

# Licensing Committee

**Date: Thursday, 24th April, 2025**

**Time: 11.00am**

**Venue: Council Chamber - Guildhall, Bath**

**Councillors:** Steve Hedges (Chair), Toby Simon, Michael Auton, Samantha Kelly, Sarah Moore, Ann Morgan, Onkar Saini, George Tomlin, Robin Moss, Shaun Hughes and Tim Warren CBE



**Mark Durnford**

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## NOTES:

1. **Inspection of Papers:** Papers are available for inspection as follows:

Council's website: <https://democracy.bathnes.gov.uk/ieDocHome.aspx?bcr=1>

2. **Details of decisions taken at this meeting** can be found in the minutes which will be circulated with the agenda for the next meeting. In the meantime, details can be obtained by contacting as above.

### 3. **Recording at Meetings:-**

The Openness of Local Government Bodies Regulations 2014 now allows filming and recording by anyone attending a meeting. This is not within the Council's control. Some of our meetings are webcast. At the start of the meeting, the Chair will confirm if all or part of the meeting is to be filmed. If you would prefer not to be filmed for the webcast, please make yourself known to the camera operators. We request that those filming/recording meetings avoid filming public seating areas, children, vulnerable people etc; however, the Council cannot guarantee this will happen.

The Council will broadcast the images and sounds live via the internet [www.bathnes.gov.uk/webcast](http://www.bathnes.gov.uk/webcast). The Council may also use the images/sound recordings on its social media site or share with other organisations, such as broadcasters.

### 4. **Public Speaking at Meetings**

The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group.

**Advance notice is required not less than two full working days before the meeting. This means that for meetings held on Thursdays notice must be received in Democratic Services by 5.00pm the previous Monday.**

Further details of the scheme can be found at:

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=12942>

### 5. **Emergency Evacuation Procedure**

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are signposted. Arrangements are in place for the safe evacuation of disabled people.

### 6. **Supplementary information for meetings**

Additional information and Protocols and procedures relating to meetings

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13505>

**Licensing Committee - Thursday, 24th April, 2025**  
**at 11.00am in the Council Chamber - Guildhall, Bath**

**A G E N D A**

1. EMERGENCY EVACUATION PROCEDURE

The Chair will draw attention to the emergency evacuation procedure as set out under Note 5.

2. ELECTION OF VICE-CHAIR (IF DESIRED)

3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

4. DECLARATIONS OF INTEREST

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting.

(a) The agenda item number in which they have an interest to declare.

(b) The nature of their interest.

(c) Whether their interest is a **disclosable pecuniary interest** or an **other interest** (as defined in Part 4.4 Appendix B of the Code of Conduct and Rules for Registration of Interests).

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer or a member of his staff before the meeting to expedite dealing with the item during the meeting.

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

6. ITEMS FROM THE PUBLIC - TO RECEIVE STATEMENTS, PETITIONS OR QUESTIONS

7. MINUTES: 24TH JANUARY 2024 (Pages 5 - 10)

8. LICENSING ACT 2003 - REVIEW OF STATEMENT OF LICENSING POLICY (Pages 11 - 130)

The Committee Administrator for this meeting is Mark Durnford who can be contacted on 01225 394458.

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**BATH AND NORTH EAST SOMERSET**

**LICENSING COMMITTEE**

Wednesday, 24th January, 2024

**Present:-** Councillors: Steve Hedges (Chair), Lucy Hodge, Toby Simon, Michael Auton, Samantha Kelly, Onkar Saini, George Tomlin and Deborah Collins (in place of Ann Morgan)

**Also in attendance:** Carrie-Ann Evans (Team Leader, Legal Services), John Dowding (Lead Officer (Licensing)) and Aled Williams (Team Manager - Environmental Protection & Licensing)

**1 EMERGENCY EVACUATION PROCEDURE**

The Chair drew attention to the emergency evacuation procedure.

**2 ELECTION OF VICE-CHAIR (IF DESIRED)**

A Vice-Chair was not required on this occasion at the Committee.

**3 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Councillors Ann Morgan, Shaun Hughes, Tim Warren and Sarah Moore had sent their apologies to the Committee.

**4 DECLARATIONS OF INTEREST**

There were none.

**5 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR**

There was none.

**6 ITEMS FROM THE PUBLIC - TO RECEIVE STATEMENTS, PETITIONS OR QUESTIONS**

There were none.

**7 MINUTES: 18TH FEBRUARY 2021**

The Committee approved these minutes as a correct record.

**8 REVIEW OF HACKNEY CARRIAGE UNMET DEMAND SURVEY REPORT 2023**

The Lead Officer (Licensing) introduced the report to the Committee and highlighted the following areas from within it.

The Council currently regulates the number of Hackney Carriage Proprietor (vehicle) Licences the Council issues for the city of Bath. Because of this the Council is under a duty to carry out a review of any significant unmet demand for Hackney Carriage services every three years. This report requests Members to consider the outcome of the Hackney Carriage Unmet Demand Survey (the Survey) carried out by independent consultants in 2023 and, if necessary, make recommendations on the findings to the Cabinet Member.

Currently Hackney Carriages are restricted by zone and numbers within the authority. There are two zones which were set up at the time of local government reorganisation in 1996. Zone 1 has the same boundaries as the former Bath City Council and Zone 2 has the same boundaries as the former Wansdyke District Council (now referred to as North East Somerset). There is no restriction on the number of Hackney Carriages in Zone 2 (North East Somerset).

In 2023 a further Survey was undertaken to see if there was any significant demand that was unmet within Bath. The Survey was initiated in March 2023 and included 178 hours of rank observation, pedestrian surveys and consultation with licensed vehicle drivers and stakeholders.

The main conclusion from the Survey is that there is no unmet demand at this time in Bath City (Zone 1) which is significant and therefore a limit on vehicle numbers can be retained at the present level (125).

Ian Millership, who had conducted the survey on behalf of the Council, addressed the Committee and gave them a presentation. The presentation will be included as an online appendix to these minutes, a summary is set out below.

### Aim of the Survey

- Identify any significant unmet demand (or otherwise).
- Provide Committee evidence of current position regarding unmet demand and its significance at this point in time.

### Definitions

- Hackney carriages (HCV) - Vehicles that can be taken from a rank, hailed or booked.
- Private hire vehicles (PHV) - Vehicles that can only be booked, many now use apps allowing much more immediate booking often based on proximity of vehicle.
- Wheelchair Accessible Vehicles (WAV) - Vehicles that can carry a passenger travelling in their wheel chair – a range of types but all have to be approved locally. Not all 'London style' and certainly not all can take every wheelchair. Can exist in either hackney carriage or private hire fleet.

- Unmet demand – someone arrives at a rank and there is no hackney carriage that could be available for immediate hire. Excludes waiting for vehicle to move up to front of rank (geometric delay).

#### Fleet / Industry issues

- PHV numbers reduced strongly in pandemic.
- Current numbers at 2007 level
- 12% zone 1 HCV are WAV, one WAV HCV zone 2, small number of PHV WAV
- Strong e-scooter trial in area - 8-9% of their trips formerly licensed vehicles

#### Rank activity

- 178 hours observed in early February.
- Bath Spa rank 59% of average weekly level / Abbey rank 40% / Westgate rank unused.
- Estimate of 6,446 passengers per week, 40% less than 2020
- More of vehicles seen at Abbey but also most reduced share (68% 2020, 51% now)
- 9% (10%) of total estimated station passengers leave in an HCV.

#### Public consultation

- 33% (60%) had used licensed vehicle (LV) in area in last 3 months – strong reduction. 4% HCV only / 14% HCV + PHV / 16% PHV only
- 95% of booked trips by app, 85% to main company, 10% to international app, 5% shared four other apps.
- Main two ranks known about, 43% said they used (47%)
- 50% felt there were enough HCV (80% in 2020)

#### Stakeholder consultation

- Just one response, typical national lack of response. Their main issue was with PHV and app surge pricing.

#### Trade consultation

- 13% response (16%, 7% last two surveys)
- 43% (62%) from private hire / 91% (86%) owned own vehicle.
- 75% (80%) agreed with the limit.

#### Disability

- Low usage of WAV at ranks (one at station, two at Abbey) - But this is one more than in 2020.

### Unmet demand evaluation

- Index of significance of unmet demand (ISUD) increased from last time (to 13.18 council, all ranks 73.53). Still not at level of significance (80).
- Overall, this suggests less vehicles active now than in 2020 given that overall demand is reduced.

### Key conclusions

- No evidence of any unmet demand that is significant.
- Current limit policy can be retained.
- Spare plates available but no demand for them.

### Final key comments

- Repeat survey with fresh surveys at any point up to February 2026.
- Unmet demand much closer to becoming significant than in 2020 so three-year review could be too long.

Councillor Deborah Collins commented that she was disappointed in the response from stakeholders, especially potential disability representatives. She asked if they were contacted on further occasions.

Ian Millership replied that they had contacted as many as they were able to and that a detailed list of organisations had been supplied to him. He added that he was aware of the good relationship that the Council has with a number of disability groups. He said that the Department for Transport were considering further ways of gathering evidence from these organisations.

The Lead Officer (Licensing) added that a previous project by the Government in 1997 relating to increasing the availability of Wheelchair Accessible Vehicles had faded into obscurity.

Councillor Lucy Hodge referred to the 13% response rate from the trade consultation and asked how many drivers this represented.

The Lead Officer (Licensing) replied that there were around 450 drivers working across B&NES in both Private Hire and Hackney Carriage Vehicles.

Councillor Hodge asked how the survey was carried out practically.

Ian Millership replied that in previous years he had received help from family members and other people, but that this was no longer achievable. He added that video cameras were put in place to observe rank use, plate data was gathered in person and social media was also used within the survey.

Councillor Samantha Kelly asked if any further comment could be given on the low number of available Wheelchair Accessible Vehicles.



The Lead Officer (Licensing) explained that feedback from the trade indicated that there was a very low demand for accessible vehicles and this was reflected by the rank observations taken during the survey.

In terms of Private Hire, the Lead Officer (Licensing) replied that it was not the local business model for private hire operators to own vehicles and employ drivers. He added that driver and vehicle owners are self-employed and choose their own hours. Unfortunately, it is possible for a journey to be booked through a company in advance only for the driver to be unavailable or decide not to work that day. This does leave the operator in a difficult situation.

Councillor Kelly asked if there was any incentive that could be offered to encourage further respondents to the survey.

The Lead Officer (Licensing) replied that the communications with the trade explains the importance of responding as it their business that could be affected by the results.

Councillor Toby Simon referred to the low number of Wheelchair Accessible Vehicles and asked if new vehicle licences could only be issued to vehicles that are wheelchair accessible.

The Lead Officer (Licensing) replied that for new HCV licences that is the policy of the Council.

Councillor Simon proposed whether a discussion with the School Transport service would be able to result in further services being available to those residents who are in a wheelchair.

The Lead Officer (Licensing) replied that the Dial-a-Ride service, that also provides School Transport, was already used substantially to assist members of the public with mobility needs.

Ian Millership added that any vehicles that provide a transport to school service would be less likely to drive in the evening in case their vehicle became damaged and then prevented them carrying out their service the following day.

Councillor Deborah Collins said that she would like to see the number of Wheelchair Accessible Vehicles increased, either through new vehicles or existing ones being upgraded.

Councillor Onkar Saini asked if the Council had faced any particular challenges since the Deregulation Act 2015.

The Lead Officer (Licensing) replied that he could not recall any and that drivers from other Local Authorities had worked within B&NES for a number of years. He added that joint enforcement observations are carried out and that there were no known problems.

Councillor Saini asked if any complaints had been received regarding the triple licensing lock whereby PHVs require the operator fulfilling the request, the driver and vehicle to all be licensed by the same authority.

The Lead Officer (Licensing) replied that there had been no spike seen in such events and that if any were to occur they could be reported via email to [Licensing@bathnes.gov.uk](mailto:Licensing@bathnes.gov.uk) .

The Committee **RESOLVED** to recommend that:

- i) The number of vehicle licences in Zone 1 remains at 125
- ii) The limitation policy remains in place.

The meeting ended at 10.56 am

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

Bath & North East Somerset Council		
MEETING	Licensing Committee	
MEETING DATE:	DATE 24 <sup>th</sup> April 2025	
TITLE:	Licensing Act 2003 Review of Statement of Licensing Policy	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report: Appendix 1- Responses to the public consultation with officer recommendations Appendix 2- Proposed Statement of Licensing Policy Appendix 3- Present Statement of Licensing Policy		

## 1 THE ISSUE

- 1.1 Section 5 of the Licensing Act 2003 ('the Act') requires a Licensing Authority to prepare and publish a statement of its licensing policy at least every 5 years. During the five-year period the policy must be kept under review and the Licensing Authority may make any revisions to it as it considers appropriate.
- 1.2 The adopted 2019 policy has been kept under review during the 5 years since its adoption. Drafting of this proposed policy commenced in 2024, however due to resourcing, it has not been possible until now to get this completed proposed policy before Committee for their consideration.
- 1.3 This proposed policy does not include a Cumulative Impact Area as the 2019 Statement of Licensing policy did. The previous Cumulative Impact Assessment expired in 2022, and opinion is being sought from the Police whether the evidence exists to reintroduce this provision. The future intention is to review both the Cumulative Impact Assessment and the Statement of Licensing Policy on a three year cycle. This will avoid future lapses.
- 1.4 If evidence is forthcoming to support the re-introduction of a Cumulative Impact Area, a further public consultation period will take place prior to formally adopting it by way of revision to this Policy.

- 1.5 The report identifies the findings of a public consultation exercise and provides recommendations to the Licensing Committee prior to the Statement of Licensing Policy being presented to Full Council on 22<sup>nd</sup> May 2025.

## **2 RECOMMENDATIONS**

The Licensing Committee is asked to.

- 2.1 Note the responses to the public consultation exercise and to accept the officer recommendations in Appendix 1.

Recommend the revised Statement of Licensing Policy in Appendix 2 is adopted when it is presented to Full Council on 22<sup>nd</sup> May 2025.

## **3 THE REPORT**

- 3.1 The Council has completed a 12-week public consultation on the review of the Statement of Licensing Policy which it is obliged to do at least every five years.

- 3.2 The Statement of Licensing Policy explains how the Licensing Authority will exercise its licensing functions under the Licensing Act 2003. Central to the Licensing Policy Statement is the promotion of the four key licensing objectives:

- The prevention of crime and disorder
- Public Safety
- The prevention of public nuisance
- The protection of children from harm

- 3.3 43 Responses were received through the consultation, respondents were asked whether they agreed or not with the consultation draft and were invited to make comment. 17 respondents stated they agreed with the draft; 14 stated they did not know/did not choose to state whether they agreed or not and 12 stated they disagreed. The full consultation commentary and officer response to each is provided in Appendix 1 including a description of the changes made to the final policy.

- 3.4 Following the public consultation and consideration of the responses received, the proposed Statement of Licensing Policy is provided at Appendix 2.

- 3.5 In accordance with section 5 of the Act, the public consultation included the

- 3.6 statutory persons/bodies required.

## **4 STATUTORY CONSIDERATIONS**

- 4.1 The basis for this report stems from a statutory duty on the Council to review its Statement of Licensing Policy every five years.

## **5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

5.1 There are no financial, property or people implications presented by the adoption of this policy.

5.2 Costs for the licensing function will continue to be met from current licence fees. Fees are reviewed on a periodic basis to ensure that they are set at a level which cover costs only, although certain fees are set by statute and cannot be locally set.

## **6 RISK MANAGEMENT**

A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision-making risk management guidance.

## **7 CLIMATE CHANGE**

7.1 The Licensing Act 2003 and therefore the Statement of Licensing Policy is prescriptive and does not take account of the climate change agenda at this time. We look forward to changes in legislation which will allow the Council to take this into consideration in the future. In the meantime, individual applicants are encouraged to consider climate change issues in the operation of their businesses (if applicable).

## **8 OTHER OPTIONS CONSIDERED**

8.1 None.

## **9 CONSULTATION**

9.1 Advice has been sought from the Council's Monitoring Officer and Section 151 Officer have had the opportunity to input to this report and have cleared it for publication.

9.2 A 12-week public consultation process has been carried out involving the following groups:

- All statutory consultees as required by section 5 of the Licensing Act 2003,
- persons/bodies representative of local holders of premises licences,
- All club premises certificates and personal licences holders,
- All Premises Licence holders,
- All Councillors, Parish and Town councils,
- Residents Associations,
- Licensing Agents
- Further Education Institutions
- West of England Mayoral Combined Authority

<b>Contact person</b>	Mike Dando – 01225 477946
<b>Background papers</b>	<a href="https://assets.publishing.service.gov.uk/media/67b73b7b78dd6cacb71c6ac8/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_-_October+2024+_1_.pdf">https://assets.publishing.service.gov.uk/media/67b73b7b78dd6cacb71c6ac8/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_-_October+2024+_1_.pdf</a>
<b>Please contact the report author if you need to access this report in an alternative format</b>	

# APPENDIX 1-DRAFT STATEMENT OF LICENSING POLICY 2025

## PUBLIC CONSULTATION RESPONSES

Response Number	Person(s) Making Response	Para-graph	Comments	B&NES Officer Response	Recommendation
1	Direct e-mail to Licencing.  Poppleston Allen	N/A	<p>Many thanks for the email. I note the CIA lapsed in 2022; however, the draft policy references the previous CIA and provides the map at Annex 1.</p> <p>Please could you confirm if you are reviewing the CIA and looking to reintroduce it?</p> <p>I look forward to hearing from you.</p>	<p>In reply to your enquiry the answer is yes to consulting on reintroducing the CIA.</p> <p>The Police have produced some evidence as to the requirement for the CIA to be reintroduced and more evidence is expected.</p> <p>Once all the information has been received a public consultation will commence to gather views on reintroducing the CIA.</p>	No changes to proposed policy.
2	Direct e-mail to Licencing.  Licensee.	N/A	<p>Hi Good afternoon Dear Aled Williams MCIEH I do sale only fast food takeaway. not sales alcohol or tobacco. Do I need to feel this form ? Many thanks have a nice week</p>	<p>In reply to your question, this is a Public Consultation so you may, if you wish make comments on any part of the published document.</p>	No changes to proposed policy.

Response Number	Person(s) Making Response	Paragraph	Comments	B&NES Officer Response	Recommendation
3	Direct e-mail to Licencing.  Licensee.	N/A	The only issue I had with the process was that when I tried to pay online my reference was not recognised and therefore failed to pay on several attempts. This also happened last year.  Otherwise, I have no other comments.	Thank you for your comment below. This appears to be a clerical error and if you have problems in the future, please contact <a href="mailto:licensing@bathnes.gov.uk">licensing@bathnes.gov.uk</a> as soon as you encounter any difficulties.	No changes to proposed policy.
4	Direct e-mail to Licencing  TLT	N/A	Good afternoon and happy New Year all.  Can I ask if there is a word document we might be sent to understand the changes? Or a summary of changes document is one exists, from the existing policy?	In reply to your questions below, please find link to present Statement of Licencing Policy: -  <a href="https://www.bathnes.gov.uk/statement-licensing-policy/legislation-policies-and-strategies">https://www.bathnes.gov.uk/statement-licensing-policy/legislation-policies-and-strategies</a>  as neither of the documents you request / refer to are available.	No changes to proposed policy.
5	363086	N/A	think that all night clubs should have random checks on how many people are in the club and do random ID checks in the clubs as well as I know one of baths night clubs let in underage people and are always over compassity	Thank you for these comments which are noted with thanks.  Night clubs are regularly checked for overcrowding if a condition is on the licence that limits the number of people who can be present.	No changes to proposed policy.



Response Number	Person(s) Making Response	Paragraph	Comments	B&NES Officer Response	Recommendation
				<p>Outside of this it would be a matter for Avon &amp; Somerset Rescue to deal with. Under their fire legislation / regulations.</p> <p>In relation to underage persons present in night clubs, this would depend on the conditions on the Licence as well as the activities, those underage persons are undertaking.</p> <p>Licencing Enforcement Group (LEG) visits are carried out monthly with Police and Fire Officers.</p>	
6	363127		It supports the work of the Council eg: Community Safety, Safer Streets, ASB etc	Thank you for this comment.	No changes to proposed policy.
7	363158		It seems fine though once again represents a further explosion of roles and regulations - when will this end?	Thank you for this comment.	No changes to proposed policy.

Response Number	Person(s) Making Response	Para-graph	Comments	B&NES Officer Response	Recommendation
8	363185		I agree with the proposal, and think it would be a great help in making Bath better place to live, and will attract even more visitors in to help sustain retail business in town, also more lively town will help manage crime rate.	These comments are noted with thanks.	No changes to proposed policy.
9	363091		Nothing wrong with allowing more to people in area	Thank you for this comment.	No changes to proposed policy.
10	363262		This Statement of Licencing Policy appears to cover everything	Thank you for this comment.	No changes to proposed policy.
11	363284		Covers all aspects of the industry	Thank you for this comment.	No changes to proposed policy.
12	363331		It's Window Dressing	Thank you for this comment	No changes to proposed policy.
13	363364		No point changing it	Thank you for this comment  In regard to your comment, under the 2003 legislation the Policy must be reviewed every 5 years,  Hence the inclusion of Ask for	No changes to proposed policy.

Response Number	Person(s) Making Response	Paragraph	Comments	B&NES Officer Response	Recommendation
				Angela, Drink Spiking and other changes and safety issues brought in since the last review.	
14	363524		No comments	Thank you for this comment.	No changes to proposed policy.
15	364789		A very clear & rounded policy - agree	Thank you for this comment.	No changes to proposed policy.
16	365038 Keynsham Town Council	32.7	<p>"To the best of Keynsham Town Council's understanding the Policy is now statutorily complainant.</p> <p>There is clarity in the document in respect of enforcement.</p> <p>B&amp;NES Council have made reference to Martyn's Law point 32.7 of the Policy statement."</p>	Thank you for these comments.	No changes to proposed policy.
17	Cllr Toby Simon		<p>I've had a quick look at this and in general I think it's OK. A few minor drafting points</p> <ul style="list-style-type: none"> <li>Licencing under the 2003 Act isn't the only form of licencing that the council undertakes so I</li> </ul>	<p>Thank you for these comments.</p> <p>Please see responses below.</p>	Minor text changes but no actual change to proposed policy.

Response Number	Person(s) Making Response	Para-graph	Comments	B&NES Officer Response	Recommendation
		1.5  19,1  37.1	<p>think this policy needs to be specifically referred to as alcohol licencing or 2003 Act licencing</p> <ul style="list-style-type: none"> <li>• Para 1.5 is probably a holdover from earlier versions and can now be removed</li> <li>• Para 19.1 the first sentence feels out of date.</li> <li>• Power 37.1 the cross reference is to page 37"</li> </ul>	<p>Title of the Policy document has been changed.</p> <p>Left this in as it forms part of the description of the City Centre.</p> <p>Minor amendment made to wording.</p> <p>Checked and 38.1 refers to page 36 now.</p>	
18	368494  Saltford Parish Council		<p>"DISAGREE</p> <p>Saltford Parish Council raises valid concerns about B&amp;NES Council's current approach to public awareness and participation in the Licensing process and is responding to highlight an important gap in communication. The absence of proactive measures to inform residents and Parish Councils about ongoing Licensing applications limits the opportunities for public engagement, which is crucial for ensuring transparency and accountability in local decision-</p>	<p>Thank you for your comments.</p> <p>The correct amount of public consultation is undertaken as laid out under the Licensing Act 2003 and the s.182 Licensing Guidance is carried out for each Licensing application, variation etc.</p> <p>This is done by Public Notice at the premises and a Notice placed in a Local Paper if required.</p> <p>There is also a consultation period of 28 days carried out with all the relevant Regulatory</p>	No changes to proposed policy.

