



**South Hams
District Council**

DRAFT

Statement of Licensing Policy

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UNDER THE LICENSING ACT 2003

For the period January 2016 to January 2021

(Approved by Full Council on **XXXXXXXXXX**)
(Equality impact assessment updated **XXXXXXXXXXXX**)

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Foreword

This is the third review of our Statement of Licensing Policy which South Hams District Council ('the Council') is required, by law, to carry out every five years.

Since the Licensing Act 2003 came into force in November 2005, the Authority has gained valuable experience in the administration and enforcement of the legislation. We have been keen to develop good working relationships with all licence holders and hope we have succeeded in achieving this aim. We recognise that licensed premises come in all shapes and sizes – whether they are a pub, a restaurant, a community hall or the village shop selling a few bottles of wine – and that our licensing policy must be sufficiently flexible to reflect their differing character and needs. This policy therefore seeks to provide information and guidance to applicants, licence holders, interested parties and responsible authorities on the general approach that the Authority will take when assessing applications and sets out the operating standards we will expect to see.

This revision of our Policy has been carried out as part of the closer working arrangements between Devon authorities. It also makes good sense – given similar characteristics and demographics of some of the Districts – to align our policies as closely as practicable in order to achieve a consistent approach to regulation. This should assist the Responsible Authorities – particularly the police – as it will provide a common baseline for regulation throughout the Authority area.

We will endeavour to apply the Policy fairly, consistently and in a way which promotes the objectives set out in the legislation. Good decision-making makes for good licensing regulation. Officers and Members of the Authority are trained to have a sound understanding of licensing law and the principles which underpin it. This means that applicants and licence holders can be confident that their applications will be dealt with competently and professionally.

The leisure and entertainment industry is a major contributor to the economy of the District. It attracts tourists and visitors to our area, makes for vibrant towns and communities and is a major employer. The Council recognises the value of the industry to the economic health of the area and is keen to promote well managed premises. However, the Council – as the Authority – also has to take account of the needs of its residents who have the fundamental human right to the peaceful enjoyment of their property and possessions. Through this policy, the authority will try to reconcile these often conflicting demands, balancing the legitimate needs of business with the rights of persons living near licensed premises.

In the preparation and publication of this policy South Hams District Council as the Licensing Authority has had regard to the guidance issued by the Home Office under Section 182 of the Licensing Act 2003, including the amended guidance published in March 2015. Nothing in this policy document should be regarded or interpreted as an indication that any requirement of licensing or other law may be overridden.

South Hams District Council (The Licensing Authority)

Statement of Licensing Policy

NB. This Policy is intended to provide general guidance only. It does not constitute a definitive statement of law. Applicants who require legal advice on a specific licensing topic are advised to consult a licensing solicitor. Text in the shaded boxes within this policy is advisory or explanatory and intended only to give general assistance.

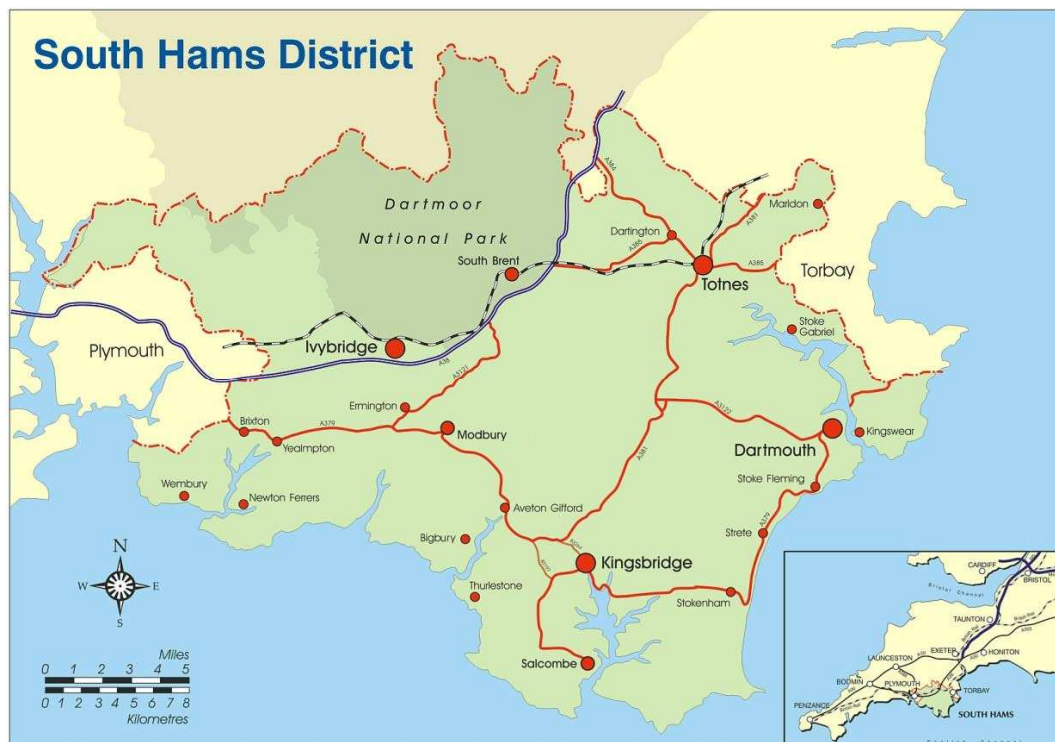
1. Introduction

- 1.1 This Statement of Licensing Policy is based upon the Licensing Act 2003 ("the Act") and is in line with the Home Office Guidance to local authorities and takes effect from the **XXXXXXXXXX**.
- 1.2 The policy relates to all those licensable activities identified as falling within the provisions of the Act wherever they take place, namely: -
- Retail sale of alcohol
 - Supply of alcohol to club members
 - The supply of hot food and /or hot drink from any premises including food stalls between 11pm and 5am.
 - Provision of 'regulated entertainment' - to the public, to club members or with a view to profit
 - A performance of a play
 - An exhibition of a film
 - An indoor sporting event
 - Boxing or wrestling entertainment
 - A performance of live music
 - Any playing of recorded music
 - A performance of dance
 - Entertainment of a similar description to live music, recorded music or dance
- 1.3 The purpose of this Policy is to assist the Licensing Authority in determining licence applications and in setting out those matters that are normally taken into account. Additionally, the document seeks to provide clarity for applicants, residents and members of the business community, thus enabling them to make plans to move to, remain in or invest in the District, with some measure of certainty.

The Licensing Act 2003, section 5 (as amended by s.122 of the Police Reform and Social Responsibility Act 2001) requires a Licensing Authority to prepare and publish a Statement of Licensing Policy every five years. Such a policy must be published before the Authority carries out any function in respect of individual applications made under the Act. The Licensing Authority will keep the policy statement under regular review and make such revisions it feels appropriate. Where revisions are made, the Licensing Authority shall publish a statement of revisions or a revised licensing policy statement.

Officers should be aware of the potential for misunderstanding where English is not the first language.

1.4 Description of the Licensing Authority Area



The South Hams reaches into Dartmoor to the north and enjoys some 60 miles of magnificent coast to the south. The city of Plymouth lies to the west and urban area of Torbay to the east.

It has a population of 83,100 according to the 2011 census, with around 33% of the population living in the four main towns of Dartmouth, Ivybridge, Kingsbridge and Totnes. Approximately 57,000 people live in the surrounding villages, hamlets and isolated cottages spread across the 350 square miles of beautiful countryside.

A significant number of South Hams residents (24%) are retired (compared with 18% in England and Wales) and the average house price in 2014 was £304,000. Unemployment in the area is lower than the national average in 2014 at 5.4% compared to 6.9% but the appearance of the district conceals the statistic that wages are amongst the lowest in England.

The entertainment and tourist industry is a major contributor to the economy of the South Hams. It attracts visitors and local residents, makes for vibrant communities and is a major employer. Tourism makes a significant contribution to the South Hams economy.

At the time of preparing this Policy (August 2015), the Authority has responsibility for regulating:

- 471 Alcohol-licensed premises/clubs
- 70 non-alcohol-licensed premises
- 576 temporary events (2014/15 figure).

The corporate priorities are to promote “Homes, Economy, Community Life and the Environment”.

1.5 Better Businesses for All (BBfA)

- 1.5.1 South Hams District Council are fully committed to the Devon and Somerset Better Business for All (BBfA) Regulatory Services Partnership, which is endorsed by the Better Regulatory Delivery Office (BRDO), part of the Department for Business, Innovation and Skills (BIS). The purpose is to build a local partnership between businesses and regulators across Devon and Somerset to promote economic prosperity, whilst maintaining public protection. This document will ensure that the Regulator will work in accordance with the BBfA principles. In doing so the Authority will create an environment and culture which will support our local businesses by making the activity that is being regulated easy to access, simple and clear to understand, whilst ensuring public protection
- 1.5.2 The Council will listen to business needs and act in an open and transparent way to help shape the way support is provided, this will be done following business consultations and throughout service use.
- 1.5.3 Better Business for All is business-focused, using business-led improvements to create better regulation, support business growth and create a level playing field for businesses. In order to achieve this the Policy will be implemented in a consistent manner with competent enforcement staff who are working with the right attitudes and behaviours for the benefit of our Communities.

