



LICENSING ACT 2003

STATEMENT OF LICENSING POLICY

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1. CONTEXT OF THIS POLICY STATEMENT AND OVERVIEW

- 1.1 Attracting more than 5 million visitors each year, Bournemouth is recognised, both nationally and internationally, as a leading resort and conference centre. It has excellent road and rail communications and an international airport with links to Europe.
- 1.2 The 2001 Census, which is due to be reviewed in 2011, shows a borough population of 163,444 and the following age profile:
- | | | |
|---------------|-------|-------|
| • 0-15 | 16.7% | 27295 |
| • 16 & 17 | 2.0% | 3269 |
| • 18-25 | 11.9% | 19425 |
| • 26-44 | 26.3% | 43011 |
| • 45-64 | 22.1% | 36121 |
| • 65-84 | 17.4% | 28439 |
| • 85 and over | 3.6% | 5884 |
- 1.3 Students attending Bournemouth University, the Arts Institute and Bournemouth and Poole College boost the population for much of the year. There are also a large number of language schools that lower the age profile still further.
- 1.4 At peak times, in excess of 100,000 people enjoy the beaches and other facilities which the Town offers. On many evenings throughout the year there can be 40,000 people attracted to the night time economy. The Bournemouth Air Festival has also contributed hugely to the number of visitors that the town experiences.
- 1.5 The Town provides a range of attractions and activities for residents and visitors. These include theatre, concert venues, cinemas, nightclubs, public houses, restaurants and private members clubs. There are also a significant number of takeaways.
- 1.6 The Council supports the choice of leisure and entertainment opportunities offered to its many residents and visitors. It accepts that the licensed leisure and entertainment industry has a major role to play in keeping Bournemouth vibrant and competitive. The Council recognises that licensed premises can benefit the local economy and community if properly managed and well run. They can contribute to leisure and enjoyment and support the tourism industry and local economy. The Council supports the development of a diverse range of entertainment opportunities to enhance the ambience of the town creating a positive dynamic & welcoming environment for all to enjoy.
- 1.7 In carrying out its licensing function, the Licensing Authority will always focus on the four Licensing Objectives as set out in the Licensing Act (2003) each of which has equal importance:
- the prevention of crime and disorder;
 - public safety;
 - the prevention of public nuisance; and
 - the protection of children from harm.
- 1.8 The Town Centre has become the focus of a substantial night-time economy which is worth £125million a year, and supports 4,000 jobs. Throughout the Borough there are 802 premises licensed to supply alcohol, and spaces for

around 350,000 people. The Town has one of the greatest concentrations of night-time activity in the South of England outside London, and this continues to grow. In November 2010, Bournemouth received the Purple Flag award which reflects a night-time economy that is broad in choice and largely safe for both visitors and residents.

As of 1st February 2011 the number of licensed premises within the Borough is 802. Out of this 264 are licensed for the supply of alcohol on the premises, 173 off the premises, 268 both on and off the premises and 97 late night refreshment premises.

A breakdown of those premises with 24/7 premise licences is shown below and are made up of 39 on sales only, 24 off sales only and 47 both on and off sales.

Type of Premise	Number	
Night Clubs	13	
Public Houses	6	
Restaurant	6	
Cinema/Theatre	2	
Hotel	7	
Hotel (Residential)	44	Previously licensed under old legislation where 24 hours drinking allowed for residents and bona fide guests.
Supermarkets	4	
Mini Markets	11	
Off Licences	6	
Newsagents	4	
Health Clubs	1	
Snooker Halls	2	
Licensed Clubs	3	(Private members clubs)
Licensed Stretch Limousine	1	(For sale of champagne prior to commencement of journey)

- 1.9 The Council is always mindful of the anti-social behaviour often associated with the night time economy. It is aware that this can contribute to the fear of crime and disorder and deter both residents and visitors from enjoying the Town Centre. Licensing decisions will be governed by the four Licensing Objectives and seek to strike a fair balance so that a responsible night time economy can continue to thrive.
- 1.10 Section 5 of the Licensing Act 2003 (the Act) requires a Licensing Authority to produce a Statement of Licensing Policy every three years, and to keep the Statement under review during that time. This Policy Statement results from a fundamental review and comes into effect on 15 April 2011 once approved by Council.
- 1.11 This Statement of Licensing Policy explains how the Licensing Authority will carry out its licensing functions. This Statement represents the Licensing Authority's view of the best means of securing the promotion of the four licensing objectives in all cases. This Statement does not undermine any individual's right to apply under the terms of the Act for a variety of permissions. Any application or applications will be considered on its or their individual merits. It also does not override the right of any person or Responsible Authority to make representations on an application or to seek a review of a licence or certificate where allowed under the Act.

- 1.12 Licensing is about the appropriate control of licensed premises, qualifying clubs and Temporary Events. It also covers the people who manage these or hold personal licences within the terms of the Act. Applications covered by the Act and relevant to this Statement include:
- Personal Licences
 - Premises Licences - including provisional statements
 - Variations
 - Transfers
 - Interim authorities
 - Temporary Events
 - Club premises certificates
 - Designated Premises Supervisors
 - Reviews
- 1.13 This Statement of Licensing Policy covers all the licensable activities and venues defined in the Act. It includes premises such as public houses, theatres, cinemas, restaurants, nightclubs, private members' clubs, off-licences, food premises selling hot food or hot drink after 11.00 p.m. as well as schools, churches and community centres.
- 1.14 Given the range of premises and activities, this Statement of Licensing Policy cannot cover all eventualities. It seeks to set out general policy to guide licence applicants and those who may wish to make representations.
- 1.15 In exercising its duties, the Licensing Authority will uphold the key principles that underpin the Act, recognising that:
- The main purpose of the regime is to promote the four licensing objectives.
 - Applicants for premises licenses or for major variations thereof must conduct a thorough risk assessment with regard to the licensing objectives and consult as necessary with relevant experts.
 - Residents should be free to raise reasonable and relevant representations about licensing applications either in person or through ward Councillors, residents' associations, area forums, etc.
 - Elected members are encouraged to support their ward residents by requesting a review of a premises licence when necessary, or making a representation in respect of an application for a new premises or variation to current premises where they impact on the licensing objectives.
- 1.16 In preparing this Statement of Licensing Policy, the Licensing Authority has referred to the revised Guidance issued by the Department for Culture Media and Sport under section 182 of the Act ("the Guidance"). In addition, it has noted the views of those persons and bodies it has consulted.
- 1.17 The Licensing Authority believes that effective partnership working between all concerned will help to address the problems that arise from licensed activities by:
- Building upon industry best practice
 - Recognising and supporting the role of partners and stakeholders
 - Encouraging self-regulation by licensees and managers
 - Providing a clear basis for the determination of licence applications
 - Supporting related policies and strategies of the Council; and

- Supporting an inspection and enforcement regime targeted at premises with a record of non-compliance with the Act, or where the risk to the public is potentially greater.
- 1.18 The Licensing Authority seeks to build on the partnership it has with a number of persons and bodies including:
- The Safer and Stronger Communities Forum - part of Bournemouth 2026 Partnership
 - The Night time Economy Coordinator
 - The Bournemouth Drugs and Alcohol Action Team
 - Operation Globe - a multi-agency community safety partnership; and
 - Town Watch - a body with strong representation from the licensed trade.
 - Bournemouth Area Hospitality Association (BAHA)
- 1.19 The Council is focused on reducing and indeed eliminating alcohol related violence and anti-social behaviour. The relevant targets set within the Community safety strategy reflect this and include specific measures to monitor progress. The Licensing Authority will have regard to these key priorities in promoting the four licensing objectives. The Licensing Authority is mindful of the targets set out in the delivery plan in relation to “Safer and Stronger Communities”.
- 1.20 Central Government has also outlined measures to address some of the social, health and crime and disorder issues raised by the misuse of alcohol. The Licensing Authority will seek to complement these, particularly with regard to prevention of sale of alcohol to under 18s, and by taking effective steps to tackle anti-social behaviour.
- 1.21 The Licensing Authority will have regard to national and local strategies relating to alcohol and other licensing issues.
- 1.22 The Licensing Authority recognises that licensing law is not the main mechanism for control of anti-social behaviour by individuals once away from licensed premises. They are then beyond the control of the individual, club or business holding the licence, certificate or permission concerned. Nevertheless, as a matter of general policy, the Licensing Authority expects all licence holders to be responsible for minimising the impact of their activities and of any anti-social behaviour by customers within the vicinity of their premises. As such, the Licensing Authority will require licence holders to demonstrate that they have taken appropriate action.
- 1.23 The Licensing Authority recognises the challenge that the Health Act 2006, which introduced the smoking ban, continues to pose problems for licensees. In situations where licensees choose to accommodate smokers outside of their premises they must have regard to the antisocial behaviour from noise and other nuisance. This may cause nuisance to neighbours when customers use external areas of the premises or gather on the pavement outside the premises. Licensees should consider the area to be used and the impact on the neighbourhood and customers. The use of shelters must comply with the provisions of the Health Act 2006. Planning permission may be required to erect smoking shelters.
- 1.24 The Licensing Authority acknowledges that other means exist to control anti-social behaviour, for example through:

- Planning controls
- Measures to create a safe and clean town environment in partnership with local businesses and transport operators, the taxi and private hire trade
- The services offered by various departments of the Council, for example, Environmental Health, Street Enforcement including Cleansing and Environmental Compliance, Trading Standards etc.
- CCTV surveillance
- The designation of parts of the town where the consumption of alcohol is controlled by Designated Public Place Orders (DPPOs)
- The confiscation of alcohol from children and adults in such designated areas, and
- Such other measures as may be prescribed from time to time by law.

