



WEST OXFORDSHIRE  
DISTRICT COUNCIL

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# Licensing Act 2003

## Statement of Licensing Policy and Guidance

24 October 2018



# Foreword

Under the Licensing Act 2003, every Local Authority is required to conduct a review of their Licensing Policy every 5 years.

The Policy has four main purposes;

- (a) To confirm to elected Member of the Licensing Committee, the boundaries powers of the Authority and the parameters within which decisions can be made.
- (b) To inform licence applicants of the parameters within which the Authority will make licensing decisions and therefore how licensed premises are likely to be able to operate within the area.
- (c) To inform local residents and businesses of the parameters within which the Authority will make licensing decisions and therefore how their concerns will be addressed.
- (d) To support a case in a court of law if the Authority has to show how it arrived at its licensing decisions.

## Using this Statement of Licensing Policy

- (a) The policies are shown in text boxes, which are separately numbered and titled.
- (b) The additional text gives examples, background and reasons for the policies.
- (c) Footnotes refer to the sections of the Licensing Act 2003 (or the paragraphs of the Secretary of State's Guidance) from which the policies were derived.
- (d) The Appendices give additional information.

The implementation of this Policy will contribute to making West Oxfordshire a safe place to live, work and visit.

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The "Pool of Conditions", which is referred to in this document, is separate from the Statement of Licensing Policy and may be subject to alteration. It is available on request from the address above or downloadable from the internet.

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<b>Term</b>	<b>Description</b>	<b>Reference for Full Details</b>
Authority	West Oxfordshire District Council in its capacity as a Licensing Authority.	
Council	West Oxfordshire District Council in its capacity as a District Council.	
Planning Authority	The Council in its capacity as a Planning Authority.	
Police Authority	Thames Valley Police	
Fire Authority	Oxfordshire Fire and Rescue Service	
Navigation Authority For rivers – For canals –	The Environment Agency The British Waterways Board	Section 13(4)(h)
Other persons  (Interested Parties may make Representations about applications and may request reviews)	Any of the following – (a) resident, business or association if their representation is relevant to the licensing objectives. (b) an elected Member of West Oxfordshire D.C. (c) parish or town council	Section 13(3)
Responsible Authority  (Responsible Authorities may make Representations about applications and may request reviews)  Appendix 12 lists the contact details for these Responsible Authorities)	Any of the following – (a) the Chief Officer of Police for the area, (b) the Licensing Authority (c) Oxfordshire Fire and Rescue Service, (d) the Local Planning Authority (i.e. planning and sustainable communities), (e) the Environmental Health service of the Council, (f) the Environmental Protection service of the Council (g) Oxfordshire Safeguarding Children Board Officer, which the Authority recognises as competent to advise on matters of child protection, (h) Trading Standards (i) NHS Oxfordshire (j) any other Licensing Authority in whose area part of the premises is situated, (k) in relation to a vessel – the navigation authority.	Section 13(4)
Objection	Representations made in relation to an application, on the grounds of one or more of the licensing objectives.	
Representations	Comments made by a Responsible Authority on an application.	
Relevant Representations	Comments made by other persons, which are not rejected by the Authority as irrelevant, frivolous, vexatious, or repetitive.	

Term	Description	Reference for Full Details
<p>Authorised Person</p> <p>(Authorised Persons have roles in enforcement of the 2003 Act)</p> <p>(Police officers are not listed as Authorised Persons, as they already have powers of enforcement under other legislation)</p>	<p>Any of the following –</p> <p>(a) an officer of the Licensing Authority, authorised for the purposes of the 2003 Act,</p> <p>(b) an inspector appointed under Article 26 of the Regulatory Reform (Fire Safety Order) 2005</p> <p>(c) an inspector appointed under S.19 of the Health and Safety at Work etc. Act 1974,</p> <p>(d) an officer of the Council authorised to exercise statutory environmental health functions,</p> <p>(e) in relation to a vessel, an inspector, or surveyor of ships, appointed under S.256 of the Merchant Shipping Act 1995,</p> <p>(f) a person prescribed for the purposes of S.13(2) of the Licensing Act 2003.</p>	<p>Section 13(2)</p>
<p>Designated Officer</p>	<p>An Officer of the Council that has delegated authority under the Constitution of the Council.</p>	
<p>Licensing Committee</p>	<p>The Committee of elected members of West Oxfordshire District Council that is responsible for the Council's licensing functions.</p>	
<p>SIA</p>	<p>Security Industry Authority</p>	
<p>2003 Act</p>	<p>The Licensing Act 2003</p>	
<p>LACORS</p>	<p>Local Authorities Co-ordinator of Regulatory Services</p>	
<p>TSI</p>	<p>Trading Standards Institute</p>	
<p>Secretary of State's Guidance Or S182 Guidance</p>	<p>Guidance issued by the Secretary of State under section 182 of the 2003 Act</p>	
<p>BII</p>	<p>British Institute of Innkeeping</p>	

# 1. Introduction

## 1.1 Objectives

1.1.1 The Licensing Authority (the “Authority”) for West Oxfordshire is West Oxfordshire District Council (the “Council”).

### **Policy GN 1: Objectives**

The Authority will carry out its licensing functions under the 2003 Act with a view to promoting the four licensing objectives, which are:

- (a) the prevention of crime and disorder;
- (b) public safety;
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm.

Each of the four licensing objectives is of equal importance and there are no other objectives, so that the four licensing objectives are paramount at all times

1.1.2 The Authority will also have regard to matters of sustainability, equality, the local economy and tourism to the extent that they affect the Licensing Policy.

## 1.2 The Authority’s area and the licensable activities

1.2.1 Appendix 2 describes the Authority’s area, its centres of population and its population profile. It also describes the mix of licensable activities, where they take place and their positive and negative impacts on the area.

## 2. General

### 2.1 Precedence issues

2.1.1 A licensing policy must not ignore or be inconsistent with provisions in the 2003 Act.

#### **Policy GN 2: Precedence**

The meaning of the 2003 Act and any Regulations made under it take precedence over the meaning of this Statement of Licensing Policy.

### 2.2 Adoption and publication of the Statement of Licensing Policy

2.2.1 The Council determined this Statement of Licensing Policy and adopted it, at its meeting on 24 October 2018.

2.2.2 In determining this policy, the Council had regard to the Secretary of State's Guidance and gave appropriate weight to the views of those consulted (as listed in Appendix 1.)

#### **Policy GN 3: Five-yearly policy review**

The Council will prepare and publish a statement of its licensing policy at intervals of no more than five years, to enable it to continue to undertake its licensing functions.

#### **Policy GN 4: Interim policy reviews**

The Council will keep its licensing policy under review and will make such revisions to it, at such times, as it considers appropriate.

#### **Policy GN 5: Consultation on policy**

Before determining any revision to its Statement of Licensing Policy, the Council will consult:

- (a) the Chief Officer of Police for the area;
  - (b) the Fire Authority for the area;
  - (c) the County Trading Standards Officer
  - (d) the Social Health Care Directorate of Oxfordshire County Council, which the Authority considers to be the competent and responsible authority for the purpose of advising on issues of protecting children from harm.
  - (e) the Home Office
- together with such persons as the Authority considers at the time to be representative of:
- (f) holders of Premises Licences issued by the Authority;
  - (g) holders of Club Premises Certificates issued by the Authority;
  - (
  - (

The Authority will give appropriate weight to the views of the persons listed above when it determines any revision to its Statement of Licensing Policy.

### **Policy GN 6: Publication of policy revisions**

When the Authority determines any revisions, it will publish either a statement of those revisions, or its revised Statement of Licensing Policy.

## **2.3 Scope of the Statement of Licensing Policy: Licensable activities**

2.3.1 This policy addresses licensing of the following activities:

- (a) the sale of alcohol by retail;
- (b) the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
- (c) the provision of late night refreshment (supply of hot food or hot drinks between 2300 and 0500 hours); and
- (d) the 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 (indoors and outdoors);
  - a performance of live music;
  - the playing of recorded music;
  - a performance of dance;

2.3.2 Activities that are not to be regarded as regulated entertainment and activities that are not to be regarded as late night refreshment are listed respectively in Schedules 1 and 2 of the 2003 Act.

## **2.4 Scope of the policy: Applications and notices**

2.4.1 This policy addresses decisions on applications for:

- (a) premises Licences;
- (b) club Premises Certificates;
- (c) personal Licences;
- (d) renewal or transfer of licences;
- (e) variation of conditions attached to licenses and associated matters.
- (f) minor variations to premises

2.4.2 This policy also addresses Temporary Event Notices (TENs) and the review of Premises Licences and Club Premises Certificates.

## 2.5 Fundamental principles

2.5.1 The Authority became a 'responsible authority' and is now able to make representation and/or seek a review of a premises licence or Club Premises Certificate

2.5.2 The Authority recognises that it has no power to:

- (a) modify mandatory conditions;
- (b) refuse to specify a person in a Premises Licence as the Designated Premises Supervisor;
- (c) reject the application, except on the grounds that this is appropriate for the promotion of the licensing objectives.

2.5.3 Throughout this document, statements are made as to the expectations of the Authority. The Statement of Licensing Policy has been developed in consultation with all of the Responsible Authorities. Those Responsible Authorities have indicated that where the expectations are not met in any application, they would make a Representation. This could in turn result in the imposition of appropriate conditions.

2.5.4 In considering and determining applications the Authority will take into account:

- (a) The Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000;
- (b) Section 17 of the Crime and Disorder Act 1988;
- (c) The Human Rights Act 1998;
- (d) Equality Act 2010
- (e) Immigration Act 2016 and
- (f) any other relevant legislation or statutory guidance.

2.5.5 The Authority:

- (a) will treat each application on its individual merits;
- (b) will not override the right of any person to apply under the terms of the 2003 Act for a variety of permissions;
- (c) will not override the right of any person to make Representations on an application or to seek a review of a licence or certificate where the 2003 Act makes provision for them to do so will, as far as possible, avoid duplication with other licensing and regulatory regimes that already place obligations on employers and operators, e.g. The Health & Safety at Work etc, Act 1974, the Environmental Protection Act 1990, disability discrimination legislation and the Regulatory Reform (Fire Safety) Order 2005.

- 2.5.6 The Authority recognises that the purpose of the 2003 Act is to allow appropriate levels of regulation for premises, temporary events, members' clubs and persons authorised to make alcohol available for sale.
- 2.5.7 In considering applications the Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of public living, working or engaged in normal activity in the area concerned.
- 2.5.8 For each application for the grant, variation or review of a Premises Licence or Club Premises Certificate, the 2003 Act requires the Authority to consider the Representations made by Responsible Authorities and those Representations made by Other Persons, which the Authority accepts as relevant.
- 2.5.9 "Other Persons" will be given its widest possible interpretation and, where it includes persons involved in business, will not be confined to those engaged in trade and commerce. It will include partnerships and the functions of charities, churches and medical practices.
- 2.5.10A Responsible Authority or other persons may also seek a review of a Premises Licence or Club Premises Certificate
- 2.5.11 In determining applications and reviews of licensed premises, the Authority will give appropriate weight to:
- (a) representations received from Responsible Authorities;
  - (b) relevant Representations made by Other Persons;
  - (c) the Secretary of State's Guidance;
  - (d) this Statement of Licensing Policy;
  - (e) the steps appropriate to promote the licensing objectives.
- 2.5.12 Any terms and conditions that the Authority imposes will be focused on matters that are within the control of individual licensees. These matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places.

## **2.6 Reviewing the Statement of Licensing Policy with other authorities**

- 2.6.1 The Authority will work with the other Licensing Authorities in Oxfordshire in reviewing this Statement of Licensing Policy to ensure, as far as possible, that a consistent approach is taken to assist applicants for licences and those who may wish to make Representations under the provisions of the 2003 Act. Full regard will still be given to local issues and situations, which will take precedence.
- 2.6.2 The Authority will maintain partnership working with various enforcement agencies as it recognises that the licensing objectives can only be promoted through a range of actions, some of which are outside the scope of the licensing system.
- 2.6.3 The Authority will agree protocols with the Police, the Fire Authority and Trading Standards Services, as it considers appropriate for enforcing the 2003 Act.

The Authority will maintain dialogue with the licensed trade, businesses, local people and relevant organisations in the entertainment and alcohol industry to ensure that the Statement of Licensing Policy remains relevant and secures promotion of the licensing objectives.

## 2.7 Integrating strategies

Licensing is about promoting the four licensing objectives by balancing different interest. The experience gained by the Authority can usefully inform the development and application of strategies by others for local crime prevention, planning, transport, tourism and culture. It is important that such strategies do not undermine promotion of the licensing objectives.

