

Hastings Borough Council

Licensing Policy on 1st Review – 24th October 2007

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1.0 Introduction

1.1 Statement of Policy

Hastings Borough Council, in pursuance of its duties and powers under the Licensing Act 2003, hereby formally makes a statement as to its Policy in respect of the provisions of that Act.

The aim of the policy is to facilitate a sustainable tourist, entertainment and cultural industry whilst securing the safety and amenity of residential communities and promoting the licensing objectives set out in the Act.

1.2 Licensing Objectives

Under the Act, the Licensing Objectives are:

1. Prevention of crime and disorder;
2. Public safety;
3. Prevention of public nuisance;
4. Protection of children from harm.

1.3 Statutory Consultees

The Statutory Consultees are:

- The chief officer of police for the Licensing Authority area;
- The Fire and Rescue Authority for that area
- Such persons as the Licensing Authority consider to be representative of holders of premises licences issued by that Authority;
- Such persons as the Licensing Authority consider to be representative of holders of club premises certificates issued by the Authority;
- Such persons as the Licensing Authority consider to be representative of holders of personal licences issued by that Authority;
- Such persons as the Licensing Authority consider to be representative of businesses and residents in its area.

1.4 Local Features

The population of Hastings and St Leonards is approximately 85,000, but this number increases significantly in the summer months with the influx of tourists, day-trippers and foreign students. The area has strong historic links, being at the centre of 1066 country and close to the original battle site. Hastings is one of the original Cinque Ports, and even today has Europe's largest beach launched fishing fleet. The area has major challenges, it is the most deprived area in the South East England Region and the 27th most deprived district of the 354 English districts. Hastings and St Leonards have the highest levels of crime per head of population in Sussex (68% ahead of the national average). The town has the fastest growing youth population in East Sussex. A faculty of Brighton University has been opened to increase the numbers of students from all over the country. The town has a lively evening/nighttime economy with a vibrant pub and club culture and a steadily rising number of wine bars.

The focus for licensed activities is in three separate areas in Hastings.

1. Hastings Town Centre from the old town in the east to the pier in the west and inland to the Priory Meadow Shopping Centre,
2. The roads of George Street and High Street in the Old Town,
3. Central St Leonards consisting of London Road, Kings Road, Western Road and Norman Road See Highways definitions

The Council recognise that a lot of violent crime is alcohol related and takes place where there is a high concentration of licensed pubs and clubs.

1.5 Other Legislation

In undertaking its licensing function, the Council is also bound by other legislation set out below. This list is not exhaustive

- Section 17 of the Crime and Disorder Act 1988 requires a local Authority to do all that it reasonably can to prevent crime and disorder in its locality.
- The European Convention on Human Rights, which is given effect by the Human Rights Act 1998 places a duty on public Authority's to protect the rights of individuals in a variety of circumstances.
- Health and Safety at Work etc Act 1974; and the regulations made there under.
- Environmental Protection Act 1990.
- Race Relations Act 1976 as amended.
- Disability Discrimination 1995
- Sex Discrimination Act 1975
- Equalities Act 2006
- The Freedom of Information Act 2000
- Data Protection Act 1998
- Criminal Justice and Police Act 2001.
- The Anti-Social Behaviour Act 2003.
- The objectives of the Private Security Industry Authority
- The Violent Crime Reduction Act 2006 and any regulations made there under.

The Council in conjunction with other relevant agencies must make sure there is a 'joined up' approach between this policy and strategies/initiatives like the Action Plan for Tackling Alcohol Related Crime, Disorder and Nuisance and Safer Clubbing.

1.6 Other Policies

When considering licensing applications, the Council will also take account of the following. This list is not exhaustive

- Crime and Disorder Reduction Strategy 2005/2008 and any relevant targets arising from that strategy;
- Hastings Evening Economy report;
- Alcohol Strategy for Hastings and St Leonards and Bexhill and Rother;
- Enforcement Concordat;
- Hastings Borough Council's Enforcement Policies
- Hastings and St Leonards Local Plan;
- Bar Watch 'Safer Streets' Initiative;
- 'Citizen Card' or other Proof of Age Schemes;
- The Alcohol Harm Reduction Strategy for England.

This policy guides applicants, objectors and interested residents on the Council's approach to licensing. Although each licence application must be considered on its individual merits, the Council will often have to take into account wider considerations.

1.7 Modification Of This Policy

Under the 2003 Licensing Act, the Council will modify this policy whenever necessary and review it every three years. Binding legal interpretations might appear that invalidate a part or parts of it.

In such a case, the policy overall is deemed to continue in effect, following the deletion of the minimum amount of text necessary to restore compliance. If this happens, the Council's Corporate Director for Environmental Services in consultation with the Borough Solicitor will look at how the policy needs to be amended. The Council will then carry out a formal consultation to decide what the new policy wording should be.

1.8 Scope Of The Policy

The 2003 Licensing Act covers the licensing of individuals for the retail sale of alcohol (personal licences), the licensing of premises for the retail sale of alcohol, the provision of regulated entertainment or late night refreshment (premises licences), the supply of alcohol or the provision of regulated entertainment to certain clubs (club premises certificates) and the permitting of certain licensable activities on a temporary basis (temporary event notices). Unless otherwise stated, a reference in this policy to a premises licence is a reference to a premises licence and a club premises certificate.

Activities requiring a licence under the 2003 Licensing Act and covered by this policy are:

- Retail sale of alcohol for consumption both on and off the premises;
- Supply of hot food or drink from any premises for consumption both on and off the premises, between 23.00 hours and 05.00 hours the following morning;

- Supply of alcohol to club members;
- Provision of entertainment listed below (known as ‘regulated entertainment’) to the public or club members or with a view to profit:
 1. Film exhibitions;
 2. Performances of a play;
 3. Indoor sporting events;
 4. Boxing or wrestling entertainment;
 5. Live music performances;
 6. Playing of recorded music;
 7. Dance performances;
 8. Provision of facilities for making music;
 9. Provision of dancing facilities.

The policy covers new applications, renewals, transfers and variations of licences including, where applicable, provisional statements and temporary premises licences. It also includes the review of a licence following representation.

1.9 Main Principles

The main principles of the policy are as follows:

- To reduce crime and disorder;
- To ensure public Safety;
- To prevent public nuisance;
- To protect children from harm;
- To reduce alcohol misuse
- To encourage tourism

The Council’s Licensing Policy will encourage licensable activities but balance these with our ability (and that of the police) to maintain public safety. It sets out a general approach to licensing decision-making. It does not undermine the right of any individual to apply for a variety of permissions and to have each application considered on its individual merits.

Similarly, this policy does not override the right of any person to make representations on an application or seek a review of a licence or certificate, where the 2003 Licensing Act allows them to. Licensing is about the regulation of licensed premises, qualifying clubs and temporary events within the terms of the Act. The conditions, where attached to various permissions, will focus on matters that are within the control or influence of individual licensees and others granted relevant permissions. Accordingly, these matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places.

The Council will focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or socialising in the area concerned. Licensing law is not a way of controlling anti-social behaviour outside the premises and, therefore, beyond the control of the individual, club or business holding the licence, certificate or authorisation concerned.

1.10 Meeting the needs of local communities and helping them to participate in the Licensing process

Licensed premises are an important part of our communities. They provide a place for people to get together, relax and enjoy themselves. However there can be problems if licensees do not take sufficient action to minimise any problems that may occur.

Clearly, all licensed premises must fully address the risks associated with the activities they provide through their operating procedures, and key details should be included in their operating schedule.

If local residents and businesses do experience problems, it is important that they inform the licensee and/or the Licensing Authority or Responsible Authorities such as the Police. Reporting the problem is the first step towards resolving the problem.

Where there are problems, local residents and businesses may want to contact their ward councillor, Sussex Police, Environmental Health or Trading Standards. Local residents and businesses can also ask for a review of a premises' licence at any time.

We would however advise them to also contact/write to the licensee, outlining the problems experienced and giving them the opportunity to address these concerns.