1.25 Recent legislation has added to these powers:

- Under the Anti-Social Behaviour Act 2003 where noise from licensed premises is causing a public nuisance to make a closure order for 24 hours
- Under the Clean Neighbourhoods and Environment Act 2005 to issue a Fixed Penalty Notice to licensed premises emitting noise above the permitted level between 11pm and 7am
- Under the Clean Neighbourhoods and Environment Act 2005 to issue a Fixed Penalty Notice to licensed and other premises, for environmental offences such as street litter
- Under the Violent Crime Reduction Act 2006 for the Police to prosecute the offence of persistently selling alcohol to children
- Under the Anti-Social Behaviour Act 2003 for the Police to disperse groups of people behaving in an anti-social way and prevent their return within 24 hours
- Under the Violent Crime Reduction Act 2006, on the application of the Police, to take interim steps such as attaching interim conditions to licences or preventing the sale of alcohol pending review in serious cases of crime and disorder
- Under the (Anti Social Behaviour Act 2003) for the Police to close licensed premises where they are associated with the production, supply or use of Class A drugs and serious nuisance or disorder

1.26 The Licensing Authority in partnership with Dorset Police, Tourism, Town Centre Manager, Night-time Economy Co-ordinator and the Chair of Town Watch were successful in achieving the 'Purple Flag' award. Bournemouth Borough Council is the first seaside resort to achieve this award granted by the Association of Town Centre Management. The award is granted, only one of eight in the Country, following a comprehensive review of the night-time economy, for example: the over all experience, safe environment and diversity.

In addition the Council holds the Green Flag for its open spaces and Blue Flag for its beaches.

1.27 The Licensing Authority also notes the Council's [Local Transport Plan](#) and its policies and strategies. It recognises the role of the Police and Taxi Marshalls in dispersing people swiftly and safely from the Town Centre.

2. CONSULTATION ON THIS POLICY STATEMENT

2.1 In developing this Policy Statement, the Licensing Authority has consulted the following statutory bodies and individuals:

Bournemouth Borough Council Departments:

- Trading Standards
- Planning & Transport Business Unit
- Environmental Health (Health and Safety)
- Environmental Health (Pollution)
- Children and Family Services

And the following:

- The Chief Constable of Dorset Police
- Dorset Fire and Rescue Service
- Persons/bodies representative of local holders of premises licences and club premises certificates
- Persons/bodies representative of local holders of personal licences
- Persons/bodies representative of businesses and residents in the Borough

2.2 In addition the Licensing Authority has consulted:

Bournemouth Borough Council Departments:

- Adult and Community Services
- Street Services
- Safer and Stronger Communities Team
- Tourism Services and the Town Centre Manager

And the following:

- Bournemouth and Poole Primary Care Trust
- Bournemouth Area Hospitality Association (BAHA)
- Representatives from the taxi and private hire trade
- A range of persons and representative bodies invited to make representations through the Council's website
- NHS (who may become a Responsible Authority under proposed changes)
- Dorset Ambulance Service
- BH Live

[A full list of persons and bodies contacted and a summary of their responses, is available from the Licensing Section - Public Protection, Bournemouth Borough Council, The Town Hall, St Stephen's Road, Bournemouth, BH2 6LL (01202) 451177]

3. CONSULTATION ON AN APPLICATION, MEDIATION; THE HEARINGS PROCEDURE FOR "RELEVANT REPRESENTATIONS" AND DELEGATION OF FUNCTIONS TO LICENSING BOARD AND SUB-COMMITTEE

3.1 Responsible Authorities that must be consulted for the purpose of licence applications are contained in the guidance document [Guidance to the Licensing Act 2003](#):

Bournemouth Borough Council Departments:

- The Environmental Health Department (Pollution Control)
- Bournemouth Planning Services
- Childcare and Family Support
- Bournemouth Trading Standards Department

- Health and Safety Department OR The Health and Safety Executive
And the following:
- The Chief Constable of Dorset Police
- Dorset Fire and Rescue Service

Responsible Authorities Contact List

- 3.2 In the case of Temporary Events, the notice must be served on:
- The Chief Officer of Police - Dorset Police, Operation Protect, Bournemouth Police Station, Madeira Road Bournemouth BH1 1QQ
 - The Licensing Department - Environmental Health & Consumer Services, Bournemouth Borough Council, The Town Hall, St Stephen's Road, Bournemouth, BH2 6LL
 - Applicants should be aware that the consultation provisions are under review and may include other agencies during the life of this policy.
- 3.3 The applicant must ensure that a copy of the application is served on each Responsible Authority. Where the Council is the Responsible Authority, the applicant must serve a separate copy of the application on each of the various Council departments - it is not the function of the Licensing Department to do this for the applicant.
- 3.4 The Responsible Authorities are entitled to make representations in relation to applications for the grant, variation or review of a licence in the context of any of the four licensing objectives. "Interested parties" have the same entitlement and can institute a premises licence review. Interested Parties include:
- A person living in the vicinity of the premises
 - A body representing persons living in that vicinity, for example, a residents' association, area forum, local community groups or special interest group
 - A person involved in a business in the vicinity of the premises
 - A body representing persons involved in such businesses, for example, a trade association.
 - Local Ward Councillors
- All such representations must be made within the statutory time limits - This date will appear on any statutory public notice.
- 3.5 Ward Councillors may make representations where they themselves are an interested party, or support other interested parties if asked to do so.
- 3.6 Applicants are recommended to discuss their proposals and obtain guidance from the Police, Environmental Health, Trading Standards, Child Protection, Planning Department and Licensing Department at an early stage. The Licensing Authority wants applicants to resolve areas of concern with the Responsible Authorities and/or interested parties prior to any application being submitted.
- 3.7 To address issues that might give rise to concern, applicants and/or their advisers should consider discussing their draft operating schedule with Council officers and representatives of the Responsible Authorities BEFORE the licence application is formally submitted. Once lodged, there are

statutory timescales for considering any application and decision restricting the opportunity for such discussions, liaison and mediation.

3.8 The Licensing Authority will expect applicants to consider the following matters in the context of promoting the four Licensing Objectives:-

- The nature of the area where the premises are situated.
- The precise nature, type and frequency of the proposed activities.
- Where alcohol is to be sold for consumption on the premises, the extent of seating available.
- Any measures proposed by the applicant as outlined in the operating schedule to mitigate or prevent any adverse impact upon the licensing objectives, including the proposed hours of operation.
- The nature, principally in terms of the age and orderliness, and number of customers likely to attend the premises.
- Means of access to and exit from the premises.
- The impact of the smoking ban, to include reference to noise pollution.
- Transport provision in the area, and the likely means of public or private transport for customers arriving/leaving the premises.
- Parking provision in the area.
- The potential cumulative impact of licensable activities in the relevant local area.
- Other means and resources available to mitigate any adverse impact particularly to local residents.
- Such other matters as may be relevant to the application.

3.9 Applicants are expected to have carried out the relevant risk assessments under other legislation, for example fire precautions, health and safety at work, before submitting their application. These risk assessments may identify conditions necessary for the promotion of the licensing objectives. These may need to be addressed in the operating schedule.

3.10 In the absence of relevant representations from Responsible Authorities or interested parties, the application must be granted, subject only to any mandatory conditions prescribed by the Act and such other conditions consistent with the applicant's operating schedule. In this context "relevant" means: relating solely to one or more of the licensing objectives.

3.11 Where relevant representations are made and not withdrawn, the application will be determined at a hearing before the Licensing Board or one of its sub-committees. Only in this case is the Licensing Authority entitled directly to apply the Policies of this Statement of Licensing Policy.

3.12 The terms of delegation to the Licensing Board and sub-committees are set out in Schedule 1. In general a sub-committee will deal with applications for new licences and variations. In the following cases, however, the application will be referred to the full Licensing Board where a relevant representation has been made and not withdrawn and:

- (i) In the opinion of the Head of Public Protection, in liaison with the Chairman and Vice chairman of the Licensing Board, the application is considered to be of major local significance, or
- (ii) Where the application is in respect of premises operated by the Council or is made by a Councillor.

(iii) Premises lie within the cumulative impact area as currently defined in section 15 and Appendix 1 of this Statement of Licensing Policy and the representation relates to crime and disorder.

3.13 Where relevant representations are made and not withdrawn, the Licensing Authority will decide whether the granting of the application would result in the licensing objectives being undermined. It may refuse an application or approve it subject to conditions that are needed to promote the licensing objectives or take such other action as set out in the Act.

3.14 The Chairman, Vice-chairman and members of the Licensing Board are elected at the annual meeting of the Council. The Licensing Authority will ensure that Board members and officers are appropriately trained to carry out their duties under the Act.

4. PROMOTING THE FOUR LICENSING OBJECTIVES

4.1 The Licensing Authority expects applicants to have an extensive knowledge of their premises and to be able to address all aspects relevant to the licensable activities for which they are seeking a licence.