2. Consultation

- 2.1 Before determining this Policy, the Licensing Authority (the Authority) consulted with the following statutory consultees, in accordance with the requirements of Licensing Act 2003: -

- the Chief Officer of the Devon & Cornwall Constabulary
- the Devon & Somerset Fire & Rescue Service
- Public Health Devon
- such persons as the Licensing Authority considered to be representative of the holders of premises licences issued by this authority
- such persons as the Licensing Authority considered to be representative of holders of club premises certificates issued by this authority
- such persons as the Licensing Authority considered to be representative of holders of personal licences issued by this authority
- such other persons as the Licensing Authority considered to be representative of businesses and residents in the area

A full list of all of the bodies that this Licensing Authority consulted with can be found at Appendix D

- 2.2 The consultation was carried out in accordance with the HM Government Code of Practice on Consultation. Proper weight has been given to the views of all those consulted prior to implementing this Policy.

- 2.3 The Policy was formally adopted by the Council on **XXXXXXXXXXXX**
- 2.4 The policy statement will remain in existence for a maximum period of 5 years and will then be subject to review and further consultation.

The Licensing Authority may consult beyond the statutory requirements to seek comments from particular bodies or representatives of groups associated with the entertainment industry, arts and culture, Community Safety Partnership and the legal profession. Those consulted include a body competent to advise on child protection, Weights and Measures (Trading Standards), Health and Safety Executive, Environmental Health, Planning and Building Control, Maritime and Coastguard Agency and the Environment Agency.

3. Licensing Objectives

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

- **the prevention of crime and disorder**
- **public safety**
- **the prevention of public nuisance and**

These objectives are the only matters to be taken into account in determining the application and any conditions attached must be appropriate to achieve the licensing objectives. Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.

- **the protection of children from harm**

- 3.2 A licence will only be granted where the Licensing Authority is satisfied that these objectives have been met.

If there are no relevant representations then an application must be granted and subject only to mandatory conditions and conditions consistent with the applicant's operating schedule.

- 3.3 The Licensing Authority requires applicants to address the licensing objectives in their operating schedules having regard to the type of premises, the licensable activities to be provided, the operational procedures, the nature of the location and the needs of the local community.

3.4 Prevention of Crime and Disorder

- 3.4.1 The Authority will endeavour to reduce crime and disorder throughout the Borough, in accordance with its statutory duty under section 17 of the Crime and Disorder Act 1998.

- 3.4.2 The Authority will expect applicants to take appropriate and proportionate measures to promote the crime and disorder objective. Examples of the sources of crime and disorder which the Authority would require applicants to take into consideration may include, but are not limited to:

- Underage drinking;
- Drunkenness on the premises
- Public drunkenness
- Drugs
- Violent behaviour
- Overcrowding/occupancy capacity;
- Anti-social behaviour

3.4.3 Such measures to be taken to promote the crime and disorder objective may include those listed in the Authority's guidance for applicants which can be viewed on the Council website.

3.5 Public Safety

3.5.1 The Act covers a wide range of premises that may require licensing. Each type of premises presents a mixture of safety risks, with many common to most premises and others unique to specific operations. It is essential that the premises are constructed or adapted and operated so as to safeguard occupants against these risks.

3.5.2 The Licensing Authority will have regard to the measures to be taken by applicants to ensure that the physical safety of any person visiting or working in licensed premises is not compromised. This should be demonstrated in an applicant's operating schedule. Factors that may be considered include, but are not limited to:

- The total occupancy capacity (staff, customers, others) of the premises
- Physical environment of the premises
- Customer profile
- Traffic management including access for emergency vehicles
- Crowd management
- Special arrangements for large events
- Use of special effects
- Lighting – emergency and general
- Temporary electrical installations

3.5.3 The Licensing Authority recognises that the Regulatory Reform (Fire Safety) Order 2005 replaced the previous fire safety legislation. Accordingly the Authority will not seek to impose the fire safety conditions on a licence/certificate where the Order applies.

3.5.4 Such measures to be taken to promote the public safety objective may include those listed in the Authority's guidance for applicants which can be viewed on the Council website.

3.6 Prevention of Public Nuisance

3.6.1 Public nuisance can include low level nuisance affecting a few people living locally, as well as a major disturbance affecting the wider community. Nuisance is generally attributable to noise (from loud music or from rowdy customers), vibration, light pollution, noxious smells and litter. Applicants will be required to

demonstrate that they have adequate measures in place in their applications to prevent nuisance and disturbance.

3.6.2 The Authority would expect applicants to have demonstrated in their operating schedule that public nuisance concerns have been identified, with suitable control measures implemented and maintained. Factors that may be considered include, but are not limited to:

- The location of the premises and proximity to residential and other noise sensitive premises.
- The hours of opening, including times when licensable activities may not be taking place, last admission time and 'wind down period'.
- Nature of activities provided.
- Supervision of customers including managing dispersal.
- Odour and light nuisance
- Litter and waste disposal
- Noise management place (where appropriate)

3.6.3 The Licensing Authority will normally expect premises selling hot food or hot drink that is taken off the premises for consumption, or the distribution of flyers or other promotional literature, to make adequate arrangements for the disposal of litter in the vicinity, which is discarded as a result.

3.6.4 Such measures to be taken to promote the public nuisance objective may include those listed in the Authority's guidance for applicants which can be viewed on the Council website.

The Licensing Act 2003 does not exempt licence holders from their statutory obligations under the Environmental Protection Act 1990. But in certain circumstances where existing legislation does not provide adequately for the prevention of public nuisance and representations have been received, consideration might be given to imposing conditions.

3.7 Protection of Children from Harm

3.7.1 The Authority recognises the great variety of premises for which licences may be sought. These include theatres, members' clubs, sports clubs, cinemas, restaurants, pubs, nightclubs, cafes, takeaways, community halls, schools and off-licences. The Authority will not restrict access by children to any particular type of premises unless it is considered appropriate to do so in order to protect them from harm.

3.7.2 The Licensing Authority will expect applicants to demonstrate in their operating schedule that they have considered how they will ensure children using their premises will be protected from harm. Factors that may be considered include, but are not limited to:

- Limitation of access dependent on the nature of activities.
- Specific underage policy – e.g. Challenge 21 or Challenge 25 with staff fully trained on its use.
- Use of British Board of Film Classification for film exhibition.

- Limitation of access to areas used for gambling purposes.
- Child Sexual Exploitation

3.7.3 Such measures to be taken to promote the protection of children from harm objective may include those listed in the Authority's guidance for applicants which can be viewed on the Council website.

The above lists are not exhaustive. Applicants are advised to contact the Licensing Team and other Responsible Authorities for advice on addressing the licensing objectives prior to submission of a premises licence or club premises certificate application

4. The Licensing Function

4.1 Regulation

4.1.1 Licensing is about regulating licensable activities on licensed premises, in qualifying clubs and at temporary events within the terms of the Act. Conditions attached to various authorisations will be focused on matters which are within the control of individual licence holders and others with relevant authorisations, i.e. the premises and its vicinity.

4.1.2 It is recognised that the licensing function is only one means of securing the delivery of the licensing objectives and should not therefore be seen as a panacea for solving all problems within the community. The Licensing Authority will continue to work in partnership with its neighbouring authorities, South Devon and Dartmoor Community Safety Partnership (CSP), the police, fire authority, local businesses and local people towards the promotion of the objectives as outlined.

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, therefore, 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 licensing law will always be part of a holistic approach to the management of the evening and night-time economy in town and city centres.

4.1.3 The Licensing Act is not a cure-all for all anti-social behaviour. Once away from licensed premises, a minority of consumers will behave badly and unlawfully. There is a breadth of other strategies and mechanisms for addressing these problems, for example:

- planning controls
- police enforcement of the normal law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices
- powers of police and local authorities under the Anti-Social Behaviour, Crime and Policing Act 2014
- the prosecution of any personal licence holder or member of staff selling alcohol to people who are drunk

- confiscation of alcohol from adults and children in designated areas
- police powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises
- the power of the police, other Responsible Authorities or a local resident or business to seek a review of the licence or certificate.

The Licensing Authority will continue to work in partnership with other Licensing Authorities, the Responsible Authorities and other agencies, and with local businesses and residents in a co-ordinated approach to tackling alcohol-related crime and anti-social behaviour.

4.1.4 When making licensing decisions, the Licensing Authority will have regard to and take into consideration other legislation, strategies, policies and guidance, including: -

(i) Legislation

- Crime and Disorder Act 1998 (in particular obligations under section 17 relating to the prevention of crime and disorder)
- The European Convention on Human Rights, which is applied by the Human Rights Act 1998
- Equality Act 2010
- Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000
- Health and Safety at Work etc Act 1974
- Environmental Protection Act 1990
- Anti-Social Behaviour, Crime and Policing Act 2014
- Building Regulations
- Regulatory Reform (Fire Safety) Order 2005
- Town and Country Planning Act 1990
- Private Security Industry Act 2001
- Violent Crime Reduction Act 2006
- Police Reform and Social Responsibility Act 2011
- Live Music Act 2012

The Council has a duty to do all that it reasonably can to prevent crime and disorder, under Section 17 of the Crime and Disorder Act 1998.

The Council is under a duty to protect the rights of residents to privacy and family life under Article 8 of the European Convention on Human Rights. At the same time, the Council must recognise the right of legitimate business to operate their premises without unnecessary restraint.

Public authorities have a legal obligation to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different groups.

