

Licensing Act 2003

Joint Statement of Licensing Policy

This policy was adopted by the Vale of White Horse District Council at the meeting of Council on **DATE** and South Oxfordshire District Council at the meeting of Council on **DATE** and comes into force on **DAY AFTER** and will remain in force for a period of five years from that date unless previously amended.

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1. Introduction, Purpose and Scope

- 1.1 This Statement of Licensing Policy ('policy') has been prepared having regard to the guidance issued under Section 182 of the Licensing Act 2003 ('the Act') and as required of the Licensing Authority under Section 5 of the Act. It takes effect from 12 February 2021 and will be scheduled for review by 11 February 2026. This policy will be kept under review throughout its period of validity and amended as considered necessary.
- 1.2 This document sets out the councils' (the Licensing Authority) policy in respect of its licensing functions for the next five years. These include policy formulation, administration, compliance and enforcement. The latter will include working with and sharing permitted data with other regulatory and enforcement agencies.
- 1.3 This policy has four main purposes, which are:
- **to confirm to members** of the Licensing Acts Committees, the boundaries and powers of the authorities and the parameters within which to make decisions;
 - **to inform licence applicants** of the parameters within which the authorities will make licensing decisions and therefore how licensed premises are likely to be able to operate within the areas of the two councils;
 - **to inform local residents and businesses** of the parameters within which the authorities will make licensing decisions and therefore how their needs will be addressed; and
 - **to support a case in a court of law** where either authority has to show how it arrived at its licensing decisions.
- 1.4 Each council has different roles under the Act, so:
- 'authority' is used where it acts as the Licensing Authority under the Act
 - 'council' is used where parts of the council act in other capacities, e.g.
 - to determine policy;
 - when the 'council' applies to the 'authority' for a licence for council premises;
 - when environmental health or planning officers make relevant representations about applications received.
- 1.5 This policy is not intended to duplicate existing legislation and regulatory regimes that already place obligations on operators, for example the Health and Safety at Work etc. Act 1974 and the Regulatory Reform (Fire Safety) Order 2005. In addition, it should be noted that the planning and licensing regimes are separate. There is no legal basis for the authority to refuse a licence application because it does not have planning permission.
- 1.6 Each application will be determined on its own merits having regard to the licensing objectives, relevant guidance including that issued under Section 182 of the Act and this policy.

- 1.7 It should be understood that this policy cannot anticipate every scenario that may arise and as such there may be circumstances where the policy may be departed from in the interests of the promotion of the licensing objectives and where it is deemed appropriate to do so. In such cases the Licensing Authority will give full reasons for departing from this policy.
- 1.8 In considering and determining applications the Licensing Authority will take into account any other relevant legislation or statutory guidance, including the Equality Act 2010 and the Human Rights Act 1998. The statutory right of any responsible authority or other person to make appropriate representations to an application or to seek a review in respect of a granted authorisation where appropriate is accepted. The solicitor to the councils will ensure that the rules of natural justice will be applied at all times during hearings or reviews.
- 1.9 In reviewing this policy the Licensing Authority consulted with all necessary bodies and relevant stakeholders. The consultation process was conducted in November/December 2020 by way of a direct communication via email and also via publication on the councils' websites. A list of those consulted and a summary of the responses received is available from the Licensing Authority on request. In determining the policy, the councils have taken into consideration any comments made by consultees and the experience of administering and enforcing the Act since its introduction.
- 1.10 To ensure this policy integrates with other strategies, the Licensing Authority will continue to develop close working partnerships with the responsible authorities and other associated groups such as the Community Safety Partnership. Examples of promotional material relating to licensed premises can be found at Appendix A.
- 1.11 The Licensing Authority, on behalf of the councils, may notify parties they consider appropriate such as district councillors, town and parish councils of relevant applications.

2. Licensing Objectives and Key Aims

- 2.1 The aim of the licensing process is to regulate licensable activities so as to promote the licensing objectives.
- 2.2 There are four licensable activities under the Act:
- retail sales of alcohol;
 - the supply of alcohol by or on behalf of a club
 - the provision of regulated entertainment; and
 - the provision of late night refreshment.
- 2.3 The Licensing Authorities will carry out their licensing functions under the Act with a view to promoting the four licensing objectives, which are:
- Prevention of Crime and Disorder
 - Public Safety
 - Prevention of Public Nuisance
 - Protection of Children from Harm

- 2.4 Each of the four licensing objectives is of equal importance and will be considered in relation to matters centred on the premises and the operation of the business, or within the control of the licensee.
- 2.5 An effective licensing policy, alongside other initiatives, will work towards promoting the positive aspects of licensable activities, such as promoting leisure provision as well as controlling any negative impacts such as increase in crime and disorder, noise, nuisance and anti-social behaviour.
- 2.6 It is recognised that the provision of entertainment is a major contributor to the economy of an area. It makes for a vibrant and attractive area, which subsequently has a positive effect on employment. A diverse range of licensed premises throughout the area makes a major contribution to attracting both initial and repeat visitors to the area. It is also recognised that owners and occupiers of commercial premises have a legitimate expectation of an environment that makes and keeps their businesses sustainable.
- 2.7 The policy aims to give direction to applicants to assist them to make informed decisions about their proposed licensable activities, and to licence holders so they are aware of the expectations of the Licensing Authority in operating their premises so they continue to actively promote the licensing objectives.
- 2.8 The other key aims of this policy are for the relevant council as the Licensing Authority to:
- recognise the need to assist in building a fair, vibrant, and prosperous society that properly balances the rights of residential communities, the business sector and other relevant parties.
 - secure the safety and amenity of residential communities whilst facilitating a sustainable, diverse, entertainment and hospitality sector in the district.
 - integrate its aims and objectives with other initiatives that will:
 - create an attractive and vibrant area, which has a positive effect on employment
 - reduce local crime, disorder and anti-social behaviour
 - reduce the health impacts of alcohol misuse and dependence, including the impact of alcohol related incidences on accident and emergency services
 - reduce the supply and use of illegal drugs in licensed premises
 - encourage the self-sufficiency of local communities
 - reduce the burden of unnecessary regulation on businesses and promote self-help
 - endeavour to reflect the diversity of the districts through their blend of urban and rural settlements
 - continue its commitment to working in partnership with other agencies and organisations through both formal and informal arrangements towards the promotion of the objectives set out in this policy.
- 2.9 The council has published a Local Alcohol Profile with maps on our website. These aim to increase awareness of local risks and improve information sharing in order to facilitate positive engagement with licensees and a more

coordinated approach to local risks. They also inform applicants of the specific risks that need to be considered prior to submitting any new or variation licence applications or temporary event notices, to ensure the promotion of the licensing objectives.

- 2.10 The Licensing Authority recognises that the Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, and to promote equality of opportunity and good relations between persons of protected characteristics. The Licensing Authority expects that licensed premises will not discriminate against any person based solely on any of these characteristics – for example, refusing a person entry to a licensed premises on the basis of their race, sex or age. The sole exception to this will be where such action is necessary to comply with legal requirements or licence conditions, particularly in respect of ensuring an individual's age in situations where licence holders must restrict access to age-restricted goods or services to any person who is below the legal age for that good or service - for example, the sale of alcohol to under 18s, or admission of under 15s or under 18s to a film with a '15' or '18' certificate.
- 2.11 The Licensing Authority will also expect member's clubs to ensure that their membership rules do not result in discrimination against a person on the basis of a protected characteristic – for example, maintaining different membership classes for persons of different sexes.
- 2.12 It is expected that all licensed premises give due consideration to the needs and requirements of access to licensed premises by disabled or less mobile customers and to make reasonable adjustments to ensure their operations are inclusive.

3. The Operating Schedule and Conditions

- 3.1 All applicants for the grant or variation of a premises licence or club premises certificate are required to provide an operating schedule as part of their application. This is a key document and, if prepared comprehensively, will significantly reduce the likelihood of the application attracting representations. The Licensing Authority expects an operating schedule to indicate the steps that the applicant proposes to take to promote the licensing objectives having regard to the type of premises, the licensable activities to be provided, the nature of the location and the impact on the local community. This should follow a thorough risk assessment relating to the specific premises, the locality and the licensable activities proposed to take place.
- 3.2 Applicants are strongly recommended to discuss their operating schedule with the responsible authorities prior to submitting the application. The Licensing team can assist in coordinating this process.
- 3.3 Applicants are strongly recommended to contact the planning department at the relevant council to ensure that they have the correct permissions in place for the activities they propose to carry out.

