

**FOREST HEATH DISTRICT COUNCIL
REVISED DRAFT POLICY DOCUMENT**

**Licensing Act 2003
Statement of Licensing Policy (4th Edition)**



Forest Heath
District Council

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**FOREST HEATH DISTRICT COUNCIL
LICENSING ACT 2003: STATEMENT OF LICENSING POLICY 2012**

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This updated policy was first adopted by the Council on 7 January 2011 and subsequently reviewed following the commencement of Part 2 of the Police Reform and Social Responsibility Act 2011. It is effective from ?? until ?? unless revised (whether under statutory or voluntary arrangements)

FOREST HEATH DISTRICT COUNCIL

Fourth version Licensing Act 2003 Statement of Licensing Policy

1.0 Purpose of the Statement of Licensing Policy

1.1 All licensing authorities are required to produce a statement of licensing policy, in order to:

- inform elected Members serving on the Licensing Committee of the parameters within which licensing decisions can be made;
- inform applicants, residents and businesses of the parameters within which the Licensing Authority will make licensing decisions;
- inform residents and businesses about how the Licensing Authority will make licensing decisions; and
- provide a basis for decisions made by the Licensing Authority if these decisions are challenged in a court of law.
- to link into the wider context of services/strategies which provide support for individuals which encourage a safer experience in the District.

1.2 This policy covers the following activities which are defined as “licensable” by the Licensing Act 2003:

- Retail sale of alcohol;
- Supply of alcohol by or on behalf of a club, or to the order of a member of the club
- Provision of regulated entertainment, which includes:
 - a performance of a play
 - an exhibition of a film
 - an indoor sporting event
 - a boxing or wrestling entertainment
 - a performance of live music
 - any playing of recorded music
 - a performance of dance
 - entertainment of a similar description to the performance of live music, the playing of recorded music or the performance of dance
- Provision of entertainment facilities - for making music, dancing or entertainment of a similar description
- Provision of late night refreshment

1.3 The 2003 Act (Part 2 of Schedule 1) makes provision for exempt or unregulated activities or locations. Further information on some of these is available from the Department for Culture Media & Sport (www.culture.gov.uk) and also the Home Office (www.homeoffice.gov.uk). Whether activities/locations may be entitled to benefit from an exemption would be assessed on a case-by-case basis.

- 1.4 In some cases additional licences may be required under separate legislation, for example sexual entertainment venues may also require a licence under schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, or the venue may also require Performing Rights Society (PRS) permissions. The Council has a specific policy in respect of the licensing of sex establishment and sex entertainment venues.

2.0 About this document

- 2.1 This document is the fourth version of the local 'Statement of Licensing Policy' for Forest Heath District Council. This version reflects recent changes and revisions to legislation and takes account of lessons learned from the Authority's practice experience and feedback from stakeholders. In particular, the document takes account of changes brought about by the commencement of Part 2 of the Police Reform and Social Responsibility Act 2011.
- 2.2 The document was consulted on **[details to be added later]**
- 2.3 In addition to reading this document, applicants are strongly encouraged to seek further advice from the appropriate responsible authority, and/or authorities, when applying for a licence or considering amending current licences.
- 2.4 Where revisions are made to the legislation or Guidance issued by the Secretary of State, there may be a period of time when the local Statement of Licensing Policy is inconsistent with these revisions. In these circumstances, the Licensing Authority will have regard, and give appropriate weight, to the relevant changes, Guidance and its own Statement of Licensing Policy.

3.0 The role of the licensing authority

- 3.1 Forest Heath District Council's ("the licensing authority") role is to balance the interests of owners, employees, customers and neighbours of licensable premises in making decisions on licence applications and in acting as a responsible authority under the Police Reform and Social responsibility Act 2011. In doing so, the authority will have regard to a number of objectives, set out in part 4.0.

3.2 Processing of licensing applications

- 3.2.1 When a premises licence application or club premises certificate has been lawfully made and no representations are made, officers of the licensing authority must grant the application, applying conditions where appropriate in the context of the Act.
- 3.2.2 Where representations are received, however, the licensing authority's role as a decision maker is engaged. The application will then ordinarily be heard by a sub-committee of the Council's Licensing and Appeals Committee, except for where only minor variations or the disapplication of community premises mandatory conditions are being considered (see later in document).

3.2.3 When a representation has been received, the licensing authority will make all reasonable efforts to resolve the issue through mediation, within the framework of the relevant legislation and guidance.

3.3 *Licensing as a Responsible Authority*

3.3.1 The Police Reform and Social Responsibility Act 2011 created a further role for the Licensing Authority as a responsible authority thereby allowing it to make representations and/or seek a review of the premises licence or club premises certificate. This role will be carried out by appropriately authorised and experienced officers, without having to wait for representations from other authorities.

3.3.2 The Licensing Authority does not expect to act as a responsible authority on behalf of other parties (for example, local residents, local councillors or community groups) although there are occasions where the authority may decide to do so, based on the merits of the individual cases. Such parties can make relevant representations to the licensing authority in their own right, and it is reasonable to expect them to make representations themselves where they are reasonably able to do so.

3.3.3 As far as reasonably practical the Council as the licensing authority will endeavour to make provision for there to be a separation of roles between the licensing officer making any such representation and the licensing officer preparing and presenting the report to the sub-committee of the council's licensing and regulatory committee.

3.3.4 It is the intention of the Licensing Authority to work closely with licensees and their representatives, responsible authorities, other persons and other partner authorities in order to promote the licensing objectives and minimise the burden on all involved to ensure that as far as possible the licensing arrangements work satisfactorily and successfully.

3.4 *Impact of licensing decisions*

3.4.1 In exercising its licensing functions, once its discretion is engaged, the Licensing Authority will primarily focus on the direct impact of the licensable activities taking place at the licensed premises on members of the public living, working or engaged in normal activity 'in the vicinity' of licensed premises. 'In the vicinity' of licensed premises is a question of fact and will depend on the particular circumstances of each case.

3.4.2 The licensing process can only seek to control those measures within the control of the licensee or certificate holder (and their staff/agents), and in the vicinity of the premises involved in licensable activities. Licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are away from such premises and beyond the direct control of the licence holder, nor is it the cure-all for community problems.

4.0 Licensing objectives

4.1 In carrying out its work, the licensing authority has the following main objectives from the Licensing Act 2003:

- 1. The prevention of crime and disorder**
- 2. Public safety**
- 3. The prevention of public nuisance**
- 4. The protection of children from harm**

4.2 In addition, the specific aims of this Statement of Licensing Policy are:

- a) to help to encourage and support a strong and inclusive society that balances the rights of individuals and their communities; and
- b) to allow individual to apply under the terms of the Act for a variety of permissions and to have such an application considered on its individual merits, where the Licensing Authority's discretion has been engaged. It does not seek to override the right of any person to make representations on or about an application or seek a review integrating the Licensing Authority's aims and objectives with other initiatives and strategies that will help to:
 - reduce crime and disorder, and the fear of crime;
 - ensure the safety of the public and staff engaging in licensable activities;
 - encourage tourism and cultural diversity;
 - reduce alcohol misuse;
 - encourage the self sufficiency of local communities; and
 - reduce the burden of unnecessary regulation on business.

5.0 Statutory framework for licensing

5.1 The licensing authority will carry out its functions in accordance with a number of relevant pieces of legislation and strategies, as shown in Appendix one.

5.2 *Recent changes in legislation*

5.2.1 The guidance issued to licensing authorities under s182 of the Licensing Act 2003, in March 2010 has made a number of beneficial changes to the licensing regime. In particular, it:

- Allows local people a bigger voice in licensing decisions, with local people becoming more aware of and engaged in the licensing process;
- Assists with providing a better system of regulation for business, greater choice for consumers, and where possible help for areas in need of economic regeneration;
- Is evidencing that licensees are making good progress towards taking their responsibilities seriously, and are actively working with the Police and each other to eliminate sales of alcohol to underage persons and to combat alcohol related crime and disorder;
- Encourages effective multi-agency partnership working to target 'problem' premises, and that new closure and review powers are working to help clamp down on the irresponsible minority of retailers; and
- Cannot in isolation provide a solution to many of the problems associated with alcohol misuse, and must be part of a broader strategy to achieve better management of the night-time economy and a better balance between the rights and responsibilities of everyone living and working in each community.

5.2.2 The legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. The current guidance (April 2012) states that these include:

- Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- Giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
- Recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
- 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
- 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.

5.2.3 As from April 2012, the Police Reform and Social Responsibility Act 2011 makes significant changes to the Licensing Act 2003

6.0 Joint working

6.1 The licensing regime interacts with a number of other regulatory regimes. The licensing authority will as far as possible seek to avoid duplication with other regulatory regimes when dealing with the licensing function and only to impose additional or supplementary conditions where these are not covered by other regimes and are necessary to promote the licensing objectives.

6.2 The licensing authority will also endeavour to liaise closely with the following organisations and initiatives to ensure effective joint working and the integration of policies and strategies. Meanwhile, premises operators are normally responsible for compliance with any other statutory requirements which may apply.

- Safer Neighbourhood Team
- Crime and Disorder Reduction Partnership
- Suffolk Safety Advisory Group
- West Suffolk Community Safety Partnership
- Stay Safe partner group (looking at offences associated with alcohol and substance misuse)

6.3 Licensing and culture

6.3.1 The Licensing Authority will consider periodically whether the provision of live music and cultural activities and entertainments are being deterred by local licensing requirements. Where there is any indication that this is the case, the Licensing Authority may consider investigating how the situation might be reversed, and may

if necessary in the light of such investigations consider a revision to the Statement of Licensing Policy.

6.3.2 The Local Authority may also, in appropriate circumstances, consider seeking from the Licensing Authority premises licences in its own name for its own public spaces within the community. This may assist with the promotion of broader cultural activities and entertainments for residents and/or visitors to the District.

6.3.3 Where it considers it appropriate to do so, and in order to seek proper integration of the licensing function, the Licensing Authority may directly or indirectly provide periodic reports to the Planning Authority on the general situation regarding licensed premises in the area, which may include reference to the impact of alcohol related crime and disorder.

6.4 ***Licensing and tackling anti-social behaviour***

6.4.1 The purpose of a Designated Public Place Order is to restrict anti-social drinking in designated public places. It is applicable to those over the age of 18 as there are separate laws available to the Police for dealing with those who are under 18. An order provides Police with enforcement powers (within the defined area) to request an individual or group to cease drinking and to confiscate alcohol if they believe that the individual or group has been, is or is about to behave in an anti-social manner. An order is not a comprehensive ban on drinking in the open air and does not cover licensed premises. The details of any DPPO currently in force within the District appear, with the accompanying plans, in Appendix five to this Statement of Licensing Policy .