(ii) Strategies

- Community Safety Partnership Peninsula Strategic Assessment
- Department for Business Innovation & Skills – Age Restricted Products and

- Services: A Code of Practice for Regulatory Delivery
- South Hams Community Safety Strategy
- Current Government alcohol strategy

(iii) Policies

- Better Regulation Delivery Office: Regulators' Code
- Hampton Principles (see glossary)
- Local Plan
- Local Transport Plan
- Enforcement Policies of each Responsible Authority

(iv) Guidance

- Guidance issued under s. 182 of the Licensing Act (Home Office)
- Guidance to Health and Safety at Outdoor Events (The Purple Book)
- Guide to Fire Precautions in Existing Places of Entertainment and Like Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by the Independent Street Arts Network.
- HSE Managing Crowds Safely: A guide for organisers at events and venues
- Technical Standards for Places of Entertainment
- Good Practice Guide on the Control of Noise from Pubs and Clubs (Institute of Acoustics)
- Code of Practice on Environmental Noise Control at Concerts (Noise Council)
- The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks
- Home Office guide to 'Safer Clubbing'
- Local Government Regulation policy on licensing large events
- The Security Industry Authority's guidance on security at large outdoor events.

4.1.5 The aim of the licensing process is to regulate licensable activities so as to promote the licensing objectives. It is the Licensing Authority's wish to facilitate well run and managed premises with licence holders displaying sensitivity to the impact of the premises on the quality of life of persons living and/or working in the vicinity of the premises.

4.1.6 The Licensing Authority recognises that the provision of entertainment is a major contributor to the economy of the South Hams attracting tourists and visitors, making for a vibrant District and is a major employer. Commercial occupiers of premises have a legitimate expectation of an environment that is attractive and sustainable for their businesses. The Licensing Authority will also have regard to wider considerations affecting the residential population and the amenity of any area. These include littering and fouling, noise, street crime and the capacity of the infrastructure and police resources to cope with the influx of people, particularly at night.

4.1.7 In determining a licence application the overriding principle adopted by the Licensing Authority will be that each application will be determined on its

merits. Licence conditions will be tailored to the individual application and only those considered appropriate to meet the licensing objectives will be imposed. Licence conditions will not generally be imposed where other regulatory regimes provide sufficient protection to the public (e.g. health and safety at work and fire safety legislation) unless considered appropriate.

4.1.8 Functions under the Act are to be taken or carried out by its licensing committee who may delegate these functions to sub-committees or in appropriate cases, to officials supporting the Licensing Authority. Many of the decisions and functions will be purely administrative in nature and so will be delegated in the interests of speed, efficiency and cost-effectiveness.

4.1.9 The schedule of delegated authority in accordance to which applications will be dealt, is attached in Appendix A.

4.2 The Licensing Authority as a Responsible Authority

4.2.1 The Licensing Authority is included as one of the Responsible Authorities under the Act. This enables the Licensing Authority to make representations about an application for a premises licence or a club premises certificate, or to apply for a review of a premises licence or club premises certificate.

4.2.2 When the Licensing Authority is acting as a responsible authority it is important to maintain a separation of responsibilities within the Authority's Licensing Team so that there is procedural fairness and to avoid a conflict of interest.

4.2.3 In these cases, different responsibilities will be allocated to different officers within the Authority. This procedure is set out within the Environmental Health Community of Practice delegation of powers.

4.3 Integrating Strategies and Avoiding Duplication

4.3.1 By consulting widely prior to this policy statement being published, the Licensing Authority will endeavour to secure proper integration with local crime prevention, planning, transport, tourism and cultural strategies.

4.3.2 The Licensing Authority will integrate its various strategies to achieve the licensing objectives in the interests of clarity for applicants and effective determination. It will particularly support the Council priorities of the 'Economy' and 'Community Life'.

4.3.3 Where any protocols to be agreed with the police identify a particular need to disperse people from town centres swiftly and safely to avoid concentrations which lead to disorder and disturbance, the Licensing Authority will aim to inform those responsible for providing local transportation so that arrangements can be made to reduce the potential for problems to occur.

4.3.4 The Licensing Authority's Licensing Committee will keep itself informed and consider wider issues which may need to be given due consideration when making licensing decisions. These may include:-

- needs of the local tourist economy
- cultural strategy for the area
- employment situation in the area and the need for new investment and

employment where appropriate

- 4.3.5 The Licensing Authority recognises that it is a fundamental principle of the Act that the licensing function should not duplicate other statutory regulation. In particular, the Authority recognises that licensing applications should not be seen as a repeat of the planning application process and that there is no legal basis to refuse a licence application because it does not have planning permission. It is however recommended that appropriate planning permissions be obtained before an application for a premises licence or club premises certificate is made.
- 4.3.6 In order to avoid duplication with other statutory regimes as far as possible the Licensing Authority will not attach conditions on a licence unless they are considered appropriate for the promotion of the licensing objectives. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation e.g. The Health and Safety. At Work Act 1974 and the Regulatory Reform (Fire Safety) Order 2005.

The planning and licensing systems involve consideration of different (albeit related) matters. Home Office guidance makes it clear that Licensing committees are not bound by decisions made by a planning committee, and vice versa. There are circumstances when as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time.

An alternative example would be if a planning condition relating to noise control was imposed at a premises and the owner subsequently applied for a premises licence. If a planning officer had evidence that there had been a breach of the planning condition it may be appropriate for said officer to make a representation in respect of the licence application. This is because it would relate to the Prevention of Public Nuisance licensing objective.

4.4 Large Scale Public Events and the Safety Advisory Group (SAG) Function

- 4.4.1 Organisers of large scale public events such as festivals, outdoor music concerts, sporting events etc, are recommended to contact the Council to discuss licensing requirements as soon as practicable.
- 4.4.2 The Licensing Authority will expect organisers to work with them and other Responsible Authorities to ensure a co-ordinated approach to the organisation of these types of events. When planning a large scale event – whether this involves licensable activities or not – organisers are likely to be invited to attend a Safety Advisory Group (SAG). The SAG consists of representatives of relevant statutory authorities to provide advice and guidance to help ensure public health and safety. A SAG meeting would generally be recommended for those organising large scale events, however, where there are perceived high risks to public safety, smaller events for up to 500 persons usually authorised by a temporary event notice may also require a SAG meeting.
- 4.4.3 See Appendix E for a list of those authorities included in the SAG meetings.

4.5 Other Legislation

4.5.1 Other statutory requirements may apply to the provision of any regulated activities at a premises and the responsibility for compliance lies with the licence holder.

4.5.2 The grant of a licence does not imply the approval of other legislative requirements.

4.5.3 Public Spaces Protection Order

Under the provisions of the Act, consumption of alcohol is not a licensable activity. However, the Authority recognises that consumption of alcohol can be a major contributory factor to disorder and nuisance both within and outside licensed premises. The Council adopted the relevant powers under the Criminal Justice and Police Act 2001 to designate parts of the District as places where public consumption of alcohol may be restricted.

The Designated Public Place Order (DPPO) has since been replaced by the Public Spaces Protection Order (PSPO) in the Anti-Social Behaviour Crime and Policing Act 2014. PSPOs can be used to restrict the drinking of alcohol in a public space where this has or is likely to have a detrimental effect on the quality of life on those in the locality, be persistent or continuing in nature, and unreasonable.

DPPOs will continue to be valid for a period of three years following commencement of the PSPO in October 2014. A PSPO may not have effect for a period of more than 3 years, unless extended prior to expiration of the order by the local authority in accordance with regulations.

Areas within Dartmouth, Ivybridge, Kingsbridge, Modbury, Roborough & Woolwell, Salcombe, South Brent and Totnes currently have DPPOs. These orders and the specific areas they apply to can be found on the Council website.

4.5.4 Live Music Act 2012; The Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013; The Legislative Reform (Entertainment Licensing) Order 2014

Since 2012, the Government has de-regulated various types of entertainment which previously fell under the control of the Licensing Act 2003.

Included in this de-regulation are the following:

- the provision of live and recorded music at certain times of the day (dependent upon the nature of the premises and other licences in place);
- removal of requirement to licence the provision of facilities for making music or dancing;
- Performance of plays or performance of dance for audiences up to 500 persons;

- Indoor sporting events for audiences up to 1000 persons
- Greco-Roman and freestyle wrestling between 8am and 11pm for audiences up to 1000 persons;
- Exhibition of film that is incidental to another activity;
- Reduced requirements for travelling circuses.

Full details of the de-regulation can be found on the Council's website. If further clarification is required, it is recommended that applicants contact the Licensing Team prior to providing entertainment.

The Authority recognises the importance of encouraging live music as part of the Authority's wider cultural strategy and will endeavour to promote this activity through its licensing function. However, applicants and licence holders must be aware that, although certain types of live music are no longer licensable, this does not mean that such activity is totally exempt from licensing controls. Also the Authority would draw to the organisers' attention the legislation within The Environmental Protection Act 1990 to limit noise nuisance. The legal duty on licence holders to promote the licensing objectives remains. A Responsible Authority or any other person may apply for a review of a premises licence where it can be demonstrated that live music provided under the provisions of the Live Music Act undermines any of the licensing objectives.

When considering whether an activity constitutes 'the provision of regulated entertainment' each case will be treated on its own merits. There will inevitably be a degree of judgement as to whether a performance constitutes live music or not. If in doubt, organisers of events should check with the Licensing Team prior to the event.

4.5.5 Sexual Entertainment Venues

Performances of dance which are "relevant entertainment" within the meaning of the Local Government (Miscellaneous Provisions) Act 1982 ("the 1982 Act") are not affected by The Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013, regardless of the size of the audience or the time of day. "Relevant entertainment" is defined in the 1982 Act as a live performance or live display of nudity that, ignoring financial gain, can be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience.

