

SOUTHAMPTON CITY COUNCIL

LICENSING ACT 2003 STATEMENT OF LICENSING POLICY

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1. VISION STATEMENT

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

2. INTRODUCTION

2.1 The Licensing Act 2003 requires licensing authorities to publish a "statement of licensing policy" every five years, which sets out how they intend to exercise their functions. The policy sets out a general approach to making licensing decisions. Each application will be considered on its own individual merits. The discretion of the licensing authority in relation to applications is only used if relevant representations are made.

2.2 The Policy relates to all those licensing activities identified as falling within the provisions of the Act (Part 1 Section 1) namely

- Retail sale of alcohol;
- Supply of alcohol to club members;
- The supply of hot food and/or drink from any premises between 11 p.m. and 5 a.m.;
- Provision of "Regulated Entertainment" – to the public, to club members or with a view to profit. "Regulated Entertainment" is defined as:
 - A performance of a play;
 - An exhibition of a film;
 - An indoor sporting event;

- Boxing or wrestling entertainment;
- A performance of live music;
- Any playing of recorded music;
- A performance of dance;
- Provision of facilities for making music;
- Provision of facilities for dancing.

The Legislative Reform (Entertainment Licensing) Order 2014 and the Deregulation Act 2015 provide significant exemptions to some of the activities.

2.3 The licensing authority has a duty under the Act to carry out its functions with a view to promoting the four licensing objectives, which are:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

2.4 We must also have regard to this Statement of Licensing Policy and any statutory guidance issued by the Secretary of State. That does not mean that we have to follow the policy and guidance slavishly. We can depart from it if, having properly taken it into account, we have good reason to do so and where it is appropriate to do so to promote one or more of the licensing objectives.

2.5 In promoting the licensing objectives the licensing authority has a number of key aims and purposes which should be principal aims for everyone involved in licensing work and are therefore integral to the Policy. They include:

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

2.6 CONSULTATION

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

- Chief Officer of Police for the area (Hampshire Police)
- Hampshire Fire and Rescue Authority

- Persons/bodies representative of local holders of premises licences;
- Persons/bodies representative of local holders of club premises certificates;
- Persons/bodies representative of local holders of personal licences;

In addition we consulted with:

List to be produced

2.6.2 This Policy will come into effect on 7th January 2016 and remain in force for a period of 5 years. During this time the policy will be subject to regular review.

3. CITY PROFILE

3.1 Southampton is the south coast's regional capital with a population of over 242,100 in an area of 50 square km. The dynamic and vibrant city is forward-looking, balancing steady growth as a prosperous commercial centre with a high quality of life for its citizens.

3.2 Southampton is home to a number of the country's largest companies including Carnival, HSBC and Old Mutual Wealth. Commercially, Southampton's success is also notable. The renowned West Quay shopping centre opened in 2000 and is currently being extended and IKEA opened its first UK city centre store in 2009.

3.3 The Port of Southampton is Europe's most productive port and the second largest container terminal in the UK. It is the cruise capital of northern Europe contributing to 7 million day visits to Southampton per annum.

3.4 Southampton is the largest city in southeast England outside London. Southampton's city centre is undergoing a significant and ambitious transformation. The council's 2012 city Centre Master Plan will see £3 billion of investment into the city by 2030. It will improve the city for residents, businesses and visitors, creating a vibrant and eclectic city centre. The aim to bring over 24,000 new jobs and 5,000 new homes to Southampton is yielding success, with over £1.6 billion of investment already committed.

3.5 The £40m+ new arts complex currently being constructed in Guildhall Square will be a stunning visitor attraction at the heart of the Cultural Quarter. Incorporating two auditoria and dedicated art gallery space, presenting world-class art exhibitions, inspirational performances, outstanding resources for film-makers, media artists and creative events. It will provide a new home for prominent local arts establishments including the University of Southampton, John Hansard Gallery and City Eye. With 38 exclusive city centre apartments on the border of the city's unique park complex, the scheme offers everything for those aspiring to city centre living. The retail offer will include up to 7 new restaurants and cafes.

3.6 Figures that show it is the second highest ranking city in England for 'good growth' and 4th in the UK, based on the "Good Growth Index 2013" (produced by PwC and think tank Demos).

