

Public Document Pack



NOTICE OF MEETING

Meeting:	Licensing Committee
Date and Time:	Tuesday 5 April 2022 7.00 pm
Place:	Council Chamber
Enquiries to:	Committee Services committeeservices@hart.gov.uk
Members:	Butler, Coburn, Davies, Delaney, Drage, Farmer, Forster, Lamb, Smith, Wildsmith (Chairman) and Wright

Joint Chief Executive

CIVIC OFFICES, HARLINGTON WAY
FLEET, HAMPSHIRE GU51 4AE

AGENDA

This Agenda and associated appendices are provided in electronic form only and are published on the Hart District Council Website.

Please download all papers through the Modern.Gov app before the meeting.

- **At the start of the meeting, the Lead Officer will confirm the Fire Evacuation Procedure.**
- **The Chairman will announce that this meeting may be recorded and that anyone remaining at the meeting has provided their consent to any such recording.**

1 MINUTES OF THE PREVIOUS MEETING (Pages 3 - 5)

The minutes of the meeting held on 23 November 2021 are attached for confirmation and signature as a current record.

2 APOLOGIES FOR ABSENCE

To receive any apologies for absence from Members*.

3 DECLARATIONS OF INTEREST

To declare disclosable pecuniary, and any other, interests*. ***Note:** Members are asked to email Committee Services in advance of the meeting as soon as they become aware they may be absent or have an interest to declare.

4 CHAIRMAN'S ANNOUNCEMENTS

5 DRAFT CHARITY COLLECTION POLICY (Pages 6 - 22)

The purpose of this report is to consider a draft Shared Licensing Service Charity Collection Policy and to approve it for consultation.

RECOMMENDATION

Licensing Committee is recommended to approve the draft Shared Licensing Service Charity Collection Policy set out in Appendix A of this report for consultation.

Authorise the Head of Place to make minor administrative amendments to the Policy prior to consultation.

6 APPROVAL FOR ADOPTION OF THE SHARED LICENSING SERVICE STATEMENT OF LICENSING POLICY FOLLOWING CONSULTATION (Pages 23 – 70)

This report is to update members of the Licensing Committee of the outcome of the public consultation on the draft Statement of Licensing Policy under the Licensing Act 2003.

RECOMMENDATION

Licensing Committee is recommended to:

Endorse the Shared Licensing Service Statement of Licensing Policy (set out in Appendix A to this report) to be referred to Full Council for adoption. If adopted, it will be valid for a period of 5 years unless it is determined that an earlier review is necessary.

Recommend to full Council that the Statement of Licensing Policy is adopted

Authorise the Head of Place to make minor alterations and typographical corrections to the Policy prior to its consideration by full Council.

Date of Publication: Monday, 28 March 2022

LICENSING COMMITTEE

Date and Time: Tuesday 23 November 2021 at 7.00 pm

Place: Council Chamber

Present:

Butler, Coburn, Davies, Delaney, Drage, Farmer, Forster, Smith and Wildsmith (Chairman)

In attendance: Kinnell (Portfolio Holder), Lamb

Officers: Emma Coles, Shared Licensing Services
Mark Jaggard, Head of Place
Louise Misselbrook, Shared Legal Services
Andrew Wake, Shared Licensing Services
Rebecca Borrett, Committee Services Officer

8 MINUTES OF THE PREVIOUS MEETING

The minutes of 1 June 2021 were agreed and confirmed and signed as a correct record.

9 APOLOGIES FOR ABSENCE

None received.

10 DECLARATIONS OF INTEREST

None declared.

11 CHAIRMAN ANNOUNCEMENTS

The Chairman introduced Emma Coles who has recently joined the Shared Licensing Service, and welcomed Andrew Wake to the meeting.

12 DRAFT SHARED STATEMENT OF LICENSING POLICY

The Committee considered a new Shared Statement of Licensing Policy.

Members discussed

- Point 8 with regard to any differences between Basingstoke and Fleet in the policy
- Clarification there were no changes to the policy that applied to Hart previously
- How the policy related to potential anti-social behaviour and criminality for Fleet Road. Officers explained every application is considered on its own merits, but the policy has a section on

expectations and if there are grounds for crime and disorder what will be expected.

- The opportunity to link the policy to the Council's declaration of a Climate Emergency, to encourage businesses to think about how they run from a climate perspective. It was agreed the Shared Licensing Service officer would speak to the Council's climate change officer.
- Confirmation of date policy must be renewed by, as renewable every five years. Officers explained was due in 2021 and the revised timeline is for this to be in place to bring back to February 2022 committee meeting.

DECISION

Approved the draft Shared Statement of Licensing Policy for consultation, subject to reference to the Climate Change Emergency being added.

Authorised the Head of Place in consultation with the Portfolio Holder for Regulatory to make minor alterations and typographical corrections to the document before it is published.

13 TAXI AND PRIVATE HIRE POLICY: MANDATORY CARD PAYMENTS

The Committee considered an amendment to the Taxi and Private Hire Policy, relating to the mandatory card payment acceptance in licenced vehicles, following consultation with the public and responsible authorities. Officers clarified an error in 3.1, the word 'centre' needs to be removed. Members had identified some typing errors within the report which they will email to Shared Licensing Services.

Members discussed

- Clarification that the requirement would relate to the vehicle licence condition, and not the driver
- The timeline for agreement with regard to consultation timescales
- That card machines will accept contactless payments

DECISION

Approved the amendment to the Taxi and Private Hire Policy relating to mandatory card payment acceptance in licensed vehicles.

Authorised the Head of Place in consultation with the Portfolio Holder for Regulatory to make minor alterations and typographical corrections to the document before it is published.

The meeting closed at 19:26 pm

LICENSING

DATE OF MEETING: 5th April 2022

TITLE OF REPORT: Draft Charity Collection Policy

Report of: Head of Place

Cabinet member: Cllr Sara Kinnell, Regulatory

1 PURPOSE OF REPORT

1.1 The purpose of this report is to consider a draft Shared Licensing Service Charity Collection Policy and to approve it for consultation.

2 OFFICER RECOMMENDATION

2.1 Licensing Committee is recommended to approve the draft Shared Licensing Service Charity Collection Policy, set out in Appendix A to this report, for consultation.

2.2 Authorise the Head of Place to make minor administrative amendments to the Policy prior to consultation.

3 BACKGROUND

3.1 The Council is able to make regulations under the Police, Factories, etc (Miscellaneous Provisions) Act 1916 which regulates collections of money or sales of articles for charitable purposes in street and public places. It is also able to use of the Charities Act 1992 (the Acts) to regulate the collection of money for charitable purposes.

3.2 The Charity Collection Policy outlines the general approach of the Shared Licensing Service (SLS) when making licensing decisions under the Acts and can be reviewed and revised by the SLS at any time.

3.3 As part of the SLS with Basingstoke & Deane it is proposed to take this opportunity to create a Shared Statement of Licensing Policy.

4 CONSIDERATION

4.1 There are only a few amendments in the draft document when compared to the existing version of the Hart District Council Policy. This is due to the fact that there have been no significant changes to the legislation or regulations. The key amendment is the incorporation of the two Council's Policies into one shared Policy. The current Policy was last reviewed in 2019.

4.2 With the advances in technology and finance leading to a move from cash transactions to online and card payments, the traditional cash collection method of charity fundraising has evolved, and many more charities now

collect using direct debit or other means, for example on-line. This means that those collections are not required to be regulated.

- 4.3 A Codes of Conduct for direct debit collections has been added to the Policy in order to regulate the numbers of collections occurring and also to ensure that those collectors conducted their collections within the same rules as the cash collectors.
- 4.4 Before determining the Policy for any 5-year period, the licensing authority must consult:
 - i. the responsible authorities; and
 - ii. the current licence holders.
- 4.5 The views of all consultees should be given appropriate weight when the Policy is determined. Beyond the statutory requirements, it is for the Licensing Authority to decide the full extent of its consultation. Whilst it is clearly good practice to consult widely, this may not always be necessary or appropriate.
- 4.6 Consultation will take place for a 12-week period from April 2022 to June 2022. The consultation email is attached at Appendix B.
- 4.7 On conclusion of the consultation exercise, a further report will be presented to the licensing committees with a view to adopting new Shared Licensing Service Charity Collection Policy having taken into consideration any consultation responses.
- 4.8 Once approved, the Policy would be in place for a 5-year period unless the Council determines it appropriate to revise before that date.

5 HART'S SUITE OF LICENSING POLICY

One of the aims of the shared service is to streamline policy to provide continuity of service across Hart and Basingstoke. All policy review whether it be set out in the legislation or part of best practise requires permission from the licensing committee for consultation. The recommended period for consultations to apply best practise run for a period of 12 weeks. All policy must then return to the licensing committee and any representations made be reviewed. The officers would then recommend the policy be approved or approved with amendments.

The current policy position for Hart is as follows:

Policy	Start dates	Next Review Date	Notes
Licensing Act	March 2022	Feb 2027	5 th April 2022
Gambling Act	April 2021	March 2024	
Taxi Policy	April 2021	March 2026	
Street Trading	2019	2024	
Charity Collection	2018	2021	5 th April 2022
Sex Establishments	2013	N/A	Date to be confirmed no statutory time frame for review.

6 ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 6.1 The alternative would be to keep two separate policies, one for Hart District Council, and one for Basingstoke & Deane Borough Council.

7 CORPORATE GOVERNANCE CONSIDERATIONS

Service Plan

Is the proposal identified in the Service Plan?	No
Is the proposal being funded from current budgets?	Yes
Have staffing resources already been identified and set aside for this proposal?	Yes

Legal and Constitutional Issues

The Council is required to regular review this Policy and this Policy has been added to the 5-year review cycle.

Financial and Resource Implications

There are no significant financial implications arising from this report.

8 EQUALITIES

- 8.1 There are no direct equalities impacts arising from the recommendations.

9 CLIMATE CHANGE IMPLICATIONS

- 9.1 There are no direct carbon/environmental impacts arising from the recommendations.

Contact Details: Emma Coles, Shared Licensing Team Leader
emma.coles@basingstoke.gov.uk

APPENDICIES

Appendix A: Draft Shared Licensing Service Charity Collection Policy

Appendix B: Consultation email



Basingstoke
and Deane



working together

Charity Collections Policy

2022 to 2027

DRAFT

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DRAFT

1 Introduction

- 1.1 The Shared Licensing Service (SLS) is responsible for issuing permits for street charitable collections in Basingstoke and Deane Borough Council and Hart District Council.
- 1.2 Charitable street collections are regulated under The Police, Factories, etc (Miscellaneous Provisions) Act 1916 which regulates collections of money or sales of articles for charitable purposes in street and public places.
- 1.3 The Act allows Local Authorities to make Regulations in respect of the administration of charitable street collections. The regulations made by the SLS for Basingstoke and Deane Borough Council and Hart District Council can be found in Appendix A.
- 1.4 The aim of this policy is to provide guidance on the law relating to charity street collections and how the SLS administers applications for permits when applying the law and regulations so as to ensure fairness to charities.
- 1.5 This policy will be subject to review every 5 years.

2 Policy Objectives

2.1 The policy aims are:

- To ensure applications are made in a timely manner whilst setting out a clear and robust application process.
- To ensure impartiality and fairness in determining applications
- To accommodate applications where possible, having regard to other activities occurring at locations applied for to avoid conflict.
- To prevent nuisance or other detrimental impacts on the public using the streets.
- To ensure that all monies collected are rigorously handled, transferred and accounted for.

3 Definitions

3.1 '**Charity**' - An institution which

- a) Is established for Charitable purposes only, and
- b) Falls to be subject to the control of the high court in the exercise of its jurisdiction with respect to charities.

3.2 'Charitable Purpose' -

- a) The prevention of relief or poverty
- b) The advancement of education
- c) The advancement of religion
- d) The advancement of health or the saving of lives
- e) The advancement of citizenship or community development
- f) The advancement of the arts, culture, heritage, or science
- g) The advancement of amateur sport
- h) The advancement of human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality and diversity
- i) The advancement of environmental protection or improvement
- j) The relief of those in need by reason of youth, age, ill health, disability, financial hardship or other disadvantage
- k) The advancement of animal welfare
- l) The promotion of the efficiency of the armed forces of the Crown, or of the police, fire and rescue services or ambulance services

3.3 'Promoters'

- a) A person or organisation who causes others to act as collectors

4 Administration of Charity Street Collections

The SLS acting for Basingstoke and Deane Borough Council and Hart District Council acknowledges the need for charities to raise much needed funds to support valuable causes by a variety of methods. Charity street collection permits will be granted whenever possible, subject to any limitations or restrictions detailed within this policy.