In almost all cases where a performance of dance is potentially licensable as both the provision of *relevant* entertainment (under the 1982 Act) and *regulated* entertainment (under the 2003 Act), the 1982 Act disapplies the entertainment licensing regime in the 2003 Act in favour of its stricter regime for the control of sex establishments. However, an authorisation under the 2003 Act will be required where:

- the premises are not licensed as a sex entertainment venue under the 1982 Act, and
- relevant entertainment has been provided at those premises on no more than 11 occasions in any 12 month period, with none of those occasions lasting longer than 24 hours or taking place within a month of any other such occasion.

Where the promoter of a sexual entertainment venue wishes to provide any of the licensable activities as outlined in the Licensing Act 2003, in addition to relevant entertainment, a premises licence will also be required to authorise such activities.

The Council's Sexual Entertainment Venues Policy is the subject of separate public consultation and the adopted policy stands separate from this Licensing Policy. The Sexual Entertainment Venues policy can be viewed on the Council's website.

5. The Licensing Process

5.1 Applications

- 5.1.1 Applications may be submitted in hardcopy or (apart from personal licences) they may be submitted electronically. Prior to submitting an application for a premises licence or club premises certificate (or variation to such authorisation), applicants are advised to contact the Licensing Team to discuss. This will usually aid the avoidance of errors when completing the application and will often help to avoid potential representations to the application.
- 5.1.2 Applications, notices or representations shall be treated as having been 'given' to South Hams District Council if delivered personally to any Council office between 09:00 and 17:00 on a working day. Otherwise, documents shall be treated as having been 'given' to the authority in accordance with the principles of 'deemed service' as set out in the Civil Procedure Rules.
- 5.1.3 Where an application or notice is sent via an electronic facility, the application will be deemed to have been 'given' when the applicant has submitted a valid application form and paid the prescribed fee and the application becomes accessible to the Licensing Authority by means of the facility. Where a representation is submitted electronically, it will be treated as having been 'given' at the point when it is submitted and becomes accessible to the Authority.
- 5.1.4 Once submitted, applications for premises licences and club premises certificates must be advertised in accordance with regulations. If an application has not been correctly advertised, the Licensing Authority may reject the application. The Licensing Authority will publish on its website a summary of all new, variation and review applications for premises licences and club premises certificates.
- 5.1.5 The Licensing Authority will expect individual applicants to address the licensing objectives in their operating schedule having regard to the type of premises, the licensable activities to be provided, the operational procedures, the nature of the location and the needs of the local community.

5.2 Representations

- 5.2.1 Representations must be made to the Licensing Authority in writing within the

statutory consultation period. For this purpose, a representation made by email, a website submission, or facsimile transmission will be deemed acceptable.

A hearing is not required where an application has been properly made and no Responsible Authority or other person has made a relevant representation. In these cases, the Licensing Authority must grant the application on the terms sought subject only to conditions which are consistent with the operating schedule and relevant mandatory conditions under the Act.

5.2.2 To be considered 'relevant', representations must relate to the likely effect of the grant of a licence on the promotion of one or more of the four licensing objectives. Both positive and negative representations will be considered. However, if a representation is deemed to be repetitious, frivolous or vexatious it may be disregarded.

5.2.3 Where relevant representations are received in respect of an application, it will be considered at a licensing sub-committee meeting (or hearing). Any application for a review of a licence will be considered at such a hearing. If no relevant representations are received, the application will be granted as applied for.

Where a notice of a hearing is given to an applicant, the Licensing Authority is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the applicant with copies of the relevant representations that have been made. In exceptional circumstances, persons making representations to the Licensing Authority may be reluctant to do so because of fears of intimidation or violence if their personal details, such as name and address, are divulged to the applicant. Where the Licensing Authority consider that the persons has a genuine and well-founded fear of intimidation and may be deterred from making a representation on this basis, they may wish to consider alternative approaches.

5.3 Determining Applications

5.3.1 In determining a licence application, the overriding principle adopted by the Licensing Authority will be that each application will be determined on its merits in the context of the four licensing objectives.

5.3.2 A key consideration of the Licensing Authority when determining applications will be the adequacy of measures proposed by the applicant to promote the licensing objectives. The Licensing Authority will also have regard to any guidance issued by the Home Office, this Statement of Licensing Policy and any measures it deems appropriate to promote the licensing objectives. The Authority may depart from the guidelines in this policy if it has justifiable and compelling reasons to do so. The Authority will give reasons for any such departure from policy.

5.3.3 The Authority will also have regard to wider considerations affecting the residential population, businesses and the amenity of an area. These include alcohol-related violence and disorder, anti-social behaviour, littering, fouling, noise and the capacity of the infrastructure and police resources to cope with the movement of large numbers of people, particularly late at night and in the early morning.

- 5.3.4 In reaching a decision on whether or not to grant a licence, the Licensing Authority may take account of any non-compliance with other statutory requirements brought to its attention, if these undermine the licensing objectives. This is because any non-compliance with other statutory requirements may demonstrate that the premises are unsuitable for the activities proposed, or that the management of the premises is not adequate to protect the public from harm or nuisance.
- 5.3.5 When determining an application, the Authority will consider all relevant evidence, both oral and written, provided by parties to a hearing. Evidence which is irrelevant may be disregarded. The Authority encourages applicants and persons making representations to attend hearings so that they can give evidence. Where an individual fails to attend the hearing, the Authority will consider their application or representation but may attach less weight to it.
- 5.3.6 When determining an application, the Authority is making a judgement about risk. A key purpose of the licensing function is not to respond to crime and disorder, nuisance or public harm once it has happened, but to make an informed assessment of the risk of such things occurring if a licence is granted. The Authority will then take such steps as it considers appropriate to prevent or minimise such risks.
- 5.3.7 The Authority will generally give its decision on an application at the end of a hearing and will give clear reasons for its decision. In all other cases, the authority will make its determination within five working days.
- 5.3.8 Applicants, Responsible Authorities and any person who has made a representation in respect of an application, may appeal the Licensing Authority's decision to the Magistrates' Court. An appeal must be made within 21 days of formal notification of the decision.

The Licensing Committee will consist of between 10 and 15 elected members of the Council and will establish Sub-Committees consisting of 3 members of the Committee.

The Act provides that decisions and functions may be taken or carried out by Licensing Committees or delegated to Sub-Committees or in appropriate cases, to delegated officers supporting the Licensing Authority.

5.4 Mobile Vehicles, Remote, Internet and Other Delivery Sales

- 5.4.1 The Licensing Authority shall have regard to sales of alcohol which are made remotely, by mobile methods, internet or by other delivery sales.
- 5.4.2 The expectation of the Authority is that conditions suggested by way of operating schedules for these types of activities are extremely robust in order to negate any perceived issues.
- 5.4.3 Persons who wish to run premises providing 'alcohol delivery services' should notify the Licensing Authority that they are operating such a service in their

operating schedule. Premises with an existing licence permitting 'off-sales' who wish to include such a service as a new way of operating should consider applying to vary their licence to incorporate additional conditions to address the licensing objectives (this would usually be by way of a minor variation).

6. Licensing Hours

- 6.1 The Licensing Authority will deal with the issue of licensing hours on the individual merits of each application. When the Authority's discretion is engaged, consideration will be given to the individual merits of an application but the presumption will be to grant the hours requested unless there are objections to those hours raised by a Responsible Authority or other persons on the basis of the licensing objectives. However, when issuing a licence with hours beyond midnight it is more likely that relevant representations will be made unless there are higher standards of control included within operating schedules in order to promote the licensing objectives especially for premises which are situated near residential areas or in areas where anti-social disorder takes place.
- 6.2 There is no presumption within the legislation for longer opening hours over objections from local residents and businesses located in the vicinity of licensed premises. The Licensing Authority will consider extensions of hours in the interests of avoiding a concentration of disturbance while ensuring that nuisance is minimised to local residents. Entertainment providers will be encouraged to provide and promote a range of entertainment during their opening hours including live music, dancing and theatre for the wider cultural benefit of the community. It will be a matter for individual applicants to address the licensing objectives in their operating schedule within the context of the nature of the location, type of premises, entertainment to be provided, operational procedures and the needs of the local community.
- 6.3 When relevant representations are made to the Licensing Authority relating to the potential for crime, disorder and/or nuisance, the discretion of the Licensing Authority will be engaged. The Authority strongly encourages the adoption of best practice. This includes the expectation, as an item of best practice that CCTV will be provided in those premises that wish to trade in the sale of alcohol beyond midnight, for the purpose of preventing crime and disorder and to promote public safety. Applicants for such licences should undertake a risk assessment with regard to CCTV and are expected to include CCTV in their operating schedule. Where they elect not to do so, they are strongly advised to provide information explaining that omission. For example, that the risk assessment has shown CCTV to be unnecessary.
- 6.4 The terminal hours will normally be approved where the applicant can show that the proposal would not adversely affect the licensing objectives unless, after hearing relevant representation the Licensing Authority believe it appropriate to restrict the hours required due to the nature of the activities and the amenity of the area.
- 6.5 The Licensing Authority will generally require there to be a greater time gap

between the terminal hour for the sale or supply of alcohol and the closing time, in premises used primarily for the consumption of alcohol on the premises such as nightclubs and pubs, than those premises where alcohol is very much ancillary to a substantial meal.

