



Licensing Act 2003 Licensing Policy

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**Licensing Act 2003
Licensing Policy Document January 2008**

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Please note that further regulations and guidance may be published over the coming months and information contained within this document may be subject to change.

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1.0 Introduction

- 1.1 This Statement of Licensing Policy is written pursuant to the provisions of the Licensing Act 2003 ("the Act") and the Department of Culture, Media and Sport (hereafter referred to as DCMS) Guidance issued under sec.182 of the Act.
- 1.2 The policy takes effect from 7th February 2008.
- 1.3 The policy relates to all licensable activities identified as falling within the provisions of the Act, and within the area of North Devon District Council ("the Licensing Authority"), namely:
- The retail sale of alcohol
 - The supply of alcohol to club members
 - The supply of hot food and / or hot drink from any premises including food stalls between 11.00 pm and 5.00 am
 - The provision of 'regulated entertainment' to the public, to club members, or with a view to profit, specifically:
 - (i) A performance of a play
 - (ii) An exhibition of a film
 - (iii) An indoor sporting event
 - (iv) Boxing or wrestling entertainment
 - (v) A performance of live music
 - (vi) Any playing of recorded music
 - (vii) A performance of dance
 - (viii) Provision of facilities for making music
 - (ix) Provision of facilities for dancing.
- 1.4 The purpose of this policy document is to assist the Licensing Authority in reaching a decision on any particular application, and setting out those matters that will normally be taken into account. In addition, the policy document seeks to provide clarity for applicants, residents, other occupiers of property, and investors, thus enabling them to make plans to move to, remain in, or invest in the District, with some measure of certainty.
- 1.5 The policy statement remains in existence for a period of 3 years during which it is kept under review and revised as appropriate. Any major changes are preceded by public consultation.
- 1.6 The policy must be published before the authority carries out any function in respect of individual applications made under the terms of the Act.
- 1.7 In stating its policy herewith, the Licensing Authority stresses that all of the ensuing sections are subject to the general proviso that the Authority can only make decisions on the merits of applications where its discretion has been engaged. Therefore, where the responsible authorities and interested parties do not raise any relevant representations about the application made to the Licensing Authority, it is the duty of the Authority to grant the licence or certificate subject only to conditions that are consistent with the operating schedule or club operating schedule and any mandatory conditions prescribed in the 2003 Act itself. The Licensing Authority may not therefore impose any conditions unless its discretion has been engaged following the making of relevant representations and it has been satisfied at a hearing of the necessity to impose conditions due to the relevant representations raised. It may then only impose conditions as are necessary to promote the licensing objectives arising out of the consideration of the relevant representations. However, in order to minimise problems and the necessity for hearings, it would be sensible for applicants and clubs to consult with responsible authorities when schedules are being prepared. This would allow for proper liaison before relevant representations prove necessary.

2.0 Licensing Objectives

2.1 The Licensing Authority has a duty under the Act to carry out its licensing functions with a view to promoting four licensing objectives. These are:

- The **Prevention of Crime and Disorder**
- The **Promotion of Public Safety**
- The **Prevention of Public Nuisance** and,
- The **Protection of Children from Harm.**

When its discretion has been engaged, the Licensing Authority only grants a licence when it is satisfied that these objectives have been met.

2.2 The Licensing Authority requires individual applicants to address the licensing objectives in their operational schedule having regard to the type of premises, the licensable activities to be provided, the operational procedures, the nature of the location, and the needs of the local community. To promote the licensing objectives, the Licensing Authority, when considering applications, takes into account the extent to which the measures, set out in the Appendices A, B, C and D to this policy and Annexes D, E, F, G and H of the DCMS Guidance, are appropriate, and where appropriate, how they have been addressed.

2.3 **Prevention of Crime and Disorder**

- (i) The Licensing Authority aims to achieve a reduction in crime and disorder throughout the district consistent with its statutory duty under section 17 of the Crime and Disorder Act 1998. Where relevant representations are made, the licensing authority may look more favourably upon applications where the applicant has addressed the issue of preventing crime and disorder in a positive way.
- (ii) The Licensing Authority encourages 'Pub Watch' schemes and intends to, where appropriate, play an active part in such schemes, and attend meetings as appropriate. The Licensing Authority, when determining applications, takes into consideration the applicant's involvement with, and support for, Pub Watch and other relevant schemes, which have an interest in improving standards.
- (iii) The provision of entertainment (including film exhibitions) where it is likely to lead to disorder, stir up hatred or incite violence towards any section of the public on grounds including colour, race, ethnic or national origin, disability, religious beliefs, sexual orientation or gender, is considered a very serious matter by the Licensing Authority and may result in the premises licence being revoked, or the removal of the designated premises supervisor from the licence if appropriate.
- (iv) The Licensing Authority requires appropriate and proportionate measures to be taken by licence-holders to promote the Crime and Disorder objective. The type of measures contemplated may include those detailed in Appendix A to this document and Annex D of the Licensing Act 2003 Guidance issued by the DCMS.

2.4 **Public Safety**

- (i) All premises are to be risk-rated by the Licensing Authority, and are to be subject to both announced and unannounced inspections (including multi-agency inspections).
- (ii) The use of special effects and/or the provision of special entertainment (e.g. foam, smoke, lasers, strobes, acrobatic displays, hypnotism, nudity etc.) have safety implications and should be addressed in the operating schedule for scrutiny by responsible authorities prior to such entertainment taking place.

- (iii) The Licensing Authority requires appropriate and proportionate measures to be taken by licence-holders to promote this objective. Such measures could include those listed in Appendix B to this document and Annexes E and F of the Licensing Act 2003 Guidance issued by the DCMS.

2.5 Prevention of Public Nuisance

- (i) To promote the licensing objectives, applicants for licences are required to demonstrate the measures they have in place for the prevention of public nuisance. The impact of the licensable activities on people living in the vicinity should not be disproportionate or unreasonable. The issues mainly concern noise, vibration nuisance, light pollution, noxious smells and litter. The prevention of public nuisance can include low level nuisance affecting a few people living locally, as well as a major disturbance affecting the whole community. It may also include the protection of the living and working amenity and environment of the interested parties.
- (ii) The use of special effects (e.g. lasers, flashing lights, fireworks, pyrotechnics etc.) can be a cause of public nuisance, and measures to prevent any such nuisance should be included in the operating schedule for scrutiny by responsible authorities.
- (iii) One of the irritations to residents is the sound of music escaping from licensed premises. Such an escape of sound might preclude the grant of a licence, or if one has already been granted, for it to be reviewed with a view to possible revocation. It might also lead to a noise abatement notice being issued under the Environmental Protection Act 1990. Applicants and licence-holders should avoid the need for such action.
- (iv) People entering and leaving licensed premises, particularly late at night or in the early hours of the morning, can be a significant problem. Customers under the influence of alcohol are often less inhibited about their behaviour and may be unaware of the noise they are creating. As background noise levels are lower at night any noise is more intrusive for residents trying to sleep. Where such matters are identified as being a problem, applicants and licence-holders should include appropriate measures to address such difficulties within their operating schedules.
- (v) The Licensing Authority requires appropriate and proportionate measures to be taken by licence-holders to promote this objective. Such measures could include those listed in Appendix C to this document and Annex G of the Licensing Act 2003 Guidance issued by the DCMS.

