



LICENSING ACT 2003

STATEMENT OF LICENSING POLICY JANUARY 2026

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TEST VALLEY BOROUGH COUNCIL - LICENSING ACT 2003 - SECTION 5

Statement of Licensing Policy - 2026-2031

A licensing policy as determined by the Council in respect of its licensing functions for the five-year period commencing 7 January 2026 is set out in this statement of licensing policy. During the five-year period the policy will be kept under review and the Council will make such revisions to it, at such times, as it considers appropriate. Further licensing statements will be published every five years thereafter.

PART 1 : BACKGROUND

- 1.1 Test Valley Borough is situated in the County of Hampshire and has a large number of licensed premises. The Council recognises that these premises are an important part of the Borough and are major contributors to the local economy, attracting tourists and visitors, and making for vibrant towns and communities, whilst at the same time providing employment. The purpose of this policy is to strike a balance between obtaining all the benefits provided by licensed premises and events ensuring that their less welcome impact is properly balanced and controlled against other community interests.
- 1.2 There are approximately 400 licensed premises in the Borough where alcohol is sold or entertainment or late-night refreshment provided on a regular or occasional basis. These premises include:
 - public houses and nightclubs
 - off licences (including supermarkets and convenience stores)
 - businesses offering hot food between 2300 and 0500
 - hotels, guest houses, restaurants and other places that sell alcohol
 - private members clubs and social clubs
 - theatres and venues for amateur dramatic groups
 - cinemas
 - premises where indoor sporting events take place
 - village halls, community premises and schools
 - Outdoor events and festivals
 - Wholesalers/online sales of alcohol.

The main concentration of licensed premises is in Andover and Romsey town centres. Since the introduction of the Licensing Act 2003, many premises extended their opening hours, generally seeking hours up to midnight (rather than 2300, the usual end of permitted hours under the Licensing Act 1964). Some premises which already had terminal hours of midnight or later, extended those hours to 0100, 0200 or 0300.

Other Legislation

- 1.3 As well as being the Licensing Authority under the Licensing Act 2003, Test Valley Borough Council is responsible for a number of other statutory functions which are interrelated to the licensing function. These include its role as a local planning authority determining planning applications, the environmental health function, and the building control service.

The use of any licensed premises or places (including outside areas) are subject to planning controls. This would equally affect licensable activities held under a premises licence and possibly a temporary events notice. There are several key differences between licensing and planning control. The most significant is that planning is concerned with how land is used, whereas licensing is concerned with ensuring that public safety in its widest sense is protected. It is recommended that issues concerning planning permission be resolved before a licence application is made.

- 1.4 Planning, Building Control and Licensing applications and conditions are separate. Licensing applications should not be a re-run of a planning application. The Licensing Section will liaise with the Planning and Building Service. Internal and external alterations to licensed premises must have building regulation approval where such approval is required under the Building Acts, etc.
- 1.5 The Council has a duty under Section 17 of the Crime and Disorder Act 1998 to exercise its various functions with due regard to the likely effect of the exercise of those functions and to do all that it reasonably can to prevent crime and disorder in its area.
- 1.6 The Council has adopted the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009, with effect from 1 April 2011. Adult entertainment such as striptease and lap dancing which falls within the definition of “Relevant Entertainment” will therefore be controlled under these provisions (and any adopted policy for such provision), rather than the Licensing Act 2003. However, in certain cases, where such entertainment is carried out infrequently, it will continue to be regulated under the Licensing Act 2003 and the provisions of this Policy will therefore apply to such regulated entertainment. In any event, premises providing Relevant Entertainment will need to consider whether a Premises Licence is required for the provision of alcohol, regulated entertainment and late night refreshment.

Furthermore premises must comply with all other relevant legislation, e.g.

- Food Safety Act 1990 (Food Hygiene)
- Health & Safety at Work etc. Act 1974 and associated regulations (Risk Assessments for work practices)
- Equality Act 2010
- Health Act 2006
- Gambling Act 2005
- Regulatory Reform (Fire Safety) Order 2005
- Counter terrorism measures e.g. the Terrorism (Protection of Premises) Bill a.k.a. Martyn’s Law NB Not yet enacted at the date of publication of this policy

- 1.7 The Council will seek to avoid duplication with other regulatory regimes as far as possible. However, if other regulations do not cover the unique circumstances that arise in connection with, for example, entertainment at specified premises then additional controls will be imposed.

- 1.8 Test Valley is an attractive area, with historic towns and villages, as well as beautiful countryside, a small part of which is covered by the New Forest National Park. It attracts visitors from around the United Kingdom and the world. Many commute into the District to work each day, whilst a large proportion of residents commute to London and the surrounding areas.
- 1.9 The Borough Council wishes to ensure that the Borough continues to be a prosperous and attractive place in which to live or work, or to visit. It recognises that the provision of licensable activities can have adverse impacts, such as crime and disorder, and public nuisance. The Licensing Policy, and the administration of licensing under the Licensing Act, will play a key role in ensuring that an appropriate balance is drawn between the interests of those people wishing to provide and enjoy licensable activities and those who might be affected by such provision and enjoyment.

Impact of alcohol in Test Valley

- 1.10 The effects of harmful drinking on individuals, families and communities are wide-ranging. Alcohol is a causal factor in more than 60 medical conditions including: mouth, throat, stomach, liver and breast cancers; high blood pressure; liver cirrhosis; and depression. Reviews have also demonstrated the negative impact alcohol has socially. It is an important factor in family and relationship problems, adverse childhood experiences, crime and disorder and reduced workplace productivity.

Whilst Test Valley compares well to national and regional rates on many key indicators of alcohol-related health harms, admissions are on an upwards trend. There were 2,684 admissions to hospital where alcohol was a direct cause or contributing factor in 2018/19, a 129% increase from 2008/09.

An area to note is the continued increasing trend of hospital admissions where alcohol can be wholly attributed as a cause. There were 907 admissions in 2018/19, a 75% increase since 2016/17. In 2018/19, Test Valley had a significantly higher rate of admissions (713 per 100,000 people) than England.

PART 2 : INTRODUCTION

- 2.1 Test Valley Borough Council ("the Council") is the Licensing Authority pursuant to the Licensing Act 2003 ("the Act") and is responsible for considering all applications for licensable activities, as defined in section 1 of the Act. The purpose of licensing is to regulate the carrying on of licensable activities on licensed premises, by qualifying clubs and at temporary events. Licensable activities, identified by the Act, include:
- Retail sale of alcohol
 - Supply of hot food or drink from premises between 2300 and 0500 hours
 - Supply of alcohol to club members
 - Provision of entertainment listed below (known as "regulated entertainment") to the public or club members or with a view to profit:
 - Film exhibitions
 - Performances of a play
 - Indoor sporting events
 - Boxing or wrestling entertainment
 - Live music performances
 - Playing of recorded music
 - Dance performances
- 2.2 There are a number of exceptions and details of these are set out in Sections 173 to 175 of the Act. The Live Music Act 2012, Legislative Reform (Entertainment Licensing) Order 2014 and Deregulation Act 2015 introduced various exemptions from licensing for most forms of regulated entertainment. When considering whether an activity constitutes the provision of regulated entertainment each case will need to be treated on its own merits.
- 2.3 This Statement of Licensing Policy has been prepared in accordance with the provisions of the Act and the Guidance issued under Section 182 of the Act.
- 2.4 The Policy will be kept under review and where any amendments are considered necessary these will only be made after consultation has taken place in accordance with Section 5(3) of the Act. Proper weight shall be given to the views of all those consulted. Those to be consulted will include:
- The Chief Officer of Police for Test Valley Borough
 - The Chief Officer of the Fire and Rescue Service for Test Valley Borough
 - Bodies and persons representing local holders of premises licences
 - Bodies and persons representing local holders of club premises certificates
 - Bodies and persons representing local holders of personal licences
 - Bodies and persons representing businesses and residents in the Council's area
 - Any other bodies the Council deems appropriate
- 2.5 The Council recognises that the best means of promoting the licensing objectives (see 2.8 below) is through the co-operation and partnership of local authorities, the police, local business, performers, local people and those involved in child protection.

- 2.6 The Council believes that good liaison with operators of licensed premises can assist the promotion of the licensing objectives, by encouraging operators to adopt good practice (such as holding regular meetings with local residents). It will work with existing local groups of operators (where these exist) and will encourage the formation of new groups where appropriate.
- 2.7 The Council will always take the Licensing Policy into account in its decision making, but it may depart from the Policy in appropriate circumstances. Similarly, the Council will have regard to the Secretary of State's Guidance issued under the Licensing Act but may depart from this Guidance if it is considered appropriate. Where this occurs, reasons will be given as part of the decision.

Licensing Objectives

- 2.8 When dealing with licensing matters the Council will promote and have regard to the four licensing objectives set out in the Act. These are:
- The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance; and
 - The protection of children from harm.

Each licence application will be considered on its own merits in the context of the four licensing objectives. This Council will take this Policy into account if its discretion is engaged i.e. at a hearing following representations.

- 2.9 The Council's primary focus is the direct impact of activities taking place at licensed premises on members of the public who are living, working or engaged in normal activity in the vicinity of the premises/place concerned. Licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are away from that premises/place and, therefore, beyond the direct control of the individual, business or club holding the licence or certificate concerned.
- 2.10 Accordingly, any conditions attached to the licence/certificate will centre on the premises and places being used for licensable activities and the vicinity of those premises and places. Whether or not an instance can be regarded as being in the vicinity of licensed premises or places is a question of fact and will depend on the particular circumstances of the case. The licensing authority can only impose a number of mandatory conditions, conditions that reflect the operating schedule for the premises or, following representations, conditions appropriate to ensure the achievement of the four licensing objectives.