- 6.6 Zoning refers to the setting of fixed trading hours within a designated area and will not be introduced as this can lead to the significant movement of people across boundaries in search of premises opening later. The Licensing Authority recognises that this 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. Flexible licensing hours in relation to the sale of alcohol may therefore be considered as a potential means of reducing friction at late night food outlets, taxi ranks and other 'flashpoints' in areas where there have been incidents of disorder and disturbance.
- 6.7 Because opening hours, (even those when no licensable activity is taking place) may themselves impact on the licensing objectives, the Authority will require any proposed change to opening hours for an existing licence to be authorised by way of a variation to the licence. In many cases this could be achieved by way of a minor variation application.
- 6.8 Shops, stores and supermarkets will generally be permitted to sell alcohol for consumption off the premises during the normal hours they intend to open for shopping purposes unless there are exceptional reasons relating to the licensing objectives, in particular the prevention of crime and disorder and public nuisance. This could be if an individual shop is known to be a focus of disorder and disturbance and relevant representations have been received. Another such reason may be a particularly early opening time, where there are reasons to believe that the availability of alcohol at that hour could impact adversely on the licensing objectives.

'Drinking Up Time' – It is important for applicants for Premises Licences and Club Premises Certificates to note that there is no additional 'drinking up time' in the 2003 Act. Applicants must stipulate on their operating schedule the times during which they propose to sell or supply alcohol to customers and also stipulate the overall times the premises will be open. It therefore follows the applicant may wish to build into their operating schedule sufficient time to allow customers to consume their alcohol and allow sufficient time for the customer to vacate the premises in a quiet and orderly manner and to achieve the licensing objectives.

7. Licence Conditions

- 7.1 Conditions include any limitations or restrictions attached to a licence or certificate and essentially are the steps or actions that the holder of the premises licence or the club premises certificate will be required to take or refrain from taking in relation to the carrying on of licensable activities at the premises in question. There are three types of condition:
- mandatory conditions set out in the Act;
 - conditions consistent with the operating schedule; and
 - conditions imposed by the Licensing Authority

- 7.2 Conditions will relate to the premises being used for licensable activities and the impact of those activities in the vicinity. In this regard the Licensing Authority will primarily focus on the direct impact of any activities taking place on those living, working or otherwise engaged in the area concerned.
- 7.3 Conditions attached to licences and the various other permissions issued under the Act will focus on matters falling within the control of individual licence holders. It is recognised that the licensing function is not to be seen as a mechanism for the general control of anti-social behaviour by individuals/groups once they are beyond the direct control of the licence holder of any premises concerned. However, the Licensing Authority's discretion may be engaged if there is an evidential link between the disorderly behaviour and the licensed premises.
- 7.4 The Licensing Authority will avoid imposing disproportionate and over burdensome conditions on premises. The Authority may, however, impose conditions where existing legislation does not provide adequate controls and additional measures are considered to be appropriate for the promotion of the licensing objectives. The Licensing Authority does not propose to implement standard conditions on licences across the board but instead, if its discretion is engaged, will attach conditions as appropriate given the

The Licensing Authority will only be able to consider imposing conditions if a relevant representation has been received. If no representations are received, the application must be granted in the terms sought and no additional conditions imposed.

circumstances of each individual case.

- 7.5 Failure to comply with any condition attached to a licence or certificate is a criminal offence. It is therefore paramount that conditions are worded clearly, precisely and unambiguously. In addition, conditions must:
- be appropriate, reasonable and proportionate
 - be enforceable
 - not duplicate other statutory requirements
 - be relevant to the particular type, location and character of the premises concerned
 - not be standardised
 - not replicate offences set out in the Act or in other legislation
 - be written in a prescriptive format

Home Office guidance states that the conditions that are appropriate for the promotion of the licensing objectives should emerge initially from the risk assessment carried out by a prospective licence or certificate holder, which they should undertake before making their application for a premises licence or club premises certificate.

- 7.6 The Licensing Authority encourages applicants to consult with responsible authorities (such as Police and Environmental Health) when preparing their operating schedules to allow for liaison before representations (objections) prove necessary. The Licensing Authority's experience has shown that many

of the conditions requested on applications have been vague, uncertain, imprecise and unenforceable. As an aid to applicants or their representatives, the Licensing Authority has formulated a menu of common conditions which applicants are invited to use when preparing their operating schedules. The Authority, in consultation with the applicant, may amend the wording of proposed conditions where this is unclear, ambiguous or unenforceable.

Home Office guidance states that it is not acceptable for Licensing Authorities to simply replicate the wording from an applicant's operating schedule. A condition should be interpreted in accordance with the applicant's intention.

7.7 Designated Premises Supervisors (DPS)

- 7.7.1 It is a requirement that all premises licensed for the sale of alcohol (other than certain Community Premises and Members' Clubs) must have a Designated Premises Supervisor (DPS) specified on the licence. This person must be a Personal Licence Holder. The Licensing Authority will normally expect the DPS to be given the day-to-day responsibility for running the premises by the premises licence holder and therefore be present on the premises on a regular basis in order to ensure the licensing objectives are being complied with.
- 7.7.2 Although not a legal requirement, the Licensing Authority recommends as good practice – in respect of premises licensed to sell or supply alcohol for consumption on the premises – that a Personal Licence Holder is on the premises at all times to make or authorise such sales or supplies. The Authority is keen to encourage the presence of properly trained staff on licensed premises. Applicants may wish to consider including this as a condition of licence, where appropriate, as a measure to promote the licensing objectives.
- 7.7.3 Should the DPS or other Personal Licence Holder be unavailable for a significant length of time, a responsible person should be authorised to oversee the sale of alcohol in their place. The Authority will expect the authorisation to be made in writing, kept securely on the premises and made available for inspection by an authorised person if requested.

NB. 'Authorisation' does not mean direct supervision. The government recommends that Personal Licence Holders give specific written authorisations to individuals they are authorising to sell or supply alcohol and that such individuals are clearly identified.

7.8 Disapplication of Certain Mandatory Conditions for Community Premises

- 7.8.1 An amendment to the Licensing Act 2003 made in 2009 allows certain community premises which have or are applying for a premises licence that authorises alcohol sales to also apply to include the 'alternative licence condition' instead of the usual mandatory conditions in sections 19(2) and

19(3) of the Act (requirement for a DPS and for alcohol sales to be made or authorised by a Personal Licence Holder). Such an application may only be made if the licence holder is, or is to be, a committee or board of individuals with responsibility for the management of the premises. The Licensing Authority will expect such applicants to provide information about the committee structure, how events will be managed and a robust hiring agreement.

7.8.2 Where it is not clear whether premises are community premises, the Authority will approach the matter on a case by case basis. The main consideration will be how the premises are predominantly used. If they are genuinely made available for community benefit most of the time, and accessible by a broad range of persons and sectors of the local community for purposes which include those beneficial to the community as a whole, the premises will be likely to meet the definition.

8. Cumulative Impact

'Cumulative impact' is not mentioned specifically in the Act, but Home Office guidance states that it means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. Variable licensing hours may facilitate a more gradual dispersal of customers from premises. However, in some cases, the impact on surrounding areas of the customers of all premises taken together will still be greater than the impact of customers of individual premises. Where a Licensing Authority believes that a particular area is becoming saturated with licensed premises, it may adopt a 'special policy' of refusing applications for new premises licences where relevant representations relating to cumulative impact have been received.

- 8.1 The cumulative impact of licensed premises on the promotion of the licensing objectives is a matter which the Licensing Authority can take into account. This should not, however, be equated with 'need' which relates more to the commercial demand for a particular type of premises. The issue of 'need' is a matter for planning consideration or for the market to decide and does not form part of this licensing policy statement.
- 8.2 If the Licensing Authority receives relevant representations suggesting that the cumulative impact of new licences is leading to an area becoming saturated with premises of a particular type and thereby creating exceptional problems of disorder and nuisance over and above the impact of the individual premises, the Authority may consider the issue of cumulative impact when determining an application. The onus is on any person or organisation making such representations to prove the assertion that the addition of the premises concerned would cause the cumulative impact claimed.
- 8.3 The Licensing Authority does not propose to operate a quota of any kind which would pre-determine any application, nor will it seek to impose general limitations on trading hours in particular areas. Regard will be given to the individual characteristics of the premises concerned within a given area. It is recognised that pubs, nightclubs, restaurants, hotels, theatres, cinemas and other clubs all sell alcohol, serve food and provide entertainment, but with

contrasting styles and characteristics. Proper regard will be made to those differences and the impact they are likely to have on the local community and the licensing objectives.

8.4 In determining whether to adopt a 'special' policy for a particular area the Licensing Authority may, among other things: -

- Gather evidence or identify that a particular concentration of licensed premises in a particular part of the South Hams is causing concern about crime and disorder; public safety; public nuisance; or protection of children from harm.
- Consider whether there is robust evidence of crime and disorder or public nuisance and whether this is caused by customers of licensed premises or that the risk of cumulative impact is imminent.
- Identify the boundaries of the area where problems are occurring (this can involve mapping where the problems occur and identifying specific street or localities where such problems arise).
- Make an assessment of the cause(s)
- Consult those specified in section 5(3) of the Act
- Include and publish details of any special policy in this licensing policy.
- Review any such special policy regularly

The effect of adopting a saturation policy of this kind is to create a rebuttable presumption that applications for new premises licences or club premises certificates or material variations which are likely to add to the existing cumulative impact will normally be refused, if relevant representations to that effect are received, unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

However, a special policy must stress that this presumption does not relieve Responsible Authorities and other persons of the need to make relevant representations before the Licensing Authority may lawfully consider giving effect to its special policy.