2.6 Protection of Children from Harm

- (i) The Licensing Authority recognises the great variety of premises for which licences may be sought. These for example include Theatres, Member Only Clubs, Sports Clubs, Cinemas, Restaurants, Pubs, Nightclubs, Cafes, Takeaways, Community Halls, Schools and Off-licences. Access by children to any particular type of premises is not to be limited unless it is considered necessary to do so in order to protect them from harm.
- (ii) In deciding whether to limit access to children or not the Licensing Authority judges each application on its own individual merits. Examples which may give rise to concern in respect of children would include premises where:
 - The supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises
 - Entertainment of an adult or sexual nature is provided or hypnotism practised
 - Wild or dangerous animals are present
 - There is a strong element of gambling taking place.

- (iii) The Licensing Authority considers a range of options for limiting the access of children to premises where this is necessary to prevent physical, moral or psychological harm. These, which may be adopted in combination, include:
- A limit on the days or hours when children may be present
 - A limitation, or exclusion, when certain activities are taking place
 - The requirement to be accompanied by a responsible adult
 - Access may be limited to parts of the premises but not the whole
 - An age limitation (for under 18s) or full exclusion of those people under 18 from the premises when any licensable activities are taking place.
- (iv) The Licensing Authority does not impose any condition, which specifically requires access for children to be provided at any premises. Where no restriction or limitation is imposed the issue of access remains a matter for the discretion of the individual licence-holder or club.
- (v) Conditions may be imposed on licences for premises where children could be present and that sufficient adult staff must be present to control the access and egress of children and to ensure their safety. Where children may also be present at an event as entertainers, a nominated adult responsible for such child performers is required.
- (vi) In cases where the relevant premises are exhibiting films the Licensing Authority expects licence-holders or clubs to include in their operating schedules arrangements to ensure that restrictions, according to the film rating by the British Board of Film Classification, are fully implemented.
- (vii) The Licensing Authority recognises Devon County Council as the responsible authority to advise on the protection of children and receive and to make relevant representations on relevant applications.
- (viii) The Licensing Authority is committed to encouraging compliance with the Portman Group's 'Code of Practice on the naming, packaging and promotion of alcoholic drinks'. The Code is an important measure in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner which may appeal to, or attract, minors.
- (ix) The Licensing Authority requires appropriate and proportionate measures to be taken by licence-holders to promote this objective. Such measures could include those items listed in Appendix D to this document and Annex H of the Licensing Act 2003 Guidance issued by the DCMS.

3.0 The Licensing Function

3.1 The Licensing Authority recognises that the licensing function is not the only means of securing the delivery of the above objectives. While the licensing function, therefore, should not be seen as a panacea for solving all problems within the community, the Licensing Authority nonetheless regards it as a primary route by which such problems can be addressed. The Licensing Authority, therefore, continues to work in partnership with its neighbouring authorities, the Police, the Fire authority, the Licensing Consultation Panel, relevant town centre management, local businesses and local people towards the promotion of the objectives as outlined.

3.2 In undertaking its licensing function, the Licensing Authority must have regard to the following legislation:

- The Licensing Act 2003
- Section 17 Crime and Disorder Act 1998

- The European Convention on Human Rights, which is applied by the Human Rights Act 1998
- The Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000.

3.3 The Licensing Authority also has regard to other relevant legislation, strategies, policies and guidance in its decision-making, as outlined below. Where the licensing function overlaps with other jurisdictions, the Licensing Authority seeks to ensure that the licensing powers are not used to enforce such other legislation.

- **Legislation**

- (i) Crime and Disorder Act 1998
- (ii) Health and Safety at Work etc. Act 1974
- (iii) Environmental Protection Act 1990
- (iv) The Anti-Social Behaviour Act 2003
- (v) Building Regulations
- (vi) Regulatory Reform (Fire Safety) Order 2004
- (vii) Town and Country Planning Act 1990
- (viii) Private Security Industry Act 2001
- (ix) Food Safety Act 1990
- (x) Violent Crime Reduction Act 2006

- **Strategies**

- (i) North Devon and Torridge Community Safety Strategy
- (ii) 'Safer Clubbing'
- (iii) Alcohol Harm Reduction Strategy
- (iv) LACORS / TSI Code of Best Practice on Test Purchasing.

- **Policies**

- (i) The Regulatory Compliance Code and the Hampton Principles
- (ii) The Enforcement Policies of the responsible authorities
- (iii) The North Devon Local Plan
- (iv) The Local Transport Plan.

- **Guidance**

- (i) Guidance to Health and Safety at Outdoor Events
- (ii) Working Together on Firework Displays
- (iii) Managing Crowds Safely
- (iv) Guide to Fire Precautions in Entertainment and Like Premises
- (v) Good Practice Guide on the Control of Noise from Pubs and Clubs
- (vi) Code of Practice on Environmental Noise Control at Concerts
- (vii) The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks
- (viii) The Security Industry Authority's Guidance on Security at Large Outdoor Events
- (ix) LACORS Guidance on Licensing Large Outdoor Events

3.4 The aim of the licensing process is to regulate licensable activities in order to promote the licensing objectives. It is the Licensing Authority's wish to facilitate well run and managed premises, with licence holders displaying sensitivity to the impact of the premises on local residents.

- 3.5 The Licensing Authority recognises that the provision of entertainment is a major contributor to the economy of the District. It makes for a vibrant and attractive District, which subsequently has a positive effect on employment. The Licensing Authority also recognises that owners and occupiers of commercial premises have a legitimate expectation of an environment that makes and keeps their businesses sustainable.
- 3.6 The Licensing Authority also has regard to wider considerations affecting the residential population and the amenity of any area. These include dropping litter and street fouling, noise, street crime, street parking and the capacity of the local infrastructure to cope at any time.
- 3.7 In determining a licence application the overriding principle adopted by the Licensing Authority is that each application will be determined on its own individual merits. Licence conditions are tailored to the individual application and only those necessary to meet the licensing objectives are applied. Licence conditions are not imposed where other regulatory regimes provide sufficient protection to the public (eg: Health and Safety at Work and Fire Safety legislation).
- 3.8 The Licensing Authority notes that the legislation does not provide for standard closing times and further that there is no presumption within the Act for longer opening hours over objections from local residents and businesses located in the vicinity of licensed premises. Shops and pubs are generally permitted to sell alcohol during the hours they intend to open. Those premises that provide entertainment, specifically those that supply entertainment in addition to the retail of alcohol are encouraged to provide and promote a range of entertainment during their operating hours. This may include, live music, dancing and theatre for the wider cultural benefit of the community. It is a matter for individual applicants to address the licensing objectives in their operational schedule, within the context of the nature of the location, type of premises, the entertainment they intend to provide, operational procedures and the needs of the local community.
- 3.9 The Licensing Authority welcomes applicants who have demonstrated professionalism and responsibility through training and by the attaining of appropriate and relevant qualifications, such as the National Certificate for Entertainment Licensees; the Drugs Awareness Certificate; the Barperson's National Certificate, and the Professional Barperson's Qualification.

