

LICENSING ACT 2003



STATEMENT OF LICENSING POLICY

A licensing policy, as determined by the Council in respect of its licensing functions for the three-year period commencing on 7th January 2008~~2011~~, is set out in this licensing statement. During the three-year period the policy will be kept under review and the Council will make such revisions to it, at such times, as it considers appropriate. Further licensing statements will be published every three years thereafter, or as necessary.

1. INTRODUCTION

- 1.1 Southampton City Council (SCC) is the licensing authority under the Licensing Act 2003 (the Act) and is responsible for granting the range of premises licences, club premises certificates, temporary event notices and personal licences within the City in respect of the sale and/or supply of alcohol, the provision of regulated entertainment and late night refreshment.
- 1.2 The licensing authority has adopted this policy, which sets out the general approach the licensing authority will take when it considers applications for premises licences. In adopting this policy the licensing authority recognises and will ensure that each application will be considered on its merits.
- 1.3 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
- 1.4 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 p.m. and 5 a.m.;
 - 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;
 - Provision of facilities for dancing.

- 1.5 This "Statement of Licensing Policy" has been prepared in accordance with the provisions of the Act and the guidance issued under Section 182 of the Act by the Government originally through the Secretary of State for Culture Media and Sport (DCMSGovt Guidance). This policy should be read as a whole and in conjunction with the Licensing Act 2003 and the DCMS guidance which is obtainable online at www.culture.gov.uk or from 2-4 Cockspur Street London, SW1Y 5DH ~~or, online at www.culture.gov.uk~~
- 1.6 ~~GA set of~~ ractical Guidance ~~n~~Notes on applications under the legislation, prepared by Southampton City Council are available either online at www.southampton.gov.uk/licensing or by contacting the Licensing Team, ~~Southbrook Rise, 4-8 Millbrook Road East, Southampton, SO15 1YG~~ PO Box 1344, Southampton SO15 1WQ.
- 1.7 It should be understood that this policy and the DCMS Guidance cannot anticipate every scenario or set of circumstances that may arise and as such there may be circumstances where the policy or the DCMS Guidance may be departed from in the interests of the promotion of the licensing objectives. If circumstances require such a departure the licensing authority will give full reasons for their actions.

2.FUNDAMENTAL PRINCIPLES

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- 2.1 The licensing authority recognises that the entertainment industry in ~~this City~~ Southampton is a major contributor to the local economy. It attracts tourists and visitors, makes for vibrant communities and is a major employer. Commercial occupiers of premises have legitimate expectations for an environment that is attractive and sustainable for their businesses.
- 2.2 The City also has a substantial residential population, whose amenity the licensing authority has a duty to protect. In some areas local residents are affected by an increase in the concentration of entertainment uses and longer hours of operation.
- 2.3 Southampton is the south coast's regional capital with a population of over 236,600 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. Southampton has been voted one of the most pleasant places to work in the UK, and is the gateway to a wide range of world-class features from the Solent with its maritime opportunities to the new national park in the New Forest.
- 2.4 Southampton boasts the south's largest concentration of major companies and is home to some of the UK's biggest brands, from Ordnance Survey, Carnival, Skandia Life and HSBC, to Ford Transit. Commercially, Southampton's success is also notable. The West Quay shopping centre opened in 2000 and in the years since, Southampton ~~has moved to~~ 1515th nationally in the table of shopping destinations. IKEA opened its first UK city centre store in 2009. Additionally, it is home to two universities, the University of Southampton and Southampton Solent University and has a student population exceeding 35,000
- 2.5 Southampton is the largest city in southeast England outside London, and is seeing expansion in important emerging sectors, including media and creative industries, business and financial services, marine engineering, tourism and defence applications. Southampton has a rich heritage, with a famous seafaring history as an important Roman and then Saxon port. The Old Town is surrounded by some of the best-preserved medieval walls in the country. Monuments commemorating links with Henry V, the Pilgrim Fathers and RMS Titanic can be found around the city.
- 2.6 Four and-a-half million people live within an hour's drive, with over half a million within the "travel-to-work" area. Southampton's position in the centre of the south coast offers a wealth of advantages. Southampton is the region's cultural heart with a nationally renowned art gallery and first class venues for opera, theatre, music and cinema. Southampton is the south's