If local residents or businesses feel the premises is still not adequately tackling risks associated with the activities they provide, and in their view there is therefore persistent failure to promote the licensing objectives, then there is the option of asking for a review of the license.

Representations cannot be made anonymously and must be clearly linked and evidenced in relation to 1 or more of the 4 licensing objectives. They must include the name and address of the individual or group e.g. residents' group making the representation. This gives the applicant the opportunity to adequately address the substance of the representation.

In some exceptional and isolated circumstances interested parties may be reluctant to make representations because of fears of intimidation or violence if their personal details, such as name and address, are divulged to the applicant. Where we consider that the interested party has a genuine and well-founded fear of intimidation and may be deterred from making a representation because of this, we will look at alternative approaches e.g. advising the interested party to provide the relevant responsible authority with details of how they consider that the licensing objectives are being undermined so that the responsible authority can make representations if appropriate and justified. We may also look at withholding some or all of the interested party's personal details (where justified) from the applicant, giving only enough details (such as street name or general location within a street), which would allow an applicant to be satisfied that the interested party is within the vicinity of the premises.

Where we receive applications for new premises or changes to existing premises (variations), local residents/businesses have 28 days to have their say. Details of these applications are available on the Council's website in the licensing section, and the applicant must place a notice on the outside of their premises and in a local newspaper.

The Council also supports and participates in a range of area based forums attended by Ward Councillors, service managers and members of the public active in their local communities. Whilst such groups do not have a decision making role in the local administration and enforcement of licensing legislation, they have a legitimate interest in the impact that licensed premises have on the local environment, and may discuss licensing issues from time to time, and forward concerns and/or suggestions which can clearly be linked to one or more of the Licensing Objectives to the Council's Licensing Team for consideration.

1.11 Local Impact

The 'need' for an additional licensable facility is not covered by this policy and will remain a planning and market issue. However, the cumulative impact of licensed premises on an area does fall under this policy. Therefore, the Council might impose restrictions where it feels there will be an impact on the four licensing objectives:

1. Prevention of crime and disorder;
2. Public safety;
3. Prevention of public nuisance; or
4. Protection of children from harm.

When considering applications or variations to licenses, the Council will listen to representations based on "cumulative impact". Such representations must be supported by evidence that the granting of the application will have the cumulative impact claimed.

Issues of cumulative impact will also be addressed via the following mechanisms:

- Planning Controls;
- The provision of CCTV surveillance in Town Centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols.
- Powers of Local Authorities to designate parts of the Local Authority area as places where alcohol may not be consumed publicly
- Positive measures to create a safe and clean environment in partnership with local businesses, transport operations and other departments of the Council and other local Authority's;
- Application of the powers of the Council to designate parts of the area as places where alcohol may not be consumed publicly;
- Police enforcement of the law concerning disorder and anti-social behaviour, including the issue of fixed penalty notices;
- The prosecution of any personal licence holder or member of staff at a licensed premises, which is selling alcohol to people who are drunk;

- The confiscation of alcohol particularly in designated areas;
- Application of police powers to require immediate closure for up to 24 hours of any licensed premises or temporary event on the grounds of disorder, the likelihood of disorder, or excessive noise emanating from the premises;
- Application of powers of the police, other responsible Authority's, local residents or businesses to seek a review of the licence or certificate in question.
- Other local initiatives that similarly address these problems

Special Saturation (Cumulative Impact) Policy

The Council, as the Licensing Authority, has a duty to comply with its obligations under section 17 of the Crime and Disorder Act 1998 and to promote the 4 licensing objectives stated in the Licensing Act 2003.

The Council is mindful of the problems that can be created when large numbers of premises providing licensable activities are located in close proximity or where premises densities are out of character with the remaining social infrastructures of the locality.

As part of the Council's consultation carried out for the purpose of reviewing its existing Licensing Policy, Sussex Police asked the Council to consider adopting a specific saturation policy on 3 separate areas within the Borough. The police have presented substantial evidence on public place violent crime to support the adoption of this policy in the 3 areas nominated and following this consultation the policy will apply to the following areas:

1: Hastings Town Centre

Robertson Street (UC 3162G) for its entire length.
 Claremont (UC 3162E) for its entire length
 Trinity Street (UC 3162F) for its entire length
 Trinity Passage (DPROW 177) for its entire length
 Havelock Road (A21) for its entire length
 Harold Place (A2101) for its entire length
 Priory Street (UC 3181A) for its entire length (removed 29 July following consultation)
 Cambridge Road (UC 30021) from its junction with Priory Street to its junction with Robertson Street.

2: Old Town

George Street (UC 3206A) for its entire length
 High Street (UC 3208A) for its entire length

3: Central St Leonards

London Road (A2102) from its junction with Grand Parade (A259) to its junction with Silchester Road (UC 3140F)
 Kings Road (UC 3145A) from its junction with London Rd (A2102) to its junction with Western Road (UC 3144C)
 Western Road (UC 3144C) for its entire length
 Norman Road (UC 3141A) from its junction with Gensing Road (UC 3141A) to its junction with London Road (A2102)
 Norman Road (A2102) from its junction with London Road (A2102) to its junction with Warrior Square (A2102)

These areas have been identified because the licensing authority believes that the cumulative impact of the number and concentration of licensed premises in these areas is adversely affecting the promotion of the following licensing objectives; Prevention of Crime and Disorder and Prevention of Public Nuisance.

Hastings Borough Council is adopting a special policy of refusing new licences whenever it receives relevant representations about the cumulative impact on the Licensing Objectives which it concludes after hearing those representations should lead to refusal.

Effects of the Special Saturation (Cumulative Impact) Policy

This policy relates to applications for the grant and/or variation of premise licences, club premises certificates or the issue of provisional statements.

Each application will be considered on its own merit.

Where no representations are received any application will be granted in terms consistent with the operating schedule.

Applications for the grant of a new premise licence, club premise certificate or provisional statement; where relevant representations are received there will be a presumption against the grant of such licence or certificate unless the applicant can rebut the presumption that the granting of such a licence or certificate would undermine the licensing objectives.

Application for the variation of a premises licence or club premises certificate resulting in the extension of hours, change of style of operation or increased capacity; there will be a presumption to refuse such applications where relevant representations are received and the variation would undermine the licensing objectives, unless the applicant can rebut the presumption that the granting of such a variation would undermine the licensing objectives.

Review

The Council intends to review the operation of this special saturation policy annually considering evidence to assess whether it needs variation or extension. It is important to note that this special policy does not seek to refuse all licensed premises applications but to consider each application on its own merits.

Appendix 5 contains maps of saturation areas.

1.12 Enforcement

The enforcement of licensing law and the inspection of licensed premises is detailed in the Protocols between the Council, the Sussex Police and the East Sussex Fire and Rescue Service.

In partnership with these agencies, the Council will target problem and high-risk premises as identified in the protocol. Inspections of premises will be on a risk-assessed basis.

1.13 Administration, Exercise And Delegation Of Functions

The Council will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them. Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Committee has delegated certain decisions and functions and has established a number of Sub-Committees to deal with them.

Further, with many of the decisions and functions being purely administrative in nature, the grant of non-contentious applications, including for example, those licences and certificates where no representations have been made, has been delegated to Officers.

All such matters dealt with by Officers will be reported for information and comment only to the next Committee meeting.

The Table in [Appendix 1](#) sets out the agreed delegation of decisions and functions to Sub-Committees and Officers.

This form of delegations is without prejudice to Officers referring an application to a Sub-Committee, or a Sub-Committee to Full Committee, if considered appropriate in the circumstances of any particular case.

2.0 The Policies

2.1 General Information

The Council's Licensing Policies are set out in bold type, with the explanation and justification for each area of policy in normal type. They will apply whenever we consider any application made under the 2003 Licensing Act. Each policy will be applied as it exists at the time the application is determined, irrespective of its state at the time of application.

2.2 Main policies.

LC 1 Each application will be determined on its individual merits.