4.0 Consultation

- 4.1 Before adopting this policy statement the Licensing Authority has consulted with the following:
- The Devon and Cornwall Constabulary;
 - The Devon and Somerset Fire and Rescue service;
 - The Devon County Council Social Services ;
 - The Devon County Council Weights and Measures;
 - North Devon's Licensed Victualler and Licensee's Associations;
 - The Licensing Consultation Panel;
 - Representatives of local premises and personal licence holders
 - Representatives of local club premises certificate holders;
 - Local businesses and their representatives;
 - Local residents and their representatives;
 - And others.
- 4.2 Proper weight has been given to the views of all those consulted prior to this policy statement taking effect.

5.0 Conditions

- 5.1 Licensing relates to the control of licensed premises, and other events within the terms of the Act and to any conditions which may be attached to licences, and the various other permissions which focus on matters falling within the control of individual licence-holders.
- 5.2 Subject to the general proviso above at section 1.7, conditions relate to the premises and other places being used for licensable activities, and the impact of those activities in the vicinity. In this regard the Licensing Authority primarily focuses on the direct impact of any activities taking place on those living, working, or otherwise engaged, in the area concerned.
- 5.3 The licensing function is not a “mechanism for the control of anti-social behaviour by individuals once they are beyond the direct control of the licence holder of any premises concerned. Conditions attached to licences must only seek to impact on the behaviour of customers on, or in the immediate vicinity of the premises as they seek to enter or leave”.
- 5.4 The Licensing Authority does not impose conditions on premises, which, in its view are disproportionate and over burdensome. The Licensing Authority does not implement standard conditions on licences but instead, draws upon the measures set out in Appendices A, B, C, and D to this document and Annexes D, E, F, G, and H of the Guidance issued by the DCMS. Conditions may be attached as appropriate given the circumstances of each individual case. However, whenever alcohol is supplied at premises, the Licensing Authority does consider it best practice that a personal licence holder is present, especially where a number of responsible persons are authorised to supply alcohol at any one time.
- 5.5 The Licensing Authority may impose conditions where existing legislation does not provide adequately for the promotion of the four licensing objectives.

6.0 Cumulative Impact

- 6.1 The cumulative impact of licensed premises on the promotion of the licensing objectives is a matter, which the Licensing Authority can take into account. This should not, however, be equated with 'need' which relates more to the commercial demand for a particular type of premises. The issue of 'need' is a matter for planning consideration or for the market to decide and does not form part of this licensing policy statement.
- 6.2 The Licensing Authority may receive relevant representations from either a “responsible authority” or “an interested party”, suggesting that the cumulative impact of new licences is leading to an area becoming saturated with premises of a particular type, thus making the area a focal point and thereby creating problems of disorder and nuisance over and above the impact of the individual premise. In such cases, the issue of cumulative impact is taken into account when considering the individual merits of any application. The onus is on any persons, or organisation, making such relevant representations to prove the assertion that the addition of the premises concerned would cause the cumulative impact claimed.
- 6.3 The Licensing Authority is not at this juncture adopting any special policy as to cumulative impact. In addition, the Licensing Authority does not operate a quota system of any kind, which would have the effect of pre-determining any application, nor does it seek to impose general limitations on trading hour's in particular areas. Regard is given to the individual characteristics of the premises concerned within a given area. It is recognised that Pubs, Clubs, Restaurants, Hotels, Theatres, Concert Halls and Cinemas all could sell alcohol, serve food and provide entertainment, but with contrasting styles and characteristics. Proper regard shall be given to those differences and the impact they are likely to have on the promotion of the licensing objectives.

- 6.4 In determining whether to adopt a 'special' policy for a particular area the Licensing Authority may, among other things:
- Gather evidence of relevant concerns from a responsible authority or local residents about nuisance and disorder;
 - Identify the area in which problems are arising, and the boundaries of that area;
 - Make an assessment of the cause(s);
 - Consult with those mentioned in section 5(3) of the Licensing Act 2003, as reproduced in section 4 of this policy;
 - Review any such special policy regularly.

- 6.5 Where there is evidence that a particular area of the District is already suffering adverse effects arising from the concentration of late night premises, or that residential areas are under stress, this is taken into account in determining any further applications for premises within the area identified.

In such circumstances the Licensing Authority may take into account:

- The character of the surrounding area;
 - The impact of the licence on the surrounding area, both individually and cumulatively with existing licences;
 - The nature and character of the proposed operation.
- 6.6 The Licensing Authority recognises that both within and outside the licensing regime there are a number of mechanisms for addressing issues concerning unruly behaviour, which occurs away from licensed premises. These include:
- Planning controls
 - Ongoing measures to provide a safer and cleaner environment in partnership with local businesses and others
 - Powers to designate parts of the District as places where alcohol may not be consumed publicly
 - Confiscation of alcohol from adults and children in designated areas
 - Police enforcement of the law with regard to disorder and anti-social behaviour
 - Police powers to close premises for up to 24 hours in extreme cases of disorder or excessive noise
 - The power of Police, local businesses or residents to demand a review of the licence
 - Enforcement action(s) against those selling alcohol to people whom are already drunk.

- 6.7 In addition the Licensing Authority recognises that the Licensing Consultation Panel, Night Time Economy Group and Crime and Disorder Reduction Partnership also have roles to play to further the strategic objectives for crime and disorder reduction within the District.

7.0 Licensing Hours

- 7.1 The Licensing Authority deals with the issue of licensing hours on the individual merits of each application. However, when issuing a licence with hours extending beyond midnight, higher standards of control generally need to be included in operating schedules in order to promote the licensing objectives, especially for premises, which are situated in, or near, residential areas or in areas where anti-social behaviour takes place. There is no presumption within the legislation for longer opening hours.
- 7.2 In considering all licence applications, the Licensing Authority takes into account the adequacy of the measures proposed to deal with the potential for nuisance and / or public disorder and has regard to all the circumstances of the case.

- 7.3 The terminal hours are normally approved where the applicant can show that the proposal would not adversely affect the licensing objectives. The Licensing Authority may set an earlier terminal hour where it considers this is appropriate to the nature of the activities and the amenity of the area.
- 7.4 The Licensing Authority recognises that having fixed and artificially early closing times in certain areas can lead to peaks of disorder and disturbance on the streets when large numbers of people leave licensed premises at the same time. The Licensing Authority aims, through the promotion of the licensing objectives, to reduce the potential for concentrations of people and thus achieve a slower dispersal of people from licensed premises through longer opening times when appropriate.
- 7.5 The Licensing Authority does not seek to adopt fixed terminal hours in designated areas (known as “zoning”), as this can lead to the significant movement of people across boundaries in search of premises opening later.
- 7.6 Shops, stores and supermarkets are generally permitted to sell alcohol for consumption off the premises during their normal trading hours, unless there are exceptional reasons relating to the licensing objectives, in particular the prevention of crime and disorder and public nuisance.

