

# **ISLE OF WIGHT COUNCIL**



## **LICENSING ACT 2003 SECTION 5**

### **Statement of Licensing Policy 2004 - 2007**

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**This document sets out the Council's licensing policy for the next three years, commencing on 7 February 2005, in respect of its licensing functions for the sale of alcohol, provision of entertainment and the provision of late night refreshment. During this three year period the Policy will be kept under review. Where any amendments are considered necessary, these will only be made after consultation has taken place in accordance with Section 5(3) of the Act. Proper weight shall be given to the views of all those consulted. A list of consultees is reproduced at Appendix B. Further licensing statements will be published every three years thereafter. This Statement of Licensing Policy has been prepared in accordance with the provisions of the "Licensing Act 2003" and the Guidance issued under Section 182 of the "Act".**

## **1 LICENSING OBJECTIVES**

- 1.1 When dealing with licensing matters the Council will promote and have regard to the four licensing objectives set out in the Act. These are:
  - ❖ The prevention of crime and disorder;
  - ❖ Public safety;
  - ❖ The prevention of public nuisance; and
  - ❖ The protection of children from harm.
- 1.2 The Council recognises that the best means of promoting the licensing objectives is through the co-operation and partnership of local authorities, the police, local business, performers, local people and those involved in child protection.
- 1.3 The Council recognises that licensed activities play an important part in the cultural life of our community. In regulating activities under this legislation it acknowledges that a balance must be struck between the legitimate objectives of applicants and the desires of the population as a whole, and in particular those members of the public living, working or engaged in normal activity in the area concerned. A balance must be struck between these, often conflicting, positions and all views will be taken into account when making licensing decisions or determining a course of action.
- 1.4 Licensing law is not the primary mechanism for the control of nuisance and anti-social behaviour by individuals once they are away from licensed premises. This is beyond the direct control of the individual, business or club holding the licence or certificate concerned. However, the council appreciate that licensing has a key role to play as part of a co-ordinated approach by organisations with an interest in the management of evening and night time economies.

- 1.5 Accordingly, any decision taken by the Council or any conditions attached to the premises licence/certificate will centre on promoting the licensing objectives at the premises being used for licensable activities and within the vicinity of those premises. Whether or not an incident can be regarded as being in the vicinity of licensed premises will depend on the particular circumstances of the case.

## **2 INTRODUCTION**

- 2.1 The Isle of Wight has many and varied licensed premises. The Council recognises that these premises play a vital part in the cultural identity of the Island and are main contributors to local economy. They attract tourists and visitors and make for vibrant towns and communities, while at the same time providing employment.

- 2.2 The Isle of Wight Council ("the Council") is the Licensing Authority under the Licensing Act 2003 ("the Act") and is responsible for considering all applications for licensable activities, as defined in Section 1 of the Act. Licensable activities, include:

- Retail sale of alcohol
- Supply of hot food or drink from premises between 2300 and 0500hrs
- Supply of alcohol to club members
- Provision of entertainment listed below (known as "regulated entertainment") to the public or club members or with a view to profit:
  - Film exhibitions
  - Performances of a play
  - Indoor sporting events
  - Boxing or wrestling entertainment
  - Live music performances
  - Playing of recorded music
  - Dance performances
  - Provision of facilities for making music
  - Provision of facilities for dancing

- 2.3 The purpose of licensing is to regulate the carrying on of licensable activities on licensed premises, by qualifying clubs and at temporary events. There are a number of exceptions and details of these are set out in Sections 173 to 175 of the Act. Definitions of the licensed premises, clubs, temporary events notices and personal licences are:

### **Premises Licences**

i.e. – A premises where one or more of the following takes place:

- The retail sale of alcohol
- The provision of regulated entertainment
- The provision of late night refreshment

### **Club Premises Certificates**

i.e. A club premises is a premises which is occupied by and habitually used for the purposes of a club which has met the criteria to become a 'qualifying club'.

### **Temporary Event Notices**

i.e. Use of premises for licensable activities for:

- a period of less than 96 hours, and for
- fewer than 500 persons
- Where there are reasonable grounds for believing that there will be more than 5,000 people present at any time, an application under the Isle of Wight Act 1990 will have to be made not less than four months before the holding of the assembly.

