

Southampton City Council
Statement of Licensing Policy
2021 - 2026

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1. Background

VISION STATEMENT

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

INTRODUCTION

- 1.1 The Licensing Act 2003 (the Act) 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.
- 1.2 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 pm and 5 am;
 - 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; and
 - Provision of facilities for dancing.
- 1.3 The Legislative Reform (Entertainment Licensing) Order 2014 and the Deregulation Act 2015 provide significant exemptions to some of the activities.
- 1.4 The Licensing Authority has a duty under the Act to carry out its functions with a view to promoting the four licensing objectives, which are:
- Prevention of crime and disorder
 - Public safety
 - Prevention of public nuisance
 - Protection of children from harm
- 1.5 The council must have regard to this Statement of Licensing Policy and any statutory guidance issued by the Secretary of State. The council retains the right to act outside the provisions of this policy and to depart from it if, having properly taken it into account, the council has good reason to do so and where it is appropriate to do so to promote one or more of the licensing objectives.
- 1.6 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.

CONSULTATION

1.7 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; and
- Persons/bodies representative of local holders of personal licences.

In addition the council consulted with:

- Health and Safety Executive
- Southampton Marine Office
- Head of Regulatory Services, SCC
- Planning and Development Manager SCC
- Children's Social Services, SCC
- Hampshire Chamber of Commerce
- Licensing Solicitors used by applicants to SCC
- Residents Associations
- Licensing Authorities across Hampshire and the Isle of Wight
- Public Health
- Trading Standards
- Environmental Health
- Home office Immigration enforcement

2. City Profile

2.1 Southampton is the south coast's regional capital with a population of over 256,000 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.

Facts and figures



Over 106 000 dwellings in the city



We manage 49 parks and 1 140 hectares of open space



1 in 5 homes are council owned



Over 7 000 businesses



We manage over 416 miles of highways



We recycle, compost or reuse nearly 27 000 tonnes of waste per year



More than 256 000 residents



Around 50 000 children & young people (0-17) live here



Southampton City Art Gallery has over 5 000 works spanning eight centuries



21.14% of the city is green space

THE IMPACTS OF ALCOHOL ON SOUTHAMPTON

- 2.2 Most people who drink alcohol do so in moderation. For most people, any associated harms can be minimised, although not removed entirely, by drinking within governmental lower risk guidelines.

Explained: low risk drinking guidelines

To keep health risks from alcohol to a low level, men and women should not regularly drink more than **14 units** a week, spreading them evenly over three or more days

What do 14 units look like?

6 pints of beer
a week



or

6 medium
glasses of wine
a week



drinkaware

<https://www.drinkaware.co.uk>

More Information is at <https://www.nhs.uk/live-well/alcohol-support/calculating-alcohol-units/>

- 2.3 Alcohol use has health and social consequences at an individual, family and wider community level. Modelled estimates suggest that over 30,000 Southampton residents are likely to drink alcohol at increased risk and over 10,000 more are at higher risk of physical and mental health harm. An estimated one in five patients in the UK hospital system use alcohol harmfully for their health, and one in 10 are alcohol-dependent.
- 2.4 Alcohol contributes to over 200 health conditions, including cancers, cardiovascular conditions, depression and liver disease. Comparative data on the public health impact of alcohol is available from Public Health England¹. Southampton experiences more alcohol-related health harm than the national average. For example, the mortality rate from alcohol-related conditions was 22% higher in Southampton than the national average in 2018: 109 local people died from conditions in which alcohol was a factor and it would have been approximately 89 people had the national average applied. The local alcohol-specific mortality rate, which covers a narrower range of conditions, was two-thirds higher than the national average (2016-2018). Southampton currently has a much higher rate of hospital admissions related to alcohol than the national average too.
- 2.5 Public Health England state "Alcohol consumption is a contributing factor to hospital admissions and deaths from a diverse range of conditions. Alcohol related harm is estimated to cost the NHS about £3.5 billion per year and society as a whole £21 billion annually".
- 2.6 The consumption of alcohol is related to criminal activity because its effects on the mind and body are more likely to induce antisocial behaviour, leading to criminal acts. It reduces self-

¹ <https://fingertips.phe.org.uk/profile/local-alcohol-profiles>

control, which leads to an increased likelihood of committing a violent crime, and is addictive, which may lead offenders to commit acquisitive crimes in order to fund their addiction. Each year alcohol is associated with one million crimes in the UK.

- 2.7 In April 2017 it became mandatory for police to record whether a crime was affected by alcohol, that is, where the effects of alcohol consumption on the offender or victim were perceived by any person to be an aggravating factor. In 2018/19 there were 2,647 crimes which were recorded as affected by alcohol in Southampton (including offences affected by both alcohol and drugs), an increase of 6.2% from 2017/18 and a rate of 10.5 offences per thousand population.
- 2.8 In The police recorded 1,784 incidents of alcohol related violent crime in Southampton over the course of 2018/19, a 2.6% decrease from 2017/18. In 2018/19, police recorded rates of violent crime affected by alcohol were significantly higher in the central wards of Bargate and Bevois. This is likely to be because these wards are strongly associated with the city's night time economy.
- 2.9 Pre-loading the consumption of alcohol, often spirits, at home prior to or whilst walking to a night out at licensed premises, is difficult to quantify, but is acknowledged by the licensed businesses and the regulatory authorities as a significant contributor to the risks faced by individuals engaging with the night time economy.
- 2.10 The night time economy is also linked to the risks and harm associated with illegal drug use. The Police recorded 719 drug offences in Southampton in 2018/19, a rise of 8.3% compared to the previous year. This represents a rate of nearly three offences per 1,000 resident population; significantly higher than the England rate but third lowest among Southampton's group of comparator Community Safe Partnerships.
- 2.11 There were a total of 550 hospital admissions with a primary or secondary diagnosis of drug related mental health and behavioural disorders among Southampton residents in 2017/18, a rate of 209 admissions per 100,000 resident population. This is significantly higher than the national rate observed over the same time period of 157 admissions per 100,000 resident population.
- 2.12 For more information on the impacts of alcohol on Southampton, please follow the link to Southampton City Councils Data Observatory: <https://data.southampton.gov.uk/>

3. Licensing Process

- 3.1 Applicants are strongly encouraged to seek guidance at the earliest possible stage from the Licensing Authority and other responsible authorities before making an application. Applicants will need to comply with the statutory requirements or risk their application being invalid.
- 3.2 Individuals applying for either personal licence or a premises licence for the sale of alcohol or late night refreshment must be entitled to work in the UK. Licensing authorities must be satisfied that an individual who applies for a premises licence is entitled to work in the UK. This includes applications made by more than one individual applicant. An application made by an individual without the entitlement to work in the UK must be rejected.
- 3.3 This applies to applications which include the sale of alcohol and the provisions of late night refreshment but does not include applications which apply to regulated entertainment only. For example, a person applying for a licence for a music venue who does not intend to sell alcohol

or late night refreshment is not prohibited from applying for a licence on grounds of immigration status. However, they will commit a criminal offence if they work illegally.