Integration of Strategies

- 2.11 As indicated in Section 1 of this Policy, the Council has clear objectives to promote tourism, the cultural diversity of the Borough and local employment; the Council recognises that licensed premises provide a valuable contribution to these objectives. The Council will take into consideration the following in so far as they are relevant to the licensing objectives:

- The requirements of the local tourist economy.
- The cultural strategy for the Borough, and the Council's wish to encourage and promote live music, dancing and theatre to the wider cultural benefit of its community.
- The employment situation in the Borough, and the need for investment and employment where appropriate.
- Promoting the health and wellbeing of communities through reducing the harm caused by alcohol.

2.12 There are many stakeholders in the leisure industry. Many are involved, directly or indirectly, in the promotion of the licensing objectives, particularly those relating to the prevention of crime and disorder and public nuisance.

2.13 The Council will ensure at all times that it takes into account the views of these stakeholders and ensures proper integration of local crime prevention, planning, transport, tourism and cultural strategies. The Council will work closely with the police on issues of enforcement. Where appropriate, neighbouring authorities and parish councils will also be consulted.

2.14 Conditions attached to premises licences and club premises certificates will, so far as possible, reflect local crime prevention strategies.

Cumulative Effect of a number of Licensed Premises in one area

2.15 The Council will not take 'need' into account when considering an application, as this is a matter for planning development control and the market. However, it recognises that the cumulative impact of the number, type and density of licensed premises in a given area, may lead to serious problems of nuisance and disorder both in the vicinity of and at some distance from the premises.

2.16 Representations may be received from a responsible authority or other party that an area has become saturated with premises making it a focal point for large groups of people to gather and circulate away from the licensed premises themselves. This concentration of premises may be creating exceptional problems of disorder and nuisance over and above the impact from the individual premises.

2.17 In these circumstances, the Council may consider that the imposition of conditions is unlikely to address these problems and may consider the adoption of a special policy of refusing new premises licences or club premises certificates if it believes that the area is saturated with such premises and the granting of any more would undermine one of the licensing objectives. The Council will consult widely in considering such a policy and once adopted, any such policy will be regularly reviewed.

2.18 When deciding whether to adopt a special saturation policy the Council will consider:

- whether serious and chronic concerns have been identified by a responsible authority or significant representations from residents have been received about the levels of nuisance and disorder;

- whether it can be demonstrated that disorder and nuisance is arising as a result of customers from licensed premises in an identified and specific area;
 - whether taking all relevant matters into account a policy about future licence applications from that area should be adopted.
- 2.19 If such a policy were adopted, the Council will consider representations on the grant of a particular application based on its impact on the promotion of the licensing objectives in the Borough generally.
- 2.20 However, the onus would be on the objector to provide evidence to back up any assertion that the addition of the premises in question would produce the cumulative impact claimed, always remembering that the impact will be different for premises with different styles and characteristics.
- 2.21 It therefore also recognises that, within this policy, it may be able to approve licences that are unlikely to add significantly to the saturation and will consider the circumstances of each individual application.
- 2.22 The Council does not at this time have a Special Saturation or Cumulative Impact Policy in place.

Other Controls on Anti-social Behaviour

- 2.23 Other mechanisms exist to control the anti-social behaviour of a minority of consumers who behave badly and unlawfully after leaving licensed premises etc. These controls include:
- Planning controls
 - Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority
 - Power of local authorities to designate parts of the local authority area as being places where alcohol may not be consumed publicly
 - Police enforcement of normal law concerning disorder and anti-social 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 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 and other responsible authorities or a Borough Councillor or a local resident or business to seek a review of the licence or certificate in question.

Drinking on the streets

- 2.24 The Council has introduced a Public Space Protection Order under the Anti-social Behaviour, Crime and Policing Act 2014 covering all of Andover and Romsey town centres and immediately surrounding areas. The Order means that an authorised person can request that an individual does not consume alcohol or anything reasonably believed to be alcohol. The Order does not

apply to areas where a Premises Licence, Club Premises Certificate or Pavement Licence is in force.

Licensing Hours

- 2.25 With regard to licensing hours consideration will be given to the individual merits of an application. Longer licensing hours relating to the sale of alcohol are important to ensure that concentrations of customers leaving premises simultaneously are avoided. It is hoped that longer hours will also result in a reduction in binge drinking at the end of an evening. This is necessary to reduce friction at late night food outlets, taxi ranks and other sources of transport which can lead to problems of disorder and disturbance.
- 2.26 The Council recognises the concerns which residents and businesses may have about extended opening hours, and the fear that these may have an adverse impact on crime and disorder, and public nuisance (two of the licensing objectives). Although these concerns may arise anywhere in the Borough, they are most likely to be found in the urban areas. These problems may (amongst other things) impact on the police and other agencies, as well as local residents. The Council accepts that such concerns are legitimate issues to be considered as part of the licensing process. Therefore, the Council will seek to ensure that where longer opening hours are sought by applicants, or where applicants seek to open new licensed premises, the potential detrimental effects are properly considered and addressed by applicants in their operating schedules. Accordingly, where applications are submitted to extend the hours of opening of premises, and in the case of new premises seeking to open between 23.00 and 08.00 hours, applicants will be expected to either demonstrate that these hours of operation will have no adverse effect on the achievement of the licensing objectives, or set out the steps which they propose to take to secure these objectives.

Conditions

- 2.27 Following relevant representations, where the Council believes it to be appropriate and necessary, in order to promote any of the licensing objectives, it will consider attaching conditions to licences. Conditions attached to licences will be tailored to the individual style and characteristics of the premises and licensable activities concerned. Disproportionate and over burdensome conditions on premises will not be imposed. Standardised conditions will be avoided, other than the mandatory conditions. Conditions can only be carried forward from a Premises Licence or Club Premises Certificate onto a Temporary Event Notice where relevant objections have been made by the Police or Environmental Health and either a hearing takes place or all parties agree a hearing is unnecessary.

Live Music, Dancing and Theatre

- 2.28 The Council recognises that as part of implementing any cultural strategy as may from time to time apply, proper account will need to be taken to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community. Conditions to be imposed on relevant licences will not discourage the promotion of such entertainment but will relate solely to the promotion of the licensing objectives.

- 2.29 The Live Music Act 2012 and Deregulation Act 2015 exempts certain licensing activities between 0800 to 2300 hours, depending on the premises. Whilst exempt activities are taking place, the premises licence holder is still required to ensure that they do not create a nuisance. Premises could be subject to enforcement action under the Environmental Protection Act 1990 should they fail to prevent or control unacceptable nuisance. In some cases, this may also lead to a Review of the Premises Licence/Club Premises Certificate.

Enforcement

- 2.30 The Council will establish protocols with the local Police and Trading Standards on enforcement issues. This will enable the more efficient deployment of local authority staff and Police Officers who are commonly engaged in enforcing licensing law and the inspection of licensed premises. The aim of the protocol will be to target agreed problem and high risk premises which require greater attention while providing a lighter touch in respect of low risk premises which are well run.

Closure

- 2.31 The Police may seek a court order to:
- (a) close down for up to 24 hours premises in a geographical area that is experiencing or likely to experience disorder;
 - (b) close down instantly for up to 24 hours individual licensed premises that are disorderly, likely to become disorderly or are causing nuisance as a result of noise from the premises.
- Following information from the Police regarding such closures the Council will usually hold a Review Hearing, as described below.

Objections/Review Hearings

- 2.32 A responsible authority or any other person may make representations to the Council as Licensing Authority on any application for grant, variation or for the review of a Premises Licence. The Council expects that such representations should be made in writing. In the absence of relevant representations applications must be granted subject only to any applicable mandatory conditions and such conditions which are consistent with the applicant's Operating Schedule.
- 2.33 The Council can only review a licence where it is alleged that the licensing objectives are not being met. The Council will hold a review hearing to consider the merits of an application or licence where the representation is considered relevant. In order to be relevant, it must relate to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. Review hearings will be heard by a Sub-Committee of three Councillors. Applicants, and any other person making a representation, will be informed of the hearing and invited to attend such hearings to present their arguments.
- 2.34 The Council will however make every effort to consult with the applicant and any other person making a representation to resolve any issues as appropriate. Where the Council finds that a representation is not relevant, or

is frivolous or vexatious, the person making the representation may challenge this finding by way of a judicial review in the Courts.

2.35 Following a Review Hearing the Council may:

- (a) modify the conditions of the licence;
- (b) exclude a licensable activity from the scope of the licence;
- (c) remove the designated premises supervisor;
- (d) suspend the licence for a period (not exceeding three months); or
- (e) revoke the licence.

Offences

- 2.36 The Act sets out a number of offences, proceedings for which may be instigated by the following: (a) The Council (as Licensing Authority) (b) The Director of Public Prosecutions (c) In the case of an offence under section 146 or 147 (sale of alcohol to children), by Hampshire County Council Trading Standards Service (the local weights and measures authority). Any action instigated by the Council will be carried out in accordance with any relevant enforcement policies for the time being in force.

Appeals

- 2.37 Within the Licensing Act 2003 there is provision for appeals in connection with decisions made by the Council for aggrieved parties (including as appropriate, the applicant, the Police, responsible authorities and any person who made relevant representations). An appeal has to be made to the Magistrates Court.
- 2.38 The rights of appeal and reasons for the decision(s) taken by the Council will be provided to all parties concerned with any Licensing decision which might give rise to such an appeal under the terms of the Act. Any reasons given will address the extent to which the decision was made with regard to the Council's statement of licensing policy, statutory guidance, regulations and the Act itself.
- 2.39 The Council reserves the right to make comprehensive records of any hearing held in connection with its licensing functions under the Act. This extends to the recording of hearings.

Equal opportunities

- 2.40 Subject to the general requirements of the Act, the Council will promote equality of opportunity. In such respects, nothing within this statement of licensing policy shall undermine the right of any individual to apply for any of the licences and/or authorisations provided for under the terms of the Act.
- 2.41 No applicant and/or licence holder shall receive less favourable treatment on the grounds of age, sex, sexual orientation, gender reassignment, disability, marital status, marriage and civil partnership, colour, race or ethnic origin, pregnancy and maternity, religion and belief. No applicant and/or licence holder shall be disadvantaged by conditions or requirements which are not relevant to their application and/or their licence, the promotion of the four licensing objectives and this statement of licensing policy.
- 2.42 Subject to the general requirements of the Act, nothing within this statement of licensing policy shall undermine the right of any person to make representation(s) on an application or seek a review of an existing licence or certificate where provision has been made for them to do so under the Act.