8.0 Enforcement

- 8.1 The Licensing Authority has agreed and published protocols with all enforcing authorities including the Police. These protocols provide for the targeting of agreed problem and high-risk premises, but with a lighter touch being applied to those premises which are shown to be well managed and maintained.
- 8.2 In general, action is taken in accordance with agreed enforcement principles and in line with the enforcement policies of the Licensing Authority and all responsible authorities. To this end the key principles of consistency, transparency and proportionality are maintained. The Hampton Principles and Regulatory Compliance Code shall be applied.
- 8.3 A graduated response is effected where there is evidence of contravention of licensing legislation or licence conditions. Whilst an isolated or minor breach might be dealt with by way of an oral or written warning, more serious breaches are likely to attract prosecution and / or a review of the licence.
- 8.4 Upon review of a premises licence, the Licensing Authority must, having regard to the application for review and any relevant representations, take such steps, as it considers necessary for the promotion of the licensing objectives. Such steps might be:
- The modification of the conditions of the licence
 - The exclusion of a licensable activity from the scope of the licence
 - The removal of the designated premises supervisor
 - The suspension of the licence or a period not exceeding 3 months
 - The revocation of the licence.
- 8.5 The Licensing Authority continues to employ Licensing Enforcement Officers to investigate complaints against licensed premises, allegations of unlicensed activities, and the breach of licence conditions.
- 8.6 The Licensing Authority will refer to the following Policies when considering enforcement: -
- Enforcement Concordat (to be supported by the Regulators’ Compliance Code that enables the ‘Hampton principles’;
 - Enforcement protocol agreed with Devon & Cornwall Constabulary (published on the Council’s Website: www.northdevon.gov.uk).

9.0 Integrating Strategies and the Avoidance of Duplication

- 9.1 By consulting widely prior to the publication of this policy statement, the Licensing Authority has endeavoured to secure proper integration with local crime prevention, planning, transport, tourism and cultural strategies.
- 9.2 In the interests of clarity for applicants and the effective determination of applications the Licensing Authority has ensured that its policy is aligned with all the other relevant Council's policies to achieve the delivery of the licensing objectives.
- 9.3 The Licensing Authority's Licensing Committee considers wider issues which may need to be given due consideration and receives reports on:
- The Cultural Strategy for the area
 - The Tourism Strategy for the area
 - The Employment situation in the area and the need for new investment and employment, where appropriate.
- 9.4 The Licensing Authority recognises that licensing applications should not be seen as a repeat of the planning application process and that there should be a clear separation of the planning and licensing regimes to avoid duplication and inefficiency. It is recommended that appropriate planning permissions be obtained before an application for a premises licence is made. The planning authority may make relevant representations in respect of licensing applications particularly where:
- The activity to be authorised would amount to a contravention of the existing planning permissions and/or conditions imposed on planning permissions for the premises.
 - The hours being sought exceed those authorised by any planning permission.
- 9.5 Proper integration with the planning committee is actively encouraged. This includes, as appropriate, the provision of regular reports to the planning committee on the situation regarding licensed premises in the area, including the general impact of alcohol-related crime and disorder.

10.0 Other Legislation

- 10.1 Other statutory requirements, for example, Planning, Building Regulations, Fire Safety and Health and Safety legislation, may apply to the provision of any regulated activities at a premise and the responsibility for compliance lies with the licence holder. Advice may be obtained from the appropriate enforcing authority or from the Licensing Authority's Licensing Officers.
- 10.2 In reaching a decision on whether, or not, to grant a licence, the Licensing Authority may take account of any non-compliance with other statutory requirements brought to its attention, if these undermine the licensing objectives. This is because any non-compliance with other statutory requirements may demonstrate that the premises are unsuitable for the activities proposed, or that the management of the premises is not adequate to protect the public from harm or nuisance.
- 10.3 The grant of a licence does not imply the approval of other legislative requirements.

11.0 The Licensing Process

- 11.1 *A Licensing Committee, Sub-Committee, or Licensing Officers* acting under delegated authority, may carry out the powers of the Licensing Authority under the Act.
- 11.2 Many of the licensing procedures are largely administrative with no perceived areas of contention. In the interests of efficiency and effectiveness Licensing Officers generally carry these out.
- 11.3 The Licensing Authority ensures that all Officers and Members who deal with applications have received adequate training for their role under the Licensing Act 2003.
- 11.4 *A sub-committee* of the Licensing Authority deals with applications and the review of a licence, where there are relevant representations.
- 11.5 The applicants are required to copy their applications in full to the “Responsible Authorities” as listed in the Appendix E.
- 11.6 Applications, notices or relevant representations shall be treated as having been “given” to North Devon District Council if delivered personally to the Reception at the Civic Centre, Barnstaple between 8.30 a.m. and 5.00 p.m. on a business day. Otherwise, documents shall be treated as having been “given” to the authority in accordance with the principles of “deemed service” as set out in the Civil Procedure Rules.
- 11.7 When determining applications the Licensing Authority has regard to any guidance issued by the relevant Government department. In particular, account is taken of the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community as a whole. If relevant representations are made concerning the potential for limited disturbance in a particular neighbourhood, the Licensing Authority’s consideration is balanced against the wider benefits to the community. Any conditions imposed on licences do not seek to discourage such entertainment, but are aimed solely at promoting the licensing objectives.
- 11.8 The Licensing Authority acknowledges the guidance received from the Government advising that the views of vocal minorities should not be allowed to predominate over the general interest of the community.
- 11.9 The impact of this policy on regulated entertainment, particularly live music and dancing is monitored. Where there is an indication that licensing requirements are deterring such events, the policy is to be revisited with a view to investigating how the situation might be reversed.

12.0 Administration, Exercise and Delegation

- 12.1 Applications are dealt with in accordance with a schedule of delegated authority. Such a schedule needs to be approved by a specific resolution of Full Council and may also be subject to change in the future. A suggested schedule is attached to this policy at Appendix F.
- 12.2 Personal licence applications are granted where the respective applicants are named on a justices’ licence and / or have a qualification approved by the Government and they do not have criminal convictions for relevant offences as set out in the Licensing Act 2003 or where they do have convictions for relevant offences, no objection has been received from the Police.

- 12.3 Where an applicant for a personal licence has a current conviction for a relevant offence, the Police can object to the application, and a hearing is held at which the applicant has the opportunity to appear before a licensing *Sub-Committee*. The Licensing Authority only grants a licence following a hearing where it is satisfied that the grant of the application does not undermine the crime and disorder licensing objective.
- 12.4 In relation to premises licences, which permit the sale of alcohol by retail, a designated premises supervisor must be specified for the premises. The designated premises supervisor must also be a personal licence holder. Where the Police recommend that a designated premises supervisor be removed, a hearing is held in the same way as detailed at 12.3.

13.0 Illegal Substances and the Misuse of Drugs

- 13.1 The use of illegal substances or the misuse of drugs by customers is something that all licensed premises must seek to prevent. However, special conditions may need to be imposed for certain types of venue to reduce the likelihood of the sale, supply and consumption of illegal substances and how to treat those who may have taken them. The conditions to be imposed in such cases are taken from the DCMS pool of conditions that take into account the report 'Safer Clubbing' issued by the Home Office. In all cases where these conditions are to be imposed, advice is taken from the local Drugs Action team and the Police.

