

Licensing Committee

Wednesday 4th November,
2020

at 10.00 am

PLEASE NOTE TIME OF MEETING

Virtual Meetings - Virtual meeting

This meeting is open to the public

Members

Councillor McEwing
Councillor G Galton
Councillor B Harris
Councillor Kataria
Councillor Noon
Councillor Renyard
Councillor Spicer
Councillor Streets
Councillor Bunday
Councillor Laurent

Contacts

Democratic Support Officer
Pat Wood
Tel: 023 8083 2302
Email: pat.wood@southampton.gov.uk

PUBLIC INFORMATION

Role of this Committee

The Committee publishes and implements a statement of licensing policy. It appoints Sub-Committees to deal with individual licensing applications and associated matters for which the Council as Licensing Authority is responsible.

Public Representations

At the discretion of the Chair, members of the public may address the meeting about any report on the agenda for the meeting in which they have a relevant interest.

Southampton: Corporate Plan 2020-2025 sets out the four key outcomes:

- Communities, culture & homes - Celebrating the diversity of cultures within Southampton; enhancing our cultural and historical offer and using these to help transform our communities.
- Green City - Providing a sustainable, clean, healthy and safe environment for everyone. Nurturing green spaces and embracing our waterfront.
- Place shaping - Delivering a city for future generations. Using data, insight and vision to meet the current and future needs of the city.
- Wellbeing - Start well, live well, age well, die well; working with other partners and other services to make sure that customers get the right help at the right time

Smoking policy – The Council operates a no-smoking policy in all civic buildings.

Mobile Telephones:- Please switch your mobile telephones to silent whilst in the meeting

Use of Social Media:- The Council supports the video or audio recording of meetings open to the public, for either live or subsequent broadcast. However, if, in the Chair's opinion, a person filming or recording a meeting or taking photographs is interrupting proceedings or causing a disturbance, under the Council's Standing Orders the person can be ordered to stop their activity, or to leave the meeting. By entering the meeting room you are consenting to being recorded and to the use of those images and recordings for broadcasting and or/training purposes. The meeting may be recorded by the press or members of the public.

Any person or organisation filming, recording or broadcasting any meeting of the Council is responsible for any claims or other liability resulting from them doing so.

Details of the Council's Guidance on the recording of meetings is available on the Council's website.

Fire Procedure – Should the fire alarm sound during the meeting leave the building by the nearest available exit and assemble in the Civic Centre forecourt car park.

Access – Access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

Dates of Meetings: Municipal Year 2020/21:

Meetings of the Committee are held as and when required.

CONDUCT OF MEETING

TERMS OF REFERENCE

The terms of reference of the Licensing Committee are contained in Part 3 (Schedule 2) of the Council's Constitution.

Rules of Procedure

The meeting is governed by the Council Procedure Rules as set out in Part 4 of the Constitution.

BUSINESS TO BE DISCUSSED

Only those items listed on the attached agenda may be considered at this meeting.

Quorum

The minimum number of appointed Members required to be in attendance to hold the meeting is 4.

DISCLOSURE OF INTERESTS

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "Disclosable Pecuniary Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

DISCLOSABLE PECUNIARY INTERESTS

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

- (i) Any employment, office, trade, profession or vocation carried on for profit or gain.
- (ii) Sponsorship:

Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

- (iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.

- (iv) Any beneficial interest in land which is within the area of Southampton.

- (v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.

- (vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.

- (vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:

- a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or
- b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

Other Interests

A Member must regard himself or herself as having an, 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

Principles of Decision Making

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

AGENDA

1 APOLOGIES AND CHANGES IN MEMBERSHIP (IF ANY)

To note any changes in membership of the Committee made in accordance with Council Procedure Rule 4.3.

2 ELECTION OF VICE-CHAIR

To elect the Vice Chair for the Municipal Year 2020/21.

3 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

4 STATEMENT FROM THE CHAIR

5 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)

(Pages 1 - 2)

To approve and sign as a correct record the Minutes of the meeting held on 30 January 2020 and to deal with any matters arising.

6 STATEMENT OF LICENSING POLICY (Pages 3 - 54)

Report of the Executive Director – Communities, Culture and Homes detailing the review of the Statement of Licensing Policy and outcomes of the consultation on the policy and Late Night Levy.

Tuesday, 27 October 2020

Executive Director Communities, Culture & Homes

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SOUTHAMPTON CITY COUNCIL
LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON 30 JANUARY 2020

Present: Councillors Mrs Blatchford (Chair), McEwing (Vice-Chair), B Harris, Kataria and Renyard

Apologies: Councillors G Galton, Noon, Prior, Spicer and Streets

11. **APOLOGIES AND CHANGES IN MEMBERSHIP (IF ANY)**

The apologies of Councillors G Galton, Noon, Prior, Spicer and Streets were noted

12. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

RESOLVED that the minutes of the meeting held on 25 October 2019 be approved and signed as a correct record.

13. **REVIEW OF THE PRIVATE HIRE KNOWLEDGE TEST**

The Committee considered the report of the Service Director – Communities, Culture and Homes which sought approval to update the Private Hire Knowledge Test.

Southampton City Council Officers Phil Bates, Licensing Manager and Russel Hawkins, Senior Licensing Officer; also representatives from the taxi trade were in attendance and with the consent of the Chair addressed the meeting.

The Committee noted that:

- Since the removal of the questions on junctions and locations from the Private Hire Knowledge Test in January 2018 the number of out of town Private Hire drivers operating in the City had reduced and the number of Private Hire drivers licensed by the Council had increased.
- Since the change to the Private Hire Knowledge Test the Private Hire operators had adopted greater responsibility for the quality of service delivery and had been undertaking assessments of their driver's knowledge with tests that were bespoke to the client base of the operator.
- Private Hire drivers were still required to pass Disclosure and Barring Service Check, a Medical Test, a Driving Standards Test and new drivers were required to complete 2 hours of training
- The Licensing Authority was not able to monitor the hours that drivers are working
- The update to the Private Hire Knowledge Test would include 10 local questions on major landmarks and hubs such as the train station and hospitals.