Data Protection

- 2.43 The Council may use the information submitted on any application form for any licence(s) and/or permission(s) provided for under the terms of the Act for the purpose of its statutory function(s) in its capacity as the relevant Licensing Authority.
- 2.44 The Council may disclose all such information to its agents or service providers. The Licensing Authority may also share this information with other Council Services (Departments). All applicants have the right to ask for a copy of the information that the Council holds about them and to correct any inaccuracies held.
- 2.45 By making application to the Council for any licence and/or permission under the terms of the Act all applicants consent to the Council processing sensitive personal data about them where this is necessary.

Delegation of functions

- 2.46 In the interests of speed and efficiency the Council will, where possible, delegate licensing decisions and functions to officers. However, if the determination of the matter under delegated powers is precluded by law then it will be decided by the Licensing Sub-Committee. Details regarding the powers and duties of the Sub-Committee, its formation and procedures are contained in the Council's Constitution. For further information on delegations please see the table at Appendix A.

Early Morning Restriction Orders (EMRO)

- 2.47 The power for licensing authorities to introduce an EMRO is specified in sections 172A to 172E of the Licensing Act 2003 which was amended by Section 119 of the Police Reform and Social Responsibility Act 2011. The legislation gives licensing authorities discretion to restrict sales of alcohol by introducing an EMRO to restrict the sale or supply of alcohol to tackle high levels of alcohol related crime and disorder, nuisance and anti-social behaviour. The order may be applied to the whole or part of the licensing authority area and if relevant on specific days at specific times. The licensing authority must be satisfied that such an order would be appropriate to promote the licensing objectives.
- 2.48 The only exemptions to EMROs are New Year's Eve and the provision of alcohol to residents in premises with overnight accommodation by means of bars and room service. The decision to implement an EMRO will be evidence based and will include consideration of the potential burden imposed as well as the potential benefits. At the time of publication of this Policy, it is not envisaged any EMRO will be implemented by the Council.

Late Night Levy

- 2.49 The legislative provisions relating to the late night levy are not part of the Licensing Act 2003 but are contained in Sections 125 to 139 of the Police Reform and Social Responsibility Act 2011. Regulations have been brought into force setting out the way in which the levy must be applied and

administered and arrangements for expenses, exemptions and reductions. These new powers enable licensing authorities to charge a levy in relation to premises licensed to sell or supply alcohol late at night as a means of raising a contribution towards the costs of policing the night-time economy. It is a local power that licensing authorities can choose whether or not to exercise. Any decision to introduce, vary or cease the requirement for a levy has to be made by the full Council. At the time of publication of this policy, it is not envisaged any Late Night Levy will be implemented by the Council.

PART 3 : TYPES OF LICENCES, CERTIFICATES AND NOTICES

General

- 3.1 The Licensing Act 2003 sets out a comprehensive scheme for licensing of the sale of alcohol and provision of entertainment and late night refreshment. Depending on the circumstances, anyone proposing to carry out any of these activities may require one or more licences or notices under the Act.
- 3.2 Information on the various licences and notices is given on the Council's website (www.testvalley.gov.uk). General advice and assistance may be obtained from the Council's Licensing Team.

Personal licences

- 3.3 A personal licence will be granted to any applicant, aged 18 or over, who possesses a relevant qualification or is a person of a prescribed description as determined by the legislation. A licence will not be granted to any applicant who has forfeited a personal application in the five year period ending with the date of the application.
- 3.4 The police can oppose an application if an applicant has a relevant unspent conviction or a conviction for a comparable offence in a foreign jurisdiction.
- 3.5 Applicants who meet the statutory criteria in terms of age, qualifications and non-forfeiture, as mentioned above, will be granted a licence (subject to any police objections being received). Applications that do not meet those criteria will be rejected.
- 3.6 If a police objection is received the application will be determined by a Licensing Sub-Committee at a hearing where all representations, which are relevant to the grant or refusal of the licence, will be taken into consideration. These may include the nature of any offences, the time since their commission and any mitigating circumstances. The Act requires the Council to reject an application if it considers it is necessary in the interests of crime prevention to do so and, where there is a police objection, the normal course of events will be refusal unless **the applicant demonstrates** that there are exceptional and compelling reasons to grant the application.
- 3.7 There will be no need for a hearing if the applicant, Council and chief officer of police agree that a hearing is not necessary.
- 3.8 The Council requires every new application for a personal licence to be accompanied by a basic level criminal record disclosure. This will assist the Council in determining whether the applicant has any relevant unspent convictions.
- 3.9 A personal licence holder who is charged with a relevant offence is required by section 128 of the Act to produce the personal licence to the court on their first appearance in court in connection with the offence. If for any reason the personal licence cannot be produced, the holder must notify the court that they hold a personal licence and the reasons why it cannot be produced. Section 128 provides additional information in relation to this requirement and

it is recommended that legal advice is sought by any individual to which this section relates. Failure to comply with this section is in itself an offence, and is likely to result in further prosecution proceedings being taken against the individual by the licensing authority or the Police.

- 3.10 Applicants who originate from, or who have lived under, foreign jurisdiction will be required to provide a document from that jurisdiction, equivalent to the criminal records disclosure form, or swear a statutory declaration confirming that they have not been convicted outside of England and Wales of a relevant offence or equivalent offence. Applicants should be warned that the making of a false declaration for the purpose of obtaining a licence is a criminal offence for which they will be prosecuted and upon conviction will be liable for a fine.

Temporary Event Notices

- 3.11 Temporary events involving relevant licensable activities may be held if certain criteria are fulfilled. However, the Council actively encourages persons organising such events ("premises users") to have due regard to any concerns of occupiers of premises adjacent to the proposed venue where the temporary event is due to take place.
- 3.12 When a temporary event is proposed notice of the event, along with the relevant fee, must be served on the Council at least 10 clear working days before the event. The Council hopes that in most cases the premises user will serve notice on the Council as far as possible ahead of the proposed event. However, if this is not possible there is the ability to submit a 'late' notice no later than five clear working days before the event. Please also see paragraph 3.15 below. In calculating time periods please note this does not include the day the authority receives the notice or the day of the event. Working days do not include weekends or bank holidays.
- 3.13 On receipt of a temporary event notice the Council will issue an acknowledgement notice in accordance with the requirements of the Act, unless a counter notice has been served under Section 107 of the Act. Counter notices under this Section relate to circumstances where the limits permitted under the Act for the service of temporary events notices are exceeded. The premises user must also serve a copy of the notice on the local Chief Officer of Police and the local authority Environmental Health service within the same timescales as detailed in paragraph 3.12 above. The notice may be sent electronically, i.e. by email. Contact details are available from the Licensing Authority's website.
- 3.14 If the Chief Officer of Police is satisfied that allowing the premises to be used in accordance with the notice will undermine the crime prevention objective he/she must serve an objection notice, stating his/her reasons, on both the Council and the premises user within 2 working days of receiving the temporary event notice.
- 3.15 If the Council receives an objection notice it will hold a hearing to consider the objections (unless the Council, police and premises user agree that a hearing is unnecessary) and will give the premises user a counter notice under Section 105 of the Act if it considers it appropriate for the promotion of the crime prevention objective to do so. The above comments apply solely in

respect of ‘standard’ notices and any objection to a ‘late’ notice, i.e. those submitted less than ten clear working days before the event, will be automatically refused without any right of a hearing to consider the objection(s).

Club Premises Certificates

- 3.16 The Council acknowledges that private premises to which public access is restricted, and where alcohol is supplied, other than for profit, give rise to different issues for licensing law than those presented by commercial enterprises selling direct to the public. The Council encourages clubs to take advantage of the benefits offered to such premises such as the absence of a requirement for a Personal Licence Holder ("PLH") or Designated Premises Supervisor ("DPS").
- 3.17 The Council will consider applications for premises licences if the Club decides that it wishes to offer its facilities commercially for use by the general public but the Applicant should remember that the appropriate planning consent should be sought prior to the application for a premises licence being submitted.
- 3.18 When premises have the benefit of a Club Premises Certificate, an application may be made to allow those running the premises to supply alcohol for consumption off the premises. Such supply will only be allowed during the hours that the premises are open for supply of alcohol to its members on the premises. Any such permission that is granted will be subject to conditions that any alcohol supplied will be in a sealed container and will only be supplied to members.

Premises Licences

- 3.19 A premises licence is required for any premises which are used for one or more licensable activity as defined in 2.1 above. “Premises” includes any “place” and public areas such as parks, squares and streets will be included in this definition. This means that if licensable events will be taking place in such areas, the areas will need to be licensed. Those who may apply for licences are defined in Section 16 of the Act.
- 3.20 As recommended in the statutory Guidance, applicants for new premises licences (or major variations to premises licences) should undertake a thorough risk assessment with regard to the licensing objectives, which should then be used to prepare the required operating schedule.
- 3.21 The requirements in relation to applications for premises licences are set out in Section 17 of the Act and the Council will not be able to consider applications which do not comply with those requirements. This Section requires that applications should be accompanied by:
- an operating schedule that demonstrates that the licensed premises can comply with the Council's licensing policy and promotes the 4 licensing objectives. The operating schedule must be adequate and appropriate for the type, location and opening hours of the particular premises. The licensing policies and matters for consideration by applicants, as detailed

in Part D of this Policy, need to be considered carefully and measures included in the operating schedule, where necessary, showing how compliance with those policies will be achieved. Where an Operating Schedule does not include a measure which (under the Policy) the Council would expect to see included, a justification should be provided in the Operating Schedule.

- a plan of the premises to which the application relates in the prescribed form details of the relevant premises supervisor and appropriate consent.
- the appropriate fee.