principal media centre: the BBC and radio and regional newspapers are all based in the city region. There are plans for significant new performance, exhibition and studio space in the city's "artsCultural eQuarter" which has been awarded an Arts Council grant of nearly £7.56 million. The Council's plans for this area are reflected in this statement. The Council is also harboursmoving forward with long-standing plans for a multi-use entertainment, conference and ieeleisure venue in the centre of the city and significant improvements to the waterfront adjacent to Royal Pier and Mayflower Park

2.7 The city and Port of Southampton is at the heart of the country's international cruise industry and enjoys a growing market with over 1 million cruise ship passengers coming to the city and passing through the port in 2010 on more than 300 ships. Within 5 years it is anticipated that these numbers will grow to 2 million and 500 respectively

2.8 Southampton lies at the very centre of the south coast's communications network, providing excellent links to national and international destinations through Southampton International Airport and the Port of Southampton. The city maintains a strong international profile and has forged close commercial and cultural ties with European and Far Eastern centres.

2.32.9 The aim of the licensing process is to allow the carrying on of retail sales of alcohol, late night refreshment and the provision of regulated entertainment in a way which ensures the prevention of crime and disorder, the prevention of public nuisance, the protection of children from harm and public safety and which is therefore neither to the detriment of residents, nor gives rise to loss of amenity. It is the licensing authority's wish to facilitate well run and managed premises with licence holders displaying sensitivity to the impact of the premises on local residents.

2.10 To assist this aim, the licensing authority, together with the police and other partner agencies undertake numerous initiatives including, sponsoring and supporting a Best Bar None scheme in Southampton in 2006, 2007 and 2008, which is one of the largest in the country and intends to do so on a regular basis in the future. The number of premises accredited to the scheme reached 100 in 2008.

2.42.11 The licensing authority will also have regard to wider considerations affecting the amenity of any area. These include littering and fouling, noise, street crime and capacity of the City's infrastructure, resources and police resources to cope with an influx of visitors, particularly at night. The licensing authority will endeavour to maintain close contact with the police~~the police~~, youth offender teams and trading standards about the extent of unlawful sales and consumption of alcohol by minors and other criminal activity. The licensing authority will also be involved in the development of any strategies to control or prevent these unlawful activities and where practicable to pursue prosecutions.

2.52.12 The purpose of the policy document is to assist officers and members in reaching a decision on a particular application by setting out those matters that will normally be taken into account. Equally importantly the Policy document seeks to provide clarity for applicants, residents and other occupiers of property and investors, enabling them to make plans to move to, remain or invest in the City with some measure of certainty.

2.62.13 The licensing function is not, however, a mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the licensee of any premises concerned. The licensing authority strongly encourages licence holders to have regard to the actual and potential impact of their business both on their neighbours and neighbourhoods and to do all that is reasonably possible to limit such impact.

2.72.14 The licensing authority recognises that longer licensing hours for the sale of alcohol may avoid large numbers of people leaving premises at the same time, which in turn could reduce the friction at late night fast food outlets, taxi ranks, and other sources of transport that can lead to disorder and disturbance.