### **Personal Licences**

i.e. a licence which authorises an individual to supply alcohol, or authorise the supply of alcohol

### **Designated Premises Supervisors**

The Council considers that the sale and supply of alcohol carries with it greater responsibility than that for the other licensable activities, and to ensure that there will always be a specified person identifiable with a licensed premises, will require that one Personal Licence holder is designated a Designated Premises Supervisor (DPS) for each Premises Licence.

An application for designation of a Premises Supervisor must be accompanied by a form showing that he or she consents to taking on this role. The Council will amend the Premises Licence with the details of the Premises Supervisor. The local Chief Officer of Police should be notified by the applicant and will be able to object where they believe the appointment would undermine the crime-prevention objective.

## **3 INTEGRATION OF STRATEGIES AND OTHER LEGISLATION**

- 3.1 The Council recognises that as part of implementing any cultural strategy it must encourage and promote live music, dancing and theatre for the wider cultural benefit of the community. The absence of cultural provision in an area can itself lead to young people being diverted into anti-social behaviour.

- 3.2 The successful delivery of the licensing objectives will depend upon, among other things, successful integration with other local strategies, such as:
- The Isle of Wight's Community Strategy
  - Local crime prevention
  - Planning
  - Transport
  - Local economy and tourism
  - Race equality schemes
  - Cultural strategies
- 3.2 The Race Relations Act 1976, as amended, places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination; and to promote equality of opportunity and good relations between persons of different racial groups. It is a requirement of the above Act that the Council produces a Race Equality Scheme. In terms of the scheme the Council must assess and consult on the likely impact of proposed policies on race equality, monitor policies for any adverse impact on the promotion of race equality, and publish the results of such consultations, assessments and monitoring.
- 3.3 The Council will ensure that it takes into account the views of other stakeholders who are involved, directly or indirectly in the promotion of the licensing objectives.
- 3.4 The Council will work closely with the police on issues of enforcement. Conditions attached to premises licences and club premises certificates will reflect local crime prevention strategies. Neighbouring authorities and town/parish councils will also be consulted where appropriate.
- 3.5 A licensing forum will be established bringing together all interested parties on a regular basis to monitor developments on the Island. Where problems have arisen these will be discussed and solutions proposed. We will also hold regular open meetings at which the local community can express how well it feels the licensing objectives are being met.
- 3.6 Prior to submitting an application to the Licensing Authority the applicant should ensure that there is appropriate and current Planning Permission for the hours and activities for which the application is being made.

- 3.7 The Council recognises that there should be a clear separation of the planning and licensing systems and licensing applications will be viewed independently of planning applications. To achieve this, close liaison will be maintained between the Licensing Sub-Committee (LSC) and the Development Control Committee (DCC). Licensing applications will not be a re-run of the planning application and will not cut across decisions taken by the DCC or following appeals against decisions made by that Committee. Where appropriate, the LSC will provide reports to the DCC on the situation regarding licensed premises in the area including the general impact of alcohol-related crime and disorder.
- 3.8 The Council will seek to avoid duplication with other regulatory regimes as far as possible. However, if other legislation does not cover the unique situations that may arise then additional controls may be imposed to secure the licensing objectives.
- 3.9 Premises must also comply with all other relevant legislation such as:
- Food Safety Act 1990
  - Health & Safety at Work etc Act 1974
  - Disability Discrimination Act 1995
  - Environmental Protection Act 1990
  - Town and Country Planning Act 1990
  - Building Regulations
- 3.10 Prevention of disturbance to neighbourhoods will always be carefully balanced with the wider cultural benefits. Care will be taken to ensure that only necessary and reasonable licensing conditions are placed upon such events so as to avoid imposing indirect and disproportionate costs. Conditions will not discourage the promotion of such entertainment but will relate solely to the promotion of the licensing objectives. The Council will monitor the impact of licensing on these forms of entertainment to ensure that this continues to be the case.
- 3.11 Arrangements will be in place for licensing committees to receive, when appropriate, reports on:
- the needs of the local tourist economy for the area to ensure that these are reflected in their considerations.
  - the employment situation in the area and the need for new investment and employment where appropriate.