3.7 Confirmation of its position as top of the marine and maritime sectors, with gross value added (GVA) of 18%; 10% higher than the national average, demonstrating that Southampton is at the forefront of the marine sector in the UK. Since the launch of the master plan in 2012 five of the seven 'Very Important Projects' (VIP Projects) have started on site:

- The Arts Complex complete the Cultural Quarter
- WestQuay Watermark
- Station Quarter public realm improvements
- New homes are being built at the former Fruit and Vegetable market site
- Solent University campus extension is underway

3.8 The remaining two (the largest and most complex) are moving forward; a master plan for Itchen Riverside is being prepared and a Development Agreement has been signed for Royal Pier Waterfront

3.9 Southampton is a major hub of creativity and innovation with two outstanding universities, working closely with the business community and over 36,500 students. The University of Southampton is a member of the Russell Group and ranked 20th in the UK. The Southampton Marine and Maritime Institute (SMMI) will be an internationally recognised, state-of-the-art research institute, a centre for innovation, business and education. The new Global Technology Centre for research and development opening in August 2014. The £120 million investment from Southampton University and Lloyd's Register is the largest such business-focused endeavour in any UK university.

3.10 Southampton is accessed by multiple modes of transport. Just outside of the city limits is Southampton International Airport. From the airports website in 2014 there were 35,713 air transport movements involving 1.83 million passengers through 21 airline and tour operators.

3.11 There are a number of train stations in the city limits but the main station is Southampton Central that has around 6 million passenger movements each year.

3.12 There are close links to both the M3 and the M27 providing excellent road links to the rest of the country.

3.13 Apart from being Europe's leading turnaround cruise port, it is the UK's number one car handling port and the UK's most productive container port.

3.14 Southampton is in the top 10 of "happiest" cities in the UK and is the gateway to a wide range of world-class features from the Solent with its maritime opportunities, over 400 sailing events in the Solent annually to the New Forest.

3.15 Three and a half million people live within one hour's drive of the city.

3.12 THE IMPACT OF ALCOHOL ON SOUTHAMPTON

3.12.1 Figures from Public Health England show Southampton is significantly higher than the England average in all the groups measured in the Local Alcohol profile. The table below are their figures for the year 2013/14.

3.12.2 Public Health England state “Alcohol consumption is a contributing factor to hospital admissions and deaths from a diverse range of conditions. Alcohol misuse is estimated to cost the NHS about £3.5 billion per year and society as a whole £21 billion annually.”

The following table compares Southampton to the England average on key indicators on alcohol admissions. In each area Southampton is above the average for England.

<u>Indicator</u>	<u>England Average</u>	<u>Southampton</u>
5.01 - Alcohol-specific hospital admission – under 18 year olds	40.1	87.1
6.01 - Alcohol-specific hospital admission	374	534
6.01 - Alcohol-specific hospital admission Male	515	764
6.01 - Alcohol-specific hospital admission Female	241	311
7.01 - Persons admitted to hospital due to alcohol-related conditions (Broad),	1253	1375
7.01 - Persons admitted to hospital due to alcohol-related conditions (Broad), Male	1715	1906
7.01 - Persons admitted to hospital due to alcohol-related conditions (Broad), Female	859	908
8.01 - Persons admitted to hospital due to alcohol-related conditions (Narrow),	444	542
8.01 - Persons admitted to hospital due to alcohol-related conditions (Narrow), Male	594	725
8.01 - Persons admitted to hospital due to alcohol-related conditions (Narrow), Female	310	373
9.01 - Hospital admissions for alcohol-related conditions (Broad),	2111	2303
9.01 - Hospital admissions for alcohol-related conditions (Broad), Male	2917	3296
9.01 - Hospital admissions for alcohol-related conditions (Broad), Female	1426	1429
10.01 - Hospital admissions for alcohol-related conditions (Narrow),	645	733
10.01 - Hospital admissions for alcohol-related conditions (Narrow), Male	835	991
10.01 - Hospital admissions for alcohol-related conditions (Narrow), Female	475	492

4. LICENSING PROCESS

4.1 Applicants are strongly encouraged to seek advice at the earliest possible stage from the licensing authority and other responsible authorities before making an application.

4.2 Applicants will need to comply with the statutory requirements or risk their application being invalid.

4.3 The licensing authority will expect individual applicants to address the licensing objectives in their operating schedule, having regard to the type of premises (which includes a vessel i.e. ship or boat), the licensable activities to be provided, the operational procedures, the nature of the location and needs of the local community.

4.4 It is recommended that applicants obtain planning permission and building regulation approval along with all other necessary permissions and licences for the premises prior to an application being submitted.