Response Number	Person(s) Making Response	Para-graph	Comments	B&NES Officer Response	Recommendation
			<p>making, and need to be taken into account when B&amp;NES Council reviews Licensing Policy.</p> <p>Reinstating the ""weekly list"" of Licensing applications by Ward/area, and making it available via email subscription, would allow residents and Parish Councils to stay informed. This would not only empower them to comment on applications but also foster a greater sense of community involvement in the decision-making process, particularly regarding developments that affect the public's daily lives, such as more establishments being able to open during the evening with the appropriate licence.</p> <p>The current reliance on the Licensing Portal and the expectation that individuals and councils to proactively check it weekly creates an unnecessary barrier to participation in Licensing matters. This policy and approach needs to change. Given that other departments, such as B&amp;NES Council's Planning and Highways, have</p>	<p>Authorities. See para 24,2</p> <p>A link has been provided to all Parish Councils to allow them to carry out checks when they choose to. This is very accessible and there are many filters to allow the search to be targeted. This replaces the weekly list, that was not required the legislation or guidance. The Licensing Section no longer have the resources to undertake this non statutory process.</p> <p>Parish Councils are not a Regulatory Authority or a denoted consultee. Parish Councilors will need to rely on the Notices or News Paper advert, or by being informed by other members of the public / community.</p> <p>Providing access to this weekly list could also have been seen as a potential way of canvassing representations, as the Applicants have already carried out all requirements placed upon them under the</p>	

Response Number	Person(s) Making Response	Paragraph	Comments	B&NES Officer Response	Recommendation
			<p>more accessible communication systems in place, it seems reasonable to suggest that the Licensing Team adopt a similar approach. This could help to ensure that more stakeholders have a chance to make relevant representations on Licensing applications in a timely manner.</p> <p>Saltford Parish Council's concerns, as shared with B&amp;NES Council's Licencing Team directly and with B&amp;NES Association of Local Councils (ALCA), reflect a wider issue in B&amp;NES where public engagement with Licensing matters is limited. With a clear mechanism for communicationâ€”such as a weekly emailed list of applicationsâ€”more individuals and communities would be able to participate meaningfully including those for which the Licencing Consultation is considering. Without such changes, there is a risk that crucial local feedback will be overlooked, impacting the overall quality of decision-making by B&amp;NES Council's Licensing Team.</p>	<p>legislations and guidance, by notifying the Licensing Authority, the RA's, putting up the Notices and placing an advert in a local paper.</p>	

Response Number	Person(s) Making Response	Paragraph	Comments	B&NES Officer Response	Recommendation
			<p>In conclusion, it seems essential that B&amp;NES Council takes steps to actively raise awareness of Licensing applications and provides clear, accessible pathways for public comment. This approach would not only increase engagement but also align with broader strategies for local development and governance, ensuring that the Licensing process is inclusive and well-informed.</p> <p>Should B&amp;NES Council choose to implement this, it would likely enhance transparency and create a more informed public dialogue surrounding Licensing applications on the matters the consultation is looking to address.</p>		
19	368747		<p>"Saltford Parrish Council do not appear to engage with residents on this matter but are inward facing.</p> <p>I do not believe they would positively engage, but use this for their own agenda to prevent positive things happen in the</p>		No changes to proposed policy.

Response Number	Person(s) Making Response	Paragraph	Comments	B&NES Officer Response	Recommendation
			<p>local community.</p> <p>Engaging with them may be of benefit but would need strict rules to ensure unbiased results were avoided and that they were only consulted and not given power to veto things.</p> <p>How many residents have raised issues? Would be interesting to see some data as this appears another controlling approach to demonstrate power over the people.</p> <p>The current process from BANES works well and information is available, communication could be improved but I would not feel comfortable with them being actively involved in decision's as they are often seen as blockers with their own agenda and view and they do not consult very well with residents.</p> <p>Would be interesting to see the volume of residents who have raised such concerns or attended a meeting to discuss it.</p>		



Response Number	Person(s) Making Response	Paragraph	Comments	B&NES Officer Response	Recommendation
20	368756		Data protection no you should not get to look in on people's documents	Thank you for your comment.	No changes to proposed policy.
21	368777		<p>"Would it be possible to publish some data in context of licensing issues. As a local resident in Saltford I am not aware of any issues that have caused problems, and I see few appear on the SPC meeting agenda so presume the numbers are very low.</p> <p>That is not to say there are none but it would help to understand if this is indeed an issue. I trust BANES to ensure appropriate communication would be in place but beyond that I am unclear on why this has appeared as an area of concern."</p>	<p>Thank you for your comment.</p> <p>The Licensing Section do not publish data on licensing issues for any of the BANES Wards etc.,</p> <p>If an issue were to arise around a certain premises or area. Then the Licensing Section would contact those residents directly, that are being or may become effected if such issues were to arise.</p> <p>Anyone wishing to contact the Licensing Section to enquire, report or check something about a licensed premises. Are more than welcome to contact the Licensing Section via: -</p> <p><a href="mailto:licensing@bathnes.gov.uk">licensing@bathnes.gov.uk</a></p>	No changes to proposed policy.

Response Number	Person(s) Making Response	Para-graph	Comments	B&NES Officer Response	Recommendation
22	368783		"The parish council shouldn't have this information they are not qualified people	Thank you for your comment.	No changes to proposed policy.
23	368786		Why should the parish council have this right they do enough damage now on people's planning applications	Thank you for your comment.	No changes to proposed policy.
24	370189		<p>"As an alcohol licensing officer dealing with new premises licence applications on a frequent basis, I would like the policy to consider the permission of conditions to be placed on licences for premises to join local radio schemes for example, the night marshal scheme run by the Bath BID.</p> <p>an example of a condition may be:</p> <p>The Licensee shall become members of the radio system currently in operation between licensees and the Bath Bid Evening and Night Marshal Scheme and shall agree to abide by any contractual agreements made in connection with this facility. In relation to being a</p>	<p>Thank you for your comments.</p> <p>The licensing regime has always been that of a "Light Touch approach."</p> <p>Issuing a standard condition such as this to all premises would be contrary to that approach. As not all premises would require the need to be in contact with the Marshals whilst the premise is open.</p> <p>Certainly, this could be an added condition if the applicant was to voluntarily offer this as part of their Operating Schedule (Annex 2).</p> <p>This could also become an imposed condition (Annex 3) if after a Review called by the</p>	No changes to proposed policy.

Response Number	Person(s) Making Response	Paragraph	Comments	B&NES Officer Response	Recommendation
			<p>member of the radio system the Licensee shall ensure:</p> <p>The equipment is kept in working order at all times.</p> <p>The equipment is kept on at all times the scheme is in operation and the premises are open to the public during these hours.</p> <p>The equipment shall be monitored by the Designated Premises Supervisor or other responsible member of staff.</p> <p>All instances of crime and disorder shall be reported to the Night Marshalls as soon as it is reasonably possible via the radio link.</p> <p>If the Night Marshall scheme was to cease to exist, the premises would be exempt from this obligation.</p>	<p>Police, or other RA or member of the public, with supporting evidence which proved that there was such a need to join such a scheme. Then the Licensing Sub-Committee could impose such a condition.</p> <p>Conditioning the contractual agreement between the premises and the provider. That would not be a Licensing issue.</p> <p>The maintenance and control of such equipment could be condition as is done with CCTV equipment at present.</p> <p>As above, this would need to be a specifically worded condition on any premises licence whether under Annex 2 or Annex 3. So, as no breach of the applied condition could be the fault of the premises if such schemes should cease to be available.</p>	

Response Number	Person(s) Making Response	Para-graph	Comments	B&NES Officer Response	Recommendation
25	Direct e-mail to Licencing  Pulteney Estate Residents' Association		<p>Information relating to large events (referred to in Contents and on page 38 of the draft Policy)</p> <p>Public Protection Service Enforcement Policy (referred to in Section 18)</p> <p>Community Safety Plan (referred to in Section 30.1 of the draft Policy)</p> <p>As the consultation is about to close, I do need to receive these asap. I haven't been able to find documents that clearly correspond to these on the B&amp;NES website - but if any of them are available on the website please do feel free to send me the links instead. Many thanks,</p>	<p>Thank you for your comment.</p> <p>In reply to your e-mail please see the inserted links below: -</p> <p>1) Information relating to large events (referred to in Contents and on page 38 of the draft Policy)</p> <p><a href="https://www.bathnes.gov.uk/sage-and-safety-outdoor-events">https://www.bathnes.gov.uk/sage-and-safety-outdoor-events</a></p> <p>This is the link to the SAGE Team and all of the details that they deal with in regard to large events</p> <p>2) Public Protection Service Enforcement Policy (referred to in Section 18)</p> <p><a href="https://www.bathnes.gov.uk/document-and-policy-library/public-protection-enforcement-policy">https://www.bathnes.gov.uk/document-and-policy-library/public-protection-enforcement-policy</a></p> <p>3) Community Safety Plan (referred to in Section 30.1 of the draft Policy)</p> <p>Please scroll down and click</p>	<p>Proposed Policy Updated with the following actions listed below: -</p> <p>All requested links to guidance's and policies have been added in to the Draft Policy on Page 38 &amp; page 39.</p>

Response Number	Person(s) Making Response	Paragraph	Comments	B&NES Officer Response	Recommendation
				<p>on link.</p> <p><a href="https://www.bathnes.gov.uk/for m/contact-the-community-safety-coh">https://www.bathnes.gov.uk/for m/contact-the-community-safety-coh</a></p> <p>The contact details for the Community Safety Plan Team if the above link is a problem.</p>	
26	371153		<p>"I agree with the majority of the licensing proposal</p> <p>I think the current licensing agreements are fit for purpose</p> <p>However, I do not think that requirement of amplified music should be licensed - larger events are already covered by TENS and making any amplified music is not necessary and will be nearly impossible to enforce leading to confusion and potential abuse "</p>	<p>Thank you for your comments.</p> <p>Amplified music is deregulated between the hours of 0800Hrs and 2300Hrs.</p> <p>The legislation again lays out that only the Police and Environmental Protection, are the consultees in the application of TENS.</p> <p>All complaints and concerns arising during or after an event covered by a TEN are referred back to the Police and the Environmental Protection Team. In case they may wish to make representation when any further TENS are received</p>	No changes to proposed policy.

Response Number	Person(s) Making Response	Paragraph	Comments	B&NES Officer Response	Recommendation
				for future events.	
27	371221		<p>"Monkton Combe Parish Council are in broad agreement with the Statement of Licensing Policy, save for the process for Representations.</p> <p>Whilst you have included â€4. All Ward Councillors and Town and Parish Councils.â€™ As Consultees on this Policy Statement,</p> <p>they are not included in the list of Responsible Authorities to whom â€the applicant must also send copies of the application toâ€™.</p> <p>Nor are they included in the list of Responsible Authority from whom Representations can be made.</p> <p>There seems no mechanism described in this Policy Statement for consulting with, or receiving Representations from Ward Councillors and Town and Parish Councils.</p>	<p>Thank you for your comments.</p> <p>It has always been the case that Ward, Town and Parish Councilors have been part of the consultation process as are any licence holders or members of the public. Along with the RA's that are identified in the Legislation and 182 Guidance.</p> <p>It should be noted that you do not have to be an RA to make a representation. Anyone may make a representation in relation to any application.</p> <p>A member of the public may make a representation if they wish to do so during the 28-day consultation period.</p>	No changes to proposed policy.

Response Number	Person(s) Making Response	Para-graph	Comments	B&NES Officer Response	Recommendation
			<p>Since “The Licensing Authority may not impose conditions on or refuse to grant/vary a Premises Licence or Club Premises Certificate unless it has received a relevant representation in respect of the application.”™ This would appear to be a significant oversight as it seemingly excludes any local insight and would grant a Licence which was potentially counter to the objectives:-</p> <p>“<sup>a</sup> The prevention of crime and disorder.</p> <p>“<sup>a</sup> Public safety.</p> <p>“<sup>a</sup> The prevention of public nuisance.</p> <p>We suggest that the Policy Statement needs to include provision for Ward Councillors and Town and Parish Councils, to be notified of an application, and to be able to make representations if they think it appropriate.</p> <p>We have also noted that:-</p>	<p>On receipt of the applications the other RAs are notified and as an RA the Police. May request that the applicant agrees to voluntarily add some conditions to negate concerns they may have.</p> <p>As can Avon Fire and Rescue and Licensing (as they also are an RA). This is applicable to all of the RA’s.</p> <p>Anyone can make a representation against an application. Which will remove any significant oversights at a local level.</p> <p>Ward Councilors are informed of applications that are taking place in their Wards. Thus, allowing them to make a representation if they wish to do so.</p> <p>Town and Parish Councilors as stated above can also make</p>	

Response Number	Person(s) Making Response	Paragraph	Comments	B&NES Officer Response	Recommendation
			<p>27.1. Temporary Event Notices (TEN) do not involve the Licensing Authority in giving permission for the event to take place. This is a notification procedure in which only the Police and environmental Protection may intervene to prevent such an event, or to modify the arrangements for such an event.</p> <p>However, consequent on an event in our Parish which gave rise to significant complaint from nearby residents, we would question whether it is appropriate for a TEN to be used to significantly vary and override the existing Licensing and Planning Consent for a Club Premises.</p>	<p>representations as well.</p> <p>The legislation again lays out that only the Police and Environmental Protection, are the consultees in the application of TENS.</p> <p>All complaints and concerns arising during or after an event covered by a TEN is passed back to the Police and the Environmental Protection Team. In case any further TENS are received for future events.</p>	
28	371490		There is too much stipulation that can be interpreted in too many ways	Thank you for your comment.	No changes to proposed policy.
29	372144		too complicated	Thank you for your comment.	No changes to proposed policy



Response Number	Person(s) Making Response	Paragraph	Comments	B&NES Officer Response	Recommendation
30	372245		<p>"It is not clear how the policy will meet the Council's overriding purpose in our Corporate strategy to improve people's lives.</p> <p>I cannot see where the council motion passed in 2023: Get Me Home Safely" has been included. This states:</p> <p>1. work through business and partnership forums to highlight safe travel home concerns and to encourage sharing of best practice, and call on the Licensing Committee to review opportunities to use appropriate licensing processes to include additional criteria when considering late opening applications from licensed premises, such as encouraging venues to provide free transport home for night shift employees;</p> <p>For example, where is it set out that Licensing will include an additional requirement to encourage venues to provide free transport home for night shift employees?</p>	<p>Get Me Home Safely is reference in 32.9 of the policy:</p> <p>32.9. The Licensing Authority is aware of the "Get me Home Safely," campaign and the importance of getting staff safely home at the end of a late-night shift. The Licensing Authority will therefore encourage venues to consider free transport home for night shift employees.</p>	<p>Proposed Policy Updated with the following actions listed below: -</p> <p>32.9 Amended</p>

Response Number	Person(s) Making Response	Paragraph	Comments	B&NES Officer Response	Recommendation
			<p>How will organisations be encouraged to support the Women's Night-Time Safety Charter?</p> <p>Further, this is omitted from the Equality Impact Assessment.</p> <p>The Equality Impact Assessment Improvement Plan has not been completed so there does not seem to be any intention to carry out the principles of getting people home safely, as set out above.</p> <p>Surely the plan should, at least, contain monitoring of the take up and effectiveness of the Women's Night-Time Safety Charter?</p> <p>7.2. Licensing Policy States:</p> <p>The impact of this policy will be monitored through the completion of an Equality Impact Assessment.</p> <p>It is not clear what will be monitored to ensure that the corporate aim of delivering for</p>	<p>Whilst this is a voluntary charter and the Policy does already make reference to all person's safety as in: -</p> <p>"Ask For Angela" (33.6), "VAWG" (31.13), "Get Me Home Safely" (32.9) As well as "Drink Spiking"</p> <p>Licensing Policy monitoring is carried out through communication with the Premises Licence Holder and</p>	<p>Policy has been updated, to direct premises that they may wish to join the voluntary</p> <p>"Women's Night-Time Safety Charter."</p> <p>32.10 introduced</p>

Response Number	Person(s) Making Response	Paragraph	Comments	B&NES Officer Response	Recommendation
			<p>local residents, while protecting the most vulnerable, is achieved.</p> <p>The information against the protected characteristics does not show evidence of a negative or positive impact. The latter should be a concern as you would expect any actions to have a positive outcome.</p> <p>The following statement is a concern:</p> <p>“We do not anticipate potential negative or adverse impacts from this policy. Should any be identified, they will be responded to accordingly.”</p> <p>Suggests that action will only be taken after something has happened. Rather than putting in measures to ensure that those with protected characteristics are not treated less favourably, have equal access and are safeguarded.</p> <p>There is nothing to show what measures are in place to safeguard people who are vulnerable due to their protected</p>	<p>Staff, members of the Public through concerns and complaints as well as through the Licensing Enforcement Group. Lead by the Police through their engagement with members of the Public and Police Intel resources.</p>	

Response Number	Person(s) Making Response	Para-graph	Comments	B&NES Officer Response	Recommendation
			<p>characteristic</p> <p>Monitoring should be set out in the Equality Impact Assessment Improvement Plan which should include intended actions/initiatives.</p> <p>However, there is nothing at all in the plan.</p>		
31	372417		<p>"The consultation fails to explain how the replacement of the Cumulative Impact Area will be replaced by police, B&amp;NES and other ""powers"" of authorities that do not have the capacity or financial resources to police and enforce such powers. The inadequacy of this approach is already demonstrated by the Exclusion Zones that are being used in Bath around Manvers Street Centre and Waitrose. When the MSC exclusion zone was enforced this resulted in displacement of antisocial behaviour out of the City Centre into the residential area of Bathwick (including the riverside path, a route used by many local schoolchildren and tourists).</p>	<p>Thank you for your comments.</p> <p>In reply to your enquiry the answer is yes to consulting on reintroducing the CIA.</p> <p>The Police have produced some evidence as to the requirement for the CIA to be reintroduced and more evidence is expected.</p> <p>Once all the information has been received a public consultation will commence on reintroducing the CIA.</p>	No changes to proposed policy

Response Number	Person(s) Making Response	Paragraph	Comments	B&NES Officer Response	Recommendation
			<p>However, experience as a volunteer at Manvers Street Centre is also sometimes that, when police enforcement is needed, it is unavailable leaving vulnerable individuals in fear. Council officers, on the other hand, are invariably not available to intervene in relation to noise problems outside normal daytime/weekday working hours.</p> <p>The consultation also fails to explain how the relaxation of Licensing Policy is likely to impact on residential areas. If, as appears, this will result in the night-time noise and anti-social behaviour of the City Centre starting to spread from the former CIA into nearby residential areas, it will severely impact liveability in these areas. It will also be contrary to other local policies such as those in the Local Plan on amenity.</p> <p>Noise ingress into homes causes and exacerbates sleep disturbance, mental health conditions, childhood development deficits, childhood</p>	<p>There is no relaxation in the Licensing Policy only the CIA is not present. Which as explained above may return pending evidence from the Police and consultation.</p>	

Response Number	Person(s) Making Response	Para-graph	Comments	B&NES Officer Response	Recommendation
			<p>behavioural problems, and detriment to the life chances of children and young people. Preservation of residential areas from these impacts is paramount.</p> <p>I attempted two weeks before consultation closure to obtain clarification with regard to the legal and other likely impacts of abandonment of the CIA but this was not forthcoming.</p> <p>The consultation also fails to explain how noise nuisance from Licensed Premises will be dealt with. This is becoming a serious threat to Bath's reputation as a centre for classical and literature festivals, destroying the experience of concerts at important venues such as Bath Abbey due to the intrusive uncontained noise from nearby Licensed Premises.</p>		
32	372452		<p>Could we request that guidance for late night venues includes ensuring that if young people/students are leaving the venue intoxicated that they are in the company of others / safely put into taxis / accompanied to a</p>	<p>Thank you for your comment</p> <p>The venues at present have access to the Street Marshalls through radio contact and thus access to the Police and Medics if required to deal with</p>	<p>Proposed Policy Updated with the following actions listed below: -</p> <p>The Policy has been amended by</p>

Response Number	Person(s) Making Response	Paragraph	Comments	B&NES Officer Response	Recommendation
			safe space, eg safe bus.	<p>concerns you are addressing.</p> <p>The Policy will be updated to ensure that all Applicants are informed that Street Marshals and Medics are available to carry out such escort duties.</p>	<p>informing all Applicants about the availability of Night Marshals, Police and Medics, availability if required.</p> <p>Also, recommendations on dealing with intoxicated persons. When they are leaving the premises. 32.11</p>
33	372017		Yes	Thank you for your comment	No changes to proposed policy
34	371125		Yes	Thank you for your comment	No changes to proposed policy
35	368783		No	Thank you for your comment	No changes to proposed policy
36	368755		No	Thank you for your comment	No changes to proposed policy

Response Number	Person(s) Making Response	Paragraph	Comments	B&NES Officer Response	Recommendation
37	368494		No Disagree	Thank you for your comment	No changes to proposed policy
38	367499		No Disagree	Thank you for your comment	No changes to proposed policy
39	364789		A very clear & rounded policy - agree	Thank you for your comment	No changes to proposed policy
40	363524		Yes no comment	Thank you for your comment	No changes to proposed policy
41	363065		Yes	Thank you for your comment	No changes to proposed policy
42	363052		Yes	Thank you for your comment	No changes to proposed policy
43	363043		Yes	Thank you for your comment	No changes to proposed policy



# **STATEMENT OF LICENCING POLICY**

## **Licensing Act 2003**

# STATEMENT OF LICENSING POLICY

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# STATEMENT OF LICENSING POLICY

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## 1. Introduction

- 1.1. Bath & North East Somerset Council (the Council) is the Licensing Authority for Bath and North East Somerset under the Licensing Act 2003 (the Act). This means the Council is responsible for granting Premises Licences, Personal Licences, and Club Premises Certificates, in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late-night refreshment. It is also responsible for receiving Temporary Event Notices.
- 1.2. The Licensing Authority aims to facilitate the development of a healthier economy in Bath and North East Somerset that feels both safe and offers diverse cultural activities to enable a broad age range of people to enjoy themselves whilst at the same time improving the quality of life of residents and increasing the attractiveness of the area to visitors.
- 1.3. In partnership with other agencies and interested parties, the Council as the Licensing Authority, seeks to develop the area with a view to increasing the number of establishments, including coffee shops, restaurants and other similar establishments, which are open and available to the public in the evening.
- 1.4. It is hoped that realisation of this goal will reduce fear of crime, including alcohol related crime and anti-social behaviour, and consequently encourage greater use of facilities throughout the district and in the evening by people of all ages, all income groups, and all social groups.
- 1.5. The Council has worked in partnership to bring to Bath a modern shopping destination at Southgate, with classic Georgian-style open streets, and public spaces. Southgate Bath has a wide variety of retail stores, eating and entertainment establishments and residential properties.
- 1.6. The Act requires the Licensing Authority to publish a 'Statement of Licensing Policy' that sets out the principles the Licensing Authority will generally apply to promote the licensing objectives when making decisions on applications made under the Act. This Statement of Licensing Policy has been prepared in accordance with the provisions of the Act and having regard to the Secretary of State's Guidance (the Guidance) issued under s.182 Licensing Act 2003 (the Act).
- 1.7. Licensing is about regulating the use of premises, including qualifying clubs, for licensable activities and temporary events within the terms of the Act.
- 1.8. Any conditions which are attached to the various authorisations will be focused on matters which are within the control of individual licensees and others in possession of relevant authorisations on licensed premises. Accordingly, these matters will centre on the premises being used for licensable activities and the

# STATEMENT OF LICENSING POLICY

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vicinity of those premises.