14.0 Door Supervisors

- 14.1 Whenever security operatives are employed at licensed premises to carry out any security function such operatives must be licensed by the Security Industry Authority (SIA). Competent and professional door supervisors are key to public safety at licensed premises and the provision of door supervisors is an action point for the leisure industry to consider in the Home Office Alcohol Harm Reduction Strategy. If a licence-holder directly employs security operatives he/she will need to be licensed by the SIA as a supervisor/manager.
- 14.2 The Licensing Authority welcomes licence applications, which demonstrate that licence-holders have considered:
- Recruiting SIA licensed door supervision staff from a reputable company with SIA Approved Contractor Status
 - What measures will be taken and what procedures are in place for licence-holders to check the SIA register of licensed door supervisors to ensure their premises and customers, are only protected by door supervisors with an SIA licence.

15.0 Control of Consumers

- 15.1 North Devon District Council has adopted the relevant powers to designate parts of the District as places where alcohol may not be consumed publicly. The Licensing Authority shall therefore have regard to the Drink Control Orders adopted within its area.
- 15.2 A 'Pub Watch' or other similar scheme that has been developed in a locality is supported by the Licensing Authority, in order to promote and encourage public safety and the reduction of crime.
- 15.3 The Licensing Authority shall liaise with the local Police Licensing Section and the Devon and Somerset Fire & Rescue Service in the inspection of licensed premises. This joint partnership approach is intended to maximise the potential for controlling crime, disorder and hazards at premises and to ensure compliance with relevant conditions as appropriate.

16.0 Capacity

- 16.1 Where there is an identified risk following relevant representations and as a result it is considered necessary to control the maximum numbers of persons attending premises for the purpose of preventing crime and disorder, or for public safety, the Licensing Authority requires this to be addressed in the operating schedule. Only conditions, which are necessary, reasonable and proportionate, are imposed as to capacity limits. Refer to Appendix B paragraph 14.

17.0 Vessels

- 17.1 The Licensing Authority when considering applications for premises licences in respect of vessels gives particular weight to the views of the Maritime and Coastguard Agency in respect of promoting the licensing objectives. Where, in the opinion of the Licensing Authority any of the four objectives are undermined, and this cannot be resolved through the imposition of specific conditions, the application is likely to be refused.

18.0 Temporary Events

- 18.1 The Licensing Act 2003 provides for a system for the temporary carrying on of the sale or supply of alcohol, the provision of regulated entertainment or the provision of late night refreshment at a premises which is not authorised by a premises licence or club premises certificate. No authorisation is required for a temporary event by the Licensing Authority. The system requires the Licensing Authority and the Police to be notified of the event, and the fulfilling of certain conditions. The Police may object to the relevant event, or seek modification of the arrangements if the event is likely to undermine the crime prevention objective.
- 18.2 The law states that at least 10 working days' notice must be given of a temporary event. The Licensing Authority, however, recommends that at least 20 working days' notice is given, in order that the Licensing Authority is properly able to process the application, and the Police are afforded sufficient time to respond appropriately.
- 18.3 The Licensing Authority also recommends that no more than 3 months' notice is given of a temporary event. If notice is made too far in advance, it may be difficult for the Police to make a sensible assessment of the event and this could lead to avoidable objections being tendered.
- 18.4 Upon receipt of temporary event notices, the Licensing Authority notifies the Fire Authority of the event, so that fire safety issues at the event and in the vicinity can be given proper consideration. Where it considers it appropriate the Licensing Authority may similarly also notify other responsible authorities of the event.
- 18.5 Organisers of temporary events are strongly advised to contact the Police Licensing Officer for advice at the earliest opportunity when planning events. Discussions with the Police at an early stage may well have the effect of minimising, or avoiding, any potential objections.
- 18.6 Organisers are also strongly advised to ensure that adequate safety measures, especially in the area of fire safety, are in place in relation to temporary events. Any event held under a temporary event notice may be subject to both announced and unannounced inspections by Officers from responsible authorities.

18.7 Whilst the Licensing Authority is not permitted to attach limitations or conditions to temporary event notices, organisers should nonetheless be aware of their responsibilities and obligations under the following headings:

- The concerns of local residents;
- Fire Safety and Health & Safety requirements;
- Noise pollution, litter clearance, toilet accommodation and water supplies for toilets and food outlets;
- The building of temporary structures;
- Road closures;
- The use of fireworks;
- Relevant local bylaws;
- The need to prevent anti-social behaviour by those attending;
- Preventing minors and persons who are drunk being provided with alcohol.

In addition, the premises' user and the Police are permitted to agree modifications to a Notice.

18.8 Organisers should also be aware of the Police power to close a temporary event without notice on the grounds of disorder, the likelihood of disorder or because of public nuisance caused by noise emanating from the premises.

18.9 Those issuing temporary event notices should refer to Appendix H of this document in relation to the "giving" of the notice to the Chief Officers of Police.

APPENDIX A – Crime and Disorder

The Licensing Authority expects appropriate and proportionate measures to be taken by licence-holders to promote the Crime and Disorder objective. The type of measures contemplated may include those detailed below and those contained in Annex D of the Licensing Act 2003 Guidance issued by the DCMS although many or all of the conditions may be inappropriate to certain categories of licence:

1. Use of alternatives to glass/glass bottles (e.g. plastic or toughened glass) or a ‘no glass’ policy. The Licensing Authority will expect any mobile food outlet at all times or any licensed premises operating after 2.00 am and where there is a higher risk of disorder/dangerous or unruly behaviour, to adopt a ‘no glass’ policy.
2. Use of CCTV both inside and outside the premises in appropriate locations (including all doorways used to eject people from the premises). Licence-holders must be aware of the provisions of the Data Protection Act 1998, and its requirements in relation to the use of CCTV.
3. Use of CCTV for personal security reasons at small premises/mobile outlets.
4. Entry & exit policies including:
 - (i) Proof of age (promotion of requirement for proof of age cards – policy to require proof of age for all persons appearing under the age of 21);
 - (ii) Effective queue management;
 - (iii) Responsible management of group admissions (eg: stag/hen parties etc);
 - (iv) Specified time limits on new admissions to the premises;
 - (v) Refusing admission to persons who are drunk and/or disorderly or are identified as ‘excluded’ by the licence-holder.
5. Search policies, possibly including metal detection, to prevent drugs and illegal substances/weapons etc. from being brought onto the premises and to prevent persons leaving the premises with alcohol (unless permitted by the premises licence). Licence-holders should have regard to the ‘Safer Clubbing’ guidance provided by the Government.
6. Commitment not to participate in irresponsible drink promotions/happy hours etc. which encourage binge drinking.
7. Evidence of a premises drugs policy including measures to prevent the use, or supply, of illegal drugs.
8. Employment of sufficient number of licensed security staff as identified and evidenced by the current risk assessment(s) which must take into account the layout of the premises, as well as the nature of entertainment, capacity etc.
9. Adequate training of bar staff to ensure compliance with the law.
10. Appropriate levels of exterior lighting to discourage disorder and facilitate the effective use of CCTV, whilst minimising impact on neighbouring properties.
11. Active participation in local crime prevention schemes (local actions groups) such as Pub Watch as appropriate to include two way communication with the Police and between staff to allow for reporting of incidents and warnings about potential trouble makers.
12. Evidence of attempts to “design out” crime through design features aimed at minimising opportunities for crime and disorder in both new premises and those subject to internal or external alterations.