- 2.82.15 Appropriate protocols may be agreed between the local police and the licensing authority to report to the relevant local transport authority. The local transport authority may have regard to the need to disperse people from town and City centres swiftly and to avoid concentrations which produce disorder and disturbance. The licensing authority will have regard to the existing policies and strategies of the local transport authority as set out in the Local Transport Plan.
- 2.92.16 In exercising its functions the licensing authority will consider the need for attaching conditions where it is necessary for the promotion of one or more of the four licensing objectives.
- 2.102.17 Fixed trading hours within designated areas will not generally be set as this could lead to significant movements of people across boundaries at particular times seeking premises opening later, with the attendant concentration of disturbance and noise.
- 2.112.18 The licensing authority will generally deal with the issue of licensing hours having due regard to the individual merits of each application. However, when considering applications for premises licences, the licensing authority will take into account:
- Environmental quality
 - Any cumulative impact policy
 - Residential amenity
 - Character or function of a particular area; and
 - Nature of the proposed activities to be provided at the premises
- 2.122.19 Consideration will be given to imposing stricter conditions in respect of noise control where premises are situated in mainly residential areas.
- 2.132.20 The licensing function is only one means of securing the delivery of the above objectives and should not therefore be seen as a panacea for solving all problems within the community. The licensing authority will therefore continue to work in partnership with other agencies, its neighbouring authorities, the police, local businesses and local people towards the promotion of the objectives as outlined.

3. LICENSING CONSIDERATIONS/INTEGRATING STRATEGIES

- 3.1 In undertaking its licensing function, the licensing authority is also bound by other legislation, in particular those set out below:
- Section 17 of the Crime and Disorder Act 1998.
 - The European Convention on Human Rights, which is given effect by the Human Rights Act 1998, places a duty on public authorities to protect the rights of individuals in a variety of circumstances.
 - Health and Safety at Work etc Act 1974.
 - Environmental Protection Act 1990.
 - The Anti-Social Behaviour Act 2003
 - Disability Discrimination Act 1995.
- 3.2 In addition, the licensing authority will consider applications with reference to other adopted policies as set out in the Council's Policy Framework, including but not limited to the Medium Term Plan and Community Strategy.
- 3.3 The licensing authority will also seek to discharge its responsibilities identified by other Government Strategies, so far as they impact on the objectives of the Licensing Act. Examples of these strategies are set out below:

- Action plan for tackling alcohol related crime, disorder and nuisance for example the Alcohol Harm Reduction Strategy 2004
 - Safer clubbing;
 - Local Authorities Coordinators of Regulatory Services (LACORS) / Trading Standards Institute code of best practice on test purchasing.
- 3.4 In addition, the licensing authority will consider applications with reference to other relevant policies, whether adopted by the Council, or recommended by the Government or other agencies as good practice and relevant to the issues raised in any application.
- 3.5 The licensing authority will consider attaching conditions to licences and permissions to deter and prevent crime and disorder both inside and in the vicinity of the premises, and these may include conditions drawn from the model pool of conditions relating to crime and disorder. There will also be close co-operation with Hampshire Constabulary to establish protocols on enforcement issues and local crime prevention strategies (see paragraph 13.2).
- 3.6 The licensing authority and the police are concerned of the effect that the sale of cheap or low price alcohol has upon levels of crime, disorder and anti social behaviour.
- 3.7 It is expected that all premises will take into account the mandatory conditions imposed upon premises licences and the promotion of the licensing objectives when promoting cheap or low priced alcohol and risk assess accordingly in order to minimise the likelihood of disorder.
- 3.8 Any instances where the mandatory conditions are breached or the licensing objectives have not been met should be dealt with robustly.

4. CONSULTATION

- 4.1 There are a number of groups who have a stake in the leisure industry, including providers, customers, residents and enforcers, all of whom have views and concerns that require consideration as part of the licensing function. The licensing authority will make all reasonable efforts to identify the persons or bodies concerned and will consult as far as is reasonably practicable. These will include:
- The Chief Constable, Hampshire Constabulary
 - The Chief Officer, Hampshire Fire and Rescue Service
 - Bodies representing local holders of premises licences
 - Bodies representing local holders of club premises certificates
 - Bodies representing local holders of personal licences
 - Bodies representing businesses and residents in the licensing authority's area. "Individuals involved in business" will be given the widest interpretation possible, including partnerships and need not be confined to those engaged in trade and commerce. This should include current licensees but may also include other organisations such as charities, churches and medical practices.
- 4.2 Proper weight will be given to the views of all those who contributed during the consultation period prior to this policy statement taking effect on the commencement date referred to on page 1 of this policy.
- 4.3 The policy statement will remain in existence for a period of 3 years and will be subject to review and further consultation before the expiration of this policy.
- 4.4 In addition, open meetings may be held amongst the local community at which the community can express how well it feels the licensing objectives are being met.