4.2 The following sections detail a range of possible control measures to assist applicants in preparing their operating schedule. These are not exhaustive but are provided for guidance to applicants, responsible authorities, interested parties and the Licensing Board or sub-committee considering any relevant representations.

4.3 It is possible for control measures to address more than one licensing objective. In their operating schedule, applicants will not be required to repeat the details of a control measure which seeks to meet more than one of the objectives.

4.4 At a hearing, the Licensing Authority must be satisfied that the conditions offered by the applicant in the operating schedule adequately cover the concerns raised in the relevant representations; or if they fail to do so, that the additional conditions which the Licensing Authority imposes are necessary and proportionate.

4.5 The operating schedule must include a description of the style and nature of the premises. Any proposed conditions in the schedule must reflect the size, style, characteristics and activities taking place at the premises concerned.

4.6 Conditions volunteered by the applicant within an operating schedule or imposed by the Licensing Authority must focus on the direct impact of the activities taking place at the premises upon those attending the premises, and members of the public living, working or otherwise engaged in normal activity in the vicinity of the premises.

4.7 To assist applicants and for consistency the Licensing Authority has prepared a series of Model Pool of Conditions that may be used with or without modifications. These will be available on the Council's website [Licensing](#). They are not part of the Statement of Licensing Policy because they are subject to constant review. The Licensing Board and sub-committees may choose to use this Model Pool of Conditions where necessary and proportionate to do so.

- 4.8 This Model Pool of Conditions is not standard for imposition in all cases, but is designed to provide a range of possible conditions for differing situations.
- 4.9 In addition, the Licensing Authority draws applicants, Responsible Authorities and interested parties attention to Chapters 2 and 10 of the Guidance and to the Pool of Conditions set out in Annex D, of the Guidance. <http://www.homeoffice.gov.uk/publications/alcohol/guidance-section-182-licensing?view=Standard&pubID=836513>
- 4.10 Applicants preparing operating schedules and considering appropriate control measures may find it helpful to base their volunteered suggested conditions on a risk assessment of their premises. Whilst the Licensing Authority cannot require such risk assessments to be documented, it advises that such documentation is regarded as good practice and a useful tool in the instruction and training of staff.
- 4.11 A risk assessment also helps support a licence holder if an application for variation is made at a later date.
- 4.12 When incorporated into a premises licence or club registration certificate, any condition becomes enforceable. A breach could give rise to prosecution.

5. CARE, CONTROL AND SUPERVISION OF PREMISES

- 5.1 Within all licensed premises, whether or not alcohol is to be sold, the Licensing Authority will expect to see evidence of proper management both in practice and in the Operating Schedule. Premises Management will ensure that enough responsible and trained persons are at the licensed premises. They have the responsibility to monitor and manage the activities taking place. They must ensure that all statutory responsibilities and the terms and conditions of the licence are complied with. The applicant's operating schedule must address the issue of the management of the licensed premises.
- 5.2 The Licensing Authority considers these control measures as essential to meet the licensing objectives:
- Suitable and sufficient risk assessments
 - Effective and responsible management and supervisory control of the premises and associated open areas
 - Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of crime and disorder, to secure the safety of all persons present on the premises, to prevent incidents of public nuisance, and to protect children from harm.
 - All staff selling alcohol must be trained in the licensing laws relating to children and young persons.
 - Adoption of best practice guidance, for example, "Safer Clubbing", the National Alcohol Harm Reduction Strategy, the good Practice Guide on the control of Noise from Pubs and Clubs produced by the Institute of Acoustics, and other recognised codes of practice, including those related to drinks promotions such as the British Beer and Pub Association's Guidelines or On-Trade promotions.
- 5.3 The operating schedule for premises in which alcohol will be sold must designate a premises supervisor (DPS). The Licensing Authority will normally expect the premises licence holder to give the DPS day to day responsibility

for running the premises. As such, the DPS should normally be present on the licensed premises on a regular basis. When not on the premises, the Licensing Authority will expect the DPS to be readily contactable and able to deal quickly with any problems that arise.

- 5.4 The DPS must hold a Personal Licence.
- 5.5 The Licensing Authority also recommends that the DPS undergoes additional training or has experience relevant to the nature and scope of the licensable activities taking place on the premises.

6. OCCUPANCY CAPACITIES

- 6.1 The Licensing Authority expects the issue of occupancy capacity to be considered and addressed in an applicant's operating schedule. This particularly applies to premises where the applicant specifies a maximum occupancy, where Responsible Authorities choose to do so, for example, Dorset Fire and Rescue Service, and in all large or complex premises or events where the number of persons present cannot readily be assessed. The operating schedule in these cases should set out the additional arrangements that will be put in place to monitor and control the level of occupancy to ensure that the agreed capacity is not exceeded.
- 6.2 Applicants will be expected to consider using Security Industry Authority - SIA - licensed door supervisors to prevent crime and disorder if:
 - The operation is, or is likely to be, solely or primarily the sale of alcohol; or
 - The premises are in an area where Police evidence shows that crime and disorder is an issue; or
 - The premises allow for a high capacity and the lack of professional supervision could lead to crime, disorder and/or nuisance; or
 - The premises are, or are likely to be, high volume vertical drinking establishments.

When it is appropriate to use door supervisors, applicants should address the days of the week when door supervisors will need to be employed, the times of their employment (and employment until just after the premises are closed to the public is usually recommended) and the ratio of door supervisors to customers (and a usual ratio of 1:100 is recommended).

- 6.3 The Licensing Authority expects applicants to consider setting capacity conditions, setting a ratio of chairs and tables to customers and to consider whether the presence of SIA registered security staff is necessary to monitor and control capacity.
- 6.4 The Licensing Authority considers the control of capacity of premises and at events an essential factor in promoting the four licensing objectives where alcohol is sold on the premises and/or where regulated entertainment takes place on the premises.
- 6.5 The design and layout of premises and the location of entrances and exits are relevant in determining appropriate capacity. The Licensing Authority expects applicants to address these and other relevant factors including:
 - The nature of the premises or event
 - The nature of the licensable activities provided

- The provision or removal of such items as temporary structures, stage furniture
- The number of staff available to supervise customers both under normal circumstances and in the event of an emergency
- The age of customers and how this is verified
- The attendance of customers with disabilities
- The availability of suitable and sufficient toilets
- The adequacy of ventilation.

7. LICENSING HOURS

- 7.1 In considering licensing hours each case will be decided on its merits. The Licensing Authority will consider relevant representations received and may limit the hours permitted for licensable activities and impose different hours from those requested. This will be done only if it is necessary to promote the licensing objectives. There will be no general presumption in favour of lengthening licensing hours.
- 7.2 The Licensing Authority expects applicants for all types of licensed premises to consider licensing hours as an important issue when preparing their operating schedules, and to consider the impact of the hours requested on the licensing objectives.
- 7.3 The Licensing Authority will normally allow shops, stores and supermarkets to sell alcohol for consumption off the premises at any times when the retail outlet is fully open for shopping. It will do so unless it considers, after hearing relevant representations, that hours should be restricted to promote the licensing objectives.
- 7.4 The Licensing Authority will not seek to impose general limitations on trading hours in particular areas. However, it will give due regard to the individual characteristics of the premises concerned. It recognises that pubs, nightclubs, restaurants, hotels, theatres, cinemas and clubs may sell alcohol, serve food and provide entertainment and will do so in different ways. It will note those differences and their likely impact on a particular area.
- 7.5 The impact which licensed premises can have in a trading area or residential neighbourhood is closely linked to the times when licensable activities are taking place. In residential areas, residents may experience disturbance into the early hours of the morning.
- 7.6 The Licensing Authority expects applicants to consider winding down periods when they prepare their operating schedules. Gradual winding down of entertainment such as loud music should take place before the sale of alcohol concludes and the end of trading hours. Such winding down will encourage customers to leave of their own volition and may reduce any potential for nuisance as they leave the licensed premises. Customers may be more likely to leave the premises spasmodically in small groups rather than en masse.
- 7.7 In determining applications for new licences or variations to extend hours, the Licensing Authority expects applicants to consider late night public transport availability and the location of taxi ranks. This will aid dispersal of customers as recognised by the Community Safety Strategy and Policing strategy. Applicants should consult local transport operators. [Getting About Info](#)

7.8 The Licensing Authority will always consider an applicant's specific case. If the matter of Licensing hours has been raised in a representation, it will take into account any proposals from the applicant to minimise the risk of nuisance and disorder being caused or exacerbated by customers leaving the premises. However, it is unlikely that statements such as "the premises are well managed" or "the applicant is of good character" or that "the style of the premises is intended and likely to attract a discerning clientele" will alone be sufficient to demonstrate that restrictions on hours of trading should not be applied.

7.9 Where no relevant representations are received from a Responsible Authority or an Interested Party, the application will be granted for the hours specified in accordance with the terms of the operating schedule.

8. CRIME AND DISORDER

8.1 The Council is committed to improving the quality of life of people in Bournemouth by continuing to reduce crime and the fear of crime.

8.2 Section 17 of the Crime and Disorder Act 1998 imposes a duty on the Council to consider crime and disorder reduction in the exercise of all its functions. The Licensing Act 2003 reinforces this duty.