7.0 **Licensing in Forest Heath**

7.1 Forest Heath is a small, predominantly rural district in West Suffolk, with three market towns, predominantly rural area with three market towns, Newmarket, Mildenhall and Brandon and a number of villages and small hamlets.

7.2 In June 2010, the population of Forest Heath was 64,300. Whilst the population is ageing, the district has a more youthful profile than the rest of the region, with almost two thirds of the population being working age (15-64) and only 5% aged 65 or over. The district's population is also more transient than in many other rural areas, due to the United States Air Force in Europe (USAFE) bases in Mildenhall and Lakenheath and the number of migrant workers in the district's horse racing and agricultural industries.

7.3 Most licensed premises are in the main towns, particularly in Newmarket – the Home of Horseracing – which attracts many visitors.

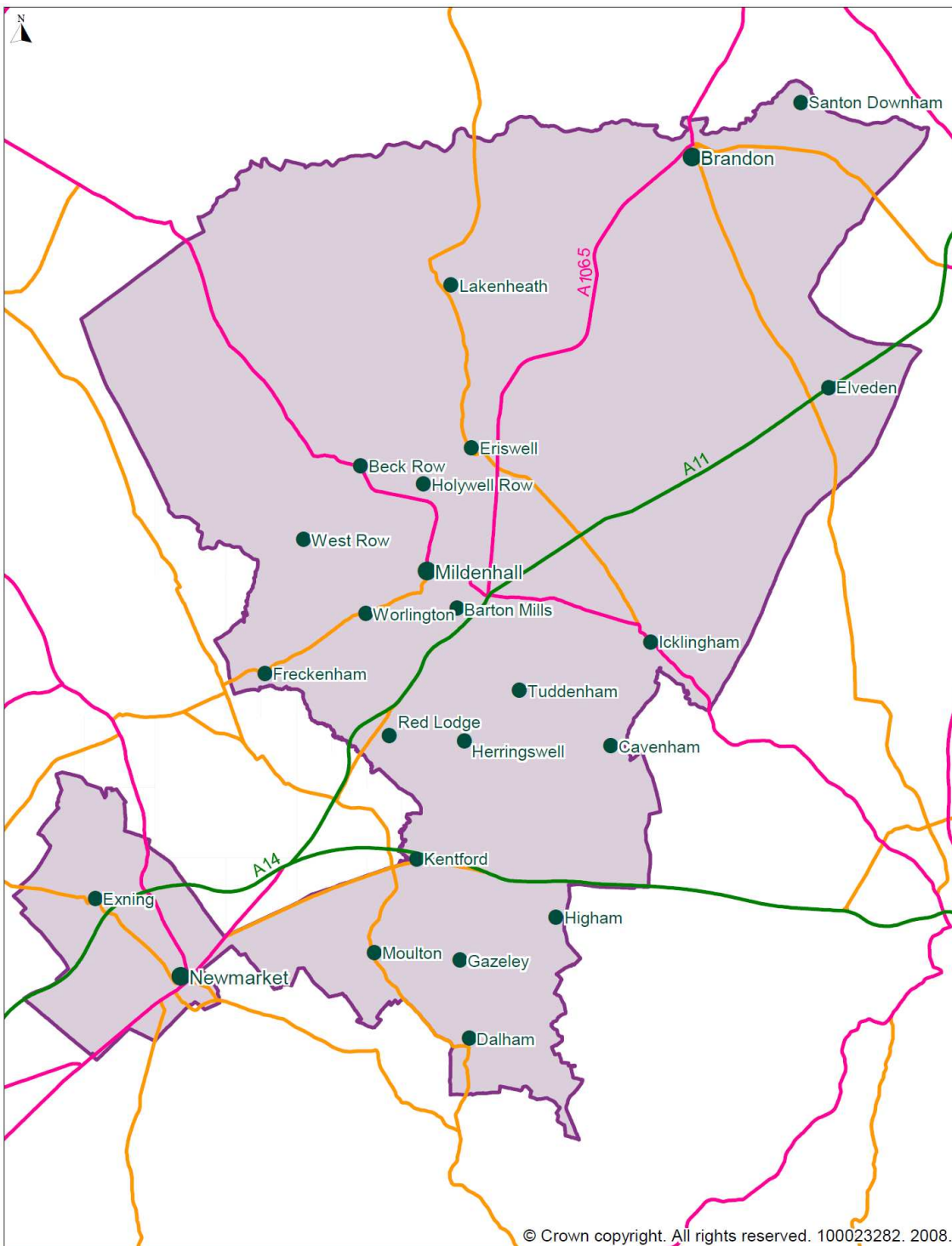


Figure 1 – The district of Forest Heath

8.0 Relationship with Planning Process

- 8.1 Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. However, applications for licences may be made before any relevant planning permission has been sought or granted by the Local Planning Authority.
- 8.2 It is strongly recommended that prospective licence applicants contact the Local Planning Authority in advance of making a licence application in order to check, or seek advice on, any planning consents or any conditions relevant to the use of the premises. It clearly makes operational sense to ensure that planning and licensing are compatible.
- 8.3 The Licensing Authority wishes to emphasise that the granting by the Licensing Committee of any variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building control where appropriate.
- 8.4 The Local Authority will aim to properly separate planning, building control and licensing regimes in order to avoid duplication and inefficiency. The Licensing and Planning regimes involve consideration of different (albeit related) matters. For instance, licensing considers public nuisance whereas planning considers amenity.
- 8.5 The Licensing Authority will avoid treating licensing applications as a re-run of planning applications, and will not normally:
- cut-across decisions taken by the Local Authority Planning Committee or following appeals decisions taken by that Committee; or
 - impose licensing conditions where the same or similar conditions have been imposed on a planning consent.
- 8.6 The Licensing Authority is not bound by decisions made by the Planning Committee and vice versa.
- 8.7 Where as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes that is different to the licensing hours, the licensee must observe the earlier closing time in order to avoid any breach of their planning permission - for which they may be liable to prosecution under planning law.

9.0 Cumulative Impact

- 9.1 The Licensing Authority recognises that the cumulative effect of licensed premises may have negative consequences which could include:
- an increase in crime against both property and persons;
 - an increase in noise causing disturbance to residents;
 - traffic congestion and/or parking difficulties; and
 - an increase in littering and fouling,

and that enforcement action taken to ensure that conditions are complied with may not always resolve any problems experienced in the vicinity of licensed premises.

- 9.2 Licensing is only one means of addressing the problems identified above, and cannot in isolation provide a solution to many of the problems that may be experienced. Other mechanisms to address problems could include:
- Planning controls;
 - Powers of Local Authorities or Police to designate parts of the Local Authority area as places where alcohol may not be consumed publicly and confiscation of alcohol in these areas;
 - Police powers to close down premises or temporary events for up to 24 hours on the grounds of disorder, the likelihood of disorder or excessive noise;
 - Prosecution of personal licence holders who sell alcohol to people who are drunk or underage;
 - Local Authority powers under section 5 of the Anti-Social Behaviour Act 2003;
 - Powers available to responsible authorities under the provisions of the Policing and Crime Act 2009 or Violent Crime Reduction Act 2006.
- 9.3 Where the Licensing Authority is satisfied that there is evidence of a disproportionate detrimental effect on neighbouring businesses and residents and the operation of a number of premises in a defined area has the effect of undermining the licensing objectives, a special policy may be developed. Such a policy would ordinarily address the impact of a concentration of licensed premises selling alcohol for consumption on the premises, as it would not normally be justifiable to adopt such a policy on the basis of a concentration of shops, stores and supermarkets selling alcohol for consumption off the premises.
- 9.4 When setting such a policy, the Licensing Authority shall have due regard to the Guidance, and will follow the consultation, adoption and review procedures applicable to the process.
- 9.5 On 9 January 2008 the Council agreed to implement a Cumulative Impact Policy in respect of Newmarket Town Centre – see Appendix two. This is an area with a significant number of licensed premises of all types. Although they have staggered closing times it still leads to large numbers of people on the street and impacts upon the capability of the transport system to disperse these numbers rapidly with minimum impact on crime and disorder and public nuisance is not there.
- 9.6 Further there is strong statistical information in respect of the number of violent crimes within this area.
- 9.7 The Licensing Authority takes the view that the principle problem is caused by the number of people attending the licensed premises in this area, their movement to and from these premises and to and from hot food takeaways. Forest Heath District Council, the Police and other agencies have implemented a number of initiatives to reduce violent crime. The Licensing Authority believes that a Cumulative Impact Policy in this area supports and assists those initiatives in reducing violent crime and disorder and public nuisance.

- 9.8 Accordingly the Licensing Authority has resolved to adopt a policy which will seek to prevent a further increase in the number of licensed premises within the area outlined in red on the plan within this document.
- 9.9 The Licensing Authority wishes to encourage the provision of a range of entertainment in the area and to reduce the dominance of pubs, bars and nightclubs. Any future expansion of licensed premises/night time economy should be consistent with the wider regeneration aspirations of the Council and its partners and should actively promote an inclusive town centre for all that is a safe and pleasant place to be in.
- 9.10 The proposals in respect of the town centre are intended to target those premises that will increase the numbers of customers in the area and those premises serving alcoholic drinks and/or takeaway food after 11:00pm that can act as a flash point for crime and disorder and public nuisance. It is not intended to constrain the development of other entertainment uses which do not add to the problems being experienced in this area.
- 9.11 It is the Licensing Authority's policy that there will be a rebuttable presumption that applications for new premises licences or club premises certificates, which are primarily drinking establishments and are premises used primarily or exclusively for the sale and consumption of alcohol, will be refused if relevant representations are received about the cumulative impact on the licensing objectives.**
- 9.12 It is the Licensing Authority's policy that there will be a rebuttable presumption that applications for material variations in respect of premises currently licensed will be refused if relevant representations are received about the cumulative impact on the licensing objectives.**
- 9.13 It is the Licensing Authority's policy that there will be a rebuttable presumption that applications for new premises seeking to licence to provide hot food between 11:00pm and 05:00am and where the food purchased is to take away from the premises will be refused if relevant representations are received about the cumulative impact on the licensing objectives.**
- 9.14 It will be the responsibility of an applicant seeking either a new Premises Licence or Club Premises Certificate or seeking a material variation to an existing licence to provide evidence that the additional licence would not have an adverse impact and the applicant would need to address the Cumulative Impact Policy within their operating schedules.
- 9.15 In respect of other areas within Forest Heath District Council the Licensing Authority would need to be provided with evidence-based information and each area would be considered on its own merits.
- 9.16 Where there are licensed premises that cause concern or are within an area of concern the Licensing Authority would first consider imposing conditions.
- 9.17 Before any further Special Cumulative Impact Policy is implemented there would need to be evidence-based information available to the Licensing Authority. This could be part of the information made available by the Police, Crime Reduction

Partnership, Responsible Authorities or other groups when they are reporting on matters affecting members of the public.