## **4 APPROACH TO LICENSING APPLICATIONS**

- 4.1 In determining a licence application the overriding principle will be that each application will be determined on its individual merits.
- 4.2 Nothing in the Licensing Policy will:
- Undermine the rights of any person to apply under the 2003 Act for a variety of permissions and have the application considered on its individual merits
  - Override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the 2003 Act.
- 4.3 The Council recognises that one important aspect of the Licensing Act 2003 provisions is the abolition of national operating times for premises selling alcohol. The Council is mindful of the view that longer licensing hours for the sale of alcohol will help ensure that the problems arising when large numbers of customers leave premises simultaneously are avoided. The Council will only determine the operating hours of any licensable activity if there is the belief that by limiting the operating hours, one or more of the Licensing Objectives will be met.
- 4.4 The Council will generally permit shops, stores and supermarkets to sell alcohol for consumption off the premises at any times they are open for shopping. However, if the Police have good reasons for recommending the restriction of those hours, then this will be considered. Staff serving in such shops should be over 18 years old or be closely supervised.
- 4.5 Conditions will be tailored to the individual characteristics of the premises and licensable activities concerned and will not inhibit evening and night-time economies. Disproportionate and over burdensome conditions on premises will not be imposed. Standardised conditions will be avoided where possible. However, the Council may draw upon a pool of conditions from which necessary and proportionate conditions may be attached in particular circumstances.
- 4.6 If the matter to be decided is controversial in any way or the determination of the matter under delegated powers is precluded by law then it will be decided by the Licensing Sub-Committee (LSC). The LSC will receive regular reports on decisions made by officers so that they maintain an overview of the general situation. **(See Appendix A for full Schedule of Delegation)**

## **5 CUMULATIVE EFFECT**

- 5.1 The Council will not take 'need' into account for a particular type of premises on the Island when considering a licence application. This is a matter for planning development control and the market.

- 5.2 The Council recognises that the cumulative impact of the number, type and density of licensed premises in a given area, may lead to serious problems of nuisance and disorder.
- 5.3 Representations may be received from a “responsible authority” or “interested party” (see 6.1 below) that an area has become saturated with premises making it a focal point for large groups of people. This concentration of premises may be creating exceptional problems of disorder and nuisance over and above the impact from the individual premises.
- 5.4 In these circumstances, the Council may decide that the application of specific conditions is unlikely to address these problems. It may instead consider refusing new premises licences or club premises certificates if it believes that the granting of any more would undermine the licensing objectives.
- 5.5 When deciding whether to adopt a “special saturation policy” the Council will follow the following steps:
- identification of concern about crime and disorder or public nuisance;
  - consideration of whether it can be demonstrated that crime and disorder and nuisance are arising and are caused by the customers of licensed premises, and if so, identifying the area from which problems are arising and the boundaries of that area. Alternatively, the risk factors may be such that the area is reaching a point when a cumulative effect is imminent. Evidence of anti-social behaviour from Crime and Disorder Reduction Partnerships and noise disturbance from environmental health officers will be taken into account;
  - consultation with those specified by section 5(3) of the Act as part of the general consultation required in respect of the whole statement of licensing policy;
  - subject to that consultation, inclusion of a special policy about future premises licence or club premises certificate applications from that area within the terms of this licensing policy;
  - publication of the special policy as part of the statement of licensing policy required by the Act.
- 5.6 Where a special policy is adopted, applicants will need to demonstrate why the operation of the premises would not add to the cumulative impact already being experienced. However, where representations are received, the onus will be on the objector to provide evidence that the addition of the premises in question would produce the cumulative impact claimed. It is worth remembering that the impact will be different for premises with different styles and characteristics.