- 4.1 Any cash collection, undertaken in any street or public place, should be licensed by way of a permit from the relevant Local Authority in accordance with the Police, Factories, etc (Miscellaneous Provisions) Act 1916 as amended by the Local Government Act 1972.
- 4.2 Street is defined in the Act as follows. *“Street” includes any highway and any public bridge, road, lane, footway, square, court, alley, or passage, whether a thoroughfare or not.*
- 4.3 The regulations under which permits are issued can be found in Appendix A. These are in place to ensure that collections do not result in nuisance or annoyance to the public and local businesses and to provide an audit trail in respect of the allocation of donations.
- 4.4 Charitable collections in stores, supermarkets or on private land do not require a Street Collection permit from the council. Collections will usually require the permission from the store or private land owner to allow the collection to take place.

- 4.5 The SLS does not issue permits to collect in any of the following privately owned shopping centres

Festival Place – Basingstoke
The Malls – Basingstoke
Chineham Shopping Centre - Basingstoke
The Hart Shopping Centre – Hart

or where a collection is proposed to take place within premises privately owned where public access can be restricted by the owner, such as retail shops and other privately owned business premises. In such cases permission will be required from the site Management Company.

- 4.7 **Top of Town area Basingstoke-** The 'Top of the Town' area includes Market Place, Winchester Street, London Street, Wote Street and (upper) Church Street. This location is also the site for the regular and seasonal markets.
- 4.8 Only one cash charity collection permit per month will be granted for this area. Charities will be restricted to one collection per year. No charity collection permits are granted for any day that a Market event is taking place. The regular market occurs on Wednesdays and Saturdays and on other days leading up to Christmas. Further seasonal and international market events occur on other days throughout the year. Applicants are expected to check whether a market is present on dates before making an application. Market dates can be obtained by contacting the council's market operator 'Hughmark' at www.hughmark.co.uk or by phoning them on 0118 945 1799.
- 4.9 **Remainder of the Areas in Basingstoke and Hart** —All public streets in the area will be restricted to one collection per month and no charity will be granted with a permit to collect in the same street more than once in any six month period. Applications for permits outside of this policy will be considered on their individual merits. Provision will be made for the granting of permits for additional charitable collections in times of national or international disasters and for specific occasions, for example, (but not restricted to) Remembrance Sunday and Christmas.
- 4.10 **Pre booking** - The SLS will accept written requests to check availability and provisionally reserve a date and location prior to applying. This should be undertaken where possible by emailing licensing@basingstoke.gov.uk for Basingstoke collections and licence@hart.gov.uk for Hart collections expressing the date requested. Only one proposed collection date per email will be acknowledged to ensure fairness to all charities. Alternatively, applicants may write to the SLS Team at the address at the end of this Policy document. Once a date has been provisionally reserved an application form must be received within 10 working days or the provisional reservation will be cancelled.
- 4.11 Applications will only be accepted on the council issued application form available by downloading from the council's website at www.basingstoke.gov.uk for Basingstoke or www.hart.gov.uk for Hart both

areas can also apply online through www.gov.uk All applications must be submitted no later than one month before the requested date of collection.

- 4.12 Each application allows a request for one collection date only. No bulk booking of future dates will be accepted on multiple or simultaneous applications. This is to ensure a fair booking process and allow availability of dates to a wider range of charities.
- 4.13 Where applications are made for collections along a route, such as in a procession, full details of the route and number of collectors must be provided.
- 4.14 Successful applications will result in permits being issued where possible, within 10 working days of receipt of the completed and valid application form.
- 4.15 Where applications are submitted in response to national or international disasters shorter application and determination periods will be allowed wherever possible and on a case by case basis.
- 4.16 The SLS may wish to make additional checks on a particular charity or promoter named on an application and reserves the right to do so. Enquiries may also be made with the Police and the Charity Commission where it is deemed appropriate.
- 4.17 The SLS may, if considered appropriate consult with other council teams for example (but not restricted to); Highways, Street Cleansing and Property services to ensure that an application will not impact on highways safety and cleanliness or conflict with any other events occurring.
- 4.18 The legislation does not include any statutory criteria for the approval or rejection of an application for a permit. The granting or refusal of an application will be at the council's discretion having regard to the individual application, the date and any potential impact with other activities and the history of conduct during previous charity collections made by the applicant.
- 4.19 Where a financial return is not received within the 28 days required in the Regulations detailed in Appendix B, no further permits will be granted until such time as financial return is up to date. Where an applicant fails to comply with the regulations in respect of financial returns on two occasions, the SLS reserves the right to refuse any subsequent request for a permit by that applicant.
- 4.20 The SLS may also choose to refuse an application for one or more of the following reasons:
 - i) The collection is considered not to be for charitable purposes
 - ii) The application contravenes the provisions of the street collection legislation and regulations
 - iii) To limit the number of collections
 - iv) The proceeds allocated for expenses is considered to be too high

- v) inaccurate information was provided on the application
 - vi) the promoter or any other person involved has been convicted of certain criminal convictions, in particular offences of dishonesty, theft, blackmail or fraud.
- 4.21 A permit may be revoked after issue for any of the above or other relevant reasons.
- 4.22 It is the SLS's intention to support, as far as reasonably possible; all applications for charitable collections save for any restrictions or other relevant matters within this policy.
- 4.23 **Collections made by direct debit** - Charity collections made by direct debit only do not fall within the scope of the Act or the Regulations. The SLS operates a voluntary code of conduct for charities wishing to collect in this area. Details of the voluntary code of conduct can be found in Appendix C. Only one direct debit collection permit will be granted. Charities will be restricted to one collection per year.
- 4.24 It is expected that all charities wishing to collect funds by means of direct debit will sign up to and adhere to the SLS's voluntary code of conduct for direct debit collections and apply for a permit.

Appendix A – Street Collection Regulations

The SLS for Basingstoke and Deane Borough Council and Hart District Council Street Collection Regulations

Made in pursuance of Section 5 of the Police, Factories etc Miscellaneous Provisions Act 1916

In exercise of the powers conferred upon it by Section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916, as amended by Section 251 of the Local Government Act 1972 and Schedule 29 to that Act, Basingstoke and Deane Borough Council has made the following Regulations with respect to the places where and the conditions under which persons may be permitted in any street or public place with the District of Basingstoke and Deane to collect money or sell articles for the benefit of charitable or other purposes.

In these Regulations, unless the context otherwise requires:

1. **COLLECTION** means a collection of money or articles for the benefit of charitable or other purposes and the word **COLLECTOR** shall be construed accordingly.

PROMOTOR means a person who causes others to act as collectors.

THE LICENSING AUTHORITY means Basingstoke & Deane Borough Council or Hart District Council by the SLS.

PERMIT means a permit for collection.

CONTRIBUTOR means a person who contributes to a collection and includes a purchaser of articles for sale for the benefit of charitable or other purposes.

COLLECTING BOX means a box or other receptacle for the reception of money from contributors.

2. No collection, other than a collection taken at a meeting in the open air, shall be made in any street or public place within the Basingstoke and Deane Borough Council or Hart District Council unless a promoter shall have obtained from the Licensing Authority, a permit.
3. Application for a permit shall be made in writing not later than one month before the date on which it is proposed to make the collection; provided that the Licensing Authority may reduce the period of one month if satisfied that there are special reasons for doing so.
4. No collection shall be made except upon the day and between the hours stated on the permit.
5. The Licensing Authority may, in granting a permit, limit the collection to such streets or public places or such parts thereof, as it thinks fit.

6. (1) No person may assist or take part in any collection without the written authority of the promoter.

(2) Any person authorised under paragraph (1) above shall produce such written authority forthwith for inspection on being requested to do so by a duly authorised officer of the Licensing Authority or any constable.
7. No collection shall be made in any part of the carriageway of any street which has a footway: provided that the Licensing Authority may, if it thinks fit, allow a collection to take place on the said carriageway where such collection had been authorised to be held in connection with a procession.
8. No collection shall be made in a manner likely to inconvenience or annoy any person.
9. No collection shall importune any person to the annoyance of such person.
10. While collecting:
 - a) a collector shall remain stationary and
 - b) a collector or two collectors shall not be nearer to another collector than 25 metres, provided that the Licensing Authority may, if it thinks fit, waive the requirement of the Regulation in respect of a collection which had been authorised to be held in connection with a procession.
11. No promoter, collector or person who is otherwise connected with a collection shall permit a person under the age of sixteen years to act as a collector.
12.
 - a) Every collector shall carry a collecting box.
 - b) All collecting boxes shall be numbered consecutively and shall be securely closed and sealed in such a way as to prevent their being opened without the seal being broken.
 - c) All money received by a collector from contributors shall immediately be placed in a collecting box.
 - d) Every collector shall deliver, unopened, all collecting boxes in his possession to a promoter.
13. A collector shall not carry or use any collecting box, receptacle or tray which does not bear displayed prominently thereon the name of the charity or fund which is to benefit, nor any collecting box which is not duly numbered.
14.
 - a) Subject to paragraph b) below, a collecting box shall be opened in the presence of a promoter and another responsible person.
 - b) Where a collection box is delivered, unopened, to a bank it may be opened by an official of the bank.
 - c) As soon as a collecting box has been opened, the person opening it shall count the contents and shall enter the amount, with the number of

the collecting box, on a list which shall be certified by that person.

15. a) No payment shall be made to any collector.

c) No payment shall be made out of the proceeds of a collection, either directly or indirectly, to any other person connected with the promotion or conduct of such collection for, or in respect of, services connected therewith, except such payments as may have been approved by the Licensing Authority.

(3) The Licensing Authority may, if satisfied that there are special reasons for doing, extend the period of one month referred to in paragraph (1) above.

(4) For the purpose of this Regulation, a **qualified accountant** means a member of one or more of the following bodies:

The Institute of Chartered Accountants in England and Wales.

The Institute of Chartered Accountants of Scotland

The Institute of Chartered Accountants in Ireland

The Association of Certified Accountants

16. These regulations shall not apply:

- a) in respect of a collection taken at a meeting in the open air or
- b) to the selling of articles in any street or public place when the articles are sold in the ordinary course of trade.

17. Any person who acts in contravention of any of the foregoing Regulations shall be liable on summary conviction to a fine not exceeding fifty pounds.

Appendix B – Financial Return

(1) **WITHIN ONE MONTH AFTER THE DATE OF A COLLECTION**, the person to whom the permit has been granted shall forward to the SLS:

a) a **STATEMENT** in the form set out in the Schedule to these Regulations, or in a form to the like effect, showing the amount received and the expenses and payments incurred in connection with such a collection, and certified by that person and a **QUALIFIED ACCOUNTANT**.

b) A list of the collectors.

c) A list of the amounts contained in each collecting box.

and shall, if required by the SLS, satisfy it as to the proper application of the proceeds of the collection.

(2) The said person shall also, within the same period, at the expense of that person and after a qualified accountant has given his certificate under paragraph (1) (a), publish in such newspaper or newspapers as the SLS may direct, a statement showing the name of the person to whom the permit has been granted, the area to which the permit relates, the name of the charity or fund to benefit, the date of the collection, the amount collected and the amount of the expenses any payments incurred in connection with such collection.

Appendix C – Code of Conduct for Charity Collecting by Direct Debit

1. Permission is granted for a maximum of 4 collectors to work in the area. Only 2 collectors allowed in any one street at a time.
2. Only one direct debit collection allowed per month.
3. Permission will be issued on a first come, first served basis but with provision that if a collection has previously been carried out in the area for the same charity within the previous six months, priority would be given to another charity who hadn't yet collected within that time period. The SLS will aim to confirm two weeks prior to the date requested. This would be with the exception of national emergencies to which all priorities would be given.
4. Bookings for direct debit collections will be taken a minimum of 28 days prior to the dates required and a maximum of 3 months in advance.
5. The name of the charity and their charity number must be given at the time of request.
6. Requests must be made on official application forms and signed to say the collectors abide by the code of conduct.
7. The SLS request the right to obtain copies of the solicitation statement.
8. When collecting, members of the public should not be harassed, pressurized, or misled.
9. Collectors must always respect the public and behave appropriately.
10. No promoter, collector or person who is otherwise connected to the collection shall permit a person under the age of sixteen years to act as a collector.
11. The public has the right to request permission to see the permit at any given time during the collection to ensure the appropriate measures have been taken.
12. The SLS has the right to refuse a permit.
13. I.D should always be worn for verification purposes.
14. GDPR requirements are maintained when handling personal details.
15. A full and accurate report is made when a member of the public has felt the need to complain, and the details passed onto the SLS Team.