The Authority has taken account of the policies and programmes that the Council has already adopted. These are listed in Appendix 3, along with an explanation of how they integrate with the Statement of Licensing Policy.

### **Policy GN 7: Integrating strategies**

The Council will ensure any strategies it may have, or develop, for local crime prevention, planning, transport, tourism and culture will be integrated with its licensing function but such strategies will not overrule the licensing objectives.

## 2.8 Planning and building control

The Council recognises that there is a need for proper separation of the planning, building control and licensing regimes to avoid duplication and inefficiency.

Nevertheless it recognises that the Planning Authority must be aware of the Authority's concerns as this will assist in promotion of the licensing objectives. The Authority will provide reports to enable the Planning Authority to have regard to such matters and have a role in promoting the four licensing objectives when the Planning Authority takes its decisions.

The Council recognises that the three regimes have different purposes:

- (a) Planning and sustainable communities– ensuring the suitability of the location for the activities proposed and the suitability of the design of the premises for the location;
- (b) Building Control – ensuring the suitability of the construction of the premises:
- (c) Licensing – ensuring the suitability of the proposed premises for the proposed use.

Applicants are reminded that the grant of a Premises Licence or Club Premises Certificate, or any variation to one of these, does not relieve the applicant of the need to obtain planning permission and building regulations consent as appropriate.

## 2.9 Administration, exercise and delegation of functions

### **Policy GN 8: Levels of decision-making**

The Authority will have the following levels of decision-making for undertaking its licensing functions:

- (a) The Council;
- (b) Licensing Committee;
- (c) Licensing Sub Committees;
- (d) Delegated Officers.

2.9.1 A Licensing Sub-committee will generally determine each application that attracts Representations, unless:

- (a) all Representations from Responsible Authorities are first withdrawn and it is agreed by all parties that a hearing is not necessary;
- (b) all other Representations are first withdrawn and it is agreed by all parties that a hearing is not necessary or the Representations are determined to be not relevant by a designated officer; and
- (c) the only Representations remaining are vexatious or frivolous; or
- (d) the Licensing Committee wish to consider the matter.

2.9.2 Officers who have been given delegated powers will determine all other applications and the Licensing Committee will receive reports on the decisions made by officers so that members maintain an overview of the general situation.

2.9.3 For the convenience of applicants, the system of delegation is tabulated in Appendix 9

**Policy GN 9: Delegation**

The Authority has delegated licensing decisions in accordance with the recommendations of the Secretary of State's Guidance and in the interests of speed, efficiency and cost effectiveness, as follows:

- (a) The Council determines:
  - the Statement of Licensing Policy;
  - membership of the Licensing Committee;
  - the extent to which functions, other than functions under the 2003 Act, are delegated to the Licensing Committee.
  - The Licensing Committee will undertake all functions of the Authority that are not the responsibility of the Council, as follows:
    - making recommendations to the Council on the Statement of Licensing Policy;
    - reviewing the Statement of Licensing Policy within five-year intervals, keeping the policy under review at other times and undertaking appropriate consultations;
    - arranging for training of members and officers to enable the Authority to discharge its duties under the 2003 Act;
    - agreeing which body is competent to advise the Authority in respect of matters relating to the protection of children from harm;
    - deciding the extent to which the Authority will recommend the classification of films;
    - monitoring the impact of licensing on regulated entertainment in general and live music and dancing in particular;
    - establishing and agreeing enforcement protocols (with the Police etc.);
    - reporting to the Planning Authority on the situation concerning licensed premises including the general impact of alcohol related crime and disorder;
    - considering current licences or applications for licences where a valid Representation has been made and not withdrawn.
    - receiving reports on the needs of the local tourist economy and the cultural strategy for the area;
    - receiving reports on the employment situation in the area;
    - considering measures to promote the music, dancing and theatre for the wider cultural benefit.

(c) Licensing Sub-Committees will operate under authority delegated by the Licensing Committee and determine matters as set out in Policy GN 10. Licensing Sub-committees will also receive reports on matters determined by designated Officers with delegated authority.  
 (d) Designated Officers will operate under delegated authority and determine matters as set out in Policy GN 11.

**Policy GN 10: Licensing Panel – delegated functions**

Sub-Committees of the Licensing Committee will determine any of the following where a valid Representation has been made and not withdrawn:

- (a) application for a Personal Licence;
- (b) application for Personal Licence with unspent convictions; (in all cases as no objections or representations are required for this)
- (c) application for Premises Licence or Club Premises Certificate;
- (d) application for provisional statement;
- (e) application to vary a Premises Licence or Club Premises Certificate;
- (f) application to vary Designated Premises Supervisor;
- (g) application for transfer of Premises Licence;
- (h) application for interim authorities;
- (i) application to review a Premises Licence or Club Premises Certificate;
- (j) determination of a EH or Police representation to a Standard Temporary Event Notice;
- (k) decision to object when the Authority is a consultee and not the relevant authority considering the application

**Policy GN 11: Designated Officer – delegated functions**

An Officer who has been given delegated powers to determine such applications as stated within the Council's Constitution, will determine every other licence application for which no objection or valid representation has been established, or for which it is agreed by all parties that a hearing is not necessary

**Policy GN 12: Licensing Panel – procedure**

Subject to any statutory provisions, the Licensing Committee will regulate its own procedure and that of Licensing Panels.

**Policy GN 13: Licensing Panel – procedure**

In considering any application on which a Representation has been made, the Panels will follow their agreed procedures.

**Policy GN 14: Determination of applications – conditions**

The Authority will determine the type and extent of conditions to be affixed to Premises Licences and Club Premises Certificates as follows:  
 (a) Matters determined by Designated Officers:

- (b) Designated Officers will select from a pool of conditions, those conditions that appropriately translate the issues addressed in the applicant's operating schedule, or (for an application under "grandfather rights") that match the conditions that apply to the original licence or permission;
- (c) If none of the pool conditions is appropriate, Designated Officers will develop any condition that they consider necessary to appropriately translate the issues addressed in that applicant's operating schedule. Officers will add to the pool of conditions any conditions developed for this reason;
- (d) Designated Officers will report to the Licensing Committee on the matters that those officers have determined.
- (e) Matters determined by a Sub-committee:
- (f) Sub-committees will attach conditions from within the pool of conditions or developed to suit, as in (a) above;
- (g) Sub-committees may also attach special conditions that take account of the Representations made by Responsible Authorities or the relevant Representations made by Other Persons.

## **2.10 Non-licensing issues: What this statement is not for**

2.10.1 The Authority recognises that:

- (a) licensing is not about mechanisms for the general control of anti- social behaviour by individuals once they are beyond the direct control of the individual club or business holding the licence, certificate or permission concerned.
- (b) licensing is not about matters contained in other legislation, which may well apply simultaneously to the activities of licensed individuals or premises.

## 3. Cumulative impact

### 3.1 Cumulative impact

- 3.1.1 The Authority wishes to take steps to prevent public nuisance, crime or disorder arising from the concentration of premises in one particular area.
- 3.1.2 Whilst need is primarily an issue for the market and the planning system, the cumulative impact of licensed premises on the promotion of the licensing objectives is a matter for consideration under the licensing provisions. Serious problems of public nuisance and disorder can arise in the vicinity of licensed premises where a number of them are grouped together and particularly where they may be situated near to residential areas on the fringe of urban centres. The numbers of premises selling alcohol and providing entertainment until the early hours of the morning have increased significantly over recent years and many special measures have been adopted to try to deal with the crime and anti social behaviour that can result from the more intensive activities.
- 3.1.3 The distribution of late night premises may be such as to warrant special action from the Authority to combat exceptional problems of disorder and public nuisance over and above the impact from individual premises.

#### **Policy GN 15: “Need” for licensed premises**

The Authority will leave the assessment of the ‘need’ for licensed premises to the Planning Authority and to the market. It will not address this matter in undertaking its licensing functions.

#### **Policy GN 16: Need for an evidential base**

The Authority will consider Representations based on the impact of the grant of a particular application on the promotion of the licensing objectives in the Authority’s area. However, the onus will be on the person making a Representation to lay an evidential base for the assertion that the addition of the premises in question would produce the cumulative impact claimed. The impact can be expected to be different for premises with different styles and characteristics.

#### **Policy GN 17: Use of other mechanisms to address cumulative impact**

The Council will encourage the use of other mechanisms that are available for addressing problems caused by a minority of consumers behaving badly and unlawfully once away from licensed premises. For example:

- (a) planning controls;
- (b) positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the Council;
- (c) powers the Council has to designate parts of its area as places where alcohol may not be consumed publicly;
- (d) Police enforcement of the normal law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- (e) the prosecution of any Personal Licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
- (f) the confiscation of alcohol from adults and children in designated areas;

(g) Police powers to close down instantly for up to 24 hours any licensed premises or temporary event on grounds of disorder, or the likelihood of disorder or excessive noise emanating from the premises;

(h) the power of the Police, other Responsible Authority or a local resident or business to seek a review of the licence or certificate in question.

### 3.2 Special Saturation Policy

- 3.2.1 It is possible that the impact of the behaviour of customers of separate premises taken together on surrounding areas is greater than the usual impact from customers of individual premises and so creates exceptional problems of crime, disorder or public nuisance. In these circumstances a Responsible Authority or other persons may consider that the cumulative effect of new licences is to saturate an area, making it a focal point for large groups of people to gather and circulate away from the licensed premises themselves.
- 3.2.2 If Representations are made by Responsible Authorities or Other Persons to this effect, the Authority will consider whether the grant of any further Premises Licences or Club Premises Certificates would tend to undermine one of the licensing objectives and whether a Special Saturation Policy should be adopted.
- 3.2.3 In considering whether to adopt a Special Saturation Policy the Authority will carry out a review of the available evidence and carry out consultation to determine if there is any part of the district that should be considered for such a policy. When this Statement of Licensing Policy was reviewed an overview of the recorded crime information (a Strategic Assessment) was conducted. The Authority consulted with Thames Valley Police and concluded that it had no evidence that any part of its area was already saturated with certain types of licensed premises to the extent that it should adopt such a policy.
- 3.2.4 The effect of adopting a Special Saturation Policy of this kind is to create a rebuttable presumption that applications for new Premises Licences or Club Premises Certificates or material variations will normally be refused, if relevant Representations to that effect are received, unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact already being experienced. Applicants would need to address the Special Saturation Policy issues in their operating schedules in order to rebut such a presumption. However, a Special Saturation Policy must stress that this presumption does not relieve Responsible Authorities or Other Persons of the need to make a relevant Representation before a Licensing Authority may lawfully consider giving effect to its Special Saturation Policy.
- 3.2.5 If no Representation is received, any application must be granted in terms that are consistent with the operating schedule submitted. However, Responsible Authorities, such as the Police, or Other Persons, can make written Representations maintaining that it is necessary to refuse the application for the promotion of the prevention of crime and disorder and referring to information which had been before the Authority when it developed its Special Policy.
- 3.2.6 Where a Special Saturation Policy is in effect, the Authority will regularly monitor the impact of that policy. If it becomes evident that the criteria for such a policy are no longer met, the Authority will arrange for it to be discontinued.

**Policy GN 18: Special Saturation Policy – adoption**

If a Responsible Authority, or other persons, has identified a concern about crime and disorder or public nuisance and the Authority considers that the available evidence demonstrates that crime and disorder or public nuisance are arising and are caused by the customers of licensed premises in an identifiable area (or that the risk factors are such that the area is reaching a point when a cumulative impact is imminent) then the Authority will consult on a Special Saturation Policy with those specified in section 5(3) of the 2003 Act. The Authority will adopt a Special Saturation Policy if it is satisfied that such a policy is required.

## 4. Pool of conditions

### 4.1 Pool of conditions

- 4.1.1 The Secretary of State's Guidance requires the Authority's policy to "make clear that a key concept underscoring the 2003 Act is that conditions attached to licences and certificates should be tailored to the individual style and characteristics of the premises and events concerned." It also states that "This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions." The Authority will therefore need access to a wide range of appropriate conditions from which it can draw.
- 4.1.2 Provided no relevant Representation has been received, the type and extent of conditions to be affixed to various Premises Licences will be determined by officers, acting under delegated authority, from within the pool of conditions and is consistent with the operating schedule.
- 4.1.3 Where Representations have been made by Other Persons or Responsible Authorities a Licensing Sub-Committee will hear the case and may attach special conditions to a licence. Use of standard conditions will be avoided, as will conditions that are unnecessary because other legislation makes adequate and appropriate provision for applicants' compliance.