5. INTEGRATING STRATEGIES AND AVOIDING DUPLICATION

- 5.1 There are many stakeholders in the leisure industry, covering a wide range of disciplines. Many are involved directly or indirectly, in the promotion of the licensing objectives, particularly those relating to the prevention of crime and disorder and public nuisance. The licensing authority will ensure at all times that it takes into account the views of these stakeholders and ensures proper integration of local crime prevention strategies, planning, transport, tourism, cultural strategies and any race equality schemes
- 5.2 The licensing authority will take into consideration:
- The needs of the Local Tourist Economy, Cultural Strategy for the City, Night Time Economy Strategy, Crime and Disorder Strategy, Anti-Social Behaviour Strategy, Old Town Development Strategy and other relevant policies;
 - Proper account will also be taken of the need to encourage and promote live music, dancing, theatre and the arts for the wider cultural benefits of communities generally;
 - The employment situation in the City, and the need for investment and employment where appropriate;
 - The Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000, which places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination; and to promote equality of opportunity and good relations between persons of different racial groups.
- 5.3 The licensing authority recognises that there should be a clear separation of the planning and licensing regimes and licensing applications should not be a re-run of the planning application, and to this end a close liaison will be maintained between licensing and planning committees.
- 5.4 Whilst the licensing authority recognises the need to avoid so far as possible duplication with other regulatory regimes, (such as the Gambling Act 2005) some regulations do not cover the unique circumstances of some entertainment. The licensing authority will therefore consider attaching conditions to premises licences and club premises certificates where they are necessary for the promotion of the licensing objectives and are not already provided for in any other legislation.

6. THE LICENSING PROCESS AND APPLICATIONS

- 6.1 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.
- 6.2 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.
- 6.3 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. Please see the set of Practical Guidance Notes referred to in 1.6 for further details.
- 6.4 It is strongly recommended that organisers whether for large events (particularly festivals and carnivals) or temporary events discuss with Council officers and representatives of responsible authorities (such as the police and fire authority) the licensing and other issues which may arise before submitting an application. Applicants are advised to give as much advance notice as is reasonably practicable. If any potential applicant is in doubt over whether a licence is required for any particular activity they should refer to the set of Practical Guidance Notes and make contact with the responsible Authority or Authorities as appropriate.

- 6.5 When determining applications the licensing authority will have regard to any guidance issued by the DCMS. 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. As and when appropriate the licensing authority will consider establishing a policy of seeking to licence public spaces within the community in the name of Southampton City Council.
- 6.6 When determining applications the only conditions which should be imposed on a premises licence or club premises licence are those that are necessary and proportionate for the promotion of the licensing objectives. In particular regard will be had to any Crime Prevention Strategies i.e. the Local Crime and Disorder Reduction Partnership and any Cultural Strategies such as those that are aimed at monitoring the impact of licensing on the provision of regulated entertainment.
- 6.7 The licensing authority acknowledges the advice received from DCMS that the views of vocal minorities should not be allowed to predominate over the general interests of the community.

7. OPERATING SCHEDULES

- 7.1 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 interested party to assess whether and what steps have been taken or are proposed in order to promote the licensing objectives.
- 7.2 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.
- 7.3 It is strongly recommended that applicants and/or their legal advisors discuss with Council officers and representatives of responsible authorities (i.e. the police and fire authority) 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.