4.5 When formulating their operating schedule applicants will be expected to make themselves aware of any relevant planning and transportation policies, tourism and cultural strategies or local crime prevention strategies and to have taken these into account where appropriate

4.6 When determining applications the licensing authority will have regard to any guidance issued by the Government. In particular, account will be taken of the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community as a whole. If representations are made concerning the potential for limited disturbance in a particular neighbourhood, the licensing authority's consideration of those representations will be balanced against the wider benefits to the community. As and when appropriate the licensing authority will consider establishing a policy of seeking to licence public spaces within the community in the name of Southampton City Council.

4.7 When determining applications the only conditions which should be imposed on a premises licence or club premises licence are those that are appropriate and proportionate for the promotion of the licensing objectives. In particular, regard will be had to any Crime Prevention Strategies i.e. the Local Crime and Disorder Reduction Partnership and any Cultural Strategies such as those that are aimed at monitoring the impact of licensing on the provision of regulated entertainment.

4.8 The licensing authority acknowledges that the views of vocal minorities should not be allowed to predominate over the general interests of the community.

4.9 OPERATING SCHEDULES

4.9.1 The operating schedule must form part of the completed application form for a premises licence. It should include information, which is necessary to enable a responsible authority or other person to assess whether and what steps have been taken or are proposed in order to promote the licensing objectives.

4.9.2 As and when appropriate the applicant should provide in the operating schedule such further relevant additional information/evidence where there is an apparent departure from the promotion of the licensing objectives

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

4.10 GUIDANCE DOCUMENTS

4.10.1 The Licensing Authority has provided a number of documents to assist with the process; these are available at www.southampton.gov.uk/la03

4.11 REPRESENTATIONS

4.11.1 There is a prescribed period during which the Licensing Authority can receive a written representation to an application. This is usually 28 days from the date the Licensing

Authority receives the application but varies depending on the type of application under consideration

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

4.12 DECISION MAKING PROCESS

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

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

Matter to be dealt with	Sub Committee	Officers
Application for personal licence	If a police objection	If no objection made
Application for person licence with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	If a police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a police objection	All other cases
Applications for interim authorities	If a police objection	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc.		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of a police objection to a temporary event notice	All cases	

Determination of application to vary premises licence at a community premises to include alternative licence condition	If a police objection	All other cases
Decision whether to consult other responsible authorities on minor variation application		All cases
Determination of minor variation application		All cases

4.12.2 If no relevant representations are received then the authorisation will be issued automatically with, in the case of a premises licence or club premises certificate, such conditions attached as are mandatory or are consistent with the operating schedule accompanying the application. The Licensing Authority will have no discretion to refuse the application. The operating schedule will be translated into conditions attached to the licence.

4.12.3 Where relevant representations are made and not withdrawn, the Licensing Authority must hold a hearing before the Licensing Committee or, more usually, a sub-committee of the Licensing Committee who will take such of the following steps as it considers appropriate for the promotion of the licensing objectives. The steps are:

- grant the licence subject to the operating schedule modified to such extent as the (Sub-)Committee considers appropriate for the promotion of the licensing objectives, and subject to the relevant mandatory conditions;
- exclude from the scope of the licence any of the licensable activities to which the application relates;
- to refuse to specify a person in the licence as the premises supervisor;
- reject the application.

4.13 APPLICATIONS FOR LARGE EVENTS

4.13.1 Events that the Council believe may require a co-ordinated approach to manage may be subject to a Safety Advisory Group (SAG) process. This will be at the discretion of the Council. Applicants will need to demonstrate to the members of the SAG they are supporting the licensing objectives.

5. SOUTHAMPTON POLICIES AFFECTING LICENSING

5.1 PUBLIC SPACES PROTECTION ORDERS (PSPO)

5.1.1 These were formerly known as Drinking in Public Spaces Orders (DPPO) and the Anti-Social Behaviour, Crime and Policing Act 2014 made provision for the existing DPPO to continue for up to one year.

5.1.2 Southampton City Council recognises the effectiveness of this tool in preventing crime and disorder and tackling anti-social behaviour. Premises are expected to have measures in place to prevent their customers contributing to anti-social behaviour.

5.1.3 A DPPO was set for the entire city and this continues in the new guise of a PSPO.

5.2 CULTURAL QUARTER

5.2.1 The Cultural Quarter is a key development in the heart of the city the final phase of which is nearing completion as this policy is developed. The intention is to provide a mix of use in the area including a new theatre, Mayflower Theatre, Guildhall Square, O2 Guildhall Concert venue, a number of licensed cafes and bars and prime residential property.