#### **Policy GN 19: Pool of conditions**

The Authority will maintain a pool of conditions from which appropriate and proportionate conditions can be drawn. The Authority will adapt such conditions as appropriate for the promotion of the licensing objectives to suit the individual circumstances of each application for a Premises Licence or Club Premises Certificate.

#### **Policy GN 20: Pool of conditions: premises-specific**

The Authority will not apply standard conditions to every Premises Licence or Club Premises Certificate that it issues.

#### **Policy GN 21: Pool of conditions: additions**

The Authority will add to the pool of conditions each condition that is developed to suit the individual circumstances of each application, so that it may be used as the basis of development of other conditions. The Authority will develop such conditions with regard to:

- (a) the 2003 Act;
- (b) the Secretary of State's Guidance;
- (c) this Statement of Licensing Policy;
- (d) a condition attached to a permission, which requires conversion to a new Premises Licence or Club Premises Certificate; and
- (e) a statement made in the operating schedule by an applicant for a Premises Licence or Club Premises Certificate.

## **4.2 Live music, dancing and theatre**

- 4.2.1 It would be inappropriate to impose on small-scale activities which may require licensing either as a premises or as a Temporary Event Notice (see 7.7), the potentially substantial indirect costs of complying with conditions that are more appropriate to larger events. Such small-scale activities will tend to be those that are arranged for small community groups or for children and have the potential for generating wider cultural benefits for communities generally.
- 4.2.2 The imposition of inappropriate conditions might inadvertently impose substantial indirect costs and so deter live music, dancing and theatre.

## **4.3 Live Music Bill 2012 and the Deregulation Act 2015**

The Live Music/Deregulation Acts amends the Licensing Act 2003 so to deregulate various regulated entertainment between 0800hrs and 2300hrs.

As a result of deregulatory changes that have amended the 2003 Act, no licence is required for the following activities:

- Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for an event between 08.00 and 23.00 on any day, provided that those present do not exceed 1000.
- Boxing or wrestling entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Live music: no licence permission is required for:
  - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500
  - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that does not have a licence, provided that the audience does not exceed 500.

- a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
    - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500
    - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
    - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
      - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
      - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
      - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
      - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

**Policy GN 22: Live music, dancing and theatre**

The Authority will take proper account of the need to encourage and promote live music, dancing and theatre in balance with the potential for disturbance from these activities. In determining what conditions should be attached to licences and certificates, the Authority will take account of the need to avoid measures that inadvertently impose substantial indirect costs.

## 5. Licensing hours

### 5.1 Zoning

- 5.1.1 The Authority cannot set fixed trading hours, because the Government considers that longer licensing hours for the sale of alcohol (for consumption on the premises) are important to prevent concentrations of customers leaving premises simultaneously. The Government considers this necessary to reduce friction at late night fast food outlets, taxi ranks and other sources of transport, which can lead to disorder and disturbance.

#### **Policy LH 1: Zoning**

The Authority will not generally restrict trading hours, but may restrict hours for particular premises if a Responsible Authority makes an appropriate Representation and this will promote a licensing objective.

### 5.2 Staggered closing times

- 5.2.1 In the Government's view, "staggered closing times" would only serve to replace the peaks of disorder and disturbance (which have previously occurred after 11.00pm and after 2.00am) with a series of smaller peaks, so minimising any potential improvement in the prevention of crime and disorder. The Secretary of State's Guidance states that the general principle should be to promote later opening so that customers leave for natural reasons slowly over a much longer period and so prevent any artificial concentrations.
- 5.2.2 The prevention of public nuisance will be assisted by not seeking to generally organise opening or closing times in particular areas that may overload the local infrastructure.

#### **Policy LH 2: Staggered closing times**

The Authority will not seek to engineer any pattern of closing times ("staggered closing times") by setting quotas for particular closing times.

### 5.3 Licensing hours not limited

- 5.3.1 Conditions that limit opening hours could tend to concentrate the departure of customers at particular times, which could detract from the promotion of the licensing objectives. In the context of a particular application, some potential problems may be more appropriately addressed through conditions other than limitations on opening times.
- 5.3.2 The Secretary of State's Guidance states that "fixed or artificially early closing hours can lead to binge drinking or 'topping up' meaning that disorder and disturbance can be increased when large numbers of customers are required to leave the premises simultaneously."

#### **Policy LH 3: Licensing hours not limited**

The Authority will not reduce the hours permitted for licensable activities to less than those stated in an application, unless Representations indicate that this is necessary and without appropriate considerations of the individual merits of that application.

**Policy LH 4: Closing hours for “on sales of alcohol”**

In determining applications, the Authority will take into account the time that it is proposed to close the premises where patrons have been attracted to attend by a licensable activity. Regard will also be had to matters such as the nature of the locality and the availability of public transport at the time that the premises propose to close.

The Authority considers that licensable activities should normally cease not later than 30 minutes before final closure of the premises.

**5.4 Dispersal procedures**

5.4.1 Organised dispersal procedures can help to prevent crime and disorder and anti-social behaviour where large numbers of persons leave licensed premises. This is relevant whether persons leave over a period of time or in large numbers, at the premises closing time.

5.4.2 The Authority may require dispersal procedures in place at premises which hold regulated entertainment, or sell alcohol for consumption on the premises. If such procedures are in place, all relevant staff employed at the licensed premises should be trained. Persons living in the vicinity may experience the effects of the dispersal of customers from licensed premises as a public nuisance. Such problems can be minimised through orderly dispersal.

5.4.3 Staff trained in dispersal procedures could also play a key role in the event of emergency evacuation.

5.4.4 The Designated Premises Supervisor and staff are responsible for clearing a licensed premises at the end of the permitted licensable hours to promote the licensing objectives.

**Policy LH 5: Dispersal procedures**

Unless otherwise volunteered or following relevant representations, the Authority may require applicants for Premises Licences to submit a written statement with their application covering procedures for orderly dispersal of patrons at closing time. Applicants should liaise with the Authority as necessary on the form and content of this statement.

**5.5 Latest admission times**

5.5.1 It is undesirable that persons should seek to “top up” their alcohol intake by “club-hopping” and seeking out those premises that are admitting customers at the latest times as crime, disorder and anti social behaviour in urban centres can be increased by persons moving between venues late at night.

5.5.2 Establishing last entry times can reduce the tendency of customers to concentrate at those premises which remain open the latest, without restricting the hours of trading. This will encourage dispersal and reduce the pressure on late-night refreshment outlets and transport facilities that can lead to disorder problems. It will therefore assist with objectives to prevent public nuisance and crime and disorder in certain circumstances.

**Policy LH 6: Latest admission times**

Where relevant representations have been received the Authority may attach a condition requesting a latest admission time.

## 5.6 Hours for “off-sales” of alcohol

- 5.6.1 The Government suggests that the norm will be for all shops, stores and supermarkets with Premises Licences that permit the sale of alcohol for consumption off the premises to be free to provide such sales of alcohol at any times when the retail outlet is open for shopping unless there are very good reasons for restricting those hours.
- 5.6.2 Where a licence permits the sale of alcohol in general terms such as “during opening hours”, the Authority, Responsible Authorities and Other Persons would have no role in determining the availability of alcohol in any subsequent changes to shopping hours. So any conditions on the timing of alcohol sales should state specific times.

### **Policy LH 7: Hours for “Off-Sales” of Alcohol**

The Authority will normally approve an application for licensing hours for retail premises that permit the sale of alcohol (for consumption off the premises) at any time that the retail premises are open for shopping.

Where there are good reasons for restricting those hours, the Authority will specify the particular hours during which the sale of alcohol for consumption off the premises is permitted. The Authority will not specify those hours in general terms, such as “at any time that the retail premises are open for shopping”.

If valid Representations are made to the Authority concerning premises licensed for the sale of alcohol for consumption off the premises, because it is likely to become a focus for disturbance or public nuisance, the Authority reserves the right to restrict trading hours as one mechanism of combating such problems.

## 6. Children

### 6.1 Access to premises

- 6.1.1 The 2003 Act does not prohibit children who are accompanied by an adult from having free access to licensed premises of all kinds, including those selling alcohol for consumption on the premises.
- 6.1.2 However, the 2003 Act makes it an offence for any child under the age of 16 who is not accompanied by an adult from being present:
- (a) at any time on licensed premises, or other premises being used exclusively or primarily for the supply of alcohol for consumption on those premises; or
  - (b) between the hours of midnight and 5am on restaurant premises, or other premises that supply alcohol for consumption on the premises.
- 6.1.3 Apart from the above, the admission of children is a matter for the discretion of the individual licensee or club, unless conditions included in a Premises Licence or Club Premises Certificate limit the access of children.
- 6.1.4 The fact that the new offence may effectively bar children under 16, who are not accompanied by an adult, from premises where the consumption of alcohol is the exclusive or primary activity does not mean that the 2003 Act automatically permits unaccompanied children under the age of 18 to have free access to other premises or to the same premises even if they are accompanied or to premises where the consumption of alcohol is not involved. The 2003 Act includes on the one hand, no presumption of giving children access or on the other hand, no presumption of preventing their access to licensed premises. Each application and the circumstances obtaining at each premises must be considered on its own merits.

#### **Policy CH 1: Access by children to Licensed Premises not a requirement**

The Authority will not apply conditions to Premises Licences that require that children must be given access.

#### **Policy CH 2: Restrictions on access by children to Licensed Premises (1)**

The Authority will not apply conditions to Premises Licences that limit the access of children except to the extent that:

- (a) it considers necessary for the prevention of harm to children (with regard to Representations on the application); or
- (b) applicants have included such restrictions in their operating schedules as a result of risk assessments that determined that the presence of children would be undesirable or inappropriate.

- 6.1.5 The range of situations in policy CH 3, enables the Authority to restrict the access of children to any premises, by taking appropriate account of the “reputation” of those premises in addition to the formal aspects of an application.

### **Policy CH 3: Restrictions on access by children to Licensed Premises (2)**

In considering access by children to licensed premises, the Authority will address the individual merits of each application with regard to Representations on the application and, in particular, will take account of situations:

- (a) where entertainment or services of an adult or sexual nature are commonly provided;
- (b) where current staff working at the premises have been convicted of serving alcohol to minors (receive a Fixed Penalty Notice), or the premise have a reputation for underage drinking;
- (c) with a known association with drug taking or dealing;
- (d) where requirements for proof of age cards or other age identification to combat the purchase of alcohol by minors is not the norm;
- (e) where there is a strong element of gambling on the premises; or
- (f) where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

6.1.6 The range of options in policy CH 4, which can be applied singly or in combination, enables the Authority to apply conditions to a Premises Licence, or Club Premises Certificate, that are in proportion to the scale of a perceived problem.

### **Policy CH 4: Restrictions on access by children to Licensed Premises (3)**

The Authority will rarely apply a complete ban on access by children to any individual licensed premises. However when, in response to a relevant representation, the Authority considers that access by children should be limited, it will apply one or more conditions (to the whole, or parts, of the premises) that include the following options (singly, or in combination):

- (a) limitations on the hours when children may be present;
- (b) age limitations (below specified ages younger than 18);
- (c) limitations or exclusions when certain activities are taking place;
- (d) requirements for accompanying adults (including requirements that apply only to children below specified ages);
- (e) checking proof of age;
- (f) full exclusion of people under 18 from the premises when any licensable activities are taking place.

## **6.2 Prevention of alcohol-consumption by minors**

6.2.1 In most circumstances, the consumption of alcohol by minors would be illegal. The Authority considers that it would also contribute to harm to children, so systems should be put in place to ensure compliance with the law. The Authority encourages the development of a culture in which the checking of proof-of-age cards is accepted as the norm in circumstances where doubt might otherwise exist. A list of proof of age documents is contained in Appendix 10 (page 42).

6.2.2 The Police Reform and Social Responsibility Act 2011 contained several provisions relating to licensing offences.

Under s147A(8) of the 2003 Act the maximum fine for the offence of persistently selling alcohol to children is £20,000. The offence is committed if, on two or more different occasions in a period of three consecutive months, alcohol is unlawfully sold on the same premise to a person aged under 18.

The period of 'voluntary' cessation of alcohol sales agreed with the Police instead of prosecution has increased to 2 weeks.

- 6.2.3 The Policing and Crime Act 2009 Section 29: Confiscating alcohol from young persons. S29 amends the confiscation of alcohol (Young Persons) Act 1997 so that police officers can confiscate sealed containers of alcohol from young persons in public places without needing to prove that they were consuming or intending to consume alcohol.
- 6.2.4 The Policing and Crime Act 2009 Section 30: Persistently possessing alcohol in a public place. S30 introduces a new offence of persistently possessing alcohol in a public place. Young persons under 18 can be prosecuted for this offence if they are caught with alcohol in a public place three or more times within a 12 month period.