10.0 Licensing Hours and Early Morning Restriction Orders (EMROs)

- 10.1 The Licensing Authority, through the exercise of its licensing functions once its discretion is engaged, shall not seek to restrict the trading hours of any particular premises unless it is considered appropriate to promote one or more of the licensing objectives. Each application will be considered individually on its own merits.
- 10.2 The consideration of hours of operation will be in the context of the particular circumstances or each application and the licensing objectives. In the absence of any specific reasons linked to the licensing objectives, the Licensing Authority will not seek to restrict licensed retail outlets ability to sell alcohol for consumption off the premises throughout their general trading hours. [Unless subject to EMRO]
- 10.3 The Licensing Authority recognise that providing consumers with greater choice and flexibility is an important consideration and that in some circumstances flexible licensing hours for the sale of alcohol can help to ensure that the concentrations of customers leaving premises simultaneously are avoided, which in turn can reduce the friction at late night fast food outlets, taxi ranks and other sources of transport which can lead to crime, disorder and disturbance.
- 10.4 The Licensing Authority also acknowledges that licensing hours should not inhibit the development of thriving and safe evening and night-time local economies which are important for investment and employment locally and attractive to domestic and international tourists.
- 10.5 The Licensing Authority will however, where its discretion is engaged, always carefully balance the considerations in 6.3 and 6.4 above against its duty to promote the licensing objectives and protect the rights of local residents and businesses in the vicinity of licensed premises.
- 10.5 The Licensing Authority will consider each application individually on its merits, once its discretion is engaged, and notes the Government's guidance that there is no general presumption in favour of lengthening licensing hours and that the four licensing objectives should be paramount considerations at all times. Where there are relevant representations against an application and the Licensing Committee believes that granting the licensing hours proposed would undermine the licensing objectives then it may reject the application or grant it with appropriate conditions and/or different hours from those requested.
- 10.6 Irrespective of the hours of operation granted for a premises under any licence under the Act, the premises operators should ensure that they comply with any limitation on hours imposed under any other relevant legislation in force - for example Planning law, Sunday Trading Act 1994 or Christmas Day (Trading) Act 2004.
- 10.7 An Early Morning Restriction Order is an un-commenced power from the Licensing Act 2003 (as amended by the Crime and Security Act 2010) and will be introduced by the Police Reform and Social Responsibility Act 2011. Subject to a

Commencement Order and the requirements of any resulting regulations the Council will set out its approach to this provision in this section.

11.0 Relevant Representations

11.1 A relevant representation is one that is made in writing and:

- is about the likely effect of the licence on the promotion of the licensing objectives;
- has been made by a responsible authority, or other persons within the relevant time period as prescribed by regulation;
- has not been withdrawn; and
- has not been determined by the Licensing Authority as frivolous or vexatious (or repetitious in respect of a review).

11.2 Electronic representations will be administered in accordance with the requirements of the Licensing Act 2003 (Premises licences and club premises certificates) (Amendment) (Electronic Applications etc) Regulations 2009 and are accepted by the licensing authority provided that the representation is received within the prescribed time limits. An electronic representation is not deemed to be received until it is opened which will be within office hours and if the e-mail is sent outside those hours and the consultation period finishes before the office is next open then the representation is late and will be refused.

11.3 In 'borderline' cases, the Licensing Authority will normally give the benefit of the doubt to the person(s) or responsible authority making the representation, and any subsequent hearing would provide an opportunity for the person or body making the representation to amplify and clarify it. However, the Licensing Authority could decide not to take any action in respect of the application if, for example, the representation could not be supported.

11.4 An Officer of the Licensing Authority will determine whether any ordinary and reasonable person would consider the issue raised in a representation is repetitious. Any person aggrieved by a rejection of his representations on these grounds may challenge the authority's decision by way of judicial review.

11.5 It will be for the Licensing Act Sub-Committee to determine whether any ordinary and reasonable person would consider the issue raised in a representation as either vexatious or frivolous. Therefore the representation will be deemed to be accepted by the Licensing Authority until such decision is made.

11.6 Representations can be made in opposition to, or in support of, an application. In cases where only 'positive' representations are made, without qualifications, the Licensing Authority will consider whether a hearing is necessary, and may contact the person(s) concerned to give them an opportunity to withdraw their representations.

11.7 Local Councillors play an important role in their communities. They can make representations in writing and subsequently at a hearing as:

1. a member of the relevant licensing authority, i.e. elected councillors of the licensing authority for the area in which a premises is situated;
2. on behalf of a named other person such as a resident or local business if specifically requested to do so; and
3. as an individual in their own right.

Their involvement in and/or participation in meetings to discuss matters is subject to the Local Authorities (Model Code of Conduct) 2007.

11.8 The Licensing Authority seeks to consider each representation on its merits, and taking into consideration the following matters;

- location of the premises which is the subject of the application
- the nature of the surrounding area
- the direct impact of the activities proposed to take place; and the likely distance that sound might travel

11.9 Where representations are not considered to be frivolous or vexatious, and the other person expresses a real concern about the likelihood of intimidation or violence if their details are published, that the LA may, consider withholding information from the public domain which would identify an individual.

11.10 Where a relevant representation is made in respect of:

- an application; or
- an existing licensed premises

a hearing will be held, unless an agreement is reached between the Licensing Authority, the applicant and all of the parties who have made relevant representations, that a hearing is not required.

11.11 The Licensing Authority will encourage mediation between the relevant parties wherever it may be practicable or appropriate to do so, so as to avoid unnecessary hearings. It may also extend the normal time limits for hearings where it is considered in the public interest to do so (for example where all parties are on the point of reaching agreement).

11.12 It should be noted that the usual hearing arrangements, following receipt of a relevant representation, do not apply to minor variations. For these processes the power to determine the application has been delegated to the Licensing Officer, and no hearing mechanism is involved. Relevant representations and statutory guidance will, however, be considered as part of this process, and applications shall be assessed individually and on merit by the relevant officer.

12.0 Administration, Exercise and Delegations of Functions

- 12.1 The Council's published delegation scheme of functions under the Licensing Act 2003 is available on the Council website at www.forest-heath.gov.uk or by contacting the Business Regulation and Licensing Team see Appendix 4.
- 12.2 Where an application has been lawfully made under the Act, and no relevant representations are outstanding, the Licensing Authority will grant the application, in accordance with the requirements of the Act under the authority delegated to an officer. The exceptions to this usual administrative process are:
- applications for a review of a premises which must be referred to a hearing when the application is made;
 - minor variations;
 - and community premises mandatory conditions disapplication requests, as referred to elsewhere in this document.
- 12.3 Electronic applications will be administered in accordance with the requirements of the Licensing Act 2003 (Premises licences and club premises certificates) (Amendment) (Electronic Applications etc) Regulations 2009.

13.0 Hearings

(Subject to Regulations issued under s.183 of the Act):

- 13.1 Where a hearing is required, the relevant representations made will be put before the Licensing Sub-Committee. The representations, including the name and address of the person making them, will normally become part of a public document. The address of the person making the representation is relevant to the 'in the vicinity' consideration of their representation. If any interested party is deterred from making a representation due to these requirements, for example if they have a genuine and well-founded fear of intimidation or violence, then they should promptly contact the Licensing Team for advice.
- 13.2 The hearing will be conducted in accordance with the Licensing Authority's published procedure, which is available on the Council website at **www.forest-heath.gov.uk** or directly from the Licensing Team upon request. The hearing will take the form of an informal discussion led by the Licensing Authority.
- 13.3 Where an application is determined at a hearing, the Licensing Sub-Committee will give appropriate weight to the:
- Relevant representations made;
 - Submissions and any evidence presented by all parties;
 - Steps appropriate to promote the licensing objectives set out in paragraph 4.4 above;
 - Guidance issued under section 182 of the Act (as may be amended from time to time);
 - Licensing Authority's Statement of Licensing Policy; and
 - steps necessary to promote the licensing objectives.

- 13.4 The Licensing Authority may use the power given within the hearings regulations to extend time limits where it considers this to be in the public interest. Extending time limits in the public interest will be assessed individually on a case by case basis.
- 13.5 The Licensing Act 2003 provides for a mediation process between parties. Where it is appropriate for the Licensing Authority to do so, following a relevant representation being made, the Authority shall make all reasonable efforts to facilitate mediation. In doing so the Licensing Authority will be mindful of the legislative framework and any relevant government guidance. Any guidance provided by the authority will be available on the Councils website: www.forest-heath.gov.uk

14.0 Conditions

- 14.1 The 2003 Act (under sections 19-21) makes provision for certain mandatory conditions which are summarised below:
- (a) Where a premises licence authorises the sale or supply of alcohol, no supply may be made at any time when there is:
 - o No designated premises supervisor in respect of the licence; or
 - o At a time when the designated premises supervisor does not hold a personal licence or it is suspended.
 - (b) Where a premises licence authorises the exhibition of films, the licence must include a condition requiring that the admission of children is restricted in accordance with the recommendation of the film classification body, or where varied, the film classification awarded by the Licensing Authority.¹ The Licensing Authority recognise the British Board of Film Classification (BBFC), or any successor person or persons designated as the authority under section 4 of the Video Recordings Act 1984, as the relevant film classification body for these purposes.

The Licensing Authority may not attach to a licence authorising the performance of plays any condition which restricts the nature or manner of performing those plays (other than on grounds of public safety).

Where a licence includes a condition requiring that one or more individuals are present at the premises to carry out security activities, the licence must include a condition requiring such individuals to be licensed by the Security Industry Authority. This requirement will not normally apply to employees who benefit from any relevant exemption under the Private Security Industry Authority Act 2001 (the 2001 Act) or by virtue of any other legislation (for example the Violent Crime Reduction Act 2006).²

(a) ¹ (Note: The Licensing Authority may either award a classification to an unclassified film or vary the classification of a film upon application in accordance with its policy).