5.2.2 Although the latest phase is within the boundaries of one of the CIPs there is an exemption for premises in the Cultural Quarter.

5.2.3 The Background to the Night Time Economy produced to support the City Centre Action Plan mentions as a Core Strategy to create a Cultural Quarter in the northern part of Above Bar Street. (See 5.4)

5.3 LATE NIGHT LEVY

5.3.1 The Late Night Levy was introduced by Southampton City Council on 1st April 2015. The levy is a contribution paid by late opening premises supplying alcohol. The money raised is used to pay for policing the night time economy. Imposing the levy is a local power which Southampton City Council has decided to adopt. The Council can choose which exemptions (from those set out in regulations) it will allow in relation to payment of the charge.

Presently the following exemptions are applied:

- Premises providing overnight accommodation
- Theatres
- Cinemas
- Bingo halls
- Registered community amateur sports clubs
- Certain community premises
- New Year's Day

5.3.2 No reductions have been allowed but the Council wish to work with the trade to allow a business led Best Practice Scheme. This scheme will need to fulfil the requirements agreed between the Head of Legal and Democratic Services, The Chief Officer of Police and the Hampshire Police and Crime Commissioner.

5.3.3 Apart from the reduction for a business led Best Practice Scheme any proposed changes to the Late Night Levy will be independently consulted upon. The Council has agreed to pass 70% of the net amount to the Police and Crime Commissioner who has agreed to apply the money to purposes within the city in accordance with the arrangements as specified in the LNL legislation.

5.3.4 The arrangements, as specified in the Act, are for:

- (a) the reduction or prevention of crime and disorder;
- (b) the promotion of public safety;
- (c) the reduction or prevention of public nuisance;
- (d) the cleaning of any highway maintainable at the public expense or land in the Council's area;

5.3.5 Various schemes support the Night Time Economy in Southampton.

- Taxi Marshals

- Southampton Street Pastors
- I.C.E. bus (In Case of Emergency)

The costs of the Taxi Marshals and I.C.E. bus have predominantly been provided by the City Council and it also makes a considerable contribution to the Southampton Street Pastors. The I.C.E. bus and the Southampton Street Pastors have been identified as excellent schemes by national bodies. It is anticipated these schemes will figure high on the list to receive funding from the Levy as all three are recognised as making a significant contribution to keeping people safe within the Night Time Economy. Street cleaning is another area that will feature on the list of funding from the levy.

5.4 CITY CENTRE ACTION PLAN

5.4.1 In 2013 Planning developed a background paper on the Night Time Economy 2 Core Strategies are mentioned.

- City Centre approach to include leisure/cultural/hotel development including the creation of a Cultural Quarter in Northern Above Bar
- Major Development Quarter to include Leisure/hotel/cultural or tourist uses.

The policy creates hubs and zones with recommended opening times for planning purposes. These do not completely reflect the reality of operating hours within the Night Time Economy but do seem to act as a limit to new applications.

5.5 SHOPS SELLING ALCOHOL (OFF LICENCES)

5.5.1 In 2013 the British Beer and Pub Association estimated that twice as much alcohol is bought in off-licensed premises as from pubs or other licensed premises. This was after years of seeing a steady increase in the amount of alcohol sold in off licences. Pre-loading with alcohol before a night out is much more frequent. This change in habit has the potential to negatively impact on the licensing objectives with on-licensed premises most at risk of the consequences. There are additional increased potential risks such as easier access to alcohol by children (given that consumption is not monitored / regulated), theft, increased street drinking and an increase in crime and disorder.

5.5.2 To address this applicants, existing premises and the authority can consider a number of strategies to mitigate the problems. To address pre-loading the consideration of an earlier terminal hour for off-licences near to or on a well-used route to established late night premises will be considered. To address theft and access by children to alcohol the layout of premises, CCTV, where alcohol will be displayed and what steps will be undertaken to support the licensing objectives will be considered. In areas where it is identified street drinking is an issue consideration should be given to not selling single cans of high strength drinks or even whether single cans of high strength alcohol are to be sold at all.

5.6 TEMPORARY EVENT NOTICES (TENS)

5.6.1 The Licensing Act 2003 enables certain organised events for less than 500 people to take place following notification to the Licensing Authority, the Police and Environmental Health.

5.6.2 Guidance on giving Notice can be found in the Home Office Fact Sheet.
<https://www.gov.uk/government/publications/temporary-events-notices-factsheet>

5.6.3 Although the statutory legal minimum time required for the notification of a temporary event to the Licensing Authority, Police and Environmental Health is 10 working days, or 5 working days for a late temporary event, it is essential that proper consideration of the proposed event is given. Statutory guidance allows the Licensing Authority to publicise its preferred timescale for notification.