## 2. Purpose

2.1. The primary purpose of this policy is to assist and inform those involved in the decision-making process and those who may be affected by such decisions.

1. This policy will provide the decision makers with parameters under which to make their decisions.
2. This policy will inform applicants of the parameters under which the Licensing Authority will make decisions, and therefore how licensed premises are likely to be able to operate within Bath and North East Somerset. Each case will, however, be determined on an individual basis.
3. This policy will inform residents and businesses of the parameters under which the Licensing Authority will make licence decisions, and therefore how their needs will be addressed.
4. This policy will provide the courts with the basis upon which decisions were reached.
5. On occasion where circumstances justify such a decision, the Licensing Authority may decide to depart from its Statement of Licensing Policy when considering an application. The Licensing Authority will on such occasion give reasons for this departure.
6. The Authority is mindful that when hearing an appeal against any decision made by the Authority, the Magistrates' Court will not take into account anything in this policy that is unlawful, disproportionate or beyond the power of the Licensing Act 2003 (*ultra vires*).
7. This policy will be regularly reviewed by the Licensing Authority in accordance with the requirements of the Act (at least every 5 years) or as the Authority deems necessary. It was last reviewed in 2019 and published in January 2020.

2.2. This policy aims to set out the Authority's expectation that all persons involved in the licensing process will act with a view to promoting the licensing objectives and all premises whether licensed permanently or on a temporary basis, will operate responsibly and in full compliance of their authorisation.

2.3. The Authority is also keen to encourage and support where appropriate, any voluntary initiatives premises may adopt to help reduce alcohol harm within our communities particularly as irresponsible consumption of alcohol is a key factor

# STATEMENT OF LICENSING POLICY

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in fueling late night anti-social behavior, crime and disorder. Such initiatives may include the removal of cheap, super-strength beers, ciders, and lagers from the sale or, the display of alcohol in a manner that will not unduly encourage people to drink irresponsibly. The Authority acknowledges that whilst the majority of people drink responsibly, the “drink until you’re drunk” and “binge drinking” culture adopted by a minority is having a detrimental effect on many vulnerable members of our communities and their families. It also has a detrimental impact on residential communities.

- 2.4. When considering any relevant representations to an application for a licence or in respect of a review of a licence, where there is a clear causal link between sales promotions or price discounting and levels of crime and disorder or public nuisance in or near the premises, the Licensing Authority may consider imposing conditions prohibiting irresponsible sales promotions at the relevant premises, but not so as to duplicate the provisions of the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014.
- 2.5. It is expected that when promoting low priced alcohol, all premises will be considerate of the effect such promotions are having on young and vulnerable persons within the population. Premises are reminded that the mandatory conditions relating to irresponsible drinks promotions must be adhered to. Premises are expected to carefully risk assess such promotions to ensure they do not encourage individuals to drink alcohol excessively or rapidly.
- 2.6. The Authority encourages all establishments who sell alcohol to be more vigilant in respect of persons who are purchasing, or maybe attempting to purchase, alcohol on behalf of persons who are already drunk, or who are underage.

## 3. Licensing Objectives

- 3.1. Section 4 of the Act provides that it is the duty of all Licensing Authorities to carry out their various licensing functions with a view to promoting the four licensing objectives laid down in the Act. The licensing objectives are:

- **The prevention of crime and disorder.**
- **Public safety.**
- **The prevention of public nuisance.**
- **The protection of children from harm.**

- 3.2. Each objective is of equal importance.

- 3.3. These four licensing objectives are to be always of paramount consideration, at all times There are no other licensing objectives.

- 3.4. In the event the Government introduces any further licensing objectives, the

# STATEMENT OF LICENSING POLICY

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Authority will amend this policy accordingly.

- 3.5. When considering applications/representations the Licensing Authority will have regard to these licensing objectives. Where appropriate the Licensing Authority will make exceptions to its own policies and give reasons for doing so.
- 3.6. In accordance with the Secretary of State's Guidance, the Licensing Authority acting as a Responsible Authority will not act on behalf of those who are capable of making representations or calling for a review in their own right. Therefore, inferences should not be drawn on such occasion when the Licensing Authority remains silent in respect of new, variation or review applications. The Licensing Team will use its status as a Responsible Authority on a case-by-case basis, when other Responsible Authorities have chosen not to act, and a view is taken that there is a need to do so.
- 3.7. The Licensing Authority will ensure there is a clear distinction between those officers submitting a representation or review application, and the officers responsible for the administration of the application or review process.
- 3.8. The Licensing Authority recognises that excessive alcohol consumption leads to poor health which, in turn, places burdens on local health services. The Licensing Authority supports initiatives to reduce the misuse of alcohol for example, supporting Trading Standards colleagues to carry out under-age sales operations. The negative effects relating to alcohol misuse continue to be more widely addressed within Bath & North East Somerset's Alcohol Harm Reduction Strategy and subsequent revisions.

## 4. Licensable Activities

4.1. The term "Licensable Activities" is defined by the Act. Licensable Activities are:

1. The sale by retail of alcohol.
2. The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club.
3. The provision of regulated entertainment; and
4. the provision of late-night refreshment (i.e. the provision of hot food and/or hot drink between 23:00 hours and 05:00 hours).

## 5. Types of Authorisations

5.1. This policy will be taken into account by the Licensing Authority when carrying

# STATEMENT OF LICENSING POLICY

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out its licensing functions under the Act in relation to any:

- Premises Licence
- Club Premises Certificate
- Personal Licence
- Temporary Event Notice (TEN)

## 6. General Principles

### 6.1. Decisions

Many minor or routine matters may be determined by the Licensing Officer; other decisions will be referred to the Licensing Sub Committee for determination. These decisions are made in accordance with the table of delegated functions found at the end of this Policy.

6.2. The Licensing Sub Committee is not a court of law and may seem informal in comparison with such proceedings. For example, the rules of evidence do not normally apply, and evidence is not taken on oath. Nevertheless, in determining licensing matters the Licensing Sub Committee members will follow judicial principles to ensure a fair and orderly hearing is given to each application/representation.

6.3. Each case will be considered **on its own merits** and nothing in this Policy shall undermine this principle.

6.4. The review of a Premises Licence or a Club Premises Certificate can be requested by a Responsible Authority and any other person subject to conditions as indicated in paragraph 41 (Reviews).

6.5. Applicants for Premises Licences and Club Premises Certificates will be expected to set out how they intend to promote the Licensing objectives and what measures they intend to employ to ensure compliance with them.

6.6. In order to avoid duplication with other statutory regimes the Licensing Authority will seek to use the most appropriate method of dealing with a particular issue. Subject to the provisions of paragraph 19 (Conditions) the only conditions which should be imposed on a Premises Licence or Club Premises Certificate are those which are appropriate, proportionate, and reasonable for the promotion of the licensing objectives.

6.7. Accordingly, if other controls are available because the law already places certain statutory responsibilities on an employer or operator of premises (such as in relation to Health and Safety) it cannot be necessary to impose the same or similar duties on the premises licence holder or club. For example, conditions



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relating to noise nuisance would not normally be necessary where the provisions of byelaws or of other legislation such as the Environmental Protection Act 1990 protect those living in the vicinity of the premises in question. Where adequate protection is not available conditions subject to the provisions of paragraph 19 may be considered appropriate.

6.8. Applicants may suggest, and are encouraged to suggest, appropriate conditions in their operating schedules.

6.9. Where the Act provides for mandatory conditions to be included in a Premises Licence the Licensing Authority has a duty to include those conditions on the licence.

6.10. Subject to paragraph 39 (Relevant Representations) anyone wishing to make representations in respect of an application will be required to relate their objection to one or more of the licensing objectives before the Licensing Authority will be able to consider it.

6.11. There is a statutory presumption that an application will be granted unless relevant representations are received.

6.12. Where appropriate and necessary, the Licensing Authority will seek advice about safeguarding issues from relevant Council officers to ensure that any safeguarding issues are effectively addressed.

## 7. Consultees

7.1. Before determining this policy, the Licensing Authority has consulted with various stakeholders including, but not limited to:

1. All Responsible Authorities.
2. Representatives of local holders of Premises Licences and Club Premises Certificates.
3. Representatives of businesses and residents of the area.
4. All Ward Councilors and Town and Parish Councils.

## Legislation, Policies and Strategies

### 8. Legislation

8.1. In undertaking its licensing function under the Act, the Licensing Authority is also bound by other legislation, including:

1. Section 17 of the Crime and Disorder Act 1988.
2. The Human Rights Act 1998, with particular regard being given to Article

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6, Article 8 and Article 1 of the first Protocol.

3. The Equalities Act 2010 (Amendment) Regulations 2023.

8.2. The impact of this policy will be monitored through the completion of an Equality Impact Assessment.

## **9. Relationship with Planning Policies**

9.1. The Licensing Authority recognises that Licensing and Planning are separate regimes. Where an application is granted by the Licensing Authority which would require planning permission this would not relieve the applicant of the need to obtain that permission. It will still be necessary, for the applicant to ensure that he/she has all the necessary permissions in place to enable them to run the business within the law.

9.2. There will, however, be a clear separation of the Planning and Licensing regimes to avoid duplication and inefficiency. Therefore, any decision made under the Licensing Act will not take into consideration the need for planning permission.

9.3. The Licensing Authority recognises that licensing applications should not be seen as a re-run of the planning application process as different considerations will apply.

9.4. The Licensing Authority notes the expectation that existing licensed businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.

9.5. In addition, if an application is granted by the Licensing Authority which involves a material change of use or alteration to a building, this would not relieve the applicant of the need to apply for planning permission.

## **10. Relationship with Building Control**

10.1. The Licensing Authority recognises Licensing and Building Control are separate regimes. Where an application is granted by the Licensing Authority which involves a material alteration to a building, this would not relieve the applicant of the need to obtain building control approval.

## **11. Provisional Statements (and the relationship with planning policies and building control)**

11.1. Further guidance is given below and in paragraph 24 regarding Provisional Statements generally.

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- 11.2. In relation to planning and building control it should be noted that any decision of the Licensing Authority on an application for a provisional statement would not relieve an applicant of the need to obtain any necessary planning permission, listed building consent or building control approval before any development takes place.

## 12. Integrating Strategies

- 12.1. The Licensing Authority will (where appropriate) integrate national and local strategies which impact on the licensing objectives and encourage vibrant, sustainable communities in line with Bath & North East Somerset's Vision and Priorities.

## 13. Regulated Entertainment

- 13.1. In its role of implementing Council cultural strategies, the Licensing Authority recognises the need to encourage regulated entertainment such as live music, dance, and theatre for the wider cultural benefit of the community.
- 13.2. When considering applications for such activities, and the imposition of conditions on licences, certificates or notices, the Licensing Authority will do what is appropriate and proportionate in the promotion of the licensing objectives.
- 13.3. The Licensing Authority will ensure that only appropriate, proportionate, and reasonable licensing conditions are attached to such authorisations.
- 13.4. As a matter of general policy, the Council intends to continue to seek Premises Licences from the Licensing Authority for public spaces within the local community, in their own name. This may include village greens, markets, promenades, community halls, parks, Council owned art centres and similar public spaces. However, any external organiser wishing to host an event within these public spaces would require the permission of the Council and would need to apply for a premises licence or submit a Temporary Event Notice, according to the proposed activities, timings and the number of persons expected to be in attendance.
- 13.5. Performances of live music have been further encouraged following the Government's partial deregulation of entertainment activities. Amplified live music performed on premises licensed for the sale of alcohol by a premises licence or club premises certificate, or performed at any unlicensed "workplace", is no longer regarded as being "regulated" under the Act, **when** the performance takes place:
- on any day, and at any time between 08:00 and 23:00 hours; and

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- before an audience of no more than 500 people.
- 13.6. The performance of unamplified live music has also been deregulated within these given time limits, although there is no restriction in respect of the size of the audience.
- 13.7. When live music is performed at any licensed premises in accordance with the above criteria, any conditions relating to 'live' music as detailed on the premises licence or club premises certificate, will be suspended. However, should the music have a detrimental effect on the licensing objectives, the Licensing Authority may lift the suspension following the review of the premises licence or club premises certificate and the performance of live music will be treated as though it is a regulated activity, allowing for any existing conditions to be re-instated or new conditions to be added.
- 13.8. The provision of background music, whether live or recorded, will not be regarded as being regulated when it is of a level that does not predominate over other activities.
- 13.9. When entertainment is ancillary to a main event, which in itself is not a licensable activity, the entertainment will not be regulated by the Act. An example would be live or recorded musical accompaniment at a fashion show.

## 14. Cumulative Impact Assessment

- 14.1. Cumulative Impact has been included within the Section 182 guidance issued by the Home Office since the commencement of the Act. Cumulative Impact Assessments were introduced at Section 5A of the Act by the Police and Crime Act 2017. This provides provision for Licensing Authorities to publish a document, 'Cumulative Impact Assessment', stating that the Licensing Authority considers that a number of relevant authorisations in respect of premises in one or more parts of its area, described in the assessment, is such that it is likely that it would be inconsistent with the authority's duty under the Act to grant any further relevant authorisations in respect of premises in that part or those parts.

Relevant authorisations means:

- Premises Licence
- Club Premises Certificate

- 14.2. Cumulative Impact means the potential impact on the promotion of the licensing objectives where there are a significant number of licensed premises concentrated in one area. Cumulative Impact Policies (CIPs) may relate to premises licensed to carry on any licensable activity, including the sale of alcohol for consumption on or off the premises, and the provision of late-night refreshment. This includes late-night fast-food outlets which are not licensed to

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sell alcohol.

- 14.3. Within a designated cumulative impact area, there is a rebuttable presumption that applications for new premises licenses or variations to existing licenses will be refused if relevant representations are made. This presumption can be rebutted if the applicant can demonstrate that their proposed operation will not adversely affect the licensing objectives.
- 14.4. Applicants are required to provide evidence that their premises will not contribute to the cumulative impact identified in the area. This may include measures to prevent crime and disorder, ensure public safety, prevent public nuisance, and protect children from harm.
- 14.5. If no relevant representations are received, the application must be granted, subject to conditions consistent with the operating schedule.
- 14.6. In 2019 the Licensing Authority carried out a Cumulative Impact Assessment in accordance with section 5A of the Licensing Act 2003 and section 141 of the Policing and Crime Act 2017. This gave rise to a Cumulative Impact Area within the boundary of the Map at Annex 1.
- 14.7. Whilst the Cumulative Impact Area lapsed in 2023, the licensing policy is not the only means of addressing such problems. Other controls include:
- Planning controls
  - CCTV
  - Provision of transport facilities including taxi ranks
  - Public Space Protection Orders (PSPO)
  - Police powers
  - Closure powers
  - Positive measures to create safer, cleaner and greener spaces.
- 14.8. The Council encourages the development of a variety of premises providing a range of licensed activities catering for a wide range of users. Any policy adopted from time to time on the cumulative impact of licensed premises imposes restrictions only to the extent that they are justified by the available evidence having regard to the guidance issued by the Secretary of State.
- 14.9. In order to decide to include a CIA within this statement of policy there must be an evidential basis. Responsible Authorities, such as the Police and the local authority exercising Environmental Health functions, may hold relevant information which would inform Licensing Authorities when establishing the evidence base for introducing a special policy relating to cumulative impact into their licensing policy statement. Information which licensing authorities may be able to draw on to evidence the cumulative impact of licensed premises on the

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promotion of the licensing objectives includes:

- Local crime and disorder statistics, including statistics on specific types of crime and crime hotspots.
- Statistics on local anti-social behaviour offences.
- Health-related statistics such as alcohol-related emergency attendances and hospital admissions.
- Environmental health complaints, particularly in relation to litter and noise.
- Complaints recorded by the local authority, which may include complaints raised by local residents or residents' associations.
- Residents' questionnaires.
- Evidence from local Councilors; and
- Evidence obtained through local consultation.

## **15. Control of Anti-Social Behaviour, Crime and Disorder away from Licensed Premises**

15.1. Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless it is a key aspect of such control and will always be part of a holistic approach to the management of the evening and night-time economy in town and city centres.

15.2. The licensing authority will encourage the use of other mechanisms for controlling problems caused by customers behaving badly and unlawfully once away from licensed premises. For example:

1. Positive measures to create a safe and clean town centre environment in partnership with the Bath Business Improvement District (BID), local businesses, transport operators and other departments of the Council.
2. The provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols.
3. Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices for relevant offences.
4. The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk.

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5. The confiscation of alcohol from adults and children in designated areas. If anti-Social Behaviour is believed to have taken place or is likely to take place.
6. Police powers to close down instantly, for up to 24 hours, any licensed premises or temporary event on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance.
7. The power of the police, other responsible authorities, or any other person to seek a review of the licence or certificate in question.

15.3. The Licensing Authority will endeavour to work in partnership with others to promote common objectives.

## Administration of Licensing Functions

### 16.Applications

- 16.1. Incomplete applications will not be accepted. Applications will only be considered where the relevant documentation and the fee accompany them.
- 16.2. The operating schedule will form part of the completed application form for a Premises Licence and Club Premises Certificate. It should include information which is necessary to enable any Responsible Authority or other person to assess whether the steps to be taken to promote the licensing objectives are satisfactory.
- 16.3. In preparing an operating schedule, the Secretary of State recommends that applicants should be aware of the expectations of the Licensing Authority and the Responsible Authorities about the steps that are necessary for the promotion of the licensing objectives.
- 16.4. Liaising with interested parties prior to submitting applications is good practice. The Licensing Authority recommends applicants discuss any new proposals with neighbours or any relevant community group such as a residents' association.
- 16.5. The Licensing Authority actively encourages applicants to liaise with relevant Responsible Authorities such as the Police or Fire Service prior to applying. This will allow the applicant to address any concerns raised within the operating schedule.
- 16.6. The Council offers a pre-application advice service to businesses to enable them to access relevant guidance tailored to their application. Information about this service can be accessed via:

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<https://beta.bathnes.gov.uk/premises-licence>

## 17. Licensing Hours

- 17.1. With regard to licensing hours the Licensing Authority will consider each case on its individual merits.
- 17.2. The Licensing Authority recognises that fixed closing times in certain areas can lead to peaks of disorder and disturbance on the streets when large numbers of people tend to leave licensed premises at the same time. Longer licensing hours regarding the sale of alcohol may therefore be considered as an important factor in reducing friction at late night food outlets, taxi ranks and other sources of transport in areas where there have already been incidents of disorder and disturbance.
- 17.3. The Licensing Authority will give due regard to the Guidance in relation to terminal hours and would not wish to inhibit the development of safe evening and night-time local economies.
- 17.4. It is not intended that the Licensing Authority's overall approach to licensing hours will include any form of zoning. Experience in other areas shows that this can lead to the significant movement of people across boundaries in search of premises opening later and puts greater pressure on communities than is necessary.
- 17.5. However, if presented with evidence of **serious alcohol related crime, disorder, or anti-social behaviour** within a specific area, which cannot be attributed to one specific premises, the Licensing Authority may consider making an Early Morning Restriction Order (EMRO) to further the licensing objectives.
- 17.6. Shops, stores and supermarkets should generally be permitted to sell alcohol for consumption off the premises during the normal hours they intend to open for shopping purposes. However, where relevant representations are substantiated in respect of individual shops, a limitation on licensing hours may be appropriate.

## 18. Conditions

- 18.1. The Licensing Authority **may not** impose conditions on or refuse to grant/vary a Premises Licence or Club Premises Certificate **unless** it has received a relevant representation in respect of the application.
- 18.2. If no relevant representations are received, the application **must** be granted on the terms sought, i.e. consistent with the operating schedule submitted, and subject to the mandatory conditions specific to the type of authorisation applied for. No additional conditions may be imposed.



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18.3. Conditions may only be imposed on licences and certificates where they are appropriate for the promotion of one or more of the four licensing objectives. Conditions may not be imposed on licences and certificates for any other purpose.

18.4. One of the key concepts of the Act is for conditions to be tailored to the individual style and characteristics of the premises. The Licensing Authority will not simply replicate the wording from an applicant's operating schedule and acknowledges the concept of "bespoke" licensing. Accordingly, it will only impose conditions that are both proportionate and appropriate to the business, organisation, or individual premises concerned. There will be no standard conditions but for the from Mandatory Conditions prescribed by The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014.

## 19. Enforcement

19.1. All enforcement actions will be carried out in accordance with the Public Protection Service Enforcement Policy. This is based around the principles of consistency, transparency, and proportionality, as set out in the Government's Enforcement Concordat.

19.2. The Enforcement Policy (available on request) proposes that a graduated response is taken where offences against legislation are found, or where licence conditions have been contravened. An isolated administrative offence such as failing to maintain records may be dealt with purely by way of a written warning. More serious offences which have either been committed over a period of time, or which jeopardise public safety, may result in the issue of a Formal Caution, or a referral for prosecution.

19.3. The Licensing Authority will seek to work actively with the Police, via the Licensing Enforcement Group (LEG). In enforcing licensing legislation. The Licensing Authority expects the Police to share information about licence holders and licensed premises, under the Crime and Disorder Act 1998 and its common law powers, and to consult closely with the Licensing Authority when any enforcement action may be required.

19.4. The Licensing Authority will employ officers to investigate allegations of unlicensed activities and to ensure all conditions are fully complied with.

## 20. Drugs and Drink Spiking Policy

20.1. The Licensing Authority recognises that as more licensed premises host the types of events at which people are likely to take drugs, it is imperative to ensure the safety of all those attending such events and taking account of any relevant

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government guidance. Premises should have a robust drugs policy which assists operators in identifying the risks of drugs associated with events and contains effective measures to safeguard the welfare of both customers and staff.

20.2. The Statutory Guidance issued under s182 of the Licensing Act 2003 at paragraph 2.7 includes “information about spiking.” The Licensing Authority will work closely with the Police and support the Police in prosecuting offences under sections 23 and 24 of the Offences Against the Person Act 1861.