8.3 When addressing the issue of crime and disorder, applicants must demonstrate that they have considered the factors that have an impact on crime and disorder. These include:

- Underage drinking
- Drunkenness on premises and in the vicinity
- Illegal possession and/or use of drugs
- Violent behaviour
- Litter and graffiti
- Unauthorised advertising
- Anti-social behaviour

8.4 The applicant's operating schedules must demonstrate that suitable and sufficient measures exist to reduce or prevent crime and disorder on and in the vicinity of their premises.

8.5 The following examples of control measures will assist applicants to produce an effective operating schedule:

- Procedures to prevent the use and supply of illegal drugs
- Compliance with any voluntary codes of practice in respect of "happy hours" and discounted drinks promotions
- Requiring "proof of age" documentation as recognised by the Licensing Authority in consultation with the Police and Trading Standards. (The Proof of Age Standards Scheme - PASS - of the British Retail Consortium is commended.) www.pass-scheme.org.uk
- Provision and monitoring of CCTV in and around the premises
- Panic buttons for the use by staff
- Provision of toughened or polycarbonate drinking receptacles
- Decanting drinks from glass bottles into toughened or polycarbonate drinking receptacles
- Maintaining register of persons barred from the premises

- Provision of secure, deposit boxes for confiscated items
- Provision of appropriate litterbins including smoking related litter
- Provision of security measures such as exterior lighting
- Building and layout measures intended to “design out” crime
- Membership of local “Town Watch” or “Pub Watch” or similar groups. This is particularly helpful in identifying and adopting best practice
- Responsible advertising, promotional leaflets, posters, etc
- Provisions of a taxi call point.

8.6 Applicants are advised to consult with Dorset Police Licensing Team who may suggest additional control measures.

8.7 The Licensing Authority encourages membership of a Town Watch or Pub Watch scheme operating in Bournemouth. The aim is to enhance and further improve the safe and inclusive environment, with a good experience for all. The Licensing Authority recognises the importance of a strong partnership between all agencies and licensees.

9. PUBLIC SAFETY

9.1 The Council is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised.

9.2 The applicant’s operating schedule must have suitable and sufficient measures in place to ensure public safety.

9.3 Applicants are expected to demonstrate that they have considered the following factors that contribute towards public safety:

- The number of people present on the premises
- The condition, design and layout of the premises, including the means of escape in case of fire, and the number and location of toilets
- The nature of the activities provided, particularly the sale or supply of alcohol
- Whether activities are temporary or permanent
- The hours of operation and hours of opening
- Customer profile
- The use of special effects such as lasers, pyrotechnics, smoke machines, foam machines.

9.4 Public Safety within any external smoking area, must be considered, for example means of escape in emergency situations, glass within the area, possible fire from ash trays/bins.

9.5 The following examples of control measures are given to assist applicants:

- Provision of a sufficient number of people employed or to secure the safety of all those present
- Provision of designated and suitably trained first aiders
- Proof of regular testing, and certification where appropriate, of safety procedures, appliances and systems
- Provision of effective CCTV in and around the licensed premises
- Provision of toughened or plastic drinking vessels including bottles
- Provision and maintenance of all necessary fire safety measures
- Volunteering conditions for consent to the use of any special effects.

10. PUBLIC NUISANCE

- 10.1 Licensed premises, particularly those operating after 23:00 hrs and into the early morning, can adversely affect people living or working in the vicinity of the premises. The applicant's operating schedule must therefore contain practical steps to prevent disturbance to local residents.
- 10.2 Where there are relevant representations, the Licensing Authority may impose additional conditions, including controls on licensing hours. These can apply to all or some licensable activities.
- 10.3 The Licensing Authority is mindful of the potential for noise nuisance from amplified sound and live music. Where there are relevant representations on this issue, the Licensing Authority will normally impose appropriate conditions on variations or new licences or refuse consent if necessary for the promotion of the licensing objective. A condition which will normally be imposed in such circumstances will be that no noise or vibration from the licensed premises shall be audible above background level at the nearest noise-sensitive property (except that occupied by staff of the licensed premises) whilst the premises are trading.
- 10.4 The Licensing Authority expects that the volume of any amplified sound be set at a level agreed with the Council's Environmental Health Department and must always be under the control of the premises management. Any controlling mechanism shall be operated from a part of the premises not accessible to the public.
- 10.5 Where applicants propose to provide seating, tables or other facilities in any outdoor area, whether covered or not, or an outside smoking area, the Licensing Authority will follow its Policy on Outdoor and Smoking Areas as set out below. - Section 11 -
- 10.6 The Licensing Authority considers that public nuisance includes factors such as noise, disturbance, light, odour, litter and anti-social behaviour. Public nuisance will result when these factors have an adverse impact upon those living, working or visiting an area.
- 10.7 The Licensing Authority will consider measures proposed by applicants to prevent the generation and accumulation of waste or litter. The "keepbritaintidy" and recycling schemes run by the Council are examples of sound measures for waste management. www.encams.org/advice
- 10.8 Applicants must demonstrate that they have considered those factors that cause or add to public nuisance. It is good practice to consult with a noise expert to ensure the effectiveness of measures undertaken. The Council's Pollution Control Team can also be consulted. [Responsible Authorities](#)

Factors to consider include:

- Location of the premises and use of associated outside areas, for example, particularly for smoking (see section 11)
- Customer age and behavioural profile
- Hours of operation
- Nature of activities to be provided - temporary or permanent
- Location of activities - inside or outside
- Design and layout of the premises

- Use of noise limiting devices
- Number of people attending the premises
- Availability of public transport and parking provision
- Winding down period between the end of the licensable activities and closure of the premises
- Last admission time
- Fliers and other advertising material (The Council operates a licensing scheme to regulate distributors, further details can be obtained from <http://www.bournemouth.co.uk/sitebusiness/eventsandfilming/leafleting>)

10.9 The following control measures are suggested to assist applicants prevent public nuisance:

- Keeping doors and windows of licensed premises closed to minimise noise break out
- Fitting sound limiting devices, or insulation to contain sound and vibration to address noise break out from music, noisy customers or plant and machinery
- Effective queue management to keep queues away from residential accommodation
- Proper and adequate ventilation
- Proper and adequate door supervision
- Signs at exits telling customers to leave quietly and not to slam car doors
- Door staff reminding customers to leave quietly, especially at closing time
- Reduction of music volume near closing time
- Arrangements with licensed taxis or private hire vehicles to take customers from the premises
- Banning and maintaining a register of customers who leave noisily
- Where there is a membership scheme, including provisions in the conditions of membership concerning conduct, and noise when leaving the premises
- Provision for litter including smoking related litter, and refuse arising from the operation of the premises
- Setting appropriate times for and methods of dealing with bottle deliveries, disposal and collection
- Providing management contact details to concerned residents
- Locating exterior lighting carefully to limit nuisance to nearby properties.
- The creation of an effective dispersal management policy

11. OUTDOOR AREAS AND SMOKING AREAS

11.1 Where applicants propose to provide seating, tables or other facilities in any outdoor area, whether covered or not, or to permit the use of outdoor areas as smoking areas, applicants will be expected to demonstrate in their operating schedule that:

- (a) Suitable and sufficient measures will be in place to prevent the escape of noise and other public nuisance from that outdoor area, from the licensed premises or from any of the licensable activities
- (b) Effective management controls and other measures such as removal of seating/tables, presence of staff and installation of CCTV are in place to ensure that licensable activities and the use of such areas by customers

or other persons, ceases at such time as may be prescribed as a condition on the licence.

- 11.2 Where there are substantiated noise complaints relating to the use of smoking areas at the premises, the Licensing Authority will normally expect the public use of external areas in the licensee's control to cease at 23.00hrs.
- 11.3 Following the implementation of the smoking ban in July 2007 the Licensing Authority recognises that smokers wishing to smoke will have to go outside the licensed premises. They may also want to take alcohol purchased inside for consumption outside.
- 11.4 In some cases smoking will be in garden areas. In others, it may be on other parts of the licensed premises. The premises may provide some form of shelter but these must not be fully or substantially enclosed. Licensees should be aware of their responsibilities to prevent public nuisance.
- 11.5 Noise is likely to be caused not only from persons outside, but from the licensed premises if doors are continually opened or left open as customers go in and out.
- 11.6 If relevant representations are received, the Licensing Authority may consider conditions restricting the use of outside areas. Such conditions may include the prevention of drinks within the external area, restricting the carrying of any receptacle outside, prohibiting re-entry to premises after customers have left or restrictions on the number of people allowed at any one time in the outside areas.
- 11.7 The Licensing Authority may impose conditions on licences requiring the operators to provide cigarette disposal units in the vicinity of the premises and to carry out regular cleaning of the area as necessary in order to prevent public nuisance.
- 11.8 The Council may grant permission under section 115E of the Highways Act 1980 for an applicant to use the public highway outside premises for tables and chairs. Such use is subject to a separate application, requirements and conditions under the provisions of the Highways Act 1980. [Planning and Transport](#)

12. NIGHT CAFES AND TAKEAWAY PREMISES

- 12.1 Premises open after 23.00hrs supplying hot food or hot drink for consumption off the premises can attract large groups of customers many of whom have already consumed alcohol. The gathering of people around takeaways can lead to additional noise, disturbance and litter. Concerns have been raised about the level of crime, disorder and nuisance outside takeaway food premises late at night. This issue is of particular concern in the Cumulative Impact Areas where there are high concentrations of takeaways in addition to other licensed premises. In the cumulative impact areas (see section 15) the policy of the Licensing Authority will be to refuse applications unless they can satisfy the Licensing Authority that granting the application would not add to the cumulative impact.
- 12.2 The Licensing Authority expects operators of such premises to consider the effects of litter, including smoking related litter, in the vicinity of their premises. This relates particularly to disposable containers, bottles and

cans. The Licensing Authority may impose conditions on licences requiring the operators to provide litter bins in the vicinity of the premises and to carry out a "litter pick" as necessary.