- 3.4 If an applicant has restrictions on the length of time they may work in the UK, a premises licence or personal licence may still be issued, but the licence will cease to have effect when the right to work lapses.
- 3.5 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.
- 3.6 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. Having a licence to undertake an activity does not override other legal requirements such as planning, for example a licence allowing the sale of alcohol by retail and regulated entertainment until 2am does not override a planning requirement to cease such activity by midnight.
- 3.7 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.
- 3.8 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. A number of public spaces are already licensed in the name of Southampton City Council. These are managed by the events team at Southampton City Council.
- 3.9 When determining applications and there have been no valid representations the Licensing Authority must grant the application, subject only to conditions that are consistent with the operating schedule in addition to the relevant mandatory conditions:
- Conditions attached to a licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as 'must', 'shall' and 'will' is encouraged. Licence conditions:
 - must be appropriate for the promotion of the licensing objectives;
 - must be precise and enforceable;
 - must be unambiguous and clear in what they intend to achieve;
 - should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
 - must be tailored to the individual type, location and characteristics of the premises and events concerned;
 - should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
 - should not replicate offences set out in the 2003 Act or other legislation
 - should be proportionate, justifiable and be capable of being met; and
 - cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
 - should be written in a prescriptive format.

- 3.10 Additionally, regard will be had to any Crime Prevention Strategies (Southampton Safe City Strategy), any cultural strategies such as those that are aimed at monitoring the impact of licensing on the provision of regulated entertainment and any relevant health strategies.
- 3.11 The Licensing Authority acknowledges that the views of vocal minorities should not be allowed to predominate over the general interests of the community.

OPERATING SCHEDULES

- 3.12 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.
- 3.13 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.
- 3.14 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.

GUIDANCE DOCUMENTS

- 3.15 The Licensing Authority has provided a number of documents to assist with the process; these are available at: <http://www.southampton.gov.uk/business-licensing/licensing/licensing-act-2003/>

REPRESENTATIONS

- 3.16 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. Current guidance can be found by visiting www.southampton.gov.uk/licensing
- 3.17 "Relevant representations" can include positive, supportive representations as well as objections.
- 3.18 Representations must address at least one of the four licensing objectives.

DECISION MAKING PROCESS

- 3.19 It is 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.
- 3.20 In accordance with relevant guidance, the Licensing Authority has delegated licensing functions to the Licensing (Licensing and Gambling) sub-committee 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	

Matter to be dealt with	Sub Committee	Officers
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

3.21 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.

3.22 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; and
- to refuse to specify a person in the licence as the premise's supervisor;
- reject the application.

3.23 The need for a hearing can be avoided with the agreement of the Licensing Authority, where the applicant and all of the persons who made relevant representations have given notice to the authority that they consider a hearing will be unnecessary. The authority will give notice to the parties the hearing is dispensed with. However if the authority believes it is still necessary to have a hearing the authority shall provide reasons in writing to the parties for the need to have the hearing.

APPLICATIONS FOR LARGE EVENTS

3.24 Events that the council believe may require a co-ordinated approach to manage may be subject to partnership discussion through relevant groups. This will be at the discretion of the Council. Applicants will need to demonstrate to relevant partners that they are supporting the licensing objectives.

4. Southampton Policies Affecting Licensing

PUBLIC SPACES PROTECTION ORDERS (PSPOs)

4.1 There are currently 5 locations within the city with PSPOs. These are all in place to assist in reducing anti-social behaviour associated with street drinking. It provides the police with a power to require alcohol to be surrendered. With the exception of Shirley they are the commercial areas:

- City centre
- Bitterne
- Portswood
- Shirley (Extends West from Hill Lane to Millbrook Road)
- Woolston

4.2 The Licensing Authority 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.

4.3 The PSPOs were reviewed in April 2019 and extended for a further 3 years, they expire in April 2022 and will be reviewed at that point.

SHOPS SELLING ALCOHOL (OFF LICENCES)

4.4 Drinkaware report that in 2017 31% of all alcohol was sold in the 'on trade', this has decreased from 47% in 2000 (www.drinkaware.co.uk/research/data/consumption-uk). Studies by CGA early in the Covid 19 emergency suggests peoples drinking habits change during lockdown with an increase in on line purchases of alcohol. It is not known what the long term impact of this will have on the nations drinking habits, however this is a clear move to the majority of consumption being undertaken away from regulated premises. This change in habit has the potential to negatively impact on the licensing objectives. 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.

- 4.5 To address this, applicants, existing premises and the authority can consider a number of strategies to mitigate these challenges. 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.
- 4.6 Premises providing an on-line service will need to satisfy the authority they have measures in place to ensure no underage sales are undertaken, the sale is not a proxy sale to facilitate underage consumption and the sale will not contribute to crime, disorder public nuisance such as a disruptive house party.

PROMOTION OF ALCOHOL

- 4.7 The Licensing Act 2003 relaxed the restrictive hours of the previous regime with a desire to promote a café culture. Although providing opportunities to local licensed premises, it also resulted in adverse media coverage of binge drinking and drunken violent behaviour nationally.
- 4.8 To compliment planning and health policies and promote the licensing objectives the Licensing Authority will expect any premises operating that is likely to attract customers attending late night venues, including those supplying off sales, to not solely rely on the consumption or promotion of alcohol as the purpose to attract custom. Further, the council encourage operators to be innovative to provide a diverse range of activities and attractions where alcohol is ancillary to such activity.
- 4.9 To compliment the mandatory drinks promotion condition the Licensing Authority in partnership with other responsible authorities will monitor alcohol promotions. Premises are encouraged to consider the licensing objectives and avoid promotional activities that may pose a risk to public safety, including activities that promote excessive drink consumption. This includes irresponsible drink promotions such as free or discounted alcohol as a prize to encourage or reward the consumption of alcohol over a period of time, any game or activity which requires or encourages drink consumption (drinking games) and promotion of 'bottomless drinks'.
- 4.10 Premises with a history of offers such as significantly reduced priced drinks or unlimited drinks for a fixed price submitting applications or notices should demonstrate how these promote the licensing objectives and how any risks to the consider and wider public are being mitigated.
- 4.11 Premises should also consider the licensing objectives when undertaking activity to promote events, such as leafleting, posters and fly-posting. Premises should comply with relevant laws regarding fly-posting and are encouraged to have regard for the Southampton Green City Charter commitment to protect and enhance the natural environment.
- 4.12 The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the naming, packaging and promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or over. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published. If a product's packaging or point-of-sale advertising is found to be in breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to

replenish stocks of any such product or to display such point-of-sale material, until the decision has been complied with. A link to the Portman Group Code of Practice can be found here: <https://1kp8gk3a0fdl3qf9kb2wo9ei-wpengine.netdna-ssl.com/wp-content/uploads/2019/09/Code-of-Practice-on-the-Naming-Packaging-and-Promotion-of-Alcoholic-Drinks-Sixth-Edition.pdf>

TEMPORARY EVENT NOTICES (TENS)

- 4.13 The Licensing Act 2003 enables certain organised events for fewer than 500 people to take place following notification to the Licensing Authority, the Police and Environmental Health.
- 4.14 Guidance on giving Notice can be found in the Home Office Fact Sheet.
<https://www.gov.uk/government/publications/temporary-events-notices-factsheet>
- 4.15 Although the statutory legal minimum time required for the notification of a temporary event to the Licensing Authority, Police and Environmental Health is ten working days, or five working days for a late temporary event, it is essential that proper consideration of the proposed event is given.
- 4.16 The Licensing Authority will encourage bona fide community events. Giving TENS for existing licensed premises will not be encouraged where the proposal is simply to extend the existing hours of operation. TENS given for premises 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.
- 4.17 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.