² (Note: A premises licence need not impose such a requirement in relation to those licensed premises which the 2001 Act treats as 'unlicensed premises' – being premises staging plays or exhibiting films, licensed gaming premises such as casinos and bingo halls, and premises where a club certificate is in force and when activities are being carried on under the authority of that certificate).

14.2 There are also mandatory conditions relating to a code of conduct for holders of ON licensed premises, via the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 - arising from the Policing and Crime Act 2009. The Secretary of State has powers to set further mandatory conditions and may use this power from time to time. The following conditions will apply to ALL premises licensed for ON sales from 06 April (conditions A to C) and 01 October 2010 (conditions D and E):

- (A) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. In this [condition], an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children –
- (1) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
 - drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - drink as much alcohol as possible (whether within a time limit or otherwise);
 - (2) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (3) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (4) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on –
 - the outcome of a race, competition or other event or process, or
 - the likelihood of anything occurring or not occurring;
 - (5) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
- (B) The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- (C) The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

(D)(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

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

(E) The responsible person shall ensure that –

(1) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(2) customers are made aware of the availability of these measures.

14.3 The Licensing Authority may not attach to a licence authorising the performance of plays any condition which restricts the nature or manner of performing those plays (other than on the grounds of public safety).

14.4 With the exception of the above mandatory conditions, once its discretion is engaged the Licensing Authority will only attach necessary and proportionate conditions to a premises licence or club premises certificate where these:

- are consistent with the issues addressed in the operating schedule which the applicant submits as part of their application; and
- are necessary for the promotion of the licensing objectives.

14.5 It is the intention of the Licensing Authority to express any such conditions in unequivocal and unambiguous terms and such conditions will be tailored to the specific premises concerned.

14.6 The Licensing Authority will avoid attaching standard conditions to premises licences or club premises certificates, but would draw applicants' attention to the pool of possible measures to promote the licensing objectives within Annex D of the Guidance that applicants, and others, may draw upon as appropriate. The Licensing Authority may also make further information available to assist applicants with submitting their operating schedule. Applicants will not be obliged or required to use anything produced by the Licensing Authority for this purpose.

14.7 The Licensing Authority will avoid, as far as possible, attaching conditions to licences/certificates that duplicate the same or similar duties that are already placed on an employer or operator of a premises under other existing laws. However, where these general duties do not adequately address specific issues additional and supplementary measures may be necessary to promote the licensing objectives.

14.8 A committee or board of individuals with responsibility for the management of community premises (“the management committee”) may apply to have an alternative licence condition included in a premises licence in place of the normal mandatory conditions. The alternative condition is that every supply of alcohol under the licence be made or authorised by the management committee.

15.0 Appeals

15.1 Entitlement to appeal against any decision of the Licensing Authority is set out in Schedule 5 of the Act.

15.2 Please note that there are no provisions for appeals to the Magistrates court in respect of applications for minor variations or disapplications for requirement for Designated Premises Supervisor.

15.3 Should the discretion of the Licensing Authority be engaged following an application for a Summary Review under section 53A and interim steps are imposed by the Licensing Authority pending the review of the premises then there is no appeal against that decision.

16.0 Enforcement

16.1 Where necessary, enforcement action will be considered in accordance with the Compliance Code and the Council’s Corporate Enforcement Policy. These guidelines are available direct from Forest Heath District Council and may be subject to periodic amendment.

16.2 The emphasis will be upon a risk-assessed and targeted approach to inspections, concentrating on those premises which either:

- present a greater risk;
- have a history of non-compliance with conditions/regulation; or
- demonstrate poor management practice which undermines the licensing objectives.

16.3 The Licensing Authority will not normally undertake inspections routinely but may do so when and if they are considered by the Authority as reasonably necessary. The 2003 Act does not require inspections to take place save at the discretion of those charged with an enforcement role.

16.4 The Licensing Authority has adopted a joint enforcement protocol with partner authorities – available via the Council website at www.forest-heath.gov.uk or upon request from the Business Regulation and Licensing Team.

16.5 The Licensing Authority will normally act as the enforcing authority in respect of offences under the Act, and for breaches of licence conditions, unless the circumstances of the particular case are such that it is appropriate for another responsible authority to act, in accordance with the agreed enforcement concordat, instead.

16.6 Suffolk Constabulary will retain responsibility as the enforcing authority in respect of the following offences under the Act:

- Section 97 Powers to enter and search
- Section 143 Failure to leave licensed premises
- Section 144 Keeping of smuggled goods
- Section 155 Confiscation of alcohol;
- Section 157 Power to prohibit sale of alcohol on a train; and
- Part 8 offences with respect to closure of premises.

16.7 Suffolk County Council Trading Standards will retain responsibility as the enforcing authority in respect of the following offences under the Act, and may work in partnership where appropriate with Suffolk Constabulary in relation to the investigation and enforcement of underage sales:

- Section 146 Sale of alcohol to children
- Section 147 Allowing the sale of alcohol to children
- Section 147A Persistently selling alcohol underage
- Section 154 Weights and measures offences
(which enable Trading Standards Officers to conduct test purchases and authorise other persons to do so).

16.8 Where expedient for the promotion or protection of the interests of the inhabitants of their area, the Council may also take action under Section 222 of the Local Government Act 1972, and other relevant provisions including Section 40 of the Anti-Social Behaviour Act 2003. The Council will also have due regard to section 17 of the Crime and Disorder Act 1998 whilst carrying out its functions.

17.0 Closure Orders/Notices

17.1 Part 8 of the Licensing Act 2003 provides for the arrangements relating to closure orders, and there are also powers available to the Local Authority and/or responsible authorities/court to close premises via other legislation on grounds of serious crime or disorder, persistent nuisance or protection of children - for example under the Violent Crime Reduction Act 2006, Criminal Justice and Immigration Act 2008 and Anti-Social Behaviour Act 2003.

17.2 Where a Magistrates' Court has determined to exercise its powers in respect of a closure order, the Licensing Authority must conduct a review of the relevant premises licence in accordance with procedures prescribed by regulation. This will normally involve:

- serving notice on the premises licence holder and responsible authorities and advertising the review in accordance with the regulations;
- holding a hearing in accordance with the procedures outlined in section 9 of this Statement of Licensing Policy to review the premises licence; and
- determining the review no later than 28 days after the day on which it receives the notice of the closure order from the Magistrates' Court.

17.3 When determining a review following the notice of a closure order, the Licensing Authority will consider:

- the closure order and any extension to it;
- any order under section 165(2); and
- any relevant representations; and will

take such steps as it considers appropriate to promote the licensing objectives as outlined in section 22.4 of this Statement of Licensing Policy.

- 17.4 The Licensing Authority will notify the licence holder, the Chief Officer of Police and any person who made relevant representations of the outcome of the review hearing, including reasons for the decision. The Licensing Authority may suspend the operation of its decision until the end of the period given to appeal, or until the appeal is disposed of (if not already suspended by the Magistrates' Court).

18.0 Addressing the Licensing Objectives

- 18.1 In respect of addressing each of the four licensing objectives in their Operating Schedule, applicants should carefully consider what steps they believe are necessary to promote the licensing objectives:

- the nature and style of the venue;
- the activities being conducted;
- the location;
- the additional measures to taken on an occasional or specific basis e.g. for special events or promotion;
- any special effects or risks; and
- the anticipated or target clientele.

- 18.2 Whilst applicants are not required to seek the views of responsible authorities before formally submitting applications, the Licensing Authority strongly encourage applicants to do so when drafting their operating schedule as applicants may find this a source of useful advice when addressing the licensing objectives. This may in some instances reduce the possibility of responsible authorities, or interested parties, raising representations against an application.

- 18.3 Organisers of large, temporary outdoor events (such as music festivals, fairs, shows and carnivals) are strongly encouraged to engage as early as possible with the responsible authorities to ensure that their planned event is developed in a way likely to promote the licensing objectives. They should also seek the advice of the Suffolk Safety Advisory Group (SAG).

- 18.4 As steps volunteered by applicants within their operating schedule will very often directly translate to conditions on the licence, the Licensing Authority encourages applicants to state their proposed steps to promote the licensing objectives in unequivocal and unambiguous terms.

18.5 Prevention of Crime and Disorder

- 18.5.1 The Council is committed to further improving the quality of life in its area by continuing to help reduce crime and disorder and the fear of crime. To this end, the Licensing Authority strongly encourages applicants and licensees to ensure that

relevant factors within their control which impact on crime and disorder have been considered, for example:

- underage drinking;
- drunkenness on the premises;
- drunkenness in public;
- drugs;
- violent behaviour;
- criminal damage at the premises or in the immediate vicinity; and
- anti-social behaviour.

- 18.5.2 Section 17 of the Crime and Disorder Act 1998 imposes a duty on each Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.
- 18.5.3 In order to promote the prevention of crime and disorder objective, the Licensing Authority encourages licence holders to become active partners with the Licensing and responsible authorities. Applicants are encouraged to demonstrate in their operating schedule that relevant, suitable and sufficient measures within their control have been considered and identified and will be implemented and maintained in order to reduce or prevent crime and disorder on, and in the vicinity of, their premises.
- 18.5.4 When addressing the issue of crime and disorder in their operating schedule, applicants may consider, but are not limited to, factors identified at paragraph 14.2.1 above.
- 18.5.5 Applicants may find it helpful to contact the local Safer Neighbourhood Team (SNT) or Crime and Disorder Reduction Partnership (CDRP) in advance of making their application, as the SNT/CDRP may be able to offer expert advice and guidance on local crime and disorder issues and promotion of this licensing objective.
- 18.5.6 The following examples of control measures are given purely to assist applicants with development their Operating Schedule, having regard to their particular type of premises and/or activities. These are not in any way to be regarded as standard conditions or mandatory requirements:
- a. effective and responsible management of premises
 - b. prevention of overcrowding
 - c. training and supervision of staff
 - d. adoption of best practice guidance (e.g. Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit and other industry codes of practice, including those produced by the Portman Group)
 - e. use of accredited 'proof of age' schemes (for example Challenge 21 or Challenge 25) where it is intended to operate more stringent measures than those contained within mandatory conditions (see 10.2 of this document)
 - f. signing up to and participating in Pubwatch or Nightsafe schemes where it is in operation

- g. provision and use of effective CCTV in and around premises
- h. use of Security Industry Authority licensed door staff (during specified days/times)
- i. provision of toughened or plastic/polycarbonate glasses and/or Polyethylene Terephthalate (PET) bottles
- j. decanting glass bottles into toughened, polyethylene terephthalate (PET) or plastic polycarbonate drinking glasses.
- k. provision of secure deposit boxes for confiscated items ('amnesty bins')
- l. provision of litter bins and other security measures, such as lighting, outside premises
- m. control or prevention of customers entering and leaving with opened bottles/glasses – for example whilst they are observing smokefree regulations.
- n. demarcation, capacity control, supervision and monitoring of areas immediately in the vicinity of the premises, used by smokers.
- o. Searching policy
- p. Dispersal Policy
- q. Risk assessment process to consider the crime and disorder implications of individual DJ's and Promoters.