- 12.3 Night cafes and takeaway food outlets can result in people gathering late at night and into the early morning. Licence holders must take steps to prevent any public nuisance associated with their premises and activities.
- 12.4 The Licensing Authority would encourage, and where necessary impose, conditions that relate to the deployment of Security staff registered with the Security Industry Authority, or other licensing authority, to prevent crime and disorder, ensure the safety of customers and staff.

13. PROTECTION OF CHILDREN FROM HARM

- 13.1 Applicant's operating schedules must demonstrate that suitable measures are in place to protect children from harm.
- 13.2 Where children are expected to attend a licensed event, or an event held on licensed premises even though alcohol is not being served, appropriate adult supervision will be required. Supervision should comprise one adult member of staff for every 50 children. Where the entertainment is music and dancing, two door supervisors licensed by the Security Industry Authority must be employed for every 50. Nothing in this Policy shall seek to override child supervision requirements contained in other legislation.
- 13.3 For premises that give rise to particular concern, there will be a presumption against permitting any access for those under 18 years of age. Premises that give particular concern include those where:
- Entertainment or services of an adult or sexual nature are commonly provided
 - There have been convictions of members of the current staff at the premises for serving alcohol to minors, or premises with a reputation for allowing under-age drinking
 - There is known association with drug taking or dealing
 - There is a strong element of gambling on the premises, excluding premises which have a limited number of cash prize gaming machines only
 - The supply of alcohol for consumption on the premises is the exclusive or primary purpose of the service provided at the premises.
- 13.4 The protection of children from harm and their welfare is of paramount importance. Family-friendly premises are encouraged, but the risk of harm to children is an essential consideration when determining applications.
- 13.5 With accompanied children having greater access to licensed premises there is an opportunity to have more family-friendly leisure. Clearly, this places additional responsibilities upon licence holders. It is recognised too that parents and others accompanying children have responsibilities to ensure the welfare and protection of children.
- 13.6 The protection of children from harm includes the protection of children from moral, psychological and physical dangers. Specifically, in relation to the exhibition of films, or transmission of programmes or videos, this includes protection from exposure to strong language, sexual expletives and portrayals of sexual activity.

- 13.7 In certain circumstances children are more vulnerable, and their needs will require special consideration. This vulnerability includes their susceptibility to suggestion, peer group influences, inappropriate example, the unpredictability of their actions due to their age, and the lack of understanding of danger.
- 13.8 Where no licensing restriction is necessary, admission of children remains entirely a matter at the discretion of the individual licensee or club. Conditions requiring the admission of children will not be imposed.
- 13.9 Whilst children may be adequately protected from harm by the action taken to protect adults, they may also need special consideration and no policy can anticipate every situation. When addressing the issue of protecting children from harm, applicants are advised to demonstrate what practical measures they will take.
- 13.10 The following examples of control measures are given to assist applicants. They should be taken into account when producing any operating schedule:
- Provision of a sufficient number of staff employed or engaged to secure the protection of children from harm
 - Complete exclusion of children and limitations on the hours when they may be present whether or not accompanied by a responsible adult
 - Restrictions to certain parts of the premises, or exclusion of children from certain activities
 - Imposition of requirements for children to be accompanied by a responsible adult
 - Adoption of "Challenge 21" or other similar initiative to require sight of evidence of age from any person under 21 who is attempting to buy alcohol www.swercots.org.uk
 - Acceptance of "proof of age" documentation, by means from time to time recognised by the Licensing Authority in consultation with the Police and Trading Standards. (The PASS accreditation system of the British Retail Consortium is commended)
 - The Licensing Authority commends the Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks, and compliance with the terms of that Code [Portman Group](#)
 - Measures to ensure that children do not purchase, acquire or consume alcohol, including keeping a refusals register in English and in accordance with any requirements of Trading Standards
 - Measures to avoid children being exposed to incidents of violence or disorder.
- 13.11 The Licensing Authority supports the following measures to reduce alcohol-related anti social behaviour by those under 18:
- Police powers under the Confiscation of Alcohol (Young Persons) Act 1997 to remove alcohol from young people in any public place where the public have access
 - Police and Trading Standards powers to implement test purchasing to target on and off licences selling to under 18 year olds, and carry out age challenges to reduce underage drinking from supermarkets, off licences, in pubs and other licensed venues
 - Further promotion of proof of age schemes

- Prosecution of those persistently selling alcohol to children, under the Violent Crime Reduction Act 2006.
- 13.12 The Licensing Authority will expect applicants to ensure that children are not allowed access into premises when licensable activities involving entertainment or services of an adult or sexual nature take place.
- 13.13 Licensees' operating schedules for premises showing films must include arrangements to prevent children from viewing age-restricted films as classified by the British Board of Film Classification.
14. **ENTERTAINMENT OF AN ADULT OR A SEXUAL NATURE**
- 14.1 The regulation of Sex Establishments is covered by the Local Government (Miscellaneous Provisions) Act 1982 as amended. The policy document covering this type of activity can be found by clicking the link http://www.bournemouth.gov.uk/library/PDF/Business/Environmental_Health/Licensing/sex%20Establishments%20Policy.pdf
15. **CUMULATIVE IMPACT AND SPECIFIC POLICY**
- 15.1 In some areas a concentration of licensed premises leads to serious problems in the specific area and even at some distance away. In such circumstances, the impact of such a grouping of premises can be greater than that arising from single premises. The potential effect of such a concentration is referred to in the Guidance as the "cumulative impact". The Council has considered the guidance in formulating this section of the statement; in particular in adopting a special cumulative impact policy to meet concerns about crime and disorder in the Borough. This is set out in 15.10.
- 15.2 It may not be possible to distinguish individual premises as being the sole cause, or even a contributor, to a particular problem. It is the combined effect of all of the premises that can cause problems for a wider area and potentially undermine the licensing objectives. The Licensing Authority recognises that pubs, nightclubs, shops, restaurants, hotels, theatres, may all sell alcohol, serve food and provide entertainment but with contrasting operational styles (including hours of operation) and characteristics. The licensing Authority will consider these differences and the impact that they are likely to have on the promotion of the licensing objectives in the local community.
- 15.3 Where a significant number of licensed premises - **whether selling alcohol for consumption on or off the premises** - are concentrated in any area, this can undermine the four licensing objectives. This cumulative impact has the potential to create dispersal problems as large numbers of people leave clubs, pubs and other late night venue establishments at the same time in the same immediate area. Off licences can heighten the risk of street drinking, proxy purchasing, dispersal issues, 'pre-loading' and excessive drinking and related incidents of crime and disorder in the area. Taxi and bus queues, and take aways can also become flash points for public disorder and violence.
- 15.4 Cumulative impact must not be confused with the issue of need relating to the commercial demand for licensed premises. Need cannot be taken into account when determining licensing applications.

- 15.5 In addressing cumulative impact, the Licensing Authority cannot impose quotas on premises or licences, or adopt the principle of fixing predetermined hours of operation for a particular area. Longer opening hours may assist in dealing with the issue of cumulative impact by staggering closing times.
- 15.6 Representations may oppose an application on the grounds that the concentration of licensed premises within an area has reached a point where serious problems of nuisance, crime or disorder exist or will increase. The Licensing Authority will consider such representations according to the evidence.
- 15.7 Evidence of the adverse effects of such a concentration will be addressed in the context of the individual merits of any application. As a guide, the following reasons will not normally be considered as sufficient promotion of the licensing objectives:
- That the premises are well managed
 - That the applicant is of good character
 - That the premises, or capacity, or size of increase applied for, is not substantial
 - That the applicant has a good understanding of how to reduce the potential for racist or homophobic crime
 - To develop the licensed premises.
- 15.8 The Licensing Authority acknowledges that other measures exist both within and outside the licensing regime to control cumulative impact. The Council's Licensing Section will advise applicants of local initiatives which address these problems.
- 15.9 In areas of Bournemouth where there is no specific policy dealing with cumulative impact, applicant's operating schedules will be expected to contain suitable and sufficient measures to ensure that their premises do not add to the problems of disorder and nuisance in the area. Applicants must support their statements with evidence, where appropriate, from risk assessments.
- 15.10 Following evidence from Dorset Police, the Council adopted a special Policy on 27th February 2007, within its Statement, to deal with the cumulative impact caused by the number, type and density of licensed premises in the Town Centre. This special policy has been kept under review to monitor its effectiveness in dealing with the prevention of crime and disorder, and through detailed statistical and analytical updates presented to the Licensing Authority on a regular basis. This review process led to the designation of three further 'stress' areas in the Councils statement approved on 15th April 2008. The Licensing Authority has identified the areas in the plans at Appendix 1 on pages 29-31 - the stress areas - as suffering from the effects of a concentration of licensed premises. The Licensing Authority considers that the principal impact of the areas shown is upon the prevention of crime and disorder licensing objective. In these four 'stress' areas the special policy applies also to all applications in respect of premises selling alcohol. All applicants operating schedules should contain details of measures they will take to ensure that the premises does not add to the cumulative impact.
- 15.11 This special policy does not relieve Responsible Authorities and interested parties from making representations based on the prevention of crime and

disorder. If no representations are received, the Licensing Authority is obliged to grant the application in the terms offered by the applicants operating schedule, and subject to the Mandatory Conditions Licensing Order 2010.