#### **Policy CH 5: Prevention of under-age consumption of alcohol**

The Authority expects Personal Licence holders to ensure that alcohol is not served to persons under 18 except as permitted under the 2003 Act.

### **6.3 Entertainment for and by children**

- 6.3.1 Entertainment specifically for children (for example, pantomimes and films) can attract large numbers of unaccompanied children. The Authority expects licensees to undertake a risk assessment for their premises including details of how they will ensure the safe access and egress of children.
- 6.3.2 The Authority expects licensees to provide attendants, at all performances specially presented for children, in accordance with model national standard conditions.

#### **Policy CH 6: Regulated entertainment for children**

The Authority expects that, where regulated entertainment includes performances specially presented for children, applicants will include in their risk assessment details of the number of attendants that will be on duty to ensure the safety of children and to control the access and egress of children.

#### **Policy CH 7: Regulated entertainment with child performers**

For licences that include performances by children, the Authority will normally expect a nominated adult to be responsible for such child performers.

#### **Policy CH 8: Persons supervising children - CRB checks**

In premises where children's entertainment is provided and particularly where children participate in providing entertainment, the Authority would normally expect that any person who will be engaged in supervising children to have been subject to a check through the Enhanced Disclosure procedure of the Disclosure and Barring Service.

#### **Policy CH 9: Regulated entertainment for children – ticket only policy**

The Authority expects that Regulated Entertainment organised for teenage children in the form of a disco or similar event will normally be managed as ticket-only events, with no tickets available at the door.

If pre-ticketing is not to be used, the Authority requires the applicant to demonstrate what alternative arrangements will be used to control admissions and prevent disorder.

## 6.4 Film exhibitions

6.4.1 In the case of premises giving film exhibitions the Authority expects applicants to describe in their operating schedules their arrangements for ensuring compliance with the film classification recommendations that apply.

### **Policy CH 10: Film Classification (1)**

To every Premises Licence or Club Premises Certificate that authorises the exhibition of films, the Authority will attach a mandatory condition requiring the admission of children to the exhibition of any film to be restricted in accordance with:

- (a) the recommendations of the film classification body specified in the licence, (which will normally be the British Board of Film Classification (BBFC)) whose classification system is copied in Appendix 5, or
- (b) the Authority's recommendation.

### **Policy CH 11: Film Classification (2)**

The Authority will not apply its own system of classification for the majority of films. However, provided the operator submits the film for classification at least 28 days before the proposed date of showing, the Authority may classify a film:

- (a) that has no BBFC classification; or
- (b) that has a BBFC classification, but the operator has requested the Authority to consider reclassification and the Authority agrees to do so, or
- (c) where there have been relevant Representations from Other Persons or any Responsible Authority with an interest in the protection of children from harm.

The Authority will have regard to the BBFC classification system, when making any decision on the classification of films.

Any classification made by the Authority will have precedence over any other classification.

### **Policy CH 12: Exhibition of film – display of notices**

The Authority will expect applications to ensure that appropriate notices are displayed about restrictions on admission and that performances do not take place in areas other than where they can be restricted to a particular audience when necessary.

## 7 Licence Applications

### 7.1 General

- 7.1.1 Applications that are incomplete, or fail to comply with the requirements of the 2003 Act will impose additional administrative burdens that hinder the Authority's ability to process the applications that do comply. The Authority will therefore return applications that it considers incomplete, as it considers that applicants should retain the responsibility for ensuring their application comply with the requirements of the 2003 Act. Forms will not be returned if they contain obvious and minor factual errors that can easily be amended.
- 7.1.2 The 2003 Act requires some applications to be advertised for a set period, or to be copied to the Police or other Responsible Authorities. This gives Other Persons and Responsible Authorities an opportunity to make Representations about the application. The Authority considers that the failure of an applicant to comply with these requirements is appropriate grounds for returning an application.
- 7.1.3 Applications may be made in person by appointment, or by post, to the address indicated in Appendix 12. You may also download application forms or apply online from the West Oxfordshire District council website [www.westoxon.gov.uk](http://www.westoxon.gov.uk)
- 7.1.4 Once an application has been accepted, any amendments to the application must normally be made by way of an application for variation or a fresh application. The Authority therefore recommends that applicants ensure that their proposals are finalised before submission.
- 7.1.5 Where applications are silent on particular issues, such as the use of special effects or the type of events to be held, this will limit the range of activities permitted under the Premises Licence or Club Premises Certificate that is granted.

#### **Policy LA 1: Licence applications – acceptance**

The Authority requires applications to be complete and to comply with the requirements of the 2003 Act before they are registered as being received.

The Authority will return to the applicant any application that it discovers to be incomplete, or that it discovers to have failed to comply with the 2003 Act, including any requirement to advertise or failure to provide a complete copy to a Responsible Authority.

If the Authority returns an application to an applicant for any of the above reasons, it will treat the application as not received. This policy will apply regardless of any proof of delivery of the application to the Authority.

### 7.2 Personal Licences

- 7.2.1 The Authority seeks to ensure that it grants only those applications which satisfy the relevant licensing objectives and that the Police have the necessary information on which to base any Representations they may wish to make to the Authority. This is because the holder of a Personal Licence should be a person who is not only properly qualified but someone who will contribute to crime prevention.

## **Policy LA 2: Personal Licence – applications**

The Authority requires an applicant applying for a Personal Licence, or notifying a change in connection with a Personal Licence to include the documents described in Guidance to applicants for Personal Licences.

### **7.3 Premises licence**

#### **Night-time trading**

- 7.3.1 The Authority expects applicants to give special consideration to the likely effect on the neighbourhood of the premises and whether there is a real possibility of residents in the vicinity being disturbed by departing patrons or anti-social behaviour occurring which might adversely affect the local environment. The Authority will wish to strike an equitable balance between the benefits to a community of a licensed venue and the risk of disturbance to local residents or vandalism to property.
- 7.3.2 Night-time trading can increase noise and disturbance for local residents and result in damage to property in the vicinity of licensed premises. The Authority may consider that there are benefits to be achieved in minimising public nuisance by curtailing hours of operation, generally or on specific occasions.

#### **General Prevention of Public Nuisance**

- 7.3.3 Frequent complaints can be received about noise from the operation of licensed premises. Responsible operators will wish to avoid enforcement action having to be taken under licensing or other legislation. Applicants for premises Licences and Club premises Certificates are advised to consider measures that prevent noise nuisance from occurring. This will avoid a request for a review, and possible revocation of a licence.
- 7.3.4 The degree of action necessary to avoid creating a nuisance will vary according to the type of licensed activity taking place. An Abatement Notice under the Environmental Protection Act 1990 may be served on premises that cause a statutory nuisance through failure to meet appropriate standards for preventing the escape of noise, regardless of the conditions of any Premises Licence or Club Premises Certificate. Powers also exist for the Police and the Council to deal with noise issues that may affect persons living in the vicinity of licensed premises selling alcohol and/or providing regulated entertainment.
- 7.3.5 However, it will normally be appropriate for applicants for Premises Licences and Club Premises Certificates to suggest measures which are adequate to deal with the potential for nuisance and/or anti-social behaviour having regard to all the circumstances of the application. As noise could emanate not only from the playing of music but also from air handling equipment the patrons themselves may wish to consider undertaking sound tests to ensure that the level of noise leakage from the premises remains acceptable.
- 7.3.6 Different approaches to prevention of public nuisance will apply to a premises licence application for regulated entertainment, given the nature of the activities, and special circumstances that can arise in relation to those activities, for example

- (a) longer hours of operation;
- (b) noise pollution issues;
- (c) public nuisance caused by people queuing to obtain admission; and
- (d) general safety for the public in a crowded and often dimly lit environment.

### **Policy LA 3: Premises Licence – Regulated Entertainment (General)**

The Authority suggests that applicants may look to address sources of noise leakage where necessary in practical ways such as:

- (a) providing adequate mechanical ventilation so that doors and windows can be kept closed;
- (b) ensuring that the mechanical ventilation is adequately sound-proofed;
- (c) installing a sound limiting device to prevent sound exceeding an appropriately defined level;
- (d) installing sound proofing measures to contain sound and vibration;
- (e) other organisational measures to ensure that potential sound leakage is contained, particularly from special events;
- (f) having a queue management policy.

These measures may be employed singly or in combination.

Applicants should ensure that they carefully consider Approved Document F (Ventilation) in the Building Regulations 2000 when deciding on the level and type of activity proposed in the premises.

### **Policy LA 4: Premises Licence – Noise control to suit late night trading**

The Authority will, in response to Representations, apply conditions on noise control that suit the licensing hours for premises in areas that include residential accommodation.

## **Addressing local concerns**

7.3.7 Noise nuisance can adversely affect residents living near to licensed premises or business premises in their vicinity if measures taken to deal with noise are inadequate. Management logging of complaints, recording action taken and adoption of procedures for overcoming reported problems will assist with the prevention of public nuisance and the prevention of crime and disorder. Sight of the complaints log will also provide the Authority with information necessary to assess the effectiveness of the management of the premises with regard to the licensing objectives.

### **Policy LA 5: Premises Licence – Addressing local concerns**

The Authority expects applicants to address how Other Persons may raise matters of concern directly with those responsible for managing the premises and how those matters will be effectively addressed.

### **Policy LA 6: Premises Licence – Safer Clubbing**

Special attention should be given to the organisation and risk assessments for such events, taking into account the advice and guidance in the 'Safer Clubbing' booklet and the need for higher levels of vigilance than required for normal dance events. In particular the Authority will expect increased levels of supervision, medical/first aid provision, on-premises drug counselling/advisory services and other arrangements to ensure the safety of patrons attending the event and those supervising it. Additional measures to prevent public nuisance arising from loud music being played at such events must be considered.

## Special Effects

- 7.3.8 The Authority expects those applicants who propose to provide Regulated Entertainment and to use special effects, to adequately address the implications of risk assessments in their operating schedules and so ensure that public safety is not adversely affected.
- 7.3.9 Regulated Entertainment can involve special effects such as:
- (a) dry ice machines - cryogenic fog;
  - (b) smoke machines - fog generators;
  - (c) pyrotechnics including fireworks;
  - (d) real flame;
  - (e) firearms;
  - (f) motor vehicles;
  - (g) strobe lighting;
  - (h) lasers;
  - (i) explosives and highly inflammable substances.

### Policy LA 7: Premises Licence – Special Effects

The Authority expects that a proper risk assessment must be undertaken where any regulated entertainment is proposed that potentially involves danger to the audience or performers. The organiser should take appropriate measures that are designed to ensure that the risk is effectively removed.

## Sanitary Accommodation

- 7.3.10 The Authority expects licensed premises to provide sanitary accommodation for both male and female customers, commensurate with maximum occupancy levels. This is to promote public safety and to minimise public nuisance caused by departing customers urinating in public places, as convenient alternative facilities may not be available when customers leave.
- 7.3.11 Recommended levels of provision have been expressed in guidance issued by the BSI (BS 6465).
- 7.3.12 Local authorities can require provision of sanitary accommodation at premises providing entertainment, under S20 of the Local Government (Miscellaneous Provisions) Act 1976. However, it would be preferable for applicants to make the necessary arrangements voluntarily in accordance with the BSI Standard.

## Discounting and drinks promotions

7.3.13 Section 32 of the Policing and Crime Act 2009 amended the Licensing Act 2003 to create an enabling power that allows the Secretary of State to set out (in secondary legislation) up to nine mandatory licence conditions relating to the supply of alcohol for all new and existing premises licences and all new and existing club premises certificates. Since 6 April 2010 where premises are licensed to

sell alcohol certain mandatory conditions relating to drinks promotions are now in place. These are :-

- (a) Ban irresponsible promotions;
- (b) Ban the dispensing of alcohol directly in to the mouth; and
- (c) Ensure that customers have access to free tap water so that they can space out their drinks and not get intoxicated so quickly
- (d) states that beer or cider should be supplied in ½ pint, gin, rum, vodka or whisky: 25ml or 35ml; and still wine in a glass: 125ml

7.3.14 The Home Office ([www.homeoffice.gov.uk](http://www.homeoffice.gov.uk)) have provided some very helpful guidance explaining these conditions further and giving examples of the types of promotions that will be banned.

They have produced two documents which offer more guidance.

“Selling Alcohol Responsibly: the new mandatory licensing conditions” explains the conditions and gives answers to some Frequently Asked Questions.