LC 2 This policy shall avoid duplication with other regulatory regimes wherever possible.

LC 3 Any conditions attached to licences following relevant representation shall be tailored to the individual styles and characteristics of the premises and events concerned.

2.3 Live music, Dancing & Theatre

LC 4 The Authority will encourage live music, dancing and theatre for their wider cultural benefits throughout the town. The potential for public nuisance will always be carefully balanced with these wider benefits.

The Licensing Committee represents the general interests of a community. Conditions should only be attached to licences as a matter of necessity for the

promotion of the licensing objectives and not to deter live music, dancing and theatre.

2.4 Licensing Hours

LC 5 The Authority has due regard to government recommendations over the relaxation of licensing hours. It recognises that longer licensing hours for the sale of alcohol are important to avoid concentrations of customers leaving premises simultaneously.

Fixed and artificially early closing times may promote, in the case of sales of alcohol, rapid binge drinking close to closing times; and are a key cause of disorder and disturbance when large numbers of customers are required to leave premises simultaneously. This in turn produces friction, particularly between young men, and gives rise to disorder and peaks of noise and other nuisance behaviour particularly in and around late night fast food outlets, taxi ranks and other modes of transport.

The Authority will encourage an ordered dispersal of people from licensed premises through longer opening times. It will try to avoid conditions that undermine this principle unless they're necessary for the promotion of the four licensing objectives.

LC 6 The Authority recognises the need for people to disperse quickly and safely from the town centre to avoid concentrations, which may produce, disorder and disturbance, and will work with other parties in an effort to improve the overall facilities for this to occur.

The Authority also wants to minimise disturbance and strain on transport systems. However, it recognises that encouraging people to disperse at later hours (because of longer opening times) may be to the detriment of our third licensing objective (prevention of public nuisance).

2.5 Transport

The Authority will arrange for protocols with Sussex Police to achieve the swift and safe dispersal of people from the town centre to avoid disorder and disturbance.

The Authority wants to encourage taxi, private hire and bus services to work at night in our area to help with the safe and timely transportation of people away from the town centre. It will also encourage licence holders to provide transport home for their customers.

2.6 Planning

LC 7 Generally the Authority will not consider any premises application unless the applicant can demonstrate that the premises have either an appropriate planning consent (in terms of the activity and hours sought), or an appropriate certificate of lawful use or development. The Authority will only make exceptions where the applicant can offer compelling reasons as to why the application should be considered (even where the planning status of the premises has not been finalised).

This means the Authority will avoid unnecessary duplication and thus comply with Government guidance. The Licensing Committee and Planning Board will advise each other of their actions to ensure that a licensing application does not duplicate a planning application or undermine decisions taken by the Planning Board.

In general, planning permissions authorise a type of use, whereas licences relate to a particular premises and operator and may only cover a part of the premises. A planning permission is attached to the premises and is usually permanent. Furthermore, planning is only concerned with the premises and the use and hours proposed. It takes no account of the suitability or otherwise of the applicant. Licensable activities may change without requiring a new planning permission.

Nothing in this policy will stop applicants from applying for a 'Provisional Statement' where premises are being or are about to be constructed, extended or otherwise altered for the purpose of being used for one or more licensable activities. It is recognised that this is sometimes necessary to secure the required investment. Such a statement does not have a limited duration but with the potential for material change over time, the longer the delay before the premises licence is applied for, the greater chance of representation being made.

2.7 Personal Licences

LC 8 The Authority will consider whether the grant of a personal licence will be in the interests of the licensing objectives. It will take account of the seriousness of relevant convictions, the period that has elapsed since the relevant offence(s) were committed and any mitigating circumstances.

Prevention of crime is both an objective of the Act and an important responsibility of the Council under the Crime and Disorder Act 1998. The Authority recognises that it has very little discretion regarding the granting of these licences. However, if an applicant has an approved qualification and does not have certain relevant criminal convictions the application must be granted. If an applicant has an 'unspent' relevant conviction or where an objection has been lodged, a hearing must be held.

2.8 Premises Licences and Club Premises Certificates

LC 9 The Authority expects premises to be constructed and operated to an appropriate standard of safety.

In keeping with its second licensing objective (public safety), the Authority wants anyone visiting or working at a licensed venue to do so knowing the building has been constructed to safe standards and is properly maintained.

2.9 Public Safety/Crime and Disorder

LC 10 Applicants must show the steps they propose to take to promote the licensing objectives in their operational schedule and show how they will help the Authority achieve each of them, namely:-

1. Prevention of crime and disorder;
2. Public safety;
3. Prevention of public nuisance; and
4. Protection of children from harm.

2.10 Designated Premises Supervisors

LC11 Applicants must specify the Premises Supervisor in their operating plan. The supervisor should be responsible for the “day to day” running of the premises.

The Authority recognises that Designated Premises Supervisors do not have to be constantly on the premises when it is trading. However the Authority will expect such identified persons to be on site under normal circumstances, but fully accepts that occasions of sickness, leave and emergencies may take them away from the premises for short periods.

2.11 Shops, Stores, Supermarkets and Garages

LC 12 Shops, stores and supermarkets should be free to sell alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are very good reasons for restricting those hours.

If the law permits the shop to open for 24 hours or limits such opening, for example, on Sundays, the Authority will generally permit the sale of alcohol during those hours. However, good reasons may exist for imposing a limitation, for example, following police representations in the case of shops known to be a focus of disorder, disturbance or anti-social behaviour, including pressurising shop staff to make unlawful sales of alcohol.

The sale or supply of alcohol at premises used primarily as a garage or forming part of premises, which are primarily used as a garage, is restricted by the 2003 Licensing Act.

2.12 Tables and Chairs outside Premises

LC 13 Applicants must indicate in their operating plan the adequacy of measures proposed to deal with the potential for public nuisance and/or crime and disorder arising from the use of tables and chairs or other such furniture in the open air by their patrons.

The provision of tables and chairs outside the premises either on the highway or on private land can enhance the attractiveness of the venue. It can have the benefit of encouraging a continental style café culture. However, late at night these same tables and chairs can contribute to nuisance (unless within a self-contained beer garden). This is because they can encourage patrons and passers-by to loiter rather than disperse.

Where necessary, applicants must have the appropriate permissions for the placing and use of the tables and chairs in the open air.

This policy is designed to strike a fair balance between the needs of those wishing to enjoy refreshment in the open air and the need to prevent safety and nuisance problems.

2.13 Temporary Event Notices

LC14 The Authority recognises that permitted temporary activities do not require authorisation, and are only subject to an official notice. However we seek cooperation from applicants in giving as much notice as is possible of such events. It should also be noted that the giving of such a notice does not relieve the premises users from any requirements under planning law and other legislation.

2.14 Sex Related Activities

LC 15 Generally the Authority will not grant licences which involve a sex related element to premises near schools, churches, hospitals, youth clubs or other premises where significant numbers of children are likely to attend. Where such licences are granted the Authority will impose conditions in keeping with the first licensing objective (prevention of crime and disorder) and the fourth licensing objective (protection of children from harm).

Where the activities proposed under the licence include those with a sex related element (e.g. striptease or table dancing) the Authority will take into account any increased risk in meeting the licensing objectives. Where such licences are granted, conditions will be imposed to ensure that children are not admitted to, and cannot witness, these activities, and to prevent the potential for crime and disorder.

This policy is designed to further the licensing objective of protecting children by preventing their exposure to unsuitable material or acts. They are also designed to further the crime prevention and prevention of nuisance objectives by recognising the increased risk of nuisance or illegal activities.

2.15 Drugs

LC 16 The Authority requires licensees to take all reasonable steps to prevent the entry of drugs into their premises, to take appropriate steps to prevent drugs changing hands within their premises and to take practical measures to deter drug use.

The purpose of this policy is to further crime and disorder and public safety objectives, and to reduce the tragic social consequences of drug abuse.