15.12 Where representations are received in respect of applications in the stress area for new premises licences or club premises certificates or variations for premises currently licensed, the following will apply:

- A presumption will be made that the Licensing Authority will **refuse such applications** if a relevant representation is received in regard to the crime and disorder objective.

15.13 This presumption may be rebutted if applicants can demonstrate in their operating schedules, supported by evidence such as risk assessments, that the operation of the premises will not add to the cumulative impact already experienced in the stress area. Some types of premises may not have so much of a detrimental impact upon the Crime and Disorder objective and in fact may enhance the character of the area. The Licensing Authority does not wish to discourage the development of such premises. In addition, the Licensing Authority recognises there may be broader community and economic benefit, widening the choice and type of venues provided.

15.14 If there is potential for new or altered premises to contribute to or cause cumulative impact in any area, the issue must be addressed early in the licensing process. Applicants must be aware that even if building works are satisfactorily completed, the subsequent premises licence application could be refused on the grounds of cumulative impact.

15.15 Where the Licensing Authority has issued a Provisional Statement indicating a granting of an application, and the schedule of works accompanying the application for the Provisional Statement is completed satisfactorily, any subsequent application must be granted and any objection which could have been raised at the Provisional Statement stage must be disregarded. The Licensing Authority will follow the general procedures set out in paragraph 8.54 to 8.65 of the Guidance.

15.16 The Licensing Authority will monitor cumulative impact. If Responsible Authorities and/or interested parties argue that the cumulative impact policy should be changed, the Licensing Authority will undertake appropriate consultation before altering the policy or the area covered by it.

15.17 The Licensing Authority also recognises the issues associated with the sale of alcohol OFF the premises and the impact this may have in the vicinity of the premises and on the wider community. Applicants should consider this and the additional measures they will take to reduce the impact on the community. It may be appropriate to address these concerns, such as restricting sales to four or more cans, and taking measures to reduce proxy sales and the sale of alcohol to children.

16. REVIEWS OF PREMISES LICENCES

16.1 After approval of a premises licence, a Responsible Authority or interested party, which includes Ward Councillors, residents and people who operate a business in the vicinity, may subsequently ask for a review of the licence. They can do so where there is specific concern relating to the undermining

of one or more of the licensing objectives. Given that review relates to individual premises, the issue of cumulative impact cannot be raised in such circumstances.

- 16.2 The Licensing Authority expects Responsible Authorities and interested parties to give early notice to licence holders of any concerns and suggest improvements.
- 16.3 Where practical, the Licensing Authority will seek to facilitate mediation between licensees, Responsible Authorities and Interested Parties. It will work to identify areas of dispute and try to resolve these by negotiation of appropriate conditions.
- 16.4 Where mediation is not practical or fails, the Licensing Authority will advise the parties of the provisions of the Act concerning a formal hearing.
- 16.5 Following the grant of a licence the management and supervision of the premises, in so far as it might impact on crime and disorder, will continue to be monitored. The Licensing Authority will monitor data on the nature, location and type of premises where alcohol related violence and disorder are occurring. It can then take full account of the facts and avoids exacerbating problems as required by the Community Safety Strategy. Where licensed premises are found to cause a nuisance or be associated with disorder or unreasonable disturbance, powers of revocation or the imposition of conditions may be considered. Conditions may include use of CCTV, licensed door supervisors and earlier closing times. Such action to restrict the operation may be taken for trial periods to allow businesses and opportunity to remedy existing disorder, nuisance or disturbance.
- 16.6 At a hearing, the Licensing Board will consider the appropriateness of any of the options set out in the Act. These include modifying the licence conditions, removing Designated Premises Supervisor; suspending, revoking of the licence or taking no further action.

17. TEMPORARY EVENT NOTICES

- 17.1 The Licensing Authority recognises that only the Police may intervene to prevent an event under a Temporary Event Notice (TEN) that meets the required criteria set out below. Notwithstanding that the notice must be given not less than ten working days before the event, such a short period may give the Police due reason for concern about the organiser's ability to address any concerns over the crime and disorder objective within that period.
- 17.2 The Licensing Authority therefore encourages applicants to give as much notice as possible of such events in excess of the minimum statutory period of ten working days so that appropriate advice and guidance can be given to organisers. Ten working days' notice means ten working days exclusive of the day on which the event is to start and exclusive of the day on which the notice is given.
- 17.3 The Licensing Authority will only intervene with such events if the limit on the number of notices that may be given is exceeded:
 - The number of times a person may give a TEN is 50 times per year for a personal licence holder and 5 times per year for others

- The number of times a TEN may be given for any particular premises is 12 times in a calendar year with an aggregate maximum duration of 15 days
 - A Temporary Event must not exceed 96 hours
 - A Temporary Event must have less than 499 people attending at any one time.
- 17.4 The Licensing Authority expects persons organising events under TENs to have proper respect for the concerns of local residents. They must follow any advice given by Environmental Health, the Police, the Fire Authority or any other relevant agency promoting public protection.
- 17.5 When the TEN is outside the criteria specified above, the Licensing Authority will issue a Counter Notice to the person giving the TEN.
- 17.6 Exceptionally, the Police may issue an Objection Notice where they consider the prevention of crime and disorder objective may be undermined. In such circumstances, the Licensing Board will consider the objection by way of a hearing and confine its consideration to the prevention of crime and disorder objective.

18. LINKS TO OTHER POLICIES AND STRATEGIES

- 18.1 The Human Rights Act incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way that is incompatible with a Convention Right. The Licensing Authority will have particular regard to the following relevant provisions of the European Convention on Human Rights in respect of its licensing responsibilities:
- Article 6 - in determination of civil rights and obligations, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law
 - Article 8 - everyone has the right to respect for their home and private life
 - Article 1 of the First Protocol everyone is entitled to the peaceful enjoyment of their possessions, including for example the possession of a licence.
- 18.2 Equality Act 2010 has increased measures to eliminate discrimination encountered by people in association with protected characteristics; age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation in the areas of employment, access to goods, facilities and services, and the management, buying or renting of land or property.
- 18.3 The Licensing Authority recognises its responsibilities under the Equality Act 2010. It recognises the need to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010 and to advance equality of opportunity and foster good relations between persons from different groups.
- 18.4 The Council's licensing functions will be discharged separately from its functions as the Local Planning Authority. Obtaining planning permission does not presume the granting of a licence by the Licensing Authority and vice-versa.

- 18.5 All applicants for premises licences and club premises certificates and those intending to hold Temporary Events or erect structures for smoking areas are advised that planning permission may be required. Planning permission may carry conditions.
- 18.6 Licensing applications are not a re-run of the planning process and there is a clear separation of the planning and licensing regimes. However, there will be overlapping issues of interest, for example, disturbance, which may be a material consideration for planning purposes.
- 18.7 To ensure proper integration with the Council's planning policies, the Licensing Board will provide reports from time to time to the Planning Board on the situation with regards to licensed premises in the Town, including the general impact of alcohol related crime and disorder. This will assist the Planning Board to give due consideration to such matters when making decisions.
19. **LIVE MUSIC, DANCING, CINEMA AND THEATRE**
- 19.1 The Council is keen to encourage a wide range of entertainment throughout the Borough to support local cultural strategies. It recognises that live music, dancing, cinema and theatre enrich the cultural offer of the town and benefit the wider economy.
- 19.2 The Council holds premises licences for a variety of public open spaces, pedestrian areas, the seafront, the Town Centre Civic Space, and community halls in the Council's own name. This avoids the need for performers and entertainers to obtain a licence or give a Temporary Event Notice to perform in such areas. A schedule of the areas of land so licensed is available from the Licensing Department and is also available from the Department of Culture Media and Sport website - [Register of Licensed Land](#)
- 19.3 Performers and entertainers will require the permission of the Council as the premises licence holder for any regulated entertainment that it is proposed to hold in the areas referred to in 19.2. Any licensable activity will be subject to a suitably agreed operating schedule following relevant consultation.
- 19.4 Comprehensive planning of events is essential. Particularly in the case of large outdoor events, the Licensing Authority will expect organisers to have consulted with the Responsible Authorities and produced operating schedules appropriate to the proposed licensable activities and meeting any safety concerns. Certain events will necessitate the involvement of a Safety Action Group. Applicants may also find it helpful to consult the Council's Tourism and Leisure Services, and the Town Centre Manager.
- 19.5 In determining conditions for licences and certificates, the Licensing Authority recognises the need to avoid disproportionate measures which may deter live music, dancing, cinema and theatre. It will monitor the effect of its licensing decisions on broader cultural activities, arts events and regulated entertainment generally.
- 19.6 The Licensing Authority seeks to ensure that all films exhibited in the Borough are rated in accordance with the British Board of Film Classification (BBFC). The showing of unclassified film(s) will be investigated to ensure the film(s) do not contain violent or sexual content. Where a film does not have a classification,(and contains scenes of a violent or sexual nature), the

Licensing Authority will assess the film and either specify an age limit or not allow the film presentation.