20.3. The Licensing Authority expects licensed premises to have a robust Anti Drink Spiking policy setting out effective measures to identify and prevent incidents of spiking for the welfare of customers and staff, this policy to include staff training and an incident book or record to document incidences of spiking, and subsequent actions taken.

## 21. Operating Schedules

21.1. Applicants for Premises Licences, Provisional Statements and Club Premises Certificates should be aware of the guidance issued by the Licensing Authority in relation to Operating Schedules when submitting their applications.

21.2. The Licensing Authority considers the effective and responsible management of the premises, including instruction, training, and supervision of staff and the adoption of **best practice** to be amongst the most essential control measures for the achievement of all the licensing objectives. For this reason, the Licensing Authority **recommends** that these elements should be specifically considered and addressed within an applicant’s Operating Schedule.

21.3. The selection of control measures should be based upon a risk assessment of the premises, plus the events, activities and customers expected to attend (e.g. their age, number etc.). Whilst the Licensing Authority cannot require such risk assessments to be documented (other than where required by other legislation), it considers such documentation to be good practice and a useful tool in the management of the premises.

21.4. The Operating Schedule should be prepared by, or on behalf of, the applicant, in relation to the premises for which a licence is being sought, taking into account the individual style and characteristics of the premises/events.

The Operating Schedule should include the following:

- a. Details of the relevant licensable activities to be conducted on the premises;

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- b. The times during which it is proposed that the relevant licensable activities are to take place (including any specific non-standard timings or seasonal variations);
- c. Any other times when the premises are to be open to the public.  
  
Where the licence is required only for a limited period, that period.
- e. Where the licensable activities include the supply of alcohol, whether the alcohol will be supplied for consumption on or off the premises, or both.
- f. The steps which the applicant proposes to take to promote the licensing objectives such as the provision of security staff etc.
- g. The suitable and sufficient measures to be implemented to prevent incidents of drink spiking. For example, and not limited to,
  - Procedures to prevent incidents of drink spiking.
  - Procedure to deal with incidents of drink spiking.
  - Training that will be put in place for staff to raise awareness about the threat of drink spiking
- h. Any other prescribed matters.

21.5. The Guidance produced by the Secretary of State under Section 182 of the Act (amended December 2023) recommends that applicants should be aware of the expectations of the Licensing Authority regarding the steps that are necessary for the promotion of the licensing objectives. Any measures proposed by the applicant should be both realistic and within the control of the applicant/management of the premises.

## 22. Premises Licences

22.1. A Premises Licence will be required for the use of any premises, part of premises, or place for the following licensable activities:

- a. the sale of alcohol.
- b. the provision of regulated entertainment.
- c. the provision of late-night refreshment.

22.2. When making an application to the Licensing Authority, the applicant must also send copies of the application to all the Responsible Authorities, namely:

- a. Chief Officer of the Police
- b. Fire & Rescue Service

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- c. Trading Standards
- d. Local Safeguarding Children's Board
- e. Environmental Health Department
- f. Local Planning Authority
- g. Director of Public Health

and where relevant:

- h. Health and Safety Executive (e.g. for educational establishments)
- i. Maritime Agency (e.g. for boats)

The Licensing Authority is a Responsible Authority in its own right, but there is no requirement for applicants to submit anything more than the original application to the Authority.

22.3. In the case of electronic applications, the requirement to send copies to the relevant Responsible Authorities will pass from the applicant to the Licensing Authority.

## 23. Provisional Statements

23.1. Where premises are being, or are to be, constructed for the purpose of being used for one or more licensable activities, or are being, or about to be, extended, or otherwise altered for that purpose, a person may apply for a Provisional Statement if they have an interest in the premises, and, if they are an individual, that they are aged 18 years or older.

23.2. An application for a Provisional Statement must be accompanied by a schedule of works that includes details of the licensable activities for which the premises will be used, a plan of the premises; and such other information as may be prescribed.

23.3. Applications for Provisional Statements will be dealt with in a similar manner as applications for a Premises Licence. See also paragraph 23 relating to Operating Schedules.

23.4. Where relevant representations are made in relation to an application for a Provisional Statement the Licensing Authority must decide whether, if the premises were constructed or altered in the way proposed in the schedule of works and if a Premises Licence was sought for those premises, it would consider it necessary for the promotion of the licensing objectives to attach conditions (subject to the provisions of paragraph 20), rule out any of the licensable activities applied for, or to reject the application.

## 24. Club Premises Certificates

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24.1. Club Premises Certificates will be issued to qualifying Clubs as defined in the Act, which carry out the following recognised activities:

- a. the supply of alcohol by, or on behalf, of the Club to, or to the order of, a member of the Club.
- b. the sale by retail of alcohol by, or on behalf of, a Club to a guest, or a member of the Club, for consumption on the premises where the sale takes place; and
- c. the provision of regulated entertainment, where that provision is by, or on behalf of, a Club for members of the Club, or for members of the Club and their guests.

24.2. Besides making an application to the Licensing Authority, the applicant must also send copies of the application to all the responsible authorities, namely:

- a. Chief Officer of the Police
- b. Fire & Rescue Service
- c. Trading Standards
- d. Local Safeguarding Children's Board
- e. Environmental Health Department
- f. Local Planning Authority
- g. Director of Public Health

and where relevant:

- h. Health and Safety Executive (e.g. for educational establishments)
- i. Maritime Agency (e.g. for boats)

The Licensing Authority is a Responsible Authority in its own right, but there is no requirement for applicants to submit anything more than the original application to the Authority.

24.3. In the case of electronic applications, the requirement to send copies to the responsible authorities will pass to the Licensing Authority.

24.4. A Club Operating Schedule should also be submitted with the application, together with a copy of the club rules. See also paragraph 23 above relating to Operating Schedules.

## **25. Variation of Premises Licence or Club Premises Certificate**

25.1. Applications to vary substantially a Premises Licence or Club Premises Certificate will be dealt with in a similar manner to applications for a new

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Premises Licence or Club Premises Certificate. When the Licensing Authority receives an application for a variation of these authorisations, it must determine whether the application has been properly made. Among other things the Licensing Authority will consider whether the application has been properly advertised.

25.2. Where an application has been lawfully made and provided that no relevant representation has been made by any responsible authority or other person then no hearing will be required and the application will be granted in the terms sought, subject only to conditions which are consistent with the Operating Schedule and any mandatory conditions required.

25.3. The Licensing Authority must consider whether any representations received are relevant. A "relevant" representation must focus only on the "change" proposed in the variation application and how this change is likely to have a detrimental effect on at least one of the licensing objectives. If relevant representations are made and not withdrawn, the Licensing Authority will hold a hearing, and at that hearing the Licensing Authority may:

- a. modify the conditions of the Licence; or
- b. reject the whole, or part of the application; or
- c. grant the application as applied for

25.4. If the Licensing Authority considers that the representations are not relevant then a hearing will not be required, and the application will be granted in the form it was applied for. The aggrieved party may challenge the Licensing Authority's decision by way of judicial review.

25.5. The exception to the above procedure concerns applications for minor variations, whereby the proposed variation generally amounts to:

- a. a minor change to the structure or layout of a premises.
- b. small adjustments to licensing hours.
- c. the removal of out of date, irrelevant or unenforceable conditions or the addition of volunteered conditions.
- d. the addition of certain licensable activities

which will not impact adversely on the licensing objectives. These are subject to a simplified 'minor variations' process. Parties may still make representations, and the Licensing Authority is entitled to seek the views of any of the responsible authorities when determining such applications. There is no right to a hearing as officers have delegated powers to determine applications

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under this process.

## 26. Personal Licences

26.1. General Requirements - Personal Licences will be granted if the applicant can demonstrate each of the following:

- a. they are 18 years of age or over.
- b. they possess an appropriate licensing qualification, or are a person of a prescribed description, i.e. a person of a description prescribed by Secretary of State by regulations;
- c. no Personal Licence held by the applicant has been forfeited in the period of five years ending with the day the application was made;
- d. the applicant has not been convicted of any relevant offence, or any relevant foreign offence.
- e. Their right to work in the UK and provide the relevant documentation.

**26.2. The Authority will reject any application where points a, b, c or e above are not met.**

26.3. Applicants with unspent criminal convictions for relevant offences set out in Regulations made under the Act are encouraged to first discuss their intended application with the Council's Licensing Officers and/or Police Licensing Officers before making an application. Guidance in relation to unspent criminal convictions can be found in the Licensing Authority's Guidance Notes for Applicants.

## 27. Designated Premises Supervisors

27.1. The sale of alcohol carries with it greater responsibility than that associated with the provision of entertainment and late-night refreshment as it has a wider impact on the community. Therefore, the main purpose of having a Designated Premises Supervisor (DPS) nominated on the premises licence is to ensure there is a specified individual who can be readily identified at the premises. The DPS therefore will occupy a pivotal role in terms of management and supervision of the premises and may be given day to day responsibility for running the premises. All sales of alcohol made under the authorisation of a premises licence, must be authorised by the person nominated as the DPS on the premises licence.

27.2. The DPS may nominate other personnel in his/her place as having authority to

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make sales of alcohol provided that authority is in writing thereby giving a meaningful and proper authorisation.

27.3. A joint interview between the Licensing Authority, Police and applicant may be arranged where the Police are minded to object to the variation of a DPS on the grounds that such a variation may undermine the Prevention of Crime and Disorder objective.

27.4. The exception to the above is to allow certain community premises which have, or are applying for a premises licence, that authorise the sale of alcohol, to apply the alternative licence condition instead of the usual mandatory conditions. The effect of the alternative licence condition is that the licence holder, i.e. the management committee which runs the community premises, is responsible for the supervision and authorisation of all alcohol sales.

## **28. Temporary Event Notices**

28.1. Temporary Event Notices do not involve the Licensing Authority in giving permission for the event to take place. This is a notification procedure in which only the Police and Environmental Protection may intervene to prevent such an event, or to modify the arrangements for such an event. The Licensing Authority will only intervene if the limits on the number of notices given are exceeded.

28.2. A “Standard” TEN requires an organiser of a temporary event to give the Licensing Authority a minimum of 10 clear working days’ notice.

28.3. A “Late” TEN is a TEN received by the Licensing Authority 5–9 clear working days prior to the day of the event.

28.4. “Clear working days” means working days exclusive of the day on which the event is to start, and exclusive of the day on which the notice is given. A “working day” is defined as any day other than a Saturday, Sunday, Christmas Day, Good Friday, or a day which constitutes a Bank Holiday under the Banking and Financial Dealings Act 1971 in England and Wales.

28.5. If an objection is received to a “Late” TEN, then the Licensing Authority must issue a counter notice at least 24 hours prior to the event. Unlike a Standard TEN the premises user has no right to a hearing in relation to a contentious “Late” TEN and as such any licensable activities proposed at the event, will be unauthorised, and it will be an offence to carry on any such activities. Likewise, any notice received within less than 5 clear working days’ notice will be invalid.

28.6. It is therefore obvious that by submitting a “Late” TEN the organiser runs the risk of receiving a counter notice and not being able to hold the event. Although legally the Licensing Authority must receive “Late” TENs, it recommends a



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minimum notice period of one calendar month before the date of the event taking place.

## **29. Transfer of Premises Licences**

- 29.1. In the vast majority of cases, it is expected that a transfer will be a very simple administrative process. This is to ensure that there should be no interruption to normal business at the premises.
- 29.2. Notice of the application must be given to the Police. If the Police raise no objection about the application the Licensing Authority will transfer the licence in accordance with the application, amend the licence and return it to the new holder.
- 29.3. In exceptional circumstances the Police may consider that the granting of the application would undermine the crime prevention objective. In these circumstances the Licensing Authority must hold a hearing and consider the objection, they will not be able to consider any other matters. The Committee will give reasons for the decision made.

## **30. Interim Authority Notices**

- 30.1. Generally, a licence will remain in force for as long as the licence holder continues to operate the business, unless it is revoked, or it is specified that it has effect for a limited period and that period expires. However, if the holder of a Premises Licence dies, becomes mentally incapable or becomes insolvent, then the licence will lapse.
- 30.2. The licence may be reinstated for a three-month period if within 28 days of such circumstances, a person who had an interest in the premises concerned or is connected to the person who held the Premises Licence immediately before it lapsed, gives the Licensing Authority an Interim Authority Notice.
- 30.3. At the end of the three months, it will lapse unless an application for a transfer of premises licence holder is made.
- 30.4. A person is connected to the former holder of a Premises Licence if, and only if:
  - a. the person is the personal representative in the event of the holder's death.
  - b. in respect of someone who has become mentally incapable, the person is acting under section 6 of the Enduring Powers of Attorney Act 1985; or
  - c. in the event of insolvency, the person is acting as an Insolvency Practitioner.

# STATEMENT OF LICENSING POLICY

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- 30.5. Interim Authority Notices must also be served on the Police. If the Police consider that the grant of an Interim Authority Notice would undermine the prevention of crime objective, the Licensing Authority will arrange a hearing to consider the Notice.

## **Licensing Objectives**

### **31. Prevention of Crime and Disorder**

- 31.1. Under Section 17 of the Crime and Disorder Act 1998, the Council has a duty to do all that it reasonably can to prevent crime and disorder in the area. The fear of crime created by disorder, including drunkenness, is as damaging to public confidence and the quality of life as crime itself. The Council's Community Safety Plan in alignment with the Police Crime Commissioner aims to reduce crime, disorder, nuisance and the fear of crime, making Bath and North East Somerset a safer place to live, work and visit.
- 31.2. The Council has introduced measures to assist in the management of this, including the provision of Bath Night watch, BID Marshals and Night Marshals and the installation of CCTV cameras. Joint working with the Police is ongoing, and the Council would expect this partnership approach to be embraced by the licensing trade. This would include participation in the Bath Night watch scheme that includes a radio system between licensed premises which links with the CCTV, the Police, Street & Night Marshals/FAST ambulance, and the Street Pastors.
- 31.3. The Licensing Authority will consider whether the grant of an application will result in an increase in crime and disorder.
- 31.4. Applicants are encouraged to consider crime prevention procedures in their premises before making a formal application. Applicants are encouraged to work in partnership with other licence holders in order to reduce crime and disorder in their area.
- 31.5. The Licensing Authority will continue to play an active part in the development of Pub watch/Night watch and other such schemes.
- 31.6. The Licensing Authority recognises that no matter how well managed the premises are, crime and disorder can occur, particularly outside the premises. Therefore, in considering whether the crime and disorder objective is met, the Licensing Authority will normally take into account the criteria set out below.

# STATEMENT OF LICENSING POLICY

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31.7. In considering licence applications, the following will be taken into account:

1. Whether the design, layout, lighting, and fittings of the premises have been considered with a view to restricting conflict and minimising opportunities for crime and disorder.
2. Whether the applicant has included in the Operating Schedule appropriate management measures to prevent/reduce crime and disorder.
3. Training given to staff in crime prevention measures appropriate to those premises.
4. Physical security features installed in the premises. This may include matters such as the position of cash registers; where alcohol is stored in 'off-licences', or the standard of CCTV installed, and the use of toughened drinking glasses in pubs and clubs.
5. The likely exit times from the premises and the demands upon and the capacity of public transport at those times.
6. Any other such measures as may be appropriate, such as participation in Night watch/Pub watch or other such schemes, 'music wind-down policies', restrictions on happy hours and the availability of seating to discourage vertical drinking.
7. The measures employed to prevent the consumption or supply of illegal drugs, including any search procedures and entry policies.
8. Where premises are subject to age-restrictions, the procedures in place to conduct age verification checks.
9. The likelihood of any violence, public order, or policing problems if the licence is granted.
10. The applicant's willingness to work in partnership with neighbouring licence holders to reduce crime and disorder.

31.8. The Licensing Authority would also recommend that all Designated Premises Supervisors undergo appropriate additional training and have experience commensurate with the nature and style of entertainment provided and capacity of the premises.

31.9. To address concerns of modern-day slavery the Licensing Authority has developed a working partnership with the Home Office, particularly the Immigration Service. Joint premises visits are carried out by request from the

# STATEMENT OF LICENSING POLICY

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Immigration Service.

- 31.10. Any concerns relating to modern day slavery that are brought to the attention of Licensing Officers by way of planned, routine and or ad hoc visits are passed to the Police through the Licensing Enforcement Group (LEG), whether through the LEG meetings or directly to Police at the time of a report or incident.
- 31.11. In order to assist applicants Annex 2 contains a suite of conditions designed to promote the crime prevention objective and aimed at preventing illegal working in licensed premises as appropriate. .
- 31.12. The Licensing Authority has been and will continue to work closely with the Police who lead on the prevention of Violence Against Women and Girls (VAWG).
- 31.13. To assist in the prevention of violence against women and girls the Licensing Authority takes the opportunity to draw attention to the following amendments to the section 182 Guidance: -

Paragraph 2.7 reads:

“The objective to crime under the Licensing Act 2003 would include taking measures to prevent incidents of spiking which would usually be prosecuted under section 23 and 24 of the Offences Against the Person Act 1861, and section 61 of the Sexual Offences Act 2003. The following examples are within the range of behaviours that would be considered spiking. This list is not exhaustive:

- A) Putting alcohol into someone’s drink without their knowledge or permission.
- B) Putting prescription or illegal drugs into an alcoholic or non-alcoholic drink without their knowledge or permission
- C) Injecting another person with prescription or illegal drugs without their knowledge or permission
- D) Putting prescription or illegal drugs into another person's food without their knowledge permission
- E) Putting prescription or illegal drugs into another person's cigarette or vape without their knowledge or permission”.

Paragraph 10.10 (which requires the Committees to consider the proportionality of measures they impose on licences) has also been amended to reference

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spiking:

“Licensing authorities may also wish to consider placing additional conditions on licences to safeguard patrons against spiking, if deemed appropriate and proportionate for a specific venue where there is evidence to justify such action (a definition of spiking can be found in para 2.7 above).”

## **32. Public Safety**

- 32.1. The Licensing Authority has established protocols with the local Police on enforcement issues to enable a more efficient deployment of Licensing Authority staff and police officers who are engaged in enforcing licensing law and the inspection of licensed premises.
- 32.2. This protocol also provides for the targeting of 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.
- 32.3. Inspections are not undertaken routinely, but only when they are judged necessary. This ensures that resources are more effectively concentrated on problem premises. The Act enables the Licensing Authority through its officers to exercise discretion in relation to inspections and does not require annual inspections to take place. The Licensing Authority, therefore, does not intend to carry out annual inspections unless the assessed risks make such inspections necessary.
- 32.4. From time-to-time premises are inspected by Council Officers, the Police and/or the Fire and Rescue Service for purposes of ascertaining compliance with the Act or associated Legislation or Regulations.
- 32.5. During the application period the Responsible Authorities might decide to carry out their own inspections.
- 32.6. Crime, disorder and anti-social behavior threaten public safety and affect perceptions of public safety. The Licensing Authority must try to ensure the safety of people visiting and working in licensed premises. The Licensing Authority will need to satisfy itself that measures to protect the public including setting safe capacities, adequate means of escape, and the provision of firefighting equipment and CCTV etc. are put in place and maintained if this is not adequately provided for by other regulatory regimes.

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- 32.7. Licensed premises present a mixture of Health and Safety risks, some of which are common to many premises, and others unique to single premises. It is essential that premises are constructed, or adapted, so as to safeguard occupants against such risks.
- 32.8. Where relevant representations are made in relation to imposing a maximum number of persons resorting to premises at any one time for example, to ensure the safety of persons in the premises, and safe escape in the case of an emergency, the Licensing Authority will consider the imposition of occupancy limits by way of condition where it is considered necessary in relation to the promotion of one or more of the licensing objectives.
- 32.9. Bath & North East Somerset Councils Corporate Strategy has one clear purpose, to improve people's lives. In November 2023 a motion titled "Safe Travel Home For Night Economy Workers" was passed at full Council. This motion called on the Licensing Authority to include additional criteria when considering late opening applications from licensed premises, such as encouraging venues to provide free transport home for night shift employees and the Licensing Authority will therefore encourage venues to act accordingly.
- 32.10. Applicants will be directed to be made aware of and encouraged to consider joining the voluntary, "Women's Night-Time Safety Charter."
- 32.11. Applicants will be informed of or reminded that in such circumstances as but not limited to when members of the public are seen to leaving the venue intoxicated, members of staff should enquire if those persons are in the company of others; require help to enter Taxis or Private Hire vehicles; or asked if they require the service of a Night Marshall if the situation warrants such action.
- 32.12. With the introduction of the Protect Duty (Martyn's Law) on April 3rd 2025, The Licensing Authority will work closely with the Security Industry Authority (SIA), who are the Regulator for the Act. The Licensing Authority itself will comply with all duties and actions that the Act will now imposes upon it.

These are expected to include but not be limited to: -

- 1)The inspecting of documentation relating to the premises.
- 2)The inspection of the premises itself.
- 3)The introduction of controls as to what materials are made available to the public.

## 33.Prevention of Public Nuisance

- 33.1. The Licensing Authority is concerned to protect the amenity of residents and businesses in the vicinity of licensed premises.

## STATEMENT OF LICENSING POLICY

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33.2. Licensed premises have a significant potential to adversely impact on communities through public nuisances that arise from their operation. The Licensing Authority intends to maintain and protect the amenity of residents and other businesses from the potential adverse consequences of the operation of licensed premises whilst recognising the valuable cultural, social, and business importance that such premises provide.

33.3. In considering an application for a Premises Licence or Club Premises Certificate, the Licensing Authority will consider the adequacy of measures proposed to deal with the potential for nuisance and/or anti-social behaviour having regard to the circumstances of the application.

33.4. The Licensing Authority will consider in particular:

1. The proximity of noise sensitive residential and commercial premises, the steps taken or proposed to be taken by the applicant to prevent noise and vibration escaping from the premises including music, noise from ventilation equipment and human voices. Such measures may include the installation of soundproofing, air conditioning, acoustic lobbies, and sound limitation devices.
2. The steps to be taken or proposed to be taken by the applicant to prevent litter and smell nuisance from the premises.
3. The steps taken or proposed to be taken by the applicant to prevent disturbance by customers arriving at or leaving the premises.
4. The steps taken or proposed to be taken by the applicant to prevent queuing (either by pedestrian or vehicular traffic). If some queuing is inevitable, then queues should be diverted away from neighbouring premises or be otherwise managed to prevent disturbance or obstruction.
5. Whether there is sufficient provision of public transport (including taxis and private hire vehicles) for patrons.
6. The installation of any special measures where licensed premises are, or are proposed to be, located near sensitive premises such as nursing homes, hospitals, hospices, or places of worship.
7. The use of gardens and other open-air areas.
8. The position or proposed position of external lighting, including security lighting that is installed inappropriately.
9. Whether the premises would lead to increased refuse storage or disposal problems, or additional litter (including fly posters and illegal placards) in the vicinity.
10. The steps taken or proposed by the applicant with particular regard to the

# STATEMENT OF LICENSING POLICY

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recycling of glasses, bottles and cans from their premises.