18.5.7 Within the operating schedule for a premises from which alcohol will be sold, a premises supervisor must be designated (Designated Premises Supervisor or 'DPS'), unless a relevant community premises disapplication has been applied for/authorised. The DPS will often have been given the day-to-day responsibility for running the premises by the premises licence holder and, as such, will usually be the first point of contact for authorised officers. In exceptional circumstances, the police may object to the designation of a new DPS where they believe that such an appointment would undermine the crime prevention objective.

18.5.8 Where the police object to an individual being appointed as a Designated Premises Supervisor, or object to an application made by community premises management committee for the inclusion of the alternative licence condition, the Licensing Authority will arrange for a hearing at which the issue can be considered in accordance with the procedure outlined in section 9 of this Statement of Licensing Policy.

18.5.9 The Licensing Sub-Committee considering the matter will confine their consideration to the prevention of crime and disorder objective.

18.5.10 Certain temporary events (see section 17 of this Statement of Licensing Policy) should be notified to the Licensing Authority using the Temporary Event Notice procedure. Depending on the nature and location of such temporary events these may, on occasion, have public safety, crime and disorder implications. Organisers of such events are encouraged to submit their notification as soon as reasonably practicable in advance of the event to enable the Police and the other responsible authorities to work with them to identify and reduce the risk of crime and disorder.

18.6 Public Safety

18.6.1 The Council is committed to ensuring that the physical safety of any person visiting or working in licensed premises is not compromised. To this end, applicants and licensees will be encouraged to conduct a risk assessment prior to completion of their operating schedule to ensure that relevant factors within their control which

impact on public safety have been considered and identified. These factors may include, but are not limited to:

- a. the occupancy capacity of the premises (including staff and performers). Note: If a capacity has been imposed/set through other legislation, for example under Fire Safety legislation, it may not be appropriate to reproduce it in a premises licence. Anticipated maximum capacity/attendance for large, temporary outdoor events should be made clear.
- b. the age, design and layout of the premises, including means of escape in the event of fire or other emergency
- c. the nature of the licensable activities to be provided, in particular the sale and supply of alcohol, or provision of any special effects in conjunction with, or as part of regulated entertainment and including whether those activities are of a temporary, occasional or permanent nature
- d. the hours of operation (differentiating the hours of opening from the hours when licensable activities are provided, if different)
- e. customer profile (such as age, disability or culture)
- f. the use of special effects such as lasers, pyrotechnics, smoke machines, foam machines, etc.
- g. demarcation, capacity control, supervision and monitoring of areas immediately in the vicinity of the premises, used by smokers.

18.6.2 The Licensing Authority shall not seek to impose fire safety conditions where the Regulatory Reform (Fire Safety) Order 2005 adequately controls such matters.

18.6.3 The following examples of possible control measures are given purely to assist applicants when preparing their operating schedules, having regard to their particular type of premises and/or activities. These are not in any way to be regarded as standard conditions or mandatory requirements:

- a. suitable and sufficient risk-assessments. Some applicants may wish to consider a commitment in their operating schedule to providing the relevant authorities with a full risk assessment prior to the commencement of licensable activities (this may be particularly relevant to large temporary outdoor events).
- b. effective and responsible management of premises
- c. provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons/staff
- d. appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and patrons
- e. adoption of best practice guidance and other voluntary codes of practice (Note: Applicants may wish to contact the local Health & Safety officers or HSE for advice)
- f. provision and use of effective CCTV in and around premises
- g. provision of toughened or plastic/polycarbonate glasses and /or Polyethylene Terephthalate (PET)
- h. decanting glass bottles into toughened, polyethylene Terephthalate (PET) or plastic polycarbonate drinking glasses
- i. implementation of crowd management measures
- j. monitoring arrangements such as door staff, ticketing, attendance clickers or maintenance of attendance records
- k. regular/periodic review and testing (and certification where appropriate) of procedures, appliances, systems etc pertinent to safety

- l. Searching policy
- m. Dispersal Policy
- n. Risk assessment process to consider the crime and disorder implications of individual DJ's and Promoters

18.7 Prevention of Public Nuisance

- 18.7.1 Licensed premises can have significant potential to impact adversely on persons in the vicinity through public nuisances that arise from their operation.
- 18.7.2 Subject to case law the Licensing Authority interprets 'public nuisance' in its widest sense, and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in the vicinity of a licensed premises.
- 18.7.3 The Licensing Authority encourages applicants and licensees to conduct a risk assessment prior to completion of their operating schedule to ensure that relevant factors within their control which impact on public nuisance have been considered and identified.
- 18.7.4 The Licensing Authority recommends that licensees apply a high standard of control to minimise the potential for any public nuisance that may arise from their operation of the premises, particularly where:
- they are situated in a residential or noise sensitive area; or
 - extended opening hours are proposed.
- 18.7.5 When addressing the issue of prevention of public nuisance in their operating schedule, the applicant may identify steps to show that those factors that impact on the prevention of public nuisance objective have been considered. These may include, but are not limited to:
- the location of premises and proximity to residential and other noise sensitive premises, such as hospitals, care homes, hospices and places of worship
 - the hours of operation, particularly between 23.00hrs and 07.00hrs
 - the nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside
 - the design and layout of premises and in particular the presence of any noise limiting features
 - the occupancy capacity of the premises
 - the availability of public transport/taxi and private hire services to assist the dispersal of patron after events;
 - 'wind down period' between the end of the licensable activities and closure of the premises
 - last admission time
- 18.7.6 The following examples of control measures are given purely to assist applicants when preparing their operating schedules, having regard to their particular type of premises and/or activities. These are not exhaustive, and are not to be regarded in any way as standard conditions or mandatory requirements, but include:

- a. effective and responsible management of premises
- b. appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance
- c. control of operating hours for all or parts (such as garden, patio and terraced areas) of premises, including such matters as deliveries or the collection or disposal of glassware;
- d. impact on neighbours due to customers opening doors/going outside to observe smokefree regulations
- e. adoption of best practice guidance (such as the Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by the Institute of Acoustics, Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit and other industry codes of practice). The local Environmental Protection officer may be able to offer some helpful advice in this respect.
- f. installation and effective maintenance of soundproofing, air conditioning, acoustic lobbies and sound limitation devices
- g. management of people, including staff, and traffic (and resulting queues) arriving and leaving premises
- h. liaison with public transport/taxi and private hire service providers
- i. siting of external lighting, including security lighting. The local Environmental Protection Officer may assist in ensuring any external lighting minimises the potential for light pollution nuisance.
- j. management arrangements for collection and disposal of litter
- k. effective ventilation systems to prevent nuisance from odour
- l. demarcation, capacity control, supervision and monitoring of areas immediately in the vicinity of the premises, used by smokers.
- m. Dispersal Policy
- n. Any adverse noise created by any ventilation or air conditioning system or any other machinery positioned outside the building.

18.7.7 Please note that applicants should consider contacting the local Planning Authority for advice on whether any proposed installation of lighting, ventilation, soundproofing, smoking shelter or other works require planning consent from the Planning Authority. This may be particularly relevant if the premises is a listed building.

18.8 Protection of Children from Harm

18.8.1 The Licensing Authority, once its discretion is engaged concerning an application, shall not seek to limit the access of children to any premises unless it is necessary for the prevention of their physical, moral or psychological harm. Consideration shall be given to the individual merits of each application.

18.8.2 Whilst the Licensing Authority cannot anticipate every possible issue of concern that could arise in respect of children in relation to individual premises, areas that will give rise to particular concern in respect of children would include premises:

- Where entertainment or services of an adult or sexual nature are provided (whether permanently or occasionally);
- Where there have been convictions of members of the current staff at the premises for selling alcohol to minors or with a reputation for underage drinking; and to the selling of alcohol to people who are already intoxicated.
- With a known association with drug taking or dealing;

- Where there is a strong element of gambling on the premises (but not for example the simple presence of a small number of cash prize gaming machines); and
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

18.8.3 Whilst it is not possible for the Licensing Authority to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature, examples would generally include topless bar staff, striptease, lap-dancing, table-dancing, pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language. It should be noted that premises deemed as 'sexual entertainment venues' under the Policing and Crime Act 2009 will subject to the permitted exemptions require an additional licence under the Local Government (Miscellaneous Provisions) Act 1982. The Council has adopted a Policy on the licensing of Sex Establishments (including sexual entertainment venues which may be found on www.forest-heath.gov.uk).

18.8.4 The 2003 Act made it an offence to permit children under the age of 16 who are not accompanied by an adult to be present on premises being used exclusively or primarily for supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or where that activity is carried on under the authority of a Temporary Event Notice (TEN). 'Exclusively or primarily' in relation to the consumption of alcohol will bear their ordinary and natural meaning in the context of the particular circumstances.

18.8.5 In addition, it is an offence to permit the presence of children under 16 who are not accompanied by an adult between midnight and 5am at other premises supplying alcohol for consumption on the premises under the authority of a premises licence, club premises certificate or where that activity is carried on under the authority of a Temporary Event Notice (TEN).

18.8.6 The Licensing Authority considers that, subject only to the provisions of the 2003 Act and unless restriction of access is necessary to protect children from harm, this is a matter for the discretion of the licensee.

18.8.7 The Licensing Authority shall not seek to impose any condition on any licence or certificate requiring the admission of children.

18.8.8 Applicants are strongly encouraged to demonstrate in their operating schedule that they have considered and identified any suitable and sufficient measures relevant to the style, character and activities of their individual premises to protect children from harm.

18.8.9 Where it is necessary for promotion of the protection of children from harm licensing objective, there are a range of alternatives which may be considered for limiting the access of children. These could include:

- (a) Limitations on the hours when children may be present;
- (b) Limitations excluding the presence of children under certain ages when particular activities are taking place;
- (c) Limitations on the parts of premises to which children might be given access;

- (d) Age limitations (below 18);
- (e) Requirements for accompanying adults; and
- (f) Full exclusion from those under 18 from the premises when any licensable activities are taking place.

