 5 - How hearings will apply the CIP to applications from within or out of a stress area**

6.30 In considering applications and representations relating to cumulative impact the Authority may, in addition to the matters listed in policy CIP3 above, have regard to matters that appear to be relevant including (but not limited to):

- The proximity of the proposed premises to others in the area concerned which are licensed or subject to a Provisional Statement for similar activities
- The estimated occupancy figures of existing licensed premises and those subject to a Provisional Statement, in the area concerned and the timings of those activities

- The operational hours of existing licensed premises and those subject to a Provisional Statement, in the area
- The nature of licensed activities in the area and those to be carried on at the proposed premises
- Whether, if the grant of the application would result in or further contribute to a cumulative impact, conditions would be effective in addressing the issue
- The proposed hours of operation of the licensed activities
- Transport provision for the area

6.31 Reason: To ensure that regard is had to all relevant considerations relating to the area.

6.32 The Council will seek to identify mechanisms outside of the licensing regime that are available for addressing the impact of anti-social behaviour and nuisance once patrons leave the vicinity of licensed premises or in respect of the management or operation of licensed premises, and that may lead to the declaration /removal of an area. Regard will be given to the statutory guidance in this respect and the following mechanisms which may be, or have been already, employed:

- Planning controls - positive measures to create a safe and clean city centre environment in partnership with local businesses, transport operators and other departments of the local authority
- Powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly
- Police enforcement of the normal law concerning disorder and antisocial behaviour, including the issuing of fixed penalty notices
- The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk
- The confiscation of alcohol from adults and children in designated areas
- Police powers to close down instantly for up to 24 hours (extendable to 48 hours) any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises
- The power of the police, other responsible authorities or other persons to seek a review of the licence or certificate in question
- Early Morning Alcohol Restriction Orders
- Raising a contribution to policing the late night economy through the late night levy
- Any other local initiatives that similarly address these problems

6.33 The fact that particular premises are in a Stress Area cannot be used as a justification for removing an existing licence. If a representation is received that an existing licensed premises / activity is having an impact that undermines the Licensing Objectives, then Responsible Authorities and Interested Parties may request a review of that specific licence. Action may be considered by the Council under other parts of the policy.

## 7. Children

7.1 A child is anyone under the age of 18 years unless otherwise stated.

7.2 This statement of licensing policy does not seek to limit the access of children to any premises unless it is necessary for the prevention of physical, moral or psychological harm.

7.3 The Licensing Authority will have regard to any representations made by **Children's Services at Southampton City Council** or through the appropriate Southampton City Council Directorate acting on its behalf, or any other appropriate body when considering applications for premises licences.

- 7.4 When considering applications for premises licences, the Licensing Authority will take into account the history of a particular premises and the nature of the activities proposed to be provided when considering any options appropriate to prevent harm to children. The relevant matters include premises:
- where there have been convictions for serving alcohol to minors or with a reputation for underage drinking
  - with a known association with drug taking or dealing
  - where there is a strong element of gambling on the premises
  - where entertainment of an adult or sexual nature is commonly provided
  - where the supply of alcohol is the exclusive or primary purpose of the service at the premises
- 7.5 In these circumstances, conditions may be attached to any licence to:
- limit the hours when children may be present
  - restrict the age of persons on premises
  - exclude children from all or part of the premises when certain activities may take place
  - require an adult to accompany a child
  - set out a requirement for the presence of adult staff according to a set adult/child ratio where children are attending regulated entertainment
  - exclude people under 18 from the premises when any licensable activities are taking place
- 7.6 Where no licensing restriction is considered necessary, however, it is at the discretion of the premises licence holder or club to decide whether or not to admit children; however the Licensing Authority strongly supports the use of Challenge 25 policies, the recording of all refusals and training on all age restricted activity.
- 7.7 Where premises give film exhibitions, licensees must ensure that children are prevented from viewing age-restricted films classified according to the British Board of Film Classification.
- 7.8 Except as in 8.4 above the authority will not impose conditions restricting the admission of children to any premises believing this should remain a matter of discretion of the licence holder. The Licensing Authority encourages family friendly policies. It will take strong measures to protect children where any licence holder is convicted of serving alcohol to children, where premises have or acquire a known association with drug taking or dealing, where gambling takes place on the premises or where entertainment of an adult or sexual nature is commonly provided. In such circumstances while it may sometimes be necessary to impose a complete ban on the admission of children this would be rarely imposed, it would be more likely to require conditions as referred to above.
- 7.9 Where a large number of children are likely to be present on any licensed premises, for example, a children's show or pantomime, then conditions will be imposed requiring the presence of an appropriate number of adult staff to ensure public safety and their protection from harm including control of access and egress and consideration may be given to include conditions concerning child/adult ratios.
- 7.10 The Licensing Authority recognises the great variety of premises for which licences may be sought. These will include theatres, cinemas, restaurants, pubs, nightclubs, cafes, takeaways, community halls and schools. Access by children to all types of premises will not be limited in any way unless it is considered appropriate to do so in order to protect them from harm.
- 7.11 In the case of premises which are used for film exhibitions conditions will be imposed restricting access only to those who meet the required age limit in line with any certificate

granted by the British Board of Film Classification or, in a specific case where there are very good local reasons a certificate given to the film by the Licensing Authority itself.