“Selling Alcohol Responsibly: good practice examples from the alcohol retail and hospitality industries” gives an overview of the types of initiatives that licence holders can use to improve standards of operation within the licensing regime.

7.3.15 The Local Authority cannot advise applicants and licensees on what constitutes an “irresponsible promotion”.

## **7.4 Club Premises Certificates**

7.4.1 The Government has emphasised that non-profit making clubs have made an important and traditional contribution to the life of many communities in England and Wales and bring significant benefits. Their activities also take place on private premises and they operate under codes of discipline applying to members and their families. In determining what conditions should be included in certificates, the Authority will bear these matters in mind and conditions will not be attached unless they can be demonstrated to be strictly appropriate.

### **Qualifying Conditions**

7.4.2 Section 61 of the 2003 Act sets out five general qualifying conditions that a relevant club must meet. Section 62 also sets out specified matters for licensing authorities to enable them to determine whether a club is established and conducted in good faith - the third qualifying condition. Section 63 sets out additional qualifying conditions that apply solely to clubs intending to supply alcohol to members and guests.

<p><b>Policy LA 8: Club Premises Certificates – Club qualifying conditions</b></p>
<p>The Authority will require applicants to show if the club is established and conducted in good faith as a club.</p>

## Operating schedule

7.4.3 The range of issues that should be addressed in operating schedules will be premises-specific, but may include the issues listed in Guidance to applicants for Club Premises Certificates.

### **Policy LA 9: Club Premises Certificates – Scope of the operating schedule**

Where an applicant is required to provide an operating schedule, the Authority expects this to address the four licensing objectives through a comprehensive range of issues applicable to the location and activities proposed at the club premises.

## Film and theatrical performances

7.4.4 The Authority may require the display of appropriate notices and restrictions on the entry of children, if performances include material that is not suitable for minors.

7.4.5 Where there is to be an exhibition of a film or a theatrical performance is to take place on club premises, applicants should refer to Section 6 in this Policy document.

7.4.6 The Authority requires that where a special theatrical performance for children takes place in Club Premises then the Authority will require the presence of sufficient number of adults to control the access and egress of the children and ensure their safety. Such numbers of adults should be agreed with the Authority before the performance takes place.

7.4.7 The Authority requires that a restriction on admission is applied in any case where a theatrical performance contains material which can be regarded as suitable for an adult audience only.

### **Policy LA 10: Club Premises Certificates – Film or Theatrical Performances**

The Authority will require clubs to display appropriate notices about any restrictions on admission to film or theatrical performances and ensure that these do not take place in areas other than where they can be restricted to a particular audience when necessary.

## Sex equality in clubs

7.4.8 The Authority recognises that equal treatment for men and women is not a licensing objective.

### **Policy LA 11: Club Premises Certificates – Sex Equality**

The Authority will not impose conditions that interfere with the arrangements for granting membership or voting within a club.

## 7.5 Particular premises and activities

### **Licensed premises, Restaurants, Hotels, Guest Houses**

7.5.1 The licensable activities in licensed premises, restaurants, hotels and guest houses are likely to require minimal conditions, provided they only undertake the sale of alcohol, or sale of alcohol with a meal.

7.5.2 The Authority expects those responsible for managing licensed premises to prevent lic nuisance by ensuring that licensable activities likely to affect third parties are contained and properly managed.

- 7.5.3 Requests are often made for tables and chairs to be placed outside premises for the use of customers. Oxfordshire County Council has a Policy for placing tables/chairs on footways and applicants should gain approval under this Policy if they wish to use tables and chairs in this manner.

**Policy PP 1: Premises Licence – Pubs, Pub/Restaurants, Restaurants, Hotels, Guest Houses**

In pursuing family friendly environments for such establishments, the Authority expects applicants to have regard to any measures that may prove appropriate to promote the prevention of public nuisance in respect of the use of licensed premises gardens and similar areas. The Authority may exclude licensable activities from outside areas at appropriate times or in appropriate circumstances in response to relevant representations.

**Internet Sales, Mail Order and Home Delivery**

- 7.5.4 A premises licence is not required if the contract for the sale of alcohol is made in a different place from that where the alcohol is assigned to the particular purchasers. With regard to internet and mail order sales, the sale of alcohol will not be regarded as having been made where the contract of sale has been made; this sale is treated as being made at the premises from which the alcohol is assigned to the purchaser. This may differ with home deliveries if the alcohol is being stored where sales are taking place. The Council will carefully consider the distance selling supply chain in deciding where the alcohol is appropriated to the contract.

**Designated sports grounds**

- 7.5.5 The Authority expects organisers of sporting events to make appropriate arrangements to limit the possibility of crowd disturbance within sports stadiums and to take steps to minimise the incidence of public nuisance within the vicinity of stadiums in accordance with licensing objectives to prevent crime, disorder and public nuisance.
- 7.5.6 Issues of disorder among, or safety of, spectators can arise at sporting events and crowd control in and around grounds can be affected where licensable activities such as the sale of alcohol take place.

**Policy PP 3: Designated Sports Grounds, Designated Sports Events and Outdoor Sports Stadiums**

Subject to Representations from the Police the Authority may seek to restrict sales of alcohol at sporting events to specific areas of the venue, to times set relative to particular performances or events, or to set times and may require different arrangements for public and private areas.

**Garages and Service Areas**

- 7.5.7 Section 176 of the 2003 Act provides for a general prohibition on the sale of alcohol at motorway service areas and garage forecourts. The Government may, by order, alter the description of premises from which alcohol may be sold.
- 7.5.8 The 2003 Act largely maintains the situation in previous legislation which has allowed the sale of alcohol to develop in line with the range of goods available from garage shops as is now commonplace. Accordingly where proper facilities are provided in the form of a shop at a garage, the Authority does not propose to preclude sales of alcohol within the range of goods available.

**Policy PP 4: Garages and Service Areas**

The Authority will apply no general restriction on the sale of alcohol from garage shops that also offer a substantial range of groceries for sale.

In order to establish that premises are not primarily used as a garage, which would prevent the sale of alcohol, an applicant will need to show the intensity of use by customers at the premises. This may be evidenced by lists of customers according to usage, or by sales figures classified according to purchases.

This policy does not amend the prohibition of alcohol sales at motorway service areas.

**Vessels (boats)**

7.5.9 When licensing vessels, the Authority will consider the conduct of the proposed licensable activities in the context of the licensing objectives. In particular it will address the need for adequate control of licensable activities to further the public safety objective and to prevent public nuisance to residents in the vicinity of the vessel's navigational route.

7.5.10 The Authority will not be concerned with the safety of the vessel for carriage of passengers, or issues concerning the safe navigation of the vessel. These are matters dealt with under other legislation.

**Policy PP 5: Vessels – Safety**

The Authority requires the normal safety measures for a vessel to be supplemented as appropriate to suit the scale, nature and timing of any licensable activities that occur. In considering such matters, the Authority may consult with the Environment Agency or any other authority with responsibility for the safety of vessels.

**Policy PP 6: Vessels – Noise**

Noise or other public nuisance, resulting from licensable activities on board a vessel, must not be caused to persons living near to a vessel's berth or along the route of its navigation. Furthermore, in response to a Representation, the Authority may require that specialist supervision in the form of SIA registered door staff or safety attendants is arranged in connection with any regulated entertainment which takes place on board.

**Vehicles and Moveable Structures**

7.5.11 Alcohol may not be sold on a moving vehicle but there may be a requirement for sale of alcohol and possibly other licensable activities to take place from a stationary vehicle or structure, for example one that is sited temporarily at an event.

7.5.12 Where a Premises Licence is required for the vehicle or structure, this will relate solely to the place where the vehicle is sited and the licensable activities are to take place. Premises licences for vehicles and moveable structure are therefore required wherever they are sited when licensable activities take place and this may well mean applications to more than one Licensing Authority.

**Policy PP 7: Vehicles and Moveable Structures**

The Authority requires the operator of any vehicle or moveable structure to ensure that it is located in an area that is appropriate for the proposed licensable activities.

It may not be appropriate to site any such vehicle or structure near to other licensed premises, or in an area subject to an "Alcohol Consumption in Designated Public Places Order" or where it may cause noxious smells or litter problems if operating between 23.00 and 05.00 hours.

7.5.13 The operator of a vehicle trading in a 'consent street' will continue to require a street trading consent in addition to any Premises Licence and the conditions attached to the street trading consent will continue to apply. Such conditions will normally be equally relevant to vehicles trading in areas where street trading consents are not required.

**Policy PP 8: Late Night Refreshment Vehicles – outside consent streets**

The Authority will seek to apply the conditions that apply to vehicles under street trading consents to the Premises Licences for vehicles or structures that provide late night refreshment in areas that are not consent streets.

No Premises Licence is valid for a vehicle within an area prohibited to street trading.

**Late night refreshment**

7.5.14 The 2003 Act requires that premises selling hot food or drink for consumption by members of the public on or off the premises, between the hours of 23.00 and 05.00 must have a Premises Licence.

7.5.15 Such premises include those dedicated to providing this service, restaurants (not only those that offer take-away facilities) and mobile vans trading during these hours.

7.5.16 Premises engaged in the late night provision of hot food and drink are covered by the 2003 Act to enable appropriate controls to be introduced to reduce the incidence of disorder, disturbance and public nuisance that can arise if these venues become the focus for gatherings of people that have come from other venues and may have been consuming alcohol.

7.5.17 Management of late night refreshment venues needs to be undertaken effectively to assist in preventing crime, disorder, anti-social behaviour and public nuisance.

**Policy PP 9: Late Night Refreshment**

The Authority will look carefully at the scope of operation intended for late night refreshment premises. The Authority particularly expects applicants to address issues such as:

- (a) Hours of operation, to prevent public nuisance to any nearby residents, or problems of noxious smells and anti social behaviour
- (b) Supervision of queues and the management of large numbers of clientele descending on the premises at certain times - this could include door supervision to control surges of customers where this may occur
- (c) Layout of the premises to cope with patrons e.g. position of counters, entrances and exits
- (d) Litter control and environmental activities, such as litter picking, provision of litter bins, street sweeping/washing

(e) CCTV

(f) Public Safety, including the type of power supply to be used where the application is for a trading vehicle.

The Authority expects premises licensed for late night refreshment to have regard to the “Voluntary Code of Practice for the Fast Food Industry” (DEFRA Oct 2003). Downloadable from [www.defra.gov.uk](http://www.defra.gov.uk)

### **Policy PP 10: Take-away food outlets – presumption of no alcohol sales**

The Authority will have a presumption against the sale of alcohol from premises where the primary activity during the hours 23.00 to 05.00 is the provision of take-away food unless it can be clearly shown that there will be no contribution to crime or disorder.

### **Supply of alcohol for consumption off the premises**

7.5.18 It is not the Authority's policy generally to seek to restrict the sale of alcohol for consumption off the premises. However, where premises are relatively isolated, with minimal levels of staffing, this can lead to problems of anti-social behaviour or disorder in the vicinity of the premises. Pressure can also be applied to staff to sell alcohol to persons who are under age.

7.5.19 The following policy is intended to ensure that alcohol is sold only to those who are entitled to purchase it and that premises have proper checks in place to ensure that the restrictions are enforced, so that minors do not obtain access to alcohol which can lead to the creation of public nuisance or disorder.

### **Policy PP 11: Supply of alcohol (“Off-sales”)**

For applications that include the sale of alcohol for consumption off the premises, the Authority will expect operating schedules to address how sales of alcohol will be confined to those entitled to purchase it and how the procedures will be consistently applied. The role of the Designated Premises Supervisor will be pivotal in this respect. The operating schedule should cover such practical issues as:

- (a) the display of prominent warning notices about the supply of alcohol to minors;
- (b) offences which adults can commit by buying alcohol for minors; and
- (c) requirements for production of satisfactory proof of age.

The Authority expects that staff involved in the sale of alcohol will have had appropriate training in order to put the operating schedule into effect.

Times during which alcohol may be sold will be restricted if it appears to the Authority, as a result of Representations, that this would promote the licensing objectives of preventing public nuisance, crime and disorder.

The Authority will maintain close working relationships with both the Police and Trading Standards Officers who will conduct 'test purchasing' of alcohol under the 2003 Act in order to detect and prevent sales of alcohol to minors and to pursue prosecutions where appropriate.

### **Safe drinking-vessels**

7.5.20 The Authority seeks to remove the risk of injury that could result from the use of particular types of drinks containers at particular venues, or in association with particular licensable activities.

7.5.21 The risk of injury can arise not only from the deliberate misuse of glass containers and bottles during disturbances, but also from accidental breakage in crowded or dark venues and from broken glass in parks, water features and swimming pools.