18.8.10 The following examples of possible control measures are given purely to assist applicants with preparing their operating schedules, having regard to their particular type of premises and activities. These examples are not exhaustive, and are not in any way to be treated as standard conditions or mandatory requirements, but include:

- (a) provision of a sufficient number of people employed or engaged to secure the protection of children from harm
- (b) appropriate instruction, training, supervision and background checks of those employed or engaged to secure the protection of children from harm
- (c) adoption of best practice guidance (for example Public Places Charter)
- (d) limitations on the hours when children may be present in all or parts of the premises
- (e) the presence of an adequate number of adult staff to control the access and egress of children and to protect them from harm whilst on the premises
- (f) an adequate number of adult staff to be responsible for the child performers. Criminal Records Bureau/ISA checks on such adult staff may be appropriate.
- (g) use of accredited 'proof of age' schemes (for example Challenge 21 or Challenge 25) where it is intended to operate more stringent measures than those contained within mandatory conditions (see 10.2 of this document)

18.8.11 Where film exhibitions are authorised at a premises, the licence shall include a mandatory condition (section 20 of the Act) requiring that children are restricted from viewing age-restricted films in accordance with the British Board of Film Classification (BBFC), or in accordance with any recommendation made by the Licensing Authority.

18.8.12 The Licensing Authority recognise the British Board of Film Classification (BBFC), or any successor person or persons designated as the authority under section 4 of the Video Recordings Act 1984, as the relevant film classification body for these purposes.

18.8.13 Where an application is being made for a films activity, it is recommended that the applicant consider in their operating schedule how they will protect children from harm - for example a commitment to prohibiting or restricting the access of children to any film showing, or part thereof, that could give rise to concerns in protecting them from moral, psychological or physical harm.

For a non-BBFC rated film showing (for example the showing of a recorded television broadcast) the Licensing Authority may set an age restriction on the admission of children to that viewing.

The Licensing Authority seeks to work in partnership with licence holders in promotion of the licensing objectives, and Premises Licence/Club Premises Certificate holders may contact the Licensing Authority for guidance if they are planning to show a film that is not BBFC rated and may not be suitable for the presence of children. Where the Licensing Authority is minded to make any

recommendation on a non-BBFC rated film showing it will do so in writing to the licence or certificate holder.

18.8.14 The Licensing Authority recognises the Suffolk Safeguarding Children's Board (SSCB), who have nominated their duties to the Suffolk Constabulary Child Protection Teams, as being competent to advise on matters relating to the protection of children from harm. The contact details are available from the Licensing Section or **www.forest-heath.gov.uk**

18.8.15 Suffolk County Council Trading Standards and Suffolk Constabulary may, in conjunction with other appropriate agencies, conduct test purchases to check the compliance of retailers with the prohibition on underage sales of alcohol.

19.0 Personal Licences

(Subject to Regulations issued under s.117 and s.133 of the Act):

19.1 The Licensing Authority will grant a personal licence if the applicant has met the requirements set out in the Act and no objections are received.

19.2 Where an applicant is found to have an unspent conviction for a relevant offence or a foreign offence, and the police object to the application on crime prevention grounds, the application will normally be referred to a Licensing Act Sub-Committee.

19.3 Any hearing will be held in accordance with the procedure referred to in section 9 of this Statement of Licensing Policy.

19.4 All personal licence holders should ensure they are aware of the offences relating to personal licences, for example the duty of the holder to advise the Court of the existence of their personal licence if charged with a relevant offence and to advise the Licensing Authority of changes to name or address.

19.5 In accordance with the Guidance issued under section 182 of the Licensing Act 2003, the Licensing Authority recommends that personal licence holders (and DPSs/authorised community premises management committees) overtly authorise individuals in writing to sell alcohol under the authority of their personal licence/duty where the personal licence holder or DPS/management committee is unable to authorise the transaction(s) in person.

20.0 Applications for Premises Licences

(Subject to Regulations issued under s.17, s.54 and s.55 of the Act):

20.1 The Department for Culture Media & Sport (DCMS) provides a written guide to making an application, and this is available free of charge by contacting the Licensing Team or visiting the government website at **www.culture.gov.uk**. Local guidance information, such as contact details for responsible authorities and other guidance documents, is available on the Council website at **www.forest-heath.gov.uk** or by contacting the Licensing Officers.

20.2 Pre-application discussions with responsible authorities are strongly encouraged to assist applicants with development of their operating schedule in a way which is likely to promote the licensing objectives.

- 20.3 The Licensing Act 2003 provides for a mediation process between parties. Where it is appropriate for the Licensing Authority to do so, following a relevant representation being made, the Authority shall make all reasonable efforts to facilitate mediation. In doing so the Licensing Authority will be mindful of the legislative framework and any relevant government guidance. It may also extend the normal time limits for hearings where it is considered in the public interest to do so (for example where all parties are on the point of reaching agreement, or so as to ensure that it is possible for a party to attend the hearing).
- 20.4 An application may be made to the Licensing Authority for any place within its area to be used for licensable activities or recognised club activities. The application requirements are prescribed by regulation and will normally include:
- a) the required fee;
 - b) an operating schedule;
 - c) plan of the premises, in accordance with regulatory requirements; and
 - d) if it is intended that the premises be authorised to sell alcohol, a form of consent given by the person the applicant wishes to have specified in the Premises Licence as the Designated Premises Supervisor (DPS), or else request to disapply this usual requirement if for an eligible 'community premises'.
- 20.5 The Operating Schedule will include a statement of:
- a) the relevant licensable activities, including a description of the style and character of the business and activities to be conducted on the premises;
 - b) the times during which the applicant proposes that the relevant licensable activities are to take place;
 - c) any other times during which the applicant proposes that the premises are to be open to the public;
 - d) where the applicant wishes the licence to have effect for a limited period, that period;
 - e) where the relevant licensable activities include the sale by retail of alcohol, the name and address of the individual whom the applicant wishes to have specified as the Designated Premises Supervisor and a consent form signed by that person including details of their personal licence (or else a 'community premises' disapplication request may be applicable);
 - f) where the relevant licensable activities include the sale by retail of alcohol, whether such sales are proposed to be for consumption on the premises or off the premises, or both;
 - g) the steps which the applicant proposes to take to promote the licensing objectives; and
 - h) any other prescribed matters.
- 20.6 Where relevant representations are received about an application, and those representations are not withdrawn, the application will normally be referred to a Sub-Committee of the Licensing Committee, which will be held in accordance with the procedure referred to in section 9 of this Statement of Licensing Policy.
- 20.7 Where a premises licence application is being applied for to authorise a large scale outdoor event of a temporary nature (for example a music concert, street fair, show or carnival) the Licensing Authority strongly recommends that applicants

contact the responsible authorities as soon as possible in advance of making their application in order to seek expert advice and guidance on formulation of their operating schedule to ensure that the event runs safely and with a view to promoting the four licensing objectives.

21.0 Club Premises Certificates

(Subject to Regulations issued under s.71, s.91 and s.92 of the Act):

- 21.1 Paragraphs 16.1 to 16.3 above apply
- 21.2 The application requirements for a Club Premises Certificate are set by regulation and will normally include provision of:
- a) the relevant fee;
 - b) the Club Operating Schedule;
 - c) a plan of the premises in accordance with regulatory requirements;
 - d) a copy of the rules of the Club; and
 - e) details to verify that the Club is a qualifying Club
- 21.3 The Club Operating Schedule will contain the following information:
- a) details of the recognised Club activities to which the application relates;
 - b) the times during which it is proposed the recognised Club activities take place;
 - c) any other times during which it is proposed the premises are open to members and their guests;
 - d) the steps which it is proposed to take to promote the licensing objectives; and
 - e) any other prescribed matters.
- 21.4 Where relevant representations are received in respect of an application, and those representations are not withdrawn, the application will normally be referred to a Sub-Committee of the Licensing Committee, and the hearing will be held in accordance with the procedure referred to in section 9 of this Statement of Licensing Policy.

22.0 Temporary Events Notices (TENS)

- 22.1 The Act sets out the terms and conditions under which an application for a TEN may be made. Where reference is made to the minimum period for the giving of a standard TEN, the Licensing Authority understands this to mean 10 days exclusive of the day on which the event is to start and exclusive of the day on which the notice is given. Should any statutory modifications be made to the TENS system, for example relating to service requirements, then the Licensing Authority shall have due regard to these and publicise any such changes including via its website at www.forest-heath.gov.uk.
- 22.2 There is provision for making an application for a late TEN. Such application may be made no earlier than 9 working days before the event and no less than 5 working days before the event. Again Licensing Authority understands this to mean 9 or 5 days exclusive of the day on which the event is to start and exclusive of the day on which the notice is given.

- 22.3 Where either a standard TEN or late TEN is given and one or more of the relevant statutory limits are exceeded, the Licensing Authority will serve a Counter-Notice on the notice giver in accordance with section 107 of the Licensing Act 2003 to prevent the licensable activities from going ahead. There is no provision under the Act to appeal against the issue of a Counter-Notice.
- 22.4 Where a TEN complies with the statutory requirements, the Licensing Authority will record the notice in its register and send an acknowledgement to the premises user. The event may then proceed in accordance with the submission in the Temporary Event Notice unless the person who gave the notice is subsequently notified that it is the belief of the Licensing Authority that the notice was not served in accordance with the Legislation or an objection notice was subsequently received from either the Suffolk Constabulary or Environmental Health.
- 22.5 Where either the Suffolk Constabulary or Environmental Health issue an objection notice to a standard TEN, the Licensing Authority will normally consider this at a hearing (*unless the objection notice is withdrawn before the hearing date*). The hearing will be held in accordance with the procedure outlined in section 12 above.

If the TEN is submitted, and there is an objection notice, for an event that is a premises that has either a premises licence or club premises certificate for all or part of the premises then the licensing authority can add conditions to the TEN provided such conditions are appropriate for the promotion of the licensing objectives and are consistent with the carrying out of the licensable activities under the TEN.

- 22.6 Where either the Suffolk Constabulary or Environmental Health issue an objection notice to a late TEN, there is no provision either for the Licensing Authority to consider a hearing or add conditions.
- 22.7 The licensing authority will notify the applicant of its decision at least 24 hours before the beginning of the event period specified in the Temporary Event Notice.