APPENDIX B – Public Safety

The Licensing Authority expects appropriate and proportionate measures to be taken by licence-holders to promote the Public Safety objective. The type of measures contemplated may include those detailed below and those contained in Annexes E and F of the Licensing Act 2003 Guidance issued by the DCMS although many or all of the conditions may be inappropriate to certain categories of licence:

1. Use of toughened glass drinking vessels plastic bottles or a glass free policy.
2. A comprehensive risk assessment(s) appropriate for proposed premises operation, and individual risk assessments for entertainment involving special one off risks such as events involving foam, hypnotism, nudity/striptease etc.
3. Comprehensive fire safety risk assessments including occupancy consideration whenever building or operational alterations are carried out at the premises.
4. Installation of appropriate and adequate safety equipment, warning systems, emergency lighting and evacuation procedures etc.
5. Provision of access for emergency vehicles, which is to be kept free of obstruction at all times.
6. Fully comprehensive safety checks of the electrical equipment to be undertaken within the premises annually by a competent person and evidenced by certification to currently NICEIC, ECA, Zurich, BSI, FENSA, JIB or NAPIT standards. Such certification to be made available for inspection at any time by an authorised Officer of the Police and Licensing Authority.
7. Employment of sufficient staff appropriately trained in first aid/evacuation procedures whenever the premise is in use for the licensed purpose.
8. Provision of readily accessible, adequate, appropriate and fully maintained first aid equipment and materials on the premises together with sufficient trained First Aiders.
9. Written risk assessments identifying special safety measures appropriate to entertainment/activities involving special risks (E.g. foam parties, smoke machines etc.)
10. Provision of adequate and appropriate lighting and emergency lighting.
11. Provision and maintenance of appropriate and adequate ventilation systems.
12. Where it is intended to provide special entertainment delivered by professional performers (e.g. hypnotism) the licence-holder must ensure that performers are members of a professional association where one exists. (E.g. FESH – Federation of Ethical Stage Hypnotists) or have a similar accreditation/quality assurance.
13. Applicants must be aware of, and comply with, any current fire and health & safety legislation as required by law.
14. Applicants should identify (through safety and crime & disorder risk assessments) realistic maximum occupancy figures for the premises.
15. In order to ensure compliance with the maximum occupancy figures agreed the use of counting measures must be applied.
16. The provision of barriers outside doorways, which front directly onto public highways.

17. The provision of safe transit assistance for patrons to their homes.
18. New premises and those subject to internal or external alterations must show the measures they have incorporated to improve public safety standards through the use of design features.

List of further reading material that might be helpful:

	Title	Author	Publisher
1	The event safety guide HSG195	Health & Safety Executive	HSE Books, PO Box 1999, Sudbury, Suffolk CO10 2WA tel 01787-881165 www.hsebooks.co.uk
2	Managing crowds safely HSG 154	Health & Safety Executive	HSE Books, PO Box 1999, Sudbury, Suffolk CO10 2WA tel 01787-881165 www.hsebooks.co.uk
3	Five Steps to Risk Assessment	Health & Safety Executive	HSE Books, PO Box 1999, Sudbury, Suffolk CO10 2WA tel 01787-881165 www.hsebooks.co.uk
4	Five Steps to Risk Assessment - Case Studies	Health & Safety Executive	HSE Books, PO Box 1999, Sudbury, Suffolk CO10 2WA tel 01787-881165 www.hsebooks.co.uk
5	Safety Guidance for Street arts, Carnival, Processions and large-scale performances	Independent Street Arts Network (ISAN)	Sam's Books, Chaldon Court, Church Lane, Chaldon, Caterham CR3 5AL tel 01883- 345011 www.sam-arts.co.uk
6	Guide to Safety at Sports Grounds	The Scottish Office	TSO, PO Box 29, Norwich NR3 1GN tel 0870-6005522 www.tso.co.uk/bookshop
7	Electrical Safety for Entertainers	Health & Safety Executive	HSE Books, PO Box 1999, Sudbury, Suffolk CO10 2WA tel 01787-881165 www.hsebooks.co.uk
8	Electrical Safety at places of entertainment Guidance Note GS20	Health & Safety Executive	HSE Books, PO Box 1999, Sudbury, Suffolk CO10 2WA tel 01787-881165 www.hsebooks.co.uk

APPENDIX C – Public Nuisance

The Licensing Authority expects appropriate and proportionate measures to be taken by licence-holders to promote the Public Nuisance objective. The type of measures contemplated may include those detailed below and those contained in Annex G of the Licensing Act 2003 Guidance issued by the DCMS although many or all of the conditions may be inappropriate to certain categories of licence:

1. Keeping doors and windows closed, especially during periods when regulated entertainment is taking place. Measures might also include the use of acoustic lobbies, secondary and double-glazing.
2. The careful positioning and use of air conditioning and extract ventilation systems, so as to not cause a noise nuisance, but to compensate for closure of windows and doors in the summer season or otherwise when necessary for the comfort of customers within the premises.
3. Controlling and where possible setting maximum sound levels, for amplified and acoustic music and Public Address Systems, singing noise including karaoke, vibration, noise from ventilation and other equipment and human voices from both within and outside the premises. Consideration should be given to:
 - (i) The extent of noise attenuation provided by the existing structure of the building. (The appointment of an appropriately qualified Acoustic Engineer and the provision of an Acoustic Survey Report on the premises could be one way of evidencing the acoustic suitability of the premises)
 - (ii) The quality of the installation and location of sound proofing
 - (iii) The use of sound limiting devices
 - (iv) The position of sound sources within the premises
 - (v) Beneficial orientation and layout of furniture and rooms within the premises
 - (vi) The Licensing Authority will also expect special attention to be given to these measures when noise sensitive premises are located nearby, for example, nearby residences, residential care and nursing homes, hospitals, hospices and places of worship.
4. Effective queue management, both pedestrian and vehicular, by licensed security staff, to include the prevention of persons lingering on car parks, forecourts and in the vicinity of the premises after closing time. This will be of the greatest importance between 11.00 pm and 07.00 am. If some queuing is inevitable, measures might include the diversion of queues away from neighbouring premises and measures to prevent the obstruction of public highways.
5. Measures, which might include signage/requests from security staff/DJ announcements etc. to be taken to ensure customers enter and leave quietly and minimise disturbance to residents in the area. Visiting bands and DJ's together with their vehicles and equipment that may be departing at an even later hour and using alternative entrances must also be made aware of these measures.
6. Providing a winding down period of specified and sufficient time, with reduced levels of music and/or more soothing music.
7. Patrolling by security staff, inside and outside of the premises, where appropriate.
8. The development and implementation of a management policy for dealing robustly with persons who are persistently rowdy when leaving the premises.
9. The provision of adequate parking facilities, where appropriate.