RESOLVED that the update to the Private Hire knowledge test be approved.

14. **PROPOSED AMENDMENT TO CONDITIONS FOR SEX ESTABLISHMENTS**

The Committee considered the report of the Service Director – Communities, Culture and Homes which sought approval to amend the standard licence conditions relating to Sex Establishments.

Southampton City Council Officers Phil Bates, Licensing Manager and Ian McGuiness, Licensing Enforcement Officer, were in attendance and with the consent of the Chair addressed the meeting.

RESOLVED that the amendments to the standard licence conditions relating to Sex Establishments, which were proposed in the report, be approved.

15. **SUMMARY OF LICENSING 2019**

The Committee received and noted the report of the Licensing Manager which provided a brief summary of licenses under the Licensing Act 2003, Gambling Act 2005, Scrap Metal Act 2013 and Taxi Licensing for 2019.

Southampton City Council Officer Phil Bates, Licensing Manager was in attendance and with the consent of the Chair addressed the meeting.

Agenda Item 6

000DECISION-MAKER:	LICENSING COMMITTEE
SUBJECT:	STATEMENT OF LICENSING POLICY (INCLUDING REVIEW OF THE LATE NIGHT LEVY)
DATE OF DECISION:	4 NOVEMBER 2020
REPORT OF:	LICENSING MANAGER

<u>CONTACT DETAILS</u>			
Executive Director	Title	Executive Director, Communities, Culture & Homes	
	Name:	Mary D’Arcy	Tel: 023 8083 4611
	E-mail:	Mary.D’Arcy@southampton.gov.uk	
Author:	Title	Licensing Manager	
	Name:	Phil Bates	Tel: 023 8083 3523
	E-mail:	Phil.bates@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY

N/A

BRIEF SUMMARY

As a Licensing Authority, Southampton City Council has a duty to produce a Statement of Licensing Policy in line with the Licensing Act 2003 legislation. The Statement of Licensing Policy is fully reviewed every five years and must be adopted before January 2021 by Full Council. Before adopting the policy, the council has a duty to consult on any proposed changes to the policy.

This paper outlines the review of the policy which has been undertaken by officers of the council, working with colleagues in Hampshire Constabulary, and the proposed changes to the policy following consultation.

In addition, section 133 of the Police Reform and Social Responsibility Act 2011 allows the authority to determine to cease or alter the Late Night Levy after following a consultation process. This report details the consultation responses relating to the Late Night Levy in Southampton.

RECOMMENDATIONS:

(i)	To note the Southampton Statement of Licensing Policy 2021 – 2026 and review the proposed amendments.
(ii)	To note the responses regards the options for the Late Night Levy and recommend an option for the future of the Levy to Full Council.

REASONS FOR REPORT RECOMMENDATIONS

1.	The Licensing Act 2003 requires the council to publish a Statement of Licensing Policy and review it every 5 years. The current policy expires in January 2021. The policy is an outline of the approach that the council must adopt in consideration of any application under the Licensing Act 2003 and associated legislation.
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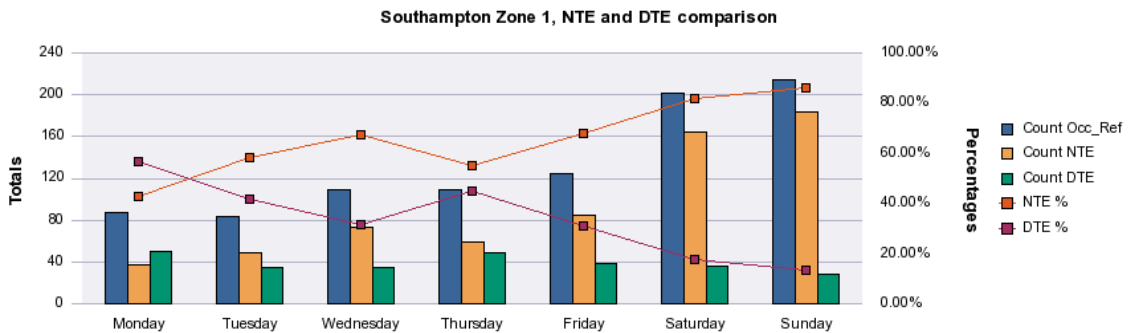
2.	The Late Night Levy has been reviewed alongside the review of the policy, due to a number of changes to the night time economy landscape in Southampton and nationally since the introduction of the Levy in 2015.
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED	
3.	Not to review and publish a Statement of Licensing Policy. This option has been rejected because it is a legislative requirement for the council to publish a Statement of Licensing Policy.
DETAIL (Including consultation carried out)	
Background	
4.	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 and the discretion of the Licensing Authority in relation to applications is only used if relevant representations are made.
5.	<p>The policy relates to all those licensing activities identified as falling within the provisions of the Act (Part 1 Section 1) namely:</p> <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> ○ 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.
6.	<p>In promoting the licensing objectives, the Licensing Authority has a number of key aims and purposes which should be the principal aims for everyone involved in licensing work and are therefore integral to the policy. They include:</p> <ol style="list-style-type: none"> 1. Protecting the public and 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 licensed premises and take action against those premises that cause 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 the sale of 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.								
	Statement of Licensing Policy								
7.	The current Southampton City Council Statement of Licensing Policy was adopted by Full Council in November 2015 and is due to expire in January 2021. Before adopting a new policy, the council has a duty to consult on any proposed changes to the policy. Consultation on the draft updated policy went live on 20 th July 2020 and closed on 11 th October 2020.								
8.	Overall, there were 40 separate written responses to the consultation. Of those who responded, 36 responded via the online questionnaire and 4 were received through emails and letters. Responses were received from a range of stakeholders with different interests in the consultation. Views were received from: <ul style="list-style-type: none"> • Business owners and operators • The Business Improvement District (BID) • Overview and Scrutiny Management Committee (OSMC) • Southampton City Council Environmental Health and Public Health teams; and • Residents 								
9.	The questionnaire provided respondents with the opportunity to provide free text comment on specific elements of the policy (the Cumulative Impact Policies and the Late Night Levy) as well as comment generally on the Statement of Licensing Policy. Overall, 29 of 31 respondents felt that the policy was easy to understand and 20 of 31 felt that it provides sufficient information. A total of 11 respondents provided comments about additional content for the policy, disagreements, or suggestions for change.								
10.	In addition, representations on the policy were received from the Director of Public Health. These were predominantly in respects of strengthening the licensing policy to promote safety and reduce harm, particularly around alcohol use, to support the aims of the Safe City and Alcohol Strategies.								
11.	After careful review of the Statement of Licensing Policy, officers found that the previous policy remained largely accurate and fit for purpose. Although there have been some changes to the landscape of the city, the majority of policy adopted in 2016 remains relevant to the needs of the city.								
12.	Therefore, the proposed amendments to the existing policy are predominately minor technical amendments and clarifications on process and legislation. <table border="1" data-bbox="284 1709 1430 2020"> <thead> <tr> <th>Section</th> <th>2021/ 2026</th> </tr> </thead> <tbody> <tr> <td>1. Vision Statement</td> <td>No changes.</td> </tr> <tr> <td>2. Introduction</td> <td>Updated to reflect latest consultees</td> </tr> <tr> <td>3. City Profile</td> <td> <ul style="list-style-type: none"> • Updated to reflect latest data. • Updated to include more information on the impacts of alcohol on Southampton. • Link to the Southampton Data Observatory added. </td> </tr> </tbody> </table>	Section	2021/ 2026	1. Vision Statement	No changes.	2. Introduction	Updated to reflect latest consultees	3. City Profile	<ul style="list-style-type: none"> • Updated to reflect latest data. • Updated to include more information on the impacts of alcohol on Southampton. • Link to the Southampton Data Observatory added.
Section	2021/ 2026								
1. Vision Statement	No changes.								
2. Introduction	Updated to reflect latest consultees								
3. City Profile	<ul style="list-style-type: none"> • Updated to reflect latest data. • Updated to include more information on the impacts of alcohol on Southampton. • Link to the Southampton Data Observatory added. 								