- 3.4 The complexity and detail required in the operating schedule will depend upon the nature and use of the premises. It must include details of the following:
- Full details of the licensable activities to be undertaken and the intended use of the premises;
 - The times during which licensable activities will take place;
 - Any other times when the premises are to be open to the public;
 - Where the licence is only required for a limited period, that period;
 - Where the licensable activities include the supply of alcohol, the name and address of the individual proposed to be designated premises supervisor;
 - Whether alcohol will be supplied for consumption on or off the premises or both; and
 - The steps the applicant proposes to promote the licensing objectives in the local area.
- 3.5 Measures to promote the licensing objectives which are included in the operating schedule are used to form conditions attached to the licence and should therefore be clear, concise and unambiguous. To assist with this, the Licensing Team has produced guidance to applicants which contains a pool of model conditions. This document is available on the councils' websites and on request from the Licensing Team. We will use this document when translating proposed measures into clear, enforceable conditions.
- 3.6 The following sections are intended to assist applicants by setting out criteria and considerations that they should bear in mind when drawing up an operating schedule. They alert applicants to any matters that responsible authorities are likely to consider when deciding whether to make representations on an application or whether to call for a review of the premises licence.
- 3.7 Applicants are expected to make themselves aware of any relevant policies and strategies such as those relating to planning, tourism, local crime prevention and alcohol harm reduction, and to have taken these into account when formulating their operating schedule.
- 3.8 The Licensing Authority deals with the issue of licensing hours on the individual merits of each application and will consider the measures proposed to deal with the potential for nuisance and/or public disorder. However, when issuing a licence with hours extending beyond 11pm, higher standards of control need to be included in operating schedules in order to promote the licensing objectives, especially for premises, which are situated in, or near, residential areas or in areas where crime and/or anti-social behaviour is an issue.
- 3.9 The Licensing Authority recognises that having fixed early closing times in certain areas can lead to peaks of disorder and disturbance on the streets when large numbers of people leave licensed premises at the same time. The Licensing Authority also recognises that fixed terminal hours in designated areas (known as 'zoning') can lead to the significant movement of people across boundaries in search of premises opening later. The Licensing Authority aims, through the promotion of the licensing objectives, to reduce the potential

for concentrations of people and thus achieve a slower dispersal of people from licensed premises through longer opening times when appropriate.

- 3.10 With regard to shops, stores and supermarkets, the normal scenario will be for such premises to provide sales of alcohol for consumption off the premises at any time when the retail outlet is open for shopping unless representations raise reasons, based on the licensing objectives, for restricting those hours.
- 3.11 Conditions attached to various authorisations will be focused on matters which are within the control of licence holders, and will focus primarily on the direct impact of any activities taking place at those premises on those living, working, or otherwise engaged, in the area concerned.
- 3.12 The licensing function is not a mechanism for the control of anti-social behaviour by individuals once they are beyond the direct control of the licence holder of any premises concerned. Conditions attached to licences must only seek to impact on the behaviour of customers on, or in the immediate vicinity of the premises as they seek to enter or leave.
- 3.13 Conditions shall be appropriate and proportionate to achieve the promotion of the licensing objectives, and shall be tailored to suit the circumstances and premises. Conditions will not be attached where adequate legislative control exists.
- 3.14 If no representations are received, there is no provision for a Licensing Authority to impose conditions on a licence other than the mandatory conditions and those proposed by the applicant within the operating schedule which will be translated into clear, enforceable conditions by the Licensing Authority.
- 3.15 The Licensing Authority must balance the interests of applicants (as stated in their applications) and any interests stated by responsible authorities and other persons (in relevant representations).
- 3.16 Sections 4 to 8 of this document set out the Licensing Authority's policy relating to each of the four licensing objectives. It is emphasised that the promotion of these objectives are the only matters which can be taken into account by the licensing panel and they will pay particular attention to them at a hearing, when determining applications and applying any conditions.

4. Prevention of Crime and Disorder

- 4.1 The Licensing Authority has a duty to act solely or with its partners to reduce crime and disorder throughout the district, consistent with its statutory duty under section 17 of the Crime and Disorder Act 1998. The councils as members of the South and Vale Community Safety Partnership will work with partners to utilise legislation as required to prevent crime and disorder issues and promote public safety. In addition the councils will work in partnership with the Home Office in relation to illegal working on licensed premises.
- 4.2 Responsible applicants will ensure proper regard in their operating schedule to the location, character and condition of the premises, the nature and extent of the proposed use and the persons likely to be attracted to the premises.

- 4.3 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of their premises, relevant to the individual style and characteristics of their premises or event.

Pubwatch

- 4.4 The Licensing Authority recognises the value of Pubwatch schemes and will play a supportive role and attend meetings whenever possible. Where such a scheme is active in the locality of a premises, the applicant is strongly encouraged to become an active member of Pubwatch. As well as traditional pubs and entertainment venues, this includes premises that are licensed solely for the sale of alcohol for consumption off the premises.
- 4.5 Pubwatch provides a forum for sharing information, disseminating best practice and meeting with representatives of the Licensing Authority, the police and other responsible authorities. The Licensing Authority encourages all licensees to actively participate in their local Pubwatch scheme and will support the development of schemes where there is a demand.

Information sharing and reporting incidents

- 4.6 As well as sharing information through formalised Pubwatch schemes, licensees are encouraged to share and report incidents to relevant agencies as and when appropriate, rather than waiting for a next meeting. Any issues of crime and disorder should be reported as soon as possible to Thames Valley Police. If persons or property are in danger then this should be done through calling '999', alternatively the '101' number should be used. Incidents that occur on licensed premises should be recorded and made available to Thames Valley Police and other agencies.
- 4.7 The police and the councils work in partnership to target those individuals who cause crime and disorder. Powers under the Anti-social Behaviour, Crime and Policing Act 2014 such as Criminal Behaviour Orders (S22), Community Protection Notices (S43), Public Spaces Protection Orders (S59) and Closure Orders (S76) and any replacement powers will be utilised to assist in the prevention of crime and disorder. Information about relevant orders against persons will be shared with premises. Licence holders are also expected to assist in preventing crime and disorder by notifying the police of any persons who breach orders relevant to their premises.

Closed Circuit Television (CCTV)

- 4.8 CCTV has a key role to play in stopping and deterring crime and anti-social behaviour in town centres and is also used as an evidence and detection tool. Applicants are expected to consider the installation of CCTV covering both inside and outside of the premises and if they do not believe it to be appropriate, to detail why this is the case in their application.

4.9 Surveillance cameras should only be used if necessary and proportionate, in addition:

- when considering the use of CCTV systems, either as part of the conditions attached to a licence or certificate, or within an operating schedule the Licensing Authority or applicant must in particular have regard to Code of Practice on CCTV published by the Information Commissioner's Office.
- the Licensing Authorities support the use of CCTV systems in premises. Where a licence or certificate is granted subject to the installation of a CCTV system, it is the responsibility of the licensee to comply with any data protection considerations that may arise from the use of such a system.
- the public must have confidence that surveillance is necessary and proportionate, and that those who operate the camera systems, or use the images and information they capture, demonstrate integrity in doing so and can be held to account.
- Recordings should be retained for a minimum of 31 days and staff must be trained to operate the CCTV equipment and able to provide recordings within 24 hours to any of the responsible authorities on request.

Consumption of alcohol

- 4.10 The Licensing Authority expects all licence holders to take steps to control excessive consumption and drunkenness in licensed premises. This will reduce the risk of anti-social behaviour and violent crime occurring both on and away from the premises after customers have departed. Premises licence holders are expected to be able to demonstrate a general duty of care to customers using their premises and others affected by their activities, and this is supported by responsible retail sales of alcohol and appropriate staff training.
- 4.11 Premises should complete a specific risk assessment in respect of any alcohol promotions and should follow any industry codes of practice such as the Portman Group Code of Practice of the Naming, Packaging and Promotion of Alcoholic Drinks. Promotions that encourage irresponsible consumption of alcohol should be avoided, including drinking games, as these would likely breach the relevant mandatory licence conditions and pose a risk to public safety. Consideration should be given to the promotion of smaller measures.

Door supervisors/stewards

- 4.12 Any person engaged at licensed premises to carry out security activities including the prevention of access to, or the physical ejection of, a person from the same premises on behalf of the licensee must hold and display a valid current licence issued by the Security Industry Authority (SIA) or any successor system.
- 4.13 The Licensing Authority will consider representations that indicate that specific premises require door supervision for the purpose of meeting the crime and disorder or public safety licensing objectives. In such cases, the Licensing Authority may impose a condition that an agreed number or ratio of licensed door supervisors must be present at the premises either at all times, or at such times as certain licensable activities are taking place.

- 4.14 In certain circumstances it may be appropriate to use trained stewards to provide a satisfactory level of customer care and safety awareness. These individuals must not carry out security activities, and would not be required to hold an SIA licence. If they were employed to undertake duties involving children then the applicant must consider whether such individuals should undergo a Disclosure and Barring Service check.
- 4.15 The applicant may find it beneficial in developing the operating schedule for a premises licence or certificate to have undertaken a security risk assessment in order to determine the resources necessary to meet the licensing objectives. The application should state if they propose the use of registered door supervisors which is supported by the completion of a risk assessment. Where it is felt that registered door supervisors are not required, the reasons for this should be provided in the application and again supported by the completed risk assessment.