Licensees must be familiar with the contents of Chapter 4 (drug awareness) of the BIIAB Level 2 National Certificate for Entertainment Licensees handbook and to be following the recommendations of that handbook. Licensees should also follow the recommendations of the book 'Safer Clubbing' issued by the London Drugs Policy Forum and endorsed by the Home Office.

Licensees should rigidly follow these recommendations as failure to do so could lead to the licence being reviewed with the possibility of revocation, or in appropriate cases, the imposition of conditions.

2.16 Children

LC 17 The Authority will take vigorous measures to protect children from harm. Where alcohol is to be sold, all applicants must outline their plans for control of underage drinkers. This should include use of an ID card scheme recognised by the Council, such as the Proof of Age Standards Scheme (PASS) as promoted by the Home Office.

Nothing in this policy limits the access of children to licensed premises unless it is necessary for the prevention of harm to children. Examples of premises where the introduction of additional controls are likely to be necessary are:-

- Where there have been convictions for serving alcohol to minors or with a reputation for under-age drinking;
- With a known association with drug taking or dealing;
- Where there is a strong element of gambling on the Premises;
- Where entertainment of an adult or sexual nature is provided.

In such circumstances the Authority may impose a complete prohibition on entry of children, or condition the licence, if satisfied that problems would be adequately controlled by so doing.

No statement of policy can properly anticipate every issue of concern that could arise in respect of children with regard to individual premises and as such, general rules will be avoided. Consideration of the individual merits of each application remains the best mechanism for judging such matters.

Generally the Authority will not impose conditions restricting the admission of children to any premises. Where no licensing restriction is necessary, this will remain a matter for the discretion of the individual licensee or club.

Where childcare facilities are made available on premises we would expect particular attention to be given to their location. They should be located on the same level as the parents or on the route to the final exit. This avoids parents travelling against the normal direction of escape when any alarm is raised.

2.16.1 Children and cinemas

LC 18 Where the exhibition of films is permitted, the age restrictions of the British Board of Film Classification (BBFC) in respect of the films to be exhibited will be complied with. Only in exceptional cases will variations of this policy be granted by the Authority and then only with appropriate safeguards.

2.16.2 Children and public entertainments

LC 19 Where there is a likelihood of children attending regulated entertainment, licensees must ensure that their operating schedule addresses the specific problems of child safety. Where there is provision of entertainment specifically for children (e.g. a children's disco or a large outdoor play area) the

Authority will require the presence of sufficient adults to control the access and egress of the children and assure their safety. Where this is the case, all staff employed to supervise children should first satisfy an enhanced Criminal Records Bureau (CRB) check. No staff should be employed with a history of child or sex offences.

2.17 Discounting and sales promotions

Where there is a clear causal link between sales discounting and levels of crime and disorder on or in the vicinity of a premises, then it will be appropriate for the licensing authority to consider the imposition of a condition prohibiting irresponsible sales promotions or the discounting of prices of alcohol following a review of the premises licence.

The Authority expects any discounted drinks and sales promotions to be properly managed and take into account the 'Good Practice Guide on Point of Sale Promotions' issued by the British Beer and Pub Association.

The Authority supports measures to promote sensible drinking including a commitment not to participate in drink promotions / happy hours etc, which encourage binge drinking. Premises licences are likely to be subject to review where they have led to any of the licensing objectives being undermined. Licence holders should not only consider the price of the alcohol sold on the premises but also in the manner in which it is promoted.

The Authority expects applicants to include in their operating schedules any proposals for discounting or sales promotions of alcohol and to provide the Authority with written procedures detailing how such promotions will be managed in order to further the licensing objectives, giving particular attention to any increased supervision that may be required.

3.0 Integration Of Strategies

3.1 Integration

The Authority will secure the proper integration of this policy with national and local strategies and initiatives supporting the licensing objectives, and will seek regular feedback from the appropriate agencies in respect of their local effectiveness. Such strategies, initiatives and agencies will include: This list is not exhaustive

- Hastings and St Leonards Community Strategy 2003-2013;
- The Local Plan;
- Local Crime and Disorder Reduction Strategy;
- Hastings Evening Economy Report;
- Safer Streets Initiative;
- Alcohol Harm Reduction Strategy for England;
- East Sussex Drug and Alcohol Reduction Team;
- 'Citizen Card';
- Proof of Age Standards Scheme (PASS);
- Arts, Culture and Tourism development strategies'
- Equalities Policy including race equality scheme under Race Relations (Amendment) Act 2000.

- Marble
- Under 21

3.2 Other Regulatory Regimes

The Authority will seek to avoid duplication with other regulatory regimes as far as possible. However, if other regulations do not adequately cover the unique circumstances that arise in connection with a particular venue or type of entertainment, or if more prescriptive requirements are required following a review of a licence, then additional controls will be imposed in support of the licensing objectives.

The following notes are made for information with regard to specific regulatory regimes.

Health and Safety:

All businesses have general and specific legal duties under the 'Health and Safety at Work etc Act 1974' and regulations made there under. These duties are placed on employers, employees and the self-employed and any person involved in the business activity.

The inspection of premises, together with any subsequent enforcement, will be undertaken by the Council's Environmental Health Department or by the Health and Safety Executive (HSE). Whilst not exclusive, the following regulations are appropriate:

- Management of Health and Safety at Work Regulations 1999;
- Workplace (Health Safety and Welfare) Regulations 1992;
- Noise at Work Regulations 1989;
- Electricity at Work Regulations 1989;
- Manual Handling Operations Regulations 1992;
- Control of Substances Hazardous to Health Regulations 2003;
- Lifting Operations and Lifting Equipment Regulations 1998.

Fire Safety:

The Regulatory Reform (Fire Safety) Order 2005 places an obligation on a responsible person for a premises to carry out a risk assessment and subsequently ensure that any protective and preventative measures identified are taken. The aim of this is to lower the risk from fire within a premises in order to ensure the safety of any relevant persons.

This legislation applies inside and outside of the workplace. It applies to any place where a relevant person could be expected to visit. A relevant person being any person who is legally on any premises, other than a single private dwelling.

Food Hygiene:

Premises selling alcohol and/or premises engaged in a food business must be registered and will be subject to risk-based food hygiene inspections by the Council's Environmental Health staff, at regular intervals, under the Food Safety Act 1990.

Noise:

Statutory and Public nuisances are dealt with by the Council's Environmental Health staff under the Environmental Protection Act 1990 and associated legislation. Noise from commercial premises may often fall under this regime.

Door Supervisors:

Anybody on security or door supervisory activities in licensed premises when they are open to the public must be registered. The Security Industry Authority issues these registrations under the 'Private Security Industry Act 2001'

Appendix 1

Table of Delegation

Delegation of Functions

Matter to be dealt with	Sub Committee	Corporate	Director
Environmental Services or			his/her nominee
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 representation made
Application for provisional statement	If a relevant representation made		If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made		If no relevant representation made
Application to vary designated premises supervisor	If a police objection		All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence	If a police objection		All other cases
Applications for interim authorities	If a police objection		All other cases
Application to review premises licence/club premises certificate	All cases		
Decision on whether a complaint is irrelevant frivolous vexatious etc			All cases, with advice from Borough Solicitor or his or her nominee
Decision to object when local authority is a	All cases		

consultee and not the
relevant authority
considering the application
Determination of a police
Objection to a temporary
Notice All cases

Appendix 2

Advice on Matters for Consideration by Applicants

It is for applicants to put forward steps to promote the licensing objectives as they are best placed to understand their own premises.

When applicants for premises licences or club premises certificates are preparing their operating schedules, required under section 17 (3a) of the Licensing Act 2003, and when the Authority is considering such applications, the following measures should be considered to meet the four licensing objectives.

Licensing Objective 1 - Prevention of Crime and Disorder

Complying With Designing Out Crime Principles

The applicant must be able to show that they have incorporated sensible security measures during the building or refurbishment of a licensed premise that will actively contribute to the safety of customers, staff and local residents through the reduction of crime and disorder. The nature and extent of designing out crime will be largely determined by the location of the premises, type of entertainment involved, duration of proposed licence, proposed hours of operation, capacity of premises and audience profile. However, matters to consider when designing out crime could include:-

- Approach and access to premises;
- Doorways and emergency exits;
- Layout and capacity of premises;
- Lighting in and around premises particularly on the street.