33.5. The role of the Licensing Authority is to maintain an appropriate balance between the legitimate aspirations of the entertainment industry and the needs of the residents. The Licensing Authority will need to satisfy itself that adequate measures are in place to prevent public nuisance.

33.6. The Licensing Authority is also working with the Police who are the lead for “Ask for Angela” - an initiative regarding promoting safety for those members of the public receiving unwanted attention from other persons using licensed establishments.

## **34. Protection of Children from Harm**

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

34.2. It is hoped that family friendly premises will thrive, but the risk of harm to children remains a paramount consideration when determining applications.

34.3. Whilst the Act allows children access to licensed premises, the Licensing Authority recognises that limitations may have to be considered where it appears necessary to protect children from harm.

34.4. The general relaxation in the Act giving accompanied children greater access to licensed premises is a positive step, aimed at bringing about a social change in family friendly leisure. Clearly this relaxation places additional responsibilities upon licence holders. However, it is also recognised that parents and others accompanying children also have responsibilities.

34.5. The Licensing Authority recognises the Local Safeguarding Children’s Board as the Responsible Authority to advise it on matters relating to the protection of children from harm.

34.6. The Licensing Authority will judge the merits of each application before deciding whether to impose conditions limiting the access of children to individual premises.

34.7. The following are examples of premises that will raise concern:

1. Where entertainment or services of an adult or sexual nature are commonly
2. provided.
3. Where there have been convictions of members of the current staff at the premises for serving alcohol to minors, or with a reputation for underage drinking.



## STATEMENT OF LICENSING POLICY

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4. Where there is a known association with drug taking or dealing.
  5. Where there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines).
  6. Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
  7. Venues which are running 'under-18' events allowing entry to intoxicated young people.
- 34.8. The Licensing Authority may consider limiting the access of children where it is necessary for the prevention of harm to children. The following conditions may

# STATEMENT OF LICENSING POLICY

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be considered appropriate:

1. Limitations on the hours when children may be present.
2. The exclusion of children under certain ages when particular activities are taking place.
3. Limitations on the parts of premises to which children might be given access.
4. Requirements for an accompanying adult.
5. Full exclusion of people under 18 from the premises or parts of the premises when any licensable activities are taking place.

34.9. No conditions will be imposed requiring that children be admitted to any premises and where no limitation is imposed this will be left to the discretion of the individual licence holder.

34.10. The Act details a number of offences designed to protect children in licensed premises and the Licensing Authority will work closely with the Police to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children.

34.11. The Licensing Authority recommends that where appropriate, applicants familiarise themselves with the DrinkAware and Portman Group Codes of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The codes seek to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years or older.

34.12. Films cover a vast range of subjects, some of which deal with adult themes and/or contain for example, scenes of horror or violence that may be considered unsuitable for children within certain age groups.

34.13. The Licensing Authority will expect licence holders or clubs to include in their Operating Schedules arrangements for restricting children from viewing age-restricted films classified according to recommendations of the British Board of Film Classification (or the Licensing Authority itself) to satisfactorily address safety issues including the supervision of children.

34.14. The Act also provides that it is mandatory for a condition to be included in all Premises Licences and Club Premises Certificates authorising the exhibition of films for the admission of children to the exhibition to be restricted in accordance with the recommendation given either by the British Board of Film Classification or the Licensing Authority.

# STATEMENT OF LICENSING POLICY

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34.15. Many children go to see and/or take part in an entertainment arranged especially for them, for example, children's film shows and dance or drama school productions, and additional arrangements are required to safeguard them while at the premises.

34.16. The Licensing Authority will expect the Operating Schedule to satisfactorily address safety issues including the supervision of children.

## **Complaints Regarding Licensed Premises**

### **35. The Management of Complaints**

35.1. The Licensing Authority will investigate **all** complaints against licensed premises with regard to matters relating to the four licensing objectives. If possible, in the first instance, the complaint should be raised directly with the licence holder or business concerned to seek a local resolution. If this is not possible then residents can contact their local Resident's Association to act on their behalf or contact the Licensing Team directly.

35.2. Where a local resident or residents' association have made for example:

- relevant representations about licensed premises, or
- a valid application for a premises licence or club premises certificate to be reviewed.
- 

the Licensing Authority encourages parties to arrange a conciliation meeting to address and clarify the issues of concern where practicable.

35.3. Nothing in this Policy shall restrict the right of a Responsible Authority or any other person to call for a review of a licence or club premises certificate or make relevant representations in accordance with the Act.

### **36. How to Make a Complaint or Contribute to a Review**

36.1. Any person wishing to make a complaint about a licensed premises can contact the Licensing Team in the following ways:

By email: [licensing@bathnes.gov.uk](mailto:licensing@bathnes.gov.uk)

Via the website: <https://www.bathnes.gov.uk/report-licensed-premises>

By telephone: 01225 477000

In person at any of the Council's One Stop Shops

# STATEMENT OF LICENSING POLICY

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36.2. Information about submitting a representation can be found on the Council's website at:

<https://www.bathnes.gov.uk/object-premises-licence-application-make-representation>

## Decision Making

### 37. Licensing Committee Terms of Reference

37.1. The Committee's terms of reference will be set out in the Council's Constitution. The terms of reference have been guided by Regulations issued under the Act.

### 38. Allocation of Decision-making Responsibilities

38.1. The table on page 36 duplicates the Table of Delegations of Licensing Functions as set out in the Council's Constitution.

### 39. Relevant Representations

39.1. Representations should be made in writing and received by the Authority within the 28-day period commencing the day after the application/review was served on the Authority. The Authority may not exercise any discretion in respect of late representations.

39.2. Relevant representations will illustrate the likely effect the proposals within the application will have on the promotion of at least one of the licensing objectives.

39.3. Representations may take the form of an objection, or be positive, and express support of the application.

39.4. A representation will not be relevant if the case officer deems it to be frivolous or vexatious.

39.5. Representations made by any Responsible Authority or other person which are subsequently withdrawn, will not be regarded as "relevant".

39.6. 'Responsible Authority' means any of the following:

- a. Police
- b. Fire & Rescue Service
- c. Trading Standards

# STATEMENT OF LICENSING POLICY

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- d. Local Safeguarding Children's Board
- e. Environmental Health Department
- f. Local Planning Authority
- g. Health & Safety Executive (if premises is a school/college)
- h. Maritime Agency (if premises is a "vessel")
- i. Director of Public Health
- j. The Licensing Authority
- k. Any other Authority as may be prescribed by Regulations.

39.7. Once the Authority is in receipt of a relevant representation, it may no longer grant the application in the form in which it was applied for; instead, the matter must proceed to hearing to be determined before the Licensing Sub Committee. With this in mind, the Authority would recommend all applicants allowing two months for an application to be processed.

## **40. Other Considerations**

40.1. The Licensing Authority will give reasons for its decisions. The Licensing Authority will also address the extent to which the decision has been made with regard to the Act, its Statement of Licensing Policy, the Guidance issued by the Secretary of State under the Act and the Human Rights Act 1998.

## **41. Reviews**

41.1. The process for reviewing premises licences and club premises certificates is seen as representing a key protection for the community where problems associated with any of the four licensing objectives are occurring. Licensing Authorities are encouraged to apply a 'light touch' to the grant and variation of premises licences and club premises certificates. The provision of the review mechanism to deal with concerns relating to the licensing objectives arising later in respect of individual premises is integral to this.

41.2. At any stage following the grant of a premises licence or club premises certificate, a Responsible Authority or other person may apply to the Licensing Authority to review a licence because of a matter arising at the premises in connection with one or more of the four licensing objectives. Any application for review must be in writing. Copies of the application must be simultaneously served on the premises licence holder and the relevant Responsible Authorities.

41.3. Additionally, a review of the licence will normally follow any action by the Police to close the premises on grounds of disorder or public nuisance.

41.4. The application must relate to a specific premises for which a premises licence or club premises certificate has effect. The grounds for review must be relevant to one or more of the licensing objectives.

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- 41.5. Sufficient information or evidence should be contained within the application to enable the holder of the premises licence or club premises certificate or any representative of the holder of a premises licence or club premises certificate to prepare a response.
- 41.6. Where the application for a review is received the Licensing Authority must firstly consider whether it is relevant. Any applications found to be irrelevant, vexatious, or frivolous will be rejected and the review applicant advised of the reason(s) for the rejection.
- 41.7. Where a relevant application is received the Licensing Authority will advertise the application and hold a hearing to determine the review application.
- 41.8. The Licensing Act 2003 provides the Licensing Authority with a range of powers on determining a review that it may exercise where it considered necessary for the promotion of one or more of the licensing objectives.
- 41.9. The Licensing Authority would strongly urge anyone who is suffering adverse effects due to the way in which a licensed premises is operating, to talk to the Licensing Team. Officers can give free impartial advice on how to complete the necessary forms and talk those affected through the review process.

## 42. Summary Reviews

- 42.1. Summary reviews can be undertaken when the police consider that the premises concerned are associated with serious crime or serious disorder (or both). The summary review process, set out under sections 53A-53D of the 2003 Act allows steps to be taken in respect of a licence including a fast-track licence review.
- 42.2. The powers apply only where a premises licence authorises the sale of alcohol. They do not apply in respect of other premises licences, or to premises operating under a club premises certificate. The powers are aimed at tackling serious crime and serious disorder, in particular (but not exclusively) the use of guns and knives. The powers complement the general procedures in the 2003 Act for tackling crime and disorder associated with licensed premises and should be reserved for the most serious matters which cannot be adequately or otherwise redressed unless urgent action is taken.
- 42.3. Separate powers in the Anti-social Behaviour, Crime and Policing Act 2014 provide for the instant closure of premises by the police in some circumstances (in essence, disorder or nuisance). The consequent review of premises licences by the licensing authority is provided for by section 167 of the Licensing Act 2003.

# STATEMENT OF LICENSING POLICY

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## **43. Appeals**

- 43.1. New and variation applications once determined will take immediate effect. There will however follow a 21-day appeal period during which any party to the hearing may appeal the decision to Bath Magistrates' Court.
- 43.2. Once an application for the Review of a premises licence or club premises certificate has been determined, it will not take effect until the 21-day appeal period had lapsed or if appealed, once the appeal has been dispensed with.
- 43.3. An appeal against the grant or refusal of a personal licence application must be made to the Magistrates' Court.
- 43.4. Schedule 5 to the Licensing Act 2003 sets out entitlement to appeal.

## **44. Fees**

- 44.1. The Authority is aware that the Government is considering moving from nationally set Licensing Act fees to locally set fees. The situation will be monitored and reviewed as necessary.

## **45. Late Night Levy**

- 45.1. This is a power conferred on Licensing Authorities by the Police Reform and Social Responsibility Act 2011 which enables a levy to be charged persons who are licensed to sell alcohol late at night in the authority's area, as a means of raising a contribution towards the costs of policing the late-night economy. The option of introducing such a levy will be kept under review by the Council.

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## Table of Delegations of Licensing Functions

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB COMMITTEE	OFFICERS
Approval of Policy and annual review	All cases		
Application for Personal Licence		If a police objection is made	If no objection made
Application for Personal Licence, with unspent convictions		If a police objection is made	If no objection made
Application for Premises Licence/Club Premises Certificate		If a relevant representation is made	If no relevant representation is made
Application for Provisional Statement		If a relevant representation is made	If no relevant representation is made
Application to vary Premises Licence/Club Premises Certificate		If a relevant representation is made	If no relevant representation is made
Application to vary Designated Premises Supervisor		If a police objection is made	All other cases
Request to be removed as Designated Premises Supervisor			All cases
Application for transfer of Premises Licence		If a police objection is made	All other cases
Application for interim authorities		If a police objection is made	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 a consultee and not the relevant authority considering the application		All cases	
Determination of an objection to a Standard Temporary Event Notice		All cases	
Determination of Minor Variation applications for premises licences and for club premises certificates.			All cases
Determination of the removal of a Designated Premises Supervisor or Personal Licence Holder at community premises.		If a relevant representation is made.	All other cases
Applications for the classification of unclassified films.		All cases	



# STATEMENT OF LICENSING POLICY

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## Further Information

**Further information about the Act and this Statement of Licensing Policy can be obtained from:**

Licensing Services  
Bath & North East Somerset Council  
Lewis House  
BATH  
BA1 1JG

Tel: 01225 477000  
Email: [licensing@bathnes.gov.uk](mailto:licensing@bathnes.gov.uk)  
Website: [www.bathnes.gov.uk](http://www.bathnes.gov.uk)

The Guidance issued under Section 182 of the Act can also be viewed on this site.

**Information in relation to large events is available from the Council's Event Safety Co-ordinator:**

Public Protection  
Bath & North East Somerset Council  
Lewis House  
BATH  
BA1 1JG

Tel: 01225 477000  
Email: [Public\\_Protection@BATHNES.GOV.UK](mailto:Public_Protection@BATHNES.GOV.UK)  
Website: [www.bathnes.gov.uk](http://www.bathnes.gov.uk)

**The Licensing Act 2003 can be viewed online at:**

[www.opsi.gov.uk/acts/acts2003/ukpga\\_20030017\\_en](http://www.opsi.gov.uk/acts/acts2003/ukpga_20030017_en)

**The SAGE and safety at outdoor events guidance can be found at:**

<https://www.bathnes.gov.uk/sage-and-safety-outdoor-events>

The Public Protection Enforcement policy can be found at:

<https://www.bathnes.gov.uk/document-and-policy-library/public-protection-enforcement-policy>

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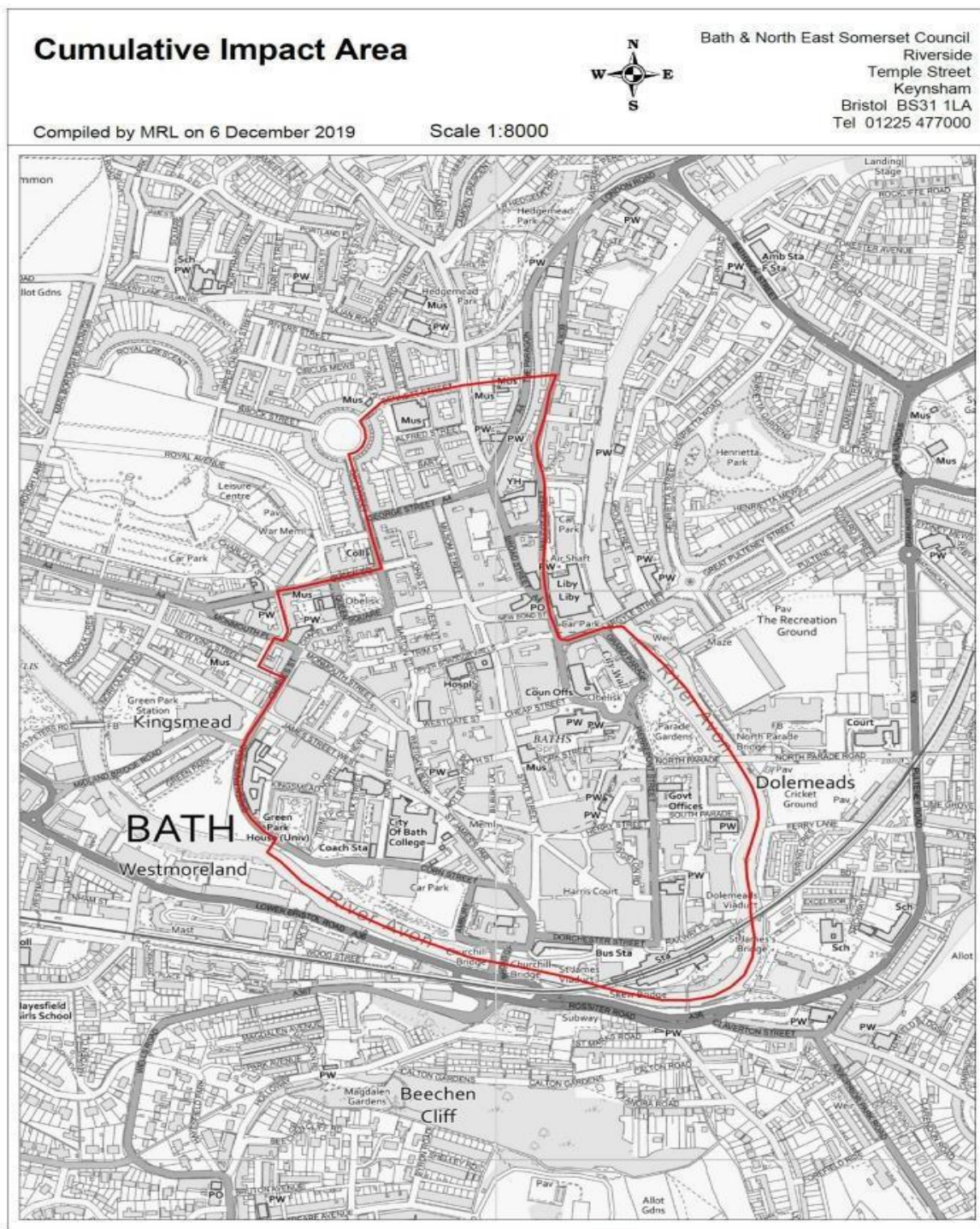
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**The Draft Joint Community Safety Plan 2022 to 2025 can be found at:**

<https://www.bathnes.gov.uk/draft-joint-community-safety-plan-2022-2025>

# STATEMENT OF LICENSING POLICY

## ANNEX 1



**Cumulative Impact Area as established in 2019 (lapsed 2023)**

# STATEMENT OF LICENSING POLICY

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## **Annex 2**

### **Proposed Modern Day Slavery Conditions to assist applicants**

The premises licence holder must display a modern slavery poster on the premises. This should be in a language understood by the workers and cover the main aspects of exploitation. It should sign post where help is available.

The premises licence holder must have a safeguarding policy (which includes modern slavery, child sexual exploitation etc.) in place, due to the unique risks posed by the business. This policy must be made available for inspection, when requested by the Police or an Authorised Officer of the Council.

The premise licence holder must record any safeguarding concerns or confirmed reports. This includes, but is not limited to, modern slavery and child sexual exploitation. This record must be made available for inspection, when requested by the Police or an Authorised Officer of the Council.

The premise licence holder and their staff must undergo modern slavery training, which covers the main aspects of exploitation. The training must be coupled with a knowledge test, with recorded outcomes/pass marks. This training must be logged and made available for inspection, when requested by the Police or an Authorised Officer of the Council.

The Licence holder will ensure that all contractors and external parties have a safeguarding policy, which includes, but is not limited to, modern slavery, child sexual exploitation. They must also have all contractors and external parties sign a declaration stating that all staff they are using to fulfil the event have undergone right to work checks. The licence holder must record and keep these documents, which must be made available for inspection, when requested by the Police or an Authorised Officer of the Council.

# **Statement of Licensing Policy**

**JANUARY 2020**

# STATEMENT OF LICENSING POLICY

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# STATEMENT OF LICENSING POLICY

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## 1 Introduction

- 1.1 Bath & North East Somerset Council (the Council), is the Licensing Authority for Bath and North East Somerset under the Licensing Act 2003 (the Act). This means the Council is responsible for granting Premises Licences, Personal Licences, and Club Premises Certificates, in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late night refreshment. It is also responsible for receiving Temporary Event Notices.
- 1.2 The Licensing Authority aims to facilitate the development of a healthier economy in Bath and North East Somerset that feels both safe and offers diverse cultural activities to enable a broad age range of people to enjoy themselves whilst at the same time improving the quality of life of residents and increasing the attractiveness of the area to visitors.
- 1.3 In partnership with other agencies and interested parties, the Council as the Licensing Authority, seeks to develop the area with a view to increasing the number of establishments, including coffee shops, restaurants and other similar establishments, which are open and available to the public in the evening.
- 1.4 It is hoped that realisation of this goal will reduce fear of crime, including alcohol related crime and anti-social behaviour, and consequently encourage greater use of facilities throughout the district and in the evening by people of all ages, all income groups and all social groups.
- 1.5 The significant role the city centre plays in Bath's night time economy, has been recognised by the prestigious Purple Flag Award.

Bath & North East Somerset in collaboration with the Business Community through the Bath Business Improvement District was the first area in the South West to be awarded a Purple Flag in January 2010. The award was granted by the Association of Town and City Management and is the new "gold standard" that recognises safer and more appealing town and city centres at night. The Purple Flag status also provides external recognition for cities that offer a great diversity of entertainment and hospitality to a wide range of age groups. This achievement highlights the effective multi-agency work in place to enhance the night time economy of Bath, and therefore the need to maintain these standards through sustained partnership working in the future. In 2017 Bath won a seventh Purple Flag for its night time economy.

- 1.6 The Council has worked in partnership to bring to Bath a modern shopping destination at Southgate, with classic Georgian-style open streets, and public spaces. Southgate Bath has a wide variety of retail stores, eating and entertainment establishments and residential properties. A key element of the City's Enterprise zone will be a mixed development of shops, restaurants and



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homes in Bath Quays which will be complete by 2021.

- 1.7 The Act requires the Licensing Authority to publish a 'Statement of Licensing Policy' that sets out the principles the Licensing Authority will generally apply to promote the licensing objectives when making decisions on applications made under the Act. This Statement of Licensing Policy has been prepared in accordance with the provisions of the Act and having regard to the Secretary of State's Guidance (the Guidance) issued under s.182 Licensing Act 2003 (the Act).
- 1.8 Licensing is about regulating the use of premises, including qualifying clubs, for licensable activities and temporary events within the terms of the Act.
- 1.9 Any conditions which are attached to the various authorisations will be focused on matters which are within the control of individual licensees and others in possession of relevant authorisations on licensed premises. Accordingly, these matters will centre on the premises being used for licensable activities and the vicinity of those premises.

## **2 Purpose**

- 2.1 The primary purpose of this policy is to assist and inform those involved in the decision making process and those who may be affected by such decisions.
  1. This policy will provide the decision makers with parameters under which to make their decisions.
  2. This policy will inform applicants of the parameters under which the Licensing Authority will make decisions, and therefore how licensed premises are likely to be able to operate within Bath and North East Somerset. Each case will however, be determined on an individual basis.
  3. This policy will inform residents and businesses of the parameters under which the Licensing Authority will make licence decisions, and therefore how their needs will be addressed.
  4. This policy will provide the courts with the basis upon which decisions were reached.
  5. On occasion where particular circumstances justify such a decision, the Licensing Authority may decide to depart from its Statement of Licensing Policy when considering an application. The Licensing Authority will on such occasion give reasons for this departure.

The Authority is mindful that when hearing an appeal against any decision

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made by the Authority, the Magistrates' Court will not take into account anything in this policy that is unlawful, disproportionate or beyond the power of the Licensing Act 2003 (*ultra vires*).