Dispersal policy

- 4.16 Licensed premises should consider implementing a dispersal policy, working in partnership with other venues within the vicinity through mechanisms such as Pubwatch. Applicants should consider how the venue will minimise the potential for disorder and disturbance as customers leave the premises, including any ejections. Any policy should be reviewed regularly and staff should be trained in its implementation.
- 4.17 Premises must make provision to ensure that premises users safely leave their premises. Measures that may assist include:
- Providing information on the premises of local taxi companies who can provide safe transportation home;
 - Adequate lighting outside the premises, in car parks and on paths leading to and from the premises.

Illegal drugs

- 4.18 The Licensing Authority recognises that the supply and use of illegal drugs by individuals is not relevant to all licensed premises but it is recognised that conditions may need to be attached to the premises licences if problems arise. The aim will be to reduce the availability, sale, and consumption of illegal drugs and to create a safer environment for those who may have taken them. Any conditions will take into account the relevant guidance and advice from appropriate bodies.
- 4.19 The Licensing Authority expects all premises to fully co-operate with the police including drug swabbing and permitting the access and use of drug dogs within the public and staff areas of the premises. It may also be appropriate to have procedures in place such as regular toilet checks and staff training to recognise the signs of drug taking on a premises.

Other matters relating to crime and disorder

4.20 The following should also be considered:

- Measures to prevent the bringing of offensive weapons onto the premises
- Illegal (illicit, counterfeit or non-duty paid) tobacco or alcohol
- Use of toughened glass or plastic (consideration should be given to the use of plastic drinking receptacles in outside areas that are situated in town centres).
- Access and last entry
- Issues relating to staff and their right to work in the UK
- No external advertising of alcohol outside the premises or in the windows

5. Public Safety

- 5.1 The public safety objective is concerned with the physical safety of anyone using or adjacent to licensed premises. Applicants should carefully consider how they intend to promote the public safety objective in their operating schedule.
- 5.2 Where applicants consider that the public safety objective could be compromised by their intended activities, they are encouraged to contact the relevant council's Food and Safety team and/or the fire authority as the most relevant responsible authorities for guidance. Other organisations such as the Safety Advisory Group (SAG) will be able to offer advice. Contact details for these authorities/groups are available from the Licensing Authority.
- 5.3 The councils are core members of the South and Vale Nightsafe scheme, which seeks to promote public safety in the night-time economy through partnership working with licensed premises and responsible authorities.
- 5.4 Applicants may wish to consider the following within their operating schedule with a view to the safety of persons attending the premises.

Alcohol harm reduction

- 5.5 Communities, agencies and businesses are best placed to identify and deal with alcohol-related problems in their area. It is important to maximise the benefits of partnership working, focusing and co-ordinating the efforts of local agencies, industry and the voluntary sector in tackling alcohol-related problems. Budgets and expertise can be pooled, providing the right services at the right time, making town centres safer and in doing so encourage more people to enjoy a night out, thus promoting economic growth.
- 5.6 Information is a powerful tool in tackling alcohol-related problems. It is vital to strengthen data sharing within local partnerships, in particular between crime and health agencies and licensing authorities. Applicants should refer to the Local Alcohol Profile on the council's website.
- 5.7 The Licensing Authority will continue to work alongside their partners on a countywide and local level. The licensing team will work pro-actively with the Community Safety Partnership and Thames Valley Police and will support local

initiatives to tackle alcohol misuse such as Pubwatch, Nightsafe and Community Alcohol Partnerships.

- 5.8 Alcohol related harm costs UK an estimated £21 billion per year, of which £11 billion is related to crime, £3 billion is related to NHS and £7 billion is related to lost productivity, sickness or unemployment. Alcohol is recognised as a causal factor for more than 60 diseases and a greater risk for mortality. Excessive alcohol consumption is a major cause of preventable premature death. Higher risk of alcohol misuse is seen in populations with severe disadvantage, especially those with poor mental health, offenders and the homeless. It is also seen in higher proportion in areas of deprivation and increases health inequality. The impact of harmful drinking and alcohol dependence is much greater for those in the lowest income bracket and those experiencing the highest levels of deprivation¹.
- 5.9 According to the 2019 Index of Multiple Deprivation (IMD), though overall South Oxfordshire is relatively less deprived, parts of Berinsfield and Didcot West are amongst the 40% most deprived areas nationally. In Vale of White Horse, one small part (lower layer super output area or 'LSOA') of Abingdon, Caldecott, is among the 20% most deprived neighbourhoods nationally. A small area in Faringdon is within the 50% most deprived LSOAs nationally. For further information, maps of deprivation ranked nationally and within each district are available at <http://insight.oxfordshire.gov.uk/cms/jsna-district-summaries-2020>
- 5.10 The Oxfordshire Drug and Alcohol Partnership Strategy (2020-2024)² brings together partners, including the Licensing Authority and Responsible Authorities to work together to reduce the harm caused to individuals and to society by misuse of alcohol and drugs.

Safeguarding

- 5.11 It is important that licence holders are aware of their responsibilities relating to safeguarding. Individuals may be vulnerable for a number of reasons such as their age, mental health or intoxication. Premises should have a safeguarding/welfare policy, appropriate to the type of venue or event, available at the request of Licensing Authority or any other responsible authority. This should cover matters such as proof of age checks, spotting signs of abuse or vulnerability, random toilet checks, how to challenge and report where there are concerns, provision of water and phone charging facilities, first aid and welfare support. This may also link with any dispersal and ejections policy. Staff should be trained so they are clear of the expectations of them in respect of safeguarding and wellbeing.
- 5.12 In addition it may be worth considering having a dedicated safe space for vulnerable customers, with at least two members of staff present and ideally covered by CCTV.

¹ <https://www.gov.uk/government/publications/health-matters-harmful-drinking-and-alcohol-dependence/health-matters-harmful-drinking-and-alcohol-dependence>

² <https://mycouncil.oxfordshire.gov.uk/documents/s52833/Item%2010%20-%20ODA%20partnership%20strategy%20FINAL%20DRAFT%20HIB%20Sept%202020.pdf>

- 5.13 Some areas have community support schemes, where trained volunteers patrol the night time economy and take care of vulnerable people that they encounter. Applicants should find out if there are any such schemes operating in their area and make contact with them to encourage regular engagement.

Public Health

- 5.14 The inclusion of the Local Director of Public Health as a responsible authority under the Act enables Public Health to have a say in alcohol licensing. Public Health may have access to information that is unavailable to other responsible authorities, which help the licensing authority exercise its functions.
- 5.15 The role of the Director of Public Health is to help promote the health and wellbeing of the local populations they serve. This wide remit influences a wide range of circumstances, including local licensing arrangements. The licensing regime is concerned with the promotion of the licensing objectives which collectively seeks to protect the quality of life for those who live and work in the vicinity of licensed premises and those who socialise in licensed premises.
- 5.16 The Director of Public Health could make or support representations as well as make observations on licensing applications. The focus on the wellbeing of the wider community via licensing is an important addition to the role of public health in promoting the wellbeing of their localities.

Occupancy limits

- 5.17 It is recommended that the applicant or operating company assess and set occupancy limits following a risk assessment of the planned activities being carried out at the premises, having regard to other relevant legislation such as the Regulatory Reform (Fire Safety) Order 2005.
- 5.18 The Licensing Authority may set an occupant capacity following representations received if it is appropriate and proportionate to do so in order to meet the licensing objectives.

Health and Safety

- 5.19 Where five or more people are employed, the Health and Safety at Work etc Act 1974 requires there to be a written health and safety policy statement which must be brought to the employees' attention. Employers must also record the results of risk assessments and ensure a robust health and safety action plan is in place for both staff and customers. Applicants should have these documents available at the request of the Licensing Authority or any other responsible authority.

Other matters relating to public safety

- 5.20 The following should also be considered:
- Disabled access and evacuation
 - Emergency procedures
 - Special risks such as lasers or fireworks

6. Prevention of public nuisance

- 6.1 Public nuisance is a broad concept, which concerns how the activity of one person (or business) affects the amenity of other persons living and working in the area of the licensed premises, for example, how noise from playing music interferes with another person's right to sleep, or adverse impacts from light or odour.
- 6.2 The Act requires, and the Licensing Authority expects, applicants to demonstrate within their operating schedule how they intend to prevent public nuisance arising. This will be of particular importance where there are residential properties in the vicinity of the licensed premises.
- 6.3 When appropriate on application or review the Licensing Authority will consider the adequacy of proposed measures to remove or effectively manage the potential for public nuisance, anti-social behaviour and other crime which may impact on the promotion of the licensing objectives.
- 6.4 When an operating schedule does not sufficiently address the prevention of public nuisance the Licensing Authority will consider all reasonable conditions suggested by responsible authorities in any relevant representation to prevent public nuisance. In some locations it may be appropriate and proportionate to limit opening hours, the times of licensable activities or the types of licensable activities taking place.
- 6.5 Where considerations apply to late night refreshment premises, they shall only be taken to apply to their operation between the hours when a premises licence would be required.
- 6.6 Applicants should carefully consider how they intend to promote the prevention of public nuisance objective in their operating schedule. This can include several considerations:

Odour

- 6.7 The applicant should consider any odour that maybe emitted from the premises. This can include the generation of odour from food preparation, waste, bottle storage and/or from smoking areas. Steps should be taken or proposed to be taken by the applicant to prevent odour from the premises causing nuisance. The applicant may need to get advice from specialist air handling engineers about controlling odour from kitchen air extraction systems.
- 6.8 When designating a smoking area outside it is important to consider who will be affected by the smoke, the possible number of persons using the area and ensuring a facility to safely dispose of lit cigarettes.
- 6.9 Applicants should also consider the use of such areas in cold or wet weather and how this will affect users of smoking areas. Applicants may also wish to consider taking steps towards supporting the proposed Oxfordshire Smokefree Policy.