5.6.4 The Licensing Authority will encourage bona fide community events. Applications for TENS at existing licensed premises will not be encouraged where the proposal is simply to extend the existing hours of operation. Applications made in cumulative impact areas will be subject to increased scrutiny due to the potential impact upon an area already identified as suffering from increased crime and disorder. Objections should not rely solely on this policy but should be based on one or more of the licensing objectives.

5.6.5 The Licensing Authority expects those who have given notice of a temporary event to have identified any particular issues having regard to their type of premises and/or activities, and to have in place written policies for addressing issues such as drunkenness, crime/disorder and drugs on their premises and for ensuring staff are trained on these policies.

6. MANAGEMENT OF PREMISES

6.1 DESIGNATED PREMISES SUPERVISOR

6.1.1 Any premises where alcohol is sold under a premises licence must have a designated premises supervisor (DPS). The DPS will be named in the premises licence, a summary of which must be displayed on the premises. A DPS must be a personal licence holder. Every sale of alcohol must be made or authorised by a person who holds a personal licence (or must be Made or authorised by the management committee in the case of community premises).

6.1.2 The Licensing Act 2003 does not require a DPS or any other personal licence holder to be present on the premises at all times when alcohol is sold. However, the DPS and the premises licence holder remain responsible for the premises at all times.

6.1.3 The Licensing Authority will normally expect the DPS to have been given the day-to-day responsibility for running the premises and as such it is expected that the DPS would usually be present at the licensed premises on a regular basis. The Authority expects that this will be in excess of 50% of a 7-day week.

6.1.4 The premises licence holder will be expected to ensure that the DPS has experience commensurate with the size, capacity, nature and style of the premises and licensable activities to be provided.

6.1.5 Within all licensed premises, whether or not alcohol is to be sold, the Licensing Authority will expect there to be proper management arrangements in place which will ensure that there is an appropriate number of responsible, trained/instructed persons at the premises to ensure the proper management of the premises and of the activities taking place, as well as adherence to all statutory duties and the terms and conditions of the premises licence.

6.2 DOOR SUPERVISORS

6.2.1 The premises licence holder and DPS should ensure that their premises do not increase the fear of crime as well as actual crime in their locality. To this end they should ensure, so far as is possible, that customers do not cause nuisance or disorder outside the premises and that measures to ensure the safety of customers and prevention of nuisance are in place. Door supervisors have an important role in managing customers, not only on the doors but also in the immediate area of premises.

6.3 DISPERSAL POLICIES

6.3.1 The Licensing Authority accepts that licensed premises can have a diffuse impact. People can cause disturbance when returning to residential areas from later opening premises elsewhere and people who use off-licences may locate to a remote spot to drink. These problems may not be within the direct control of any particular licensed premises. However, premises licence holders are generally expected to take measures to encourage people to leave their premises quietly and considerately. The Licensing Authority would encourage premises to adopt a dispersal policy where appropriate.

6.4 RISK ASSESSMENT

6.4.1 The Licensing Authority will expect that appropriate and satisfactory general and technical risk assessments, management procedures and documentation have been made available to the relevant responsible authorities and to the Licensing Authority, that demonstrate that the public will be safe within and in the vicinity of the premises.

6.4.2 As a minimum the following matters must be taken into consideration:

- Whether the premises already have a licence which specifies the maximum number of people that can be present and, whether a risk assessment has been undertaken as to the maximum number of people who can be present in various parts of the premises, so that they can be operated safely and can be evacuated safely in the event of an emergency.
- Whether there are procedures in place to record and limit the number of people on the premises with opportunities for “pass outs” and readmission.
- Whether patrons can arrive at and depart from the premises safely.
- Whether there may be overcrowding in particular parts of the premises;
- Whether music and dance venues and performance venues will use equipment or special effects that may affect public safety (e.g. moving equipment, vehicles, pyrotechnics, strobe lights, smoke machines).
- Whether there are defined responsibilities and procedures for medical and other emergencies and for calling the emergency services.

6.5 PROMOTERS

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

6.6 TAKEAWAY PREMISES (LATE NIGHT REFRESHMENT HOUSES)

6.6.1 The Licensing Authority considers that it will normally be inappropriate to grant a premises licence permitting the sale of alcohol at premises which are principally used for selling hot food for consumption off the premises (“takeaway” premises).