6. This policy will be regularly reviewed by the Licensing Authority in accordance with the requirements of the Act (at least every 5 years) or as the Authority deems necessary. It was last reviewed in 2014 and published in January 2015.
- 
- 2.2 This policy aims to set out the Authority's expectation that all persons involved in the licensing process will act with a view to promoting the licensing objectives and all premises whether licensed permanently or on a temporary basis, will operate responsibly and in full compliance of their authorisation.
  - 2.3 The Authority is also keen to encourage and support where appropriate, any voluntary initiatives premises may adopt to help reduce alcohol harm within our communities particularly as irresponsible consumption of alcohol is a key factor in fueling late night anti-social behavior, crime and disorder. Such initiatives may include the removal of cheap, super-strength beers, ciders and lagers from the sale or, the display of alcohol in a manner that will not unduly encourage people to drink irresponsibly. The Authority acknowledges that whilst the majority of people drink responsibly, the "drink until you're drunk" and "binge drinking" culture adopted by a minority is having a detrimental effect on many vulnerable members of our communities and their families. It also has a detrimental impact on residential communities.
  - 2.4 When considering any relevant representations to an application for a licence or in respect of a review of a licence, where there is a clear causal link between sales promotions or price discounting and levels of crime and disorder or public nuisance in or near the premises, the Licensing Authority may consider imposing conditions prohibiting irresponsible sales promotions at the relevant premises, but not so as to duplicate the provisions of the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.
  - 2.5 It is expected that when promoting low priced alcohol, all premises will be considerate of the effect such promotions are having on young and vulnerable persons within the population. Premises are reminded that the mandatory conditions relating to irresponsible drinks promotions must be adhered to. Premises are expected to carefully risk assess such promotions to ensure they do not encourage individuals to drink alcohol excessively or rapidly.
  - 2.6 The Authority encourages all establishments who sell alcohol to be more vigilant in respect of persons who are purchasing, or maybe attempting to purchase, alcohol on behalf of persons who are already drunk, or who are under age.

# STATEMENT OF LICENSING POLICY

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## 3 Licensing Objectives

- 3.1 Section 4 of the Act provides that it is the duty of all Licensing Authorities to carry out their various licensing functions with a view to promoting the four licensing objectives laid down in the Act. The licensing objectives are:
- **The prevention of crime and disorder;**
  - **Public safety;**
  - **The prevention of public nuisance;**
  - **The protection of children from harm.**
- 3.2 Each objective is of equal importance.
- 3.3 These four licensing objectives are to be of paramount consideration at all times. There are no other licensing objectives.
- 3.4 In the event the Government introduces any further licensing objectives, the Authority will amend this policy accordingly.
- 3.5 When considering applications/representations the Licensing Authority will have regard to these licensing objectives. Where appropriate the Licensing Authority will make exceptions to its own policies and give reasons for doing so.
- 3.6 In accordance with the Secretary of State's Guidance, the Licensing Authority acting as a Responsible Authority will not act on behalf of those who are capable of making representations or calling for a review in their own right. Therefore, inferences should not be drawn on such occasion when the Licensing Authority remains silent in respect of new, variation or review applications. The Licensing Team will use its status as a Responsible Authority on a case by case basis, when other Responsible Authorities have chosen not to act and a view is taken that there is a need to do so.
- 3.7 The Licensing Authority will ensure there is a clear distinction between those officers submitting a representation or review application, and the officers responsible for the administration of the application or review process.
- 3.8 The Licensing Authority recognises that excessive alcohol consumption leads to poor health which, in turn, places burdens on local health services. The Licensing Authority supports initiatives to reduce the misuse of alcohol for example, supporting Trading Standards colleagues to carry out under-age sales operations. The negative effects relating to alcohol misuse continue to be more widely addressed within Bath & North East Somerset's Alcohol Harm Reduction Strategy and subsequent revisions.

# STATEMENT OF LICENSING POLICY

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## 4 Licensable Activities

- 4.1 The term “Licensable Activities” is defined by the Act. Licensable Activities are:
1. the sale by retail of alcohol;
  2. the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
  3. the provision of regulated entertainment; and
  4. the provision of late night refreshment (i.e. the provision of hot food and/or hot drink between 23:00 hours and 05:00 hours).

## 5 Types of Authorisations

- 5.1 This policy will be taken into account by the Licensing Authority when carrying out its licensing functions under the Act in relation to any:
- Premises Licence
  - Club Premises Certificate
  - Personal Licence
  - Temporary Event Notice (TEN)

## 6 General Principles

- 6.1 Decisions
- Many minor or routine matters may be determined by the Licensing Officer; other decisions will be referred to the Licensing Committee for determination. These decisions are made in accordance with the table of delegated functions found at the end of this Policy.
- 6.2 The Licensing Committee is not a court of law and may seem informal in comparison with such proceedings. For example, the rules of evidence do not normally apply and evidence is not taken on oath. Nevertheless, in determining licensing matters the Committee will follow judicial principles to ensure a fair and orderly hearing is given to each application/representation.
- 6.3 Each case will be considered **on its own merits** and nothing in this Policy shall undermine this principle.
- 6.4 The review of a Premises Licence or a Club Premises Certificate can be requested by a Responsible Authority and any other person subject to

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conditions as indicated in paragraph 41 (Reviews).

- 6.5 Applicants for Premises Licences and Club Premises Certificates will be expected to set out how they intend to promote the Licensing objectives and what measures they intend to employ to ensure compliance with them.
- 6.6 In order to avoid duplication with other statutory regimes the Licensing Authority will seek to use the most appropriate method of dealing with a particular issue. Subject to the provisions of paragraph 19 (Conditions) the only conditions which should be imposed on a Premises Licence or Club Premises Certificate are those which are appropriate, proportionate and reasonable for the promotion of the licensing objectives.
- 6.7 Accordingly if other controls are available because the law already places certain statutory responsibilities on an employer or operator of premises (such as in relation to Health and Safety) it cannot be necessary to impose the same or similar duties on the premises licence holder or club. For example, conditions relating to noise nuisance would not normally be necessary where the provisions of byelaws or of other legislation such as the Environmental Protection Act 1990 protect those living in the vicinity of the premises in question. Where adequate protection is not available conditions subject to the provisions of paragraph 19 may be considered appropriate.
- 6.8 Applicants may suggest, and are encouraged to suggest, appropriate conditions in their operating schedules.
- 6.9 Where the Act provides for mandatory conditions to be included in a Premises Licence the Licensing Authority has a duty to include those conditions on the licence.
- 6.10 Subject to paragraph 39 (Relevant Representations) anyone wishing to make representations in respect of an application will be required to relate their objection to one or more of the licensing objectives before the Licensing Authority will be able to consider it.
- 6.11 There is a statutory presumption that an application will be granted unless relevant representations are received.
- 6.12 Where appropriate and necessary, the Licensing Authority will seek advice about safeguarding issues from relevant Council officers to ensure that any safeguarding issues are effectively addressed.

## **7 Consultees**

- 7.1 Before determining this policy the Licensing Authority has consulted with

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various stakeholders including, but not limited to:

1. All Responsible Authorities;
2. Representatives of local holders of Premises Licences and Club Premises Certificates;
3. Representatives of businesses and residents of the area;
4. All Ward Councillors and Town and Parish Councils.

## Legislation, Policies and Strategies

### 8 Legislation

8.1 In undertaking its licensing function under the Act, the Licensing Authority is also bound by other legislation, including:

1. Section 17 of the Crime and Disorder Act 1988;
2. The Human Rights Act 1998, with particular regard being given to Article 6, Article 8 and Article 1 of the first Protocol;
3. The Equalities Act 2010.

8.2 The impact of this policy will be monitored through the completion of an Equality Impact Assessment.

### 9 Relationship with Planning Policies

9.1 The Licensing Authority recognises that Licensing and Planning are separate regimes. Where an application is granted by the Licensing Authority which would require planning permission this would not relieve the applicant of the need to obtain that permission. It will still be necessary, for the applicant to ensure that he/she has all the necessary permissions in place to enable them to run the business within the law.

9.2 There will, however, be a clear separation of the Planning and Licensing regimes to avoid duplication and inefficiency. Therefore, any decision made under the Licensing Act will not take into consideration the need for planning permission.

9.3 The Licensing Authority recognises that licensing applications should not be seen as a re-run of the planning application process as different considerations will apply.

9.4 In addition, if an application is granted by the Licensing Authority which involves a material change of use or alteration to a building, this would not relieve the applicant of the need to apply for planning permission.

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## **10 Relationship with Building Control**

- 10.1 The Licensing Authority recognises Licensing and Building Control are separate regimes. Where an application is granted by the Licensing Authority which involves a material alteration to a building, this would not relieve the applicant of the need to obtain building control approval.

## **11 Provisional Statements (and the relationship with planning policies and building control)**

- 11.1 Further guidance is given below and in paragraph 24 regarding Provisional Statements generally.
- 11.2 In relation to planning and building control it should be noted that any decision of the Licensing Authority on an application for a provisional statement would not relieve an applicant of the need to obtain any necessary planning permission, listed building consent or building control approval before any development takes place.

## **12 Integrating Strategies**

- 12.1 The Licensing Authority will (where appropriate) integrate national and local strategies which impact on the licensing objectives and encourage vibrant, sustainable communities in line with Bath & North East Somerset's Vision and Priorities.

## **13 Regulated Entertainment**

- 13.1 In its role of implementing Council cultural strategies, the Licensing Authority recognises the need to encourage regulated entertainment such as live music, dance and theatre for the wider cultural benefit of the community.
- 13.2 When considering applications for such activities, and the imposition of conditions on licences, certificates or notices, the Licensing Authority will do what is appropriate and proportionate in the promotion of the licensing objectives.
- 13.3 The Licensing Authority will ensure that only appropriate, proportionate and reasonable licensing conditions are attached to such authorisations.
- 13.4 As a matter of general policy the Council intends to continue to seek Premises Licences from the Licensing Authority for public spaces within the local community, in their own name. This may include village greens, markets, promenades, community halls, parks, Council owned art centres and similar public spaces. However, any external organiser wishing to host an event within

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these public spaces would require the permission of the Council and would need to apply for a premises licence or submit a Temporary Event Notice, according to the proposed activities, timings and the number of persons expected to be in attendance.

- 13.5 Performances of live music have been further encouraged following the Government's partial deregulation of entertainment activities. Amplified live music performed on premises licensed for the sale of alcohol by a premises licence or club premises certificate, or performed at any unlicensed "workplace", is no longer regarded as being "regulated" under the Act, **when** the performance takes place:
- on any day, and at any time between 08:00 and 23:00 hours; and
  - before an audience of no more than 500 people.
- 13.6 The performance of unamplified live music has also been deregulated within these given time limits, although there is no restriction in respect of the size of the audience.
- 13.7 When live music is performed at any licensed premises in accordance with the above criteria, any conditions relating to 'live' music as detailed on the premises licence or club premises certificate, will be suspended. However, should the music have a detrimental effect on the licensing objectives, the Licensing Authority may lift the suspension following the review of the premises licence or club premises certificate and the performance of live music will be treated as though it is a regulated activity, allowing for any existing conditions to be re-instated or new conditions to be added.
- 13.8 The provision of background music, whether live or recorded, will not be regarded as being regulated when it is of a level that does not predominate over other activities.
- 13.9 When entertainment is ancillary to a main event, which in itself is not a licensable activity, the entertainment will not be regulated by the Act. An example would be live or recorded musical accompaniment at a fashion show.

## **14 Cumulative Impact**

- 14.1 The concept of Cumulative Impact- relates to the potential impact a significant number of licensed premises concentrated in one area, may have on the promotion of the licensing objectives. Serious problems associated with nuisance, crime and disorder may be prevalent outside, or in the locality of these licensed premises for example when people are leaving premises at peak times, queuing for public transport or congregating outside fast food outlets.



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- 14.2 Cumulative impact was not specifically mentioned in the Licensing Act 2003, however the Guidance to the Act acknowledged that it was “a proper matter for a licensing authority to consider in developing its statement of licensing policy and set out the steps Licensing Authorities were to take when considering whether to adopt a cumulative impact policy.
- 14.3 In 2007, after identifying concerns, and collating robust evidence relating to public nuisance, crime and disorder within a specific geographic area of Bath City Centre, BANES Council introduced, and regularly monitored, its Cumulative Impact Policy.
- 14.4 The Policy created a rebuttable presumption that applications for new premises licences, club premises certificates or variations relating to “on trade” premises situated within the Cumulative Impact Area, would be refused if relevant representations were received.
- 14.5 With effect from 6 April 2018 “Cumulative Impact Assessments” were introduced into the Licensing Act at section 5A, by virtue of s. 141 of the Policing and Crime Act 2017. Licensing Authorities may publish Cumulative Impact Assessments where there is evidence to show that the number or density of licensed premises, or a particular type of premises, is having a cumulative impact and leading to problems that are undermining the licensing objectives.
- 14.6 Section 5A sets out what a licensing authority must do in order to publish a Cumulative Impact Assessment, or where a special policy already exists, the time within which such policies should be reviewed.
- 14.7 Any decision to publish or review a cumulative impact assessment must be evidenced based.

## **15 Cumulative Impact Assessment**

- 15.1 In 2019 the Licensing Authority carried out a Cumulative Impact Assessment and in so doing undertook a review of the Cumulative Impact area map adopted in 2007. Following public consultation the Licensing Authority was of the opinion that there was sufficient evidence to demonstrate that the number of premises licenses and/or club premises certificates in one of more parts of the area is such that it is likely that granting further licences would be inconsistent with the authority’s duty to promote the licensing objectives. A summary of the evidential basis for this opinion is set out in Appendix 1 and the revised Cumulative Impact area map is set out in Appendix 2.
- 15.2 The effect of the Cumulative Impact Assessment is to create a rebuttable presumption that applications for new premises licences, club premises

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certificates or variations relating to “on trade” premises situated within the Cumulative Impact Assessment area, will be refused if relevant representations are received. In this context, ‘on trade’ means the sale of alcohol for consumption on the premises. The Council’s evidence base in relation to the Cumulative Impact Assessment Area does not relate to off-sales of alcohol or late night refreshment. In order to rebut this presumption, applicants must demonstrate that the operation of the premises will not add to the cumulative impact already being experienced.

- 15.3 The Licensing Authority will expect the applicant to address the issues surrounding cumulative impact within their operating schedule. See paragraph 15.10 below for suggested conditions.
- 15.4 This presumption does not relieve Responsible Authorities or any other persons of the need to make a relevant representation. The Licensing Authority may not lawfully consider giving effect to its cumulative impact policy in the absence of relevant representations.
- 15.5 After receiving representations in relation to a new application or a variation of a licence or certificate, the licensing authority will consider whether it would be justified in granting a licence or variation in the light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics.
- 15.6 The Licensing Authority will consider the individual merits of any application, together with the relevant representations made. Where it considers the application promotes the licensing objectives and would be unlikely to add to the cumulative impact, the Licensing Authority will grant the application.
- 15.7 If the Licensing Authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of at least one of the licensing objectives, and that the imposition of conditions would be ineffective in preventing the problems involved.
- 15.8 If there are no representations, the Licensing Authority must grant the application as applied for, in terms consistent with the operating schedule.
- 15.9 Where an application for a review is received by the Licensing Authority, the cumulative impact policy will not be used as a ground for revoking an existing licence or certificate. A review must relate to individual premises and by its nature, cumulative impact is related to the concentration of many licensed premises in one area.

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## **Suggested additions to operating schedules**

- 15.10 If an application for a licence is made for a premises within the defined area of the cumulative impact policy the Licensing Authority will expect the applicant to demonstrate, in their operating schedule, the steps that they will take to prevent problems relating to nuisance and public safety and the steps to be taken to promote the reduction of crime and disorder.
- 15.11 The measures the Licensing Authority would wish to be included on a premises licence application within the cumulative impact assessment area will depend on the nature and type of the premises. The measures would need to be individual to that premises. Examples are:
1. CCTV at the premises to be properly maintained
  2. Security Industry Authority (SIA) door staff
  3. Toughened or plastic glass, no bottles
  4. Free calls to taxi firms for departing customers at the end of the night
  5. Outside areas to be cleared at a reasonable time (time to be stated)
  6. Signs to be displayed at each exit to encourage patrons to minimise noise and not to congregate in the street at close
  7. To be a member of the local Nightwatch (or any other similar scheme)
  8. No open containers of alcohol to leave the premises
  9. To supervise entry and exit of the customers from the premises at busy times
  10. Facilities for people to dispose of cigarette ends and provisions for reducing noise from people smoking outside the premises
  11. A limit on the number of customers permitted on the premises at one time
  12. A requirement that the public spaces in the premises should be predominately seated.
- This list is not exhaustive, and is only intended to provide a brief description and guide to applicants.
- 15.12 The Bath Nightwatch scheme is the result of the Bath Business Improvement

# STATEMENT OF LICENSING POLICY

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District (BID) team, Bath & North East Somerset Council, Avon and Somerset Police and owners of licensed premises, working together as one co-ordinated stakeholder to promote the four licensing objectives and improve issues of alcohol-associated anti-social behaviour in and around the city centre.

- 15.13 The Licensing Authority will expect all licensed premises within the Cumulative Impact Assessment Area to take a socially responsible approach to selling alcohol and to managing their premises effectively by participating in schemes like 'Bath Nightwatch' or similar.
- 15.14 The Licensing Authority also encourages all premises outside the Cumulative Impact Assessment Area, to take a similar approach to improve the issue of alcohol-associated anti-social behaviour outside the city centre at night.

## **16 Control of Anti-Social Behaviour, Crime and Disorder away from Licensed Premises**

- 16.1 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless it is a key aspect of such control and will always be part of a holistic approach to the management of the evening and night-time economy in town and city centres.
- 16.2 The licensing authority will encourage the use of other mechanisms for controlling problems caused by customers behaving badly and unlawfully once away from licensed premises. For example:
  - 1. Positive measures to create a safe and clean town centre environment in partnership with the Bath Business Improvement District (BID), local businesses, transport operators and other departments of the Council.
  - 2. The provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols.
  - 3. Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices for relevant offences.
  - 4. The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk.
  - 5. The confiscation of alcohol from adults and children in designated areas.

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6. Police powers to close down instantly, for up to 24 hours, any licensed premises or temporary event on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance.
  7. The power of the police, other responsible authorities or any other person to seek a review of the licence or certificate in question.
- 16.3 The Licensing Authority will endeavour to work in partnership with others to promote common objectives.

## Administration of Licensing Functions

### 17 Applications

- 17.1 Incomplete applications will not be accepted. Applications will only be considered where the relevant documentation and the fee accompany them.
- 17.2 The operating schedule will form part of the completed application form for a Premises Licence and Club Premises Certificate. It should include information which is necessary to enable any Responsible Authority or other person to assess whether the steps to be taken to promote the licensing objectives are satisfactory.
- 17.3 In preparing an operating schedule, the Secretary of State recommends that applicants should be aware of the expectations of the Licensing Authority and the Responsible Authorities about the steps that are necessary for the promotion of the licensing objectives.
- 17.4 Liaising with interested parties prior to submitting applications is good practice. The Licensing Authority recommends applicants discuss any new proposals with neighbours or any relevant community group such as a local residents' association.
- 17.5 The Licensing Authority actively encourages applicants to liaise with relevant Responsible Authorities such as the Police or Fire Service prior to submitting an application. This will allow the applicant to address any concerns raised within the operating schedule.
- 17.6 The Council offers a pre-application advice service to businesses to enable them to access relevant guidance tailored to their application. Information about this service can be accessed via:

<https://www.bathnes.gov.uk/services/business/licences/pre-application-advice>

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## 18 Licensing Hours

- 18.1 With regard to licensing hours the Licensing Authority will consider each case on its individual merits.
- 18.2 The Licensing Authority recognises that fixed closing times in certain areas can lead to peaks of disorder and disturbance on the streets when large numbers of people tend to leave licensed premises at the same time. Longer licensing hours regarding the sale of alcohol may therefore be considered as an important factor in reducing friction at late night food outlets, taxi ranks and other sources of transport in areas where there have already been incidents of disorder and disturbance.
- 18.3 The Licensing Authority will give due regard to the Guidance in relation to terminal hours and would not wish to inhibit the development of safe evening and night-time local economies.
- 18.4 It is not intended that the Licensing Authority's overall approach to licensing hours will include any form of zoning. Experience in other areas shows that this can lead to the significant movement of people across boundaries in search of premises opening later, and puts greater pressure on communities than is necessary.
- 18.5 However, if presented with evidence of **serious alcohol related crime, disorder or anti-social behaviour** within a specific area, which cannot be attributed to one specific premises, the Licensing Authority may consider making an Early Morning Restriction Order (EMRO) to further the licensing objectives.
- 18.6 Shops, stores and supermarkets should generally be permitted to sell alcohol for consumption off the premises during the normal hours they intend to open for shopping purposes. However, where relevant representations are substantiated in respect of individual shops, a limitation on licensing hours may be appropriate.

## 19 Conditions

- 19.1 The Licensing Authority **may not** impose conditions on, or refuse to grant/vary a Premises Licence or Club Premises Certificate **unless** it has received a relevant representation in respect of the application.
- 19.2 If no relevant representations are received, the application **must** be granted on the terms sought, i.e. consistent with the operating schedule submitted, and subject to the mandatory conditions specific to the type of authorisation applied for. No additional conditions may be imposed.

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- 19.3 Conditions may only be imposed on licences and certificates where they are appropriate for the promotion of one or more of the four licensing objectives. Conditions may not be imposed on licences and certificates for any other purpose.
- 19.4 One of the key concepts of the Act is for conditions to be tailored to the individual style and characteristics of the premises. The Licensing Authority acknowledges this concept of “bespoke” licensing and will only impose conditions that are both proportionate and appropriate to the business, organisation, or individual premises concerned. There will be no standard conditions.

## **20 Enforcement**

- 20.1 Enforcement will be in accordance with the Public Protection Service Enforcement Policy, which is based around the principles of consistency, transparency and proportionality, as set out in the Government’s Enforcement Concordat.
- 20.2 The Enforcement Policy (available on request) proposes that a graduated response is taken where offences against legislation are found, or where licence conditions have been contravened. An isolated administrative offence such as failing to maintain records may be dealt with purely by way of a written warning. More serious offences which have either been committed over a period of time, or which jeopardise public safety, may result in the issue of a Formal Caution, or a referral for prosecution.
- 20.3 The Licensing Authority will seek to work actively with the Police in enforcing licensing legislation. The Licensing Authority expects the Police to share information about licence holders and licensed premises, under the Crime and Disorder Act 1998 and its common law powers, and to consult closely with the Licensing Authority when any enforcement action may be required.
- 20.4 The Licensing Authority will employ officers to investigate allegations of unlicensed activities and to ensure all conditions are fully complied with.

## **21 Drugs Policy**

- 21.1 The Licensing Authority recognises that as more licensed premises host the types of events at which people are likely to take drugs, it is imperative to ensure the safety of all those attending such events and taking account of any relevant government guidance. Premises should have a robust drugs policy which assists operators in identifying the risks of drugs associated with events and contains effective measures to safeguard the welfare of both customers and staff.