	4. Licensing Process	<ul style="list-style-type: none"> • Inclusion of a paragraph detailing that individuals applying for a licence for the sale of alcohol must be entitled to work in the UK. • Updated clarification of conditions. • Inclusion on bullet point conditions for determining licensing applications. • Decision making process updated to add clarity on court Hearings and how the council would manage representations outside of the court.
	5. Southampton Policies Affecting Licensing	<ul style="list-style-type: none"> • Updated information on PSPOs reflecting policy already agreed by the council. • Proposed removal of the Late Night Levy. • Inclusion of a section called 'Promotion of Alcohol' where the licensing authority in partnership with other responsible authorities will monitor alcohol promotions.
	6. Management of Premises	<ul style="list-style-type: none"> • Inclusion of an additional section called 'council expectations' following feedback from Public Health to promote licensing objectives and to provide information about how the council expects licenced premises to act.
	7. Cumulative Impact Policy	<ul style="list-style-type: none"> • The 'stress areas' have been identified in consultation with Hampshire Constabulary. These are the 'Bedford Place Stress Area', the 'Above Bar Street Stress Area", and the 'Bevois Valley Stress Area'. Inclusion of link to the licensing website so where residents can learn more of what premises are licenced in Southampton.
	8. Children	No changes.
	9. Enforcement	No changes.
	10. Appendix C	Added links to supplementary guidance.
Cumulative Impact Assessment Policies		
13.	Some areas in the city 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. In these areas the council imposes stricter controls to reflect the cumulative impacts which the area may experience because of a licensing decision. These controls are detailed in the Cumulative Impact Policies (CIPs).	
14.	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.	
15.	The Cumulative Impact Policies deal with the following matters: <ul style="list-style-type: none"> • Identified stress areas • The basic operation of the policy • How hearings will deal with applications within stress areas • How evidence of Cumulative Impact is dealt with outside of a stress area 	