Waste and cleansing

- 6.10 Licensed premises of all types can potentially cause public nuisance from litter and waste. The Environmental Protection Act 1990 and the Clean Neighbourhoods and Environment Act 2005 impose responsibilities relating to proper waste collection and disposal, not least of which is the 'duty of care' to ensure any waste is properly contained and controlled while in the operator's possession, and that it is collected by a licensed waste carrier. The Act does not duplicate these laws, but licence holders will need to apply good waste management practice in order to prevent public nuisance.

Noise

- 6.11 Noise can come either directly or indirectly from licensed premises. Direct noise, such as that from entertainment activity, will be under the premises' direct control. Indirect noise, such as that from vehicles and customers coming to and from the premises may not be under direct control, but the premises can strongly influence it. Both types of noise will be of more significance in areas with residential accommodation and will usually, but not exclusively, be of greater importance between 11pm and 7am. However it must be noted that noise and disturbance can also cause public nuisance outside these times. The operating schedule should identify the control measures that will be taken to minimise the impact of both types of noise on neighbouring residents and businesses.

Use of outside areas

- 6.12 It must be noted that there is no legal requirement for licensed premises to provide an outdoor smoking area. However, premises are encouraged to do so to minimise congestion on pavements.
- 6.13 Noise and disturbance from people outside can cause public nuisance even when those people are not behaving badly. The operating schedule should identify the control measures that will be taken to minimise the impact of use of outside areas. This may include noise and disturbance from customers on the premises and customers in outdoor areas such as terraces, beer gardens and smoking areas. It will also include noise, disturbance and obstruction from customers in the vicinity of the premises including customers congregating outside premises to smoke or drink, customers arriving, leaving or queuing outside premises.

Small music festivals and outdoor events

- 6.14 Small, outdoor multiday music festivals operated under Temporary Event Notices (often where camping is also involved) can become a source of public nuisance. Organisers of such events are strongly advised to contact the Environmental Protection team at an early stage. Organisers are encouraged to employ event management techniques similar to larger scale events to avoid public nuisance, these can include considering the suitability of the location, the geography, limiting amplifier output, duration and direction.

Unregulated entertainment

- 6.15 Amendments to the Act have removed the requirement for licensing of a wide range of entertainment between the hours of 8am and 11pm. This does not reduce the risk of noise nuisance occurring. The risk increases when the entertainment takes place in the open air or within a marquee. Steps should be taken to prevent noise and vibration from entertainment causing nuisance. This may include noise from music, human voices and other forms of entertainment whether amplified or not. Consideration should also be given to ensure noise is not audible at sensitive locations such as dwellings, hospitals, hotels and other business premises. Any noise should also not cause unreasonable disturbance to the wider public, such as passers-by and people using public facilities. The Environmental Protection team are responsible for dealing with noise complaints arising from unregulated entertainment

Deliveries and Waste Collection

- 6.16 Steps should be taken to prevent noise from any servicing of the premises causing nuisance. This may include noise from deliveries, collections and the onsite disposal of bottles and other waste or recyclable materials.

Other matters relating to prevention of public nuisance

- 6.17 The following should also be considered:

- Light pollution
- Leaflets and fly posting

7. Protection of children from harm

- 7.1 For the purposes of this policy the Licensing Authority considers anyone under 18 years of age to be a child or young person.
- 7.2 The policy aims to work alongside the principles set out by the Oxfordshire Safeguarding Children Board at www.oscb.org.uk/.
- 7.3 The provisions of the Act are that unaccompanied children under 16 years should not be on 'premises being used exclusively or primarily for the supply of alcohol'.
- 7.4 The Licensing Authority expects that, whether or not alcohol is supplied or proposed to be supplied on or in the vicinity of the premises, operating schedules will identify:
- the extent to which it is proposed that children be admitted to the premises;
 - whether it is proposed that unaccompanied children will be admitted;
 - the type of regulated entertainment provided whilst children are present;
 - the specific steps undertaken to ensure the safety of children and to further ensure that no products or services are sold to children that are not appropriate for their use or consumption.
 - that staff are aware of their responsibility to ensure that an adult should not become over intoxicated if accompanied by a young person or child as to inhibit their ability to safeguard that young person.

- 7.5 Whether or not premises with a mixed use are 'exclusively or primarily used' is a matter of judgment and will depend upon the particular circumstances of the case. The guidance makes it clear that this does not mean that where the supply of alcohol is not the exclusive or primary use then young people should automatically be given access.
- 7.6 Applicants, who propose to admit children, particularly where they would not require them to be accompanied by a responsible adult, should be especially careful in ensuring they meet the requirement that their operating schedule fully and clearly sets out the nature of the activities for which permission is sought. Further, the operating schedule should specify the measures and management controls proposed to protect children from harm.
- 7.7 The Licensing Authority expects that staff are trained and aware of their responsibility for ensuring that customers are old enough to purchase alcohol. This requirement is particularly relevant for bar staff working at premises where door supervisors control entry to a premise. Particular care and appropriate measures should be in place for venues that, due to the nature of the events, attract both over and under 18 year old patrons.

Age verification and refusals log

- 7.8 There is a mandatory condition on all premises licensed to sell alcohol requiring them to have adequate age verification systems in place. The Licensing Authority would recommend the use of a Challenge 25 scheme i.e. 'challenging anyone who looks under 25 to prove their age by use of an approved means of identification'; such a scheme to be advertised and enforced on the premises.
- 7.9 Licensees must demonstrate that their staff receive regular and adequate training on the law and practice relating to age restricted sales (including challenging purchasers and checking identification). The training provided to members of staff to prevent the sale of alcohol to underage people must be properly documented in the training log so that there is an adequate audit trail. Records must be available for inspection.
- 7.10 The following are examples of identification used:
- Passport
 - Photo-card driving licence
 - PASS card or other nationally accredited photo ID document
 - Official identity card issued by HM forces
- 7.11 Additionally, when a retailer refuses the sale of alcohol this should be recorded in a 'refusals log'. These documents must be kept available for inspection by a police officer or authorised officer of the Licensing Authority.

Proxy sales

- 7.12 Adequate procedures must be in place to ensure that all members of staff working at the premises are routinely trained and regularly reminded of their responsibilities in relation to the issue of proxy sales of alcohol, and shall

ensure that all reasonable steps and procedures are in place and implemented to prevent adults purchasing alcohol for those underage.

- 7.13 Steps must be in place to ensure that any designated premises supervisors and members of staff involved with the delivery of alcohol to residential addresses are made fully aware of their responsibilities to ensure that no alcohol is sold or delivered to persons under the age of 18.

Film classification

- 7.14 The Licensing Authority will expect licensees or clubs to include in their operating schedules their arrangements for restricting children from viewing age restricted films according to the recommendations of the British Board of Film Classification (BBFC) or the Licensing Authority itself.
- 7.15 In the event that the Licensing Authority is asked to stipulate an age category for a film or video that has not been classified by the BBFC, the licensing panel or its delegated officers may view the film or video and use the BBFC published guidelines on classification as a 'bench mark' in reaching their decision.
- 7.16 All requests for a classification must be accompanied by a synopsis of the film and a full copy of the film in DVD or other appropriate format, and submitted at least 28 days before the proposed screening. Failure to submit a request in time may result in the Licensing Authority being unable to classify the film. Requests shall be assessed against the BBFC guidelines and the licensing objectives and a fee may be charged to cover the costs associated with this process.
- 7.17 In considering any application, the Licensing Authority will take into account any evidence that age restrictions for exhibitions of film are not being properly observed.

Child exploitation

- 7.18 The Licensing Authority expects licence holders and applicants for new licences to be aware of the possibility of exploitation including child sexual exploitation and child criminal exploitation taking place in or around licensed premises. Licence holders are expected to adopt suitable protective measures to assist in the detection and reporting of incidents of this kind. These may include staff training and management procedures to include monitoring and reporting. Child sexual exploitation is a type of sexual abuse. When a child is exploited, they are given things like gifts, drugs, money and affection in exchange for performing sexual activities. Child criminal exploitation is child abuse where children are manipulated and coerced into committing crimes, for example carrying drugs for gangs.
- 7.19 Premises licence holders and designated premises supervisors have a legal responsibility to ensure that children and young people are protected from harm at their premises. The guidance issued under Section 182 of the Licensing Act requires that children must be protected from 'moral, psychological and physical harm, which not only includes protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure of certain films or adult entertainment).' It is important that the risk of child exploitation is

managed at premises to both protect children and young people from harm as well as to protect the business, particularly financial and reputational risk if legal action is taken against the premises, which could result in suspension or revocation of the licence.