6.6.2 It is recognised that takeaway premises open late at night can be associated with disorder as persons under the influence of alcohol having left, or in some cases being ejected from, late night venues congregate there. Applicants are recommended to have clear written policies for dealing with disorder and nuisance.

6.6.3 Operators of takeaway premises (including mobile units) must have suitable arrangements in place for the containment and disposal of their waste in accordance with the Environmental Protection Act 1990 and subsidiary regulations. Operators of premises where food or drink is provided in disposable containers for consumption elsewhere than on the premises are expected to consider the potential for litter near their premises and take steps to actively reduce the amount of litter generated from their premises. Applicants are also asked to consider the type of packaging container, whether it is always necessary and whether it can be sourced from sustainable materials.

6.6.4 Where the Licensing Authority considers it appropriate, it may impose conditions on a premises licence to require the operator of premises serving customers with hot food or drink to provide litter bins in the vicinity of the premises in order to prevent the accumulation of litter from its customers. It may require the proprietor to service those litter bins as part of their own waste management arrangements.

6.7 EXTERNAL AREAS

6.7.1 The introduction of the “smoke free public places” law has led to an increase in the number of people outside licensed premises. The provision of tables and chairs outside premises can enhance the attractiveness of a venue, but regard should be had to the need to ensure that the use of such areas will not cause nuisance to the occupiers of other premises in the vicinity. In particular, those with authorisations are expected to manage persons smoking in the vicinity of premises so they do not impede access to the premises and do not cause disturbance. In addition they are expected to provide secure ash trays or wall mounted cigarette bins for patrons so as to minimise litter.

6.7.2 Licensees should also be aware of the possibility of breakages of drinking glasses and glass bottles in outside areas. Consideration should therefore be given to the use of toughened or ‘plastic’ drinking vessels and other management controls to avoid or lessen the likelihood of broken glass in these areas.

6.7.3 The Licensing Authority has a number of concerns with respect to the development of external areas to licensed premises, and will consider imposing conditions to improve the management of the outside area or prohibiting or restricting the use of these areas in order to promote the public nuisance objective.

6.7.4 As there is a PSPO in place across the city the DPS needs to carefully consider policies on allowing alcohol outside of the premises.

7. CUMULATIVE IMPACT POLICY

7.1 In some areas concentrated “pockets” of licensed premises / activities can exist which lead to serious problems of nuisance and disorder arising in the area, and even some

distance away from the premises / activity. In such circumstances the impact of those premises / activities when taken as a whole can be far greater than that arising from individual premises / activities. It may not be possible to distinguish individual premises / activities as being the sole cause, or even a major contributing factor, of a particular problem. It is the cumulative combined impact of all of the premises / activities, which causes problems for a wider area and potentially undermines the Licensing Objectives.

7.2 The potential impact on the promotion of the Licensing Objectives by a significant number of licensed premises concentrated in one area is often referred to as “cumulative impact”. This should not be confused with the issue of “need” which relates to the commercial demand for licensed premises and cannot be taken into account when determining licensing applications.

7.3 The Council has had a Cumulative Impact Policy (“CIP”) since May 2009 when three defined areas were identified. The CIP areas were reviewed and amended in line with the review of the Statement of Licensing policy in 2011. Consultation responses have continued to show the CIP is still required to deal with outstanding issues of crime and disorder within identified locations in the city (“Stress Areas”).

7.4 STRESS AREAS

7.4.1 In some circumstances an area may have such numbers of licensed premises / activities that it becomes a focal point for large groups of people to congregate and eventually leave. This can create exceptional problems of disorder, noise and other nuisance.

Stricter controls will generally be expected and may be imposed, if appropriate and proportionate, with regard to noise controls in areas which have denser residential accommodation.

The 5 CIPs, generally, deal with the following matters:

1. Identifies the areas
2. The basic operation of the policy
3. How hearings will deal with applications within stress areas
4. How evidence of Cumulative Impact is dealt with outside of a stress area
5. How hearings will apply the CIP to applications from within or out of a stress area.

POLICY CIP 1

The Licensing Authority believes that three areas identified in Appendix A are suffering from Cumulative Impact and are designated as the “Bedford Place Stress Area”, the “Above Bar Street Stress Area”, and the “Bevois Valley Stress Area”. These areas are the same as in previous years with the exception of Bevois Valley that extends the boundary further south along St Marys Road. The police report and appendices supporting this is attached as appendix B. The redacted material contains information that is premises specific and not appropriate to be made public.