Enquiries to: The Shared Licensing Service, Basingstoke & Deane Borough Council, Civic Offices, London Road, Basingstoke, Hants. RG21 4AH. Telephone 01256 844844 [Email: licensing@basingstoke.gov.uk](mailto:licensing@basingstoke.gov.uk)



Hart District Council

Consultation on Charity Collections Policy under The Police, Factories, etc (Miscellaneous Provisions) Act 1916 which regulates collections of money or sales of articles for charitable purposes in street and public places and the Charities Act 1992

Introduction

Hart District Council as the Licensing Authority under the section 115(E) of the Police, Factories, etc (Miscellaneous Provisions) Act 1916 which regulates collections of money or sales of articles for charitable purposes in street and public places and the Charities Act 1992.

The Licensing Authority has reviewed the current Charity Collections Policy and has made changes in line with the development of the shared service. This aims to ensure it remains current and includes more detail to support applicants and the Council in the application and determination process. It also determines how the Council will undertake its duties in this area.

Consultation

The Licensing Authority must consult on its policy with a broad range of statutory and non-statutory consultees.

The draft policy for consultation can be found at www.hart.gov.uk/consultations. A hard copy of the draft Policy can be requested by contacting the Licensing Team on 01252 622122.

Hart District Council will welcome comments and will consider them before confirming the final policy at the Council's Licensing Committee meetings later in 2022.

Submitting your views

To submit your views and comments in relation to this consultation you may either send them via email to: licence@hart.gov.uk

Alternatively you may post your comments to:

Shared Licensing Services Team
Civic Offices
Basingstoke and Deane Borough Council
London Road
Basingstoke
RG21 4AH

The closing date for the receipt of consultation responses to the Council is **5pm** on the **** June 2022**.

When responding to the Council please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of an organisation, please make clear who or what that organisation represents. If responding as an individual, please mention your own interest.

Please note that responses may be made public or published in a summary of responses to the consultation unless you state clearly that you wish your responses or name to be treated confidentially. Confidential responses will be included in any statistical summary of numbers of comments received. If you are replying by email, unless you specifically include a request to the contrary in the main text of your submission, the Council will assume your consent overrides any confidentiality disclaimer that is generated by your organisation's IT system.

Any information or material sent to us and which we record may be subject to the Freedom of Information Act 2000. The Council's policy on release of information is available on request or by reference to our website at www.hart.gov.uk

All information provided to the Council will be processed in accordance with the Data Protection Act 2018. However, it may be disclosed to another body in order to carry out the functions of the Council and where the Council is legally required to do so.

Kind regards

Emma Coles
Licensing Team Leader
Shared Licensing Service
Basingstoke and Deane Borough Council and Hart District Council
Licensing@basingstoke.gov.uk
www.basingstoke.gov.uk
 [@BasingstokeGov](https://twitter.com/BasingstokeGov)  [@BasingstokeGov](https://www.facebook.com/BasingstokeGov)
www.hart.gov.uk
 [@twitter.com/HartCouncil](https://twitter.com/HartCouncil)



LICENSING

DATE OF MEETING: 5 April 2022

TITLE OF REPORT: Approval for adoption of the Shared Licensing Service Statement of Licensing Policy following consultation

Report of: Head of Place

Cabinet Portfolio: Sara Kinnell, Regulatory

1 PURPOSE OF REPORT

1.1 This report is to update members of the Licensing Committee of the outcome of the public consultation on the draft Statement of Licensing Policy under the Licensing Act 2003.

2 OFFICER RECOMMENDATION

2.1 Licensing Committee is recommended to:

2.2 Endorse the Shared Licensing Service Statement of Licensing Policy (set out in Appendix A to this report) to be referred to Full Council for adoption. If adopted, it will be valid for a period of 5 years unless it is determined that an earlier review is necessary.

2.3 Recommend to full Council that the Statement of Licensing Policy is adopted

2.4 Authorise the Head of Place to make minor alterations and typographical corrections to the Policy prior to its consideration by full Council.

3 BACKGROUND

3.1 In its role as the Licensing Authority under the Licensing Act 2003 (The Act) the Council has a duty to prepare and keep under review its Statement of Licensing Policy. The Statement of Licensing Policy outlines the general approach of the Licensing Authority when making licensing decisions under the Act and can be reviewed and revised by the Authority at any time

3.2 At part of the Shared Licensing Service with Basingstoke & Deane Borough Council it is proposed to take this opportunity to create a Shared Statement of Licensing Policy.

3.3 Equal weight is given to all four licensing objectives and the policy must seek to secure the promotion of those licensing objectives throughout the licensing process.

3.4 In November 2021 Licensing Committee considered the draft Shared Statement of Licensing Policy and approved it for a 12-week consultation.

- 3.5 There were only a few amendments in the draft document when compared to the previous version of the Hart District Council policy. This is due to the fact that there have been no significant changes to the legislation or regulations. The key amendment is the incorporation of the two Council's Policies into one shared policy.
- 3.6 All statutory consultees under the Act were sent information on the draft policy and any person who requested copies of the consultation documentation were provided with it.

4 MAIN ISSUES

- 4.1 During the consultation period we received one response from Hampshire Constabulary whose recommendations are included in Appendix B.
- 4.2 The response has been considered and it was felt that no additional changes are required to the draft version of the policy that was presented to the licensing committee in November 2021.

5 ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 5.1 Not Applicable

6 CORPORATE GOVERNANCE CONSIDERATIONS

Relevance to the Corporate Plan and/or The Hart Vision 2040

- 6.1 This report accords with the Council's Budget and Policy Framework and directly supports the Council Plan priority/priorities of improving economic vitality, increasing skills and employment, getting connected, protecting our environment, creating neighbourhoods where people feel safe and want to live, maintaining a reputation for quality arts and leisure.

Legal and Constitutional Issues

The Council is required to prepare and publish a Statement of Licensing Policy every five years in accordance with Section 5 of the Licensing Act 2003 ('the Act').

Financial and Resource Implications

There are no financial implications arising from this report other than the cost of defending a judicial review should the authority fail to mitigate the risks identified in the section below.

Risk Management

The authority's Shared Licensing Service licensing policy provided the framework on which the Licensing Service is administered under the Licensing Act 2003. This policy is not only important in setting out the licensing authority's approach to the Licensing Act; it will also be considered

and referred to by the Magistrates' Court on appeal. The Magistrates' Court may decide to depart from the policy if they have good reason for doing so.

The Magistrates' Court may also decide that an appealed decision of the authority was not reflective of the policy and that no good reason was given by the authority to depart from the policy when making that decision. In that case the appealed decision may be referred back to the local authority to reconsider in line with its policy.

The Licensing Act is clear that each application must be considered on its individual merit and certain matters cannot be considered when making a decision on an application. Therefore, the policy must be clear in its aims but if the policy provides a rigid or unlawful approach to licensing it will be open to challenge in the High Court by way of a judicial review.

7 EQUALITIES

- 7.1 The draft policy has been scoped to consider the potential impact on the protected characteristics groups included in the Equality Act 2010. It was determined that a full equalities assessment is not necessary as the policy has a generally positive impact on all groups. It has a differentially positive impact on children, due to the guidance included on the 'protection of children from harm'. No negative impacts were identified.

8 CLIMATE CHANGE IMPLICATIONS

- 8.1 There are no direct carbon / environmental impacts arising from the recommendations.

Contact Details: Emma Coles – Shared Licensing Service Team Leader
emma.coles@basingstoke.gov.uk

Appendices

Appendix A – Shared Licensing Service Statement of Licensing Policy

Appendix B – Response to the consultation

	Consultation comments (verbatim/anonymised)	HDC response
1	<p>We recommend the introduction of conditions for all new or varied licences for venues to have a policy detailing how they will proactively deal with VAWG, other vulnerability, and drink and needle spike risk. This would need to include a policy on how venues would deal with reported incidents.</p> <p>To actively adopt and utilise the Women’s Night Safety Toolkit, which is about taking practical steps together to make our two counties safer for women at night. The toolkit is packed full of ideas, prompts and signposts to help make that change.</p> <p>Venues shall also adopt a proactive plan to combat drug related harm and drug use in their venues. This will not only reduce the risk of people offending or being offended against but also reduces the risk of those recreational drugs users suffering with medical episodes brought about through the mixing of alcohol and recreational drugs.</p> <p>The provision of welfare officers in venues is of great value and they do wonderful work to prevent people coming to harm and ensure venues can promote the licensing objectives. What the Constabulary is aiming to achieve is a Standardised welfare officer tabard across the two counties. The reason for this is simple, those who need welfare need to know immediately who to go and see so, for example, a pink ‘high visibility jacket/ tabard with the word “welfare” on the reverse would be that immediately recognizable</p>	<p>Under the review process councillors can impose any appropriate conditions. All conditions would need to be appropriate to the premises.</p> <p>This information is on the council stop spiking web page and is downloadable. It has been distributed to venues across the district. We continue to work with our partners in the police to promote the protection of women.</p> <p>The test for grant is meeting the four licensing objectives (the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm) which would address this</p> <p>The licensing shared service has been working with the police on the Pink tabard campaign and will continue to promote the benefits of the provision of a welfare officer. The police will be rolling out training through the year to help venues understand and deal with the issues that they may face. Hampshire police’s licensing and Alcohol Harm Reduction Team shall support venues to achieve these requirements as conditions either of their licence or as part of their due diligence.</p>

	<p>welfare officer. Given the current risk around VAWG and spiking, a standard approach from the trade would make their customers far safer.</p>	
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Statement of Licensing Policy

Licensing Act 2003

2022 to 2027

Joint statement of licensing

‘to encourage in our Areas covered by this policy a wide choice of high quality and responsibly managed entertainment and cultural venues which provide a diverse range of licensed activities, community interaction and a variety of places for retail and refreshment, ensuring at all times the safety and amenity of residential communities, business communities and the visiting public’

Prevention of Crime and Disorder

Public Safety

Prevention of Public Nuisance

Protection of Children from Harm

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PART A

Statement of Licensing Policy

Licensing Act 2003

2022 to 2027

Joint statement of licensing

INTRODUCTION

This is the Statement of Licensing Policy as determined by Basingstoke and Deane Borough and Hart District Council's in its role as the Licensing Authorities in respect of our licensing functions, with regard to the Licensing Act 2003. This document sets out the position and view of the Licensing Authorities in respect of matters in connection with the discharge of its licensing function.

This Statement of Licensing Policy commences on the 11th April 2022 and continues for a five-year period. During the five-year period the Policy will be kept under review and the Authorities will make such revisions to it at such times as it considers appropriate. Further licensing statements will be published every five years thereafter or earlier as necessary.

All references to the 'Guidance' refer to the latest version of the Home Office Guidance to Licensing Authorities issued under section 182 of the Licensing Act 2003.

The document is not a full and authoritative statement of the Law or statutory guidance and does not constitute professional or legal advice. The council welcomes comments and observations on this Statement of Licensing Policy. These should be addressed to:

**Head of Environmental Services
Basingstoke and Deane Borough Council
Civic Offices
London Road
Basingstoke
Hampshire
RG21 4AH
Tel:01256 844844**

Email:licensing@basingstoke.gov.uk or licence@hart.gov.uk

PUBLICATION

This version of the Statement of Licensing Policy of Basingstoke and Deane Borough Council and Hart District Council areas covered by this policy was approved on 5th April 2022 for a period of 5 years or until further amended.