7.20 To minimise the risk to children and young people, premises need to have preventative systems in place. Below are some suggested safeguarding measures:

- Undertake a written children and young person's risk assessment and use it to inform or complement your staff training and operation of the premises
- Staff should be trained to recognise indicators of child sexual exploitation and know how to report concerns, with records maintained of this training
- Activities at the premises should be monitored (by using CCTV or by regular patrols). If patrols are carried out, a record should be kept of who made the patrol, where they patrolled and the times and dates it was carried out
- Suspicious activities should be reported to the police, including details of vehicle registration numbers and description of any individuals involved and all incidents of this nature should be recorded in the premises incident log.
- If the designated premises supervisor, licence holder or staff are in a situation involving the supervision of a vulnerable person at the premises, it is important to follow a consistent and auditable protocol.

Other matters relating to protection of children from harm

7.21 The following should also be considered:

- Performances by children
- Alcohol delivery services

8. Representations

8.1 The Licensing Authority will consider any relevant representations received from responsible authorities or any other persons. Individuals or groups may request a representative to make representations on his or her behalf. This could be a legal representative, a friend, an MP or a Ward Councillor.

8.2 The Licensing Authority itself is able to make representations, for example to ensure appropriate and proportionate conditions are included on a licence where the operating schedule is not clear. If the Licensing Authority makes a representation there shall be a separation of responsibilities between the officer exercising that role and those who are administering the application to ensure procedural fairness and eliminate conflicts of interest.

8.3 For a representation to be relevant it must:

- (a) relate to the likely effect of the grant of the application on the promotion of the licensing objectives;

- (b) not be 'frivolous or vexatious', and
- (c) in the case of a review, must not be 'repetitious' if the representation is from a person other than a responsible authority, and
- (d) if it concerns the designated premises supervisor, be made by a chief officer of police and include a statement explaining the reasons for the objection.

Representations can include positive/supportive representations as well as objections.

- 8.4 The Licensing Authority is responsible for considering representations in the context of this policy and legal requirements in order to determine whether they are relevant. The Licensing Authority authorises suitably qualified staff to discharge duties as appropriate to their seniority, professional qualification and/or experience.
- 8.5 Where a representation is received, the Licensing Authority will need to consider if it is frivolous or vexatious. The Licensing Authority may also consider the representation to be 'irrelevant' if it does not directly relate to the application and its likely impact on the promotion of the licensing objectives. If the decision is made that a representation is frivolous, vexatious, and/or irrelevant, the person making the representation will be informed of this in writing with full reasons being given for the decision.

9. Determination of Applications

- 9.1 The Licensing Acts Committee, panel, or licensing officers acting under delegated authority, may carry out the powers of the Licensing Authority under the Act, in accordance with the scheme of delegation set by the Licensing Acts Committee under S. 10 (1) of the Act. The Licensing Authority ensures that all officers and councillors who deal with applications have received adequate training for their role under the Act.
- 9.2 Where no relevant representations are received, the licence will be issued automatically with such conditions that are mandatory and those arising from the operating schedule which have been translated into clear and enforceable conditions using our pool of model conditions where appropriate. The Licensing Authority has no discretion in such circumstances to refuse the application or to alter or add to the conditions offered through the operating schedule.
- 9.3 One of the major principles underlying the Act is that the licensing functions contained within the Act should be delegated to an appropriate level so as to ensure efficient and cost effective service delivery.
- 9.4 In the absence of any relevant representations applications will be determined at officer level. A licensing panel deals with applications where there are relevant representations and in every case where there is a review of a premises licence or club premises certificate.
- 9.5 Whilst contested licensing hearings are structured in nature, the licensing panel will try to keep the proceedings as informal as possible. However, some degree

of formality is needed to ensure that all parties receive a fair hearing. The procedures are designed to ensure that all parties are able to express their views openly and fairly. The procedure is inquisitorial rather than adversarial and, whilst applicants, individuals and businesses who may be affected, and responsible authorities are entitled to bring legal or other representation with them if they wish, this is not a requirement.

- 9.6 Whilst the licensing panel usually meets in public, it does have power to hear certain applications in private and to receive legal advice similarly. A decision is made publicly when the matter has been determined.
- 9.7 The licensing panel will determine each case on its individual merits whilst having regard to the legislation, the Secretary of State's guidance and this policy. Where the licensing panel determines that it is appropriate and proportionate to attach conditions to a licence or certificate it will ensure that those conditions are focused on the direct impact of the activities taking place at the premises concerned. Such conditions will be proportionate to the activity to be controlled and will only be imposed in the interests of promoting the licensing objectives.
- 9.8 A decision of the Licensing Authority can be the subject of an appeal at the magistrates' court. As a consequence the Licensing Authority will record full reasons for any decision(s) made. The refusal of an application does not prevent a further application being made, but the Licensing Authority would expect the applicant to carefully consider the issues of concern before doing so.

10. Temporary Event Notices

- 10.1 Temporary event notices (TENs) may be used to authorise licensable activities at premises where there are 499 persons or fewer (including any staff and volunteers) present. TENs are not applications for permission to hold an event; they are notices of intention to hold an event. If there are 500 or more persons present at the event, a premises licence will be required.
- 10.2 Organisers of temporary events are encouraged to submit their TEN as soon as is reasonably practicable in order for the Police and Environmental Protection to consider whether or not they have any concerns about the event and, if they have, to enable all parties to try and take steps to resolve those concerns. Persons intending to use premises under a TEN are encouraged to discuss their proposals with the community that may be affected before submission.
- 10.3 Although the legal requirement is 10 clear working days (or 5 clear working days for late TENs) not including the date of receipt or the date of the event, the Licensing Authority recommends that at least one month's notice be given to hold such events, to allow sufficient time for organisers to plan their events safely, for appropriate publicity and for consultation with responsible authorities and interested parties. Any longer period than this may mean that organisers do not have all the details available at the time of submitting the notice, and any lesser time means that planning may be rushed and haphazard.

- 10.4 In the event of an objection, if the matter cannot be resolved informally the matter will be considered by a licensing panel. Objection notices received for late TENs mean that the event cannot go ahead.

11. Large scale events

- 11.1 These are events that are temporary but more than 499 people are expected to attend. Much larger crowds may be attracted to large-scale events and the risk to public safety and to crime and disorder, as well as public nuisance, may be considerable. The Licensing Authority and all other statutory consultees, should be given at the earliest opportunity, notice of such major events to discuss operating schedules with the organiser, prior to a formal application being submitted. It is the responsibility of the event organiser/applicant to provide the Licensing Authority and all other statutory consultees, at the earliest opportunity, notice of such major events. This will enable discussion about operating schedules prior to a formal application being submitted.
- 11.2 The Licensing Authority strongly advises that they are given at least six months' notice to allow for a sufficient lead in time. Failure to consult in sufficient time may result in an objection on the grounds that insufficient time has been allowed to properly assess and consult to ensure that, in particular, public safety is not undermined.
- 11.3 The councils have an established Safety Advisory Group (SAG) system. This includes relevant council officers, representatives of the emergency services and Oxfordshire County Council Highways and Public Health departments. The SAG's aim is to advise on safety at public events held throughout the districts. Since the focus is on the risks posed by larger events most events run under TEN will not require a SAG. The SAG does however reserve the right to consider events that are planned under a TEN if there is a risk to public safety. Event organisers are encouraged to make contact with the licensing team for advice at the earliest opportunity when planning their community events. Further information and the notification form for the SAG is available on the councils' websites.

12. Personal Licences

- 12.1 Personal licences authorise individuals to sell or supply alcohol, or authorise the sale or supply of alcohol for consumption on or off a premises at which a premises licence is in force for that activity.
- 12.2 The Licensing Authority must grant a personal licence if the applicant:
- is aged 18 years or over
 - is in possession of a relevant licensing qualification or is a person of a prescribed description
 - has not forfeited a personal licence in the previous five years, beginning with the day the application was made
 - has not been convicted of any relevant offence under Schedule 4 of the Act, a foreign offence or had to pay an immigration penalty
 - has paid the appropriate fee to the Licensing Authority.