Note: fee levels and prescribed forms may be viewed on the website of the Council, or can be obtained from the Council's licensing section.

Designated Premises Supervisors

- 3.22 Any premises licence which authorises the sale of alcohol as a licensable activity is required to specify an individual on the premises licence as Designated Premises Supervisor (DPS). The Secretary of State's Guidance indicates that the DPS should be the individual who is in day to day control of the premises. The DPS must hold a valid personal licence at all times. Where this is not the case, it is an offence to sell alcohol until the premises licence is varied to specify a new DPS. Where the Police request removal of a DPS from a premises licence, this will be done as part of a request for review of the Premises Licence. The Police can also object to the change of a DPS under the prevention of crime and disorder objective.
- 3.23 Community premises wishing to be licensed for the sale of alcohol are reminded of the ability to apply for removal of the mandatory condition relating to the requirement for a DPS and personal licence holder whereby the premises management committee or similar takes collective responsibility for such matters.

PART 4 : LICENSING POLICIES & MATTERS FOR CONSIDERATION BY APPLICANTS

This Part sets out the matters which applicants should have regard to, by reference to each of the Licensing Objectives. In submitting operating schedules, applicants should set out control measures which they propose to put in place, which will address the relevant issues as they apply to their application.

Applicants are encouraged to informally consult the relevant Responsible Authorities and other relevant bodies, where applicable, before preparing operating schedules, in order to ensure that, so far as possible, any issues which such consultees might raise can be dealt with before the application is submitted.

Applicants should deal in their Operating Schedule with each of the four licensing objectives and state the measures they propose to deal with these objectives. Where a suggested measure mentioned in this Policy is clearly not relevant in respect of particular premises or activities, responsible authorities are less likely to make representations if applicants indicate in their operating schedule why they have not included such measures.

The lists of possible measures are not to be regarded as absolute requirements or as “check lists” and will not be used by the Licensing Authority to create standard conditions.

Section A: Prevention of Crime and Disorder

Matters for consideration by applicants.

Applicants should have regard to the following matters when writing their operating schedules and are advised to consult Hampshire Police before submitting their application. If the Council receives a representation, additional conditions may be imposed at the Hearing that determines the application.

It should be noted in particular that it is unlawful under the 2003 Act:

- To sell or supply alcohol to a person who is drunk
- To sell or supply alcohol to a person who is under 18 years of age
- To knowingly allow disorderly conduct on licensed premises
- For the holder of a premises licence or a designated premises supervisor to knowingly keep or to allow to be kept on licensed premises any goods that have been imported without payment of duty or which have otherwise been unlawfully imported
- To allow the presence of children under 16 who are not accompanied by an adult between midnight and 05:00 hrs at any premises licensed for the sale of alcohol for consumption on the premises and at any time in premises used exclusively or primarily for the sale and consumption of alcohol

Conditions enforcing these arrangements are therefore unnecessary.

When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, when responsible authorities are considering such applications and when the Council is considering applications, following receipt of any relevant representations from a responsible authority or other

party, the measures laid down in Section A should be considered as practices which, if appropriate, may promote the prevention of crime and disorder.

Whether or not any risk assessment shows them to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved. It should also be borne in mind that club premises operate under their own codes of discipline to ensure the good order and behaviour of members.

Whether it is appropriate to impose conditions on the licence or certificate will also depend on local knowledge of the premises.

Under no circumstances should the following measures be regarded as standard conditions to be automatically imposed in all cases. They are designed to provide a range of conditions drawn from experience relating to differing situations and to offer guidance.

Any individual preparing an operating schedule is at liberty to volunteer any measure, such as those described below, as a step he or she intends to take to promote the licensing objectives. When incorporated into the licence or certificate as a condition, they become enforceable under the law and a breach of such a condition could give rise to prosecution.

Measures which should be considered

Policy A1 : Prevention of Crime and Disorder

The following measures are designed to provide a range of conditions drawn from experience relating to differing situations and to offer guidance. They are not intended to be regarded as standard conditions to be automatically imposed in all cases.

The applicant must indicate in the operating schedule the steps he/she proposes to prevent crime and disorder. Normally without exception for premises open between 2300 and 0800, and as appropriate for all other premises, depending on the specific premises and business being carried out, the Council would expect operating schedules to have considered and include arrangements for the following measures (unless the applicant can justify why such measures should not be required):

- **Use of CCTV both within and outside the premises in accordance with the code of practice issued by the Information Commissioner from time to time e.g. warning signs**
- **Measures to prevent the bringing onto the premises of offensive weapons e.g. metal detection and search facilities**
- **Procedures for risk assessing promotions and events such as "happy hours" including the potential to cause crime and disorder, and plans for minimising such risks**
- **Measures to prevent the use or supply of illegal drugs**
- **Employment of qualified door supervisors currently licensed by the Security Industry Authority and other appropriately trained staff**
- **Participation in an appropriate Watch Scheme or other body designed to ensure effective liaison with the local community**

- **Proof of Age schemes**
- **Controls on bottles, glasses and containers**
- **Occupancy limits**
- **Notices and signage, including a prominent sign giving the name of the personal licence holder designated as being in charge of the premises.**
- **No admissions after a specified time**
- **A personal licence holder to be on duty at the premises during opening hours**
- **Procedures on how to deal with reports of Violence against Women and Girls.**

Reason:

Prevention of crime and disorder is both an objective of the Licensing Act 2003 and an important responsibility of the Council under the Crime & Disorder Act 1998. It is important, therefore, that applicants are able to demonstrate to the Council the practical steps that will be taken to further this objective.

Policy A2 : Drugs

The Council will expect licensees to have adequate management practices in place, as well as suitable training for staff, to ensure that sales are not made to persons under the age of 18, or to persons who may supply to persons under that age. These practices also need to be in place to ensure that sales are not made to persons who are drunk, or in circumstances where it is likely that the sale of alcohol may result in crime and disorder.

The Council will also expect licensees to be aware of the misuse of drugs and take all reasonable steps to prevent the entry of drugs into licensed premises, to take appropriate steps to prevent drugs being supplied within the premises and to take practical measures to prevent tragedies as a result of drug misuse. The licensee must also be aware of drugs used for ‘spiking’ and the potential harm and vulnerability this may cause. The BIIAB (British Institute of Innkeeping Awarding Body) Level 2 Award in Drugs Awareness for Licensed Hospitality Staff qualification is an appropriate method of demonstrating such awareness.

Reason:

Drug and alcohol abuse are problems associated with licensable premises. Conditions are required to assist operators of such premises to meet both the crime and disorder and the prevention of public nuisance objectives.

Policy A3 : Shops, Stores and Supermarkets

The Council will generally consider licensing shops, stores and supermarkets to sell alcohol for consumption off the premises at any times they are open for shopping. But shops must have adequate management practices to ensure that sales are not made to under 18 year olds and persons where there are grounds to believe that the sale will result in crime and disorder.

However, if there are good reasons for restricting those hours, for example, where police representations made in respect of shops known to be the focus of disorder and disturbance, then restriction of hours will be considered.

Operating Schedules should indicate how the applicant will ensure that only staff aged over 18 years sell alcohol (or that any staff under 18 years old are closely supervised doing so). Schedules should also indicate what steps will be taken to avoid staff being intimidated into selling alcohol to children or young people.

The Council therefore encourages shops to follow the existing good practice in the licensing trade by ensuring that CCTV is in operation on their premises at points of sale.

The Council encourages partnership working to consider applications for Drink Banning Orders under Part 1 of the Violent Crime Reduction Act 2006.

Such orders may apply to persons who engage in criminal or disorderly conduct while under the influence of alcohol; and, that such an order is necessary to protect other persons from further conduct by him of that kind whilst he is under the influence of alcohol.

The Council may serve closure orders under Section 19 of the Criminal Justice and Police Act 2001.

Where the Council is satisfied that any premises in the area of the authority are being, or within the last 24 hours have been, used for the unauthorised sale of alcohol for consumption on, or in the vicinity of, the premises, the authority may serve a closure notice in respect of those premises. Such orders may be served on a person having control of, or responsibility for the activities at the premises.

Reason:

The sale of alcohol from premises other than pubs or clubs throughout the day is integral to the Act. It is however necessary to ensure that suitable regimes are in place to prevent the sale of alcohol to persons under 18 years of age and to persons who are drunk. Controls will meet the need to address the potential for crime and disorder problems that such sales can present. In addition, the controls required will also address the requirement under the Act to protect children from harm.

Additional matters which should be considered by applicants are shown in Appendix B of this Policy.

Section B: Public Safety

Matters to be considered by Applicants

Following receipt of an application, a responsible authority may make representations to the Council, if it considers that adequate provision for public safety has not been made or has not been demonstrated within the application.

The Council will expect effective arrangements to secure adequate public safety at all times. When preparing the Operating Schedule, applicants should take into account the areas listed below and any others which are identified from either of the Health and Safety and the specific Fire Safety risk assessments of the premises.

- Adequate provision for the safety of persons in line with the Equality Act 2010
- Adequate provision of safe ingress and egress to the premises at all times when in use
- Safe occupancy levels to be determined and suitable arrangements to ensure they are not exceeded (where necessary and not imposed by other legislation)
- Adequate means of escape in case of fire
- Adequate warning in case of fire
- Adequate provision for firefighting
- Adequate levels of both normal and emergency lighting
- Suitable and adequate fire and safety notices
- Adequate levels of ventilation
- Adequate provision for summoning the emergency services
- Suitable levels of non-combustible or flame retarded finishes for the premises construction, wall and ceiling coverings, drapes and contents
- Adequate arrangements for the maintenance of safety equipment and systems
- Adequate levels of training to staff members
- Suitable recording of maintenance, tests and training
- Testing of electrical wiring and systems
- Suitable access for emergency vehicles
- Adequate arrangements for the provision of first aid equipment
- Adequate safety for indoor Sports Entertainment
- Adequate numbers of attendants and marshals
- Adequate arrangements for the safe use and storage of equipment used for special effects
- Consideration of implementing national safety campaigns such as 'Ask for Angela'
- Measures on how to prevent drink spiking by training staff (including door staff) in awareness of drink spiking and a procedure on how to deal with reported incidents

Reason

The safety of the public at licensed premises is paramount and is one of the four licensing objectives.