8. CUMULATIVE IMPACT

- 8.1 The licensing authority will not take "need" into account when considering an application, as this is a matter for planning control and the market. The licensing authority however 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 and therefore have an actual or potential adverse impact on the promotion of the licensing objectives.
- 8.2 Representations may be received from a responsible authority/interested party that an area has become saturated with premises making it a focal point for large groups of people to gather and circulate away from the licensed premises; creating exceptional problems of disorder and nuisance over and above the impact from the individual premises.
- 8.3 The licensing authority will take the following steps when considering whether to adopt a special saturation policy:
- the identification of serious and chronic concern from a responsible authority or representatives of residents about nuisance and disorder;
 - where it can be demonstrated that disorder and nuisance is arising as a result of customers from licensed premises, identifying the area from which problems are arising and the boundaries of that area;
 - assessing the causes;

- adopting a policy about future licence applications from that area.
- 8.4 The cumulative impact will also be judged on any representations made on how it affects the promotion of the licensing objectives.
- 8.5 In these or similar circumstances, the licensing authority may consider that the imposition of conditions is unlikely to address these problems and may consider the adoption of a special policy of normally refusing new premises licences or club premises certificates, because the area is saturated with licensed premises and the granting of any more would undermine one or more of the licensing objectives. In relation to every application the licensing authority will consider whether a departure from the special saturation policy can be justified, with or without the imposition of conditions, but will not do so if that would undermine one or more of the licensing objectives.
- 8.6 The onus would be on the applicant to provide evidence to substantiate any assertion that the operation of the premises in question would not add to the existing cumulative impact, taking into account that the impact will be different for premises with different styles and characteristics.
- 8.7 The licensing authority will review any special saturation policies whenever necessary and no later than every three years to see whether they have had the effect intended, and whether they are still needed.
- 8.8 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.
- 8.9 The licensing authority recognises that the diversity of premises selling alcohol, serving food and providing entertainment covers a wide range of contrasting styles and characteristics and will have full regard to those differences and the differing impact these will have on the local community. It should be the norm for shops, stores and supermarkets to be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are very good reasons for restricting those hours, in particular the prevention of crime and disorder and public nuisance.
- 8.10 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.

9. CRIME AND DISORDER

- 9.1 In addition to the requirements for the licensing authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the City.
- 9.2 Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems. Where applications are submitted to operate licensed premises between hours that include any part of the hours between 2300 and 0800 applicants will be expected to demonstrate that operating during these hours will not have an adverse effect on the licensing objectives and set out the steps which they propose to take to secure these objectives.
- 9.3 The licensing authority will expect operating schedules to satisfactorily address these issues from the design of the premises through to the daily operation of the business (e.g. any dispersal plans).

- 9.4 The licensing authority will consider attaching conditions to licences and permissions to deter and prevent crime and disorder both inside and immediately outside the premises, and these may include conditions drawn from the model pool of conditions relating to Crime and Disorder.
- 9.5 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 vicinity of the premises concerned. In taking its decisions the licensing authority will take into account the fact that licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the individual, club or business holding the licence, certificate or permission concerned.
- 9.6 Whenever any persons are employed at licensed premises to carry out any security activity, all such persons must be licensed by the Security Industry Authority (SIA). The licensing authority may consider that certain premises require strict supervision for the purpose of promoting the reduction of crime and disorder. In such cases, the licensing authority may impose a condition that SIA licensed door supervisors must be employed at the premises either at all appropriate times or at such times as certain licensable activities are being carried out.
- 9.7 The licensing authority draws to the attention of applicants/licensees the offences contained under part 7 of the Licensing Act 2003 and the duty on behalf of the applicants/licensees to comply with these and not to allow any breach or breaches to occur.
- 9.8 The licensing authority will not impose standard conditions but will consider attaching conditions to licences and permissions to prevent crime and disorder where appropriate and necessary, which may be based on the pool of conditions contained within annex D of the DCMS Guidance.