	<ul style="list-style-type: none"> How hearings will apply the CIP to applications from within or out of a stress area. 																																			
16.	The areas in which these policies apply have been reviewed in consultation with Hampshire Constabulary, the proposal is that these should remain, as in the 2016 policy, the three areas designated being the “Bedford Place Stress Area”, the “Above Bar Street Stress Area” and the “Bevois Valley Stress Area”.																																			
17.	During the consultation, respondents were asked their opinion on the proposed ‘stress areas’ in Southampton and if they appropriately cover the areas of the city where a higher number of people congregate around licenced premises. Of the 36 respondents who replied to this section, 25 people agreed or strongly agreed that this was the case, 9 neither agreed or disagreed and 2 disagreed or strongly disagreed.																																			
18.	The majority of respondents had positive comments on the cumulative impact policies/ stress areas and agreed with the proposed areas. Of the 15 comments received on CIPs 6 respondents provided suggestions on the operation of CIP and 5 had comments regarding stress areas. These comments included suggestions to add additional CIP areas in Oxford Street and Portswood, and to extend further duties onto licence holders in the CIP areas.																																			
19.	The successful and vibrant night time economy in Southampton attracts tourists, local residents and students to the various licensed venues. Whilst these venues are spread across the city centre and district centres, as well as being interspersed in residential areas, there are clear clusters of venues in the three identified areas. These clusters of venues have impacts both on crime and policing, as well as on the residents and business operating in these areas, in relation to noise and street cleanliness.																																			
20.	<p>In operational policing terms, Southampton is divided into four areas (Central, East, North and West). The night time economy is predominately situated in Southampton Central. A greater percentage of crime types which can be linked to alcohol and the night time economy takes place in the central area:</p> <table border="1"> <thead> <tr> <th></th> <th>Central</th> <th>East</th> <th>North</th> <th>West</th> </tr> </thead> <tbody> <tr> <td>Violence with injury</td> <td>35%</td> <td>20%</td> <td>18%</td> <td>27%</td> </tr> <tr> <td>Violence without injury</td> <td>29%</td> <td>21%</td> <td>19%</td> <td>31%</td> </tr> <tr> <td>Rape</td> <td>36%</td> <td>16%</td> <td>20%</td> <td>28%</td> </tr> <tr> <td>Sexual assault</td> <td>35%</td> <td>18%</td> <td>21%</td> <td>26%</td> </tr> <tr> <td>Drug possession</td> <td>38%</td> <td>17%</td> <td>16%</td> <td>29%</td> </tr> <tr> <td>Public Order</td> <td>34%</td> <td>18%</td> <td>18%</td> <td>30%</td> </tr> </tbody> </table> <p>(2018 data. Sergeant Julian Ainsworth: Licensing and Harm Reduction)</p>		Central	East	North	West	Violence with injury	35%	20%	18%	27%	Violence without injury	29%	21%	19%	31%	Rape	36%	16%	20%	28%	Sexual assault	35%	18%	21%	26%	Drug possession	38%	17%	16%	29%	Public Order	34%	18%	18%	30%
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21. The peak days for policing demand are Friday, Saturday and Sunday, with night time economy incidents accounting for the majority of all incidents reported, as demonstrated in the graph below representing crime in the Bedford Place area:



(2018 data. Sergeant Julian Ainsworth: Licensing and Harm Reduction)

22. Hampshire Constabulary experiences peaks in crime, including violence and public order, in the early hours of the morning over the weekend period, linked to the licensed venues operating in the city centre beyond midnight and also linked to the night time economy zones. Current CIP stress zones (shown in red) have the highest level of flags added to crimes linking them to the night time economy:

	2016	2017	2018
London Road/Bedford Place	556	631	657
Above Bar/Vincent's Walk	562	623	624
High St / Oxford St / Town Quay	491	599	579
Bevois Valley / St Marys	595	650	580
West Quay Road and Leisure World	320	371	333

(Sergeant Julian Ainsworth: Licensing and Harm Reduction)

23. The night time economy continues to draw Police resources into the city centre to deal with violence and public order incidents. Following careful review of the available data, evidence confirms that London Road and Bedford Place, Above Bar and Vincent's Walk, and Bevois Valley and St Mary's, continue to be the area of high demand. The recommendation is therefore to continue the CIP policies in the three stress areas in the existing Licensing Policy, as proposed. It is noted that concerns have been raised regarding antisocial behaviour and the impacts of the night time economy in other areas and police and licensing teams will continue to monitor these areas.

Late Night Levy

24. The council introduced the Late Night Levy in April 2015. The Late Night Levy is an annual charge paid by licensed premises selling alcohol between 00:01 and 06:00 hours as a contribution towards the cost of late-night policing, addressing anti-social behaviour and street cleansing.

25.	The night time economy has changed dramatically over the last few years with visitors seeking alternative experiences to conventional licensed bars and restaurants. This has resulted in venues facing increasing financial challenges. COVID-19 continues to place significant pressures on the hospitality industry, with a cumulative impact of a significant period of closure, ongoing social distancing measures limiting customer numbers, and continued changing consumer behaviours post-lockdown.												
26.	In 2017 Southampton introduced a Business Improvement District (BID). Similar to the Late Night Levy, the BID is funded through a separate levy which is collected from businesses within a defined area, in return the BID delivers additional services and makes improvements to the city centre. The changes to the night time economy and introduction of the BID since the introduction of the Late Night Levy in 2016 are two specific factors which have prompted a review of the Levy as part of this overall policy review.												
27.	<p>The average annual income from the Levy is £120,000. The funds raised through the Levy are used to support services and projects in consultation with the licensed trade, to provide support services for the different agencies operating in the night time economy after midnight. The net amount collected in 2018/19 plus the carry forward from the previous year totalled £129,331 which has been spent as follows in 2019/20:</p> <table border="1" data-bbox="284 969 1398 1294"> <tr> <td data-bbox="284 969 823 1025">Street Pastors</td> <td data-bbox="833 969 1398 1025">£25,000</td> </tr> <tr> <td data-bbox="284 1025 823 1081">Street Cleaning</td> <td data-bbox="833 1025 1398 1081">£25,000</td> </tr> <tr> <td data-bbox="284 1081 823 1137">CCTV</td> <td data-bbox="833 1081 1398 1137">£25,000</td> </tr> <tr> <td data-bbox="284 1137 823 1193">Community Warden Patrols</td> <td data-bbox="833 1137 1398 1193">£5,150</td> </tr> <tr> <td data-bbox="284 1193 823 1249">Taxi Marshals</td> <td data-bbox="833 1193 1398 1249">£11,000</td> </tr> <tr> <td colspan="2" data-bbox="284 1249 1398 1294" style="text-align: right;">Total: £91,150</td> </tr> </table> <p>This left £38,181 to carry forward this year.</p>	Street Pastors	£25,000	Street Cleaning	£25,000	CCTV	£25,000	Community Warden Patrols	£5,150	Taxi Marshals	£11,000	Total: £91,150	
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Taxi Marshals	£11,000												
Total: £91,150													
28.	The Levy collected £119,234 in the year 2019/20. The expenses were £2,459 leaving a net amount of £116,775 plus the £38,181 carry forward making a total of £154,956.												
29.	<p>The Levy board have agreed to spend as follows:</p> <table border="1" data-bbox="284 1518 1430 1776"> <tr> <td data-bbox="284 1518 855 1637">Street Pastors</td> <td data-bbox="865 1518 1430 1637">£10,000 (with another £15,000 held to assess the impact of Covid on their service)</td> </tr> <tr> <td data-bbox="284 1637 855 1693">Street Cleaning</td> <td data-bbox="865 1637 1430 1693">£25,000</td> </tr> <tr> <td data-bbox="284 1693 855 1749">CCTV</td> <td data-bbox="865 1693 1430 1749">£25,000</td> </tr> <tr> <td data-bbox="284 1749 855 1776">Taxi Marshals</td> <td data-bbox="865 1749 1430 1776">Up to £15,000</td> </tr> </table> <p>Taxi marshals will be deployed as and when necessary after consultation with the trade, Street Pastors, police, community safety and licensing. If the full allocation is not required in this year, this will be added to the carry forward for next year.</p>	Street Pastors	£10,000 (with another £15,000 held to assess the impact of Covid on their service)	Street Cleaning	£25,000	CCTV	£25,000	Taxi Marshals	Up to £15,000				
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CCTV	£25,000												
Taxi Marshals	Up to £15,000												
30.	Approval has also been given to grant Go! Southampton £32,730 from levy funds for the purchase of 60 handheld radios for premises and services operating in the night time economy. This is vital equipment to keep premises in contact with each other, CCTV and support services such as the police and Street Pastors. This leaves £31,226 still to be allocated. There is no time limit on												