Counter Terrorism

Applicants will be expected to consider implementing appropriate counter terrorism measures at their premises, in particular, larger premises and events, in line with any national guidance. Applicants must also have regard to any counter terrorism advice given by Counter Terrorism Security Advisors (CTSA) or local police.

At premises with alcohol for consumption on the premises and entertainment venues, applicants are recommended to consider counter terrorism training for all staff, such as the free Action Counters Terrorism (ACT) e-learning course. At a decision or review hearing, a condition requiring staff to be trained in counter

terrorism awareness and how to report suspicious activity or respond to an incident may be imposed.

The main guidance bibliography is listed in Appendix C to this Policy.

Section C: The Prevention of Public Nuisance

Noise Controls

With all applications, a balance of interests will be considered to allow licensable activities where possible, whilst preventing public nuisance within the local community.

Stricter conditions with regard to noise control will be expected in some circumstances. This includes: (i) areas of the Borough which have denser residential accommodation (ii) areas of the Borough that have low levels of background noise (such as within the New Forest National Park) (iii) licensable activities which extend into night time hours e.g. 2300-0800 (iv) Licensable activities to be held outdoors, in garden areas or in marquees (v) Licensable activities of longer duration or greater frequency e.g. every day/ every weekend (vi) Multiple licences on the same piece of land (vii) Poor history of compliance.

Depending on the nature of the application, the operating schedule would be expected to include some / all of the following:

- The location of premises and proximity to residential and other noise sensitive premises;
- The hours of opening, particularly between 23:00 hours and 08:00 hours;
- The nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises;
- Details of the genre of music proposed
- The design and layout of premises and in particular the presence of noise limiting features;
- The total occupancy capacity (staff, customers, others) of the premises;
- The availability of public transport;
- Last admission time; and wind down period' between the end of the licensable activities and closure of the premises;
- The age and type of clientele being attracted to or likely to be attracted to the premises.

In relation to the above, the applicant will be expected to demonstrate the measures that are taken to mitigate public nuisance, which where relevant, should include the following:

- Effective and responsible management of the premises
- Installation of sound proofing, air conditioning, acoustic lobbies, sound limitation devices, acoustic curtains, rubber seals to doorways, installation of rubber speaker mounts;
- Keeping doors and windows closed
- Limiting music to a particular area of a premises and considering the type of music/ volume;
- Consideration of the choice, location and orientation of speakers;
- Identifying and monitoring noise levels from specific locations and keeping records of this;
- Noise Management Plans;
- Management of people, including staff and traffic (and any resulting queues) arriving and leaving premises;
- Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance, e.g. to ensure customers leave quietly;

- Time restrictions on use of garden areas;
- Management of external garden areas and smoking shelters including closing times;
- Management arrangements for the control of deliveries and collections & disposal of refuse;
- Liaison with public transport providers;
- Siting of external lighting including security lighting;
- Public Information – letters to nearby residents, hotline telephone contact numbers.

The applicant should give regard to current standards and national guidance for noise control at licensed premises and, where available, refer to the Council's detailed advice on the Council's webpages. Applicants are also encouraged to contact the Environmental Protection Team for advice prior to submitting applications.

Section D: Protection of Children

Matters to be considered by Applicants

When addressing the protection of children, applicants should initially identify any particular issues (having regard to their particular type of premises and/or activities) which are likely to cause concern in relation to children. Such steps as are required to deal with these identified issues should be included within the applicant's Operating Schedule. Applicants should have regard to the following matters when writing their operating schedules and are advised to consult the Hampshire County Council Safeguarding Unit. If the Council receive a representation, additional conditions may be imposed at the hearing that determines the application .

It should be noted that it is unlawful under the 2003 Act to permit unaccompanied children under the age of 16 to be present on

- (a) premises exclusively or primarily used for supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or a temporary event notice when open for the purposes of being used for the supply of alcohol for consumption there; or
- (b) in between midnight and 0500hrs at all premises supplying alcohol for consumption on those premises under the authorisation of any premises licence, club premises certificate or temporary event notice.

Conditions duplicating these provisions are therefore unnecessary.

Policy D1: Protection of children from harm

Adult entertainment

In most cases, adult entertainment, such as striptease or lap dancing, will be controlled under the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009 (see paragraph 1.7 of Part 1 above). Where the Licensing Act 2003 applies to such adult entertainment, however, the following provisions will apply to such regulated entertainment. The Council will take into account the increased risk to the licensing objectives arising from adult entertainment.

Note: For the sake of convenience the term “striptease” in this part of the policy should be taken to refer to any entertainment or service involving exposure of private parts or the sexual stimulation of patrons.

Where such entertainment is provided the operating schedule must include conditions designed to ensure that children are not admitted to and cannot witness these activities and to prevent crime and disorder problems. For example:

The area proposed for striptease shall:

- (a) be in a position where the performance cannot be seen from the street;

(b) be in a designated area of the premises with segregation from the audience;

(c) be in a position where the performers will have direct access to the dressing room without passing through or in close proximity to the audience.

Whilst striptease entertainment is taking place no person under the age of 18 shall be on the licensed *premises* and a clear notice shall be displayed at each entrance to the premises in a prominent position, so that it can be easily read by persons entering the premises, in the following terms:

NO PERSON UNDER 18 WILL BE ADMITTED

To prevent the possibility of children seeing unsuitable advertisements, unless the advertisement has been previously agreed by the Council, the policy of the Council will be to attach a condition to the effect that “Except with the consent of the Council there shall be no external advertising of the striptease entertainment either at the premises or in its immediate vicinity.”

The Council has adopted the relevant provisions of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009 such that premises providing sexual entertainment will require a Sexual Entertainment Venue Licence. Conditions are attached to such licences and where there are similar conditions to those on a Premises Licence or Club Premises Certificate, the more onerous apply.

Reason

These policies are designed to further the licensing objective of protecting children by preventing them being exposed to unsuitable material or acts. They are also designed to further the crime prevention and prevention of nuisance objectives by recognising the increased risk of nuisance or illegal activities such as performers offering “extras” to customers or the plying for trade by prostitutes.

Policy D2: Access to licensed premises by children

The Council will take strong measures to protect children from harm. In particular, it will ensure that strenuous efforts are made to reduce unlawful drinking of alcohol by children and young people under the age of 18. Examples of premises where the introduction of additional controls are likely to be necessary are:

- Where there have been convictions for serving alcohol to a minor or with a reputation for under-age drinking
- Where the premises or the activities being provided are likely to attract children and young people seeking to unlawfully drink alcohol
- 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 provided

In such circumstances while it may sometimes be necessary to impose a complete prohibition this would be only rarely imposed. The Council would normally require:

- **Limitations on the hours when children may be present**
- **Age limitations below 18**
- **Limitations or exclusions when certain activities are taking place**
- **Requirements for accompanying adults**
- **Full exclusion of people under 18 from the premises when any licensable activities are taking place**

Where there is provision of entertainment specifically for children (e.g. a children's disco) the Council will require the presence of sufficient adults to control the access and egress of the children and assure their safety.

Reason

These policies are designed to allow flexibility for the licensee, to ensure that where appropriate licensed premises are “user friendly” for children but to ensure they are adequately protected.

Policy D3: Children & Cinemas

The Council expects licensees to include in their operating schedule arrangements for restricting children from viewing age restricted films classified according to the recommendations of the British Board of Film Classification.

Where the exhibition of films is permitted the authority will expect the age restrictions of the British Board of Film Classification (BBFC) in respect of the films to be exhibited to be complied with. Only in exceptional cases will variations of this general rule be granted by the Council and then only with appropriate safeguards.

In relation to specialist Film Festivals where it is desired to show films not classified by the BBFC the Council will, provided adequate notice has been given, classify the films concerned. To achieve consistency and the protection of children the Council will use the guidelines published by the BBFC.

Reason

To prevent children from viewing unsuitable films.

Policy D4: Children and Regulated Entertainment

It is expected that adult staff will be at places of public entertainment to control the access and egress of children and to protect them from harm. This requirement also applies to children present at an event as performers, in which case, for every ten children there must be one supervising adult [who may need to be duly screened for child protection] present at all times.

Children and Purchase of Alcohol

The Council will actively encourage licensees to keep registers of refused sales (refusals/challenge books) where sales of alcohol and any other age-restricted goods have been refused for any reason. Keeping such records will help to demonstrate that responsibilities for checking ages of purchasers are being taken seriously. Refusals/challenge books should be kept on the licensed premises and be made available for inspection by the Licensing Officer, Trading Standards or the Police.

Additional matters which should be considered by applicants are shown in Appendix E of this Policy.

APPENDIX A**SCHEME OF DELEGATION**

Matter to be dealt with	Licensing Sub-Committee	Officers
Application for Personal Licence with unspent convictions	If a Police representation made	If no representation made
Application for Premises Licence/Club Premises Certificate	If a relevant representation made	If no representation made
Application for a Provisional Statement	If a relevant representation made	If no representation made
Application to vary Premises Licence/Club Premises Certificate	If a relevant representation made	If no representation made
Minor variation (of Premises/Club)		All cases
Application to Vary the Designated Premises Supervisor	If a Police objection	All other cases
Request to be removed as a Designated Premises Supervisor		All cases
Application for transfer of a Premises Licence	If a Police objection	All other cases
Applications for interim authorities	If a Police objection	All other cases
Application to Review a Premises Licence/Club Premises Certificate	All cases	
Decision on whether a representation 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 or Environmental Health objection to a Temporary Event Notice	All cases	
In cases where the Magistrates Court has determined the licence on appeal		All cases
Decision to suspend Premises Licence/Club Premises Certificate for non-payment of annual fees		All cases
Decision to impose existing Premises Licence/Club Premises Certificate onto a Temporary Event Notice		All cases

where all parties agree a hearing is unnecessary		
Decision on whether an application for minor variation should be referred to a responsible authority		In all cases
Application to disapply the mandatory condition for a Designated Premises Supervisor at community premises	If a Police objection is made	In all other cases

APPENDIX B

Prevention of Crime and Disorder

Measures which should be considered

Electronic Communication Devices

An encrypted digital radio system connecting licensed premises may be utilised to communicate the presence of people in an area who may be engaging in anti-social behaviour, crime and disorder or who are a 'banned person' as imposed by a Pubwatch scheme or similar..