5. Management of Premises

COUNCIL EXPECTATIONS

- 5.1 The Statement of Licencing Policy sets out the Authority's expectations in relation to certain matters. Whilst applicants are not obliged to meet these expectations in their operating schedules, they may find that responsible authorities and other persons and businesses are more likely to raise representations if they do not. This can lead to a delay with the application having to be considered by a Committee/Panel which may then either refuse the application or impose conditions if the licensee is not found to sufficiently promote the licensing objectives and meet this policy.
- 5.2 The licensing authority encourages licence holders and operators of licensed premises:
- To adhere to all relevant national legislation regarding the sale of alcohol, including ensuring that sales are not made to underage persons and alcohol is not knowingly sold to a person who is drunk;
 - Take all reasonable steps to prevent the entry of people with drugs into licensed premises, to take appropriate steps to prevent drugs changing hands within the premises and to take practical measures to prevent drug use.
 - To have regard for relevant Hampshire Constabulary policies relating to drugs.
 - Consider wider local concerns in the city as a whole, including drink spiking, sexual abuse, alcohol-related violence, alcohol-related road traffic incidents and other alcohol related harm;

- Ensure alcohol delivery businesses complete ID checks at the point of sale and at the point of delivery;
- Where appropriate, provide leaflets or posters for alcohol treatment services from agreed commissioned alcohol services;
- Encourage and promote the reduction of street litter and other forms of waste associated with licenced premises in line with the Southampton Green City Charter;
- To understand that the sexual exploitation of a child is sexual abuse and a crime ensure that staff are aware of the signs of child sexual exploitation and trafficking, and;
- To provide intelligence to relevant authorities on any identified criminal activity witness on or linked to the premises.

5.3 The policy is only engaged where the licensing authority has a discretion following the receipt of objections. In such cases, the licensing authority will not apply the policy rigidly. The licensing authority will always have regard to the merits of the case with a view to promoting the licensing objectives.

DESIGNATED PREMISES SUPERVISOR

- 5.4 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).
- 5.5 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.
- 5.6 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 seven-day week.
- 5.7 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.
- 5.8 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.

DOOR SUPERVISORS

- 5.9 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.

DISPERSAL POLICIES

- 5.10 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.

RISK ASSESSMENT

5.11 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.

5.12 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

PROMOTERS

5.13 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 good practice for licensed premises.

TAKEAWAY PREMISES AND PREMISES PROVIDING LATE NIGHT REFRESHMENT

5.14 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).

5.15 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.

5.16 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.

- 5.17 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.

EXTERNAL AREAS

- 5.18 The introduction of the requirement for smoke free public places under the Health Act 2006 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.
- 5.19 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.
- 5.20 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.
- 5.21 As there is a PSPO in place across the city the DPS needs to carefully consider policies on allowing alcohol outside of the premises.

6. Cumulative Impact Policy

- 6.1 'Cumulative impact assessments' (CIA) were introduced into the 2003 Act by the Policing and Crime Act 2017, with effect from 6 April 2018. Cumulative impact is the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area. 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.
- 6.2 There is evidence of an association between the density of outlets licensed to sell alcoholic beverages and the occurrence of alcohol-related crime and social disorder. In some areas where the number, type or density of licensed premises, such as those selling alcohol or providing late night refreshment, is high or exceptional, serious problems of nuisance and disorder may arise outside or some distance from those premises. Such problems generally occur as a result of large numbers of drinkers being concentrated in an area, for example when leaving premises at peak times or when queuing at fast food outlets or for public transport.
- 6.3 Queuing in itself may lead to conflict, disorder and anti-social behaviour. Moreover, large concentrations of people may also attract criminal activities such as drug dealing, pick pocketing and street robbery as well as predatory behaviours preying on the vulnerable. Local services such as public transport, public lavatory provision and street cleaning may not be

able to meet the demand posed by such concentrations of drinkers leading to issues such as street fouling, littering, traffic and public nuisance caused by concentrations of people who cannot be effectively dispersed quickly.

- 6.4 There are around 1000 licenced premises in Southampton. A map showing all of the licenced premises across Southampton can be found on the council website:
<https://www.southampton.gov.uk/business-licensing/licensing/map-licensed-premises.aspx>

STRESS AREAS

- 6.5 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 crime, disorder, noise and other nuisance.
- 6.6 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.
- 6.7 The Licensing Authority wishes to support businesses to create a vibrant social economy and need to balance this with its other responsibilities to support the licensing objectives. Each case is determined on its own merits and any application able to demonstrate it will not adversely impact the licensing objectives should have its application granted.
- 6.8 The five CIPs, generally, deal with the following matters:
1. Identified stress 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 - Stress areas

- 6.9 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. (Subject to consultation).
- 6.10 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. In 2018/19, police recorded rates of violent crime affected by alcohol were significantly higher in the central wards of Bargate and Bevois at 17.5 and 16.0 crimes per 1,000 population respectively, compared to a city average of 7.1 per 1,000 population.
- 6.11 The density of licensed premises in the identified stress areas is higher than other parts of the city and therefore the numbers of licensed premises operating in these areas is taken into account in the application of the CIP policy.

POLICY CIP 2 - The basic operation of the policy

- 6.12 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. This policy applies to applications of the types listed below:
- New premises licences
 - New club premises certificates
 - Provisional statements, including those for material variations to existing premises licences or club premises certificates (i.e. where the modifications are directly relevant to

- the issue of cumulative impact (e.g. those which significantly increase the capacity of the premises)
- Substantial variations to existing premises or club premises licences (e.g. length of opening hours or increase in period licensable activities may take place). Whether a variation is "substantial" for the purposes of this policy shall be determined by the Licensing Authority in any instance of doubt
 - This includes applications for sale of alcohol by retail either on, or off or both types of sales and Late Night Refreshment
- 6.13 Reason: To ensure that those applications which will add to the cumulative impact already being experienced are refused
- 6.14 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 premise for a Temporary Event Notice is within a designated Stress Area when applying the relevant statutory test.
- 6.15 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.
- 6.16 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.
- 6.17 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).
- 6.18 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 and accordingly the rebuttable presumption will apply when considering applications for provisional statements.
- 6.19 After publishing a CIA the Licensing Authority must, within three years, consider whether it remains of the opinion set out in the assessment. In order to decide whether it remains of this opinion it must again consult the persons listed in section 5(3) of the Licensing Act 2003. If having consulted with the statutory list of persons the Licensing Authority decides that it is no longer of the opinion set out in the CIA, it must publish a statement to that effect. The statement must make clear that any reference to the CIA in its licensing policy statement no

longer applies. The Licensing Authority should remove any reference to the CIA within its licensing policy statement at the earliest opportunity.

- 6.20 If having consulted the Licensing Authority decides that it remains of the opinion set out in the assessment, it must revise the CIA to include a statement to that effect and set out the evidence as to why it remains of that opinion. The Licensing Authority must also at this stage publish any other material change to the assessment.
- 6.21 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 premise (or proposed premises) is not situated within a designated Stress Area.