7.5.22 Where appropriate, the Authority will require all drinks to be supplied in containers that are safer than traditional glasses or bottles (e.g. paper, plastic or toughened glass).

**Policy PP 12: Safe drinking-vessels**

In appropriate circumstances, and following relevant representations the Authority will require safe drinking-vessels (polycarbonate or similar) to be used wherever a material risk of injury might arise. This policy applies not only to drinking vessels and containers for alcohol, but also to containers for soft drinks and water including any brought to the premises by customers.

**Large Scale and Outdoor Events**

7.5.23 The Authority has a Safety Advisory Group (SAG), for large scale and outdoor events. The Terms of Reference for the SAG were adopted by the Council's Licensing Committee on the 28 June 2012. Organisers will be requested to cooperate fully with the recommendations and requirements of the SAG. Notwithstanding this the Authority will encourage organisers of such events to approach council officers at the earliest opportunity to discuss the arrangements for the licensed activities involved. This may include the production of an Event Management Plan. It would normally be expected that reference would be made in the operating schedule to the Event Management Plan. The Authority will offer advice and assistance to organisers about this preparation through the Safety Advisory Group.

7.5.24 In producing operating schedules and Event Management Plans for such events the organisers should have regard to the following documents:

- (a) The Event Safety Guide – A Guide to Health, Safety and Welfare at Music and similar events (HSE 1999) (The Purple Book) ISBN 0 7176 2453 9
- (b) Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X
- (c) 5 Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 0 7176 1580
- (d) The Guide to Safety at Sports Grounds (HMSO, 1997) (The Green Guide) ISBN 0 11 300095 2
- (e) Safety Guidance for Street Arts, Carnival Procession and Large Scale Performances published by the Independent Street Arts Network
- (f) Home Office guidance on drugs <https://www.gov.uk/government/policies/reducing-drugs-misuse-and-dependence>

7.5.25 Any individual preparing an operating schedule or club operating schedule should volunteer any measure, such as those described in Section 8 of this Policy document and in the Authorities adopted Pool of Conditions, as a step he or she intends to take. Such measures will become conditions of the licence/certificate, and as such, any breach of these conditions could give rise to prosecution.

### **Policy PP 13: Open-air events**

The Authority expects the organiser of a large scale or open-air event, except those that may be covered by Temporary Event Notices, to identify an adequate management team at an early stage and to designate a lead person to liaise with the Authority.

The Authority also expects a representative of the organisers of an open-air event to attend co-ordination meetings with Responsible Authorities and the Council's Safety Advisory Group when required.

### **Sex-related entertainment**

7.5.26 The Policing and Crime Act 2009 has now amended Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and included the "sexual entertainment venue" within the definition of a sex establishment. A "sexual entertainment venue" is defined as any premises at which "relevant entertainment" is provided before a live audience for the financial gain of the organiser or the entertainer. The meaning of "relevant entertainment" is any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must be reasonably assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means). An audience may consist of one person (e.g. where entertainment takes place in a private booth). It should be noted that although the definition of relevant entertainment makes reference to a "live display of nudity", the Guidance indicates that the mere fact that there is nudity does not mean that a sexual entertainment licence will necessarily be required. For example if the display forms part of a drama or dance performance in theatre, in most cases it cannot be reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience.

7.5.27 West Oxfordshire District Council has passed a resolution that Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by s27 of the Policing and Crime Act 2009) has been adopted and came into force in the District with effect from 2 August 2010. The general effect of the revised schedule is to incorporate "Sexual Entertainment Venues" within the categories of sex establishments regulated by the Authority under the Act.

7.5.28 Premises which provide entertainment on an infrequent basis defined as no more than 11 occasions within a 12 month period, will not need a sex establishment licence. Although sex-related entertainment is not a matter for the Licensing Act 2003, it is included in this Statement of Licensing Policy for completeness.

### **Community Centres and Village Halls**

7.5.29 The Authority encourages all Community Centres and Village Halls to apply for Premises Licences to cover all expected activities, as the managers of these venues are likely to find too restrictive the permitted annual number of Temporary Event Notices. The Legislative Reform (Supervision of Alcohol Sales in Church and Village Halls etc) Order 2009 amended the 2003 Act to allow certain community premises which have a premises licence that authorises alcohol sales to also apply to include the "the alternative licence condition". The effect of the alternative licence condition will be that the licence holder (i.e the Management Committee of the hall) is responsible for the supervision and authorisation of all alcohol sales pursuant to the licence. There will be no requirement for a Designated Premises Supervisor or for alcohol sales to be authorised by a personal licence holder.

7.5.30 Many premises may be able to function for the purpose of carrying on licensable activities by using the Temporary Event Notice procedure under the Licensing Act to provide the facilities required. Those booking village halls for such events are reminded that although no formal licence is required if there is a Temporary Event Notice, other legislation concerning nuisance and disturbance for example still applies. See 7.7 for policies on Temporary Event Notice.

### **Public spaces and council-controlled premises**

7.5.31 In places for which Town or Parish Councils hold a Premises Licence entertainers will be able to give a performance, without the need to serve Temporary Event Notices or to apply for individual Premises Licences.

7.5.32 This approach will make it more possible for cultural diversity to thrive and will be a far simpler process for many types of entertainment that use numerous venues each year, such as circuses and street artists. However, entertainers will need to obtain the permission of the Council concerned (as Premises Licence holder) and comply with any conditions that might be imposed.

7.5.33 This approach may reduce the administrative burden on the Authority and ensure that licensable activities are encouraged in locations that the Authority considers appropriate and where the promotion of the licensing objectives has been previously considered and any potential noise nuisance can be properly managed.

#### **Policy PP 15: Public spaces and council-controlled premises**

The Authority encourages the Town and Parish Councils and Oxfordshire County Council to seek Premises Licences for the purpose of particular types of public entertainment at premises under their control, such as community halls, parks and public open spaces.

### **7.6 Designated Premises Supervisors**

7.6.1 In order for alcohol to be sold under a Premises Licence, the licence must name a Designated Premises Supervisor who holds a Personal Licence (except for community halls who have applied for the “alternative condition” as outlined in 7.5.30 above). Even though the Police may not object to the grant of a Personal Licence to a particular person, they may object to that person being named as the Designated Premises Supervisor for particular premises on grounds that the crime prevention objective is likely to be undermined. The Authority will normally concur with any objection by the Police, unless there are substantial reasons for not doing so.

7.6.2 Although the Designated Premises Supervisor has a key role in the management of premises, the 2003 Act does not require the Designated Premises Supervisor to be there when the premises is open and or alcohol sales are taking place.

7.6.3 In the event of any problems, Authorised Persons will need recourse to the Designated Premises Supervisor who is in a pivotal position within licensed premises. So, the Designated Premises Supervisor must be managerially able to mobilise resources at the premises as necessary to assist the promotion of the licensing objectives. In order to comply with the conditions of the licence, this must include the ability to manage the systems described in the applicant’s operating schedule.

- 7.6.4 On occasions where the Designated Premises Supervisor is not available then nominated competent person must be available to oversee the day to day running and control of the premises.

#### **Policy DPS I: Designated Premises Supervisors – availability**

The Designated Premises Supervisor will normally have been given day to day responsibility for running the premises by the premises licence holder. The Act does not require a designated premises supervisor or any other personal licence holder to be on the premises at all times when alcohol is sold. However the DPS and the premises licence holder remain responsible for the premises at all times including compliance with the terms of the Licensing Act and conditions attached to the premises licence to promote the licensing objectives.

### **7.7 Temporary Event Notices (Standard and Late)**

- 7.7.1 Under the Act, there is a system for giving notice of temporary events where licensable activities are planned to take place and a premises licence or club premises certificate is not held. Any premises user over the age of 18 may apply for such notices. These relate to temporary events with less than 500 attendees at any one time and which last no more than 168 hours or 7 days. There has to be a gap of at least 24 hours between temporary events held at the same premises by the same premises user. Any associate, relative or business partner of the premises user is considered to be the same premises user in relation to this restriction.
- 7.7.2 For a STANDARD TEN, 10 working days is the minimum notice that can be given to the Authority, Police and Environmental Health. The Authority strongly recommends that between 1 and 3 months notice is given if at all possible depending on the site and duration of the event in order that the necessary arrangements can be made which will produce a successful event but not cause nuisance, or only cause minimum disruption to those who live near to the event site.
- 7.7.3 For a LATE TEN, between 5 and 9 working days is the requirement for the notice to be given to the Authority, Police and Environmental Health.
- 7.7.4 No more than 15 temporary events (standard and late combined) can be held in any one calendar year at particular premises and the premises themselves can be used for no more than 21 days in a calendar year. Premises users who hold a personal licence can give notice of no more than 50 temporary events to be held in any one calendar year, up to 10 of which may be 'late TEN's'. Premises users that do not hold a personal licence can give no more than 5 notices in any one calendar year, 2 of which may be 'late TEN's'.
- 7.7.5 Temporary events can be very disruptive and cause problems for residents or property owners near to the site of the event. By their nature temporary events may not be as well resourced as provision for licensable activities organised on a regular basis. The framework for temporary events envisages a very light touch by the Authority, Police and the Environmental Health.
- 7.7.6 There will be no exceptions for late notices (less than 5 working days) whatsoever and any such late notifications will be deemed invalid. If the minimum period of notice is imminent the applicant should not rely on the postal system to assume that the application will be received on time.

- 7.7.7 The Police and Environmental Health have three working days to give an objection to a TEN where they consider that the proposed activities will undermine a licensing objective. The objection notice must give reasons for the objection and must be given to the licensing authority, other relevant persons and the premises user. In the case of a standard TEN, where an objection is received, the licensing authority must hold a hearing to consider the matter unless all parties agree that no hearing is necessary. The licensing authority must send a counter notice to the premises user if it considers it appropriate for the promotion of a licensing objective. In the case of the late TEN's, the licensing authority must issue a counter notice if objections are received from the Police or Environmental Health, there will not be a hearing.
- 7.7.8 Where the Licensing Authority decides not to issue a counter notice, it can impose conditions on the TEN if it is considered appropriate for the promotion of a licensing objective, providing such conditions are also imposed in the premises licence or club premise certificate applying to the same premises (or part of the premises), and the conditions are consistent with the proposed licensable activities.
- 7.7.9 The organisers should take into account that the provisions of other legislation will still apply to such events. For example, organisers should be mindful of the possibility of creating a noise nuisance, which might result in service of a noise abatement notice on the event, or the possible need for formal road closures, which take many months to arrange and so need early liaison with the Authority.
- 7.7.10 Event organisers are strongly recommended to give nearby residents and businesses timely warning of the details of the event and the hours of operation.

**Policy TEN I: Temporary Event Notices**

Temporary Event Notices must be served in duplicate on the Authority, with a copy to the Police Authority, and a copy to the Environmental Health at the addresses given in Appendix I2.

**7.8 Provisional Statements; New or Substantially Altered Premises**

- 7.8.1 Where premises are to be newly constructed, extended or substantially altered, an applicant who has an interest in the premises can apply for a "Provisional Statement". This is in addition to any planning and building-control consents that may be required.
- 7.8.2 A Provisional Statement gives the applicant some assurance about the grant of a future application for a Premises Licence. This may be useful if the applicant has insufficient information to be able to complete the operating schedule that is necessary for a Premises Licence application or, if alcohol sales are proposed, is unable to name the proposed Designated Premises Supervisor. An applicant with adequate information could apply, instead, for a Premises Licence at a suitable stage in design and construction.

**Policy PR I: Provisional Statements; new or substantially altered premises**

The Authority will consider issuing a provisional statement for new premises.

**Policy PR2: Changes to provisional statements**

Where there are any changes to the proposals before a substantive licence is granted, these must be dealt with by way of an application for variation.

Once the Authority has issued a Provisional Statement, it will exclude Representations made about the subsequent application for a Premises Licence if, without reasonable excuse, substantially similar Representations could have been made about the application for the Provisional Statement. However, the Authority recognises that genuine and material changes may arise in the intervening period and the Authority reserves the right to entertain Representations that reflect changed circumstances.

A Provisional Statement may not be sought for a vessel, a vehicle or a moveable structure.

**7.9 Minor Variation**

7.9.1 Variations to premises licences or club premises certificates that could not impact adversely on the licensing objectives are subject to a simplified 'minor variation' process. The applicant must display a white notice for a period of 10 working days, starting the on the working day after the minor variation was submitted to the Licensing Authority. The Licensing Authority has 15 working days from the beginning of the first working day after the application was received, to determine whether to grant or refuse the application. If the Licensing Authority fails to respond within the 15 days, the application will be treated as refused and the fee returned to the applicant.