8.5 Where there is evidence that a particular area of the South Hams is already suffering adverse effects arising from the concentration of late night premises, or that residential areas are under stress, this will be taken into account in determining any further applications for premises within the area identified. As such the Licensing Authority may take into account matters such as: -

- The character of the surrounding area
- The impact of the licence on the surrounding area, both individually and cumulatively with existing licences
- The nature and character of the proposed operation
- Evidence from a Responsible Authority of potential or actual negative impact on the licensing objectives in any given area
- The number of substantiated complaints about licensed premises received from residents and /or businesses in any given area.

8.6 Following the consultation process the Licensing Authority have decided it is not necessary for a special saturation policy in the South Hams at this time.

9. Enforcement

9.1 Enforcement Activity and Policy

- 9.1.1 The Licensing Authority has established protocols with the police and other enforcing authorities. These protocols will provide for the targeting of agreed problem and high-risk premises, but with a lighter touch being applied to those premises which are shown to be well managed and maintained.
- 9.1.2 The Licensing Authority will continue to liaise with the Police Licensing Section and the Devon & Somerset Fire & Rescue Service to inspect licensed premises. This joint partnership approach is intended to maximise the potential for controlling crime, disorder and hazards at premises and to ensure compliance with relevant conditions as appropriate.
- 9.1.3 In general, action will only be taken in accordance with agreed enforcement principles and in line with the Licensing Authority's own enforcement policy. To this end the key principles of consistency, transparency and proportionality will be maintained.
- 9.1.4 A graduated response is effected where there is evidence of contravention of licensing legislation or licence conditions. Whilst an isolated or minor breach might be dealt with by way of an oral or written warning, more serious breaches are likely to attract prosecution and/or a review of the licence.

9.2 Review

- 9.2.1 A Responsible Authority or any other person can, at any time following the grant of a premises licence or club premises certificate, apply to the Licensing Authority to review the licence/certificate because of concerns arising at the premises which may have an adverse impact on any of the licensing objectives. The Authority regards this as a valuable protection for residents and businesses. Applications for a review must be made in writing and will be considered by a Licensing Sub-Committee at a hearing.
- 9.2.2 Any application for a review should be treated seriously. Responsible authorities will aim to give licence/certificate holders early warning of any concerns identified at a premises, and talk to the licence/certificate holder to establish whether there are any steps they may be willing to take to rectify the situation. Similarly those seeking a review which are not a responsible authority are encouraged to take initial steps such as:
- Asking the Licensing Authority to talk to the licence/certificate holder on their behalf
 - Asking their local MP or Councillor to speak to the licence/certificate holder on their behalf
 - Talking to the relevant responsible authority to establish whether there is other action that can be taken to resolve the problem
- 9.2.3 The review process is not intended as a means of challenging the grant of a

licence following the failure of representations to persuade the Licensing Authority on an earlier occasion. No more than one review from a person other than a Responsible Authority will be entertained in relation to a particular premises within a period of twelve months on similar grounds, save in compelling circumstances (e.g. where new problems have arisen) or where it arises following a closure order made under s.160 or s.161 of the Act.

- 9.2.4 When considering a review of a premises licence or club premises certificate, the Authority will expect applicants for the review to provide evidence of previous infringements of licensing regulations, failure to comply with the licence conditions and/or failure to promote the licensing objectives.
- 9.2.5 Following a review, the Authority will focus any remedial action directly on the concerns identified in the representations. In all cases, action will be appropriate, reasonable and proportionate to the nature of the problems giving rise to the review. Options available are:
- to modify the conditions of the premises licence
 - to exclude a licensable activity from the scope of the licence);
 - to remove the designated premises supervisor
 - suspend the licence for a period not exceeding three months;
 - revoke the licence.
 - to take no action
- 9.2.6 In cases where the crime and disorder objective has been undermined or where it can be demonstrated that a premises has a history of persistent offending, suspension or revocation of a licence, even in the first instance, may be seriously considered as a form of deterrence.
- 9.2.7 Any person aggrieved by a decision of the Authority has the right of appeal to the Magistrates' Court. An appeal must be made within 21 days of the Licensing Authority's decision.

10. Children and Licensed Premises

- 10.1 The Licensing Authority recognises the great variety of premises for which licences may be sought. These will include theatres, cinemas, restaurants, pubs, nightclubs, cafes, takeaways, community halls and schools. Access by children to all types of premises will not be limited unless it is considered appropriate to do so in order to protect them from physical, moral or psychological harm. In all other cases it will generally be left to the discretion of the licence holder.
- 10.2 When deciding whether to limit the access of children, the Licensing Authority will judge each application on its own individual merits. Examples which may give rise to concern in respect of children would include premises:
- where entertainment of an adult or sexual nature is provided
 - where there is a strong element of gambling taking place
 - with a known association with drug taking or dealing
 - where there have been convictions of current management for serving alcohol to those under 18

- where the supply of alcohol for consumption on the premises is exclusive or primary purpose of the services provided at the premises.
 - where there are unsupervised areas (for example toilets, beer gardens, play zones).
- 10.3 One of the risks at licensed premises is that of sexual exploitation. To minimise the risk to children and young people, premises need to have preventative systems in place.
- 10.4 In such circumstances as listed in paragraph 10.2 above the Licensing Authority would expect for the applicant to suggest restrictions in relation to access for children. If such restrictions are not contained within the operating schedule, then if relevant representations are made the Licensing Authority will consider making such restrictions as are deemed appropriate to meet the licensing objectives.
- 10.5 Where relevant representations have been received, the Authority may impose conditions on licences for premises where children will be present at places of regulated entertainment so that sufficient adult staff must be present to control the access and egress of children and to ensure their safety. Where children may also be present at an event as entertainers there may be a requirement for there to be a nominated adult responsible for such child performers at such performances.
- 10.6 The Licensing Authority will take strong measures to protect children where any licence holder is convicted of serving alcohol to minors, premises have a known association with drug taking or dealing, gambling takes place on the premises or where entertainment of an adult or sexual nature is commonly provided. The options available for limiting access by children would include: -
- a limit on the hours when children may be present
 - a limitation or exclusion when certain activities are taking place
 - the requirement to be accompanied by an adult
 - access may be limited to parts of the premises but not the whole
 - an age limitation (for under 18s)
 - full exclusion of people under 18 from a premises when any licensable activities are taking place.
- 10.7 The Licensing Authority will not impose any condition which specifically requires access for children to be provided at any premises. Where no restriction or limitation is imposed the issue of access will remain a matter for the discretion of the individual licence holder or club.
- 10.8 In relation to exhibition of films a mandatory condition will apply requiring access to be restricted to those who meet the required age limit in accordance with any certificate granted by the British Board of Film Classification or by the Licensing Authority itself.
- 10.9 In relation to theatrical entertainment it may be appropriate to impose a condition to restrict the admission of children to theatres which are incorporating adult entertainment in their productions. It may also be

appropriate where entertainment is provided specifically for children to consider whether a condition should be attached requiring the presence of a sufficient number of adult staff to ensure the wellbeing of children during an emergency.

- 10.10 The Licensing Authority recognises Children and Young People's Services of Devon County Council as being competent to advise on matters relating to the protection of children from harm.

The protection of children from harm includes the protection of children from moral, psychological and physical harm and this would include the protection of children from too early an exposure to strong language and sexual expletives for example in the context of film exhibitions or where adult entertainment is provided.

11. Drugs / Illegal Substances

- 11.1 The Licensing Authority recognises that drug use is not something that is relevant to all licensed premises. However, if relevant representations are made, special conditions may need to be imposed for certain types of venues in support of the prevention of the sale and consumption of drugs and to create a safer environment for those who may have taken them. The conditions to be imposed in such cases are taken from the Home Office pool of conditions which take into account the report "Safer Clubbing" issued by the Home Office. The sale or use of new psychoactive substances (NPS) – previously known as 'Legal Highs' – is not regulated under the Act. However the Authority will consider any issue with NPS in line with current legislation and government policy. In all cases where the Authority deems such conditions are appropriate for the promotion of the licensing objectives, advice will be taken from the local Drugs Action and Alcohol Team and the Police.

New psychoactive substances (NPS) mimic the effects of illegal drugs (like cocaine, cannabis and ecstasy) while being designed to evade controls. For this reason they were previously known as 'Legal Highs'. Home Office guidance advises that Licensing Authorities may wish to consider whether conditions are appropriate to prevent the sale of such products alongside the sale of alcohol at a licensed premises, including at off-licences. Some NPS contain controlled drugs, and therefore are illegal, in which case the Authority would involve the police. But some NPS are not illegal; there is evidence that such NPS products can cause harm, particularly if taken in combination with alcohol.

12. Door Supervisors

- 12.1 Whenever any persons are employed at licensed premises to carry out any security activity, all such persons must be licensed by the Security Industry Authority (SIA). Competent and professional door supervisors are key to public safety at licensed premises.
- 12.2 The Licensing Authority, having regard to advice from relevant Responsible Authorities, may consider that certain premises, because of their nature of operation, their capacity, their licensing hours and the licensable activities

provided, may require stricter supervision for the purpose of promoting the reduction of crime and disorder and public nuisance. In such cases, if relevant representations are made, the Licensing Authority may impose a condition that licensed door supervisors must be employed at the premises either at all times or at such times as certain licensable activities are being carried out.

- 12.3 The Authority recognises that door supervisors have an important function in terms of supervising customers not only inside premises but also outside. Door supervisors will therefore be expected to take a pro-active role in managing the behaviour of customers within the immediate vicinity of the premises in order to minimise disturbance and nuisance to nearby residents. Licence holders should ensure in particular that, at closing times, they have sufficient door supervisors to effectively control 'surges' of customers leaving premises.