- 12.3 Personal licence applicants with relevant unspent criminal convictions or who have had to pay an immigration penalty are required to notify the Licensing Authority of the nature of those convictions at the time of application. Applicants with unspent criminal convictions for relevant offences or who have had to pay an immigration penalty at set out in the Act are encouraged to discuss their intended application with the Police, Home Office Immigration Enforcement and Licensing Authority before making an application. The Licensing Authority and Police may arrange a joint interview with a prospective personal licence holder(s) to discuss the circumstances surrounding their conviction(s).
- 12.4 Where the Police or Home Office Immigration Enforcement believe that the grant of a personal licence would undermine the crime prevention objective, they will issue an objection notice. The Licensing Authority will arrange for a hearing to take place at which the application will be determined. The application will be refused if the Licensing Authority considers it appropriate for the crime prevention objective to do so.
- 12.5 Where a personal licence holder is convicted of a relevant offence or has had to pay an immigration penalty during the period when their application is being considered or after the licence has been granted, the licence holder is required to advise the Licensing Authority forthwith. It is an offence for a personal licence holder who is convicted of a relevant offence not to inform the issuing Licensing Authority in order that their licence can be amended. The personal licence holder must also notify the Court that they hold a personal licence. Where a licence holder is convicted of a relevant offence or has had to pay an immigration penalty during, the Licensing Authority may revoke the licence or suspend it for a period of up to six months under section 132A of the Act (as inserted by the Policing and Crime Act 2017).
- 12.6 Where an applicant's right to work in the UK is time-limited, their personal licence will become invalid when the immigration permission expires. If an immigration permission is revoked, the licence will automatically lapse.

13. Club Premises Certificates

- 13.1 In order for qualifying clubs to supply alcohol and provide other licensable activities at their premises, a club premises certificate is required. Qualifying conditions are specified in section 61 of the Act and the Licensing Authority must be satisfied that these conditions have been met, including evidence that the club is non-profit making.
- 13.2 The Act does not require any member or employee to hold a personal licence in order to supply alcohol to members or sell alcohol to guests on the premises to which the certificate relates, nor is there a requirement for the club to specify a designated premises supervisor. Where a club intends to admit the general public to an event where licensable activities will take place, then a premises licence or a TEN will be required.

14. Appeals

- 14.1 Anyone aggrieved by a decision of the Licensing Authority has a right of appeal as set out in schedule 5 of the Act. This appeal must be lodged with the appropriate Court within a period of 21 days from the date on which the applicant was notified by the Licensing Authority of the decision. The Licensing Authority will inform the appropriate parties of their right of appeal in accordance with the Act when confirming a decision of the licensing panel.

15. Management of Licensed Premises

- 15.1 A critical element of the proper control of licensable activity and a premises where such activity is provided is good management. Within all licensed premises, whether or not alcohol is to be sold, the Licensing Authority will expect there to be proper management arrangements in place which will ensure that there is an appropriate number of responsible, trained persons at the premises to ensure the proper management of the premises and of the activities taking place, as well as adherence to all statutory duties and the terms and conditions of the premises licence and the promotion of the licensing objectives.
- 15.2 The Licensing Authority will promote 'good practice' in relation to the operation of licensed premises. It will work closely with stakeholders so as to achieve ongoing improvements in standards over reasonable periods of time, in the belief that this is in the long term interests of owners, operators, employees, customers and local residents alike.
- 15.3 Any premises where alcohol is sold under a premises licence must have a designated premises supervisor (DPS) who must be a personal licence holder. The DPS will be named in the premises licence, a summary of which must be displayed on the premises. The only exception to this is where community premises have made an application to disapply the requirement for a DPS, in which case the management committee of the premises is responsible for the sales of alcohol.
- 15.4 The Licensing Authority will normally expect the DPS to have been given the day-to-day responsibility for running the premises and as such we would encourage the DPS to be present at the licensed premises on a regular basis. The licence holder will also be expected to ensure that the DPS has experience commensurate with the size, capacity, nature, location and style of the premises and licensable activities to be provided. Where the DPS is not available at the premises for whatever reason, the Licensing Authority will expect his or her full contact details to be available at the premises and made known to at least one individual who will be present at the premises.
- 15.5 The Act does not require a DPS or any other personal licence holder to be present on the premises at all times when alcohol is sold. However every sale of alcohol must be made or authorised by a person who holds a personal licence on the premises, or by the DPS under authority that has been delegated (or must be made or authorised by the management committee in the case of community premises). The Licensing Authority recommends that if the DPS

authorises persons to make sales of alcohol, that this is done in writing, that the document of authorisation is kept on the premises and that all staff are made aware of the location of the document. Where the DPS has delegated responsibility for the sale of alcohol, they still have a duty of responsibility for the action of those they have authorised to make those sales.

- 15.6 The Police are able to object to the designation of a new premises supervisor where in exceptional circumstances, they believe the appointment would undermine the crime prevention objective. The Act provides that the applicant may apply for the individual to take up the post of designated premises supervisor immediately, and in such cases the issue would be whether the individual should be removed. The licensing panel considering the matter must confine their consideration to the issue of crime and disorder. They will give comprehensive reasons for their decision and either party would be entitled to appeal if their argument is rejected.

16. Complaints, Enforcement and Inspections

- 16.1 In the first instance any complainants or concerns should be raised directly with the licensee or business concerned. Where that approach is either not viable or fails, complaints may be sent to the licensing team. Depending on the content of the complaint, it may be re-directed to another responsible authority or council department to deal with the matter.
- 16.2 Where any issues or need for improvement are identified at a premises, officers and responsible authorities will seek to work with the licence holder to address these concerns and to achieve a resolution through informal means wherever possible.
- 16.3 The Licensing Authority recognises that balancing the interests of owners, employees, customers and neighbours of pubs, clubs and off-licences will not always be straightforward, but it will always carry out its functions with a view to promoting the licensing objectives.
- 16.4 The Licensing Authority undertakes proactive risk-based inspections of all licensed premises to ensure continued promotion of the licensing objectives and compliance with licence conditions. Premises that consistently fail inspections may be subject to a licence review or other enforcement action. Where one-off events are taking place, the Licensing Authority may also carry out inspections to ensure promotion of the licensing objectives. Where appropriate, joint visits will take place encompassing a number of relevant agencies.
- 16.5 The Licensing Authority will work with the Police, Home Office Immigration Enforcement and other relevant statutory agencies. It expects the Police (subject to public interest immunity) to share relevant information about licensees and licensed premises under the Crime and Disorder Act 1998 and its common law powers, and to consult closely with the Licensing Authority when any enforcement action may be required. The same would apply for Home Office Immigration Enforcement for matters relating to immigration and right to work in the UK. The councils have a joint information sharing protocol

in place with the police and other statutory agencies. These protocols provide for the sharing of information between parties to allow agencies to fulfil their statutory duties.

- 16.6 The Nightsafe partnership allows the representatives of relevant organisations to meet to discuss licensing matters related to the four licensing objectives.
- 16.7 In terms of enforcement, the aim is to proactively identify those premises which are causing problems within the community, whilst supporting well managed premises and activities which provide opportunities for the enjoyment of leisure time without having a negative impact. This will ensure efficient and targeted action for specific problems and high risk premises that require greater attention, whilst allowing a lighter touch in respect of well run, low risk premises. This does not prevent action being taken by any individual authority at any time should offences become apparent.
- 16.8 In most cases, a graduated form of response is expected to resolving issues of non-compliance. Whilst an isolated or minor breach might be dealt with by way of a warning, more serious or persistent breaches of licensing conditions or matters of serious criminality are likely to lead to prosecution and/or a review of the licence.
- 16.9 Action is taken in accordance with agreed enforcement principles and in line with the enforcement policies of the Licensing Authority. The key principles of consistency, transparency and proportionality are acknowledged. Any government advice or requirement in relation to enforcement will be taken into account.
- 16.10 The Licensing Authority also recognises that there are other tools and powers at their, and their partner agencies', disposal, such as powers to close licensed premises if it is considered there has been or likely to soon be public nuisance or disorder. All powers are subject to change and amendments depending upon legislation currently enacted. More details can be made available on request to the Licensing Authority.
- 16.11 Other statutory requirements and opportunities for control, for example relating to planning, building regulations, fire safety, nuisance and health and safety, may apply to the provision of any regulated activities at a premises and the responsibility for compliance lies with the licence holder. Advice may be obtained from the appropriate enforcing authority or from the Licensing Authority's licensing officers.

17. Reviews of Premises Licences and Club Premises Certificates

- 17.1 At any stage following the grant of a premises licence or club premises certificate, a responsible authority or other person may ask the Licensing Authority to review the licence because of a problem arising at the premises in connection with one or more of the four licensing objectives. However this can be avoided by dealing with issues in an informal manner wherever possible, and that reviews will be a measure of last resort except in cases of serious criminality.

- 17.2 In every case, the application for review must be relevant to the promotion of the licensing objectives. A hearing will be held to determine the application unless all parties agree that a hearing is not necessary.
- 17.3 Where the request originates from any person other than a responsible authority (e.g. a local resident, residents' association, local business or trade association) the Licensing Authority must consider whether the request for review is vexatious, frivolous or repetitious. A Licensing Authority may refuse an application for a review on any of these grounds and will give reasons to the applicant for such a refusal.
- 17.4 Upon review of a premises licence, the Licensing Authority must, having regard to the application for review and any relevant representations, take such steps as it considers appropriate for the promotion of the licensing objectives. Such steps include the:
- modification of the conditions of the licence
 - exclusion of a licensable activity from the scope of the licence
 - removal of the designated premises supervisor
 - suspension of the licence for a period not exceeding three months
 - revocation of the licence.