10. PUBLIC SAFETY

- 10.1 The Act covers a wide range of premises that require licensing, including cinemas, concert halls, theatres, nightclubs, public houses, cafes/restaurants and fast food outlets/takeaways. Each of these types of premises presents a mixture of risks, with many common to most premises and others unique to specific operations. It is essential that premises are constructed or adapted and operated so as to acknowledge and safeguard occupants against these risks.
- 10.2 It is essential that operating schedules satisfactorily address these issues and it will be expected that the operating schedule will detail how the premises will be properly managed and maintained to ensure public safety at all times.
- 10.3 The licensing authority will not impose standard conditions but will consider attaching conditions to licences and permissions to promote public safety (including fire safety) where appropriate and necessary which may be based on the Pool of conditions contained within annexes E & F of the DCMS Guidance.

11. NUISANCE

- 11.1 Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisance impacting on people living, working or sleeping in the vicinity of the premises.
- 11.2 The concerns mainly relate to noise, vibration, light pollution and noxious smells and due regard will be taken on the impact these may have and the licensing authority will expect operating schedules to satisfactorily address these issues.
- 11.3 The licensing authority will not impose standard conditions but will consider attaching conditions to licences and permissions to prevent public nuisance where appropriate and necessary which may be based on the Pool of conditions contained within the DCMS Guidance.

- 11.4 The licensing authority will consider attaching conditions to licences and permissions to prevent public nuisance, these may include conditions to:
- keep doors and windows at the premises closed, and/or to use noise limiters on amplification equipment used at the premises;
 - ensure that prominent, clear and legible notices are displayed at all exits requesting that patrons respect the needs of local residents and to enforce an appropriate dispersal plan for patrons to leave the premises and the area quietly;
 - restrict the use of explosives, pyrotechnics and fireworks of a similar nature, which could cause disturbance in surrounding areas;
 - place refuse – such as bottles – into receptacles which are outside the premises at times that will minimise the disturbance to nearby properties;
 - ensure that noxious smells from licensed premises are not permitted so as to cause a nuisance to nearby properties and that the premises are properly vented;
 - ensure that flashing or particularly bright lights on or outside licensed premises do not cause a nuisance to nearby properties. Any such condition needs to be balanced against the benefits to the prevention of crime and disorder of bright lighting in certain places.

12. CHILDREN

- 12.1 A child is anyone under the age of 18 years unless otherwise stated.
- 12.2 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.
- 12.3 The licensing authority will have regard to any representations made by the Southampton Local Safeguarding Children Board or through the Southampton City Council appropriate Directorate acting on its behalf, or any other appropriate body when considering applications for premises licences.
- 12.4 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.
- 12.5 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 (see 12.7 below);

- exclude people under 18 from the premises when any licensable activities are taking place.

Where no licensing restriction is considered necessary, however, it is at the discretion of the licensee or club to decide whether or not to admit children;

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;

- 12.6 The authority will not impose conditions requiring 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 in paragraph 12.4 and 12.5 above.
- 12.7 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.
- 12.8 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 necessary to do so in order to protect them from harm.
- 12.9 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.
- 12.10 Where no restriction or limitation is imposed the issue of access will remain a matter for the discretion of the individual licensee or club.
- 12.11 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.
- 12.12 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.
- 12.13 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.
- 12.14 The licensing authority will not impose standard conditions but will consider attaching conditions to licences and permissions for protection of children from harm where appropriate and necessary which may be based on the Pool of conditions contained within the DCMS Guidance

13. ENFORCEMENT

- 13.1 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 and the specific requirements of the 2003 Act and any licence conditions imposed, and the

licensing authority will make arrangements to monitor premises and take appropriate enforcement action to ensure this.

- 13.2 The licensing authority will work closely with [the police Hampshire Constabulary](#) and Trading Standards to establish enforcement protocols and concordats to ensure an efficient deployment of police and Council Officers engaged in enforcing licensing law and inspecting licensed premises, in order to ensure that resources are targeted at problem and high-risk premises.

14. OTHER MATTERS

- 14.1 The licensing authority strongly recommends that where appropriate licence holders become active members of any relevant organisations such as “Licensing Link” or a “Good Licence Holder” scheme, which is aimed at promoting best practices and the licensing objectives.