Door Supervisors

Conditions relating to the provision of door supervisors and security teams may be valuable in:

- Preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder
- Keeping out excluded individuals (subject to court bans or imposed by the licence holder)
- Searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons
- Maintaining orderly queuing outside of venues prone to such queuing
- Preventing underage alcohol consumption by checking for proof of age ID

Where door supervisors conducting security activities are to be a condition of a licence, which means that they would have to be registered with the Security Industry Authority, conditions may also need to deal with the number of such supervisors, the displaying of name badges, the carrying of proof of registration, where and at what times they should be stationed on the premises, and whether at least one female should be available (for example, if female customers are to be the subject of body searches).

Door supervisors also have a role to play in ensuring public safety.

Bottle Bans

Bottles may be used as weapons inflicting more serious harm during incidents of disorder. A condition can prevent sales of drinks in their bottles for consumption on the premises. However, many women consider that drinking from bottles to be safer as it is easier for them to prevent the spiking of drinks with drugs in bottles the openings of which may be readily covered. These issues, therefore, need to be carefully balanced.

Plastic Containers and Toughened Glass

Glasses containing drinks may be used as weapons during incidents of disorder and can cause very serious injuries. Consideration should therefore be given to conditions requiring either the use of plastic containers or toughened glass that inflicts less severe injuries. Location and style of the venue and the activities carried

on there would be particularly important in assessing whether a condition is necessary. For example, the use of glass containers on the terraces of outdoor sports grounds may obviously be of concern, but similar concerns may also apply to indoor sports events such as boxing matches. Similarly, the use of such plastic containers or toughened glass during the televising of live sporting events, such as international football matches, when high states of excitement and emotion fuelled by alcohol might arise, may be a necessary condition.

It should also be noted that the use of non-glass based alternative or paper drinks containers and toughened glass may also be relevant as measures to promote public safety.

CCTV

The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Operating schedules should state the precise siting of each camera, the requirement to maintain cameras in working order, and to retain recordings for an appropriate period of time. The police should provide individuals conducting risk assessments when preparing operating schedules with advice on the use of CCTV to prevent crime. Use of CCTV should comply with any data protection legislation and guidance issued by the Information Commissioner.

Open Containers not to be taken from the Premises

Drinks purchased in licensed premises or clubs may be taken from those premises for consumption elsewhere. Where premises are licensed for the sale of alcohol for consumption off the premises that would be entirely lawful. However, consideration should be given to preventing the taking of alcoholic and other drinks from the premises in open containers (e.g. glasses and opened bottles). This may again be necessary to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises.

Restrictions of Drinking Areas

It may be necessary to restrict the areas where alcoholic drinks may be consumed in premises after they have been purchased from the bar. An example would be at a sports ground where the police consider it necessary to prevent the consumption of alcohol on the terracing of sports grounds during particular sports events. Gardens and terraces outside premises can have the benefit of encouraging a continental style café culture. However, late at night the tables and chairs within these areas can be used as weapons. Operating Schedules should not only specify these areas, but also indicate the circumstances in which the ban would apply and times at which it should be enforced.

Capacity Limits

Operating Schedules may need to set capacity limits for licensed premises or clubs where it may be necessary to prevent overcrowding which can lead to disorder and violence. Where such a condition is considered appropriate, consideration should also be given to whether door supervisors would be needed to ensure that the numbers are appropriately controlled. Under the Fire Safety Order, a capacity limit

should not be included on a licence if the only reason for so doing would be for fire safety purposes.

Proof of Age

It is unlawful for children under 18 to attempt to buy alcohol, just as it is unlawful to sell or supply alcohol to them. Although all premises licences and club premises certificates have from October 2010 included a mandatory condition requiring an age verification policy, responsible authorities may consider it appropriate to require a condition that premises apply a recognised proof of age scheme such as “Challenge 21” or “Challenge 25”. In line with central government guidance, acceptable forms of identification for proof of age will be UK photo-card driving licences, passports and proof of age cards that are accredited by the PASS scheme.

Crime Prevention Notices

It may be necessary at some premises for notices to be displayed warning customers of the prevalence of crime that may affect them. For example, in certain areas, a condition attached to a premises licence or club premises certificate might require the displaying of notices at the premises advising customers about the need to be vigilant of unattended bags because of concerns about terrorism.

Signage

It may be necessary for the normal hours under the terms of the premises licence or club premises certificate at which licensable activities are permitted to take place to be displayed on or immediately outside the premises so that it is clear when breaches of the terms of the licence or certificate are taking place. Similarly, it may be necessary for any restrictions on the admission of children to be displayed on or immediately outside the premises so that the consequences of breaches of these conditions would also be clear and to deter those who might seek admission in breach of those conditions.

It will often be important for the Police, authorised officers and members of the public to know the name of the person who is in charge of the premises when they are open for trading. In appropriate circumstances, a condition may be imposed requiring the name of the duty manager or other responsible person in charge to be displayed. The Licensing Act requires the Premises Licence/Club Certificate summary to be fully displayed in a prominent position and a copy of the full licence to be available for inspection.

APPENDIX C

Public Safety

The following bibliography provides suitable information and guidance to assist applicants to determine the appropriate provisions and standards required for public safety.

- BS 9999:2017 Fire Safety in the design, management and use of buildings
- Approved document B to the Building Regulations – means of escape from fire.
- Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X
- Example risk assessments – www.hse.gov.uk/risk/casestudies
- The Guide to Safety at Sports Grounds (“The Green Guide”) ISBN 978-1-9164583-0-7
- The Noise Council Code of Practice on Environmental Noise at Concerts (1995)
- The Purple Guide - www.thepurpleguide.co.uk
- Guidance on running events safely – www.hse.gov.uk/event-safety
- BS 8551:2015 – Temporary water supply code of practice
- Safety Guidance for Street Arts, Carnival, Processions and Large-Scale Performances published by the independent Street Arts Network, copies of which may be obtained through www.streetartsproject.org.uk
- Assistance on fire safety related matters can be found by visiting Hampshire and IOW Fire and Rescue Service web site: www.hantsfire.gov.uk
- Advice and guidance for businesses on how to protect the public from terrorist threats - www.counterterrorism.police.uk/adviceforbusinesses/ and www.protectuk.police.uk/

APPENDIX D

PREVENTION OF PUBLIC NUISANCE

It should be noted that provisions of the Environmental Protection Act 1990 and the Noise Act 1996 provide some protection to the general public from the effects of noise nuisance. In addition, the provisions of the Anti-social Behaviour, Crime and Policing Act 2014 enable a senior police officer to close down instantly, for up to 24 hours, licensed premises and premises carrying on temporary permitted activities that are causing nuisance resulting from noise emanating from the premises. These matters will be considered before deciding whether or not conditions are appropriate for the prevention of public nuisance.

Matters to be considered by Applicants

In cases where a significant variation to the nature, scope or timings of public entertainment is being sought and/or where there may be an adverse impact from noise on the local community then applicants are advised to consult the Environmental Protection Team at Test Valley Borough Council before submitting their application. If the Council receives a representation at the Hearing that determines the application, additional conditions may be imposed.

Hours

The hours during which the premises are open to the public or to members and their guests can be restricted (other than where they are protected by the transitional provisions of the Licensing Act 2003) by the conditions of a premises licence or a club premises certificate for the prevention of public nuisance. This must be balanced by the potential impact on disorder that results from artificially early fixed closing times.

Restrictions could be necessary on the times when certain licensable activities take place even though the premises may be open to the public at such times. For example, the playing of recorded music after a certain time might be prohibited, even though other licensable activities are permitted to continue.

Restrictions might be necessary on the parts of premises that might be used for certain licensable activities at certain times. For example, while the provision of regulated entertainment might be permitted while the premises are open to the public or members and their guests, regulated entertainment might not be permitted in a garden area of the premises after a certain time.

Noise and Vibration - Overview

Applicants must specify in sufficient detail the measures to be implemented to control noise from the licensed premises and so demonstrate how the licensed premises will be a “good neighbour”. The operating schedule must have regard to the nature of the area where the premises are situated, the type of premises concerned, the licensable activities to be provided and the expectations of the local community.

Noise - General

When assessing the adequacy of the operating schedule, the Council will have regard to relevant guidance e.g. the Good Practice Guide on the Control of Noise from Pubs and Clubs*¹ and, where applicable, the Code of Practice on Environmental Noise Control at Concerts*².

[Footnotes:

***1 The Institute of Acoustics Good Practice Guide on the Control of Noise from Pubs and Clubs (March 2003), available from the Institute of Acoustics Email publications@ioa.org.uk; www.ioa.org.uk). This document provides guidance for the assessment and control of noise affecting noise-sensitive properties, from the public and private use of public houses, clubs, hotels, discotheques, restaurants, cafes, community or village halls and similar premises.**

***2 The Noise Council Code of Practice on Environmental Noise Control at Concerts (1995), ISBN 0 900103 51 5 (Tel. 0207 8275800). This publication provides guidance on the control of noise from large-scale music events.]**

Conditions relating to noise control will be considered in any of the following circumstances:

- (a) Conditions will be applied that implement measures detailed within the operating schedule to prevent public nuisance.**
- (b) The operating schedule does not adequately demonstrate that the licensing objective for the prevention of public nuisance will be met, i.e. where effective noise control measures are either not practicable or have not been specified in the operating schedule;**
- (c) A review of existing conditions has taken place and additional or modified conditions are considered to be in the interests of preventing public nuisance;**
- (d) Conditions relating to a particular category of premises or particular activities are considered to be in the interests of preventing public nuisance.**

Stricter conditions with regard to noise control may be appropriate in areas of the Borough which have denser residential accommodation or low levels of background noise. However, this will not limit opening hours without regard to the individual merits of the circumstances.