- 5.7 The Council may approve licences that are unlikely to add significantly to the cumulative impact, e.g. restaurants, theatres etc. Departures from the special policy may be made and so it is not absolute. The Council will always consider the circumstances of each individual application on its own merits.
- 5.8 The adoption of a special policy does not relieve responsible authorities or interested parties of the need to make a relevant representation before a licensing authority may lawfully consider giving effect to its special policy.
- 5.9 Once adopted, special policies will reviewed regularly to assess whether they are required any longer or need expanding.
- 5.10 A special policy will not be used as a ground for revoking existing premises licences or certificates when representations are received about problems with those premises. Cumulative impact relates to the effect of a concentration of many premises and so identifying individual premises in the context of a review would be arbitrary. The special policy will also not impose any trading hours, terminal hours or quotas (number or capacity of premises) as this would remove regard to the individual characteristics of the premises concerned.
- 5.11 Other mechanisms exist to control the anti-social behaviour of a minority of consumers who behave badly and unlawfully after leaving licensed premises etc. These controls include:
- Planning controls.
  - Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority.
  - Power of local authorities to designate parts of the district as alcohol-free areas.
  - Police enforcement of normal law concerning disorder and anti-social behaviour including the issuing of fixed penalty notices.
  - The prosecution of any personal licence holder or member of staff at premises that are selling alcohol to people who are either drunk or underage.
  - The confiscation of alcohol from adults and children in designated areas.
  - Police powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder or excessive noise emanating from the premises.
  - The power of the Police and other responsible authorities or an interested party to seek a review of the licence or certificate in question.

5.12 Orders made by the Council under the Police and Criminal Justice Act 2001 to control the drinking of alcohol in the streets will be regularly reviewed as part of the licensing policy review. Following a successful application for a review of a licence, the Council may decide to investigate whether an Order under the Police and Criminal Justice Act 2001 should be made to control the drinking of alcohol in public spaces in the area surrounding a premises.

## **6 REPRESENTATIONS, REVIEWS AND APPEALS**

6.1 Interested parties may make representations to the licensing authority in writing on any application for grant, variation or for the review of a Premises Licence. Interested parties are defined as:-

- A person living in the vicinity of the premises in question
- A body representing persons living in the vicinity
- A person involved in a business in the vicinity of the premises
- A body representing persons involved in such a business

6.2 The Council can only review a licence where it is alleged that the licensing objectives are not being met. The Council will then hold a review hearing to consider the merits of an application or licence where the representation is considered relevant. In order to be relevant it must relate to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. Review hearings will be considered by a sub committee of 3 elected members from the licensing committee. Applicants and objectors will be informed of the hearing protocol and invited to attend such hearings to present their arguments. Hearings will be held promptly so that the issue can be dealt with efficiently and effectively.

6.3 Before arrangements for a review are initiated, authorised officers will make every effort to consult with the applicant and objector in an attempt to resolve any issues informally. Where agreement cannot be made a hearing will be held unless the decision is made by authorised officers that the representation is not relevant, or is vexatious or frivolous.

6.4 An aggrieved interested party whose representation is not regarded as “relevant” or is determined as vexatious or frivolous may challenge the authorised officers’ opinion by way of the council’s complaints procedure or through the courts by way of judicial review.

6.5 Following a Review Hearing the Council may:-

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

- 6.6 The Licensing Act 2003 contains provision for appeals by aggrieved parties against decisions made by the Licensing Authority. Any appeal has to be made to the Magistrates Court.
- 6.7 The rights of appeal and reasons for the decision(s) taken by the Council will be provided to all parties concerned with any licensing decision. Decisions will have regard to the Council's statement of licensing policy, statutory guidance, regulations and the Act itself.
- 6.8 The Council will make comprehensive records of any hearing held in connection with its licensing functions under the Act, which will include the recording of hearings.

## **7 ENFORCEMENT**

- 7.1 The Council will establish protocols with the local Police on enforcement issues. This will enable more efficient deployment of local authority staff and Police Officers. The aim of the protocol will be to target higher risk and problem premises while providing a lighter touch in respect of premises which are well run. Inspections of licensed premises will not be undertaken routinely but when and if they are judged necessary.
- 7.2 A protocol will also be developed with local police to ensure that problems in dispersing people from town centres due to inadequate transport arrangements will be reported to the appropriate Council Committee.
- 7.3 Any enforcement action instigated by the licensing authority will be in accordance with the Enforcement Concordat and the Environmental Health Department Enforcement Policy.
- 7.4 The Act sets out a number of offences, proceedings for which may be instigated by the following:-
- The Licensing Authority
  - The Director of Public Prosecutions
  - In the case of an offence under section 146 or 147 (sale of alcohol to children), by the Isle of Wight Trading Standards Department.