15. DELEGATION

- 15.1 In accordance with DCMS Guidance the licensing authority has delegated licensing functions to sub-committees or in appropriate cases, to officials supporting the licensing authority as follows:

Matter to be dealt with	Full Committee	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

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		If a police objection <u>All cases</u>	All other 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 consider the application		All cases	
Determination of a police objection to a temporary event notice		All cases	

16. CUMULATIVE IMPACT

- 16.1 In some areas concentrated “pockets” of licensed premises / activities can exist which lead to serious problems of nuisance and disorder arising in the area, and even some distance away from the premises / activity. In such circumstances the impact of those premises / activities when taken as a whole can be far greater than that arising from individual premises / activities. It may not be possible to distinguish individual premises / activities as being the sole cause, or even a major contributing factor, of a particular problem. It is the cumulative combined impact of all of the premises / activities, which causes problems for a wider area and potentially undermines the Licensing Objectives.
- 16.2 The potential impact on the promotion of the Licensing Objectives by a significant number of licensed premises concentrated in one area is often referred to as “cumulative impact”. 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. In addressing cumulative impact the Authority cannot impose quotas of premises or licenses, nor can it adopt the principle of fixing predetermined hours of operation for a particular area (“zoning”).
- 16.3 For several years the Authority has been aware of views being expressed that some parts of the city may be suffering from Cumulative Impact. On the basis of this information the Authority made further inquiries and received further comments and evidence, particularly from

the police, suggesting that it is both necessary and proportionate to adopt the approach to this issue set out in this Policy Statement. This was originally adopted in 2009. This is most up to date evidence is summarised in the attached Appendices and forms the basis for the policy outlined below. This original draft policy was also subject to a consultation exercise with the trade, the public and other bodies likely to be impacted.

Stress Area

- 16.4 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 disorder, noise and other nuisance.
- 16.5 Stricter controls will generally be expected and may be imposed, if necessary and proportionate, with regard to noise controls in areas which have denser residential accommodation.

Policy: CIP1

16.6 The Licensing Authority believes that three areas identified in Appendix B 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”.

- ◆ **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: CIP2

- 16.7 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. However, this policy only applies to applications of the types listed below namely:
- 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

The Council and its arts partners have aspirations to create a “Cultural Quarter” with a wide variety of activities both within new buildings such as the Sea City Museum and new Arts Complex on the former Tyrrell and Green’s site, 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 C.

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.

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

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

- 16.8 ~~16.8~~—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 premises for a Temporary Event Notice is within a designated Stress Area when applying the relevant statutory test.
- 16.9 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.
- 16.10 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. 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). 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.
- 16.11 The Authority may choose to review this Statement of Policy in the future with a view to designating other Stress Areas to which policy CIP2 or a similar policy may be applied. In such circumstances the Authority will consult widely to ensure that such a designation and the application of such a policy would be justified. The application of policy CIP2 and any similar policy will be the subject of regular review to assess its impact.
- 16.12 Responsible Authorities and Interested Parties 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 premises (or proposed premises) is not situated within a designated Stress Area.

Policy: CIP3

- 16.13 Should a relevant representation in turn lead to a hearing to determine an application for a premises located within a designated Stress Area applicants should note that the onus is on

the applicant to establish that the proposed licensable activities will not, on the balance of probabilities, lead to an increase in or add to the cumulative impact already experienced within the designated area. It should be stressed that when considering the application the Licensing Committee will consider the effect of the proposals upon the licensing objectives in light of the underlying reasons for the designation of the area as being one for which the special Stress Area policies should apply.

- 16.14 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 including crime of a racist or homophobic nature

Policy: CIP4

- 16.15 In cases where Responsible Authorities or Interested Parties 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 they shall be expected to:
- i. Identify the boundaries of the area from which it is alleged problems are arising (or identify the relevant Stress Area in which case paragraphs 16.16 – 16.18 below shall apply) ;
 - ii. Identify the Licensing Objective(s) which it is alleged will be undermined;
 - iii. 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;
 - iv. Provide evidence to show that the undermining of the objective(s) is caused by the patrons of licensed premises in the area.
- ◆ **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

- 16.16 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 paragraphs 6.17 to 6.18 below will apply.
- 16.17 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:

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: CIP5

16.18 In considering applications and representations relating to cumulative impact the Authority will, 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 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.