20. ENFORCEMENT

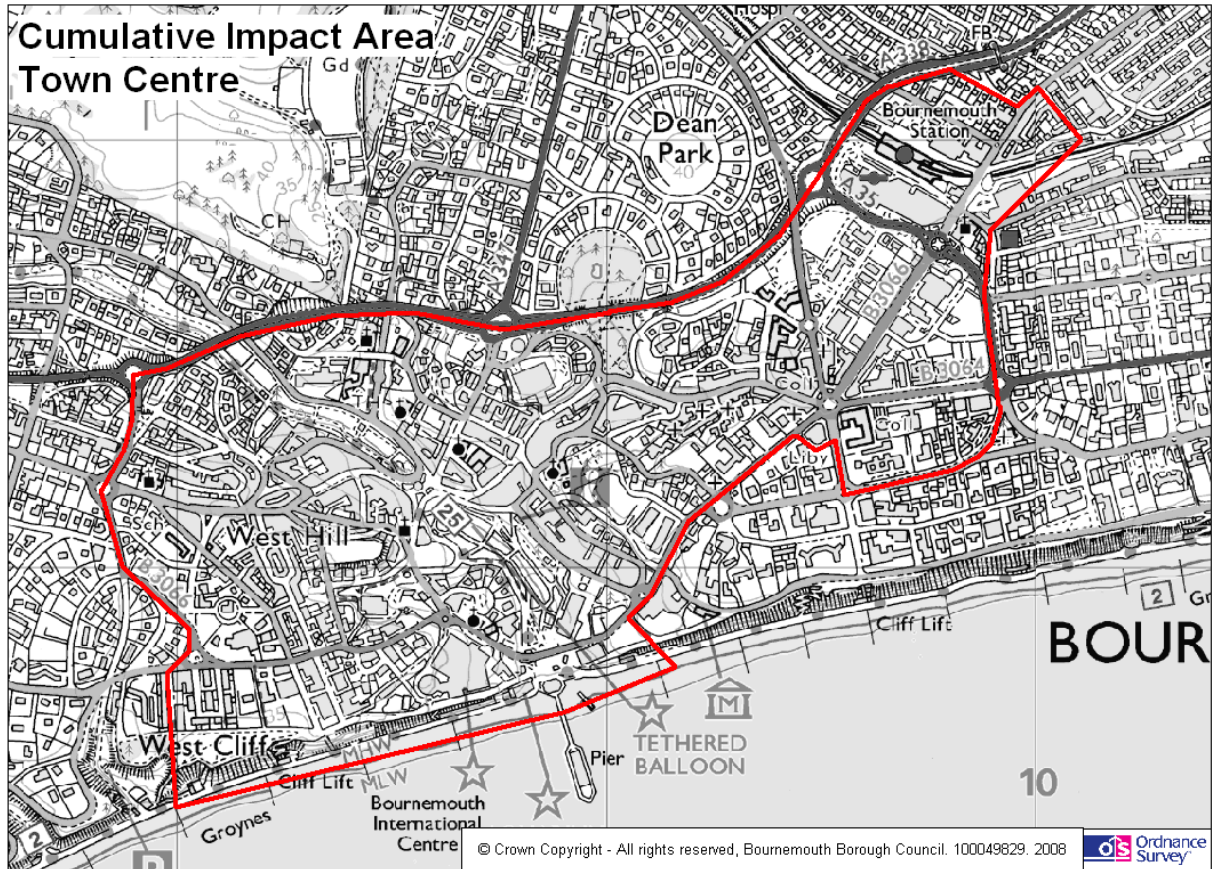
- 20.1 All decisions, determinations, inspections and enforcement action taken by the Council will be taken under the relevant provisions of the Licensing Act 2003, national guidance and the enforcement policy of the Council.
- 20.2 The Council will refer to the Department for Business Enterprise & Regulatory Reform Regulators' Compliance Code which is designed to ensure effective and efficient public protection services. [Regulators' Compliance Code](#).
- 20.3 The Council has a joint Enforcement Protocol with the Police and other relevant enforcement agencies. Such protocol provides for the proportionate targeting of enforcement action in respect of licensed activities that require greater attention due to problems such as bad management and the operation of high-risk activities. They also allow for a lighter touch for well run, lower risk activities. [Licensing](#)

21. CONTACT DETAILS, ADVICE AND GUIDANCE

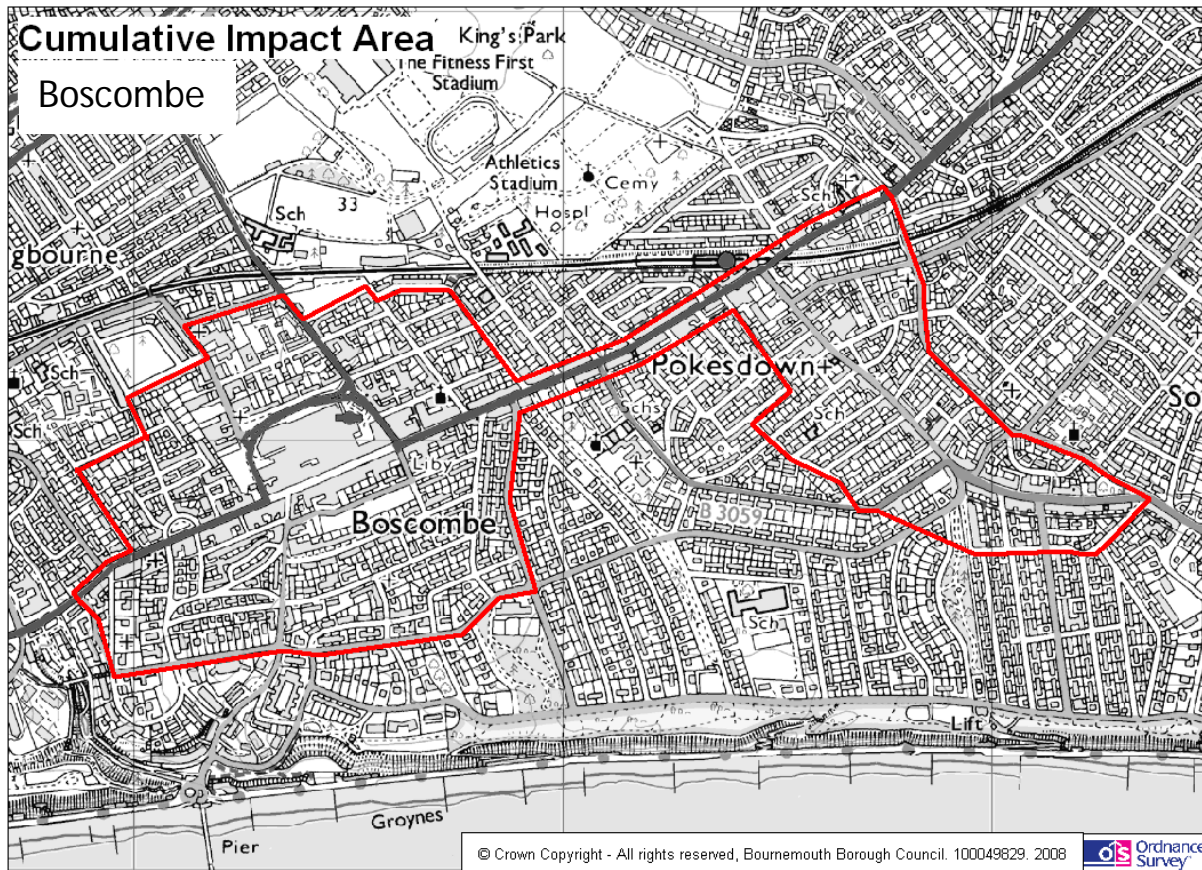
The Licensing Team
Environmental Health & Consumer Services
Bournemouth Borough Council
The Town Hall
St Stephen's Road
Bournemouth
BH2 6LL
Tel: 01202 451177
Email: licensing@bournemouth.gov.uk

Guidance Notes to Licensing Act 2003 [Guidance Notes](#)