10. Measures to ensure that, by the operation of the premises for its dedicated purpose, there will be no degrading effect on surrounding public places. This may include the collection of litter and the responsible use of advertising literature.
11. Consideration of the availability of public transport (including taxis and private hire vehicles) for patrons. Consideration might be given to regular bus service being provided with appropriate pick up points in partnership with other licensed premises, holiday accommodation outlets etc.
12. The prevention of disturbance to local residents from vehicular traffic (Particularly waiting buses/taxis etc.).
13. The prevention of light pollution, from both internal and external lighting, including security lighting, which may cause nuisance to local residents.
14. Depositing of waste glass into receptacles undertaken at times that will cause minimum disturbance to residents. This also includes, the other various and necessary activities, deliveries and collection services/points associated with the licensed premises.
15. Measures to prevent noxious smell, including cooking malodours, from mechanical extraction causing a nuisance to residential or other properties. Particular consideration should be given to its location and proximity to other properties.
16. Regulation of engine or generator noise from mobile outlets in residential areas.
17. Limiting the type, frequency and duration of Firework displays or not using them.
18. Measures to work in partnership with other licensed premises and to develop, and implement, voluntary codes of conduct, in order to control, and minimise, public nuisance in between licensed premises.
19. New premises and those subject to internal or external alterations must show the measures they have incorporated to prevent public nuisance through the use of design features.

APPENDIX D – Protection of Children

The Licensing Authority expects appropriate and proportionate measures to be taken by licence-holders to promote the Protection of Children objective. The type of measures contemplated may include those detailed below and those contained in Annex H of the Licensing Act 2003 Guidance issued by the DCMS although many or all of the conditions may be inappropriate to certain categories of licence:

1. Detailed and robust measures to ensure persons under 18yrs are not sold or permitted to consume alcohol. Such measures might include the use of credit card sales where there is doubt about a client's age.
2. Entry policy to include proof of age requirement on entry. This is particularly important where it is intended to provide regulated entertainment which is not suitable for persons under 18yrs (e.g. films rated '18' etc.). Good practice could include an entry policy where all persons appearing under the age of 18 are required to show proof of age identification prior to entering the premises.
3. Where a performance is aimed at children, an attendant to be stationed in the area(s) occupied by the children in the vicinity of each exit.
4. When there are performances involving child participation, the provision of a backstage area large enough to accommodate the children safely and for all the children to be supervised at all times by appropriate and approved adults.
5. Appropriate safety measures in place when performances involve the use of pyrotechnics or other special effects, and particularly when children are present.
6. In premises where there are 'Amusement with Prizes' machines and / or cigarette machines, measures in force to prevent access by children to these machines. It may be appropriate to restrict access to the area of the premises in which the machines are situated.
7. Designated children's areas within all licensed premises to prevent children from being exposed to 'adult' language and behaviour. i.e. These would be areas to which children are restricted, but not at the exclusion of adults.
8. New premises and those subject to internal or external alterations must show the measures they have incorporated to protect children from harm through the use of design features.

APPENDIX E – Responsible Authorities & Useful Contacts

Licensing Authority	<p>Licensing Team Environmental Health North Devon District Council Civic Centre North Walk Barnstaple Devon EX31 1EA</p> <p>Tel. 01271 388870 Fax. 01271 388328 E-mail. ehdirect@northdevon.gov.uk</p>
Chief Officer of Police	<p>Crime Reduction Team – Licensing Section Devon & Cornwall Constabulary Police Station North Walk Barnstaple Devon EX31 1DU</p> <p>Tel. 08452 777 444</p>
Fire Authority	<p>Devon and Somerset Fire & Rescue Service North Division North Road Barnstaple Devon EX31 1PA</p> <p>Tel. 01271 334400 Fax. 01271 334440</p>

<p>Health and Safety Enforcing Authorities NDDC/HSE</p>	<p>Commercial Services Team Environmental Health North Devon District Council Civic Centre North Walk Barnstaple Devon EX31 1EA</p> <p>Tel. 01271 388870 Fax. 01271 388328 E-mail. ehdirect@northdevon.gov.uk</p> <p>Health & Safety Executive Ballard House West Hoe Road Plymouth Devon PL1 3BL</p> <p>Tel. 01752 276300 Fax. 01752 226024</p> <p>National Tel. 08701 545500 National Fax. 02920 859260 E-mail. hseinformationsservices@natbrit.com</p>
<p>Planning Authorities</p>	<p>Planning Department North Devon District Council Civic Centre North Walk Barnstaple Devon EX31 1EA</p> <p>Tel. 01271 388288 Fax. 01271 388293 E-mail. planning@northdevon.gov.uk</p> <p>In the case of premises within the Exmoor National Park:</p> <p>Exmoor National Park Authority Exmoor House Dulverton Somerset TA22 9HL</p> <p>Tel. 01398 323665 Fax. 01398 323150</p>

<p>Environmental Protection</p>	<p>Environmental Protection Team Environmental Health North Devon District Council Civic Centre North Walk Barnstaple Devon EX31 1EA</p> <p>Tel. 01271 388870 Fax. 01271 388328 E-mail. ehdirect@northdevon.gov.uk</p>
<p>Child Protection Authority</p>	<p>Child Protection Officer Independent Reviewing Unit Children and Young Persons Services Room 603, Civic Centre Barnstaple Devon EX31 1EA</p> <p>Tel: 01271 388669</p>
<p>Neighbouring Local Authorities</p>	<p>Torrige District Council Riverbank House Bideford Devon EX39 2QG</p> <p>Tel. 01237 428700</p> <p>Mid Devon District Council Phoenix House Phoenix Lane Tiverton Devon EX16 6PP</p> <p>Tel. 01884 255255</p> <p>West Somerset District Council Council Offices 20, Fore Street Williton Taunton Somerset TA4 4QA</p> <p>Tel. 01984 632291</p>

<p>Maritime and Coastguard Agency</p>	<p>MCA Infoline Tutt Head Mumbles, Swansea West Glamorgan SA3 4HW</p> <p>Tel. 0870 6006505</p> <p>www.mcga.gov.uk</p>
<p>Navigation Authority</p>	<p>Trinity House Tower Hill London EC3N 4DH</p> <p>Tel. 0207 4816900</p> <p>The Harbourmaster North Devon District Council Civic Centre Barnstaple Devon EX31 1EA</p> <p>Tel. 01271 862108</p>
<p>Environment Agency</p>	<p>Exminster House Miller Way Exminster Devon EX6 8AS</p> <p>National Tel. 08708 506506 Local Tel. 01392 444000</p>
<p>British Waterways</p>	<p>Harbour House West Quay The Dock Gloucester GL1 2LG</p> <p>Tel. 01452 318000 Fax. 01452 318076 E-mail. enquiries.southwest@britishwaterways.co.uk</p>
<p>Secretary of State – DCMS</p>	<p>Department for Culture, Media and Sport 2-4, Cockspur Street London SW1Y 5DH</p> <p>Tel. 020 7211 6200 E-mail. Enquiries@culture.gov.uk</p> <p>www.culture.gov.uk</p>