- 7.12 Where no restriction or limitation is imposed the issue of access will remain a matter for the discretion of the individual licensee or club.
- 7.13 The wide range of premises that require licensing means that children can be expected to visit many of these, often on their own, for food and/or entertainment.
- 7.14 The Licensing Authority will consult with the Southampton Local Safeguarding Children Board acting on the City Council's behalf, or any successor body performing the same or a similar function and any other appropriate body, on any application that indicates there may be concerns over access for children.
- 7.15 The Act details a number of offences designed to protect children in licensed premises and the Licensing Authority will work closely with the police and other appropriate agencies to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children. **These measures will include the test purchasing of prohibited goods at licensed premises.**

## 8. Enforcement

- 8.1 It is essential that premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the approved operating schedule, the specific requirements of the 2003 Act and any licence conditions imposed. The Licensing Authority, in partnership with the responsible authorities, will make arrangements to monitor premises.
- 8.2 The Licensing Authority will work closely with the police, trading Standards and the other responsible authorities, liaising on a regular basis to establish enforcement protocols and concordats to ensure an efficient deployment of resources engaged in enforcing licensing law and inspecting licensed premises, in order to ensure that resources are targeted at problem and high-risk premises.
- 8.3 The Act details a number of offences designed to protect children in licensed premises and the Licensing Authority will work closely with the police, Trading Standards and other appropriate agencies to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol and tobacco products to children.
- 8.4 The premises licence holder is responsible to ensure the four licensing objectives are upheld:
- Prevention of crime and disorder
  - Public safety
  - Prevention of public nuisance
  - Protection of children from harm
- 8.5 Where there is evidence to suggest the licensing objectives are being undermined, enforcement action will be taken in accordance with the principles of better regulation and the Regulator's Compliance Code. The aim is to have well run premises operating in our city. Problems at premises will be identified by the relevant authorities and communicated to the licence holder who will have responsibility to resolve the problem. Failure to effectively address or respond to problems or isolated serious failures will normally result in a review application.



**Bedford Place**



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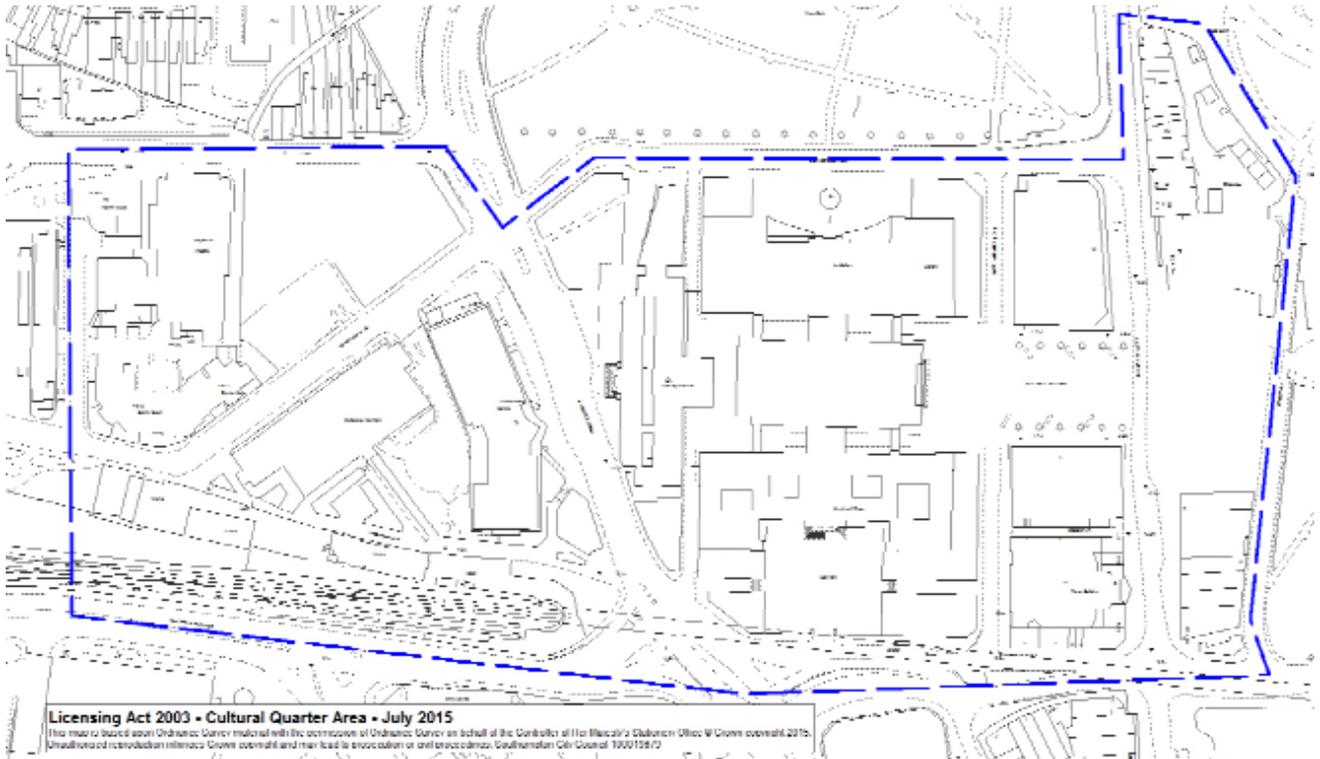
**Bevois Valley North**



Bevois Valley South



## Appendix B: Cultural Quarter



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[ENDS]