13. Licensed Vessels

- 13.1 There are additional Responsible Authorities stipulated in the Act which relate to the licensing of vessels (see Appendix C). The Licensing Authority will consider any representations made by these Responsible Authorities when considering applications for premises licences in respect of vessels. Where, in the opinion of the Licensing Authority, any of the four licensing objectives are undermined, and this cannot be resolved through the imposition of conditions, the application will be refused.

14. Temporary Event Notices (TENs)

- 14.1 The Licensing Act 2003 makes provision for regulating temporary events involving the supply of alcohol, the provision of regulated entertainment or the provision of late night refreshment at a premises which are not authorised by a premises licence or club premises certificates to authorise extensions to their permitted hours.
- 14.2 The system of temporary activities is intended as a light touch process, and as such, the carrying on of licensable activities does not have to be authorised by the licensing authority on an application. Instead, a person wishing to hold an event at which such activities are proposed to be carried on (the 'premises user') gives notice to the Licensing Authority of the event (a 'temporary event notice' or 'TEN').
- 14.3 A number of limitations are imposed on the use of TENs by the Act. The limitations apply to:
- the number of times a premises user may give a TEN (50 times in a calendar year for a personal licence holder and five times in a calendar year for other people);
 - the number of times a TEN may be given for any particular premises (12 times in a calendar year, due to increase to 15 times in Jan 2016);
 - the maximum duration of an event authorised by a TEN is 168 hours;

- a maximum total duration of the events authorised by TENs in relation to individual premises (21 days in a calendar year);
 - the maximum number of people attending at any one time (fewer than 500); and
 - the minimum period between events authorised under separate TENs in relation to the same premises (not including withdrawn TENs) by the same premises user (24 hours).
- 14.4 A TEN can be used for any 'premises'. This could be a building, a room in a building, a vehicle, a marquee, an open field etc. A TEN may only be given by an individual (aged over 18) and not by an organisation or club or business.
- 14.5 There are two types of TEN; a standard TEN and a late TEN. A standard TEN must be given no later than ten working days before the event to which it relates; a late TEN must be given not before nine and no later than five working days before the event. (NB. Notice periods do not include the day the Notice is given to the Licensing Authority or the day of the event. If this minimum period of notice is not given, the Authority will reject the Notice and the licensable activities may not take place).
- 14.6 The police and South Hams District Council's Environmental Health ('relevant persons') may object to a TEN. If the Authority receives an objection notice from a relevant person that is not withdrawn, it must (in the case of a standard TEN only) hold a hearing to consider the objection (unless all parties agree that this is unnecessary). The Authority must consider any objection on the basis of the licensing objectives and decide whether the event should go ahead. Relevant persons may also intervene by agreeing a modification of the proposed arrangements directly with the person giving the TEN.
- 14.7 Where an objection is received, the Authority may impose conditions on a TEN but only where the venue at which the event is to be held has an existing premises licence or club premises certificate. The Authority may only otherwise intervene if the statutory permitted limits on TENs would be exceeded.
- 14.8 When giving a TEN, the premises user should consider the promotion of the four licensing objectives. Organisers are strongly advised to contact relevant persons for advice at the earliest opportunity when planning events. Planning at an early stage may well minimise or avoid potential objections. Where amplified music is to be provided after 11pm, it is recommended that organisers provide a noise management plan with their TEN, as this is likely to be required by Environmental Health to avoid a representation.
- 14.9 Where the TEN includes the supply of alcohol, the responsibility for the supply rests with the person giving the Notice (the 'premises user'). The premises user does not have to be on the premises for the entire duration of the event but will be liable for any offences committed.

15. Late Night Levy

- 15.1 At the time of approving this Policy, this Authority has taken no decision to implement the Late Night Levy, but is aware that it is a power which it can use if

it considers it appropriate for the promotion of the licensing objectives.

- 15.2 The Late Night Levy is a power conferred on Licensing Authorities by Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011. This provision came into force on 31st October 2012 and enables the Authority to charge a levy on premises in the Authority's area which are licensed to sell alcohol late at night as a means of raising a financial contribution towards the costs of policing the late-night economy. The levy applies to the whole of the Authority's area.
- 15.3 The levy will be payable by the holder of any premises licence or club premises certificate in the Authority's area which authorises the sale or supply of alcohol on any days during the 'late night supply period'. This is a period beginning at or after midnight and ending on or before 6am.
- 15.4 The decision to introduce the levy is for the Licensing Authority to make. Before making any such decision, the Licensing Authority must consult the Chief Officer of Police, the Police and Crime Commissioner and the holders of relevant late night licences or certificates. Local residents can use existing channels and forums to put forward views and call for the implementation of the levy in their area if they wish to do so.
- 15.5 The Licensing Authority must pay at least 70% of the net levy to the police. A Licensing Authority can deduct the costs it incurs in connection with the introduction, administration, collection, variation and enforcement of the levy prior to the levy revenue being apportioned between the police and Licensing Authority. The Licensing Authority has discretion to exempt certain premises – prescribed by regulations – from the levy and to reduce the amount of the levy by 30% for premises which participate in business-led best practice schemes
- 15.6 The Authority will review the need for a Late Night Levy at least every five years in conjunction with the review of this policy. The Authority will, however, consider the introduction of a Late Night Levy at any time if circumstances change and evidence supports this course of action.

16. Early Morning Restriction Orders

- 16.1 Early Morning Restriction Orders (EMROs) are a new licensing power conferred on Licensing Authorities by s.119 of the Police Reform and Social Responsibility Act and came into force on 31st October 2012. This power enables a Licensing Authority to prohibit the sale of alcohol for a specified time period between the hours of midnight and 6am in the whole or part of its area if it is satisfied that this would be appropriate for the promotion of the licensing objectives.
- 16.2 EMROs are designed to address recurring problems such as high levels of alcohol-related crime and disorder in specific areas at specific times, serious public nuisance and other instances of alcohol-related anti-social behaviour which are not directly attributable to specific premises.

- 16.3 The decision to implement an EMRO must be evidence based. Evidence will be considered from partners including Responsible Authorities and local Community Safety Partnerships alongside the Authority's own evidence to determine whether an EMRO is appropriate for the promotion of the licensing objectives.
- 16.4 Measures that may be considered in advance of making an EMRO include:
- introducing a Cumulative Impact Policy
 - reviewing licences of specific problem premises
 - encouraging the creation of business-led practice schemes in the area
 - other mechanisms designed for controlling cumulative impact see 8.4
 - encouraging licence or certificate holders to make variations with respect of hours of licensable activities
- 16.5 The only exemptions relating to EMROs are premises which are authorised to sell alcohol between midnight and 6am on New Year's Eve and the provision of alcohol to residents in premises with overnight accommodation by means of mini bars and room service.
- 16.6 At the time of approving this Policy, this Authority has taken no decision to introduce an EMRO, but is aware that it is a power which it can use if it considers it appropriate for the promotion of the licensing objectives.
- 16.7 The Authority will review the need for an EMRO at least every five years in conjunction with the review of this policy. The Authority will consider the introduction of an EMRO at any time if circumstances change and evidence supports this course of action.

17. Fees

- 17.1 Following amendments that came into force in October 2012, the Act requires a Licensing Authority to suspend a premises licence or club premises certificate if the annual fee is not paid when it is due.
- 17.2 It is the practice of this Authority to issue an invoice for the annual fee. Non-payment will then result in a suspension notice being served. Regulations state that the premises licence or club premises certificate holder will be given notice of a suspension that is at least 2 working days before the suspension is to take place.
- 17.3 The Authority will not generally refund fees for licensing applications, particularly where the Authority has incurred costs in accepting and processing applications. Each case will be decided on merit.

18. Equality and Human Rights Issues

- 18.1 In developing this policy, the Authority recognises its responsibilities under the Equality Act 2010, to consider the need to eliminate unlawful discrimination and to promote equal opportunities. The Policy therefore supports and is supported by the Council's Equality Scheme and any equality issues will be addressed in

an Equality Impact Needs Assessment.

- 18.2 The Human Rights Act 1998 incorporated the European Convention on Human Rights and makes it unlawful for the Authority to act in a way that is incompatible with a convention right. The Authority will have regard to the Human Rights Act when exercising its licensing functions.
- 18.3 Conditions relating to disabled access will not be attached to licences, as this would duplicate existing statutory requirements. The Authority therefore takes this opportunity to remind holders of premises licences and club premises certificates of their duties under the Equality Act 2010.

19. Further Information

- 19.1 Contact details of the Authority and Responsible Authorities are given in Appendix C.
- 19.2 Further information and guidance on the Act can be viewed on the Authority's website. Application forms can be downloaded from the site or electronic applications submitted online.
- 19.3 Further information on alcohol and entertainment licensing is available on the Home Office website at www.gov.uk/government/organisations/home-office and on the website for the Department of Culture, Media and Sport at www.gov.uk/government/organisations/department-for-culture-media-sport .