1 CONSULTATION

- 1.1 The Statement of Licensing Policy will be kept under review and where any significant amendments are considered necessary these will only be made after consultations have taken place in accordance with Section 5 of the Act. Amendments required due to a change in legislation that do not impact on the aims and objectives of the Policy or the promotion of the Licencing Objectives will be made with the approval of the Shared Licensing Team Leader for the policy to remain legislatively current.
- 1.2 Proper weight, in accordance with the Guidance, has been given to the views of all those consulted. Those consulted in the preparation of this Policy included:
- the Chief Officer of Police for Hampshire
 - the Superintendent of Police for Basingstoke and Deane Borough Council and Hart Areas covered by this policy Council area
 - one or more persons who appear to the Authorities to represent the interests of persons carrying on licensed businesses in the council areas
 - one or more persons who appear to the authorities to represent the interests of persons who are likely to be affected by the exercise of the Authorities functions under the Act
 - any other bodies the councils deemed appropriate.
 - members of the public who requested to be consulted and have responded.
- 1.3 In accordance with the guidance the following persons have also been consulted on this revised statement:
- all areas covered by this policy ward members
 - all parish councils
 - all bordering local authorities
 - Hampshire Police Licensing Team
 - all responsible authorities under the Licensing Act 2003
 - holders of existing licences and certificates who will be affected by the provisions of the Act
 - British Beer & Pub Association
- 1.4 The Licensing Authorities consultation on this revised Policy took place between **29th November 2021** and **11th February 2022** and followed the revised Code of Practice and the Cabinet Office Guidance on Consultations by the Public Sector.

THE POLICY

2 BACKGROUND

2.1 When administering licensing matters the council as the Licensing Authorities will have regard to and promote the four Licensing Objectives set out in section 4 of Part 2 of the Licensing Act 2003.

The four licensing objectives are:

- **Prevention of Crime and Disorder**
- **Public Safety**
- **Prevention of Public Nuisance, and**
- **Protection of Children from Harm**

The Council gives equal weight to each of these objectives.

2.2 The 2003 Act requires Licensing Authorities to publish a 'Statement of Licensing Policy' (the Policy) that sets out the approach the Licensing Authorities will take when administering applications and other processes under the Licensing Act 2003 to ensure the promotion of the licensing objectives.

2.3 This Statement of Licensing Policy has been prepared in accordance with the provisions of the 2003 Act having regard to:

2.4

- The revised guidance issued under section 182 of the Act
- The Police Reform and Social Responsibility Act 2012
- The Live Music Act 2012.
- The Deregulation Act 2015
- The Immigration Act 2016

2.5 The 2003 Act further requires the Licensing Authorities to monitor, review and where appropriate, amend its Statement of Licensing Policy. Where significant changes or a review of this Policy is undertaken, the Licensing Authorities will consult with those parties listed at paragraphs 1.2 and 1.3 above and others prior to amending the Policy and also in preparing each statement of Licensing Policy in the future. Minor amendments reflecting legislative changes will be undertaken by officers to maintain accuracy.

3 SCOPE

3.1 Licensing authorities regulate the Licensing Act 2003 ('the Act') and are responsible for considering a range of licence applications and amendments to licences for a number of activities detailed below. Basingstoke and Deane Borough and Hart District Councils are licensing authorities for the purposes of the Act. This 'Statement of Licensing' ('policy') covers the areas of Basingstoke and Deane Borough Council and Hart District Councils ('the councils'). The Act requires the councils to produce a statement of principles concerning their duties under the Act every five years. The purpose of

licensing is to regulate the carrying on of licensable activities on licensed premises, at qualifying clubs and under temporary event notices. The activities as defined by the Act include:

- Sale and/or supply of alcohol
- The provision of regulated entertainment which includes:
 - the performance of a play
 - an exhibition of a film
 - an indoor sporting event (subject to some exemptions)
 - boxing or wrestling entertainment
 - a performance of live music (subject to some exemptions)
 - playing of recorded music (subject to some exemptions)
 - Provision of late night refreshment

Some exemptions exist for audiences of fewer than 500 if provided between the hours of 8am and 11pm.

3.2 The types of premises likely to be included within the licensing regime include:

- Pubs and night clubs
- Off licences (includes supermarkets/shops selling alcohol)
- Restaurants serving alcohol
- Restaurants and other premises serving hot food and drink after 11pm
- Private members clubs/social clubs
- Hotels/guest houses selling alcohol
- Cinemas/theatres
- Community premises and village halls
- Street vendors serving food after 11pm
- Providers of temporary events involving licensable activities

and any other premises at which licensable activities are to be provided.

3.3 The Policy will apply across a range of applications which include the following:

- New Premises Licences and Club Premises Certificates
- Variations to Premises Licences and Club Premises Certificates
- Provisional Statements for proposed premises yet to be built
- Transfer of Premises Licences
- Disapplication of mandatory condition in respect of alcohol sales at village Halls and community premises
- Variations of licences to change the Designated Premises Supervisor
- Reviews of Premises Licences and Club Premises Certificates
- Personal Licences
- Temporary Events Notices

3.4 The Councils have a wide range of premises across their areas covered by this policy to which the policy licences and activities apply. These include:

Licensed private members clubs/social clubs	Wholesalers/Internet sales of alcohol	Supermarkets
Cafes	Licensed open spaces	Off Licences
Cinemas/Theatre/concert Hall	Public Houses	Late night food traders
Hotels and guest houses	Restaurants/cafes	Night clubs
Community premises/village halls	Sports clubs with Bars	Mobile food vendors
Stately homes		

3.5 The Licensing Authorities also regulates other activities at licensed premises which could include pavement cafes, sexual entertainment events, gambling, and performances of stage hypnotism.

4 **LINKS TO OTHER COUNCIL STRATEGIES AND PROJECTS**

Pride in our Place - sets out the vision for the borough and the key outcomes that partners are working towards. The vision offers key priorities and ambitions for the future of the borough and will form a central element of the Local Plan. The Strategy states at its introduction that:

Basingstoke and Deane is a place to be proud of.

It goes on to state:

**Our shared vision for Basingstoke and Deane to 2026
In 2026 Basingstoke and Deane's people, communities and businesses
will be flourishing - enjoying an excellent quality of life and environment
which has been improved through well planned growth that draws on
our strengths and secures vital improvements.**

**Regenerating our towns and estates and enriching the character and
vitality of our villages and outstanding countryside will support
Basingstoke as a major vibrant centre, leading North Hampshire and
fulfilling an influential role in the region.**

For further information about the purpose and evolution of the vision please visit the Council's website: [Economic masterplan \(basingstoke.gov.uk\)](http://basingstoke.gov.uk)

Hart is a small but very strongly performing economy in the northeast corner of Hampshire. It borders Berkshire to the north and Surrey to the south-east. Two of the largest settlements, Fleet and Yateley, lie towards the east of the Areas covered by this policy. The remainder of the areas covered by this policy is largely rural with 16 parishes and a number of lively smaller rural settlements.

The area has good communication links with London, Heathrow and Gatwick Airports and the rest of southern England and is close to the Farnborough and Aldershot conurbation. The M3 motorway and main London to Southampton railway both pass through the Areas covered by this policy. The M4 motorway is some 12 miles to the north of Fleet, and the M25 is some 15 miles to the east. The highly attractive rural character of the Areas covered by this policy and good communication links are key factors that help to make it an attractive area for commercial and residential development.

4.1 **Council Plan**

The Council Plan sets out the Council's ambition for the Areas covered by this policy, identifying key themes and priorities. More information on the plan can be found on the council website:

[Strategies, plans and policies \(basingstoke.gov.uk\)](https://www.basingstoke.gov.uk/strategies-plans-and-policies)

[Corporate Plan 2017-2022.pdf \(hart.gov.uk\)](https://www.hart.gov.uk/corporate-plan-2017-2022.pdf)

The Council Plan links to and is supported by a range of other published strategies and policies including this Statement of Licensing Policy.

- 4.2 It is fact that well managed licensed premises and licensable activities contribute to the Areas covered by this policies activity, vitality, vibrancy, and economy by attracting local residents and visitors to use the premises and facilities on offer and provide sustainable employment for people who work at those premises. The licensed premises and licensable activities regulated by the Licensing Act 2003 will play a significant part in realising that vision.

5 **POLICY AIMS**

- 5.1 This Policy aims to promote the Licensing Authority's vision for the areas covered as a whole and its hopes:

'to encourage in the areas covered by this policy a wide choice of high quality and responsibly managed entertainment and cultural venues which provide a diverse range of licensed activities, community interaction and a variety of places for retail and refreshment; ensuring at all times the safety and amenity of residential communities, business communities and the visiting public'

- 5.2 Basingstoke and Deane is a large borough situated in the County of Hampshire covering 634.5 square kilometres (245 square miles) with a population of 165,800. Hart is a smaller area situated in the County of Hampshire covering a total of 83.1 sq. miles (215.3 km²). Hart had a population of 91,033 according to 2011 Census data from the Office of National Statistics.
- 5.3 Basingstoke is surrounded by small picturesque villages and smaller towns. The borough also boasts the North Wessex Downs Area of Outstanding Natural Beauty, and the River Loddon area within its boundaries. In Hart the largest concentration of the population is in Fleet including Church Crookham, which had a population of 37,760 in 2011 (Office of National Statistics). The

other larger settlements are not on the same scale as Fleet with Church Crookham, with populations of 14,829 in Yateley, 10,115 in Blackwater, 8,334 in Hook, 4,999 in Hartley Wintney, and 4,610 in Odiham (including North Warnborough area).

- 5.4 The business and transport links to the areas covered by this policy are good with a number of purpose built business parks. The proximity to London and the south coast alike makes the areas covered by this policy an attractive business location.
- 5.5 The Policy aim is to clearly set out how the Licensing Authorities will promote the four licensing objectives when dealing with licensing matters. The four licensing objectives are:
- Prevention of Crime and Disorder
 - Public Safety
 - Prevention of Public Nuisance
 - Protection of Children from Harm
- 5.6 The Licensing Authorities will regulate licensable activities at licensed and unlicensed premises in the combined interests of the public and licensed trades and recognises that these activities contribute to the quality of lives of the areas covered by this policy's residents, businesses and visitors and help support the local economy.
- 5.7 To achieve this aim, the Licensing Authority is committed to partnership working with the responsible authorities, local businesses, licensing trade, residents, those involved in the protection of children and other interested parties towards the promotion of the objectives. The Licensing Authority will ensure that it takes into account the views of these stakeholders and ensure proper integration of local crime prevention, planning, transport, employment, tourism and cultural strategies.
- 5.8 The Licensing Authorities aims to balance the protection of the amenity of the local population with the expectations and ability of local businesses to operate in an environment that is attractive and sustainable for their business. The Policy aims to minimise the impacts of licensable activities on residents, visitors, stakeholders and the environment.
- 5.9 This Policy aims to guide applicants, residents and other persons on the general approach that the council will take to licensing applications and other related issues. Although each application will be considered individually on its own merits, this Policy indicates the wider considerations that will be taken into account when determining applications. However, it is not the Council's intention in adopting this Policy to override the right of any person to make an application and have it considered on its merit.
- 5.10 The council will work with other local authorities, particularly those with whom boundaries are shared, to ensure a consistent approach is taken to licensing issues whilst respecting the differing needs of the individual communities.

6 LICENSING AUTHORITIES' GENERAL POLICY CONSIDERATIONS

- 6.1 The Licensing Authorities encourages the development of premises which are not alcohol led and which are aimed at different sectors of the population, including age and gender. Premises that promote the arts, a food offer, or other cultural activities are particularly encouraged.
- 6.2 Where premises such as pubs are alcohol-based, they are encouraged to consider diversifying their provisions to encourage a mixed customer-base and wider attractions, including community uses, soft refreshments, snacks and live entertainment. Diversification is important in the promotion of the licensing objectives as well as ensuring a sustainable economic future for premises
- 6.3 The Licensing Authorities recognises the need to promote and encourage live and recorded music, dancing, theatre and other forms of entertainment for the wider cultural benefit of communities generally. The potential for disturbance in neighbourhoods will be carefully balanced with the wider benefits.