Association of Convenience Stores (ACS)	www.thelocalshop.com
Association of Licensed Multiple Retailers (ALMR)	www.almr.org.uk
British Beer and Pub Association (BBPA)	www.beerandpub.com
Bar, Entertainment and Dance Association (BEDA)	www.beda.org.uk
British Institute of Inn Keeping (BII)	www.bii.org
British Retail Consortium	www.brc.org.uk
Circus Arts Forum	Felicity Hall - Acting Director Tel. 020 7729 7944 E-mail. felicity@totaltheatre.org.uk www.circusarts.org.uk
Cinema Exhibitors' Association	John Wilkinson - Chief Executive Tel. 020 7734 955 E-mail. cea@cinemauk.fttech.co.uk
Equity	Equity London Office Guild House Upper St Martins Lane London WC2H 9EG Tel. 020 7379 6000 www.equity.org.uk
Independent Street Arts Network	Bill Gee - ISAN Co-ordinator Tel. 020 7633 9330 E-mail. mail@streetartsnetwork.org.uk www.streetartsnetwork.org.uk
The Institute of Licensing	www.lgfl.org

Justices Clerks' Society Good Practice Guide, Licensing	Tel. 0151 255 0790 www.jc-society.co.uk
Licensing Act 2003	www.legislation.hmso.gov.uk/acts/acts2003/20030017.htm
Mitchells and Butlers	Andy Smith - Director of Risk and Compliance Tel. 0870 609 300 E-mail. andy.smith@mbplc.com www.mbplc.com
National Association of Local Government Arts Officers	Peter Bryan – Administrator Tel. 0116 267144 E-mail. admin@nalgao.org.uk www.nalgao.org.uk
National Pub Watch	www.uniquepubs.com/pubwatch
Odeon Cinemas	Peter Ford – Head of Risk Management Tel. 07714 837 297 E-mail. pford@odeonuk.com www.odeon.co.uk
Portman Group	www.portman-group.org.uk
Safer Clubbing	www.drugs.gov.uk
Security Industry Authority	www.the-sia.org.uk
Unique Pub Company	Rob May - Operations Director Tel. 01844 262 031 E-mail. rob.may@uniquepubs.com www.uniquepubs.com

APPENDIX F - Recommended Delegation of Functions

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

APPENDIX G – Glossary of Terms

The following comprises a glossary of terminology used within the statement of licensing policy.

Terms defined at length within the Licensing Act 2003 have generally not been included.

- **Alcohol Harm Reduction Strategy**

A strategy issued by the Government aimed at identifying initiatives and priorities, which may help in the promotion of the licensing objectives.

- **Club Premises Certificate**

A certificate authorising the use of premises by a qualifying club for one or more club activities.

- **Crime and Disorder Reduction Partnership**

A partnership comprising the District Council, County Council and the Police established to develop a strategy for the reduction of crime and disorder in the area.

- **Cumulative Impact**

The potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.

- **Designated Premises Supervisor**

The individual specified in the premises licence as the premises supervisor.

- **Interested Parties**

The individuals or bodies who are entitled to make relevant representations to licensing authorities in relation to applications for the grant, variation or review of premises licences.

These include individuals or businesses in the vicinity of the premises in question, or bodies representing such individuals or businesses.

- **LACORS/TSI Code of Best Practice on Test Purchasing**

The Code of Best Practice on Test Purchasing issued by the Local Authorities Co-ordinators of Regulatory Services (LACORS) and the Trading Standards Institute (TSI). The Code gives guidance as to the test purchasing of alcohol by trading standards officers.

- **Licensing Committee**

The committee established by the licensing authority to discharge the licensing functions of the authority.
- **Licensing Consultation Panel**

Panel comprising members of the District Council, trade organisations and other interested parties, established for the discussion of licensing issues.
- **Licensing Hours**

The hours during which authorised licensable activities take place.
- **Operating Schedule**

A prescribed document which must accompany any application for a premises licence or a club premises certificate, setting out the nature of the proposed licensable activities, the proposed trading hours, and the steps envisaged promoting the licensing objectives, amongst other things.
- **Personal Licence**

A licence which authorises an individual to supply or authorise the supply of alcohol in accordance with the premises licence.
- **Premises Licence**

A licence authorising premises to be used for one or more licensable activities.
- **Proportionality**

The principle under which, in the licensing context, only necessary conditions can be imposed on licensable activities, taking specific account of the size, style, and characteristics of such activities taking place at the premises concerned.
- **Pub Watch Scheme**

An agreement reached by a group of licence-holders in a particular locality to counter, on a collective basis, those who threaten damage, disorder, and violence or use or deal in drugs in

their premises. Normally, action consists of agreeing not to admit or serve individuals who cause such problems.

- **Qualification approved by DCMS**

A licensing qualification accredited by the Secretary of State.

- **Relevant Offence**

Any offence listed in Schedule 4 of the Licensing Act 2003.

- **Relevant Representation**

A representation regarding the likely effect of the grant of a licence on the promotion of one or more of the licensing objectives.

- **Responsible Authorities**

The public bodies that must be fully notified of applications and that are entitled to make relevant representations to the licensing authority in relation to the grant, variation or review of a premises licence.

- **Safer Clubbing**

Guidance issued by the Home Office giving advice to nightclub owners, dance event promoters and local authority licensing departments on how to ensure the health and safety of persons attending dance events.

- **Special Policy**

A policy setting up a rebuttable presumption that applications for new premises licences or club premises certificates will normally be refused whenever relevant representations are received as to the cumulative impact on the licensing objectives.

- **Terminal Hours**

The times at which authorised licensable activities should cease.

- **Zoning**

The adoption of fixed terminal hours in designated areas.

APPENDIX H – Giving of Notices

For the purposes of the provisions of the Licensing Act 2003, which relate to “permitted temporary activities” and most particularly s.104 of the Act, the following guidelines as to the “giving” of notices, which have been agreed between North Devon District Council and the Devon and Cornwall Constabulary, shall apply to all temporary event notices issued under S.100 of the Act : -

- (1) A premises user attempting to give a temporary event notice to the relevant Chief Officer of Police shall be treated as having satisfactorily done so at the point when: -
 - (i) the notice is given to a member of the reception staff at the Barnstaple Police Station
 - (ii) the notice is received at the Barnstaple Police Station in the ordinary course of the post
- (2) A notice which is delivered by hand or post to a Police Station, within the area covered by the North Devon District Council, other than at Barnstaple shall be treated as having been “given” to the relevant Chief Officer of Police on the next business day following the original delivery.
- (3) A notice which is delivered by hand to Barnstaple Police Station after 5.00 p.m. on a business day, or at any time on a Saturday, Sunday or a Bank Holiday, shall be treated as being served on the next business day.
- (4) Notices received before 4.00 p.m. by way of fax shall be treated as being “given” on the day of transmission. In any other case, such notices shall be treated as being “given” on the business day after the day on which they are transmitted.
- (5) Notices given by other electronic methods shall be treated as having been “given” on the next business day following the day of transmission.
- (6) For the avoidance of doubt, the “relevant Chief Officer of Police” may only be located at the Barnstaple Police Station.
- (7) Subject to (1) and (2) above, notices given to individual Officers of the Devon and Cornwall Constabulary shall not be treated as having been properly served on the Chief Officer of Police.