23.0 Provisional Statements

(Subject to Regulations issued under s.29 and s.30 of the Act):

- 23.1. The Act sets out the terms and conditions under which an application for a provisional statement may be made.
- 23.2 Where a Provisional Statement has been issued and a person subsequently applies for a Premises Licence in respect of the premises in accordance with the provisions of the Licensing Act, and:
- (a) Given the information in the application for a Provisional Statement the person objecting could have made the same, or substantially the same, representations about the application but failed to do so without reasonable excuse; and,
 - (b) There has been no material change in circumstances relating either to the relevant premises or to the area in the vicinity of those premises.

representations made by that person to the Licensing Authority can not be taken into account.

24.0 Variations of Licences

(Subject to Regulations issued under s.34, s.37 and s.84 of the Act):

- 24.1 Where a premises licence holder wishes to amend the licence the Act allows, in most cases, for an application to be made to vary the licence rather than requiring an application to be made for a new licence. It should be noted that 'substantial variations' may not be applied for using the variation procedures prescribed by section 34 of the Act, instead substantial changes, for example an amendment to the duration of the licence or transfer of the licence from one premises to another, will require a new application under section 17 of the Act. In the case of a change of name or address of someone named in the licence (section 33) or application to vary the individual specified in the licence as DPS (section 37) there are simplified processes for making such applications. The Legislative Reform (Supervision of Alcohol Sales in Church and Village Halls etc.) Order 2009 (SI 2009/1724) amends the 2003 Act to allow certain 'community premises' which have, or are applying for, a premises licence that authorises alcohol sales to also apply to include the alternative licence condition in sections 25A(2) and 41D(3) of the 2003 Act in the licence instead of the usual mandatory conditions in sections 19(2) and 19(3) of the 2003 Act. These new provisions took effect from 29 July 2009.
- 24.2 The Act and Guidance set out the terms, conditions and considerations under which an application for a minor variation, or request from the management of 'community premises' to disapply the usual mandatory conditions, may be made. Minor variation processes may be applied for in some circumstances, subject to some specific exclusions, to reduce the normal service, advertising and consultation requirements (and associated financial impacts in cost and time).
- 24.3 The minor variation process is intended for some small variations to licences/certificates that will not adversely impact on promotion of the licensing objectives (for example small variations to layout or some minor alterations to activities, timing or conditions). In each case the Licensing Authority will consult the relevant responsible authorities and make a decision on whether the variation could impact adversely on the licensing objectives. This process also makes a more limited provision for interested parties to make comment on the proposals. In determining these applications, under his/her delegated authority on behalf of the Licensing Authority, the Licensing Officer shall carefully assess each application on a case-by-case basis in the light of government guidance and all relevant factors. The licence/certificate holder may wish to seek advice from responsible authorities, in advance of submitting an application, as to whether the licensing objectives are likely to be affected by the proposals.
- 24.4 If relevant representations are made and not withdrawn the Licensing Authority will normally hold a hearing, unless a minor variation, will be held in accordance with the procedure referred to in section 9 of this Statement of Licensing Policy, and at that hearing the Licensing Authority may:
- a) Grant the application as applied for, subject only to any conditions consistent with the operating schedule and any relevant mandatory conditions;

- b) Modify the conditions (either by means of omission, inclusion or amendment) of the licence; or
- c) Reject the application in whole or in part.

24.5 The Licensing Authority may determine a licence so that different conditions may apply to:

- a) different parts of the premises concerned; and
- b) different licensable activities,

where to do so would be considered necessary and proportionate for promotion of the licensing objectives.

24.6 Where the police submit an objection to an application to vary a Designated Premises Supervisor (DPS), or from a community premises to disapply the usual mandatory conditions, because they consider that the circumstances are such that granting it would undermine the crime and disorder objective then a hearing will normally be held in accordance with the procedure referred to in section 9 of this Statement of Licensing Policy.

25.0 Transfer of Premises Licences

(Subject to Regulations issued under s.42 of the Act):

25.1. Where an application is lawfully made under the Act for the transfer of a licence and the Police submit an objection to the application, the Licensing Authority will normally hold a hearing in accordance with the procedure referred to in section 9 of this Statement of Licensing Policy. This hearing will be confined to consideration of the crime and disorder objective and the application may be rejected where the Licensing Authority considers appropriate for the promotion of the crime prevention objective to do so.

26.0 Reviews

(Subject to Regulations issued under s.51, s.87 and s.167 of the Act):

26.1 The review of a premises licence or club premises certificate is a key protection for local communities where problems associated with one or more of the licensing objectives are occurring and these are linked to the operation of licensed premises.

26.2 Where relevant representations are made about an existing licence the Licensing Authority will normally hold a hearing which will be held in accordance with the procedure referred to in section 9 of this Statement of Licensing Policy to consider them unless:

- a) the representation is considered frivolous, vexatious or to be repetitious (that is, identical or substantially similar to a ground specified in an earlier application for a licence, provisional statement or review); or
- b) All parties to the hearing, including those persons making representations, agree that the hearing is not necessary.

26.3 A review of the premises licence will normally also follow:

- a) any action instigated by the Police to close down the premises for up to 24 hours on grounds of disorder or public nuisance;
- b) summary review powers of the Police pursuant to section 21 (regarding serious crime and disorder) of the Violent Crime Reduction Act 2006 ; or
- c) any exercise of the closure order powers available to the magistrates' court.

26.4 Where a responsible authority seeks review of a premises licence or club premises certificate, the Licensing Authority will only take into account non-compliance with other statutory requirements where it considers that the non-compliance has or continues to undermine one or more of the licensing objectives.

26.5 In determining a review application at a hearing, the Licensing Authority may take such steps as it considers appropriate to promote the licensing objectives, which include:

- a) modifying the conditions of the licence (by inclusion, amendment or omission);
- b) excluding a licensable activity from the scope of a licence;
- c) removing a designated premises supervisor;
- d) suspending the licence for a period not exceeding three months; or
- e) revoking the licence.

26.6 Where the Police make application for summary review under section 53A of the Licensing Act 2003 the relevant licensing authority will normally consider whether it is necessary to take interim steps pending the determination of the review applied for. Such consideration may take place without the holder of the premises licence having been given an opportunity to make representations to the relevant licensing authority. The interim steps the relevant licensing authority must consider taking are

- (a) the modification of the conditions of the premises licence;
- (b) the exclusion of the sale of alcohol by retail from the scope of the licence;
- (c) the removal of the designated premises supervisor from the licence; and
- (d) the suspension of the licence.

Should a summary review be instigated, the Licensing Authority shall follow the procedures as set out in the Licensing Act 2003 (Summary Review of Premises Licences) Regulations 2007 or locally produced procedures.

26.7 Applications may also be made for the review of licences which are held by a management committee in respect of community premises, and which include the alternative licence condition instead of the normal mandatory conditions. In relation to such applications, the licensing authority may determine that the normal mandatory conditions should apply instead of the alternative condition if it considers this to be appropriate for the promotion of the licensing objectives. Such a determination may be reached following the usual procedure for review applications set out in sections 51 to 53 of the Act.

26.8 The outcome of a review hearing will not ordinarily have effect until such time as the period given for appealing (normally 21 days) expires or an appeal is disposed of.

27.0 Fees

27.1 The Police Reform and Social Responsibility Act will introduce the principle of locally set fees. The level of each fee category will be based on cost recovery but with a nationally set cap for each category. Prior to the introduction of locally set fees the Secretary of State will issue guidance. Currently there is no further information available.

28.0 Late Night Levy

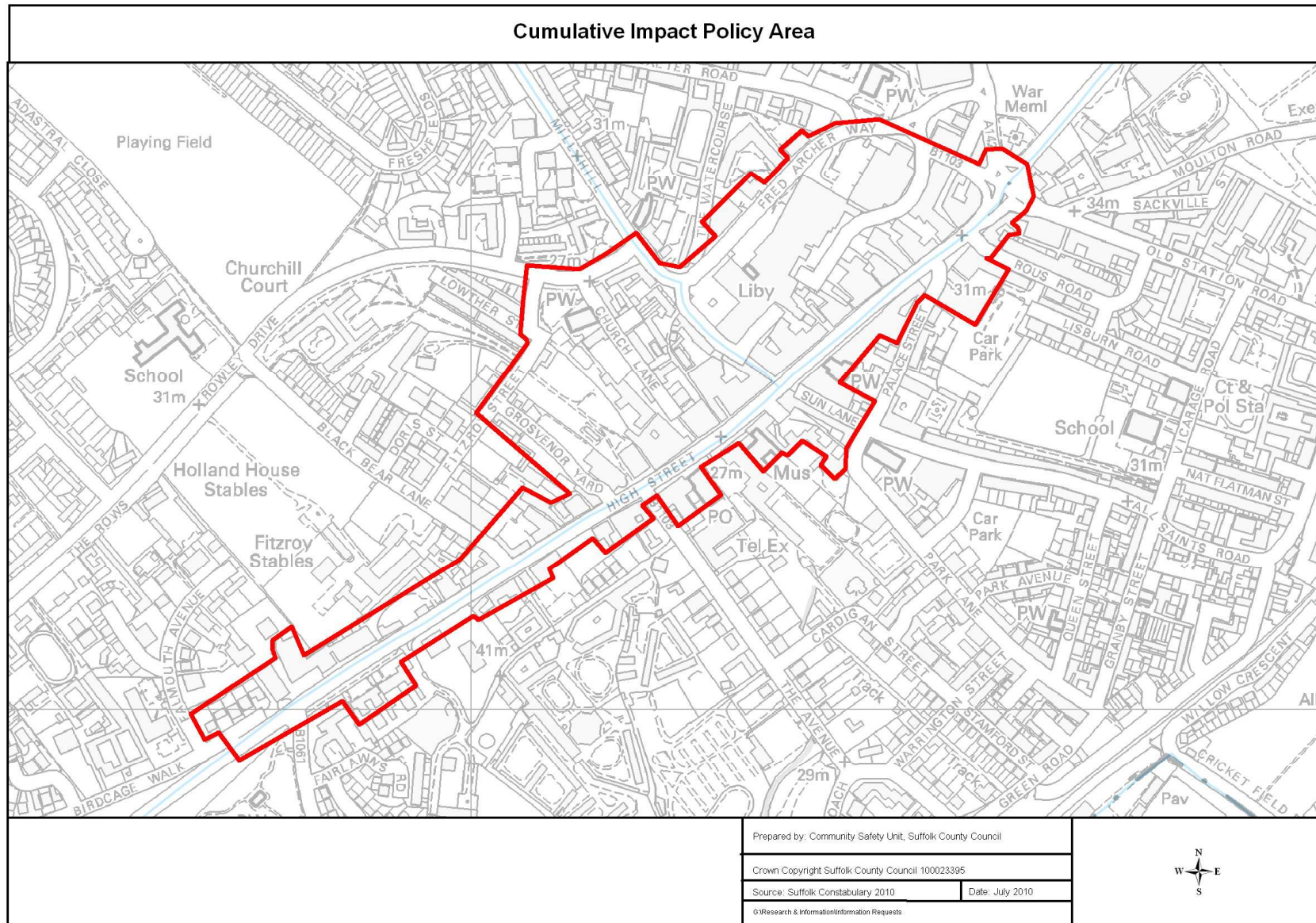
28.1 The Police Reform and Social Responsibility Act 2011 introduces the principle of a Late Night Levy which is a power for licensing authorities to introduce a charge for premises that have a late alcohol licence. Currently the provisions have yet to come into force.