Advice

- 6.4 Pre application advice is available from licensing officers upon request and where appropriate. The Licensing Authorities expects that applicants will have in advance researched and understood the relevant law in relation to their application and their particular business plans as well as this Policy. It is not for licensing officers to determine the business needs and capabilities of an applicant, but advice can be offered in relation to the licensing objectives. In addition, guidance notes are available on the licensing pages of Council's website at

[Alcohol licensing \(basingstoke.gov.uk\)](http://www.basingstoke.gov.uk)

<http://www.hart.gov.uk/alcohol-entertainment#alcohol>

- 6.5 Licensing officers will also provide advice to other parties on the licensing process where needed in relation to objecting to or supporting applications that may affect them. Guidance is available to all parties on the licensing pages of the Council's website at:

[Licensing Act 2003 \(basingstoke.gov.uk\)](http://www.basingstoke.gov.uk)

[Alcohol & entertainment | Hart Areas covered by this policy Council](#)

Supermarkets and other 'off' licensed premises selling alcohol

- 6.6 The Licensing Authorities will generally consider licensing shops, stores and supermarkets to sell alcohol for consumption off the premises throughout opening times. However, where there are reasons for restricting or amending hours, for example, where premises become the focus of disorder and disturbance, such restrictions or amendments will be considered where relevant representations have been made.

- 6.7 All 'off' licensed premises must comply with the *Licensing Act 2003 Mandatory Conditions Order* in relation to age related sales. The Licensing Authorities also expects such premises to implement additional measures to prevent and deter **proxy** sales on behalf of under 18's.
- 6.8 Licensees should ensure consideration is given to refusing sales of alcohol to customers who can be clearly identified as having an alcohol related health condition and who may be a source of nuisance or annoyance through street drinking.
- 6.9 The Licensing Authorities expects adequate checks to be made and all reasonable steps taken to ensure alcohol delivered by way of online shopping services (as provided by most large supermarket chains) is not delivered to minors to prevent a risk of underage consumption.
- 6.10 Where self-pay till points are made available in stores selling alcohol, provision must be included for alcohol sales to be identified and approved prior to completion of the purchase to prevent underage sales.

6.11 **Designated Premises Supervisor (DPS) at alcohol licensed premises**

Whilst this role has a limited definition under the Licensing Act 2003, it is expected that this person nominated on a licence will have overall responsibility for the day to day management and control of the licensed premises and in particular be responsible for the safe receipt, storage and sale of alcohol.

- 6.12 The Licensing Authorities would expect the DPS to be onsite at the licensed premises for the majority of time when alcohol is being sold subject to working hours' legislation and absence for sickness and holidays. The Licensing Authorities expects the DPS to provide training to staff in relation to alcohol sales and to authorise the employees the DPS considers competent to sell alcohol on their behalf in writing.
- 6.13 The Licensing Authorities expects that a DPS should have responsibility for only one licensed premises at a time to ensure good management of the premises and the licensable activities. Where the same person is a nominated DPS on more than one premises licence and representations are made, the Licensing Authorities will wish to satisfy itself that the premises in question can properly be managed by that person whilst responsibly promoting the licensing objectives.

Live Music

- 6.14 It is acknowledged that the implementation of the Live Music Act in 2012 has resulted in a lighter touch regulation of live music up to 11pm on alcohol licensed premises, and this is seen as a positive approach for premises wishing to provide live music. However, the Licensing Authorities does not see this as an opportunity for licensees to provide live music events that cause nuisance and disturbance to local residents or businesses.
- 6.15 The Licensing Authorities expects that where unregulated live music is proposed at licensed premises, all due care and consideration is taken to

prevent disturbance. The council will consider using its powers under the Environmental Protection Act 1990 to prevent and control public nuisance caused by poorly managed live music at licensed premises.

Deregulated Entertainment

- 6.16 Where the further deregulation of schedule 1 of the Licensing Act has reduced the regulatory controls on some regulated entertainment activities, the Licensing Authorities will expect licensees to ensure that no nuisance or disturbance is caused to local residents and businesses when providing the deregulated activities. The Licensing Authorities will consider using alternative powers as per para 6.14.

Late Night Levy (LNL)

- 6.17 Whilst it is acknowledged that the provisions for implementing a late night levy arise from the Police Reform and Social Responsibility Act 2011, any levy will potentially have a direct impact on all licensed premises within the areas covered by this policy. The Licensing Authorities have considered the options around the imposition of a LNL and has no plans at the time of drafting this policy to consider an imposition of the levy. Should evidence arise to support implementing a levy the statutory consultation process will be followed and the Authorities will very carefully use its discretion in relation to design and impact of a levy.
- 6.18 In advance of any decision to implement a LNL, the authorities will enter into discussions with the Police to agree the allocation of the Police share of the levy to support the policing of the night time economy within this areas covered by this policy.

Early Morning Alcohol Restriction Order (EMRO)

- 6.19 The Licensing Authorities has considered the options around the imposition of an early morning alcohol restriction order and has no plans at the time of developing this policy to consider an imposition of this Order. There is currently evidence of low levels of alcohol related crime and disorder, nuisance and anti-social behaviour within the areas covered by this policy which is decreasing. Should evidence arise to support implementing an EMRO, the statutory consultation process will be followed and the matter referred to the Full Council for determination.

Licensing and planning permission

- 6.20 The use of a licensed premises or place may be subject to planning controls. This is a separate regulatory regime outside the scope of the Licensing Act 2003. The Licensing Authorities recognises that there is no legal basis for refusing a licence application in the absence of any planning permission for the business to which the licence application relates. However, all applicants will be expected to be in possession of the necessary planning authorisation.

Need for licensed premises and Cumulative Impact

- 6.21 **'Need'** concerns the commercial demand for particular licensed premises such as a pub, club or hotel. This is a 'market forces' matter and is not of concern to the Licensing Authorities. **'Cumulative Impact'** means the potential impact on the promotion of the licensing objectives by a significant or excessive number of licensed premises concentrated in one locality. This is a matter for consideration by the Licensing Authorities.
- 6.22 The Licensing Authorities acknowledge that a concentration of some types of licensed premises in a locality can result in increased footfall, congregation of the public in the streets and potential for increased crime and disorder, litter and anti-social behaviour, as well as noise nuisance to local residents. This would be a result of the presence of the number of premises and not attributable to individual businesses.
- 6.23 The Licensing Authorities, having regard to the evidence available, considers that currently there is no particular part of the areas covered by this policy where there is a cumulative impact of licensed premises on any of the licensing objectives. If the public or a Responsible Authorities (in particular the Police) provide relevant evidence through a representation in the future that support the imposition of a Policy that restricts the number of new and/or later opening premises, this will be considered and consulted on.
- 6.24 The absence of an existing cumulative impact or saturation policy does not, however, prevent any responsible Authorities or other person making representations on a new application for the grant of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. The Licensing Authorities will also take into account the effect on resources, including police resources, to cope with any influx of visitors to an area, particularly late at night.

7 RESPONSIBLE AUTHORITIES AND OTHER PERSONS

- 7.1 Responsible authorities are public bodies that are statutory consultees that must be notified of applications by the applicant. The full list and contact details can be found at Appendix A and are contained on the Councils websites at:

[Responsible Authorities \(basingstoke.gov.uk\)](https://www.basingstoke.gov.uk)
[Responsible authorities August 2019.pdf \(hart.gov.uk\)](https://www.hart.gov.uk)

- 7.2 When dealing with applications for licences and reviews of premises licenses, the Licensing Authorities are obliged to consider representations from two categories of persons, referred to as 'Responsible Authorities' and 'Other Persons'. This allows for a broad range of persons including ward councillors to comment both for and against applications for premises licences and club premises certificates and for reviews.
- 7.3 The Licensing Authorities may only consider representations that are relevant. In that they relate to the promotion of the licensing objectives, or that they

raise issues in relation to this Statement of Licensing Policy or Home Office Guidance.

- 7.4 The Licensing Authorities will take care to ensure that concerns raised by Responsible Authorities in relation to their own legislative functions are not taken into account if they are not relevant to the application for a premises licence under the Act, or the promotion of the licensing objectives. It would expect those authorities to use their powers and duties within their statutory roles to control such matters. Any representation made by a Responsible Authority that relates to the promotion of the licensing objectives will be accepted.
- 7.5 The Licensing Authorities must give the appropriate amount of weight to representations made by the Police on crime and disorder matters. The Police are the Licensing Authorities' main source of advice on matters relating to the promotion of the crime and disorder licensing objective. The Licensing Authorities will accept representations made by the Police unless the Authorities have evidence that to do so would not be appropriate for the promotion of the licensing objectives.
- 7.6 Where an 'Other Person or Persons' request to be represented when seeking to make a representation, the Licensing Authorities will require written evidence from the person/s being represented that they have authorised a third party to speak or write on their behalf.
- 7.7 The Licensing Authorities will examine closely all representations to ensure that they are not frivolous, repetitive or vexatious. Matters that the authorities will consider are likely to include:
- who is making the representation, and whether there is a history of making representations that are not relevant or which have been previously considered vexatious or frivolous
 - whether the representation raises a 'relevant' issue
 - whether the representation raises issues specifically to do with the premises and/or the licensable activities that are the subject of the application.
- 7.8 The above considerations are not exhaustive, and the Licensing Authorities will have regard to anything a person making a representation, or persons representing them, say about his or her status to make representations. Nothing in this Policy should be taken to undermine the right of any person to make a representation on an application or to seek a review of a licence where provision to do so exists.
- 7.9 The Health Authority is now included on the list of Responsible Authorities. It is acknowledged that they may be useful in providing evidence of alcohol related health harms that are directly linked to premises or a cluster of premises. It may also be able to provide relevant information on alcohol related admissions and sickness that relate to specific licensed premises.

The Licensing Authorities as a Responsible Authority

- 7.10 The Licensing Authorities has carefully considered its role as a Responsible Authorities under the Act. It will achieve a separation of responsibilities through procedures and approved delegations within the Authorities to ensure procedural fairness and eliminate conflicts of interest. A separation is achieved by allocating distinct functions (i.e. those of Licensing Authorities and Responsible Authorities) to different officers within the licensing team.
- 7.11 The Licensing Authorities does not expect to act as a Responsible Authority on behalf of third parties but accepts that there may be rare circumstances where this approach may be required. An example may be where matters arise at premises of which the licensing Authorities is aware that impact negatively on the promotion of the licensing objectives and residents, and other third parties are unwilling or unable to either request a review or make a representation.

8 LICENSING AUTHORITIES' POLICY APPROACH TO LICENSING IN BASINGSTOKE AND FLEET TOWN CENTRE

- 8.1 Basingstoke Town Centre is the area that contains the highest concentration of licensed premises of all types. The Town Centre is where large numbers of people go for a night out to eat and/or drink or enjoy a film, concert or play and that many wish to enjoy the facilities into the early hours. It also accepts that the majority of the customers are well behaved and respectful of others.

TOP OF THE TOWN BASINGSTOKE

- 8.2 The Top of the Town with its historic buildings and unique independent units houses the majority of the late night economy premises and offers a cultural mix of restaurants, bars and pubs with live and recorded music, a range of menus as well as the historic Haymarket Theatre. This area is currently subject to an ambitious regeneration and improvement programme including an element of residential properties that will upgrade much of the fabric of the area, whilst still maintaining the historic charm.
- 8.3 The Top of Town currently contains several alcohol led premises that trade until 3am and 4am. The Licensing Authority will carefully consider the impacts of any new or variation applications for late hours for premises within this area that may arise out of the regeneration to ensure the character of the locality is retained. However, a presumption will be made to grant hours no later than between 12 midnight and 2am at the top of town.
- 8.4 Careful consideration will be given to new or variation applications seeking closing times after midnight on London Street and Winchester Street to prevent nuisance to residents in nearby accommodation. It is likely that premises closing times will be restricted to between 12 midnight and 2 am in these streets and in other streets where licensed premises are close to residential areas in the town.
- 8.5 This policy will be applied to regulate and promote licensable activities in the improved Top of Town area to encourage a diverse range of experiences for

the customer and opportunities for a broad range of offerings in that area to complement the unique charm and historic importance.

- 8.6 Within Hart Fleet Town Centre is the area that contains the highest concentration of licensed premises of all types. The Town Centre is where large numbers of people go for a night out to eat and/or drink or enjoy a concert or play and that many wish to enjoy the facilities into the early hours. It also accepts that the majority of the customers are well behaved and respectful of others.