	the allocation of these funds, so these can be retained to assist with services in following years.																																			
31.	<p>The consultation asked for views on the Late Night Levy and presented stakeholders with 4 options to choose from:</p> <ul style="list-style-type: none"> a. Cease the Late Night Levy b. Exempt premises paying into the BID from the Levy c. Keep the Late Night Levy d. Other 																																			
32.	<p>Results to this section were based on 36 respondents. In total, 15 respondents preferred option was to keep the Levy, 13 respondents indicated premises paying into the Levy and the BID should be exempt, 7 thought the Levy should cease and 1 selected 'other'. The below graph shows the break down by interest in the consultation:</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th></th> <th>Cease the late Night Levy</th> <th>Exempt premises paying into the BID from the Levy</th> <th>Keep the Late Night Levy in place</th> <th>Other</th> </tr> </thead> <tbody> <tr> <td>As an employee or self-employee of a business that currently pays into both the Late Night Levy and the BID contribution.</td> <td style="text-align: center;">6</td> <td style="text-align: center;">6</td> <td style="text-align: center;">2</td> <td></td> </tr> <tr> <td>As an employee or self-employee of a business that currently pays the Late Night Levy</td> <td></td> <td></td> <td style="text-align: center;">1</td> <td></td> </tr> <tr> <td>As an employee or self-employee of a business that currently pays the BID contribution.</td> <td></td> <td style="text-align: center;">1</td> <td style="text-align: center;">1</td> <td></td> </tr> <tr> <td>As an employee or self-employee of another business or organisation</td> <td></td> <td style="text-align: center;">3</td> <td style="text-align: center;">4</td> <td style="text-align: center;">1</td> </tr> <tr> <td>As a resident of Southampton</td> <td></td> <td></td> <td style="text-align: center;">3</td> <td></td> </tr> <tr> <td>As a member of a community group or organisation</td> <td></td> <td style="text-align: center;">2</td> <td style="text-align: center;">3</td> <td></td> </tr> </tbody> </table> <p style="text-align: center;"><i>Please be aware of very small sample sizes</i></p>		Cease the late Night Levy	Exempt premises paying into the BID from the Levy	Keep the Late Night Levy in place	Other	As an employee or self-employee of a business that currently pays into both the Late Night Levy and the BID contribution.	6	6	2		As an employee or self-employee of a business that currently pays the Late Night Levy			1		As an employee or self-employee of a business that currently pays the BID contribution.		1	1		As an employee or self-employee of another business or organisation		3	4	1	As a resident of Southampton			3		As a member of a community group or organisation		2	3	
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33.	<p>A total of 21 respondents commented on the Late Night Levy in their response and several themes emerged based on peoples comments. Of the 21 comments about the Late Night Levy, 9 people thought that temporarily ceasing the Levy due to COVID-19 was the best action, 8 were in favour of exempting business paying both the Levy and the BID, 7 felt the Levy should be kept to pay for important services, 6 were in favour of ceasing the Levy and 6 had other suggestions.</p>																																			
34.	<p>Some respondents felt that in these times it is unfair to put more cost on small businesses and they need more help and not further hindrance. Some businesses noted that they do not feel that they benefit from the Levy and some respondents, including the BID, were in favour of exempting businesses from paying both the Levy and the BID. Other respondents felt that it is important to retain the Levy to ensure that revenue is raised to manage the impacts of the night time economy.</p>																																			