18. Special licensing policies

Cumulative impact

- 18.1 The authority may publish a cumulative impact assessment ('CIA') if it is satisfied that there is an adverse impact on one or more of the licensing objectives as a result of a significant number of licensed premises being concentrated in a defined locality. The effect of this impact will be, for example, a spike in incidents of crime, disorder or nuisance over and above what can be attributed to the operation of the individual premises.
- 18.2 Section 5A of the Act sets out what a Licensing Authority needs to do in order to publish a CIA. The CIA must include a statement saying that the Licensing Authority considers that the number of premises licences and/or club premises certificates in one or more parts of the area described is such that it is likely that granting further licences would be inconsistent with the authority's duty to promote the licensing objectives. As part of the publication a Licensing Authority must set out the evidential basis for its opinion.
- 18.3 Where a CIA is published, the Licensing Authority's discretion to consider the rejection of an application is only engaged upon the receipt of relevant representations. In the absence of such representations, the duty to grant a licence in the terms applied for remains unchanged. In cases where representations are received, it would be open to the Licensing Authority to grant an application where it considers it is appropriate and where the applicant can demonstrate in the operating schedule that they would not be adding to the cumulative impact.

- 18.4 In determining whether to publish a CIA for a particular area the Licensing Authority will:
- identify evidence of concerns about relating to a licensing objective;
 - consider whether the evidence demonstrates that a cumulative impact caused by the customers of multiple licensed premises is adversely affecting a licensing objective;
 - identify the precise area(s) where issues are occurring;
 - undertake a consultation as specified within the Act; and
 - include and publish details of any CIA within this policy.
- 18.5 Having considered the available evidence, the Licensing Authority considers that there is no particular part of either council area experiencing cumulative impact on the promotion of any of the licensing objectives, at the present time, which would warrant the publication of a CIA.
- 18.6 The Licensing Authority will continue to monitor for issues relating to cumulative impact, in conjunction with the responsible authorities and the Community Safety Partnership. Should evidence of a cumulative impact issue emerge during the validity of this policy, the Licensing Authority may look to publish a CIA by way of an interim revision.
- 18.7 The absence of a CIA does not prevent any responsible authority or other person making representations on an application for the grant or variation of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. However, in each case it would be incumbent on the person making the representation to provide relevant evidence of cumulative impact.

Late night levy

- 18.8 Part 2 of the Police Reform and Social Responsibility Act 2011 introduced a new power for licensing authorities to establish a 'late night levy'. Licensed premises within the area of a Licensing Authority which has adopted such a requirement will be required to pay an additional annual fee if they are licensed to supply alcohol within a late night period set by the authority (generally between midnight and 6am, although shorter periods are permissible).
- 18.9 Where a levy requirement has been adopted, the Licensing Authority will be responsible for the collection of the appropriate amounts from licence-holders. After deduction of administration costs, not less than 70 per cent of the net proceeds of the levy must be paid by the Licensing Authority to the local police force, which may be used (but is not required to be) to offset the costs incurred in policing the night time economy arising from the alcohol supplies permitted from affected licensed premises. The remaining amount may only be applied on purposes prescribed in Regulations, namely arrangements connected with the late night supply of alcohol for one or more of the following functions:
- The reduction or prevention of crime and disorder
 - The promotion of public safety
 - The reduction or prevention of public nuisance

- The cleaning of any relevant highway or relevant land in its area.

18.10 At the time of writing, neither council has adopted the provisions of the 2011 Act relating to a late night levy, nor is it currently intended to do so.

Early Morning Alcohol Restriction Order (EMRO)

18.11 Following the introduction of the Police Reform and Social Responsibility Act 2011, if the Licensing Authority considers it necessary for the promotion of the licensing objectives they can make an early morning alcohol restriction order.

18.12 An order would mean that any premises licence, club premises certificate or temporary event notice that authorises the sale of alcohol within the location and during the period specified in the order would not have effect. The period specified must begin no earlier than midnight and end no later than 6am.

18.13 To promote the licensing objectives, a Licensing Authority may utilise powers under the Act to pass an early morning alcohol restriction order. Such an order would prohibit the sale of alcohol from any premises within an area defined in the order between specified times (which may extend from midnight until 6am) on specified days.

18.14 It is envisaged that this power will only be used in response to severe and recurring issues arising from the supply of alcohol in the night-time economy, such as high levels of alcohol-related crime and disorder in specific areas at specific times, which cannot be attributed to an individual premises. The Licensing Authority views this as a 'last resort' option, for use after other tools have been unsuccessful in remedying the issue.

18.15 At the present time, neither council has utilised the provisions of the Act to pass an early morning alcohol restriction order, and has no current plans to do so. Should this position change, full details will be published on our website and notified to all licensed premises that would be affected.

Late Night Refreshment Regulations

18.16 Following the introduction of the Licensing Act 2003 (Late Night Refreshment) Regulations 2015 the Licensing Authority may consider altering the requirement for licensing of late night refreshments based upon:

- location/area
- type of premises (from a prescribed list)
- hours of operation

Contacts

- 19.1 Further advice and guidance can be obtained from the licensing team and on the licensing pages of the relevant council's website.

<p>Licensing Team Vale of White Horse District Council 135 Eastern Avenue Milton Park Abingdon OX14 4SB Tel: 01235 422556 Email: licensing.unit@whitehorsedc.gov.uk</p> <p>Website: www.whitehorsedc.gov.uk/alcohol-and-entertainment-licences/</p>	<p>Licensing Team South Oxfordshire District Council 135 Eastern Avenue Milton Park Abingdon OX14 4SB Tel: 01235 422556 Email: licensing@southoxon.gov.uk</p> <p>Website: www.southoxon.gov.uk/alcohol-and-entertainment-licences/</p>
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- 19.2 Government information on the Licensing Act 2003 and other relevant legislation is available at www.gov.uk.

Glossary

Term	Description
area	The area of the district of Vale of White Horse, and/or the area of the district of South Oxfordshire.
<p>authorised person</p> <p><i>(Authorised Persons have roles in enforcement of the 2003 Act)</i></p> <p><i>(Police officers are not listed as authorised persons, as they already have powers of enforcement under other legislation)</i></p>	<p>A person prescribed under S.13 (2) of the Licensing Act 2003 for licensed premises or S. 69(2) of the Licensing Act 2003 for club premises.</p> <p>Any of the following –</p> <ul style="list-style-type: none"> an officer of the Licensing Authority, authorised for the purposes of the 2003 Act; an inspector appointed under Article 26 of the Regulatory Reform (Fire Safety) Order 2005; an inspector appointed under S.19 of the Health and Safety at Work etc. Act 1974; an officer of the council authorised to exercise statutory environmental health functions; <p>(in relation to a vessel, an inspector, or surveyor of ships, appointed under s256 of the Merchant Shipping Act 1995)</p>
Chief Officer of Police	Chief Constable of Thames Valley Police
child	Any person who is under the age of 18 years.
Community Safety Partnership	<p>A partnership comprising representatives from a number of agencies including the police and other statutory authorities with the aim of addressing crime and protecting vulnerable people. The current South and Vale Community Safety Plan is available on the councils' websites at www.southoxon.gov.uk/south-and-vale-community-safety-partnership/ and www.whitehorsedc.gov.uk/south-and-vale-community-safety-partnership/</p>
club premises certificate	A certificate authorising the supply of alcohol to members of a qualifying club, the sale of alcohol to guests on the premises and the provision of regulated entertainment without the need for any member or employee to hold a personal licence.
council	<p>Vale of White Horse District Council in its capacity as a district authority in respect of the area of Vale of White Horse, and/or</p> <p>South Oxfordshire District Council in its capacity as a district authority in respect of the area of South Oxfordshire.</p>

cumulative impact	The potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.
designated premises supervisor	The holder of a personal licence who is identified by the licence holder as having day-to-day responsibility for the management of a licensed premises.
Disclosure and Barring Service	Issues various levels of checks of criminal records and can advise whether an individual is on a list which bars them from engaging in regulated activity such as working with children or vulnerable adults.
early morning alcohol restriction order (EMRO)	An order preventing licensed premises from selling alcohol in the early hours of the morning to promote the licensing objectives. Can only be implemented after public consultation.
fire authority	The Fire and Rescue Service of Oxfordshire County Council
late night levy	Additional fees payable by premises opening past midnight.
late night refreshment	The supply of hot food and drink between the hours of 23.00 and 05.00 for consumption on or off the premises.
licensable activities	<ul style="list-style-type: none"> • The sale of alcohol by retail • The supply of alcohol by or on behalf of a club to, or to the order of, a member of a club • The provision of regulated entertainment • The provision of late night refreshment
licensing objectives	<ul style="list-style-type: none"> • Prevention of Crime and Disorder • Public Safety • Prevention of Public Nuisance • Protection of Children from Harm
Licensing Acts Committee	The committee of elected councillors of the Vale of White Horse District Council that is responsible for the council's licensing functions in the area of Vale of White Horse and/or the committee of elected councillors of South Oxfordshire District Council that is responsible for the council's licensing functions in the area of South Oxfordshire.
Licensing Authority	The Vale of White Horse District Council in its capacity as a Licensing Authority in respect of the area of the district of Vale of White Horse, and/or South Oxfordshire District Council in its capacity as a Licensing Authority in respect of the area of the district of South Oxfordshire.
licensing panel	Three members of the Licensing Acts Committee who sit as a sub-committee for hearings under the Licensing Act