EXEMPTIONS

- 6.22 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 opposite 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 B.
- 6.23 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 all fresco dining, subject to appropriate licensing restrictions. These may include theatres, other performing arts venues, galleries and restaurants.
- 6.24 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 - How hearings will deal with applications within stress areas

- 6.25 The CIA does not change the fundamental way that licensing decisions are made. It is therefore 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 on the balance of probabilities they would not be adding to the cumulative impact. Applications in areas covered by a CIA should therefore give consideration to potential cumulative Impact issues when setting out the steps that will be taken to promote the licensing objectives. Where relevant representations are received and the Licensing Authority decides to grant an application it will need to provide the applicant, the chief officer of police and all parties who made relevant representations with reasons for granting the application and this should include any reasons for departing from their own policy.
- 6.26 Whilst making any decision the Committee shall not ordinarily consider the following as an exception to the policies applying to Stress Areas or as justification for departure from those policies:
- The quality of management of the premises
 - The character or experience of the applicant
 - That the capacity, size, hours or any increase therein applied for, is not substantial
 - That the applicant has a good understanding of how to reduce the potential for crime on the premises

POLICY CIP 4 - How evidence of Cumulative Impact is dealt with outside of a stress area

6.27 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:

1. Identify the boundaries of the area from which it is alleged problems are arising
2. Identify the Licensing Objective(s) which it is alleged will be undermined;
3. 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;
4. Provide evidence to show that the undermining of the objective(s) is caused by the patrons of licensed premises in the area.

6.28 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

6.29 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.

6.30 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:

- 6.31 Identify the Licensing Objective(s) which it is alleged will be undermined with specific regard to:
- the nature of the licensed activity to be carried on at the premises; and
 - its patrons

POLICY CIP 5 - How hearings will apply the CIP to applications from within or out of a stress area

6.32 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):

- The proximity of the proposed premises to others in the area concerned which are licensed or subject to a Provisional Statement for similar activities
- The estimated occupancy figures of existing licensed premises and those subject to a Provisional Statement, in the area concerned and the timings of those activities
- The operational hours of existing licensed premises and those subject to a Provisional Statement, in the area
- The nature of licensed activities in the area and those to be carried on at the proposed premises
- Whether, if the grant of the application would result in or further contribute to a cumulative impact, conditions would be effective in addressing the issue
- The proposed hours of operation of the licensed activities
- Transport provision for the area

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

6.34 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 given to the statutory guidance in this respect and the following mechanisms which may be, or have been already, employed:

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

6.35 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.

7. Children

7.1 A child is anyone under the age of 18 years unless otherwise stated.

7.2 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.

7.3 The Licensing Authority will have regard to any representations made by Children's Services at Southampton City Council or through the appropriate Southampton City Council Directorate acting on its behalf, or any other appropriate body when considering applications for premises licences.

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

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

- where the supply of alcohol is the exclusive or primary purpose of the service at the premises

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

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

7.6 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.

7.7 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.

7.8 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.

7.9 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.

7.10 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.

7.11 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.

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

7.13 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.

7.14 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.

7.15 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. These measures will include the test purchasing of prohibited goods at licensed premises.

8. Enforcement

8.1 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.

8.2 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.

8.3 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.

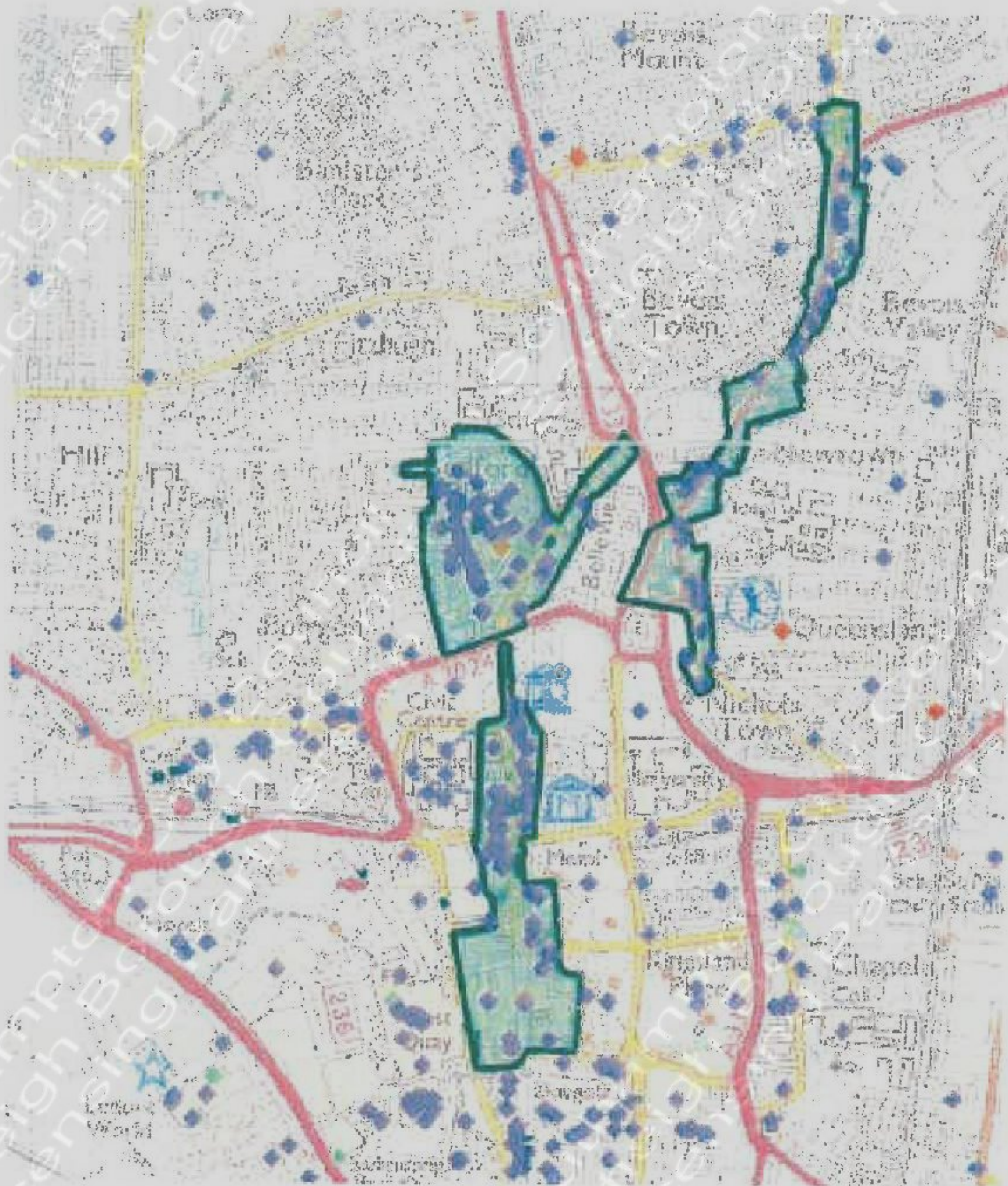
8.4 The premises licence holder is responsible to ensure the four licensing objectives are upheld:

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

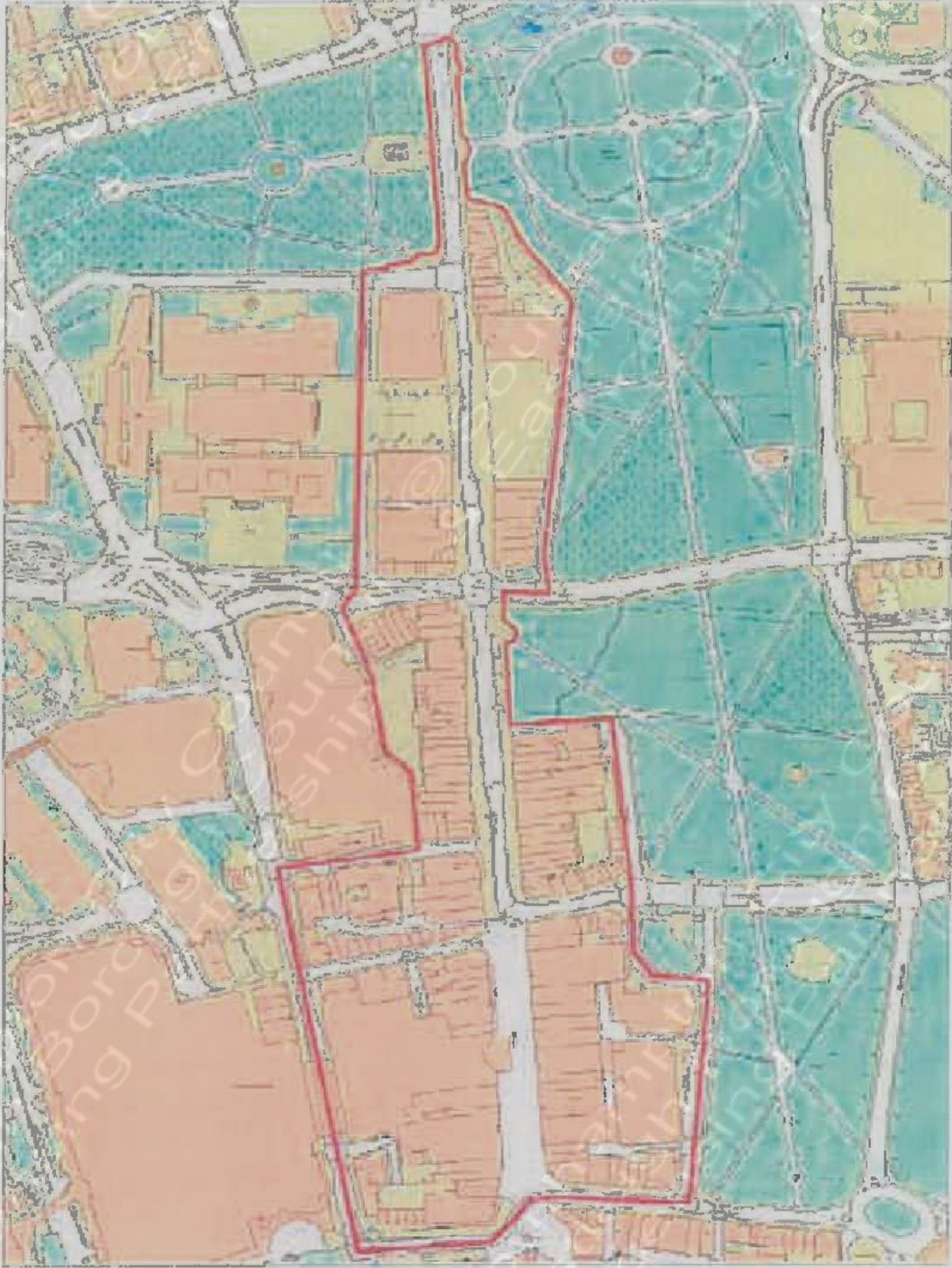
8.5 Where there is evidence to suggest the licensing objectives are being undermined, enforcement action will be taken in accordance with the principles of better regulation and the Regulator's Compliance Code. The aim is to have well run premises operating in our city. Problems at premises will be identified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

Appendix A: CIP 'stress areas'