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

POLICY CIP 2

Where representations are received in respect of applications for either new premises or variations to existing premises in the three Stress Areas a rebuttable presumption will apply

that such applications shall be refused. However, this policy only applies to applications of the types listed below namely:

- o New premises licences
- o New club premises certificates
- o Provisional statements, including those for material variations to existing premises licences or club premises certificates (i.e. where the modifications are directly relevant to the issue of cumulative impact (e.g. those which significantly increase the capacity of the premises))
- o Substantial variations to existing premises or club premises licences (e.g. length of opening hours or increase in period licensable activities may take place). Whether a variation is “substantial” for the purposes of this policy shall be determined by the Licensing Authority in any instance of doubt.

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

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

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

Applications for Provisional Statements may be made where new premises are proposed but have not yet been built or where a substantial variation is proposed to existing premises. Potential licensees may make such an application in order to have a degree of assurance that a licence would be granted before committing themselves to the necessary investment. Where a Provisional Statement has been issued by the Authority to the effect that an application would be granted and the schedule of works accompanying the application for the Provisional Statement is completed satisfactorily then any subsequent application for a premises licence must be granted and any objection raised at that stage which could have been raised at the Provisional Statement stage must be disregarded (unless there has been a material change in circumstances). It is important therefore that if there is potential for new or altered premises to contribute to or cause cumulative impact in any given area that the issue is addressed as soon as possible in the licensing process and that Responsible Authorities recognise the continuing requirement to make representations based on cumulative impact if appropriate. For this reason the Provisional Statement procedure is included in the policy.

The Authority may choose to review this Statement of Policy in the future with a view to designating other Stress Areas to which policy CIP2 or a similar policy may be applied. In such circumstances the Authority will consult widely to ensure that such a designation and the application of such a policy would be justified. The application of policy CIP2 and any similar policy will be the subject of regular review to assess its impact.

Responsible Authorities and other persons may make representations on specific applications concerning cumulative impact even though those applications are not for premises in designated Stress Areas (and therefore not covered by this policy). In such circumstances the application may be refused (though there will be no presumption that this will be the case) and the Authority may then choose to review this policy statement and consult as to whether the particular area should be formally designated as a Stress Area to which policy CIP2 (or one similar) should apply. To be clear, nothing within this policy shall prevent the consideration of cumulative impact issues simply because a premises (or proposed premises) is not situated within a designated Stress Area.

EXEMPTIONS

The creation of a “Cultural Quarter” has been fulfilled with a wide variety of activities both within new buildings such as the Sea City Museum and new Arts Complex in Guildhall Square, existing buildings, and the improved and expanded Guildhall Square all of which fall within the area of Above Bar partly covered by the above Stress Area as shown edged with a broken line on the attached plan at Appendix C.

The policy is to encourage venues within the Cultural Quarter which promote well run family friendly sit down eating and drinking, complement the City’s cultural offer and may include al fresco dining, subject to appropriate licensing restrictions. These may include theatres, other performing arts venues, galleries and restaurants.

The Licensing Authority will ordinarily treat applications in relation to any licensing use in the Guildhall Square, or within or directly related to any building primarily used for an arts or cultural purpose as an exception to the CIP but each matter will be judged on its merits.

POLICY CIP 3

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

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

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

POLICY CIP 4

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

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

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

REPRESENTATIONS IN RESPECT OF APPLICATIONS IN STRESS AREAS

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

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

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

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

POLICY CIP 5

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

- o The proximity of the proposed premises to others in the area concerned which are licensed or subject to a Provisional Statement for similar activities;
- o The estimated occupancy figures of existing licensed premises and those subject to a Provisional Statement, in the area concerned and the timings of those activities;
- o The operational hours of existing licensed premises and those subject to a Provisional Statement, in the area;
- o The nature of licensed activities in the area and those to be carried on at the proposed premises;

- o Whether, if the grant of the application would result in or further contribute to a cumulative impact, conditions would be effective in addressing the issue;
- o the proposed hours of operation of the licensed activities;
- o transport provision for the area.

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

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

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

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

8. CHILDREN

- 8.1 A child is anyone under the age of 18 years unless otherwise stated.
- 8.2 This statement of licensing policy does not seek to limit the access of children to any premises unless it is necessary for the prevention of physical, moral or psychological harm.
- 8.3 The licensing authority will have regard to any representations made by the Southampton Local Safeguarding Children Board or through the Southampton City Council

appropriate Directorate acting on its behalf, or any other appropriate body when considering applications for premises licences.