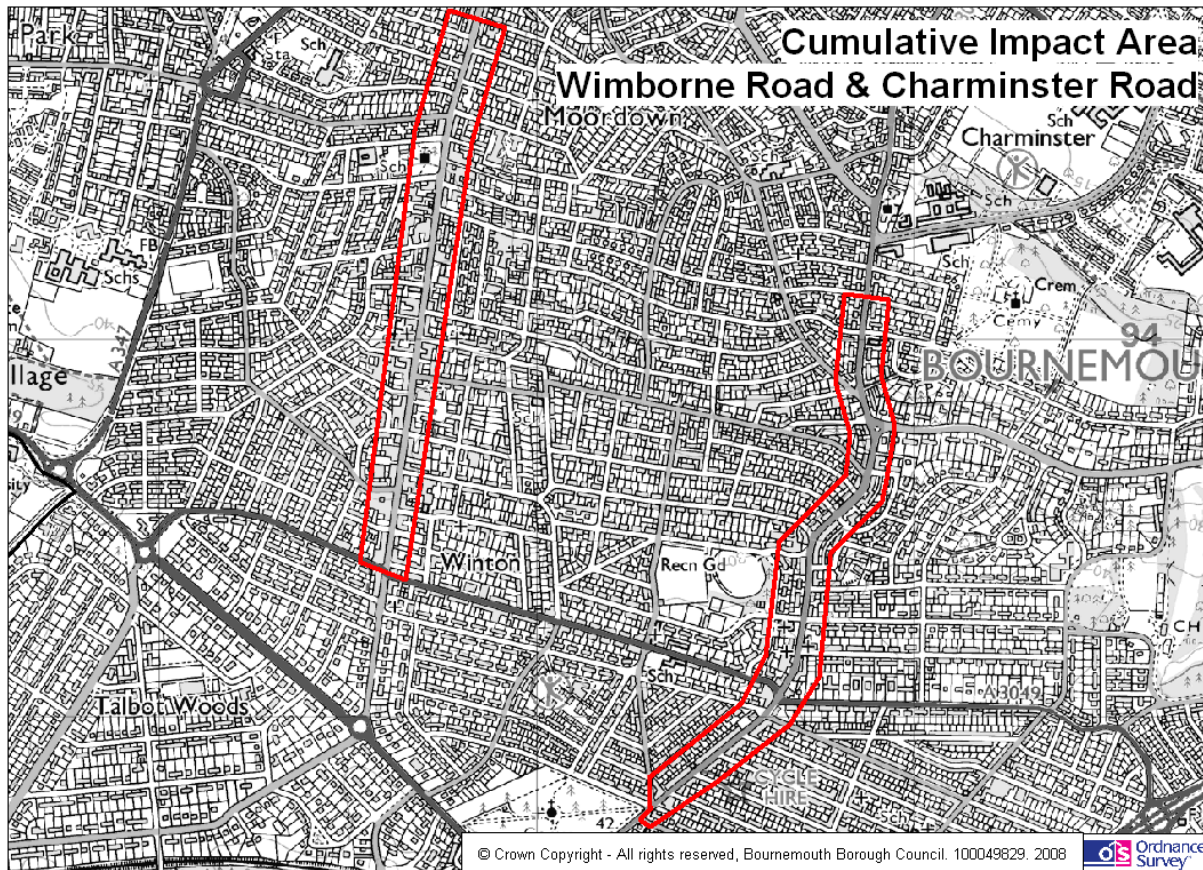
Advice and guidance may also be sought from the Responsible Authorities - [Responsible Authorities](#)



Map 1 - Description of boundary available at Appendix 2



Map 2 - Description of boundary available at Appendix 2



Map 3 - Descriptions of boundaries available at Appendix 2

MAP 1
DESCRIPTION OF TOWN CENTRE CUMULATIVE IMPACT AREA BOUNDARY

Northwards from the Lifeguard Station at West Cliff seafront up through Durley Gardens.

Across West Cliff Road continuing passed Durley Roundabout along Durley Chine Road to St Michael's Roundabout.

Along the ward boundary to Bournemouth West Roundabout and east along the Wessex Way before turning down along Portchester Place.

Joining along Lytton Road and crossing over Northcote Road and then diagonally southwards across Southcote Road.

Down St Swithun's Road before joining St Swithun's Road South, over St Swithun's Roundabout and along Gervis Road.

Northwards up Meyrick Road, behind Roundhouse Hotel before joining Bath Road opposite Buckingham Mansions.

Over St Peter's Roundabout continuing southwards down Bath Road over Bath Hill Roundabout before turning down towards the seafront before the car park after the Royal Bath Hotel.

At the seafront heading west along the Promenade over the centre of Bournemouth Pier and along West Undercliff Promenade.

Passed West Cliff Zig-Zag and joining the start just passed the Lifeguard Station.

MAP 2
DESCRIPTION OF BOSCOMBE CUMULATIVE IMPACT AREA BOUNDARY

Starting from the point at the junction of Owls Road and Boscombe Spa Road go north along Boscombe Spa Road.

Cross over Christchurch Road and at the point at 430 Christchurch Road go east before going up Hamilton Road.

Turn east at Craysfort Road continuing along before turning up Walpole Road.

Go east along Borthwick Road to the junction with Palmerston Road.

North up Palmerston Road before turning east along Tower Road to the junction with Ashley Road.

Head south and turn east along the junction with North Road and then along Wolverton Road heading south passed Gladstone Road East and Haviland Road East.

At the point 1-17 Wolverton Road (Woodland Court) the line goes east along Christchurch Road until it reaches the point at the junction with Kings Park Drive/Southbourne Road.

Heading south down Southbourne Road passed Southbourne Grove and turning into Pine Road.

Heading west along Pine Avenue crossing over Fishermans Walk, Portman Crescent and Wentworth Avenue onto Parkwood Road and then joining West Road.

At the junction with Granville Road go east to Morley Road.

Head north over Harcourt Road until the point at 1 Morley Road and then head west over Roseberry Road, Queensland Road and Colville Road.

Along Colonnade Road towards Colonnade Road West.

Upon reaching Chessel Avenue head south until reaching the junction at Shelley Park.

Go west along Beechwood Avenue, over Byron Road onto Percy Road. Continue over Sea Road onto Owls Road over St John's Road until reaching the start point at the junction of Owls Road and Boscombe Spa Road.

MAP 3
DESCRIPTION OF WIMBORNE ROAD CUMULATIVE IMPACT AREA BOUNDARY

Beginning outside a point at 6 Talbot Road and then northwards across

Leslie Road
Withermoor Road
Kemp Road
Maple Road
Privet Road
Hawthorn Road
Iris Road/Smithfield Place
Library Road
Jameson Road
Lampton Gardens
Victoria Park Road
Vicarage Road
Ensbury Park Road
Oswald Road
Elmes Road
Cowper Road

At the rear of 10 Ashton Road head east over Wimborne Road along King Edward Avenue.

At the point of 11 King Edward Avenue head south down across

King George Avenue
Queen Mary Avenue
Coronation Avenue
Moorfield Grove
Balfour Road
Brassey Road
Castle Road

South down Midland Road across

Pine Road
Calvin Road
Luther Road
Latimer Road
Wycliffe Road
Cardigan Road

At a point at 3 Alma Road turn west over Wimborne Road along Talbot Road to the start point

MAP 3
DESCRIPTION OF CHARMINSTER ROAD CUMULATIVE IMPACT AREA BOUNDARY

Beginning at a point outside 118 Lowther Road and into Charminster Road from that point.

Northwards along Heron Court Road before turning into Belvedere Road.

Over King's Road and Alma Road following northwards up along Linwood Road and over the following:-

Maxwell Road
Hankinson Road
Markham Road
Acland Road
Firbank Road
Green Road
Rutland Road
Charminster Avenue
Strouden Road

Upon reaching Gresham Road go east over Charminster Road to a point at 5 Mortimer Road and head south over Strouden Road passed the Fiveways Hotel and over the following:-

Queen's Park Road
St Albans Road
The junction of Charminster Road and St Alban's Avenue
Richmond Park Avenue
Richmond Wood Road
Richmond Park Road
Capstone Road
Shelbourne Road
Nortoft Road
Malmesbury Park Road
Stewart Road

To the start point at Lowther Road

Bournemouth Borough Council: Statement Of Licensing Policy**Delegation of Licensing Act 2003 Functions**

	Matter to be dealt with	Statutory Licensing (Act 2003) Board	Sub-Committee	Officer
A	Application for a Personal Licence		If a Police objection	If no objection
B	Application for a premises licence/club premises certificate (where [C] does not apply)		If a relevant representation made and not withdrawn	If no relevant representation made or relevant representation subsequently withdrawn
C	Application for a premises licence/club premises certificate within the cumulative impact area	All cases if a relevant representation made regarding crime and disorder		
D	Applications by the Council for premises licences		All cases	
E	Application for provisional statement		If a relevant representation made	If no relevant representation made
F	Application by the Council for provisional statement		All cases	
G	Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
H	Application by the Council to vary premises licence		All cases	
I	Application to vary designated premises supervisor (DPS)		If a Police representation	All other cases
J	Request to be removed a designated premises licence holder			All cases
K	Application for transfer of premises licence		If a Police representation	All other cases
L	Application for interim authorities		If a police representation	All other cases
M	Application to review premises licence/club premises certificate	All cases if not resolved		If application withdrawn
N	Decision on whether a representation is irrelevant, frivolous, vexatious etc.			All cases
O	Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
P	Determination of a Police objection to a temporary event notice		All cases	

As detailed in 3.12 and not included above

1	Applications where in the opinion of the Head of Public Protection, in liaison with the Chairman and Vice Chairman of the Licensing Board, it is considered to be of major local significance	All cases		
2	Applications for premises operated by the Council	All cases		
3	Applications made by a Councillor or Officer of the Council	All cases		