Communication Systems

Radio, text pagers or other means of rapid two way communication, connecting premises licence holders, designated premises supervisors, managers of premises to the local Police can provide for rapid response by the Police to situations of disorder which may be endangering the customers or staff on the premises. Such two-way communication will enable licence holders, managers, designated premises supervisors and clubs to report incidents to the Police, and enable the Police to warn a large number of other premises of potential disorder or individuals suspected of criminal behaviour who are about in a particular area. Internally, such systems can be used to warn staff of potential and developing problems within the premises. Participation in the 'Safer Streets' initiative will be seen as a positive step towards preventing crime and disorder.

Door Supervisors

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

- Preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder;
- Keeping out excluded individuals (subject to court bans or imposed by the licence holder);
- Searching, including the use of metal detectors, and excluding those suspected of carrying illegal drugs, or carrying offensive weapons;
- The use of 'amnesty boxes' for drugs and objects that could be considered potential offensive weapons;
- Maintaining orderly queuing outside of venues.

Where door supervisors conducting security activities are to be a condition of a licence, it means that they will have to be registered with the Security Industry Authority. Conditions may also be needed such as supervisors, displaying badges, the carrying of proof of registration, where and at what times they should be stationed on the premises, and whether at least one female door supervisor should be available to deal with problems involving female customers.

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

Bottle Bans

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

Plastic Containers and Toughened Glass

Glasses containing drinks may be used as weapons during incidents of disorder and can cause very serious injuries. Consideration should therefore be given to conditions requiring either the use of plastic containers or toughened glass, which inflicts less severe injuries. The location and style of the venue and the activities carried on there would be particularly important in assessing whether a condition is necessary. For example, the use of glass containers on the terraces of outdoor sports grounds may obviously be of concern, but similar concerns may also apply to indoor sports events such as boxing matches. Similarly, the use of such plastic containers or toughened glass during the televising of live sporting events, such as international football matches, when high states of excitement and emotion fuelled by alcohol might arise, may be a necessary condition.

When used such glasses and containers should be weights and measures stamped.

It should also be noted that the use of plastic or paper drinks containers and toughened glass may also be relevant as measures to promote public safety, and will be considered as a possible condition in circumstances when a premises licence is subject to a review on crime and disorder grounds.

CCTV

The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Operating schedules should state the precise siting of each camera, the requirement to maintain cameras in working order, and to retain recordings for an appropriate period of time.

Advice is available from the Sussex Police under 'designing out crime' initiatives, for applicants preparing operating schedules, with advice on the use of CCTV to prevent crime.

Open Containers not to be taken from the Premises

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

Restrictions of Drinking Areas

It may be necessary to restrict the areas where alcoholic drinks may be consumed in premises after they have been purchased from the bar. An example would be at a sports ground where the police consider it necessary to prevent the consumption of alcohol on the terracing of sports grounds during particular sports events. Operating Schedules should not only specify these areas, but also indicate the circumstances in which the ban would apply and times at which it would be enforced.

Occupancy Limits

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

Proof of Age Cards

It is unlawful for children under 18 to attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them. To prevent such crimes, it may be

necessary to require a policy to be applied at certain licensed premises requiring the production of 'proof of age' before such sales are made. This should not be limited to recognised "proof of age" cards, but allow for the production of other proof, such as photo-driving licences, and passports.

Crime Prevention Notices

It may be necessary for notices to be displayed, which warn customers of the prevalence of certain types of crime, which they may be vulnerable to. For example, in certain areas, a condition attached to a premises licence or club premises certificate might require the displaying of notices at the premises which advise customers about the need to be vigilant of unattended bags because of concerns about terrorism.

Signage

It may be necessary for the normal hours under the terms of the premises licence or club premises certificate at which licensable activities are permitted to take place, to be displayed on or immediately outside the premises, so that it is clear if breaches of the terms of the licence or certificate are taking place.

Similarly, it may be necessary for any restrictions on the admission of children to be displayed on or immediately outside the premises so that the consequences of breaches of these conditions would also be clear, and to deter those who might seek admission in breach of those conditions.

Licensing Objective 2 - Public Safety

Matters of public safety should be properly addressed by the requirements of the Health and Safety at Work etc Act 1974 and associated regulations, and the Regulatory Reform (Fire Safety) Order 2005, and any successors to these regulations. Whether or not any risk assessment shows any additional measures to be necessary will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved. It should be recognised that special issues may arise in connection with outdoor and large-scale events.

In addition, to considering the points made in this section, those preparing premises operating schedules or club operating schedules, should consider:

- Model National and Standard Conditions for Places of Public Entertainment and Associated Guidance isbn 1 904031 11 0 (Entertainment Technology Press - abtt Publications);
- The Event Safety Guide - A guide to health, safety and welfare at music and similar events (hse 1999) ("The Purple Book") ISBN 0 7176 2453 6;
- Managing Crowds Safely (hse 2000) isbn 0 7176 1834 X; 4 Steps to Risk Assessment: Case Studies (hse 1998) isbn 07176 15804;
- The Guide to Safety at Sports Grounds (The Stationery Office, 1997) ("The Green Guide") isbn 0 11 300095 2;
- Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by the Independent Street Arts Network, copies may be obtained through;

- <http://www.streetartsnetwork.org/pages/publications>.

People with Disabilities

In certain premises where existing legislation does not provide adequately for the safety of the public, consideration might also be given to conditions that ensure that:

- When people with disabilities are present, adequate arrangements exist to enable their safe evacuation in the event of an emergency; and people with disabilities on the premises are made aware of those arrangements.
-
- Applicants are advised to discuss potential areas of concern with the Council's access officer who is located within the Council's Building Control service.

Escape Routes

It may be necessary to include conditions relating to the maintenance of all escape routes and exits including external exits. These might demand that such exits are kept unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified. In restaurants and other premises where chairs and tables are provided this might also include ensuring that internal gangways are kept unobstructed. In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given in the Operating Schedule to ensure that:

- All exits doors are easily operable without the use of a key, card, code or similar means;
- Doors at such exits are regularly checked to ensure that they function satisfactorily and a record of the check kept;
- Any security fastenings are removed prior to the premises being open to the public;
- All fire doors are maintained effectively self-closing and shall not be held open;
- Fire resisting doors to ducts, service shafts, and cupboards shall be kept locked shut;
- The edges of the treads of steps and stairways are maintained so as to be conspicuous.

Safety checks

In premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given in the Operating Schedule that ensure that:

- Safety checks are carried out before the admission of the public; and
- Details of such checks are kept in a logbook.

Curtains, hangings, decorations and upholstery

Consideration must also be given in the Operating Schedule to ensuring that:

- Hangings, curtains and temporary decorations are maintained in a flame-retardant condition;
- Any upholstered seating meets on a continuous basis the pass criteria for smouldering ignition source 0, flaming ignition source 1, and crib ignition source 5, when tested in accordance with Part 5 of BS 5852:1990;
- Curtains, hangings and temporary decorations are arranged so as not to come in contact with a heat source or obstruct exits, fire safety signs or fire-fighting equipment;

A suitable risk assessment should be undertaken in all such cases.

Occupancy Limits

In premises where occupancy limits have been established for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- Any capacity limits imposed under the premises licence or club premises certificate are not exceeded;
- The licence holder, a club official, manager or designated premises supervisor should be aware of the number of people on the premises and required to inform any authorised person on request.

High Volume Vertical Drinking Establishments

To meet the Authority's first licensing objective (prevention of crime and disorder) conditions may be attached to premises licences demanding:

- A prescribed capacity;
- An appropriate ratio of tables and chairs based on capacity;
- The presence of Security Industry Authority registered security teams to control entry numbers in line with set limits and deny entry to persons who appear drunk and/or disorderly.