35.	OSMC considered the proposals on 10 September 2020, focusing on the Late Night Levy. OSMC wrote to the Cabinet Member for Stronger Communities on 15 September 2020 advising that they supported the options to cease the Levy in order to support local businesses. This was identified by OSMC as being the best option to support businesses who have been hit hard by COVID-19.
36.	Some respondents acknowledged that whilst the Levy is putting small businesses under significant pressure, services provided by the money are important in contributing to the safety of Southampton residents and proportionate to burdens on public sector cause by late night economy. Whilst some respondents, mainly non-businesses, raised concerns regarding the potential impact on communities, in the main, those services impacted have indicated they could continue if the Levy stopped, and as indicated above, there will be money left over from previous years to continue to fund community safety related interventions, although this will be limited.
RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
37.	There are no direct financial implications of the proposals in this paper, which focus on informing a response to the consultation on the Statement of Licensing Policy.
38.	The outcome of the consultation will inform proposals relating to the future of the Late Night Levy which has a financial implication. The Levy generates income of around £120,000 per annum, which could cease if the option to cease the Late Night Levy is identified as the preferred option.
39.	If the Late Night Levy were to cease there is currently a fund of £31,226 still to be allocated. Go! Southampton have indicated they may look at supporting funding of CCTV if the levy stops. Street cleaning will continue based on the need. The Street Pastors will continue but will look for alternative funding to make up any short fall. The demand for taxi marshals has been reducing in recent years, other areas, such as Portsmouth have a scheme where local premises manage the taxi ranks in the area.
<u>Property/Other</u>	
40.	None
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
41.	<p>The policy relates to all those licensing activities identified as falling within the provisions of the Act (Part 1 Section 1) namely:</p> <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> ○ A performance of a play; ○ An exhibition of a film; ○ An indoor sporting event; ○ Boxing or wrestling entertainment;

	<ul style="list-style-type: none"> ○ 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. <p>The Legislative Reform (Entertainment Licensing) Order 2014 and the Deregulation Act 2015 provide significant exemptions to some of the activities.</p>
42.	Sections 5 and 5A Licensing Act 2003 (Policy statement including CIP)
43.	Police Reform and Social Responsibility Act 2011 Late Night Levy)
Other Legal Implications:	
44.	None
RISK MANAGEMENT IMPLICATIONS	
45.	None
POLICY FRAMEWORK IMPLICATIONS	
46.	None

KEY DECISION?	Yes
WARDS/COMMUNITIES AFFECTED:	All wards
<u>SUPPORTING DOCUMENTATION</u>	
Appendices	
1.	Statement of Licensing Policy
2.	ESIA

Documents In Members' Rooms

1.	
2.	

Equality Impact Assessment

Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.	Yes
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Data Protection Impact Assessment

Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.	No
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Other Background Documents

Other Background documents available for inspection at:

Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	

2.		
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Southampton City Council Statement of Licensing Policy 2021 - 2026



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?



<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.

4.6 – 4.13: Section under consultation

LATE NIGHT LEVY

4.4 The Late Night Levy was introduced by Southampton City Council on 1 April 2015. The late night 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.

4.5 Currently, 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

4.6 No reductions have been allowed.

4.7 The Council is required 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 late night levy legislation.

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

1. the reduction or prevention of crime and disorder;
2. the promotion of public safety;
3. the reduction or prevention of public nuisance;
4. the cleaning of any highway maintainable at the public expense or land in the Council's area.

4.9 Various schemes support the Night Time Economy in Southampton:

- Taxi marshals
- Southampton Street Pastors
- Street cleaning
- Security patrols
- CCTV

4.10 These schemes have received funding from the Late Night Levy.

4.11 On 1st April 2017 GO! Southampton came into being as a Business Improvement District covering an area that extends from Town Quay north to Wilton Avenue. This encompasses the main city shopping areas and a significant number of premises that operate in the night time economy.

SHOPS SELLING ALCOHOL (OFF LICENCES)

4.12 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.

4.13 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.

- 4.14 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

- 4.15 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.
- 4.16 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.
- 4.17 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'.
- 4.18 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.
- 4.19 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.
- 4.20 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)

- 4.21 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.

- 4.22 Guidance on giving Notice can be found in the Home Office Fact Sheet.
<https://www.gov.uk/government/publications/temporary-events-notices-factsheet>
- 4.23 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.
- 4.24 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.
- 4.25 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 Licensing 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 premise 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 al 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