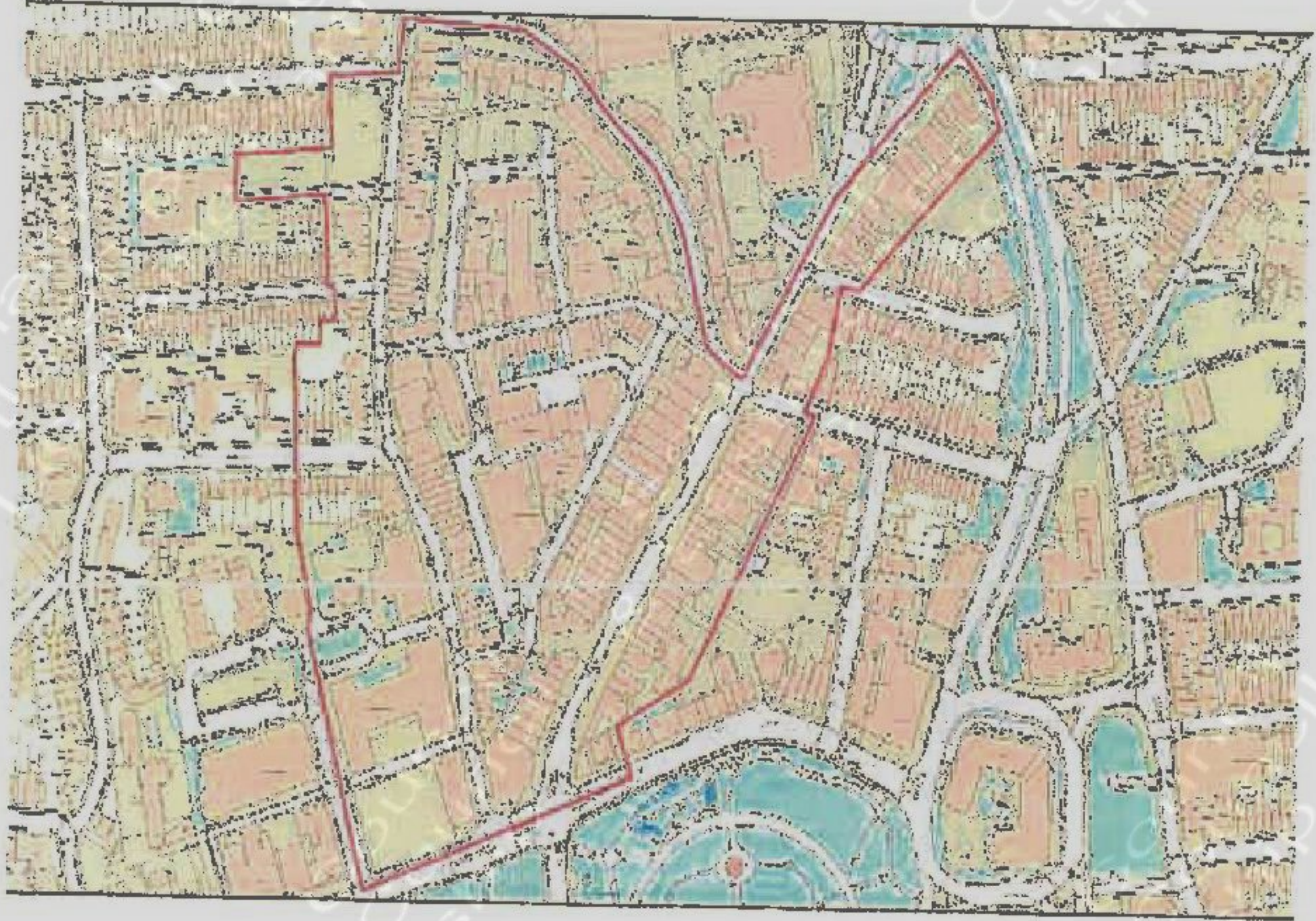
Premises density in stress areas



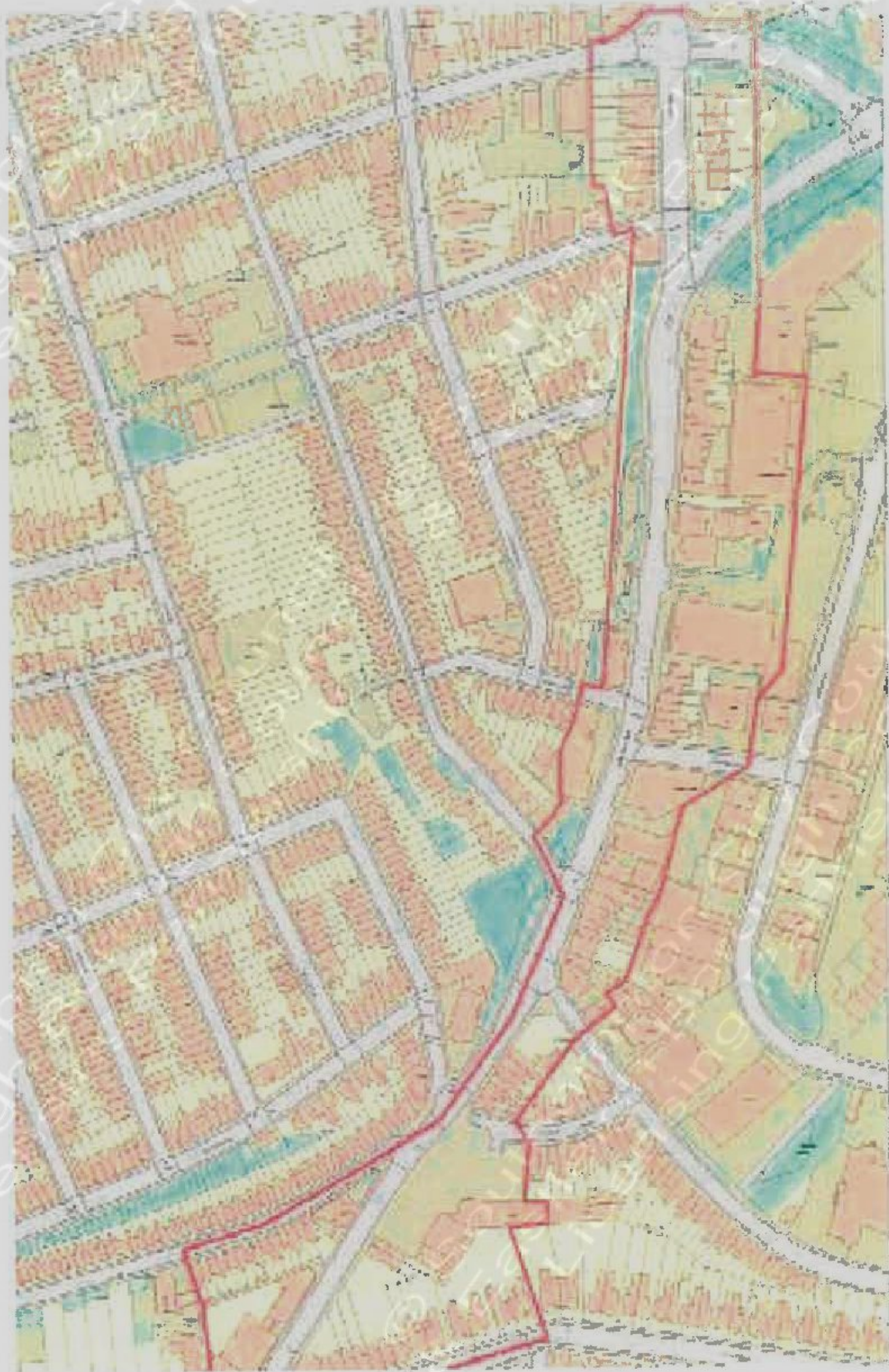
Above Bar



Bedford Place



Bevois Valley North



Appendix B: Cultural Quarter



Appendix C: Supplementary Guidance

Chief Medical Officer's report, 2016.

<https://www.gov.uk/government/publications/alcohol-consumption-advice-on-low-risk-drinking>

NHS information and advice.

<https://www.nhs.uk/live-well/alcohol-support/>

Also at <https://www.nhs.uk/better-health/>

National health data related to alcohol, comparing local authorities.

<https://fingertips.phe.org.uk/profile/local-alcohol-profiles>

Local advice and support for anyone concerned by their drinking

<http://www.southampton.gov.uk/health-social-care/health/drug-alcohol-action/>

[ENDS]



Anthony Ferreira <anthony@ginandolive.co.uk>

Fwd: Gin and Olive Southampton

1 message

GRAHAM HOPKINS <[REDACTED]>

Fri, May 21, 2021 at 3:57 PM

To: Anthony Ferreira <[REDACTED]>

Anthony,

Mr Bates email below.

Kind regards,

Graham

----- Forwarded message -----

From: Bates, Phil <[REDACTED]>

Date: Fri, 21 May 2021 at 16:16

Subject: Gin and Olive Southampton

Cc: Hawley, Mark,25491 <[REDACTED]>

McGuinness, Ian <[REDACTED]>

Licensing <[REDACTED]>

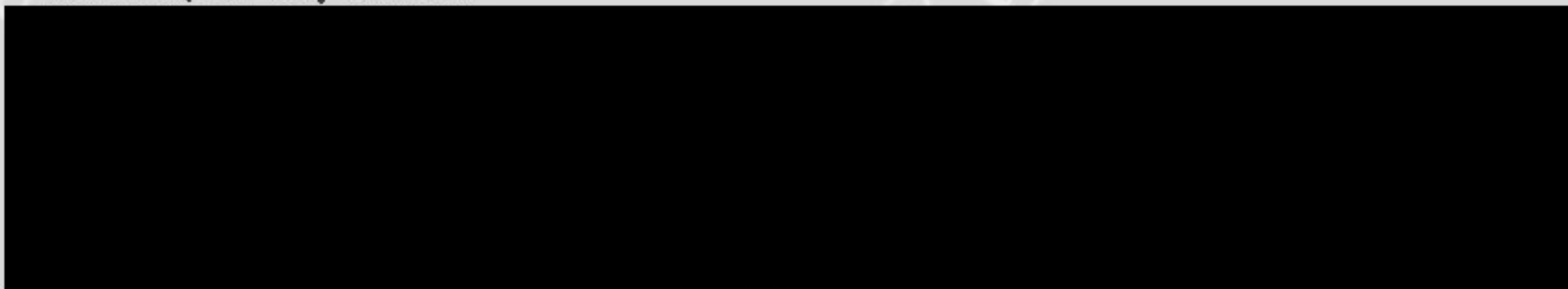
Good afternoon Mr Hopkins,

I have today visited the premises and met with the applicant. I have also been in discussion with PC Mark Hawley who has informed me of the range of conditions he has proposed. Looking at the set up, the proposed conditions from the police and operating model I am somewhat reassured. The one point I have a concern with is the last entry timings where 1am has been suggested. I think it is very unlikely the premises will attract many, if any, new customers at this time based on the proposed operating model and would therefore ask for a midnight last entry time.