Fire Action Notices

Consideration might also be given to conditions that ensure that:

- Notices detailing the actions to be taken in the event of fire or other emergencies, including how the fire brigade should be summoned, are prominently displayed and protected from damage and deterioration;
- The local East Sussex Fire and Rescue Service are notified as soon as possible of any problems associated with the water supply to any hydrant, hose reel, sprinkler, drencher or other fire extinguishing installation;
- The recording of all relevant information in a Fire Log-book in order that any short-term access problems are notified to the emergency services.

First Aid

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- An adequate and appropriate supply of first aid equipment and materials is available on the premises;
- At least one suitably trained first-aider shall be on duty when the public are present; and if more than one suitably trained first-aider is present their respective duties are clearly defined.

Lighting

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions to ensure that:

- In the absence of adequate daylight, the lighting in any area accessible to the public, members or guests shall be fully in operation when they are present;
- Fire safety signs are adequately illuminated;
- Emergency lighting is not to be altered without our consent;
- Emergency lighting batteries are fully charged before the admission of the public, members or guests;
- In the event of the failure of normal lighting, where the emergency lighting battery has a capacity of an hour, arrangements are in place to ensure that the public, members or guests leave the premises within 20 minutes, unless within that time normal lighting has been restored and the battery is being re-charged; and, if the emergency lighting battery has a capacity of three hours the appropriate period by the end of which the public should have left the premises is one hour.

Temporary electrical installations

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- Temporary electrical wiring and distribution systems are not provided without notification to the Licensing Authority at least ten days before commencement of the work;
- Temporary electrical wiring and distribution systems shall comply with the recommendations of BS 7671 or where applicable BS 7909;
- Temporary electrical wiring and distribution systems are inspected and certified by a competent qualified person before they are put to use.

Ventilation

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that the premises are effectively ventilated:

- Where the ventilation system is designed to maintain positive air pressure within part of the premises, that pressure is maintained whenever the public, member or guests are present in that part of the premises;
- Ventilation ducting is kept clean;
- Air filters are periodically cleaned and replaced to maintain a satisfactory air supply.

Indoor Sports Entertainments

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- If necessary, an appropriately qualified medical practitioner is present throughout a sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature;
- Where a ring is involved, it is constructed and supported to the Licensing Authority's satisfaction and any material used to form the skirt around the ring is flame-retardant;
- At any wrestling or other entertainments of a similar nature members of the public do not occupy any seat within 2.5 metres of the ring;
- At water sports entertainments, staff adequately trained in rescue and life saving procedures are stationed and remain within the vicinity of the water at all material times (see also Managing Health and Safety in Swimming Pools issued jointly by the Health and Safety Commission and Sport England).

Theatres and Cinemas (Promotion of Public Safety)

There are particular public safety and fire safety matters that should be considered in connection with theatres and cinemas. The principle remains that conditions may be necessary and should be established through risk assessment.

Premises used for Closely Seated Audiences

Attendants

(a) The number of attendants on each floor in a closely seated auditorium should be as set out in the table below:

Number of members of the audience Present on a floor	Minimum number of attendants required to be present on that floor
1-101	One
101-250	Two
251-500	Three
501-750	Four
751-1000	Five

And one additional attendant for each additional 250 persons (or part thereof)

(b) Attendants shall not be engaged in any duties that would hinder the prompt discharge of their duties in the event of an emergency or entail their absence from that floor or auditorium where they are on duty;

(c) Any attendant shall be readily identifiable to the audience (but this need not entail the wearing of a uniform);

(d) The premises shall not be used for a closely seated audience except in accordance with seating plan(s), a copy of which is available at the premises and shall be shown to any authorised person on request;

(e) No article shall be attached to the back of any seat, which would reduce the clear width between rows or cause a tripping hazard or obstruction;

(f) A copy of any certificate relating to the design, construction and loading of any temporary seating shall be kept available at the premises and shall be shown to any authorised person on request.

Standing and Sitting in Gangways etc

(a) Sitting on floors shall not be permitted except where authorised in the premises licence or club premises certificate.

(b) Waiting or standing shall not be permitted except in areas designated in the premises licence or club premises certificate.

(c) In no circumstances shall anyone be permitted to -

- (i) sit in any gangway
- (ii) stand or sit in front of any exit; or
- (iii) stand or sit on any staircase including any landings.

Drinks

Except as authorised by the premises licence or club premises certificate, no drinks shall be sold to or be consumed by a closely seated audience except in plastic and paper containers.

Balcony Fronts

Clothing or other objects shall not be placed over balcony rails or upon balcony fronts.

Special Effects

Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff. Advance warning of any special effects should be made, and will require a risk assessment as demanded by health and safety legislation.

Special effects include:

- Dry ice machines and cryogenic fog;
- Smoke machines and fog generators;
- Pyrotechnics, including fireworks;
- Real flame;
- Firearms;
- Motor vehicles;
- Strobe lighting;
- Lasers (see hse Guide The Radiation Safety of lasers used for display purposes [hs(G)95] and bs en 60825: Safety of laser products);
- Explosives and highly flammable substances

In certain circumstances, it may be necessary to require that certain special effects are only used with the Licensing Authority's prior consent.

Scenery

Any scenery should be maintained flame-retardant.

Safety curtain

Where a safety curtain is necessary, it should be arranged so as to protect the audience from the effects of a fire or smoke on stage for sufficient time to enable the safe evacuation of the auditorium.

Where a stage with a proscenium arch is not equipped with a safety curtain, any curtains provided between the stage and the auditorium should be heavyweight and be made of non-combustible material or inherently or durably treated flame-retarded fabric.

Ceilings

All ceilings in those parts of the premises to which the audience are admitted should be inspected by a suitably qualified person every five years and a structural safety certificate concerning the condition of the ceilings forwarded to the Licensing Authority.

Seating

Where a potential audience exceeds 250 all seats in the auditorium should, except in boxes accommodating not more than 8 persons, be either securely fixed to the floor or battened together in lengths of not fewer than four or more than twelve.

Premises used for Film Exhibitions

Attendants - premises without a staff alerting system:

Where the premises are not equipped with a staff alerting system the number of attendants present should be as set out in the table below:

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty
1-250	Two
And one additional attendant for each additional 250 members of the audience present (pr part thereof)	
Where there are more than 150 members of an audience in any auditorium or on any floor	At least one attendant shall be present in any auditorium or on any floor

Attendants - with a staff alerting system:

(a) Where premises are equipped with a staff alerting system the number of attendants present should be as set out in the table below:-

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty	Minimum number of staff on the premises who are available to assist in the event of an emergency
1-500	Two	One
501-1000	Three	Two
1001-1500	Four	Four
1501 or more	Five plus one for every 500 (or part thereof) persons over 2000 on the premises	Five plus one for every 500 (or part thereof) persons over 2000 on the premises

(b) staff shall not be considered as being available to assist in the event of an emergency if they are:

- (i) the holder of the premises licence or the manager on duty at the premises; or
- (ii) a member of staff whose normal duties or responsibilities are likely to significantly affect or delay his response in an emergency situation; or
- (iii) a member of staff whose usual location when on duty is more than 60 metres from the location to which he is required to go on being alerted to an emergency situation.

(c) Attendants shall as far as reasonably practicable be evenly distributed throughout all parts of the premises to which the public have access and keep under observation all parts of the premises to which the audience have access.

(d) The staff alerting system shall be maintained in working order.

Minimum Lighting

The level of lighting in the auditorium should be appropriate and consistent with the effective presentation of the film; and the level of illumination maintained in the auditorium during the showing of films would normally be regarded as satisfactory if it complies with the standards specified in BS CP 1007 (Maintained Lighting for Cinemas).

Flammable Films

No flammable films should be allowed on the premises without the Licensing Authority's consent.