The policy of the Council is to strike a fair balance between the benefits to a community of a licensed venue and the risk of disturbance to local residents. Consequently in sensitive areas the Council may restrict the hours of operation, as an alternative to extensive sound insulation and noise control measures.

Premises open between 2300 and 0800 will be expected to have:

- (a) an operating schedule agreed with the Council that indicates the applicant is taking appropriate steps to comply with the licensing objective of preventing public nuisance; and**

- (b) **an appropriate amount of car parking readily accessible to the premises, and situated in such a way that vehicular movement will not cause demonstrable adverse impact to local residents.**

Noise from Regulated Entertainment

The main sources of noise from holding regulated entertainment are from music, singing, raised voices-and the use of public address systems. The operating schedule must indicate clearly the nature, timings and frequency of any regulated entertainment, as well as the noise control measures to be put in place. The Council may impose restrictions, for example relating to the nature, timings or frequency of regulated entertainment held, if the operating schedule does not adequately demonstrate that the licensing objective for the prevention of public nuisance will be met.

Noise from Regulated Entertainment

When assessing the acceptability of noise associated with regulated entertainment, the Council will take particular account of the likely sound level produced, the timing, duration and frequency of events, and what level of noise control is reasonable and proportionate in the circumstances. The Council generally expects that noise associated with regulated entertainment which takes place between the hours of 23.00 – 08.00, or takes place on a frequent basis at any time, should be controlled so as to provide a high level of protection to residents living in the vicinity of the licensed premises. A high level of protection would in most cases equate to a sound level that the Council expects would be *inaudible*^{*3} to people inside all affected residential properties, with windows open for normal ventilation purposes. In some cases, a noise assessment will be required to demonstrate that this aim is likely to be met on a consistent basis.

[Footnotes or Glossary –

***3 *Inaudible*: Sound that cannot be heard or is imperceptible to the human ear (as defined in the Institute of Acoustics Good Practice Guide on the Control of Noise from Pubs and Clubs, published in March 2003). For the purposes of this policy, inaudible at all times inside all noise-sensitive properties means inaudible with windows open in a typical manner for ventilation.]**

Where applicable, the applicant will be expected to adequately demonstrate that compliance with the inaudibility criterion will be achieved. Accordingly, the applicant may be required to appoint a competent noise control consultant to carry out acoustic tests of the premises under worst-case conditions and identify suitable additional noise control measures required to meet the inaudibility criterion.

In all cases where regulated entertainment is provided within a building the Council will expect the applicant to identify any areas of sound leakage from the premises and include in the operating schedule practicable measures for addressing any areas so identified, such as:

- **Keeping doors and windows closed, providing acoustic lobbies and providing adequate mechanical ventilation where necessary;**

- **Reducing sound levels and installing and maintaining a sound limiting device to prevent sound exceeding the appropriate level;**
- **Installing soundproofing measures to contain sound and vibration.**

The level of detail expected by the Council with respect to noise control measures and procedures specified in the operating schedule will vary depending on circumstances, in particular the proximity of the premises to residential areas and the nature, frequency and timings of regulated entertainment events.

The following general issues should also be covered in the operating schedule:

- The methods used to assess the potential for noise disturbance;
- The monitoring systems to be put in place to check on compliance with noise control procedures;
- Procedures to be put in place for the recording and responding to any noise complaints;
- The provision of appropriate information, instructions and training to employees with respect to noise control matters.

Plant and Machinery

Fixed plant and machinery such as air conditioning plant and cooking extraction systems can cause noise disturbance if not appropriately designed, constructed, maintained and located. The noise produced may not be a problem during the daytime but may cause disturbance to local residents at night.

Noise from Plant and Machinery

Applicants will be expected to demonstrate in their operating schedules that noise produced will not cause disturbance to local residents in either of the following situations:

(a) New fixed plant or machinery, which may be audible at any noise-sensitive properties in the vicinity of the premises, is to be installed or has recently been installed;

(b) There is a significant change in the hours or manner of operating existing plant or machinery and such machinery is or may be audible at any noise-sensitive properties in the vicinity of the premises.

In all cases, licensees will be expected to minimise noise from fixed plant and machinery as far as reasonably practicable and specify noise control measures taken in the operating schedule. This could include measures such as switching off plant and machinery, for example ventilation fans, when not required.

Noise from the Use of Gardens, Play Areas and Other Outdoor Areas

In residential areas noise disturbance may arise from using gardens, play areas and other outdoor areas, particularly during events such as barbeques, festivals, family fun days etc. Outdoor seating areas can also encourage patrons and passers by to loiter rather than disperse late at night. There should be no loud speakers outside the building unless agreed by the Council for a specific event and the operating

schedule must include measures to control noise e.g. hours of use, if near residential premises.

Noise from Gardens etc.

Time restrictions or other conditions relating to the use of such outdoor areas may be imposed if considered to be in the interests of preventing public nuisance.

Noise from Patrons Leaving and Entering Premises

Noise disturbance can arise from patrons leaving premises or congregating in the vicinity of the premises prior to leaving the area. Such disturbance can include raised voices (including rowdy behaviour), use of in-car entertainment systems, car horns, the slamming of car doors, the screeching of tyres, excessive engine revving, prolonged idling and other similar activities.

It is self evident that the risk of disturbance to local residents is greater when licensable activities continue late at night and into the early hours of the morning. For example, the risk of residents' sleep being disturbed by patrons leaving licensed premises is obviously greater at 02.00 than at 23.00.

Noise from Patrons

The policy of the Council is to strike a fair balance between the benefits to the community of a licensed venue and the risk of disturbance to local residents. Consequently, the Council may restrict the hours of operation where effective noise control measures are either not practicable or have not been specified in the operating schedule.

In terms of patrons leaving the premises particularly late at night (after 23.00) or early in the morning the Council will expect the applicant to have included in the operating schedule such practical steps as:

- Erecting prominent notices at the exits to premises asking customers to leave quietly and not to slam car doors.
- Making announcements at appropriate times within the premises to the same effect.
- Instructing door staff to ask customers leaving the premises to leave the area quietly.
- Reducing the volume of music towards the end of the evening and where appropriate playing quieter, more soothing, music as the evening winds down.
- Making available licensed taxis or private hire vehicles to take patrons from the premises.
- Ensuring good communication with neighbours particularly for special events where a greater than usual impact is anticipated.

The Council will expect popular venues (including take-aways), which attract queues, to formulate a system to avoid disturbance to residents. This can sometimes be achieved by simply ensuring that the direction of the queue is as far away as possible from residential accommodation.

However, excessive noise and/or disorder require more rigorous action. It is important that queues formed later in the evening are supervised to keep noise to a minimum. This action can also help stop drug dealers from passing on drugs during the queuing process but the primary purpose is to prevent noise and disturbance. Door supervisors will generally carry out this role, but they must be given clear instructions as to their duties and responsibilities where necessary they should be adequately supervised.

Noxious smells

Where it is considered to be in the interests of preventing public nuisance, consideration might be given to conditions that ensure that noxious smells from licensed premises are adequately controlled and the premises are properly vented.

Light pollution

Bright or flashing lights on or outside licensed premises should not cause a nuisance to nearby properties. Any such condition needs to be balanced against the benefits to the prevention of crime and disorder of bright lighting in certain places.

Exterior Lighting

Exterior lighting and security lighting must be positioned to avoid disturbing neighbouring residential property.

Reason

Bright lights shining into the windows of residential properties can cause disturbance.

Sanitary Accommodation

Premises must have sufficient provision of sanitary accommodation (e.g. water closets/urinals) for males and females adequately signed, located, maintained and kept clean. In certain circumstances applicants may wish to erect notices on the premises suggesting customers may wish to avail themselves of the toilet facilities before leaving the premises.

Reason

To prevent the public nuisance of people urinating and defecating in the street, public places or private land, causing nuisance to members of the public.

APPENDIX D

THE PROTECTION OF CHILDREN FROM HARM

Access for children to licensed premises - in general

Restrictions on the access of children under 18 to premises where licensable activities are being carried on should be made where it is appropriate to protect children from harm. Conditions attached to premises licences and club premises certificates may reflect the concerns of responsible authorities and other parties who have made representations but only where the Council considers such conditions appropriate to protect children from harm. Whilst applications in relation to premises licences and club premises certificates must be judged by the Council on their individual merits and characteristics, the Secretary of State recommends (unless there are circumstances justifying the contrary) that:

- For any premises with known associations (having been presented with evidence at a hearing) with underage drinking, drugs, significant gambling, or any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature, there should be a strong presumption against permitting any access at all for children under 18 years. Applicants wishing to allow access for children to premises where these associations may be relevant, when preparing operating schedules or club operating schedules or variations of those schedules, for the purposes of obtaining or varying a premises licence or club premises certificate, should:
 - Explain their reasons; andOutline in detail the steps that they intend to take to protect children from harm on such premises.
- For any premises, not serving alcohol for consumption on the premises, but where the public are allowed on the premises after 10.00 pm in the evening, there should be a presumption against the presence of children unaccompanied by adults under the age of 12 after that time. Applicants wishing to allow access when preparing operation schedules or variations of those schedules or club operating schedules for the purposes of obtaining or varying a premises licence or club premises certificate should:
 - Explain their reasons; and
 - Outline in detail the steps that they intend to take to protect children from harm on such premises.