My representation was based on the application of the CIP within the cultural quarter. I can see how a premises being run and set up as proposed, namely as a restaurant and gin bar, will meet the criteria to compliment the cultural quarter. The request for live music is to have jazz and more melodic music played by the live bands to provide a pleasant atmosphere. I will ask this email is added to the papers to be presented before the committee.

Phil Bates

Licensing Manager
Licensing Team
Southampton and Eastleigh Licensing Partnership
Southampton City Council





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Graham Hopkins



**DRUGS
AND
WEAPONS
POLICY**

DRUGS AND WEAPONS POLICY

It is important that you are trained on the subject of illicit drugs so that you are able to anticipate, identify and address any problems.

We have a zero tolerance policy on drugs anyone caught using, in possession or distributing drugs will be banned and reported to the Police.

Random searches may be carried out and any illegal drugs will be seized and handed to the police.

Identifying Drug Use

Identifying someone on drugs –

- Unexplained changes in personality or attitude that are inconsistent with alcohol use
- Extreme hyperactivity or lethargy
- Fearful or paranoid without logical reason
- Tremors, slurred speech, giggling or lack of coordination (be aware of those with a genuine disability)
- Bloodshot eyes or pupils much larger or smaller than usual
- Hallucinations

- Suspicious behaviours including frequent trips to the toilet, garden etc.

General signs of drug use–

- Torn up cigarette packets/bits of cardboard left on tables or in ashtrays
- Roaches (home-made filter tips from cannabis cigarettes)
- Empty packets made of folded paper, card or foil
- Needles, syringes, swabs, spoons, candles, pieces of burned tinfoil, filters removed from cigarettes, lemon juice or citric acid sachets
- Traces of powder on flat hard surfaces
- Strong, sickly sweet, smoky smells, or an ammonia-like smell
- Blood or blood stained items
- Payment with tightly rolled banknotes or notes that have been tightly rolled
- Traces of blood or powder on banknotes

- Solvent paraphernalia e.g. aerosol cans, lighter refills

If you suspect that someone is suffering from the effects of drug use, and is showing signs of distress or unconsciousness, you should move them to the recovery position and contact the emergency services. Ensure that the area around the individual is clear and free of dangerous objects whilst awaiting assistance.

Identifying someone suffering from drug abuse –

- Problems with vital signs including: temperature; heart rate; respiratory rate
- Nausea and vomiting as well as abdominal pain and diarrhoea including that which contains blood
- Confusion, semi-consciousness and coma
- Chest pain and extremely rapid or slow breathing

If you suspect that someone is under the influence of illegal drugs in the interests of safety you should notify the manager immediately. You may then refuse them service and ask them to vacate the premises immediately. If the individual refuses to comply or becomes aggressive, you should contact the police immediately for assistance.

Preventing Drug Use on the Premises

Things you can do to prevent drug use

- Maintain vigilance at all times
- Maintain high standards of cleanliness to deter drug users and dealers
- Get to know your customers.
- When on duty door staff will assist in both removing drugs before they enter the premises and deterring drug users from attempting to enter the premises at all.
- Our CCTV is throughout the building and provides an effective deterrent to keep track of those inside the premises, including in secluded areas.
- Record any drugs finds or seizures - it will help to demonstrate due diligence in that you are proactively dealing with this issue.

Weapons

The use or possession of any weapon on the premises is strictly forbidden.

Anyone caught using or in possession of a weapon will be removed and reported to the police.

Random searches may be carried out and any illegal weapons will be seized and handed to the police.

Searches

If a random search is carried out it must be captured on CCTV and include:

- a full pat down
- a look into all bags
- the insides of the pockets of customers and any other areas which may be used to either conceal drugs or weapons

Toilet Checks

Regular checks of the toilets must be made.



Gin & Olive

BAR AND RESTAURANT

AGE VERIFICATION AND REFUSAL OF SALE POLICY

ALCOHOL, AGE VERIFICATION AND REFUSAL OF SALE

Working in a licenced premises it is important to understand the basics of alcohol and the effects, verifying a customers age and refusing sales and how to record this.

Alcohol

Alcohol is classed as a drug. It alters the physical, mental and emotional state of the drinker. Moderate drinking can be part of a healthy lifestyle and often contributes to sociability and relaxation. However, drinking too much on one occasion (binge drinking) or drinking heavily on a regular basis can lead to anti-social behaviour and can damage health, in the long-term. Those in the licensed retail trade should have an understanding of the products they sell and should carry out their duties responsibly.

Strength Of Intoxicating Drinks

A drink is classed as intoxicating if it contains more than 0.5% abv.

The amount of alcohol in a product is expressed as a percentage of alcohol by volume, or abv. The label will state the strength of the product as alc % volume or %vol. For example, a wine labelled as 13% vol or alc 13% vol means that 13% of any given quantity is pure alcohol. Most spirits are around 40% and beers and ciders are typically range from 3% to 9% abv.

To be classed as alcohol free, a drink must contain no more than 0.05% abv, and to be classed as low alcohol, no more than 1.2% abv. It is most important that someone asking for alcohol free drink is not given a low alcohol product.

Units Of Alcohol

The amount of alcohol in a drink can also be expressed by using the unit measurement. One unit of alcohol weighs 8 grammes (g) or measures 10 millilitres (ml) of liquid.

Half a pint of beer of strength 3.6% abv contains 8g of alcohol, therefore, is equal to one unit. One 25ml measure of whisky of strength 40% abv also contains 8g of alcohol. Therefore, in terms of alcohol intake, half a pint of beer is equivalent to one 25ml measure of whisky (a measure used in pubs).

The Department of Health issue the following recommended weekly alcohol consumption limits:

Men – 21 units per week Women – 14 units per week

The Government advises that men should not regularly drink more than three to four units a day and women not more than two to three. Consistently drinking four or more units for men, and three or more for women, isn't advisable because of the progressive health risks it carries. After an episode of heavy drinking, it is advisable to refrain from drinking for 48 hours. And of course, in some situations like pregnancy, it is better to drink less and avoid intoxication.

How Alcohol Affects The Body

The effect alcohol has on the body depends on how much alcohol is in the bloodstream – the blood alcohol concentration (BAC).

BAC is measured in milligrams (mg) of alcohol in millilitres (ml) of blood. A BAC of 80mg of alcohol in 100ml of blood is the level above which it is an offence to drive.

The amount of alcohol, which gets in to the bloodstream is dependent on several factors:

- How many drinks the person has consumed and of what strength
- The size of the person. A small person has less blood than a large one, therefore the same amount of drinks will produce a larger concentration
- Gender – a drink will produce a higher concentration in women than men
- Food eaten – Food in the stomach slows the rate at which alcohol enters the bloodstream

There is no simple way of knowing how to stay within the legal limit for driving, or how the same amount of alcohol will affect different people.