7.9.2 In considering the application, the Licensing Authority must consult relevant responsible authorities and take their views into account in reaching a decision.

7.9.3 Minor variations will generally fall into four categories; minor changes to the structure or layout of premises; small adjustments to licensing hours; the removal of out of date, relevant or unenforceable conditions or addition of volunteer conditions; and the addition of certain licensable activities. In all case the overall test is whether the proposed variation could impact adversely on any of the four licensing objectives

**Policy MVI: Minor Variations**

Where a premises licence holder or a club premises certificate holder wishes to amend the licence the 2003 Act allows a minor variation if the variation does not adversely impact any of the 4 licensing objectives.

## 8. Operating schedules

### 8.1 General

8.1.1 These Policies are to aid the applicant and to decrease representations from responsible authorities.

8.1.2 The operating schedule is a key document and, if prepared comprehensively, will form the basis on which premises can be licensed without the need for additional extensive conditions.

8.1.3 The Authority expects an operating schedule to indicate the steps that the applicant proposes to promote the licensing objectives. It is particularly important that the operating schedules for appropriate premises should be precise and clear about measures that the management proposes to take to meet the licensing objectives.

### 8.2 Safety

8.2.1 Safety within premises to which the public are admitted is of fundamental concern and is therefore one of the licensing objectives. All these policies are designed to ensure that the objective is promoted as appropriate to the premises.

8.2.2 There are two aspects to safety to take into account, one being the form of construction of the premises, the other being the way in which the patrons are managed once in the premises.

8.2.3 The Authority will expect the premises to be constructed to the appropriate standards for the uses to which it is to be put. It expects applicants to have addressed the requirements of Health and Safety at Work and Fire Safety legislation. Where appropriate, applied standards set out in any technical guidance for construction of buildings for a particular purpose should also be met.

#### **Policy OS 1: Operating schedule – Safety**

Those preparing operating schedules and Responsible Authorities should consider:

- (a) Model National and Standard Conditions for Places of Public Entertainment and Associated Guidance ISBN 1 904031 11 0 (Entertainment Technology Press - ABTT Publications).
- (b) The Event Safety Guide - A guide to health, safety and welfare at music and similar events (HSE 199) (“The Purple Book”) ISBN 0 7176 2453 6
- (c) Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X
- (d) 5 Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 07176 15804
- (e) advice from the Fire Officer/Building Control
- (f) Fire Safety Risk Assessment- Open Air Events and Venues ISBN 978 1 85112 823 5

#### **Policy OS 2: Operating schedule – Premises management & maintenance**

The Authority would normally expect operating schedules to detail how premises will be managed and maintained at all times in relation to the Licensing objectives

**Policy OS 3: Operating schedule – Log book**

Following the receipt of relevant representations the Authority may require that managers of premises maintain a log of activities for the premises that records the details of the manager and staff and the times that they are on duty, with details of incidents such as where people have been refused admission or have been ejected from the premises.

**Policy OS 4: Operating schedule – Occupancy limits**

The Authority requires the operating schedule for each of the following types of premises to state the occupancy limits:

- (a) cinemas;
- (b) theatres;
- (c) any premises where regulated entertainment is to be provided;
- (d) any other premises, on the advice of a Responsible Authority where there are particular reasons to do so.

The Authority expects the operating schedule to state the occupancy limits of each floor of such premises and, where appropriate, separate areas on each floor, or under different operating conditions.

**Policy OS 5: Operating schedule – First aid requirements**

For appropriate premises, the Authority expects to see a risk assessment that identifies the measures that will be taken to deal with the first aid requirements. This will particularly apply to premises where regulated entertainment is provided for large numbers of persons or for prolonged periods and designated first aid areas may be required at appropriate premises.

The Authority requires that anyone designated as a first-aider should be trained to an appropriate standard.

**8.3 CCTV**

8.3.1 The Authority seeks to further the licensing objective of prevention of crime and disorder through greater use of CCTV in licensed premises, as appropriate to the scale and type of licensable activities proposed. CCTV is in wide use in public areas and has been successful in bearing down on crime and disorder. CCTV has also been in use in nightclubs to complement the CCTV system in public areas and to record information for use in dealing with incidents in clubs.

8.3.2 The Authority expects applicants for licences for such premises to demonstrate in their operating schedules that the installation and operational procedures for the equipment at the premises comply with Thames Valley Police's 'Standard Minimum Closed Circuit Television Requirements'.

**Policy OS 6: Operating schedule – CCTV**

For appropriate premises, the Authority expects the use of CCTV equipment to capture images of appropriate quality, location and frequency.

## 8.4 Drug control

- 8.4.1 The Authority seeks to minimise the availability of controlled drugs in furtherance of the public safety and crime and disorder objective. The Authority therefore expects venues to have a comprehensive management approach to eliminating controlled drug use and possession.
- 8.4.2 There are many indications that an increasing number of people are taking controlled drugs and are using a wider range than ever before. This is particularly true of what are often referred to as 'recreational drugs'. Their use, sometimes in places where entertainment is taking place, has led to fatalities.
- 8.4.3 The Authority will actively seek ways in which it can assist in promotional initiatives to highlight the hazards of drug and alcohol abuse.
- 8.4.4 For those venues where drug misuse is an identified risk, measures need to be taken to combat supply, use and the effects of any use. There is advice available about how to control and mitigate the effect of drug-taking, which is relevant for entertainment venues in general and venues which provide intensive dancing, such as 'nightclubs', in particular.

## 8.5 Door Supervisors

- 8.5.1 The Authority supports the pro-active use of trained and registered door staff as part of the operational management of some types of premises, because this can reduce the risk of crime, disorder and anti-social behaviour occurring.
- 8.5.2 A Premises Licence that provides for the presence of door supervisors will include a mandatory condition that such door supervisors must be either registered by the SIA or part of the Approved Contractor Scheme (ACS).

### Policy OS 7: Operating schedule – Door Supervisors

Where appropriate, the Authority will attach conditions to Premises Licences about the minimum numbers of male and female door supervisors on duty and their roles, which will reflect the layout of the premises, the location, the type of entertainment or function provided and the periods when regulated entertainment normally takes place.

Where a Representation or Relevant Representation has been made, the Authority may require premises to use door supervisors for particular types of regulated entertainment, which might potentially provoke disorder (e.g. broadcasts of sporting tournaments in licensed premises) and special promotional events in which the sale of alcohol is significant.

At premises that have regular entertainment, or where special events are taking place, other attendants who do not engage in security activities may be required to supervise areas within the premises.

The Authority expects door supervisors and other staff undertaking security or supervisory duties to be readily identifiable by members of the public and where appropriate to wear high visibility clothing.

## 8.6 Pub-watch schemes

- 8.6.1 Pub-watch schemes are a pro-active means of promoting the licensing objectives. They support the exchange of information and collective agreement on persons being excluded from premises because of anti-social or disruptive behaviour.

- 8.6.2 Responsible managers of appropriate licensed premises will wish to actively participate in such schemes, several of which are in operation in West Oxfordshire District Council area.
- 8.6.3 The Authority actively recommends that all premises licensed to sell alcohol will participate in a pub-watch scheme, where there is one in place and to become part of the alert system(s) that pub-watch and nightsafe schemes may implement to alert members about potential troublemakers.

## **9. Other legislation and controls**

### **9.1 Other legislation**

9.1.1 The Secretary of State's Guidance proposes that policy statements should provide information on other relevant legislation and controls that apply to licensed premises. This is because the regulatory framework of the 2003 Act will not control all matters that are likely to arouse concern in connection with the operation of licensed premises, including the behaviour of persons away from the immediate vicinity of licensed premises.

9.1.2 Other legislation relevant to licensed premises is as follows:  
Planning

9.1.3 Planning controls are covered in paragraph 2.8 above.

#### **Anti Social Behaviour Act 2003**

9.1.4 Section 40 of the Anti Social Behaviour Act 2003 allows the Council's Chief Executive to make a Closure Order against a premises if he reasonably believes that a public nuisance is being caused by noise coming from the premises and it is necessary to close the premises to prevent it. This applies to premises where there is a Premises Licence or a Temporary Event Notice.

#### **Equality Act 2010**

9.1.5 The Equality Act 2010 came into effect in October 2010 and includes widespread responsibilities not to treat people with disabilities in a less advantageous way than other people.

9.1.6 The Authority will not seek to duplicate the requirements of the Equality Act 2010, however, in response to Representations, the Authority will apply conditions where appropriate to ensure the equal treatment of people with disabilities where they coincide with licensing objectives.

#### **Alcohol licenced premises gaming machine permits**

9.1.7 The grant of gaming machine permits is granted under Gambling Act 2005 by the Authority. Premises licensed to sell alcohol for consumption on the premise, can automatically have two gaming machines, of categories C and/or D. The holder of the premises licence authorising the sale of alcohol will simply notify the council, and pay the prescribed fee. If a premises wishes to have more than two machines, then the holder of the premises licence will need to apply for a permit and pay the prescribed fee.

#### **Censorship**

9.1.8 The content of regulated entertainment is a matter that is already addressed by other laws governing indecency and obscenity.

9.1.9 The Authority will not seek to impose conditions that censor the content of any film or play in a way that cannot be related to the licensing objectives. Where the concern is about protecting children, their access will be restricted.

### **Local Government (Miscellaneous Provisions) Act 1976**

9.1.10 Amongst other matters this addresses the issue of prohibited streets and consent streets in relation to street trading.

### **Regulatory Reform (Fire Safety) Order 2005**

9.1.11 This Order reforms the law relating to fire safety in non-domestic premises. It replaces fire certification under the Fire Precautions Act 1971 with a general duty to ensure, so far as is reasonably practicable, the safety of employees, a general duty, in relation to non employees to take such fire precautions as may reasonably be required in the circumstances to ensure that premises are safe and a duty to carry out a risk assessment. The Order imposes a number of specific duties in relation to the fire precautions to be taken.

### **Smoke Free Premises as defined under the Health Act 2006**

9.1.12 Smoke Free Premises came into effect on 1st July 2007 under the Health Act 2006. The legislation is aimed at ensuring a healthy environment, so everyone can socialise, relax, travel, shop and work free from second-hand smoke.

### **Health and Safety at Work Act 1974**

9.1.14 The Health and Safety at Work Act 1974, also referred to as HASAW or HSW, is the primary piece of legislation covering occupational health and safety in the United Kingdom. The Health and Safety Executive is responsible for enforcing the Act and a number of other Acts and Statutory Instruments relevant to the working environment.

### **Misuse of Drugs Act 1971**

9.1.15 This is the main piece of legislation covering drugs and categorizes drugs as class A, B and C. Offences under the Act include

- Possession of a controlled substance unlawfully
- Possession of a controlled substance with intent to supply it
- Supplying or offering to supply a controlled drug (even where no charge is made for the drug)
- Allowing premises you occupy or manage to be used unlawfully for the purpose of producing or supplying controlled drugs

### **9.1.16 Immigration Act 2016**

The Immigration Act 2016 made the Secretary of State a responsible authority in respect of premises licensed to sell alcohol or late night refreshment with effect from 6 April 2017. In effect this conveys the role of responsible authority to Home Office Immigration Enforcement who exercises the powers on the Secretary of State's behalf. When Immigration Enforcement exercises its powers as a responsible authority it will do so in respect of the prevention of crime and disorder licensing objective because it is concerned with the prevention of illegal working or immigration offences more broadly.

There are requirements for some types of applications under the Licensing Act 2003 to be served to the Home Office for purposes of immigration control.

West Oxfordshire District Council will be committed to working with the Home Office and may carry out inspections alongside this government department.

## **Police Reform and Social Responsibility Act 2011**

### **Late Nigh Levy (LNL) and Early Morning Alcohol Restriction Orders (EMRO's)**

The Council will review the benefits of introducing LNL's and EMRO's once evidence becomes available nationally to determine their effectiveness.

#### **9.2 Other Controls**

- Police enforcement of legislation concerning disorder and anti-social behaviour.
- powers of local authorities to designate parts of their area as places where alcohol may not be consumed publicly.
- prosecution of any Personal Licence holder or member of staff at premises, who is selling alcohol to a person who is drunk;
- test-purchasing to check on sale of alcohol to under-18s;
- litter legislation;
- confiscation of alcohol from anyone in designated areas and from persons under 18 in any public place;
- positive measures to create safe and clean town centre environment in partnership with transport operators, local businesses, the licensed trade etc.
- controls on fly-posting

## 10. Reviews and Enforcement Issues for Premises

### 10.1 Reviews

10.1.1 Under the 2003 Act it is possible for the Authority to review a Premises Licence at any time, if it receives Representations from one or more of the organisations defined as Responsible Authorities or Other Persons. The Authority may not initiate its own review without having received Representations. Reviews may only arise in connection with a failure or failures in the premises connected to the licensing objectives.