Appendix A – Delegation of Functions

| Matters to be dealt with | Full Committee | Sub Committee | Officers |
|--|----------------|-----------------------------------|-------------------------------------|
| 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 relevant representation made | If no relevant representations made |
| Application for provisional statement | | If a relevant representation made | If no relevant representations made |
| Application to vary premises licence/club premises certificate | | If a relevant representation made | If no relevant representations 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 |
| Application for interim authority | | If a police objection | All other cases |
| Application to review premises licence/club premises certificate | | All cases | |
| Decision on whether a representation is irrelevant, frivolous, vexatious etc | | | All cases |
| Decision to object when local authority is a consultee and not the relevant authority considering the application | | All cases | |
| Determination of an objection to a temporary event notice | | All cases | |
| Determination of application to vary premises licence at community premises to include alternative licence condition | | If a police objection | All other cases |
| Decision whether to consult other responsible authorities on minor variation application | | | All cases |
| Determination of minor variation application | | | All cases |
| Suspension of premises licence/club premises certificate for non-payment of annual fee | | | All cases |
| Review of Statement of Licensing Policy | All cases | | |
| Implementation of Late Night Levy | All cases | | |
| Creation of an Early Morning Restriction Order | All cases | | |

Appendix B – Glossary of Terms

Club Premises Certificate

Authorises the use of premises by a qualifying club for one or more licensable activity

Designated Premises Supervisor

Means the person (who must be a Personal Licence holder), in the case of premises selling alcohol, who will normally have been given the day to day responsibility for running the premises by the holder of the Premises Licence or will be the Premises Licence holder himself (who must also be a Personal Licence holder).

Hampton Principles : from enforcement to compliance

What it will deliver – full implementation of the Hampton principles will result in more proportionate and risk-based compliance and enforcement activity, meaning fewer forms, no inspection without a reason, better advice for businesses, and swift treatment of non-compliance with meaningful sanctions.

<http://www.publications.parliament.uk/pa/cm201213/cmselect/cmspeak/1069/106911.htm>

Late Night Refreshment

- The provision, between 11 pm and 5 am, of hot food or hot drink, for a section of the public on or from any premises, whether for consumption on or off the premises between 11 pm and 5 am

or

- at any time between those hours when members of the public, or a section of the public, are admitted to any premises, a person supplies, or holds himself willing to supply, hot food or hot drink to any persons, or to persons of a particular description, on or from those premises, whether for consumption on or off the premises.

Hot Food or Hot Drink - food or drink supplied on or from any premises is “hot” for the purposes of Schedule 2 to the Act if the food or drink, or any part of it:

- (i) before it is supplied, is heated on the premises or elsewhere for the purpose of enabling it to be consumed at a temperature above the ambient air temperature and, at the time of supply, is above that temperature,
or
- (ii) after it is supplied, may be heated on the premises for the purpose of enabling it to be consumed at a temperature above the ambient air temperature.

Licensable Activities and Qualifying Club Activities

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of regulated entertainment
- The provision of late night refreshment
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the Club for consumption on the premises where the supply takes place
- The sale by retail of alcohol by or on behalf of a club to a guest of a member of the Club for consumption on the premises where the sale takes place
- The provision of regulated entertainment where that provision is by or on behalf of a Club for members of the club or members of the club and their guests

Licensing Authority

South Hams District Council acting as the Licensing Authority,

Operating Schedule

Means a document containing a statement including the following matters:-

- The relevant Licensable Activities
- The times at which the Licensable Activities are to take place and any other times when premises are open to the public
- Information regarding the person who will be specified in the Premises Licence as The Premises Supervisor
- Where the Licensable Activities involve the supply of alcohol, whether it is for the supply on and/or off the premises
- The steps being taken in sufficient details so as to enable the Responsible Authority to determine whether or not they are adequate to promote the Licensing Objectives

Personal Licence

Authorises an individual to supply or authorise the supply of alcohol in accordance with a premises licence

Premises Licence

Authorises the premises to be used for one or more licensable activity

Regulated Entertainment -

- (a) A performance of a play
- (b) An exhibition of a film
- (c) An indoor sporting event
- (d) A boxing or wrestling entertainment
- (e) A performance of live music
- (f) Any playing of recorded music
- (g) A performance of dance
- (h) Entertainment of a similar description to that falling within paragraph (e), (f) or (g) where the entertainment takes place in the presence of an audience and is provided for the purpose, or for purposes which include the purpose, of entertaining that audience. Any reference to an audience includes a reference to spectators. This definition is subject to Part 3 of Schedule 1 to the Licensing Act 2003 (interpretation).

Residential Area

An area whose character is residential at the material time of day. Where there is doubt, the Licensing Authority will consider the number of residential units in the area and the proportion of such units to units used for other purposes.

Responsible Authority -

The public bodies that must be fully notified of applications and that are entitled to make relevant representations to the Licensing Authority in relation to the grant, variation, minor variation or review of a premises licence (See Appendix C).

Temporary Event Notice

A Notice authorising a permitted temporary activity involving one or more licensable activities subject to certain conditions and limitations (see section 15)

Appendix C – Responsible Authorities

Responsible Authority Contacts –

The list of Responsible Authorities and their respective contact details may change where additional responsible authorities are designated by regulations from the Secretary of State or where existing contacts change their details.

An up-to-date contact list of Responsible Authorities can be obtained by accessing South Hams District Council's licensing web pages www.southhams.gov.uk by emailing licensing@southhams.gov.uk or by telephoning 01803 861234

List of designated responsible authorities under Licensing Act 2003:

Licensing Authority

Licensing, South Hams District Council, Follaton House, Plymouth Road, Totnes, TQ9 5NE
Tel: 01803 861234
Email: licensing@southhams.gov.uk

Devon and Cornwall Police

Licensing Department, Devon and Cornwall Police Headquarters, Middlemoor, Exeter, EX2 7HQ
Tel: 01392 452225
Email: licensingeast@devonandcornwall.pnn.police.uk

Devon and Somerset Fire and Rescue Service Depending on the location of the premises:

Devon and Somerset Fire and Rescue Service, Glen Road, Plympton, Plymouth, PL7 3XT
Tel: 01752 333600
Email: plymouthfs@dsfire.gov.uk

Devon and Somerset Fire and Rescue Service, Newton Road, Torquay, TQ2 7AD
Tel: 01803 853700
Email: southfiresafety@dsfire.gov.uk

Health and Safety

Environmental Health - Health and Safety, South Hams District Council, Follaton House, Plymouth Road, Totnes, TQ9 5NE
Tel: 01803 861234
Email: environmental.health@southhams.gov.uk

If the premises is a factory, farm, school or college, fairground, hospital, nursing home or government premises, please send a copy of the application to the Health & Safety Executive:

Health and Safety Executive, Ballard House, West Hoe Road, Plymouth, PL1 3BL
Tel: 01752 668481

Environmental Health

Environmental Health – Pollution Control, South Hams District Council, Follaton House, Plymouth Road, Totnes, TQ9 5NE
Tel: 01803 861234
Email: environmental.health@southhams.gov.uk

Planning

Depending on location of premises:

Development Management, South Hams District Council, Follaton House, Plymouth Road, Totnes, TQ9 5NE
Tel: 01803 861234
Email: development.management@southhams.gov.uk

For areas within Dartmoor National Park:

Dartmoor National Park Authority (Planning), Parke, Bovey Tracey, Newton Abbot, TQ13 9JQ
Tel: 01626 832093
Email: planning@dartmoor.gov.uk

Child Protection

Devon Safeguarding Children Board, CP Checks, MASH, PO Box 723, Exeter, EX1 9QS
Tel: 01392 383000
Email: cpchecks@devon.gcsx.gov.uk

Health Authority

Devon Drug and Alcohol Action Team, NHS Devon, Room 255, County Hall, Topsham Road, Exeter, EX2 4QD
Tel: 0845 002 3456
Email: alcohollicensing-mailbox@devon.gov.uk

Weights and Measures

Devon Trading Standards Service, County Hall, Topsham Road, Exeter, EX2 4QD
Tel: 01392 381381
Email: tsslicensingact2003@devon.gov.uk

In relation to vessels responsible authorities also include navigation authorities (within the meaning of section 221(1) of the Water Resources Act 1991 (c. 57) having functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is, or is proposed to be, navigated at a time when it is used for licensable activities,

Maritime & Coastguard Agency (Boats only)

Plymouth Marine Office, New Fish Market, Sutton Harbour, Plymouth, PL4 0LH
Tel: 01752 266211
Email: plymouthmo@mcga.gov.uk

Environment Agency – South West (Boats only)

Manly House, Kestrel Way, Sowton Industrial Estate, Exeter, EX2 7LQ
Tel: 01392 444000
Email: enquiries@environment-agency.gov.uk

Appendix D – List of Consultees

List of those bodies and persons consulted upon prior to the adoption of this policy:

All premises licence holders
All members' clubs holding a club premises certificate
All responsible authorities – see Appendix C
Chief of Devon and Cornwall Police
District Councillors
Town and Parish Councils
Local libraries
British Beer and Pub Association
Totnes LVA group
Totnes and District Chamber of Commerce
Dartmouth Business Forum
Kingsbridge and Salcombe Chamber of Commerce
Ivybridge Chamber of Commerce
H M Principal Inspector of Health & Safety
Campaign for Real Ale Limited
ISAN – Developing Outdoor Arts
Popleston Allen Licensing Solicitors
Association of Convenience Stores
Association of Licensed Multiple Retailers
British Board of Film Classification
British Institute of Innkeeping
British Retail Consortium
Department for Culture, Media and Sport
Federation of Licensed Victuallers Association
National Pubwatch
The Portman Group
Arts Development: UK

Appendix E – Safety Advisory Group

Authorities that attend the South Hams Safety Advisory Group meetings include:

- Dartmoor National Park (if applicable)
- Devon and Cornwall Police
- Devon and Somerset Fire and Rescue Service
- Devon County Council Highways
- Environmental Health
- Health and Safety
- HM Coastguard (if applicable)
- Licensing
- Parish and Town Councils
- South Devon and Dartmoor Community Safety Partnership
- South Hams District Council Assets
- South West Ambulance Service Trust