## **8 OPERATING SCHEDULES**

- 8.1 The Operating Schedule forms part of the completed application form for a premises licence. It should include information which is necessary to enable any responsible authority or interested party to assess whether the steps to be taken to promote the licensing objectives are satisfactory. Specific requirements on what it should contain and how it should be presented are contained in Section 17 of the Act and in regulations. However, general policies relevant to each of the licensing objectives are detailed below.

## **Prevention of Crime and Disorder**

- 8.2 Licence holders are seen as playing a key role in the prevention of crime and disorder and must address this issue in their operating schedule. The range and scope of control measures will depend on a number of factors including the:
- nature and style of the venue
  - activities being conducted there
  - location of the premises
  - anticipated clientele of the business involved.
- 8.3 It is recognised that club premises may operate under their own codes of discipline to ensure the good order and behaviour of members.
- 8.4 Any individual preparing an operating schedule is at liberty to volunteer any additional measure as a step he or she intends to take to promote the licensing objectives. However, it should be noted that if incorporated into the licence or certificate as a condition, they will become enforceable under the law. A breach of such a condition could give rise to prosecution.
- 8.5 The Council will expect licensees to have adequate management practices in place as well as suitable training for staff, to ensure that sales of alcohol are not made directly or indirectly to persons under the age of 18. Practices also need to be in place to ensure that sales are not made to persons who are either drunk or who may commit crime and disorder.
- 8.6 The Government has recently published its Alcohol Harm Reduction Strategy and later intends to produce a code of good practice for industry. The Council will strongly encourage all retailers of alcohol to sign up to this code to receive accreditation. It is envisaged that adherence to the code could be taken into account when there is an official complaint made against a premises licence.
- 8.7 The Council will also expect licensees to be aware of the misuse of drugs, and take all reasonable steps to prevent the entry of drugs into licensed premises. Licensees must take appropriate steps to prevent drugs being supplied within the premises.
- 8.8 The Council will expect licensees of venues likely to be affected by alcohol or drug abuse, to be familiar with the contents of Chapter 4 (drug awareness) of the BIIAB Level 2 National Certificate for Entertainment Licensees, and to follow the recommendations of that handbook. The Council will also expect the relevant licensees to follow the recommendations of “Safer Clubbing”, issued by the Home Office (ISBN 1840827807).
- 8.9 The Council encourages the usage of community watch schemes. The active membership of schemes such as ‘pub watch’, “club watch” and the like will be seen as an indicator of attempts to reduce crime and disorder.

8.10 The Council supports the establishment and implementation of a protocol agreed with Hampshire Police for the reduction of crime and disorder associated with any licensed activities.

### **Public Safety**

8.11 Applicants must indicate in their operating schedule the steps he/she proposes to ensure public safety. In particular, the provisions of the Health and Safety at Work etc Act 1974, the Management of Health and Safety at Work Regulations 1999 and the Fire Precautions (Workplace) Regulations 1997 (as amended).

8.12 To demonstrate to the Council and other responsible authorities that adequate provision has been made, the following should be included with the Operating Schedule:

- Details of the occupancy numbers to be permitted in the premises, and the management arrangements to ensure they are not exceeded.
- A copy of the emergency plan.
- Details of fire safety provisions and escape routes from the premises to a place of ultimate safety with any significant features should be identified on the plan accompanying the application and described in the operating schedule.
- Supporting evidence demonstrating adequate maintenance of fire safety provisions and systems, e.g. current servicing certificates.
- Adequate provision for the safety of persons with special needs
- Adequate provision of safe ingress and egress to the premises at all times when in use
- Suitable recording of maintenance, tests and training.
- Testing of electrical wiring and systems (temporary and permanent)
- Suitable access for emergency vehicles
- Adequate arrangements for the provision of first aid equipment
- Adequate safety for indoor Sports Entertainment
- Adequate numbers of attendants and marshals
- Adequate arrangements for the safe use and storage of equipment, used for special effects

### **The Prevention of Public Nuisance**

8.13 The Council is committed to reducing the adverse impact of licensable activity, whilst not unduly restricting the legitimate desire of licensees to provide that entertainment. In considering applications the Council will seek to ensure that personal and public amenity are maintained.

8.14 Any activity involving public entertainment or eating or drinking on the premises has the potential to impact adversely on the surrounding area. The impact of noise generated by these activities and customers departing either on foot or in cars, can be particularly intrusive at night when ambient noise levels are much lower.