FLEET TOWN CENTRE

- 8.7 Fleet Town Centre is concentrated along (and off) the length of Fleet Road, and house the majority of the late night economy premises and offers a cultural mix of restaurants, bars and pubs with live and recorded music, and a range of menus.
- 8.8 The Town Centre currently contains several alcohol led premises that trade until 03.30hrs. The Council will carefully consider the impacts of any new or variation applications for late hours for premises within this area that may arise at any time to ensure the character of the locality is retained. However, a presumption will be made to grant hours no later than between 12 midnight and 2 am along Fleet Road.
- 8.9 Careful consideration will be given to new or variation applications seeking closing times after midnight on streets off Fleet Road to prevent nuisance to residents in nearby accommodation. It is likely that premises closing times will be restricted to between 12 midnight and 2 am in these streets and in other streets where licensed premises are in close proximity to residential areas in the town.
- 8.10 This policy will be applied to regulate and promote licensable activities in the Town Centre area to encourage a diverse range of experiences for the customer and opportunities for a broad range of offerings in that area to complement the unique charm and historic importance.

Closing times

- 8.11 It is acknowledged that a range of different closing hours prevents customers leaving all the licensed premises simultaneously, creating a concentration of people within the town centre and also allows for more efficient and staggered use of public transport to get home. As a result, the Licensing Authority will not set a fixed closing time for all premises and will promote varied closing times. At the same time, it will monitor the impact of staggered closing times to identify any benefits or disadvantages.
- 8.12 The Licensing Authority in its partnership role with the Police, aims to maintain the current status of low numbers of crimes and antisocial behaviour within the Town Centre, but will use the licensing process where necessary to tackle any issues that impact on the promotion of the Licensing Objectives and in particular those issues that can be attributed to a specific licensed premise.

- 8.13 The Licensing Authority will expect all applicants for new licences and for variations to existing licences in the Town Centre area to include a detailed operating schedule within the application to ensure that their new business or changes to the operation of their business enhances and compliments the existing style and characteristics of the Town and does not create a negative impact.
- 8.14 Where matters of concern arise from an application which generates representations, the Licensing Authorities will, where appropriate, control or restrict trading hours and/or activities and impose appropriate and proportionate licence conditions to adequately mitigate those concerns where evidence supports such control in order to promote the licensing objectives.
- 8.15 Where noise nuisance arises from customers some distance from licensed premises affecting local residents which is caused by customers leaving the late night premises, the council may use its powers under the Environmental Protection Act 1990 where evidence is obtained of statutory nuisance.

CENTRAL AREA VISION BASINGSTOKE

- 8.16 The council has a long term vision for the town centre called 'A Vision for Central Basingstoke' which includes the regeneration of Basing View. The Vision is supplemented by a Town Centre Programme, approved in 2013, which includes a raft of initiatives to improve the town centre. The improvements associated with the Vision and Programme are likely to attract businesses that will wish to provide a range of licensable and non-licensable activities. The Licensing Authority will wish to support the achievement of the Vision and Programme through the licensing process.
- 8.17 Whilst it is acknowledged that the improvement and regeneration of the town centre is still in progress, the life of this policy is such that it will be relevant to future licensees and businesses that are likely to be attracted to that area in the medium and longer term.
- 8.18 Where applications are eventually received for this area, the Licensing Authority will welcome a diverse range of businesses offering a broad choice of activities and will expect applications to complement the new development by enhancing the vitality, character and appearance of the area. This may lead to a consideration of restricted or more tightly controlled trading hours and a management of the numbers and types of premises to ensure that the desired vitality is secured and maintained and to prevent any negative impact on the promotion of the licensing objectives.

9 LICENSING AUTHORITIES' POLICY APPROACH TO LICENSING IN RURAL AREAS AND VILLAGE CENTRES

- 9.1 The Council areas covered by this policy includes rural and semi-rural villages with their individual characteristics and qualities commonly found in rural and village life.
- 9.2 The Licensing Authorities expects that, in general licensed premises in rural locations will operate earlier terminal hours to reflect the tranquillity and

lifestyle within the village area, and to protect local residents living close to the premises. It is acknowledged that on occasions such premises will wish to extend their hours to support community and other events attended by the village residents.

- 9.3 Applicants will be expected to offer a range of steps within their operating schedule to protect the amenity of the residents where occasional later closing hours are utilised. Alternatively, licensees can make use of Temporary Event Notices to temporarily extend their hours of operation and range of licensable activities on offer.

10 EXCHANGE OF INFORMATION

- 10.1 The Licensing Authority will act in accordance with the provisions of the Licensing Act 2003 and the General Data Protection Regulation (GDPR), which replaced the Data Protection Act 1998, in its exchange of information. Where a protocol is established to set out the mechanism for exchange of information with other regulatory bodies, any such protocol will be made publicly available.

11 HUMAN RIGHTS AND EQUAL OPPORTUNITIES

- 11.1 The Human Rights Act 1998 makes it unlawful for a local Authorities to act in a way which is incompatible with the European Convention on Human Rights. In making decisions and determining appropriate action the council will have due regard to the Convention. The Council will interpret the LA2003 in a manner consistent with the Human Rights Act 1998.
- 11.2 The Council will consider the effect upon people's human rights and adopt a principle of proportionality and the need to balance the rights of the individual with the rights of the community as a whole. Action taken by the council which affects another's rights must be no more onerous than is necessary in a democratic society.
- 11.3 The Equality Act 2010 requires public bodies to consider all individuals when carrying out their day to day work – in shaping Policy, in delivering services and in relation to their own employees. It requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people when carrying out their activities.
- 11.4 The Equality duty supports good decision making – it encourages public bodies to understand how different people will be affected by their activities, so that their policies and services are appropriate and accessible to all and meet different people's needs. By understanding the effect of their activities on different people, and how inclusive public services can support and open up people's opportunities, public bodies can be more efficient and effective. The Equality Duty therefore helps public bodies to deliver the Government's overall objectives for public services.

- 11.5 This policy was reviewed, and consideration has been given to the potential impact on the protected characteristics groups included in the Equality Act 2010.
- 11.6 That review concluded that the policy has a generally positive impact on all groups. It has a differentially positive impact on children due to the guidance included on the 'protection of children from harm'. No negative impacts of the policy were identified. In addition, no differential impacts of the licencing application process were identified for any protected characteristics groups. The policy promotes equality and good relations by taking into account the principles of the Human Rights Act 1998 and the Equality Act 2010.

12 COMPLIANCE AND ENFORCEMENT

- 12.1 There are a range of other offences detailed under Part 7 of the Licensing Act 2003. The Council will liaise with the Responsible Authorities to determine enforcement of specific offences on a case by case basis. Offences related to sales of alcohol to minors will be enforced by the Police or Trading Standards Authorities unless they form part of a range of offences identified by the Licensing Authority.
- 12.2 The Licensing Authority has an approved Licensing Enforcement Policy which complies with the Regulatory Compliance Code and is available on the Council's website:
[Licensing Act 2003 \(basingstoke.gov.uk\)](http://www.basingstoke.gov.uk)
- 12.3 A risk-based inspection programme is in place, which includes the targeting of high risk premises which require greater attention, whilst operating a lighter touch in respect of low risk and well managed premises. The risk-based approach is based on Home Office Guidance; the activities authorised and premises compliance history.
- 12.4 The Licensing Authority has established protocols with the local Police on enforcement issues where necessary. This enables the more efficient deployment of council staff and Police officers who are commonly engaged in enforcing licensing law and the inspection of licensed premises. Where necessary, inspections will be carried out jointly. The aims of the protocol are to target agreed problem and high risk premises which require greater attention whilst providing a lighter touch in respect of low risk premises which are well run.
- 12.5 The Authorities acknowledges that where annual fee payments for premises licences and club premises certificates are not made it must serve 2 working days' notice on the licensee to suspend the licence or certificate and inform the Police Authorities of the suspension. All licensees will receive a reminder that fees are due at least one month before the due date.
- 12.6 Where licences are suspended, the premises or club will be visited, and enforcement action taken where licensable activities are being provided unlawfully while a licence is suspended.

13 ADMINISTRATION AND DELEGATION OF FUNCTIONS

- 13.1 The Licensing Authority acknowledges the default position of granting licences or certificates under the Licensing Act 2003 where there are no valid representations received in respect of an application.
- 13.2 In the interests of speed and efficiency the council will, where possible, delegate licensing decisions and functions to licensing officers including validation of applications, relevance of representations and review applications and minor variations. They will seek advice from the Council's Legal Services Team where necessary.
- 13.3 If a matter to be decided is controversial in any way, or the determination of the matter under delegated powers is precluded by law, then it will be decided by the Full Council or Licensing Committee/Sub-committee, as appropriate. A table showing the approved delegation of functions is attached at Appendix B.

PART B

CONSIDERATION OF APPLICATIONS

14 NEW PREMISES LICENCES

14.1 This Licensing Authority is aware that in making decisions about applications for licences it will have regard to:

- its Statement of Licensing Policy made under section 5 of the Licensing Act 2003
- the Statutory Guidance issued under section 182 of the Licensing Act 2003, and that decisions made are reasonably consistent with the four licensing objectives.

14.2 Details on the application process can be found on the Council's website:

[Premises Licence - guidance on making an application \(basingstoke.gov.uk\)](https://www.basingstoke.gov.uk/premises-licence-guidance)

<http://www.hart.gov.uk/beer-entertainment#application-forms>

14.3 Where elements of applications are unclear or unspecific, particularly in relation to operating schedules and trading hours, the Licensing Authority will expect the applicants to provide additional clarity on a request from the licensing team.

14.4 Licensing officers will routinely check that the Public Notices at the premises and the Public Notices in newspapers are displayed in accordance with the regulations as part of the validation process.

14.5 Licensing officers will also notify ward councillors to whose ward the application relates, and the parish council for the relevant parish.

14.6 Where there are no representations about an application the licence will be automatically granted after 28 days under the terms and conditions applied for. Licensing officers will interpret the detail of the operating schedule and convert that into licence conditions.

14.7 Where relevant representations are received the application will be referred to the Licensing Sub-committee for determination at hearing, unless all parties agree that a hearing is not necessary. Where applications result in the need for a hearing the process at section 23 of this policy will apply.

Annual fees and suspension of licences for non-payment

14.8 The Licensing Authority is required under section 55A of the Licensing Act to suspend premises licenses where the annual fee has not been paid. The Licensing Authority will invoice each licensee at least one month before the annual fee is due setting out the fee that is due and the consequences for non-payment. Where the fee has not been paid or there has been no claim of

administrative error by the end of 21 days of the due date, the Licensing Authority will serve the required 2 working day notice to suspend the licence.

14.9 Where a licence is suspended this means that no licensable activities will be authorised to be provided at the premises until the suspension is lifted on receipt of payment of the overdue fee. Officers will conduct enforcement visits to premises where a licence has been suspended and will take the appropriate action in accordance with the council's enforcement policy.

14.10 Each case will be determined on its individual merits and depending upon the circumstances and where appropriate in accordance with the Licensing Act, the Council may decide not to suspend a licence or carry out enforcement pending payment of the overdue fee.

15 VARIATIONS TO LICENCES

15.1 From time to time licensees may wish to change the nature of the business and vary the trading hours or the licensable activities on offer. These can range from minor changes having little or no impact such as minor changes to the premises plan to more significant changes that will affect the promotion of the licensing objectives. These could include for example, the provision of additional activities, increasing capacities or longer and later trading hours. However, where a variation is so substantial that it significantly changes the nature of the business and layout of the premises it is likely that a new premises licence application will be required rather than a variation.

15.2 The relevant parts of this Policy to be applied to significant variation applications is the same as for new premises licence applications at section 14 above.

15.3 Where applications are made for minor variations¹ officers will consider whether there are any impacts on any of the Licensing Objectives. Where the variation proposed creates a significant impact on any of the Licensing Objectives the application will be rejected, and the applicant advised to seek a standard variation.

15.4 Where minor impact or no impact is considered Officers will consult with the relevant (if any) responsible authorities. Further information on minor variations can be found by clicking here:

[Minor Variation \(idoxds.com\)](https://www.idoxds.com) - Basingstoke

<https://www.gov.uk/apply-for-a-licence/premises-licence/hart/change-8>

16 VARIATIONS TO SPECIFY A NEW DESIGNATED PREMISES SUPERVISOR (DPS)

16.1 The Licensing Authority expects the nominated DPS on a licence to be involved in and supervising the day to day operation of licensed premises that sell alcohol. Where the person nominated as DPS ceases to undertake that

¹ Not applicable for variations to changes to hours for the sale of alcohol

role the Council would expect the licensee to replace that person as soon as is reasonably practicable to maintain adequate control of the premises.