28.2 The Licensing Authorities Policy on the implementation of a late night levy will be included here.

APPENDIX ONE – STATUTORY FRAMEWORK FOR LICENSING

- a. Crime and Disorder Act 1998 (in particular obligations under section 17 relating to the prevention of crime and disorder);
- b. The European Convention on Human Rights, given effect by the Human Rights Act 1998;
- c. Criminal Justice and Police Act 2001 (in particular the powers available under section 13 to make 'designated public place orders' or DPPO's to control the consumption of alcohol in a public place outside licensed premises);
- d. Race Relations Act 1976 (as amended by the Race Relations (Amendment) Act 2000);
- e. Anti-Social Behaviour Act 2003 (in particular powers available under sections 40 and 41 relating to the closure of premises on the grounds of public nuisance caused by noise);
- f. Violent Crime Reduction Act 2006;
- g. Environmental Protection Act 1990 (as amended);
- h. Noise Act 1996;
- i. Regulatory Reform (Fire Safety) Order 2005;
- j. Health and Safety at Work etc. Act 1974;
- k. Health Act 2006;
- l. Clean Neighbourhoods and Environment Act 2005 (including powers for the Local Authority to issued fixed penalty notices to licensed premises emitting noise that exceeds the permitted level between 11pm and 7am);
- m. Policing and Crime Act 2009;
- n. The Council's published procedure for dealing with petitions and its obligations under the Local Democracy, Economic Development and Construction Act 2009;
- o. Equality and diversity obligations;
- p. European Union Services Directive.
- q. Police Reform and Social Responsibility Act 2011
- r. Sunday trading Act 1994
- s. Christmas Day (Trading Act) 2004
- t. Safety at Sports Grounds 1975
- u. Public Health Act 2006 (Section10)
- v. Any National Alcohol Strategy
- w. Suffolk Safeguarding Children Policy

APPENDIX TWO – Cumulative Impact Area – Newmarket 2011 onwards
 (This image has not been reproduced to scale)



APPENDIX THREE
Licensing Act 2003 – Scheme of Delegations

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for personal Licence		If a police objection	If no objection made
Application for personal 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 (except in the case of an application for a minor variation)		If a relevant representation made	If no relevant representation made
Determination of minor variation application for premises licence/club premises certificate.			All cases In consultation with Chairman of Licensing Committee
Application to vary Designated premises supervisor		If a police Objection	All other cases
Request to be removed as designated premises supervisor			All other cases
Application for transfer of premises licence			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 lead authority		All cases	
Determination of a Police representation to a temporary event notice		All Cases	

APPENDIX FOUR – Glossary of Terms

The following text does not form part of the Policy document and is included as guidance only. You are strongly advised to obtain suitable legal advice as appropriate.

This Licensing Act 2003, Statement of Licensing Policy may contain words and phrases with which you are not familiar. To assist you we set out below what they mean and included links to other sources of information:

Act

The Licensing Act 2003 - <http://www.legislation.gov.uk/ukpga/2003/17/contents>

Club Premises Certificate

This is a licence granting 'qualifying club' status to specific premises, according to a number of qualifying conditions, including the provision that there are at least 25 members and that alcohol is only supplied by or on behalf of the club.

Current applications

A schedule of all applications currently under consideration.

Designated Premises Supervisor (DPS)

The Personal Licence Holder named on the Premises Licence as being in day-to-day control of the premises.

Disapplication

Related to the ability to disapply from certain requirements. The Legislative Reform (Supervision of Alcohol Sales in Church and Village Halls &c.) Order 2009 (SI 2009/1724) amends the 2003 Act to allow certain community premises which have, or are applying for, a premises licence that authorises alcohol sales to also apply to include the alternative licence condition in sections 25A(2) and 41D(3) ("the alternative licence condition") of the 2003 Act in the licence instead of the usual mandatory conditions in sections 19(2) and 19(3) of the 2003 Act.

Full Licensing Committee

A Committee of elected Councillors who determine Forest Heath District Councils overall approach to matters under the Act, with particular reference to Policy and Strategy.

Guidance

Guidance issued by the Home Office under section 182 of the Licensing Act 2003, as revised in October 2010. Please note that the guidance is subject to updating, the latest version may be found here: <http://homeoffice.gov.uk/publications/alcohol/>

Guide to Applicants

A guide to applicants to assist in the preparation of their applications.

Hearing

When an application for a new licence or to vary an existing licence goes to a Licensing Sub-Committee for consideration.

Justices Licence

A licence issued by the Magistrates Court under the Licensing Act 1964

Late night refreshment

Under the terms of the Licensing Act 2003, the supply of hot food or hot drink between 11pm and 5am whether for consumption on or off the premises e.g. will cover late night takeaways and fast food outlets but also restaurants open after 11pm. See also **late night refreshment**.

Licensing Authority

This is the Council body which determines matters under the Act.

Licensable activities

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

Licensing objectives

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

Each objective is of equal importance.

Licensing qualification

A qualification accredited by the Secretary of State (or one which is certified as if it is such a qualification or is considered equivalent)

Licensing Sub Committee

A panel of 3 elected Councillors, taken from the Full Licensing Committee who will determine matters put before it within the terms of the Act, to include new applications, variations, reviews and other representations.

Mandatory Conditions

The Act sets out certain conditions that must be imposed on a premises licence in specified circumstances.

Negotiation

The Act, the Guidance, the Regulations and the Council's Statement of Licensing Policy all encourage those concerned with an application to resolve their differences by negotiation to avoid the necessity for hearings.

Objection notice

A procedure whereby the Police can object to the grant of a premises licence, variation for a premises licence or personal licence or to a Temporary Event Notice. (See also Relevant representation).

Operating Schedule

A document in a prescribed form that sets out information about how the applicant for a premises licence intends to operate his business when carrying on licensable activities.

Where an applicant for a premises licence submits an operating schedule, **and there are no relevant representations** (objections), Forest Heath District Council must grant the application and can impose only those conditions on the licence which are mandatory, and that are consistent with the operating schedule.

Personal Licences

A licence granted to an individual and authorises that person to supply alcohol or authorise the supply of alcohol in accordance with a premises licence. The licence lasts for 10 years and can be renewed

Premises

“Any place and includes a vehicle, vessel or moveable structure” providing licensable activities under the Licensing Act 2003.

Premises Licence

A licence granted in relation to specific premises and will specify the nature of the licensable activity and any applicable conditions.

Premises User

The person applying for a TEN

Procedure and policy

The regulations to be applied at hearings for matters under the Act

Registered club activities

Licensable activities carried on at premises holding a Club Premises Certificate

Regulations

Regulations and Order to be made under the Licensing Act 2003

Relevant Representations

The Act does not use the term “objections”. Instead authorised persons, interested parties and responsible authorities may make relevant “representations” about an application for a licence. Representations must relate to the licensing objectives and where made by an interested party must not be frivolous or vexatious.

Responsible authority

Responsible authorities are bodies that the Act says have a role in licensing and that will see all applications to vary a licence. A responsible authority can make a relevant representation about an application to vary a licence.

Responsible Authority Name

Address

Chief Officer of Police

Suffolk Constabulary (Licensing Administration)
Newmarket Police Station
Vicarage Road
Newmarket
CB8 8HR

Chief Fire Officer

Suffolk Fire & Rescue Service
Fire Service Headquarters
Colchester Road
Ipswich
IP4 4SS

The enforcing Authority under the Health & Safety at Work Act 1974

Business Regulation and Licensing
Forest Heath District Council
District Offices
College Heath Road
Mildenhall
Bury St Edmunds
IP28 7EY
email: es@forest-heath.gov.uk

Note: Send a copy of your application to **only one** of these addresses depending on the type of premises.

For the majority, such as pub, clubs, restaurants, off licences and village halls, this will be the District Council. If the premises are a school or hospital it will be the Health and Safety Executive.

Health & Safety Executive
Wren House
Hedgerows Business Park
Colchester Road
Chelmsford
CM2 5PF

If you are not sure which address to send a copy of your application please contact your local Council for advice.

The Local authority exercising Statutory functions to minimise or prevent risk of pollution of the environment - *you need only send one copy of your application form to this address.*

Public Health and Private Sector Housing
Forest Heath District Council
District Offices
College Heath Road
Mildenhall
Bury St Edmunds
IP28 7EY
email: es@forest-heath.gov.uk

The Local Planning Authority

Planning Support Services
Forest Heath District Council
District Offices
College Heath Road
Mildenhall
Bury St Edmunds IP28 7EY

Area Child Protection Committee
(Body responsible for protection of children from harm) This body has delegated its function to Suffolk Constabulary – you need only

send one copy of your application form to **Suffolk Constabulary**.

Suffolk Trading Standards

Suffolk County Council
Trading Standards Dept
Endeavour House
8 Russell Road
Ipswich
IP1 2BX

Primary Care Trust

Chief Executive, Suffolk PCT
Rushbrook House
Paper Mill Lane
Bramford
Ipswich
IP8 4DE

Review

The proceedings set out in the Act for reviewing premises licences where problems associated with crime and disorder, public safety, public nuisance or the protection of children from harm are occurring.

Statement of Licensing Policy

A document that sets out how Forest Heath District Council will carry out licensing for the next five years and how it proposes to uphold the four licensing objectives and other initiatives at a local level.

Temporary Event Notices (TENs)

A TEN can be used for one-off events with less than 500 people and for less than 96 hours. No more than 12 can be held per premises and can only be held for 15 days aggregate,

Vary/Variation

To vary a licence, or apply for a variation of a licence, means to change to a licence under the terms of the Act.

APPENDIX FIVE – Designated Public Places Orders

As at the day of 2012 the following Designated Public Places Orders were in existence:

- (1)
- (2)