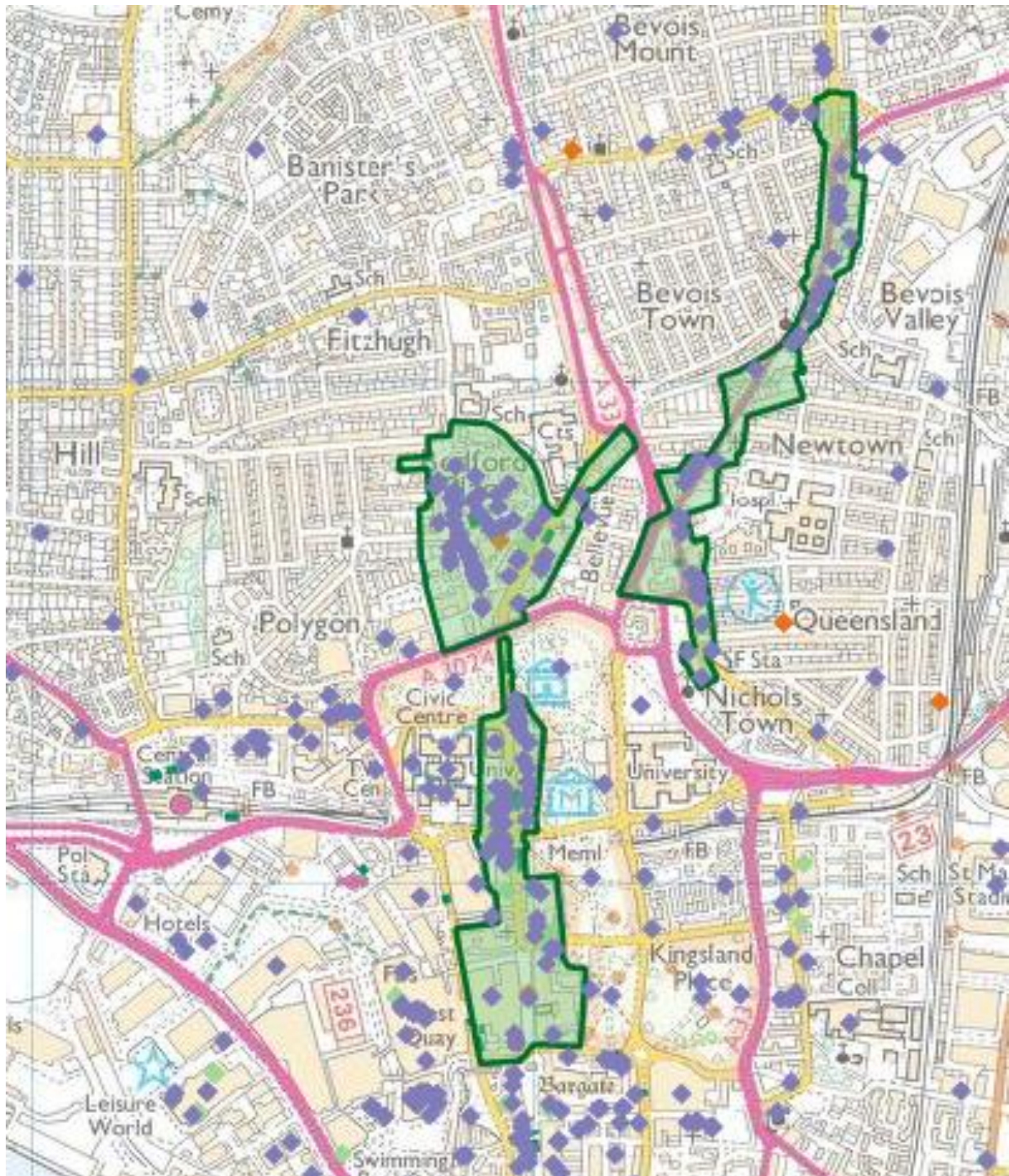
- 7.6 Where no licensing restriction is considered necessary, however, it is at the discretion of the premises licence holder or club to decide whether or not to admit children; however the Licensing Authority strongly supports the use of Challenge 25 policies, the recording of all refusals and training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



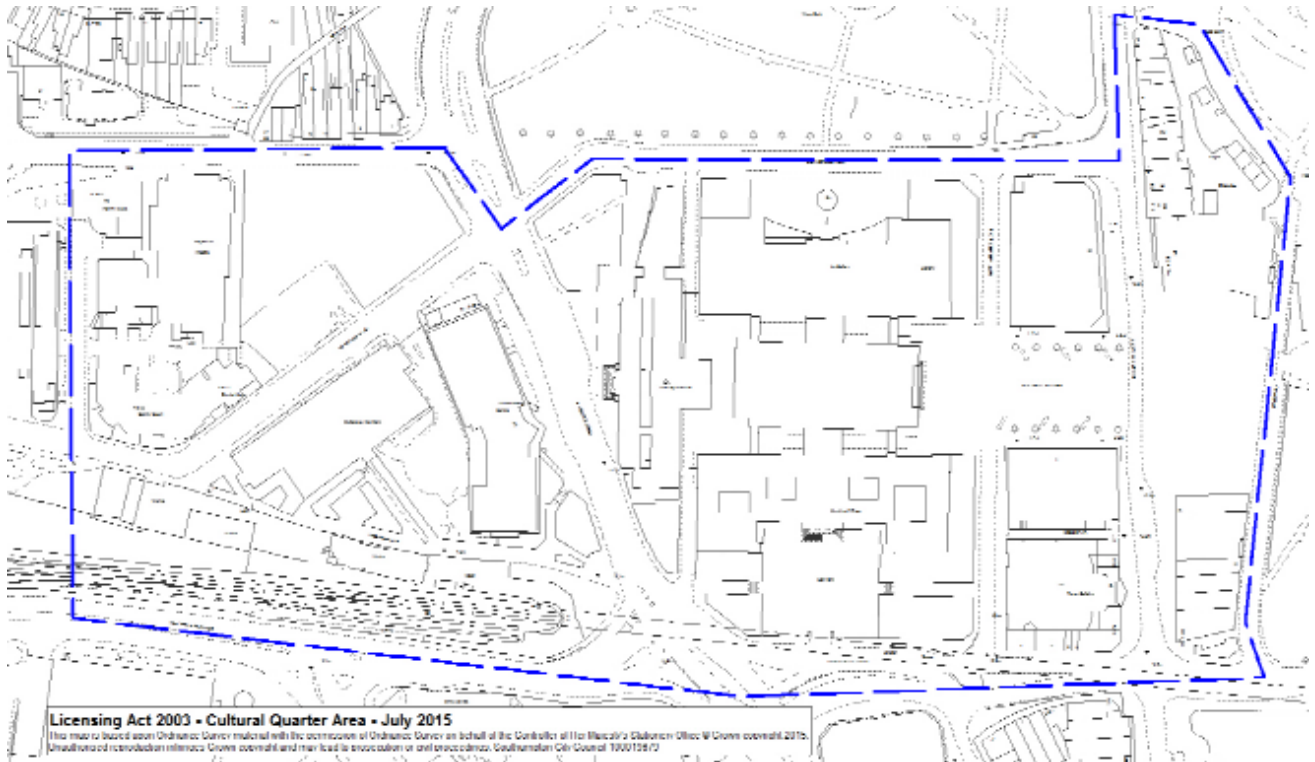
Bevois Valley North



Bevois Valley South



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]

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Equality and Safety Impact Assessment

The **Public Sector Equality Duty** (Section 149 of the Equality Act) requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people carrying out their activities.