- 16.2 Where a DPS notifies the Licensing Authority that he, she, or they have resigned, the licensing officers will enter into immediate discussion with the licensee in relation to the mandatory conditions concerning the sale of alcohol and provide appropriate advice to prevent unauthorised alcohol sales.
- 16.3 All applications to specify a new DPS must be made by the licence holder or by a person/body authorised in writing to act on the licensee's behalf.
- 16.4 Para 6.11 to 6.13 above should also be noted.
- 16.5 Where there are no representations the default position is to grant the variation.
- 16.6 The Licensing Authority will add the appropriate weight to relevant representations received from the Police about a proposed DPS. Applications that receive relevant representations will be referred for a hearing at which point the Sub-committee may approve or reject the application.

17 TRANSFERS OF PREMISES LICENCES

- 17.1 Before a licence transfer can be administered, the Licensing Authority expects consent to have been obtained from the previous premises licence holder. If this is not possible the applicant will be expected to demonstrate that he, she, or they have taken all reasonable steps to secure consent to transfer the licence.
- 17.2 It is acknowledged that in some cases licensees leave premises and do not provide any forwarding contact details, or there has been a death or incapacity of the licence holder. In such cases where a licensee cannot be contacted to give approval, a licence will be transferred in accordance with the requirements of the Act.
- 17.3 Where a relevant Police objection to the transfer is received the application will be determined through the hearings process as detailed at section 22.

18 PROVISIONAL STATEMENTS FOR PREMISES

- 18.1 A provisional statement may be applied for where a proposed licensed premises has yet to be built or altered for the purpose of becoming a licensed premises. This option allows potential applicants advance notice of whether a premises licence is likely to be granted on completion of its construction or conversion.
- 18.2 The process for considering an application for a provisional statement is the same as that for a premises licence application (see section 14). The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and other parties may make representations and there are rights of appeal.

- 18.3 The holder of a provisional statement may apply for a premises licence once the premises are constructed, altered or acquired. The Licensing Authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances.
- 18.4 In addition, this Authority may refuse the premises licence application (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- which could not have been raised by way of representations at the provisional statement stage,
 - which, in this Authority's opinion, reflect a change in the operator's circumstances, or
 - where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application. This must be a substantial change to the plan and this authority will discuss any concerns with the applicant before making a decision.

19 CLUB PREMISES CERTIFICATES – CONSIDERATION OF APPLICATIONS

- 19.1 The Licensing Authority acknowledges the importance and history of members clubs and the privileged position held by clubs historically in relation to alcohol licensing.
- 19.2 Members clubs are able to obtain a club premises certificate to authorise licensable activities for their members and their guests. There is no requirement for any members to hold a personal licence under the Licensing Act 2003, and there is no requirement to specify a designated premises supervisor. It is acknowledged that alcohol is supplied by and for the members through their membership of the club.
- 19.3 In order to apply for a club premises certificate, the Licensing Authority must satisfy itself that the club is a bona fide club and satisfies the legal conditions set out in the Act which are available on the Council's website:
- [Club premises certificate - guidance on making an application \(basingstoke.gov.uk\)](https://www.basingstoke.gov.uk/club-premises-certificate-guidance-on-making-an-application)
- <https://www.gov.uk/apply-for-a-licence/club-licensing/hart/change-1>
- 19.4 Applicants for a club premises certificate will be required to complete a club declaration form setting out how the club will meet the conditions and definitions stated in the Act. Licensing officers will have delegated authority to make additional enquiries where appropriate in order to satisfy that a proposed club meets the criteria laid out in the Act.

- 19.5 The fundamental principles for premises licence applications set out at section 14 of this Policy will apply to applications for club premises certificates subject to exemptions in respect of the DPS and the requirement for evidence of the club's status.
- 19.6 Any qualifying club wishing to offer licensable activities at events to which non-members will attend will be required to authorise such activities by way of a Temporary Event Notice or by ensuring compliance with the club rules to allow the public to enjoy the club's facilities and activities without jeopardising the validity of the club premises certificate.
- 19.7 The Licensing Authority expects 'public' events on club premises to be authorised by a Temporary Event Notice. It is expected that club committee members will seek advice from the Council prior to providing such activities for non-members to prevent any unauthorised activities.
- 19.8 Where the Licensing Authority identifies that a club no longer meets the conditions set out in section 62 of the Licensing Act 2003 or where the Council obtains evidence to demonstrate that a club no longer acts in good faith as a qualifying club, it will give the club a notice withdrawing the club premises certificate.
- 19.9 Suspension of Club Premises Certificates may also occur under section 92A of the LA2003 under the process described at paras 14.8 to 14.10 above.

20 REVIEW OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE

- 20.1 The Licensing Authority acknowledges that matters can arise at premises that raise concern as to the continued promotion of the licensing objectives at licensed premises.
- 20.2 The Act allows a licence to be **reviewed** where such matters arise. It is expected that most reviews will be applied for by Responsible Authorities.
- 20.3 Although this Licensing Authority is also a Responsible Authority and entitled to bring about a review application, it is not expected that it will act as a Responsible Authorities on behalf of other parties (for example, local residents, local councillors or community groups).
- 20.4 Such parties can make relevant representations to the Licensing Authority in their own right, and it is reasonable for the Council to expect them to make representations themselves where they are reasonably able to do so. However, if these parties have failed to take action and the Licensing Authority is aware of relevant grounds to make a representation, it may consider acting in its capacity as a Responsible Authority.
- 20.5 The Licensing Authority will determine whether a review application is relevant and the validity of a review application will be determined by a licensing officer. This will be on the basis of whether the request for the review is relevant to the matters listed below:

- in accordance with the Guidance issued by the Home office
- relevant to the non-promotion of the licensing objectives

- 20.6 The request for the review will also be subject to the consideration by the licensing officer as to whether the request is frivolous, vexatious, or repetitious. (See Paragraph 7.7)
- 20.7 The Licensing Authority would expect grounds for a review to be evidence based but will consider each application on its merits and allow the benefit of doubt where necessary.
- 20.8 Where a review application is accepted, the Licensing Authority will encourage the parties to enter into mediation during the consultation period to help resolve issues arising. Such mediation would usually be chaired by the Shared Licensing Team Leader or a licensing officer, but all parties may choose to have a different third party as a mediation chairperson.
- 20.9 All representations received in support of or against a review application will be considered by the licensing officers as to whether such representations are relevant to the application. Where appropriate the benefit of doubt will be given and representations accepted.
- 20.10 All reviews will lead to a hearing conducted by a sub-committee. This may be a full hearing or a condensed hearing to consider the outcome of mediation. However other parties who have made representation but not been involved in mediation will be permitted to voice their representations at the hearing in accordance with the Hearings Regulations. The Policy applied to hearings can be found at section 22.
- 20.11 The Authority considers that where reviews are raised as a result of serious crime and disorder causing that licensing objective to be undermined, then it is likely that a revocation of the licence will be considered.

21 APPLICATION TO VARY PREMISES LICENCE AT COMMUNITY PREMISES TO REMOVE THE MANDATORY REQUIREMENT FOR A DPS.

- 21.1 The Licensing Authority acknowledges the value that local community premises bring to their localities and that most are operated and managed by volunteers. The mandatory requirement for a nominated DPS to be in place at alcohol licensed community premises can be burdensome and difficult for an individual to manage at such premises.
- 21.2 The Act allows management committees at community premises to take over the responsibility of the alcohol sales by applying to the Council to remove the requirement to have a nominated DPS at the premises to authorise sales of alcohol. The Licensing Authority will, subject to strong evidence that a community premises is well managed by an experienced committee, support applications to remove the mandatory condition requiring all alcohol sales to be authorised by a personal licence holder

- 21.3 Before considering an application, the Licensing Authority will satisfy itself that a premises meets the definition of a community premises. Enquiries will be made as to the regular use of the premises and whether it is in the main 'community' based. Where there is a regular 'commercial' or 'non-community based' use or a membership requirement to use the premises, it is unlikely that such a premises would meet the definition of a community premises and permission to remove the requirement for a DPS is likely to be refused.
- 21.4 In general, it is expected that premises that form part of a church hall or chapel hall or are a village or community hall would in most cases meet the definition of a community premises, although each will be considered on its individual merits and the evidence provided or obtained.
- 21.5 The licensing officers will consider on a case by case basis all applications to remove the mandatory condition and will ask such questions or seek the necessary evidence to confirm the suitability of the management committee to collectively authorise the alcohol sales.
- 21.6 Committees that make an application will be expected to have members who are aware of the law relating to the sale of alcohol, contain steps within their operating schedule to prevent offences relating to alcohol sales and also to include appropriate rules in hiring agreements where the premises is hired out to the public for events that will involve the sale of alcohol.

22 HEARINGS

- 22.1 Any application that has resulted in the submission of relevant representations from any party will be referred to the Licensing Sub-Committee for a hearing and determination in accordance with the 2003 Act and the Licensing Act 2003 (Hearings) Regulations 2005.
- 22.2 A sub-committee will consist of three suitably trained members of the Licensing Committee. No members will serve on a sub-committee involving an application for a licence within their own areas covered by this policy ward. The sub-committee will be advised on the law by a member of the Council's Shared Legal Services Team. That legal team member will not be involved in the application process to prevent a conflict of interest by ensuring a clear separation of roles.
- 22.3 This Policy will play a key role in achieving consistency in decision making and will ensure decisions are made in a way which promotes a sustainable leisure economy for the areas covered by this policy.
- 22.4 Where representations are made only by Responsible Authorities, the Licensing Authority would expect applicants and Responsible Authorities to enter into negotiation or mediation prior to a hearing in an attempt to resolve issues before attending the licensing hearing.
- 22.5 Where mediation is successful, and a hearing is deemed unnecessary by all parties the mediation outcome will be presented to the licensing sub-committee in writing and signed by all parties for ratification and

determination². The sub-committee may still determine that the addition of appropriate licence conditions at the determination stage.

- 22.6 Parties will be advised of the hearing date and procedure in advance and in accordance with the statutory process. At all hearings the sub-committee will have regard to the Guidance issued under section 182 of the Act. The Authorities covered by this policy may use their discretion where there are strong and defensible reasons for departing from the Guidance and where it considers it right to do so. In any such case the Authority will clearly express and explain its reasons for doing so.
- 22.7 The Licensing Authority must give the appropriate amount of weight to representations made by the Police on crime and disorder matters. It will give appropriate weight to all representations made by all parties based on the content and relevance to the promotion of all licensing objectives.
- 22.8 All decision notices will be in writing and will include clearly stated reasons to explain a decision on an application.
- 23 In respect of all of the licensing objectives, licensing officers may be asked to assist in the drafting of licence conditions relevant to the application and representations in order to assist the Sub-Committee at a hearing

24 LICENCE CONDITIONS

- 24.1 A key concept in the Licensing Act is that conditions that are attached to licences or certificates are tailored to suit the individual style and characteristics of the premises and its activities and the impact of those activities. Those conditions will be deemed appropriate and proportionate in order to promote the licensing objectives at that premises.
- 24.2 All licences that authorise the sale of alcohol will be subject to the mandatory conditions set out in the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.
- 24.3 Applicants will be expected to include appropriate steps within their operating schedule which will be converted to conditions on a premises licence or club premises certificate. Those steps will be expected to be achievable and relevant to the business in question and will ensure the promotion of each of the four licensing objectives.
- 24.4 Where applications receive valid representations and are subject to a hearing, the sub-committee will consider the evidence provided within representations, the detail of the application, the nature of the premises and business and only where appropriate will attach conditions to a licence to secure the promotion of the licensing objectives in light of the evidence provided.
- 24.5 Decisions on individual licence conditions will be made on a case by case basis, and where there are concerns over the effective promotion of the licensing objectives, the applicant will be expected to offer suggestions on

² Not applicable to applications for a review of a Premises Licence or a Club Premises Certificate

how the objectives can be met. This Authorities will work closely with all parties and the applicant in establishing workable and reasonable conditions for new and variation applications.