In any other case, subject to the personal licence holder, designated premises supervisor or club's discretion, the expectation would be for unrestricted access for children of any age to premises. An operating schedule or club operating schedule should indicate any decision for the premises to exclude children completely, following from which there would be no need to include in the schedule steps the applicant proposes to take to promote the protection of children from harm.

Age Restrictions - specific

Under the 2003 Act a wide variety of licensable activities could take place at various types of premises and at different times of the day and night. Whilst it may be appropriate to allow children unrestricted access at particular times and when certain activities are not taking place the Council following relevant representations made by responsible authorities and interested parties will need to consider a range of conditions that are tailored to the particular premises and their activities where these are appropriate. The Council will consider:

- The times of day during when age restrictions should and should not apply. For example, the fact that adult entertainment may be presented at premises after 20:00 hrs does not mean that it would be necessary to impose age restrictions for earlier parts of the day.
- Types of event or activity in respect of which no age restrictions may be needed, for example;
 - Family entertainment; or
 - Non-alcoholic events for young age groups such as under 18s dances

Similarly, types of event or activity that give rise to a more acute need for age restrictions than normal, for example:

- During "Happy Hours" or on drinks promotion nights;
- During activities outlined above.

Age restrictions - cinemas

The Secretary of State considers that, in addition to the mandatory condition imposed by virtue of Part 20 of the Act, requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under Part 4 of the Video Recordings Act 1984 or by the Council itself, conditions restricting the admission of children to film exhibitions should include:

- A condition that where the Council itself is to make recommendations on the admission of children to films, the cinema or venue operator must submit any film to the authority that it intends to exhibit 28 days before it is proposed to show it. This is to allow the authority time to classify it so that the premises licence holder is able to adhere to any age restrictions then imposed.
- A condition that when films are classified, by either the film classification body as specified in the licence or the Council, they should be classified in the following way:
 - U Universal - suitable for audiences aged four years and over
 - PG - Parental Guidance. Some scenes may be unsuitable for young children.
 - 12 - Passed only for viewing by persons aged 12 years or older
 - 12A - Passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult.
 - 15 - Passed only for viewing by persons aged 15 years and over.
 - 18 - Passed only for viewing by persons aged 18 years and over

- That conditions specify that immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film.
- A condition that when a Council has made a recommendation on the restriction of admission of children to a film, notices are required to be displayed both inside and outside the premises so that persons entering can readily be made aware of the classification attached to any film or trailer. Such a condition might be expressed in the following terms:

"Where a programme includes a film recommended by the Council as falling into the 12, 12A, 15 or 18 category no person appearing to be under the age of 12, under 12 and unaccompanied, 15 or 18 as appropriate shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position at each entrance to the premises a notice in the following terms -

PERSONS UNDER THE AGE OF [INSERT APPROPRIATE AGE] CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME

Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction.

This condition does not apply to members of staff under the relevant age provided that the prior written consent of the person's parents or legal guardian has first been obtained,"

Theatres

The admission of children to theatres, as with other licensed premises, is not normally expected to be restricted unless it is appropriate to promote the licensing objective of the protection of children from harm. However, theatres may be the venue for a wide range of activities. The admission of children to the performance of a play will normally be left to the discretion of the licence holder and no condition restricting the access of children to plays should be attached. However, theatres may also present entertainment including, for example, variety shows, incorporating adult entertainment. A condition restricting the admission of children in such circumstances may be appropriate. Entertainment may also be presented at theatres specifically for children (see below).

Consideration will be given to the imposition of conditions to premises licence requiring the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of children present on the premises during any emergency.

Performances especially for children

Where performances are presented especially for children in theatres and cinemas conditions are anticipated to be needed which require:

- An attendant [who may need to be duly screened for child protection] to be stationed in the area(s) occupied by the children, in the vicinity of each exit, provided that on each level occupied by children the minimum number of attendants on duty should be one attendant per 50 children or part thereof.
- Whether or not standing should be allowed. For example, there may be reduced risk for children in the stalls than at other levels or areas in the building.

Children in performances

There are many productions each year that are one-off shows where the cast is made up almost entirely of children. They may be taking part as individuals or as part of a drama club, stage school or school group. The age of those involved may range from 5 to 18. The Children (Performances) Regulations 1968 as amended set out requirements for children performing in a show. However, if it is appropriate to consider imposing conditions for the promotion of the protection of children from harm then the Council will consider the matters outlined below:

- **Venue** - the backstage facilities should be large enough to accommodate safely the number of children taking part in any performance.
- **Fire safety** - all chaperones and production crew on the show should receive instruction on the fire procedures applicable to the venue prior to the arrival of the children.
- **Special effects** - it may be inappropriate to use certain special effects, including smoke, dry ice, rapid pulsating or flashing lights, which may trigger adverse reactions especially with regard to children.
- **Care of children** - theatres, concerts halls and similar places are places of work and may contain a lot of potentially dangerous equipment. It is therefore important that children performing at such premises are kept under adult supervision at all times including transfer from stage to dressing room and anywhere else on the premises. It is also important that the children can be accounted for at all times in case of an evacuation or emergency.

GLOSSARY OF TERMS USED

Note: In this Policy, the following definitions are included to provide an explanation of certain terms included in the Act and therefore in the Policy. In some cases, they are an abbreviation of what is stated in the Licensing Act 2003 or an interpretation of those terms. For a full definition of the terms used, the reader must refer to the Licensing Act 2003.

Club Premises Certificate A certificate granted under the Licensing Act 2003 for premises habitually used by a club which fulfils certain statutory criteria.

Designated Premises Supervisor The person (who must be a Personal Licence holder), in the case of premises selling alcohol, who will normally have been given the day-to-day responsibility for running the premises by the holder of the Premises Licence. The Premises Licence Holder can also be the Designated Premises Supervisor.

Any Other Person the Act has removed the vicinity test, therefore any person may make a representation or apply for review.

Late Night Refreshment the supply of hot food or hot drink to members of the public (whether for consumption on or off the premises) between the hours of 11.00 pm and 5.00 am.

Licensable Activities • the sale by retail of alcohol • the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club • the provision of Regulated Entertainment • the provision of Late-Night Refreshment

Licensed Premises includes club premises and events unless the context otherwise requires.

Operating Schedule a document containing a statement of the following matters (and any others that may be prescribed): • the relevant Licensable Activities • the times at which the Licensable Activities are to take place and any other times when premises are open to the public • information regarding the person who will be specified in the Premises Licence as the Premises Supervisor • where the Licensable Activities involve the supply of alcohol, whether it is for the supply on and/or off the premises • steps being taken to promote the Licensing Objectives

Personal Licence A licence granted to an individual authorising that individual to supply alcohol.

Premises Licence A licence granted under the Licensing Act allowing premises to be used for one or more Licensable Activities.

Relevant Representation Representations which are: (a) relevant to one or more of the licensing objectives; and (b) made by any person within the appropriate period; and (c) have not been withdrawn; and (d) if they are made by any person (who is not also a responsible authority), are not, in the opinion of the Council frivolous, or vexatious The Council will determine whether representations are relevant or not.

Responsible Authority These include any of the following: (a) The Chief Officer of Police (b) The Fire Authority (Hampshire & Isle of Wight Fire and Rescue Service) (c) The enforcing authority for health and safety at work (either the Health and Safety Executive or the Borough Council) (d) The local planning authority (the Borough Council or New Forest National Park Authority) (e) The local authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health (the Borough Council Environmental Health Section) (f) The body responsible for Public Health (g) The Licensing Authority (h) A body which: (i) represents those who, in relation to any such area, are responsible for, or interested in, matters relating to the protection of children from harm and (ii) is recognised by

the licensing authority for that area for the purposes of this section as being competent to advise it on such matters (in Test Valley's case, this will be the relevant Safeguarding Unit)

Regulated Entertainment • a performance of a play • an exhibition of a film • an indoor sporting event • a boxing or wrestling entertainment • a performance of live music • any playing of recorded music • a performance of dance (or entertainment of a similar description falling within the last three of the categories listed above), where the entertainment takes place in the presence of and for the purposes of entertaining that audience or spectators.

Temporary Event Notice • a temporary activity involving one or more Licensable Activities subject to the following various conditions and limitations set out under the Licensing Act 2003 • duration • scale • use of the same premises on a prescribed number of occasions per calendar year; and • the number of notices given by an individual within a given period of time. In any other circumstances, a full Premises Licence or Club Premises Certificate will be required for the period of the event.

Statement of Consultation

This document was produced by Test Valley Borough Council in accordance with its duties under the Licensing Act 2003. Under Section 5 of the Act, the Council is required to determine its policy with respect to licensing functions and publish a statement of that policy. The statement must be published no later than 7 January 2026, must be kept under review and a new policy published every five years. The draft policy was published on the Council's website on 7 January 2026, and the following were consulted on the proposed policy:

- Hampshire and IOW Constabulary
- Hampshire and IOW Fire and Rescue Authority
- Trading Standards Service, Hampshire County Council
- Public Health, Hampshire County Council
- Test Valley Borough Council – all Services
- Test Valley Borough Council – all elected Members
- Andover and Romsey Town Councils
- Andover BID
- British Institute of Innkeeping
- British Beer and Pub Association
- Greene King Brewing & Retailing Limited
- Poppleston Allen solicitors
- Broadlands, Romsey
- John Gaunt & Partners
- TLT LLP
- Wadworth & Co Ltd
- Woods Whur 2014 Limited
- Campaign For Real Ale Limited
- UK Hospitality
- Punch Taverns.

The policy was approved following adoption by full Council on 3 December 2025.

Enquiries on this Policy should be addressed to:

The Licensing Section
Legal and Democratic Service
Test Valley Borough Council
Beech Hurst
Weyhill Road
Andover SP10 3AJ

Email: licensing@testvalley.gov.uk

For further information please contact the Head of Licensing on 01264 368013.

Further details about the licensing and application processes, including application forms, fees and details regarding each type of application can be obtained from the above address. A range of information including contact details for the responsible authorities is available from the above address and also on the Licensing Authority's website at www.testvalley.gov.uk.