- 8.15 More strict conditions with regard to noise control will be expected in certain areas of the Island, which have denser residential accommodation or low levels of background noise but this will not justify limiting opening hours without regard to the individual merits of any application.
- 8.16 The Environmental Protection Act 1990 and the Noise Act 1996 provide some protection to the general public from the effects of noise nuisance. In addition, the provisions of Part 8 of the Licensing Act 2003 enable a senior police officer to close down instantly, for up to 24 hours, any licensed premises or temporary events that are causing a noise nuisance. Similar powers under the Anti-social Behaviour Act 2003 are available to the Chief Executive of the relevant local authority or to an authorised Environmental Health Officer.

**Noise Controls**

- 8.17 The operating schedule must have regard to the nature of the area where the premises are situated, the type of premises concerned, the licensable activities to be provided, operational procedures and the needs of the local community. The Council will expect the schedule to demonstrate how it is intended that the premises will be “good neighbours” both to residents and to other venues and businesses. Businesses should have regard to guidance contained in the Good Practice Guide on the Control of Noise from Pubs and Clubs, March 2003 (produced by the Institute of Acoustics) and where appropriate, the Code of Practice on Environmental Noise Control at Concerts (produced by the former Noise Council).

**Noise from Regulated Entertainment**

- 8.18 In certain premises where legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:
- Noise or vibration does not emanate from the premises so as to cause a nuisance to the occupants of nearby properties. This might be achieved by a simple requirement to keep doors and windows at the premises closed, (whilst providing adequate mechanical ventilation)
  - Prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly
  - Prohibit certain rooms from being used for purposes that create noise
  - The use of explosives, pyrotechnics and fireworks of a similar nature, which could cause disturbance in surrounding areas are restricted
  - The placing of refuse – such as bottles – into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties
  - Reducing sound levels and installing a sound limiting device to prevent sound exceeding the appropriate level
  - Installing soundproofing measures to contain sound and vibration

8.19 In all cases the Council will expect the applicant to propose practical steps as to how disturbance to local residents will be prevented and the following general issues should also be covered in the operating schedule:

- The establishment of an appropriate noise assessment procedure
- The establishment of monitoring systems to demonstrate compliance with noise policies and with any specific noise restrictions
- The establishment of an internal communications procedure for dealing with noise issues
- The establishment of methods for logging and responding to noise complaints within appropriate time limits
- The provision of general advice and training on noise control to employees

#### **Anti Social Behaviour**

8.20 It is self evident that the risk of disturbance to local residents is greater when licensable activities continue late at night and into the early hours of the morning. For example the risk of residents' sleep being disturbed by patrons leaving licensed premises is obviously greater at 0200hrs than at 2300hrs.

Premises open after 2300hrs will be expected to have:

- an operating schedule agreed with the Council that indicates the applicant is taking appropriate steps to comply with the licensing objective of preventing public nuisance.
- there will not be any increase in the cumulative adverse impact from these or similar activities, on an adjacent residential area;
- there is a particularly high level of public transport accessibility to and from the premises at the appropriate times; and
- the activity will not be likely to lead to a demonstrable increase in car parking demand in surrounding residential streets.

#### **Exterior Lighting**

8.21 Exterior lighting and security lighting must be positioned to reduce light pollution in neighbouring residential property.

#### **Odour/litter**

8.22 Where necessary and appropriate consideration of the actual or intended controls over odour and litter should be addressed in the operating schedule.

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

8.23 The Council does not seek to limit the access of children to any premises unless it is necessary for the prevention of physical, moral or psychological harm to them. This policy cannot anticipate every issue of concern that could arise in respect of children and individual premises. Consideration of the individual merits of each application remains the best mechanism for judging such matters.