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

16.19 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 had to the Secretary of State's 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 town 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 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 a local resident or business to seek a review of the licence or certificate in question.
- Any other local initiatives that similarly address these problems.

16.20 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.

Cumulative Impact Policy – Above Bar Stress Area - List of Streets

Street	Cumulative Impact Area	All or part?
Above Bar Street	Above Bar	<u>All save for premises categorised within the Cultural Quarter</u>
Above Bar Pedestrian Precinct	Above Bar	
Bargate Street	Above Bar	part
Civic Centre Road	Above Bar	part
Commercial Road	Above Bar	part
Gibbs Road	Above Bar	
Hanover Buildings	Above Bar	part
Manchester Street	Above Bar	
New Road	Above Bar	part
Ogle Road	Above Bar	
Park Walk	Above Bar	part
Portland Street	Above Bar	
Portland Terrace	Above Bar	part
Pound Tree Road	Above Bar	part
Regent Street	Above Bar	
Scullards Lane	Above Bar	
Service Road off Civic Centre Road, rear of Marlands Shopping Centre	Above Bar	
Service Roads off Vincent's Walk	Above Bar	
Sussex Road	Above Bar	part
Vincent's Walk	Above Bar	part
West Marlands Road	Above Bar	part

Cumulative Impact Policy – Bedford Place Stress Area - List of Streets

Street	Cumulative Impact Area	All or part?
Amoy Street	Bedford Place	part
Asylum Road	Bedford Place	part
Bedford Place	Bedford Place	
Bellevue Road	Bedford Place	part
Brunswick Place	Bedford Place	part
Canton Street	Bedford Place	part
Carlton Crescent	Bedford Place	part
Carlton Place	Bedford Place	
College Place	Bedford Place	
Cumberland Place	Bedford Place	part
Dorset Street	Bedford Place	part
Grosvenor Square	Bedford Place	part
Hanford Place	Bedford Place	
Henstead Road	Bedford Place	part
London Road	Bedford Place	part
Lower Banister Street	Bedford Place	
Ordnance Road	Bedford Place	part
Salisbury Street	Bedford Place	
Service Road off Winchester Street	Bedford Place	
Southampton Street	Bedford Place	
Upper Banister Street	Bedford Place	
Vernon Walk	Bedford Place	
Waterloo Terrace	Bedford Place	
Wilton Avenue	Bedford Place	part
Winchester Street	Bedford Place	

Cumulative Impact Policy – Bevois Valley Stress Area - List of Streets

Street	Cumulative Impact Area	All or part?
Ancasta Road	Bevois Valley	part
Bevois Hill	Bevois Valley	
Bevois Valley Road	Bevois Valley	part
Blackberry Terrace	Bevois Valley	part
Brinton's Terrace	Bevois Valley	part
Charlotte Place	Bevois Valley	part
Clovelly Road	Bevois Valley	part
Cranbury Avenue	Bevois Valley	part
Cranbury Terrace	Bevois Valley	part
Denzil Avenue	Bevois Valley	part
Dorset Street	Bevois Valley	part
Earls Road	Bevois Valley	part
Fanshawe Street	Bevois Valley	
Forster Road	Bevois Valley	part
Graham Road	Bevois Valley	part
Kingsbury Road	Bevois Valley	part
Lodge Road	Bevois Valley	part
Lyon Street	Bevois Valley	part
Mount Pleasant road	Bevois Valley	part
Onslow Road	Bevois Valley	part
Portswood Road	Bevois Valley	part
Rockstone Lane	Bevois Valley	part
St. Mary's Road	Bevois Valley	part
Thomas Lewis Way	Bevois Valley	part