Licensing Objective 3 - The Prevention of Public Nuisance

It should be noted that provisions of the Environmental Protection Act 1990 and the Noise Act 1996 provide some protection to the general public from the effects of noise nuisance. In addition, the provisions in Part 8 of the Licensing Act 2003 enable a senior police officer to close down instantly for up to 24 hours licensed premises and premises carrying on temporary permitted activities that are causing nuisance resulting from noise emanating from the premises. When enacted, Part 6 of the Anti-social Behaviour Act 2003 will allow the Council to issue a closure order in relation to licensed premises or premises operating under a temporary event notice which are causing a public noise nuisance. Under normal circumstances a premises that has been a subject of a closure by the Police or the Licensing Authority will then be subjected to the review procedure.

Matters to be considered by Applicants

Applicants should have regard to the following matters when writing their operating schedules and are advised to consult the Environmental Health Officer (Pollution) at the Council before submitting their application. If the Licensing Authority receive a representation, at the Hearing that determines the application, additional conditions may be imposed.

Hours

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

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

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

Noise and vibration

In certain premises where legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:

- Noise or vibration does not emanate from the premises so as to cause a nuisance to the occupants of nearby properties, this might be achieved by a simple requirement to keep doors and windows at the premises closed, or to use noise limiters on amplification equipment;
- Prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly;
- Prohibit certain rooms from being used;
- The use of explosives, pyrotechnics and fireworks of a similar nature, which could cause disturbance in the surrounding area are restricted;
- The placing of refuse - such as bottles - into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.

Noxious smells

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:

- Noxious smells from licensed premises are not permitted so as to cause a nuisance to nearby properties and the premises are properly vented.

Light pollution

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

Licensing Objective 4 - Protection of Children

Matters to be considered by the applicants

Applicants should have regard to the following matters when writing their operating schedules and are advised to consult the Head of Children's Safeguards and Quality Assurance, PO Box 5, County Hall, Lewes, East Sussex, BN7 1SW. If the Licensing Authority receives a representation at the Hearing that determines the application, additional conditions may be imposed.

It should be noted that it is unlawful under the 2003 Licensing Act to permit unaccompanied children under the age of 16 to be present on premises exclusively or primarily used for supply of alcohol for consumption on those premises under the authorisation of a premises licences, club premises certificates or a temporary event notice when open for the purposes of being used for the supply of alcohol for consumption there. In between midnight and 5 a.m. at all premises supplying alcohol for consumption on those premises under the authorisation of any premises licence, club premises certificate or temporary event notice. Conditions duplicating these provisions are, therefore unnecessary.

Access for children to licensed premises - in general

Restrictions on the access of children under 18 to premises where licensable activities are taking place should be made where it is necessary to protect children from harm. Precise policy and detail will be a matter for the licensing authority. Conditions attached to premises licences and club premises certificates may reflect the concerns of responsible Authority's and interested parties who have made representations but only where the Licensing Authority considers it necessary to protect children from harm.

Whilst applications in relation to premises licences and club premises certificates must be judged by the Licensing Authority on their individual merits and characteristics, the Secretary of State recommends (unless there are circumstances justifying the contrary) that for any premises with known associations (having been presented with evidence at a hearing) with underage drinking, drugs, significant gambling, or any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature, there should be a strong presumption against permitting any access at all for children under 18 years.

Applicants wishing to allow access for children to premises where these associations may be relevant, when preparing operating schedules or club operating schedules or variations of those schedules for the purposes of obtaining or varying a premises licence or club premises certificate should explain their reasons; and outline in detail the steps that they intend to take to protect children from harm on such premises.

For any premises, not serving alcohol for consumption on the premises, but where the public are allowed on the premises after 10.00 p.m. in the evening, there should be a presumption against the presence of children unaccompanied by adults under the age of 12 after that time. Applicants wishing to allow access when preparing operating schedules or variations of

those schedules or club operating schedules for the purposes of obtaining or varying a premises licence or club premises certificate should explain their reasons, and outline in detail the steps that they intend to take to protect children from harm on such premises.

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

Age Restrictions – specific

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

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

Age restrictions – Cinemas

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

- A condition that where the Licensing Authority make recommendations on the admission of children to films, the cinema or venue operator must submit any film to the Authority that it intends to exhibit 28 days before it is proposed to show it. This is to allow the Authority time to classify it so that the premises licence holder is able to adhere to any age restrictions then imposed;

- A condition that when films are classified, by either the film classification body as specified in the licence or the Licensing Authority, they should be classified in the following way:
- U- Universal. Suitable for audiences aged four years and over
- PG - Parental Guidance. Some scenes may be unsuitable for young children.
- 12 - Passed only for viewing by persons aged 12 years or older.
- 12A - Passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult.
- 15 - Passed only for viewing by persons aged 15 years and over.
- 18 - Passed only for viewing by persons aged 18 years and over.
- A condition specifying that, immediately before each exhibition at the premises of a film passed by the British Board of Film Classification, there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium, a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film.
- A condition that when a Licensing Authority has made a recommendation on the restriction of admission of children to a film, notices are required to be displayed both inside and outside the premises so that persons entering can readily be made aware of the classification attached to any film or trailer.

Such a condition might be expressed in the following terms:

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

Persons under the age of [insert appropriate age] cannot be admitted to any part of the programme

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

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

Theatres

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

A condition should be attached to a premises licence, which requires the presence of a sufficient number of adult staff on the premises to ensure the well being of children present on the premises during any emergency.

Performances especially for children

Where performances are presented especially for children in theatres and cinemas, conditions are anticipated to be needed which require an attendant to be stationed in the area(s) occupied by the children, in the vicinity of each exit, provided that on each level occupied by children the minimum number of attendants on duty should be one attendant per 50 children or part thereof, whether or not standing should be allowed. For example, there may be reduced risk for children in the stalls than at other levels or areas in the building.

Children in performances

There are many productions each year that are one-off shows where the cast is made up almost entirely of children. They may be taking part as individuals or as part of a drama club, stage school or school group. The age of those involved may range from 5 to 18. The Children (Performances) Regulations 1968 as amended set out requirements for children performing in a show.

However, if it is necessary to consider imposing conditions for the promotion of the protection of children from harm then the Licensing Authority will consider the matters outlined below:

- Venue - the backstage facilities should be large enough to accommodate safely the number of children taking part in any performance.
- Fire safety - all chaperones and production crew on the show should receive instruction on the fire procedures applicable to the venue prior to the arrival of the children.
- Special effects - it may be inappropriate to use certain special effects, including smoke, dry ice, rapid pulsating or flashing lights, which may trigger adverse reactions especially with regard to children.
- Care of children - theatres, concerts halls and similar places are places of work and may contain a lot of potentially dangerous equipment. It is

therefore important that children performing at such premises are kept under adult supervision at all times including transfer from stage to dressing room and anywhere else on the premises. It is also important that the children can be accounted for at all times in case of an evacuation or emergency.

Appendix 3

Definition of Terms

In some cases these definitions are an abbreviation or interpretation of the Licensing Act 2003. For a full definition of the terms used, the reader must refer to the Licensing Act 2003.

‘Appeals’

Appeals against decisions of the Licensing Authority are to the magistrates’ court for the area in which the premises are situated. The appeal must be lodged within 21 days of being notified of the Licensing Authority’s decision. On appeal a magistrates’ court may, dismiss the appeal; substitute its own decision; remit the case to the Licensing Authority with directions; and make an order for costs.

‘Authorised Persons’

“Authorised Persons” are specified people who have statutory duties in relation to the inspection of premises, e.g. licensing officers, police, fire, health & safety, environmental health.

‘Closure Order’

New powers for the police and courts to close premises. The 2003 Licensing Act significantly extends the existing powers of the police to seek court orders in a geographical area that is experiencing or likely to experience disorder or to close down instantly individual licensed premises that are disorderly, likely to become disorderly or are causing noise nuisance.