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## 22 Operating Schedules

- 22.1 Applicants for Premises Licences, Provisional Statements and Club Premises Certificates should be aware of the guidance issued by the Licensing Authority in relation to Operating Schedules when submitting their applications.
- 22.2 The Licensing Authority considers the effective and responsible management of the premises, including instruction, training, and supervision of staff and the adoption of **best practice** to be amongst the most essential control measures for the achievement of all the licensing objectives. For this reason, the Licensing Authority **recommends** that these elements should be specifically considered and addressed within an applicant's Operating Schedule.
- 22.3 The selection of control measures should be based upon a risk assessment of the premises, plus the events, activities and customers expected to attend (e.g. their age, number etc.). Whilst the Licensing Authority cannot require such risk assessments to be documented (other than where required by other legislation), it considers such documentation to be good practice and a useful tool in the management of the premises.
- 22.4 The Operating Schedule should be prepared by, or on behalf of, the applicant, in relation to the premises for which a licence is being sought, taking into account the individual style and characteristics of the premises/events.
- 22.5 The Operating Schedule should include the following:
- a. Details of the relevant licensable activities to be conducted on the premises;
  - b. The times during which it is proposed that the relevant licensable activities are to take place (including any specific non-standard timings or seasonal variations);
  - c. Any other times when the premises are to be open to the public;
  - d. Where the licence is required only for a limited period, that period;
  - e. Where the licensable activities include the supply of alcohol, whether the alcohol will be supplied for consumption on or off the premises, or both;
  - f. The steps which the applicant proposes to take to promote the licensing objectives such as the provision of security staff etc.;
  - g. Any other prescribed matters.



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- 22.6 The Guidance produced by the Secretary of State under Section 182 of the Act recommends that applicants should be aware of the expectations of the Licensing Authority regarding the steps that are necessary for the promotion of the licensing objectives. Any measures proposed by the applicant should be both realistic and within the control of the applicant/management of the premises.

## 23 Premises Licences

- 23.1 A Premises Licence will be required for the use of any premises, part of premises, or place for the following licensable activities:

- a. the sale of alcohol;
- b. the provision of regulated entertainment;
- c. the provision of late night refreshment.

- 23.2 When making an application to the Licensing Authority, the applicant must also send copies of the application to all the Responsible Authorities, namely:

- a. Chief Officer of the Police
- b. Fire & Rescue Service
- c. Trading Standards
- d. Local Safeguarding Children's Board
- e. Environmental Health Department
- f. Local Planning Authority
- g. Director of Public Health

and where relevant:

- h. Health and Safety Executive (e.g. for educational establishments)
- i. Maritime Agency (e.g. for boats)

The Licensing Authority is a Responsible Authority in its own right, but there is no requirement for applicants to submit anything more than the original application to the Authority.

- 23.3 In the case of electronic applications, the requirement to send copies to the relevant Responsible Authorities will pass from the applicant to the Licensing Authority.

## 24 Provisional Statements

- 24.1 Where premises are being, or are to be, constructed for the purpose of being used for one or more licensable activities, or are being, or about to be, extended, or otherwise altered for that purpose, a person may apply for a

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Provisional Statement if they have an interest in the premises, and, if they are an individual, that they are aged 18 years or older.

- 24.2 An application for a Provisional Statement must be accompanied by a schedule of works that includes details of the licensable activities for which the premises will be used, a plan of the premises; and such other information as may be prescribed.
- 24.3 Applications for Provisional Statements will be dealt with in a similar manner as applications for a Premises Licence. See also paragraph 23 relating to Operating Schedules.
- 24.4 Where relevant representations are made in relation to an application for a Provisional Statement the Licensing Authority must decide whether, if the premises were constructed or altered in the way proposed in the schedule of works and if a Premises Licence was sought for those premises, it would consider it necessary for the promotion of the licensing objectives to attach conditions (subject to the provisions of paragraph 20), rule out any of the licensable activities applied for, or to reject the application.

## **25 Club Premises Certificates**

- 25.1 Club Premises Certificates will be issued to qualifying Clubs as defined in the Act, which carry out the following recognised activities:
  - a. the supply of alcohol by, or on behalf, of the Club to, or to the order of, a member of the Club;
  - b. the sale by retail of alcohol by, or on behalf of, a Club to a guest, or a member of the Club, for consumption on the premises where the sale takes place; and
  - c. the provision of regulated entertainment, where that provision is by, or on behalf of, a Club for members of the Club, or for members of the Club and their guests.
- 25.2 Besides making an application to the Licensing Authority, the applicant must also send copies of the application to all the responsible authorities, namely:
  - a. Chief Officer of the Police
  - b. Fire & Rescue Service
  - c. Trading Standards
  - d. Local Safeguarding Children's Board
  - e. Environmental Health Department
  - f. Local Planning Authority

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g. Director of Public Health

and where relevant:

h. Health and Safety Executive (e.g. for educational establishments)

i. Maritime Agency (e.g. for boats)

The Licensing Authority is a Responsible Authority in its own right, but there is no requirement for applicants to submit anything more than the original application to the Authority.

25.3 In the case of electronic applications the requirement to send copies to the responsible authorities will pass to the Licensing Authority.

25.4 A Club Operating Schedule should also be submitted with the application, together with a copy of the club rules. See also paragraph 23 above relating to Operating Schedules.

## **26 Variation of Premises Licence or Club Premises Certificate**

26.1 Applications to vary a Premises Licence or Club Premises Certificate will be dealt with in a similar manner to applications for a new Premises Licence or Club Premises Certificate. When the Licensing Authority receives an application for a variation of these authorisations, it must determine whether the application has been properly made. Among other things the Licensing Authority will consider whether the application has been properly advertised.

26.2 Where an application has been lawfully made and provided that no relevant representation has been made by any responsible authority or other person then no hearing will be required and the application will be granted in the terms sought, subject only to conditions which are consistent with the Operating Schedule and any mandatory conditions required.

26.3 The Licensing Authority must consider whether any representations received are relevant. A "relevant" representation must focus only on the "change" proposed in the variation application and how this change is likely to have a detrimental effect on at least one of the licensing objectives. If relevant representations are made and not withdrawn, the Licensing Authority will hold a hearing, and at that hearing the Licensing Authority may:

- a. modify the conditions of the Licence; or
- b. reject the whole, or part of the application; or
- c. grant the application as applied for

26.4 If the Licensing Authority considers that the representations are not relevant

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then a hearing will not be required and the application will be granted in the form it was applied for. The aggrieved party may challenge the Licensing Authority's decision by way of judicial review.

26.5 The exception to the above procedure concerns applications for minor variations, whereby the proposed variation generally amounts to:

- a. a minor change to the structure or layout of a premises;
- b. small adjustments to licensing hours;
- c. the removal of out of date, irrelevant or unenforceable conditions or the addition of volunteered conditions;
- d. the addition of certain licensable activities

which will not impact adversely on the licensing objectives. These are subject to a simplified 'minor variations' process. Parties may still make representations, and the Licensing Authority is entitled to seek the views of any of the any of the responsible authorities when determining such applications. There is no right to a hearing as officers have delegated powers to determine applications under this process.

## 27 Personal Licences

27.1 General Requirements - Personal Licences will be granted if the applicant can demonstrate each of the following:

- a. they are 18 years of age or over;
- b. they possess an appropriate licensing qualification, or are a person of a prescribed description; i.e. a person of a description prescribed by Secretary of State by regulations;
- c. no Personal Licence held by the applicant has been forfeited in the period of five years ending with the day the application was made;
- d. the applicant has not been convicted of any relevant offence, or any relevant foreign offence.
- e. Their right to work in the UK and provide the relevant documentation

27.2 **The Authority will reject any application where points a, b, c or e above are not met.**

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- 27.3 Applicants with unspent criminal convictions for relevant offences set out in Regulations made under the Act are encouraged to first discuss their intended application with the Council's Licensing Officers and/or Police Licensing Officers before making an application. Guidance in relation to unspent criminal convictions can be found in the Licensing Authority's Guidance Notes for Applicants.

## **28 Designated Premises Supervisors**

- 28.1 The sale of alcohol carries with it greater responsibility than that associated with the provision of entertainment and late night refreshment as it has a wider impact on the community. Therefore the main purpose of having a Designated Premises Supervisor (DPS) nominated on the premises licence is to ensure there is a specified individual who can be readily identified at the premises. The DPS therefore will occupy a pivotal role in terms of management and supervision of the premises, and may be given day to day responsibility for running the premises. All sales of alcohol made under the authorisation of a premises licence, must be authorised by the person nominated as the DPS on the premises licence.
- 28.2 The DPS may nominate other personnel in his/her place as having authority to make sales of alcohol provided that authority is in writing thereby giving a meaningful and proper authorisation.
- 28.3 A joint interview between the Licensing Authority, Police and applicant may be arranged where the Police are minded to object to the variation of a DPS on the grounds that such a variation may undermine the Prevention of Crime and Disorder objective.
- 28.4 The exception to the above is to allow certain community premises which have, or are applying for a premises licence, that authorise the sale of alcohol, to apply the alternative licence condition instead of the usual mandatory conditions. The effect of the alternative licence condition is that the licence holder, i.e. the management committee which runs the community premises, is responsible for the supervision and authorisation of all alcohol sales.

## **29 Temporary Event Notices**

- 29.1 Temporary Event Notices do not involve the Licensing Authority in giving permission for the event to take place. This is a notification procedure in which only the Police and Environmental Protection may intervene to prevent such an event, or to modify the arrangements for such an event. The Licensing Authority will only intervene if the limits on the number of notices given are exceeded.
- 29.2 A "Standard" TEN requires an organiser of a temporary event to give the

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Licensing Authority a minimum of 10 clear working days' notice.

- 29.3 A "Late" TEN is a TEN received by the Licensing Authority 5–9 clear working days prior to the day of the event.
- 29.4 "Clear working days" means working days exclusive of the day on which the event is to start, and exclusive of the day on which the notice is given. A "working day" is defined as any day other than a Saturday, Sunday, Christmas Day, Good Friday, or a day which constitutes a Bank Holiday under the Banking and Financial Dealings Act 1971 in England and Wales.
- 29.5 If an objection is received to a "Late" TEN then the Licensing Authority must issue a counter notice at least 24 hours prior to the event. Unlike a Standard TEN the premises user has no right to a hearing in relation to a contentious "Late" TEN and as such any licensable activities proposed at the event, will be unauthorised, and it will be an offence to carry on any such activities. Likewise, any notice received within less than 5 clear working days' notice will be invalid.
- 29.6 It is therefore obvious that by submitting a "Late" TEN the organiser runs the risk of receiving a counter notice and not being able to hold the event. Although legally the Licensing Authority must receive "Late" TENs, it recommends a minimum notice period of one calendar month before the date of the event taking place.

## **30 Transfer of Premises Licences**

- 30.1 In the vast majority of cases it is expected that a transfer will be a very simple administrative process. This is to ensure that there should be no interruption to normal business at the premises.
- 30.2 Notice of the application must be given to the Police. If the Police raise no objection about the application the Licensing Authority will transfer the licence in accordance with the application, amend the licence and return it to the new holder.
- 30.3 In exceptional circumstances the Police may consider that the granting of the application would undermine the crime prevention objective. In these circumstances the Licensing Authority must hold a hearing and consider the objection, they will not be able to consider any other matters. The Committee will give reasons for the decision made.

## **31 Interim Authority Notices**

- 31.1 Generally a licence will remain in force for as long as the licence holder continues to operate the business, unless it is revoked, or it is specified that it

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has effect for a limited period and that period expires. However, if the holder of a Premises Licence dies, becomes mentally incapable or becomes insolvent, then the licence will lapse.

- 31.2 The licence may be reinstated for a three month period if within 28 days of such circumstances, a person who had an interest in the premises concerned, or is connected to the person who held the Premises Licence immediately before it lapsed, gives the Licensing Authority an Interim Authority Notice.
- 31.3 At the end of the three months it will lapse unless an application for a transfer of premises licence holder is made.
- 31.4 A person is connected to the former holder of a Premises Licence if, and only if:
- a. the person is the personal representative in the event of the holder's death;
  - b. in respect of someone who has become mentally incapable, the person is acting under section 6 of the Enduring Powers of Attorney Act 1985; or
  - c. in the event of insolvency, the person is acting as an Insolvency Practitioner.
- 31.5 Interim Authority Notices must also be served on the Police. If the Police consider that the grant of an Interim Authority Notice would undermine the prevention of crime objective, the Licensing Authority will arrange a hearing to consider the Notice.

## Licensing Objectives

### 32 Prevention of Crime and Disorder

- 32.1 Under Section 17 of the Crime and Disorder Act 1998, the Council has a duty to do all that it reasonably can to prevent crime and disorder in the area. The fear of crime created by disorder, including drunkenness, is as damaging to public confidence and the quality of life as crime itself. The Council's Community Safety Plan in alignment with the Police Crime Commissioner aims to reduce crime, disorder, nuisance and the fear of crime, making Bath and North East Somerset a safer place to live, work and visit. CB to check this with Sam Jones
- 32.2 The Council has introduced measures to assist in the management of this, including the provision of Bath Nightwatch, BID Marshals and Taxi Rank Marshals and the installation of CCTV cameras. Joint working with the Police is ongoing, and the Council would expect this partnership approach to be embraced by the licensing trade. This would include participation in the Bath Nightwatch scheme that includes a radio system between licensed premises which links with the CCTV, the Police, Street & Taxi Marshals/FAST ambulance

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and the Street Pastors.

- 32.3 The Licensing Authority will consider whether the grant of an application will result in an increase in crime and disorder.
- 32.4 Applicants are encouraged to consider crime prevention procedures in their premises before making a formal application. Applicants are encouraged to work in partnership with other licence holders in order to reduce crime and disorder in their area.
- 32.5 The Licensing Authority will continue to play an active part in the development of Pubwatch/Nightwatch and other such schemes.
- 32.6 The Licensing Authority recognises that no matter how well managed the premises are, crime and disorder can occur, particularly outside the premises. Therefore in considering whether the crime and disorder objective is met, the Licensing Authority will normally take into account the criteria set out below.
- 32.7 In considering licence applications, the following will be taken into account:
1. Whether the design, layout, lighting and fittings of the premises have been considered with a view to restricting conflict and minimising opportunities for crime and disorder.
  2. Whether the applicant has included in the Operating Schedule appropriate management measures to prevent/reduce crime and disorder.
  3. Training given to staff in crime prevention measures appropriate to those premises.
  4. Physical security features installed in the premises. This may include matters such as the position of cash registers; where alcohol is stored in 'off-licences', or the standard of CCTV installed, and the use of toughened drinking glasses in pubs and clubs.
  5. The likely exit times from the premises and the demands upon and the capacity of public transport at those times.
  6. Any other such measures as may be appropriate, such as participation in Nightwatch/Pubwatch or other such schemes, 'music wind-down policies', restrictions on 'happy hours' and the availability of seating to discourage vertical drinking.
  7. The measures employed to prevent the consumption or supply of illegal drugs, including any search procedures and entry policies.



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8. Where premises are subject to age-restrictions, the procedures in place to conduct age verification checks.
  9. The likelihood of any violence, public order or policing problems if the licence is granted.
  10. The applicant's willingness to work in partnership with neighbouring licence holders in order to reduce crime and disorder.
  11. The policy on cumulative impact.
- 32.8 The Licensing Authority would also recommend that all Designated Premises Supervisors undergo appropriate additional training and have experience commensurate with the nature and style of entertainment provided and capacity of the premises.

## **33 Public Safety**

- 33.1 The Licensing Authority has established protocols with the local Police on enforcement issues to enable a more efficient deployment of Licensing Authority staff and police officers who are engaged in enforcing licensing law and the inspection of licensed premises.
- 33.2 This protocol also provides for the targeting of 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.
- 33.3 Inspections are not undertaken routinely, but only when they are judged necessary. This ensures that resources are more effectively concentrated on problem premises. The Act enables the Licensing Authority through its officers to exercise discretion in relation to inspections and does not require annual inspections to take place. The Licensing Authority therefore, does not intend to carry out annual inspections unless the assessed risks make such inspections necessary.
- 33.4 From time to time premises are inspected by Council Officers, the Police and/or the Fire and Rescue Service for purposes of ascertaining compliance with the Act or associated Legislation or Regulations.
- 33.5 During the application period the Responsible Authorities might decide to carry out their own inspections.
- 33.6 Crime, disorder and anti-social behaviour threaten public safety and affect perceptions of public safety. The Licensing Authority must try to ensure the safety of people visiting and working in licensed premises. The Licensing

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Authority will need to satisfy itself that measures to protect the public including setting safe capacities, adequate means of escape, and the provision of fire fighting equipment and CCTV etc. are put in place and maintained if this is not adequately provided for by other regulatory regimes.

- 33.7 Licensed premises present a mixture of Health and Safety risks, some of which are common to many premises, and others unique to single premises. It is essential that premises are constructed, or adapted, so as to safeguard occupants against such risks.
- 33.8 Where relevant representations are made in relation to imposing a maximum number of persons resorting to premises at any one time for example, to ensure the safety of persons in the premises, and safe escape in the case of an emergency, the Licensing Authority will consider the imposition of occupancy limits by way of condition where it is considered necessary in relation to the promotion of one or more of the licensing objectives.

## **34 Prevention of Public Nuisance**

- 34.1 The Licensing Authority is concerned to protect the amenity of residents and businesses in the vicinity of licensed premises.
- 34.2 Licensed premises have a significant potential to adversely impact on communities through public nuisances that arise from their operation. The Licensing Authority intends to maintain and protect the amenity of residents and other businesses from the potential adverse consequences of the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.
- 34.3 In considering an application for a Premises Licence or Club Premises Certificate, the Licensing Authority will consider the adequacy of measures proposed to deal with the potential for nuisance and/or anti-social behaviour having regard to the circumstances of the application.
- 34.4 The Licensing Authority will consider in particular:
  - 1. The proximity of noise sensitive residential and commercial premises, the steps taken or proposed to be taken by the applicant to prevent noise and vibration escaping from the premises including music, noise from ventilation equipment and human voices. Such measures may include the installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices.
  - 2. The steps to be taken or proposed to be taken by the applicant to prevent litter and smell nuisance from the premises.

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3. The steps taken or proposed to be taken by the applicant to prevent disturbance by customers arriving at or leaving the premises.
  4. The steps taken or proposed to be taken by the applicant to prevent queuing (either by pedestrian or vehicular traffic). If some queuing is inevitable, then queues should be diverted away from neighbouring premises or be otherwise managed to prevent disturbance or obstruction.
  5. Whether there is sufficient provision of public transport (including taxis and private hire vehicles) for patrons.
  6. The installation of any special measures where licensed premises are, or are proposed to be, located near sensitive premises such as nursing homes, hospitals, hospices or places of worship.
  7. The use of gardens and other open-air areas.
  8. The position or proposed position of external lighting, including security lighting that is installed inappropriately.
  9. Whether the premises would lead to increased refuse storage or disposal problems, or additional litter (including fly posters and illegal placards) in the vicinity.
  10. The steps taken or proposed by the applicant with particular regard to the recycling of glasses, bottles and cans from their premises.
- 34.5 The role of the Licensing Authority is to maintain an appropriate balance between the legitimate aspirations of the entertainment industry and the needs of the residents. The Licensing Authority will need to satisfy itself that adequate measures are in place to prevent public nuisance.

## **35 Protection of Children from Harm**

- 35.1 The wide range of premises that require licensing means that children can be expected to visit many of these, often on their own, for food and/or entertainment.
- 35.2 It is hoped that family friendly premises will thrive, but the risk of harm to children remains a paramount consideration when determining applications.
- 35.3 Whilst the Act allows children access to licensed premises, the Licensing Authority recognises that limitations may have to be considered where it appears necessary to protect children from harm.
- 35.4 The general relaxation in the Act giving accompanied children greater access to licensed premises is a positive step, aimed at bringing about a social change in

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family friendly leisure. Clearly this relaxation places additional responsibilities upon licence holders. However, it is also recognised that parents and others accompanying children also have responsibilities.

- 35.5 The Licensing Authority recognises the Local Safeguarding Children's Board as the Responsible Authority to advise it on matters relating to the protection of children from harm.
- 35.6 The Licensing Authority will judge the merits of each application before deciding whether to impose conditions limiting the access of children to individual premises.
- 35.7 The following are examples of premises that will raise concern:
1. Where entertainment or services of an adult or sexual nature are commonly provided.
  2. Where there have been convictions of members of the current staff at the premises for serving alcohol to minors, or with a reputation for underage drinking.
  3. Where there is a known association with drug taking or dealing.
  4. Where there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines).
  5. Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
  6. Venues which are running 'under-18' events allowing entry to intoxicated young people.
- 35.8 The Licensing Authority may consider limiting the access of children where it is necessary for the prevention of harm to children. The following conditions may be considered appropriate:
1. Limitations on the hours when children may be present.
  2. The exclusion of children under certain ages when particular activities are taking place.
  3. Limitations on the parts of premises to which children might be given access.

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4. Requirements for an accompanying adult.
  5. Full exclusion of people under 18 from the premises or parts of the premises when any licensable activities are taking place.
- 35.9 No conditions will be imposed requiring that children be admitted to any premises and where no limitation is imposed this will be left to the discretion of the individual licence holder.
- 35.10 The Act details a number of offences designed to protect children in licensed premises and the Licensing Authority will work closely with the Police to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children.
- 35.11 The Licensing Authority recommends that where appropriate, applicants familiarise themselves with the DrinkAware and Portman Group Codes of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The codes seek to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years or older.
- 35.12 Films cover a vast range of subjects, some of which deal with adult themes and/or contain for example, scenes of horror or violence that may be considered unsuitable for children within certain age groups.
- 35.13 The Licensing Authority will expect licence holders or clubs to include in their Operating Schedules arrangements for restricting children from viewing age-restricted films classified according to recommendations of the British Board of Film Classification (or the Licensing Authority itself) to satisfactorily address safety issues including the supervision of children.
- 35.14 The Act also provides that it is mandatory for a condition to be included in all Premises Licences and Club Premises Certificates authorising the exhibition of films for the admission of children to the exhibition to be restricted in accordance with the recommendation given either by the British Board of Film Classification or the Licensing Authority.
- 35.15 Many children go to see and/or take part in an entertainment arranged especially for them, for example, children's film shows and dance or drama school productions, and additional arrangements are required to safeguard them while at the premises.
- 35.16 The Licensing Authority will expect the Operating Schedule to satisfactorily address safety issues including the supervision of children.

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## Complaints Regarding Licensed Premises

### The Management of Complaints

36.1 The Licensing Authority will investigate **all** complaints against licensed premises with regard to matters relating to the four licensing objectives. If possible in the first instance, the complaint should be raised directly with the licence holder or business concerned to seek a local resolution. If this is not possible then residents can contact their local Resident's Association to act on their behalf or contact the Licensing Team directly.

36.2 Where a local resident or residents' association have made for example:

- relevant representations about licensed premises, or
- a valid application for a premises licence or club premises certificate to be reviewed.

the Licensing Authority encourages parties to arrange a conciliation meeting to address and clarify the issues of concern where practicable.

36.3 Nothing in this Policy shall restrict the right of a Responsible Authority or any other person to call for a review of a licence or club premises certificate, or make relevant representations in accordance with the Act.