- 8.24 Conditions requiring the admission of children to any premises will not be imposed. This will remain a matter for the discretion of the individual licensee, club or person who has given a temporary event notice. Venue operators seeking premises licences and club premises certificates may volunteer such prohibitions and restrictions in their operating schedules if they have determined that the presence of children is undesirable or inappropriate.
- 8.25 The council will pay particular attention to ensuring the protection of children in the following circumstances:
- 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
  - Premises with a known association with drug taking or dealing
  - Where there is a strong element of gambling on the premises
  - Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises
  - Where entertainment or services of an adult or sexual nature are provided
- 8.26 Entertainment or services of an adult or sexual nature will include topless bar staff, striptease, lap, tabletop or pole dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language. In such circumstances it may sometimes be necessary to impose a complete prohibition on children's access.
- 8.27 It is expected that any operating schedule will demonstrate how the licensee will ensure that no harm comes to any child by virtue of the licensable activities. The range of alternatives for limiting access to children include:
- Limitations on the hours when children may be present
  - Limitations on the exclusion of the presence of children under certain ages when particular specified activities are taking place
  - Limitations on the parts of premises to which children might be given access
  - Age limitations below 18
  - Requirements for accompanying adults and
  - Full exclusion of people under 18 from the premises when any licensable activities are taking place
- 8.28 Where there is provision of entertainment specifically for children (e.g. a children's disco) or where the children themselves are performers, the Council will require the presence of sufficient adults to control the access and egress of the children and assure their safety. In the latter case there must be one supervising adult present at all times for every ten children.

- 8.29 The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to persons 18 years old or older. It is important in protecting children from harm because it addresses the naming, marketing and promotion of alcoholic products sold in licensed premises in a manner which may appeal to or attract minors. The Council commends this code.
- 8.30 The Council expects licensees to include in their operating schedule arrangements for restricting children from viewing age restricted films classified according to the recommendations of the British Board of Film Classification.
- 8.30 Where the exhibition of films is permitted the authority will expect the age restrictions of the British Board of Film Classification (BBFC) in respect of the films to be exhibited to be complied with. Only in exceptional cases will variations of this general rule be granted by the Council and then only with appropriate safeguards.
- 8.31 For specialist Film Festivals where it is desired to show films not classified by the BBFC, the Council will, provided adequate notice has been given, classify the films concerned. The Council will use the guidelines published by the BBFC to do this. This information will be published on the Council's website.
- 8.32 In respect of Licensing matters the Council, as the Licensing Authority, recognises the Isle of Wight Councils Children's Services Directorate as the Responsible Authority in relation to the protection of children. Copies of all applications will be required to be sent to:

Prue GRIMSHAW  
Head of Children and Family Services  
Children's Services Directorate  
17 Fairlee Road  
Newport  
Isle of Wight PO30 2EA

**The Council welcomes comments and observations on this draft Policy. These should be addressed to:**

**Licensing Section  
Isle of Wight Council  
St Nicholas 58 St Johns Road  
Newport  
Isle of Wight PO30 1LT**

**Tel: 01983 823152  
Fax: 01983 823158  
Email: [eh@iow.gov.uk](mailto:eh@iow.gov.uk)**

**APPENDIX A**  
**SCHEDULE OF DELEGATIONS**

<b>Matter to be dealt with</b>	<b>Sub-Committee</b>	<b>Authorised Officer</b>
Application for personal licence	If a police objection	If no objection made
Application for personal licence with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a representation made	If no representation made
Application for provisional statement	If a representation made	If no representation made
Application to vary premises licence/club premises certificate	If a representation made	If no representation made
Application to vary designated premises supervisor	If a Police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a Police objection	All other cases
Applications for interim authorities	If a Police objection	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a complaint is irrelevant, frivolous or vexatious etc		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of a Police objection to a temporary event notice	All cases	
In cases where the Magistrates Court has determined the licence on appeal		All cases

## **APPENDIX B**

### List of consultees

Isle of Wight Crime and Disorder Partnership

Hampshire and Isle of Wight Constabulary

Isle of Wight Fire and Rescue

Isle of Wight Council Children's Services Directorate

Holders of the various licences for premises on the Island who are affected by the policy

Town and Parish Councils and forums

Local businesses and their representatives, specifically the Isle of Wight Chamber of Commerce, Pub Watch and Club Watch and representatives of licensed door supervisors employed on the Island

Local residents and their representatives specifically through Associations

The Isle of Wight Magistrates' Court

St Mary's Hospital Accident and Emergency department

Isle of Wight Primary Care Trust

Other organisations that appear to the Council to be affected by licensing matters covered by this policy

Open consultation through libraries and the internet