‘Club Premises Certificate’

A certificate that licences a qualifying club for the sale/supply of alcohol. It can be granted to members clubs which comply with specific conditions e.g. membership rules, run by club committees, profits go to members not an owner etc. club premises certificates replace registration under the Licensing Act 1964. The law for members clubs has changed relatively little under the 2003 Licensing Act. There is no limit on the duration of the certificate but it may be withdrawn, surrendered or suspended.

‘Conditions’

A premises licence may be granted subject to different conditions, and these may be in respect of different parts of the premises and different licensable activities. There is no power to impose conditions on a personal licence. Secretary of State’s guidance provides “The only conditions which should be imposed on the premises licence or club premises certificate are those which

are necessary for the promotion of the licensing objectives. Accordingly, if the existing law already places certain statutory responsibilities on an employer or operator of premises, it cannot be necessary to impose the same or similar duties on the premises licence holder". Conditions must be proportional and tailored to size, style, characteristics and activities taking place at the premises concerned.

'Designated Premises Supervisor'

The person 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 themselves (who must also be a Personal Licence holder).

'Interested Parties'

"Interested Parties" are persons living in the vicinity of the premises; a body representing such persons; a person involved in business in the vicinity; or a body representing businesses in the vicinity.

'Interim Authority Notices'

Where a premises licence lapses due to death, incapacity or insolvency etc. of the holder, specified persons can within 7 days serve an interim Authority notice on the Licensing Authority. This revives the licence, subject to police objection, for a period of up to 2 months so the premises can continue trading. This is the equivalent to "interim Authority's" and "protection orders" under the Licensing Act 1964.

'Late Night Refreshment'

The supply of hot food and/or drink to members of the public (whether for consumption on or off the premises) between the hours of 11.00p.m. and 5.00a.m.

'Licensable Activities'

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

'Licensing Objectives'

The Council's four Licensing Objectives (based on the 2003 Licensing Act) are:

- 1 Prevention of crime and disorder
- 2 Public safety
- 3 Prevention of public nuisance
- 4 Protection of children from harm

The Licensing Authority must carry out its function under the Act with a view to promoting the licensing objectives.

‘Licensed Premises’

Includes club premises and events unless the context otherwise requires.

‘Mandatory Conditions’

Conditions that the 2003 Licensing Act requires are imposed on the premises licence, club premises certificate or personal licence.

‘Objection Notice’

A procedure whereby the police can object to the grant of a personal licence on the grounds that where having regard to convictions of the applicant for relevant offences, the grant would undermine the crime prevention objective.

‘Operating Schedule’

A document containing a statement of the following matters (and any others that may be prescribed):

- Steps taken by the Licence holder to meet the four licensing objectives.
- The Licensable Activities to be conducted on the premises.
- The times during which the Licensable Activities are to take place and any other times when premises are open to the public.
- Where the Licence is required only for a limited period, that period.
- Where the Licensable Activities include the supply of alcohol, the name and address of the individual to be specified as the Designated Premises Supervisor.

‘Personal Licence’

A licence granted to an individual authorising that person to supply alcohol or authorise the supply of alcohol in accordance with a premises licence. The licence lasts for 10 years and can be renewed. It ceases to have effect when revoked, forfeited, surrendered or suspended. A personal licence holder is not required where the premise concerned does not supply alcohol as one of its licensable activities. A personal licence holder is also not required for the supply of alcohol in a club, which has a club premises certificate. Only the police can object to the grant of a personal licence (there is no equivalent to relevant representations as for premises licences).

‘Premises Licence’

A licence granted in respect of any premises, which authorises the premises to be used for one or more licensable activities, has effect until revoked, surrendered or on the death, insolvency etc of the holder. The local authority licensing committee in the area where the premises are situated deals with applications.

‘Provisional Statement’

A procedure by which the Licensing Authority can give a statement approving for licensing purposes proposals for a premises being built or in the course of being constructed. Equivalent to a “provisional grant” under the Licensing Act 1964. Where a provisional statement is made, subject to limited exceptions, the full licence must normally be granted once the premises are completed.

‘Qualifying Club’

Club Premises Certificates will be issued to Qualifying Clubs formerly Registered Members Clubs. To be eligible for a Club Premises Certificate the club/organisation members must have joined together for a particular social, sporting or political purpose and then have combined to purchase alcohol in bulk as members of the organisation for supply to members and their guests. Qualifying conditions are specified in Section 61 of the Act and the Council must be satisfied that these conditions have been met, including evidence to support that the club is non-profit making and that there is a minimum of 48 hours delay between application and acceptance of new members. The club must be established and conducted in ‘good faith’ (this involves consideration of details such as club finances).

‘Regulated Entertainment’

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

‘Relevant Representations’

The 2003 Act does not use the term “objections”. Instead authorised persons, interested parties and responsible Authority’s may be able to make relevant representations about an application for a licence. Representations must relate to the licensing objectives and where made by an interested party must not be frivolous or vexatious. When considering an application from an interested party or Responsible Authority we need only consider relevant representations. The making of relevant representations engages the licensing Authority’s discretion to take “steps” consistent with the licensing objectives when considering the application.

‘Review of Licence’

Where a premises licence is in force an interested party or Responsible Authority may apply to the Licensing Authority for it to be reviewed. The Licensing Authority must hold a hearing to review the licence and as a result must take any necessary steps to promote the licensing objectives, such as modification of conditions; exclusion of licensable activities; removal of the premises supervisor; suspension of the licence for up to three months; or the revocation of the licence.

‘Responsible Authority’

- The Chief Officer of Police in the area where the premises are situated.
- The Fire Authority in the area where the premises are situated.
- The enforcing Authority for Health and Safety at Work.
- The local Planning Authority
- The local Authority responsible for minimising or preventing the risk of pollution of the environment or of harm to human health.
- The body representing matters relating to the protection of children from harm.
- In relation to a vessel, a navigating Authority, the Environment Agency, or the British Waterways Board.

Only these groups can make representation about an application for a Premises Licence.

‘Statement of Licensing Policy’

The Licensing Authority must every three years determine and publish a statement of licensing policy. There is a requirement to consult on the policy and keep it under review. Additionally, the Council will review the Special Saturation (Cumulative Impact) Policy, annually.

‘Supervisor’

Responsible for supervision of the premises eg. the day-to-day manager. Any premises where alcohol is supplied as a licensable activity must have a designated premises supervisor.

‘Temporary Event Notice’

A permitted Temporary Activity involving one or more Licensable Activities subject to the following various conditions and limitations:

- Duration- they are limited to events lasting for up to 96 hours.
- Scale- they cannot involve the presence of more than 499 people at any one time.
- Use of the same premises- the same premises cannot be used on more than 12 occasions in a calendar year, but are subject to the overall aggregate of 15 days irrespective of the number of occasions on which they have been used.

- The number of notices given by one individual within a given period of time- a Personal Licence holder is limited to 50 notices in one year, and any other person to five notices in a similar period.

(If these conditions are not fulfilled, the Temporary Event would require a Premises Licence if it were currently unlicensed for the activity involved).

‘Transfer’

A procedure where an application can be made to transfer the premise licence into a new name e.g. if a premises licence holder sells his premises an application may be made to transfer the premises licence to the new owner.

Appendix 4

Responsible Authority’s – Local Contacts

The following contacts are given to assist applicants. It is recognised that in many cases applicants will not have local knowledge and this information may help speed the application process:-

The Chief Officer of Police, Police Station Bohemia Road, Hastings Tel 0845 60 70 999

The Chief Fire Officer, Fire Station, Bohemia Road, Hastings Tel 01424 431484

The Borough Planning Officer, Hastings Borough Council, Century House, 100 Menzies Road, St Leonards on Sea TN38 9BB Tel 01424 783201, Email: DCEnquiries@hastings.gov.uk

The Executive Director, Environment and Safety, Hastings Borough Council, Century House, 100 Menzies Road, St Leonards on Sea, TN38 9BB Tel 01424 783210, Email: Licensing@hastings.gov.uk

East Sussex County Council, Head of Children Safeguards and Quality Assurance, PO Box 5, County Hall, Lewes BN7 1SW Tel 01273 481289