### How to Make a Complaint or Contribute to a Review

36.4 Any person wishing to make a complaint about a licensed premises can contact the Licensing Team in the following ways:

By email: [licensing@bathnes.gov.uk](mailto:licensing@bathnes.gov.uk)

Via the website: [www.bathnes.gov.uk/forms/licensed-premises-complaint-form](http://www.bathnes.gov.uk/forms/licensed-premises-complaint-form)

By telephone: 01225 477531

In person at any of the Council's One Stop Shops

36.5 Information about submitting a representation can be found on the Council's website at:

<https://www.bathnes.gov.uk/services/business/licences/alcohol-and-entertainment/representations>

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## Decision Making

### **37 Licensing Committee Terms of Reference**

- 37.1 The Committee's terms of reference will be set out in the Council's Constitution. The terms of reference have been guided by Regulations issued under the Act.

### **38 Allocation of Decision making Responsibilities**

- 38.1 The table on page 36 duplicates the Table of Delegations of Licensing Functions as set out in the Council's Constitution.

### **39 Relevant Representations**

- 39.1 Representations should be made in writing and received by the Authority within the 28 day period commencing the day after the application/review was served on the Authority. The Authority may not exercise any discretion in respect of late representations.
- 39.2 Relevant representations will illustrate the likely effect the proposals within the application will have on the promotion of at least one of the licensing objectives.
- 39.3 Representations may take the form of an objection, or be positive, and express support of the application.
- 39.4 A representation will not be relevant if the case officer deems it to be frivolous or vexatious.
- 39.5 Representations made by any Responsible Authority or other person which are subsequently withdrawn, will not be regarded as "relevant".
- 39.6 'Responsible Authority' means any of the following:
- a. Police
  - b. Fire & Rescue Service
  - c. Trading Standards
  - d. Local Safeguarding Children's Board
  - e. Environmental Health Department
  - f. Local Planning Authority
  - g. Health & Safety Executive (if premises is a school/college)
  - h. Maritime Agency (if premises is a "vessel")
  - i. Director of Public Health
  - j. The Licensing Authority
  - k. Any other Authority as may be prescribed by Regulations.

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- 39.7 Once the Authority is in receipt of a relevant representation, it may no longer grant the application in the form in which it was applied for; instead the matter must proceed to hearing to be determined before the Licensing Sub Committee. With this in mind, the Authority would recommend all applicants allowing two months for an application to be processed.

## **40 Other Considerations**

- 40.1 The Licensing Authority will give reasons for its decisions. The Licensing Authority will also address the extent to which the decision has been made with regard to the Act, its Statement of Licensing Policy, the Guidance issued by the Secretary of State under the Act and the Human Rights Act 1998.

## **41 Reviews**

- 41.1 The process for reviewing premises licences and club premises certificates is seen as representing a key protection for the community where problems associated with any of the four licensing objectives are occurring. Licensing Authorities are encouraged to apply a 'light touch' to the grant and variation of premises licences and club premises certificates. The provision of the review mechanism to deal with concerns relating to the licensing objectives arising later in respect of individual premises is integral to this.
- 41.2 At any stage following the grant of a premises licence or club premises certificate, a Responsible Authority or other person may apply to the Licensing Authority to review a licence because of a matter arising at the premises in connection with one or more of the four licensing objectives. Any application for review must be in writing. Copies of the application must be simultaneously served on the premises licence holder and the relevant Responsible Authorities.
- 41.3 Additionally a review of the licence will normally follow any action by the Police to close the premises on grounds of disorder or public nuisance.
- 41.4 The application must relate to a specific premises for which a premises licence or club premises certificate has effect. The grounds for review must be relevant to one or more of the licensing objectives.
- 41.5 Sufficient information or evidence should be contained within the application to enable the holder of the premises licence or club premises certificate or any representative of the holder of a premises licence or club premises certificate to prepare a response.
- 41.6 Where the application for a review is received the Licensing Authority must firstly consider whether it is relevant. Any applications found to be irrelevant, vexatious or frivolous will be rejected and the review applicant advised of the



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reason(s) for the rejection.

- 41.7 Where a relevant application is received the Licensing Authority will advertise the application and hold a hearing to determine the review application.
- 41.8 The Licensing Act 2003 provides the Licensing Authority with a range of powers on determining a review that it may exercise where it considered necessary for the promotion of one or more of the licensing objectives.
- 41.9 The Licensing Authority would strongly urge anyone who is suffering adverse effects due to the way in which a licensed premises is operating, to talk to the Licensing Team. Officers can give free impartial advice on how to complete the necessary forms, and talk those affected through the review process.

## **42 Appeals**

- 42.1 New and variation applications once determined will take immediate effect. There will however follow a 21 day appeal period during which any party to the hearing may appeal the decision to Bath Magistrates' Court.
- 42.2 Once an application for the Review of a premises licence or club premises certificate has been determined, it will not take effect until the 21 day appeal period had lapsed or if appealed, once the appeal has been dispensed with.
- 42.3 An appeal against the grant or refusal of a personal licence application must be made to the Magistrates' Court.
- 42.4 Schedule 5 to the Licensing Act 2003 sets out entitlement to appeal.

## **Fees**

- 43 The Authority is aware that the Government is considering moving from nationally set Licensing Act fees to locally set fees. The situation will be monitored and reviewed as necessary.

## **Late Night Levy**

### **44 Late Night Levy**

This is a power conferred on Licensing Authorities by the Police Reform and Social Responsibility Act 2011 which enables a levy to be charged persons who are licensed to sell alcohol late at night in the authority's area, as a means of raising a contribution towards the costs of policing the late-night economy. The option of introducing such a levy will be kept under review by the Council.

# STATEMENT OF LICENSING POLICY

## Table of Delegations of Licensing Functions

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB COMMITTEE	OFFICERS
Approval of Policy and annual review	All cases		
Application for Personal Licence		If a police objection is made	If no objection made
Application for Personal Licence, with unspent convictions		If a police objection is made	If no objection made
Application for Premises Licence/Club Premises Certificate		If a relevant representation is made	If no relevant representation is made
Application for Provisional Statement		If a relevant representation is made	If no relevant representation is made
Application to vary Premises Licence/Club Premises Certificate		If a relevant representation is made	If no relevant representation is made
Application to vary Designated Premises Supervisor		If a police objection is made	All other cases
Request to be removed as Designated Premises Supervisor			All cases
Application for transfer of Premises Licence		If a police objection is made	All other cases
Application for interim authorities		If a police objection is made	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 an objection to a Standard Temporary Event Notice		All cases	
Determination of Minor Variation applications for premises licences and for club premises certificates.			All cases
Determination of the removal of a Designated Premises Supervisor or Personal Licence Holder at community premises.		If a relevant representation is made.	All other cases
Applications for the classification of unclassified films.		All cases	

# STATEMENT OF LICENSING POLICY

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## Further Information

**Further information about the Act and this Statement of Licensing Policy can be obtained from:**

Licensing Services  
Bath & North East Somerset Council  
Lewis House  
BATH  
BA1 1JG

Tel: 01225 477531  
Email: [licensing@bathnes.gov.uk](mailto:licensing@bathnes.gov.uk)  
Website: [www.bathnes.gov.uk](http://www.bathnes.gov.uk)

The Guidance issued under Section 182 of the Act can also be viewed on this site.

**Information in relation to large events is available from the Council's Event Safety Co-ordinator:**

Building Control and Public Protection  
Bath & North East Somerset Council  
Lewis House  
BATH  
BA1 1JG

Tel: 01225 477563  
Email: [Public\\_Protection@bathnes.gov.uk](mailto:Public_Protection@bathnes.gov.uk)  
Website: [www.bathnes.gov.uk](http://www.bathnes.gov.uk)

**The Licensing Act 2003 can be viewed online at:**

[www.opsi.gov.uk/acts/acts2003/ukpga\\_20030017\\_en](http://www.opsi.gov.uk/acts/acts2003/ukpga_20030017_en)

# STATEMENT OF LICENSING POLICY

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## **Appendix 1: Evidence Base for Continuation of Cumulative Impact Assessment**

### **Cumulative Impact Area Rationale (Avon and Somerset Police)**

#### **Bath City Centre - Police Observations and Recommendations**

The Police have been asked to provide evidence to support the continuation of the Cumulative Impact Area pertaining to Bath City Centre.

The Cumulative Impact Area (introduced in 2007) is subject to a second 5 yearly review.

The Police fully support the continuation of the Bath City Centre Cumulative Impact Area.

#### **Rationale:**

The Cumulative Impact Area is a geographical representation of the area subject to the B&NES Cumulative Impact Policy. Guidance for determining a policy states:

**“Where the number, type and density of premises selling alcohol for consumption on the premises are unusually high, serious problems of nuisance and disorder can arise in the vicinity of those premises. The problem can be compounded where a number of licensed premises, grouped together, are situated near residential areas.**

**The distribution of late night premises may be such as to warrant special action by the Licensing Authority to combat exceptional problems of crime and disorder and public nuisance over and above the impact of individual premises.”**

Based on the above rationale, the Police provided the following information which is appended to this document:

- Data relating to incidents of crime and anti-social behaviour in Bath City Centre post codes (between 2014-19) for licensed premises.
- Data relating to incidents of crime and anti-social behaviour in Bath City Centre post codes (between 2014-2019) for late night refreshment and off licences.

# STATEMENT OF LICENSING POLICY

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- A Geographic Heat Map illustrating the incidents of crime and anti-social behaviour for licensed premises selling alcohol in the City Centre, showing the existing Cumulative Impact Area boundary.
- a map indicating the current and proposed boundary of the Cumulative Impact Area.

## Summary:

It can be seen from the figures produced that demand for policing related to licensed premises remains high and appears to be increasing. It is known that these figures are heavily influenced by the Night-Time Economy based on the most impactful premises featured.

The figures related to late night refreshment establishments and off-licences are low by comparison.

The figures and the maps also show that there have been some changes to the demographics of the city centre. For instance, a nightclub in Walcot Street that previously had a significant impact on the Night-Time Economy has closed. Although the premises that has replaced it is licensed for the consumption of alcohol on the premises until the early hours, the nature of this premises is far less impactful and lower risk in terms of crime and disorder.

The Police therefore support the need for the Cumulative Impact Area to remain on the basis of crime and anti-social behaviour incidents relating to licensed premises and suggest an amended boundary as illustrated on the map to take into account developments within the City Centre.

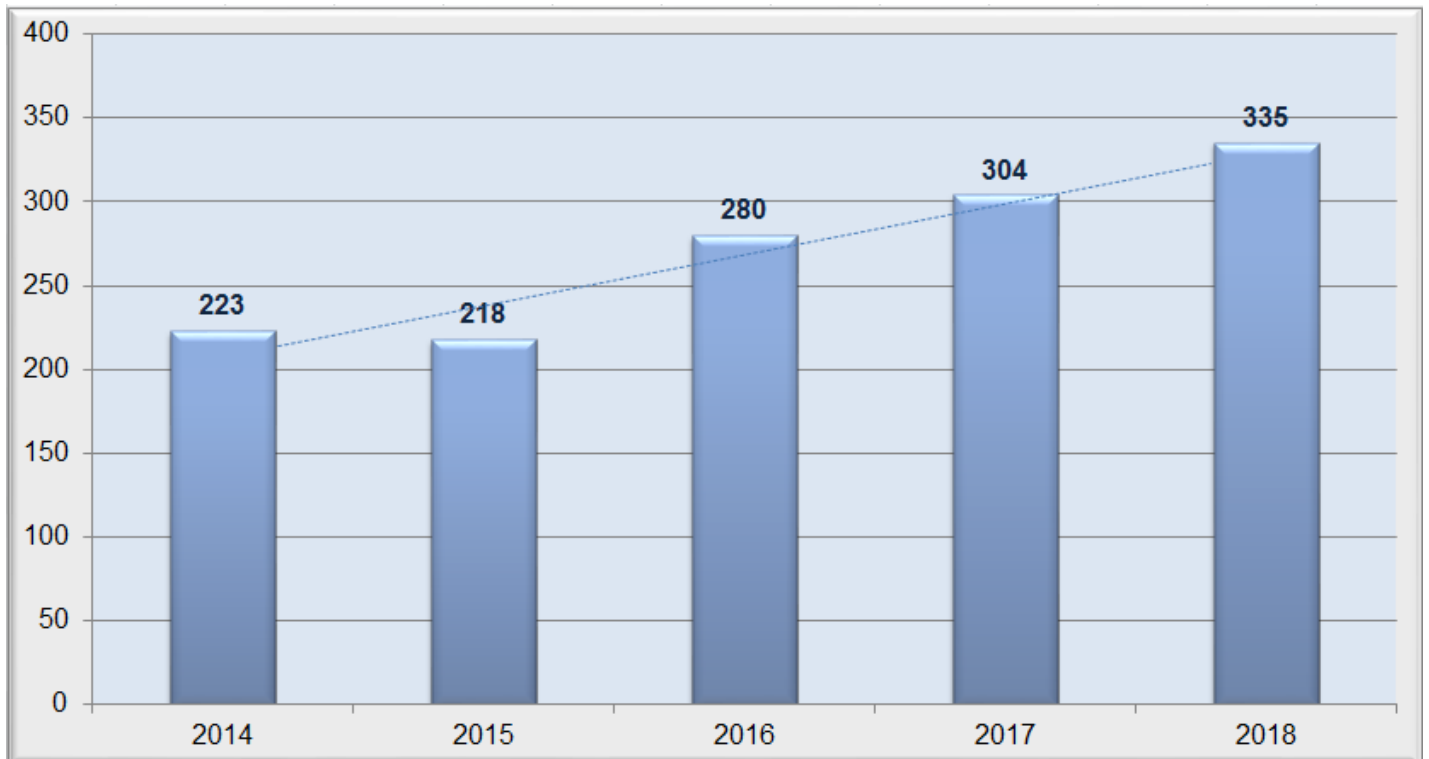
**Avon and Somerset Police Licensing Team May 2019**



## STATEMENT OF LICENSING POLICY

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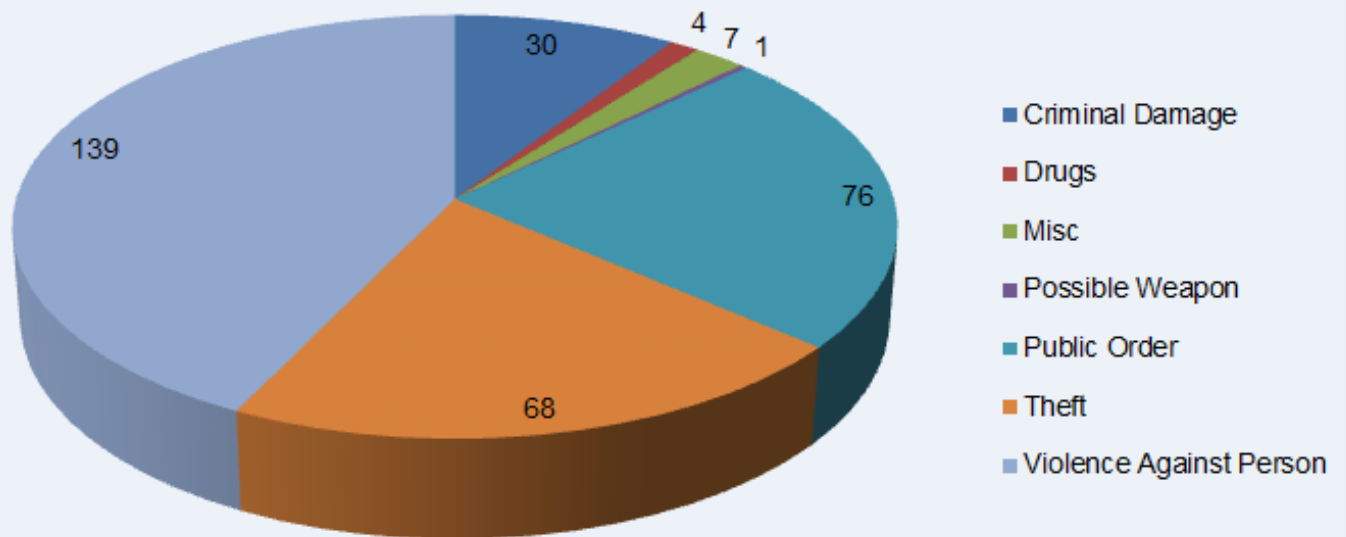
### **Number of Crime and Disorder incidents 2014 – 2018 (Bath City Centre licensed premises which sell alcohol on the premises)**



## STATEMENT OF LICENSING POLICY

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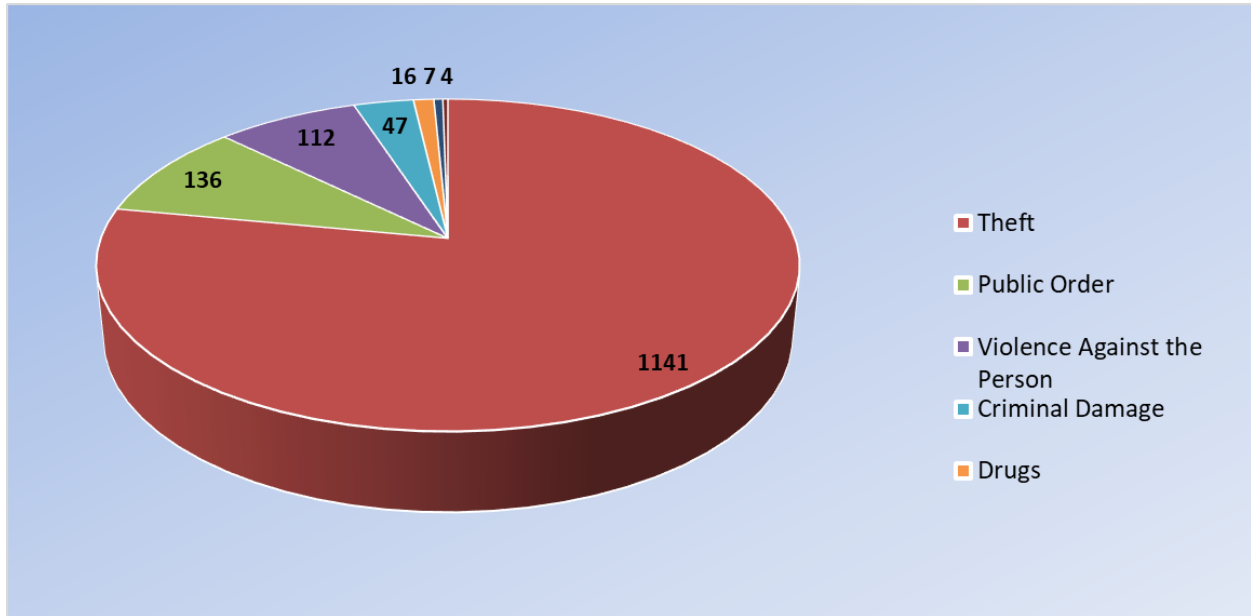
### **Bath City Centre Number of Late-Night Refreshment crime & disorder incidents 2014-2019**



# STATEMENT OF LICENSING POLICY

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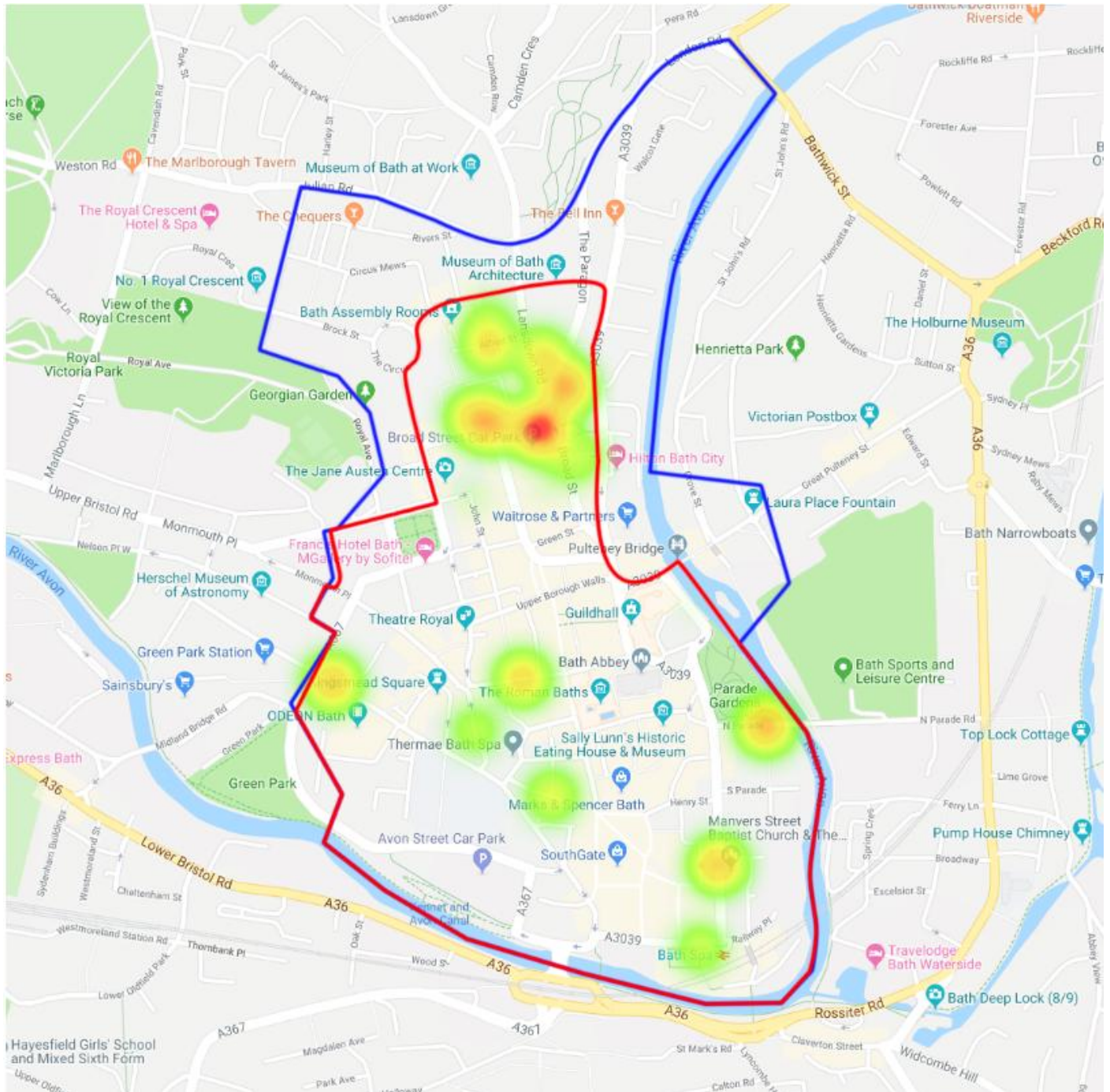
## Bath City Centre Number of Off Licence crime & disorder incidents 2014-2019





# STATEMENT OF LICENSING POLICY

## Heatmap showing the incidents of crime and anti-social behaviour for licensed premises 2014-2019





# STATEMENT OF LICENSING POLICY

## Appendix 2- Confirmed Cumulative Impact Area 2019