10.1.2 Successful promotion of the licensing objectives relies on a partnership approach between the Authority, licence holders, Other Persons and Responsible Authorities. Reviews should not therefore be used as a commonplace way of securing adherence to licence conditions or of redressing perceived failures in management of licensed premises.

10.1.3 Reviews in connection with crime, could lead to revocation of the licence - even in the first instance.

#### **Policy RE 1: Reviews (1)**

Generally, unless the Authority regards the issue as serious, a review will only be conducted where there has been a failure to address matters previously raised.

#### **Policy RE 2: Reviews (2)**

Where a request for a review is made, the Authority will expect the person making the Representation to declare the nature of their interest and provide specific evidence to demonstrate why a review is necessary.

#### **Policy RE 3: Reviews (3)**

The Authority will not review licences simply because Representations may have failed on previous occasions or under other legislation.

#### **Policy RE 4: Reviews (4)**

If a request for a review is received from other persons or Responsible Authority, the Authority will decide whether a reasonable interval has elapsed since a previous review, if any, has taken place. It will generally not expect to hold a review into a licence on Representations from an interested person more than annually, unless there are exceptional circumstances.

### 10.2 Enforcement

10.2.1 The 2003 Act does not require inspections to take place, save at the discretion of those charged with this role.

10.2.2 The Authority will adopt the principles of risk assessment and targeting, taking into account the nature of the licensed activities, the extent to which the licensing objectives are met and the confidence in the management of the premises.

This approach will ensure that enforcement is effectively concentrated on problem premises whilst monitoring the situation in other premises, and provide for efficient deployment of the Council's staff and Police officers.

10.2.3 The Authority will also undertake pre-event inspections in appropriate locations.

### **Policy EN 1: Enforcement**

The Authority will establish and maintain protocols with the local Police and Authorised Persons on enforcement issues.

The Authority will seek to ensure that these protocols concentrate on targeting of mutually agreed problems and high-risk premises, while providing a lighter touch in respect of low-risk premises that are well run in accordance with Hampton principles. (A report by Philip Hampton: 'Reducing administrative burdens: effective inspection and enforcement', March 2005)

10.2.4 There may be occasions when additional inspections will be required, for example following premises alterations, complaints made by Other Persons or requests by Responsible Authorities.

10.2.5 This inspection routine recognises that Premises Licences, unless issued for a specific period of time, have no end date once they have been granted.

10.2.6 The Authority has signed the Central and Local Government Concordat on Good Enforcement and has published an enforcement policy. It is available to download from [www.westoxon.gov.uk](http://www.westoxon.gov.uk)

### **Licence fees**

10.2.7 The 2003 Act requires the licensing authority to suspend a premises licence or club premise certificate if the annual fee is not paid when it is due. However, this does not apply if there was an administration error, or the holder disputes liability before the due date. In either case there is a grace period of 21 days. If the dispute or error is not resolved during this 21 day period, the licence will be suspended.

10.2.8 If the licensing authority suspends a licence or certificate, it must notify the holder in writing at least two working days after the due date, and may wish to inform the police and other responsible authorities that the licence or certificate has been suspended.

10.2.9 A suspension ceases to have effect on the day on which the licensing authority received payment of the outstanding fee. The licensing authority will give written acknowledgement of receipt.

# Appendix I

## Persons and organisations consulted

**The following persons were consulted in the preparation of this Statement of Licensing Policy:**

### **ORGANISATION**

**No.**

Neighbourhood / Business Watch Coordinators/TV Alert members

The Responsible Authorities

- Thames Valley Police
- Oxfordshire County Council Fire and Rescue Service
- West Oxfordshire District Council Environmental Health (Operations)
- West Oxfordshire District Council Environmental Health (Food, Health & Safety)
- Oxfordshire County Council (Trading Standards)
- Oxfordshire County Council (Child Protection)
- West Oxfordshire District Council (Planning)
- Home Office
- Public Health

All Town and Parish Councils and Parish Meetings

Oxfordshire Rural Community Council

All West Oxfordshire District Councillors

All premises licence holders

All Club premises

The consultation was also advertised on the Council's website.

## Appendix 2

### The Authority's area and licensable activities

West Oxfordshire extends from Chipping Norton in the North to Witney in the South, from Woodstock in the East to Burford in the West. It is home to nearly 104,000 people, with Witney being the largest centre of population. The district has an enviable reputation for economic success and prosperity. The area is now characterised by jobs in high tech industries, bio-medical research, new technology and tourism and the district has one of the lowest unemployment rates in the Country.

Our heritage assets are well known with more historic parks, gardens and scheduled ancient monuments than any other district in the County. Blenheim Palace is a priceless national treasure and a world heritage site. On a more intimate scale, there are Roman Villa sites at North Leigh and wonderful museums celebrating the district's past and present.

Today's rich and vibrant culture of theatre, dance, music and comedy is of a standard and range often unseen outside bigger urban areas. There is a wealth of restaurants, café's, licensed premises bars and inns to cater for every taste. Retail outlets abound from large superstores to traditional village shops.

## Appendix 3

### Other Council policies and programmes

The Council has adopted the following local policies and programmes that are relevant to licensing:

- The West Oxfordshire District Local Plan
- The West Oxfordshire Community Safety Strategy
- West Oxfordshire District Cultural Strategy
- West Oxfordshire District Tourism Strategy and
- Any other plan or strategy that forms part of the Council Plan

## Appendix 4

### Licensing Committee and Panel procedures

#### **Date of Meetings**

1. The Authority will arrange the dates of each Licensing Committee meeting and Licensing Panel meeting to suit the business that the Authority must conduct.

#### **Licensing Committee - membership**

2. The Licensing Committee will consist of between 10 and 15 elected members of the Council, as required by Section 6 of the 2003 Act. The number of Members, and appointments to the Committee, will be determined each year at the Council's Annual Meeting.

3. The quorum for a Licensing Committee meeting is one third of its membership.

#### **Licensing Panel - membership**

4. The Licensing Committee will determine annually the number of Licensing Sub-Committees (to be known as Licensing Panels) which shall be appointed and how each Panel is constituted. Each Licensing Panel will consist of three members of the Licensing Committee.

5. The quorum for a meeting of a Licensing Panel is three members.

6. In the event of absence of a member of a Licensing Panel, only another member of the Licensing Committee may substitute.

#### **Licensing Panel – members interests**

7. A Member of a Sub-Committee which is considering licence applications may not participate in a hearing if they have a personal and prejudicial interest under the Authority's Code of Conduct for Elected Members.

8. The Licensing Committee / Council will determine all other procedural matters relating to which members can sit on a Licensing Panel, and in what circumstances, and to the holding of hearings and the notification of decisions. These procedures will:

- Take account of the provisions of the Code of Conduct, good practice generally, and any national advice, including any issued by the Standards Board for England or by the Council's Standards Committee.
- Accord, where applicable, with Regulations made by the Secretary of State under the provisions of the Licensing Act 2003.
- Be available from the Council's Community Safety and Licensing Team, via the Council's website and for all parties to a hearing.

9. The relevant procedures will also be outlined at the beginning of each hearing.

## Appendix 5

### BBFC Film Classification

Films would normally be classified by the British Board of Film Classification or the local authority in the following way:

- U Universal – suitable for all.
- PG Parental Guidance. Some scenes may be unsuitable for young children.
- 12A (PG12) Passed only for viewing by persons aged 12 years or older or younger persons accompanied by an adult.
- 12 Passed only for viewing by persons aged 12 years or older.
- 15 Passed only for viewing by persons aged 15 years and over.
- 18 Passed only for viewing by persons aged 18 years and over.

In some cases, the PG rating may carry a recommended viewing age – eg PG8 would only be suitable for children over the age of 8, if accompanied by an adult.

## Appendix 6

### Delegations under the 2003 Act

<b>Matter to be dealt with</b>	<b>Full Committee</b>	<b>Sub-Committee</b>	<b>Authorised Officers</b>
Application for Personal Licence		Police objection (See Note 1)	All other cases
Application for Personal Licence with unspent convictions		All cases	
Application for Premises Licence/ Club Premises Certificate		Valid Representation (See Note 2)	All other cases
Application for provisional statement		Valid Representation (See Note 2)	All other cases
Application to vary Premises Licence/ Club Premises Certificate		Valid Representation (See Note 2)	All other cases
Application for a minor variation			All cases
Application to vary Designated Premises Supervisor		Police Objection (See Note 1)	All other cases
Request to be removed as Designated Premises Supervisor			All cases
Application for transfer of Premises Licence		Police Objection (See Note 1)	All other cases
Applications for interim authorities		Police Objection (See Note 1)	All other cases
Application to review Premises Licence/Club Premises Certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, repetitious etc.			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a Police Representation to a Temporary Event Notice		All cases	

Note 1 - "Police objection" = If a Police objection has been made and not withdrawn.

Note 2 - "Valid Representation" = If a Representation has been determined by a delegated officer as a relevant Representation from other persons or a Representation has been made by a Responsible Authority and at least one of those Representations is not withdrawn (with the agreement of all parties that a hearing is not necessary).

## Appendix 7

### Responsible Authorities

<b>Table 1 - Addresses</b>		Contact details for preliminary discussions or follow-up enquiries	
<b>Responsible Authority</b>	<b>Address</b>	<b>Phone</b>	<b>Email and website</b>
The Licensing Authority	Environmental and Regulatory Service Business Support (Licensing) West Oxfordshire District Council Woodgreen WITNEY OX28 1NB	01993 861000	ers.licensing@publicagroup.uk  www.westoxon.gov.uk
The Planning Authority	Planning West Oxfordshire District Council Elmfield WITNEY OX28 1PB	01993 861000	planning@westoxon.gov.uk  www.westoxon.gov.uk
Environmental Health	Environmental and Regulatory Services Operations West Oxfordshire District Council Woodgreen WITNEY OX28 1NB	01993 861000	ers@publicagroup.uk  www.westoxon.gov.uk
Food, Health & Safety	Environmental and Regulatory Services Food, Health and Safety West Oxfordshire District Council Woodgreen WITNEY OX28 1NB	01993 861000	ers@publicagroup.uk  www.westoxon.gov.uk
Thames Valley Police	Thames Valley Police Licensing Office 165 Oxford Road KIDLINGTON OX5 2NX	01865 266109	licensingoxon@thamesvalley.pnn.police.uk  www.thamesvalley.police.uk
Fire & Rescue Service	Oxfordshire Fire and Rescue Service Sterling Road Kidlington OX5 2DU	01865 242223	fire.service@oxfordshire.gov.uk  www.oxfordshire.gov.uk
Social & Health Care	Oxfordshire Safeguarding Children Board (OSCB) 3rd Floor County Hall New Road Oxford OX1 1ND	01865 815843	oscb@oxfordshire.gov.uk  www.oscb.org.uk

Trading Standards	Trading Standards Service Electric Avenue Ferry Hinksey Road OXFORD OX2 0BY	01865 792422	online@oxfordshire.gov.uk  www.oxfordshire.gov.uk
Public Health	Merlyn Mistry, Health Improvement Practitioner Public Health Team Oxfordshire County Council County Hall New Road Oxford OX1 1ND		merlyn.mistry@oxfordshire.gov.uk
Home Office	Alcohol Licensing Team Lunar House 40 Wellesley Road Croydon CR9 2BY		alcohol@homeoffice.gsi.gov.uk

Applications for Premises Licences for boats that will be operated within other district council areas, must also be copied to the other Licensing Authorities as appropriate:

The Oxford Canal – North of Oxford			
The Licensing Authority	The Licensing Authority Cherwell District Council Bodicote House Bodicote BANBURY OX15 4AA	01295 252535	~ www.cherwell-dc.gov.uk
The River Thames – South of Oxford			
The Licensing Authority	The Licensing Authority South Oxfordshire District Council Benson Lane Crowmarsh Gifford WALLINGFORD	01491 823000	~ www.southoxon.gov.uk
The River Thames – South or West of Oxford			
The Licensing Authority	The Licensing Authority Vale of White Horse DC Council The Abbey House ABINGDON OX14 3JE	01235 520202	~ www.whitehorsedc.gov.uk
The River Thames –Oxford			
The Licensing Authority	The Licensing Authority Oxford City Council Ramsay House 10 St Ebbe's Street OXFORD OX1 1PT	01865 252565	~ www.oxford.gov.uk

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