8.4 When considering applications for premises licences, the licensing authority will take into account the history of a particular premises and the nature of the activities proposed to be provided when considering any options appropriate to prevent harm to children. The relevant matters include premises:

- o where there have been convictions for serving alcohol to minors or with a reputation for underage drinking;
- o with a known association with drug taking or dealing;
- o where there is a strong element of gambling on the premises;
- o where entertainment of an adult or sexual nature is commonly provided;
- o where the supply of alcohol is the exclusive or primary purpose of the service at the premises.

In these circumstances, conditions may be attached to any licence to:

- o limit the hours when children may be present;
- o restrict the age of persons on premises;
- o exclude children from all or part of the premises when certain activities may take place;
- o require an adult to accompany a child;
- o set out a requirement for the presence of adult staff according to a set adult/child ratio where children are attending regulated entertainment;
- o exclude people under 18 from the premises when any licensable activities are taking place.

8.5 Where no licensing restriction is considered necessary, however, it is at the discretion of the premises licence holder or club to decide whether or not to admit children; however the Licensing Authority strongly supports the use of Challenge 25 policies, the recording of all refusals and training on all age restricted activity.

8.6 Where premises give film exhibitions, licensees must ensure that children are prevented from viewing age-restricted films classified according to the British Board of Film Classification.

8.7 Except as in 8.4 above the authority will not impose conditions restricting the admission of children to any premises believing this should remain a matter of discretion of the licence holder. The licensing authority encourages family friendly policies. It will take strong measures to protect children where any licence holder is convicted of serving alcohol to children, where premises have or acquire a known association with drug taking or dealing, where gambling takes place on the premises or where entertainment of an adult or sexual nature is commonly provided. In such circumstances while it may sometimes be necessary to impose a complete ban on the admission of children this would be rarely imposed, it would be more likely to require conditions as referred to above.

8.8 Where a large number of children are likely to be present on any licensed premises, for example, a children's show or pantomime, then conditions will be imposed requiring the

presence of an appropriate number of adult staff to ensure public safety and their protection from harm including control of access and egress and consideration may be given to include conditions concerning child/adult ratios

8.9 The licensing authority recognises the great variety of premises for which licences may be sought. These will include theatres, cinemas, restaurants, pubs, nightclubs, cafes, takeaways, community halls and schools. Access by children to all types of premises will not be limited in any way unless it is considered appropriate to do so in order to protect them from harm

8.10 In the case of premises which are used for film exhibitions conditions will be imposed restricting access only to those who meet the required age limit in line with any certificate granted by the British Board of Film Classification or, in a specific case where there are very good local reasons a certificate given to the film by the licensing authority itself.

8.11 Where no restriction or limitation is imposed the issue of access will remain a matter for the discretion of the individual licensee or club.

8.12 The wide range of premises that require licensing means that children can be expected to visit many of these, often on their own, for food and/or entertainment.

8.13 The licensing authority will consult with the Southampton Local Safeguarding Children Board acting on the City Council's behalf, or any successor body performing the same or a similar function and any other appropriate body, on any application that indicates there may be concerns over access for children

8.14 The Act details a number of offences designed to protect children in licensed premises and the licensing authority will work closely with the police and other appropriate agencies to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children.

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9 ENFORCEMENT

9.1 It is essential that premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the approved operating schedule, the specific requirements of the 2003 Act and any licence conditions imposed. The licensing authority, in partnership with the responsible authorities, will make arrangements to monitor premises.

9.2 The licensing authority will work closely with the police, trading Standards and the other responsible authorities, liaising on a regular basis to establish enforcement protocols and concordats to ensure an efficient deployment of resources engaged in enforcing licensing law and inspecting licensed premises, in order to ensure that resources are targeted at problem and high-risk premises.

9.3 The Act details a number of offences designed to protect children in licensed premises and the licensing authority will work closely with the police, Trading Standards and other appropriate agencies to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol and tobacco products to children.

9.4 The premises licence holder is responsible to ensure the four licensing objectives are upheld:

- Prevention of crime and disorder

- Public Safety
- Prevention of public nuisance
- Protection of children from harm

9.5 Where there is evidence to suggest the licensing objectives are being undermined, enforcement action will be taken in accordance with the principles of better regulation and the Regulator's Compliance Code. The aim is to have well run premises operating in our city. Problems at premises will be identified by the relevant authorities and the licence holder will have responsibility to resolve the problem. Failure to address or respond to problems or isolated serious failures will normally result in a review application.