The Equality Duty supports good decision making – it encourages public bodies to be more efficient and effective by understanding how different people will be affected by their activities, so that their policies and services are appropriate and accessible to all and meet different people’s needs. The Council’s Equality and Safety Impact Assessment (ESIA) includes an assessment of the community safety impact assessment to comply with Section 17 of the Crime and Disorder Act and will enable the Council to better understand the potential impact of proposals and consider mitigating action.

Name or Brief Description of Proposal	Statement of Licensing Policy (including review of the Late Night Levy)
Brief Service Profile (including number of customers)	
<p>As a Licensing Authority, Southampton City Council has a duty to produce a Statement of Licensing Policy in line with the Licensing Act 2003 legislation. The Statement of Licensing Policy is fully reviewed every five years.</p> <p>Southampton is a vibrant city with a thriving entertainment and hospitality culture (albeit impacted by COVID-19 in 2020). In April 2020 Southampton reported 842 licensed premises and over 4,000 personal licences issued by Southampton City Council.</p> <p>The Licensing Authority (Southampton City Council) has a duty under the Act to carry out its functions with a view to promoting the four licensing objectives, which are:</p> <ul style="list-style-type: none"> • Prevention of crime and disorder • Public safety • Prevention of public nuisance • Protection of children from harm <p>The Policy relates to all those licensing activities identified as falling within the provisions of the Act (Part 1 Section 1) namely:</p> <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> ○ 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 policy sets out the licensing process, Southampton policies affecting licensing and instructions for the management of premises.

The policy includes specific information relating to Cumulative Impact Assessments in 'stress areas' and includes provision for a Late Night Levy which is a contribution paid by late opening premises supplying alcohol. This fund is used to support services in the night time economy.

Summary of Impact and Issues

The aims of the policy are:

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.

The policy itself is therefore intended to have an overall positive impact on the city and its residents, supporting the safe operation of licensed premises in the city.

Cumulative Impact Policies

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. In areas that suffer from cumulative impact it is considered appropriate, proportionate and necessary for special policies to address that issue.

The 'stress areas' have been identified in consultation with Hampshire Constabulary (see attached report). These are the 'Bedford Place Stress Area', the 'Above Bar Street Stress Area', and the 'Bevois Valley Stress Area'. These proposed areas are the same as in previous years.

This impact assessment has been undertaken to reflect the impacts if the stress area boundaries are adopted as proposed.

Late Night Levy

Southampton City Council introduced the Late Night Levy in April 2015. It has generated an income of around £120,000 each year since then. The Levy is used to provide services to support the businesses that operate late at night. These include contributions to Southampton Street Pastors, CCTV, Street Cleaning, Taxi Marshals and Community Safety.

In 2017 a Business Improvement District (BID) was established in Southampton. GO! Southampton is led and funded by local business and aims to realise Southampton's untapped potential. The BID covers the city centre area and 49 premises are subject to both the Late Night Levy and paying contributions the BID.

In reviewing the policy, Southampton City Council is reviewing options with regards to the continuation of the Late Night Levy. This impact assessment has been undertaken to reflect the impacts if the Late Night Levy were removed (the option with the likely greatest impact).

Potential Positive Impacts

In adopting the policy, Southampton City Council will ensure a safe and consistent system to monitor the operation of licensed premises, including steps which must be taken to reduce risk to residents linked to the consumption of alcohol, and enforcement where necessary. This will support the council's principles of being a fairer and healthier city and the Safe City partnership priorities to reduce crime and antisocial behaviour and reduce the harm caused by drugs and alcohol.

Responsible Service Manager	Phil Bates, Licensing Manager
Date	17 July 2020
Approved by Senior Manager	Mary D'Arcy, Executive Director Communities, Culture & Homes
Date	17 July 2020

Potential Impact

Impact Assessment	Details of Impact	Possible Solutions & Mitigating Actions
Age	<p>The policy includes specific provisions to protect children and young people.</p> <p>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</p>	<p>The policy includes conditions which may be attached to any licence to protect children and young people (section 7.5)</p>

Impact Assessment	Details of Impact	Possible Solutions & Mitigating Actions
	harm to children.”	
Disability	No identified impacts.	N/A
Gender Reassignment	No identified impacts.	N/A
Marriage and Civil Partnership	No identified impacts.	N/A
Pregnancy and Maternity	No identified impacts.	N/A
Race	No identified impacts.	N/A
Religion or Belief	No identified impacts.	N/A
Sex	No identified impacts.	N/A
Sexual Orientation	No identified impacts.	N/A
Community Safety	<p>The ‘stress areas’ have been identified in consultation with Hampshire Constabulary, to respond to areas which higher levels of licensed premises activity, which can create exceptional problems of crime. In these areas it is considered it is appropriate, proportionate and necessary for special policies to address that issue.</p> <p>The removal of the Late Night Levy would have a direct impact on funding available. The Levy raises funds of around £120,000 per year. These funds support a range of services and agencies which respond to the impacts of the Night Time Economy, including Taxi Marshals, Southampton Street</p>	<p>The policy will ensure that the operation of a premises in these areas will not exacerbate any community safety risks:</p> <p>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.”</p> <p>An underspend of funding for Taxi Marshals has been identified which would allow continued provision of the service (subject to review) in 2021/2022. Additional funding to support wider services will be sought, working with relevant</p>

Impact Assessment	Details of Impact	Possible Solutions & Mitigating Actions
	<p>Pastors, Street Cleaning, CCTV, Community Warden patrols.</p> <p>There are no proposals to cease these services, but reduced funding would create pressure on Budgets which could mean that services are reviewed in future (subject to public consultation).</p>	<p>stakeholders to minimise the impact of reduced funding.</p>
Poverty	No identified impacts.	
Health & Wellbeing	No identified impacts	N/A
Other Significant Impacts	No identified impacts.	N/A

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