<p>navigation authority For rivers – For canals –</p>	<p>The Environment Agency The British Waterways Board</p>
<p>Nightsafe</p>	<p>A strategic group made up of members of the Community Safety Partnership and the Licensing Team to promote public safety in licensed premises</p>
<p>operating schedule</p>	<p>A prescribed form under the S. 17 (4) of the Licensing Act 2003 detailing:</p> <ul style="list-style-type: none"> • the relevant licensable activities, • the times during which it is proposed licensable activities are to take place, • times during which the premises are to be open to the public, • where the applicant wishes the licence to have effect for a limited period, that period, • where the relevant licensable activities include the supply of alcohol, prescribed information about the designated premises supervisor, • where the relevant licensable activities include the supply of alcohol, whether the supplies are for consumption on or off the premises, or both, the steps which it is proposed to take to promote the licensing objectives, such other matters as may be prescribed.
<p>personal licence</p>	<p>This authorises individuals to sell or supply alcohol or authorise the sale or supply of alcohol for consumption on or off the premises for which a premises licence is in force for the carrying on of that activity.</p>
<p>planning authority</p>	<p>Either council in its capacity as a local planning authority for the respective area.</p>
<p>Police</p>	<p>Thames Valley Police</p>
<p>premises licence</p>	<p>A licence in respect of any premises, including land or buildings under public ownership within the community that are to be used for one or more licensable activities. Valid for an indefinite period unless revoked or surrendered.</p>
<p>Pubwatch</p>	<p>A group of licence-holders in a particular locality who work co-operatively to exclude individuals who cause problems in their premises.</p>
<p>qualifying clubs</p>	<p>Where members have joined together for particular social, sporting or political purposes and then combine to buy alcohol in bulk as members. Examples of qualifying clubs are political clubs, the Royal British Legion, working men's clubs, and social and sports clubs. A qualifying club can obtain a premises licence if it wishes to offer its facilities commercially for use by the general public.</p>

regulated entertainment	Entertainment as defined in Schedule 1 to the Licensing Act 2003
relevant offences	As set out in Schedule 4 to the Licensing Act 2003.
relevant representations	Comments made by any other persons or responsible authority that address the licensing objectives. Relevant representations cannot be irrelevant, frivolous, vexatious, or repetitive.
responsible authority	<p>May make relevant representations about applications and may request reviews, currently the following:</p> <p>Any of the following:</p> <ul style="list-style-type: none"> • The Chief Officer of Police • The Fire Authority • The enforcing authority under s18 of the Health and Safety at Work etc. Act 1974 • The Weights and Measures Authority • The Planning Authority • Environmental Health • Public Health • The body responsible for matters relating to the Protection of Children from Harm - at the date of publication, the health and social care department of Oxfordshire County Council, which the authority recognises as competent to advise on matters of child protection; • the Licensing Authority • any other Licensing Authority in whose area part of the premises is situated; • in relation to a vessel – the navigation authority.
Safety Advisory Group	An advisory body whose purpose is to offer advice and guidance on event organisation.
Secretary of State's Guidance	The current guidance issued by the Secretary of State under section 182 of the 2003 Act.
SIA	Security Industry Authority.
statement of licensing policy	The final version of this policy, as adopted by both councils.
temporary event notice	A notice of intention to carry on of the sale of alcohol, provision of regulated entertainment or late night refreshment at a premises not otherwise authorised by a premises licence or club premises certificate.

Note: the singular includes a reference to the plural and vice versa

Appendix A – Promotional materials for licensed premises



MODERN SLAVERY

MODERN SLAVERY: A BRIEFING FOR THE HOSPITALITY INDUSTRY (HOTELS, RESTAURANTS)

Modern slavery can take many forms including the trafficking of people¹, forced labour, servitude and slavery. Recent statistics show that 47% of all potential victims who cite the UK as the location of exploitation, were trafficked into forced labour.² Traffickers and unscrupulous recruitment agencies target a range of industries including those involved in hospitality.

HOW YOUR INDUSTRY IS AFFECTED

With the hospitality sector directly employing over 3 million people and contributing over £70 billion to the UK economy, traffickers and organised criminals are looking for opportunities to exploit the industry.³

In 2016, 3 potential victims of forced labour referred to services came from the restaurant or bar sector, although none noted the UK as the location of exploitation. 35% of all potential victims who cited the UK as the location of exploitation were trafficked for sexual exploitation. While the numbers coming to light are small, the hidden nature of this crime means actual numbers are likely to be much higher.⁴

The vast majority of employers will be recruiting people legitimately, but some firms could find themselves targeted by unscrupulous agencies or individuals.

MAKE-UP OF MODERN SLAVERY VICTIMS IN THE HOSPITALITY INDUSTRY

Anyone can become a victim of modern slavery. However, victims of this crime in the hospitality sector are often Eastern European men and women who are promised a job in the UK and then forced by traffickers to work for little or no money. Through threat, violence or coercion they may be forced to live in squalid accommodation and have their identity documents taken from them.

Help free the UK from Modern Slavery

All hotels and restaurants should make proper background checks on the agencies who supply them with labour, including where the agency is operating in a supervisory role. The Association of Labour Providers and the Recruitment and Employment Confederation are the two main recruitment industry associations, and work with the Gangmasters and Labour Abuse Authority to tackle slavery.



1 Defined in Directive 2011/36/EU as the recruitment, transportation, transfer, harbouring or reception of persons, including the exchange or transfer of control over those persons, by means "of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person", for the purpose of exploitation. The consent of a victim of trafficking in human beings to the exploitation, whether intended or actual, shall be irrelevant where any of the means ("") set forth in paragraph 1 has been used or if the victim is a child

2 National Referral Mechanism Statistics 2016

3 British Hospitality Association

4 National Referral Mechanism Statistics 2016

SIGNS TO SPOT POTENTIAL VICTIMS

Legal documents

Is the person in possession of their legal documents (passport, identification and their own bank account details) or are these being held by someone else? Victims will often be forced to use false or forged identity documents.

Pay

Are there a group of workers who have their wages paid into the same bank account? This may be sign of the illegal gangmaster collecting all their wages. Are they having wages taken off them for accommodation, food or to repay supposed debt?

Transport

Are a group of workers dropped off or picked up at unusual times of the day, are they all taken to the same property?

Appearance

Does the person look malnourished, unkempt, or appear withdrawn? Are they suffering physical injuries? Do they have few personal possessions and often wear the same clothes? What clothes they do wear may not be suitable for their work.

Behaviour

Is the person withdrawn or appear frightened, unable to answer questions directed at them or speak for themselves and/or an accompanying third party speaks for them? If they do speak, are they inconsistent in the information they provide, including basic facts such as the address where they live? Do they appear under the control/influence of others and rarely interact with colleagues?

Medical care

Does the person have old or serious untreated injuries? Have they delayed seeing a healthcare professional, and are they vague, reluctant or inconsistent in explaining how the injury occurred?

Fear of authorities

Is the person afraid of the authorities (police, immigration, the tax office)? Are they scared of removal or what might happen to their families?

Debt bondage

Does the victim perceive themselves to be in debt to someone else or in a situation of dependence?

If you think you've identified a trafficker or illegal gangmaster call the police on 101

For advice on how you can avoid employing victims of trafficking and how you can help ensure your supply chain is slave free visit stronger2gether.org

If you think you work with or employ someone who may be a victim of Modern Slavery or forced labour you can call a helpline on 0800 0121 700 and talk through your concerns or visit modernslavery.co.uk

The Institute for Human Rights and Anti-Slavery International have produced specific advice for the hospitality industry to help combat forced labour visit staff-wanted.org

ENSURE YOU ARE MAKING THE FOLLOWING CHECKS TO PROTECT WORKERS:

Contract

Check that all staff, including agency workers, have a written contract of employment and that they have not had to pay any direct or indirect fees to obtain work.

Right to work

Make sure staff are legally able to work in the UK. Does the recruitment agency provide assurance that the appropriate checks have been made on the person they are supplying?

Shared occupancy

Check the names and addresses of those working for you. If you have a number of people listing the same address it may indicate high shared occupancy, often a factor for those being exploited.

Statutory rights

Make sure your workers know their statutory rights including sick pay, holiday pay and any other benefits they may be entitled to.

Assess quotes and fees

Use indicative pricing statistics to assess quotations and fees from agencies offering or charging suspiciously low rates.