It takes approximately one hour to eliminate one unit of alcohol from the body. There is no way of speeding the process up.

1. Alcohol Sales

- Selling an alcohol product to a person under the age of 18 years is unlawful. We operate a Challenge 25 Policy. This means that anyone who appears to be under 25 must be challenged to produce valid proof of age. This must contain a photograph and date of birth and the only ID we can accept is a photographic driving licence, a passport or a PASS approved Proof of Age card.
- If you suspect somebody to be intoxicated (drunk or under the influence of drugs) it is illegal for you to serve them.
- Drinking of alcoholic products on the premises, whether bought in the shop or elsewhere is prohibited by law.
- Alcohol can only be sold during the hours permitted by our Premises Licence. Selling alcohol outside these times is unlawful.

The above are all criminal offences under the Licensing Act 2003.

Underage Customers

You may find the following points useful in spotting those who are attempting to buy age restricted products whilst underage. Remember such people will be nervous, as they know they are committing a criminal offence. Please note that if you are subject to a test purchase, the minor may not exhibit these traits. A test purchase is different to a 'real life' situation because the child is doing something he or she has been instructed to do by a police officer or a trading standards officer. Therefore, he or she may not exhibit the following signs of nervousness.

- **Body Language**

Look out for signs of nervousness such as stuttering and becoming pale. Over confidence and giggling is sometimes a give away clue.

- **Physical Appearance**

In boys, ask yourself: Are they shaving? Look at how they are dressed. Do they have an adult hairstyle? With girls, look for evidence that they have tried to make themselves look older by using excessive make up, high heels to make them appear taller and wearing more mature clothing.

- **Product**

What is the person buying? If it is a product which is age restricted and is likely to be favoured by underage (e.g. – alco pops, cider etc), be particularly careful.

- **Payment Method**

Payment with large quantities of loose change can be an indication of an underage person as it may be the result of a collection. Money obtained from a wallet or purse is a more normal practice amongst adults. People who pay by credit or debit card are, perhaps, less likely to be underage but you cannot be certain.

Adults Buying For Minors (Proxy Sales)

Adults buying alcohol for underage persons or proxy purchasing is a big problem as youths try to find ways to get around producing their ID.

You have a responsibility to refuse the sale if you suspect that an adult is buying alcohol to pass on to persons under 18.

Refusing Sales

IF IN DOUBT, DON'T SELL

Take special care during busy periods. The standard procedure for age-restricted products must be followed no matter how busy you are. Be vigilant but remember to be calm and understanding. Be aware that if you break the law, you will be liable, as well as the management and any supervisor at the time you made the sale.

After the customer has chosen, but before they pay for the age-restricted product you must:

LOOK AT THEM

Remember the Challenge 25 Policy. You should request ID from anyone who appears to be under 25. This should be easier to judge than whether they are under 18.

DON'T ASK QUESTIONS

Once you have a doubt about their age you must not serve them until they have provided adequate identification. **DO NOT ASK THE PERSON'S AGE, SIMPLY ASK IF THEY HAVE ID.**

When asking for proof of age documentation you may only accept those which contain a photograph and a date of birth, from which you can discover the person's age. This must ONLY be: -

- A passport
- A photocard driving licence
- A Proof of Age card with a PASS hologram logo

Do not just accept the ID given. Make sure that you check the details. Look at the photograph and check the date of birth to ensure that the holder is the correct age to purchase the product.

There are a number of different schemes in existence which makes forgery relatively easy. Many websites offer fake identity cards. However, if you are satisfied that the card is genuine, you are entitled to accept it (provided it is not an obvious forgery ie details crossed out and others written in).

Normally poor forgeries are easy to detect. If, after proof of age is provided, you are still unhappy about either the age of the person or the document provided, you are entitled to refuse service. You are, in fact not obliged to serve anybody, provided you can show that you have refused service for the right reasons.

If you have done all you can to establish the customer's age and you are still unhappy you must not serve them with an age-restricted product. Draw their attention to the Challenge 25, which govern the sale of that particular product. You should be polite but firm. You should, for example, say: -

"If you are over 18, I apologise, but in my opinion you do not look 25 and I cannot serve you"

Don't let yourself be drawn into an argument or into discussing your decisions. Your decision is final. It is your responsibility, not that of any other person.

If the customer queries your decision, inform them that your policy follows the recommendations of police and trading standards officers as well as the Home Office.

It shows that you are simply doing your job.

Drunk Or Intoxicated

If a potential customer appears to be under the influence of drink or drugs you must refuse to serve without any further discussion. But please remember that some symptoms of drunkenness such as slurred speech can be a symptom of a medical condition. You need to establish also that they are unsteady on their feet, their eyes appear glazed and they smell of alcohol.

Be Firm But Polite

Refusal in this situation can sometimes lead to conflict if handled incorrectly. Point out to them that you could lose your job by serving them in their present condition and advise them to return at another time. If they do claim a medical condition ask them to bring a letter from a doctor or pharmacist.

Refusals

When a refusal has taken place you should record this fact either by entering it in the refusals log book which is located behind each bar. The log book can be given in evidence at a later stage should you be accused of selling an age-restricted product to an underage person.

You must ensure that the entry is always made in the log book.

Test Purchasing

Police and trading standards officers are authorised to send youths under 18 years of age into the premises at any time in order to check that you are complying with the law. For anyone else to send in youths under age is an offence.

The youths will attempt to purchase an age restricted product from you and if it is an alcoholic product and the sale is made, the person making the sale can receive an £80 on the spot fine. The fine can be recorded as an offence relating to the Violent Crime Reduction Act.

The assistant, DPS and the premises licence holder may all be called for an interview to check that all steps to avoid such sales are taken – eg staff training, refused sales and accepted ID logged in the incident book etc.

Premises which fail more than one test purchase may have their premises licence reviewed by the local authority licensing committee. This could result in our licence being revoked or suspended and/or additional conditions being placed on our licence to prevent further incident of underage sales.

Reviews of licensed premises usually attract local press interest which will reflect badly on our business and may affect custom.



SAFEGUARDING POLICY

SAFE GUARDING POLICY

We must ensure that children and vulnerable adults who come into the premises are provided with a safe and secure environment and every reasonable effort will be made to protect them from harm.

No children (under 18 years) will be admitted after 9pm

Before 9pm any children (under 18 years) must be accompanied by an adult

Challenge 25 must be adhered to, anyone who looks under 25 years must be asked for ID to verify their age.

Any refusals due to age must be recorded in the refusal log book behind each bar.

Ask Angela

There is a national scheme where by anyone who doesn't feel safe can go to the bar and "Ask for Angela" if someone does this you will be alerted that they need help.

- Offer to take the person asking for help to a part of the premises that is not in sight of the public or potential threat such as the toilets
- Offer to call the person a taxi or assist them in calling a friend / family member to come and collect them
- Where safe to do so (the person asking for help is out of sight and the staff consider it safe) request the person causing distress leaves the premises
- Ask the person in distress what it is they want to do? It might be that they want to alert staff that things are becoming uncomfortable and might need someone to keep watch whilst they collect their possessions from the area they were seated.
- Do not allow the person asking for help to leave the premises in sight of the person causing them distress as this could lead to them being followed out of the premises and placed at higher risk
- If the person causing distress becomes angry consider calling the police for assistance.