- 24.6 In all cases the Council will have regard to the Guidance when considering the implementation of licence conditions. Further information on the Guidance can be found at the Home Office website:

[Guidance to the Licensing Act issued by the Home Office](#)

- 24.7 In all cases conditions will aim to promote the licensing objectives, be unambiguous and enforceable, appropriate to the activities and the business, achievable and applicable to the premises itself and the areas around the premises which is within the licence holders' control.
- 24.8 The Licensing Authority recognises the need to avoid, so far as possible, duplication with other regulatory systems including Health and Safety at Work, Fire Safety, Food Hygiene and Nuisance Control. However, these regulations may not cover the unique circumstances of some activities and entertainment. In these circumstances, the council may therefore, where necessary, attach conditions to premises licenses for the promotion of the licensing objectives.

Conditions to promote the Prevention of Crime and Disorder

- 24.9 Under the Act the Licensing Authority has a duty to promote the licensing objectives, and a further duty under the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the areas covered by this policy.
- 24.10 The applicant will be expected to detail in their operating schedule how they will prevent crime and disorder on and close to the premises. Such detail should reflect the licensable activities on offer, location and character of the area, the nature of the premises use, and the range of customers likely to use the premises.

These may include, but are not limited to, the following:

- Prevention of disorderly conduct and anti-social behaviour
- Prevention of underage drinking
- Protection from sexual harassment
- Prevention of sales of alcohol to intoxicated customers
- Prevention of drunkenness both on and in the vicinity of the premises
- Prevention of drug use and drug dealing
- Restriction of drinks promotions
- Use of safety glass

- Inclusion of a wind-down time following alcohol sales period
- Adequate seating to discourage “vertical drinking”
- The offer of food and snacks or other entertainment or occupation to discourage persistent drinking
- Prevention of noise nuisance by customers waiting to enter a premises and on leaving

24.11 In busier premises the Licensing Authority would expect to see a short (say 30 mins) ‘wind down’ or ‘drinking up’ period allowed for after the cessation time of entertainment and alcohol sales as this is effective in assisting in a reduction in noise and exuberance of customers before leaving the premises.

24.12 Where the Licensing Authority determines after consultation with the police that a premises is one that warrants additional security and monitoring it would expect applicants to include the provision of SIA approved door staff at the premises at appropriate times. Relevant premises are usually those used mainly for drinking alcohol, have later opening hours, and are situated within the Town Centre night time economy area. Applicants will be expected to seek advice from the Police and the Council will give appropriate weight to requests by the Police for premises to be protected by SIA registered door staff subject to the provision of relevant evidence.

24.13 Where appropriate, applicants for licences in the Town Centre areas providing mainly alcohol, music and dancing would be expected to include a provision of safety glasses to prevent a risk of injury on the rare occasion that a glass may be used as a weapon.

24.14 The Licensing Authority would expect licences or the DPS to be members of and regularly attend local pubwatch meetings.

24.15 The use of CCTV should be considered where appropriate or on the advice and recommendations of the Police and to a quality and standard approved by the Police for evidence purposes. Licence holders will be expected to fully comply with the requirements of the Information Commissioners Office and the Data Protection Act 1998 in respect of any surveillance equipment installed at a premises.

24.16 In any application the sub-committee will consider each application on its individual merits and determine the imposition of conditions that are appropriate to the objectives.

Conditions to promote Public Safety

24.17 The applicant will be expected to show that the physical safety of persons attending the premises will be protected and will offer relevant steps in the operating schedule to promote this.

24.18 Such steps will not replace the statutory obligation on the applicant to comply with all relevant legislation under the Health and Safety at Work etc. Act 1973 or under the Regulatory Reform (Fire Safety) Order 2004.

24.19 Applicants will be expected to have carried out the necessary risk assessments to ensure safe occupancy levels for the premises. Where a representation from the Fire Authorities suggests that for the promotion of the Public Safety objective a maximum occupancy should be applied, the Licensing Authority will consider adding such a limit as a licence condition.

It is expected that an operating schedule will specify occupancy limits for the following types of licensed premises:

- High Volume Vertical Drinking e.g. premises that provide mainly stand up drinking facilities with limited seating/table space and the prime activity is the sale of alcohol
- Nightclubs
- Cinemas
- Theatres
- Other premises where regulated entertainment is likely to attract a large number of people.

Conditions to promote the Prevention of Public Nuisance

24.20 The applicant will be expected to detail steps to prevent nuisance and disturbance arising from the licensable activities at the premises and from the customers using the premises.

24.21 The applicant will be expected to demonstrate that they have considered the following and included steps to prevent public nuisance:

- Proximity of local residents to the premises
- Licensable activities proposed and customer base
- Hours and nature of operation
- Risk and Prevention of noise leakage from the premises from equipment, customers and machinery
- Prevention of noise from customers leaving the premises and customer pick up points outside premises and from the Car Park.
- Availability of public transport to and from the premises
- Noise from use of the garden/outside space including smoking shelters.
- Delivery and collection times and locations.
- Impact of external security or general lighting on residents.

- History of management of and complaints about the premises.
- Applicant's previous success in preventing Public Nuisance.
- Outcomes of discussions with the relevant Responsible Authorities.
- Impact of location, noise and contamination from outside smoking areas on neighbours and other customers
- Collection of litter arising from the premises
- Appropriate times of disposal of glass bottles into external waste receptacles
- Provision of and encouraging use of toilet facilities for customers prior to leaving a premises.

24.22 Steps to prevent public nuisance may include a range of options including noise limiting devices, sound insulation, wind down periods, acoustic lobbies, management of smoking areas etc.

24.23 Steps will differ depending on the individual premises and activities and it is for the applicant to ensure that reasonable, effective and appropriate steps are included within the operating schedule.

Conditions to promote the Protection of Children from Harm

24.24 Applicants will be expected to detail steps to protect children at the premises from any harm. The Licensing Authority recognises the right of licensees (serving alcohol) to allow accompanied children into their premises. The Licensing Authority would not seek to restrict access by children (above that specified in the Act) unless it is necessary for the prevention of physical, moral or psychological harm.

24.25 Steps to prevent children from harm must be included where:

- There is entertainment or services of an adult nature provided.
- There have been previous convictions for underage sales of alcohol.
- There is a known association with drug taking or dealing.
- There is a significant element of gambling on the premises.
- There is a presumption that children under 18 should not be permitted entry such as to nightclubs (apart from when specific events are held for under 18's).
- Outcomes of discussions with relevant Responsible Authorities suggest such steps are applicable.

- 24.26 Nothing in the Licensing Act prevents licensees from excluding children from a licensed premises and no condition can be added to require the admission of children.
- 24.27 Where there are no matters that give rise to concern in respect of children at premises the Licensing Authority would expect to see the relevant box on an application form completed to specify NONE.

25 PERSONAL LICENCES

- 25.1 Any person who wishes to act as a DPS at licensed premises must be in possession of a personal licence issued under the Licensing Act 2003. Any other person may also apply for a personal licence subject to meeting the necessary criteria. The Licensing Authority acknowledges the default grant position for applicants who meet the statutory criteria under the Licensing Act 2003.
- 25.2 The Police will only be consulted where the applicant declares a previous conviction for a relevant offence. A relevant conviction is one that is listed on Schedule 4 of the Licensing Act 2003.
- 25.3 Where a representation is received from the Police the Licensing Authority acknowledges that it has discretion whether or not to grant the licence.
- 25.4 Where a representation is received from the Police objecting to an application for a personal licence, and that representation is deemed relevant by the licensing team in that there is a belief that granting the licence will undermine the prevention of Crime and Disorder licensing objective, the application will be referred to the Licensing Sub-Committee for determination at a hearing where the Licensing Sub-Committee will either grant or refuse the application.
- 25.5 The Police must give a notice of objection to the Licensing Authority within the statutory 14 day consultation period. The Licensing Authority accepts that there is no discretion to accept a late notification from the Police even if the objection provided evidence that to grant the licence would undermine the crime prevention objective.
- 25.6 The Licensing Authority requires all personal licence holders to advise it each time there is a change of their name or address. All licence holders are advised of this requirement when a licence is granted. Any changes will be updated, and an amended licence will be issued within 10 working days of a notification of change.
- 25.7 The Licensing Authority anticipates that the Magistrates and Crown Courts will take appropriate action in relation to a personal licence where licence holders are convicted of relevant offences in those courts after the grant of a personal licence and to notify the Licensing Authority of any action taken in respect of a personal licence.
- 25.8 The Licensing Authority requires personal licence holders to undertake their duty to disclose any convictions for a relevant offence after a personal licence has been granted. The Licensing Authority and/or the Police will take

appropriate formal action against the licence holder where subsequent relevant convictions are not declared under that duty. Further information on personal licences can be found on the Council's website:

[Personal licence \(basingstoke.gov.uk\)](https://www.basingstoke.gov.uk)
https://www.hart.gov.uk/sites/default/files/2_Businesses/Licensing_and_permits/Application_forms/Personal%20Licence.pdf

26 TEMPORARY EVENTS

- 26.1 The Licensing Act 2003 makes provision for the authorisation of a person (known as a premises user) to provide licensable activities on a temporary basis at unlicensed premises, or to add activities and/or extend the hours of existing activities at a licensed premises. The activities are authorised by the serving of a Temporary Event Notice (TEN) on the Licensing Authority, subject to the notice meeting the proper criteria as detailed under the Act.
- 26.2 Comprehensive planning of events is essential and where there are likely to be impacts on neighbouring residents or businesses as a result of the activities to be authorised by a TEN, the Licensing Authority expects the premises user to have advised those residents and businesses and considered any potential impacts and how they may be mitigated.
- 26.3 The Licensing Authority welcomes requests for advice from applicants who wish to provide temporary events to ensure they understand the law relating to such events and to reduce the likelihood of objections being made.
- 26.4 There are two types of TEN, Standard or Late. Both are subject to a numerical limit on the number of each type of TEN that can be served by personal licence holders and non-personal licence holders in a calendar year. There is also a numerical limitation on the number of TENs that may be served in respect of individual premises or places. Information on the law relating to temporary events is detailed on the Council's website:

[Temporary event notice \(basingstoke.gov.uk\)](https://www.basingstoke.gov.uk)

<https://www.gov.uk/apply-for-a-licence/temporary-event-notice/hart/apply-1>

Standard TEN

- 26.5 A Standard TEN must be served at least 10 working days (Monday to Friday excluding Bank Holidays) before the event commences. The 10 working days excludes the day of service and the day on which the event starts. Copies of the TEN must be served on the Licensing Authority, The Environmental Health (EH) Department, and the Police. The fee is payable only to the Council. Applicants are encouraged to serve TENs at least 28 days before the proposed events to allow greater time for an event to be planned.
- 26.6 Where numerical limits are exceeded the Licensing Authority will serve a counter notice and the proposed licensable activities will not be authorised.

- 26.7 Where objections are received from the Police and/or EH and not withdrawn, the notice will be referred for a hearing before the Licensing Sub-Committee. The Sub-Committee may approve the TEN as applied for, add appropriate conditions (if the TEN takes place on a premises with an existing licence) or reject a TEN by serving a counter notice.

Late TEN

- 26.8 A late TEN (may be served between 9 and 5 working days before a proposed event commences. Where numerical limits are exceeded a counter notice will be served and the proposed licensable activities will not be authorised.
- 26.9 If the late TEN is served with fewer than 5 working days' notice it is deemed invalid and would be rejected, the proposed activities would not be authorised. The Licensing Authority has no discretion to accept TENs outside the permitted statutory deadlines.
- 26.10 Where valid representations are received from the Police or EH in respect of a late TEN, the TEN will be rejected and proposed activities will be unauthorised.
- 26.11 The Licensing Authority will take the appropriate action where there is evidence that licensable activities have been provided without the authorisation of a TEN.
- 26.12 There are restrictions on the numbers of each type of TEN that can be submitted.

27 ONLINE APPLICATIONS THROUGH GOV.UK

- 27.1 Applications for all licence types under the Licensing Act may be made online using the GOV.uk website portal.
- <https://www.gov.uk/alcohol-licensing>
- 27.2 This facility is not owned, operated or maintained by the Licensing Authority and the Licensing Authority cannot be held responsible if the system is unavailable. There is no discretion to accept applications outside statutory deadlines if the GOV.uk website is unavailable. Applicants should make applications well in advance to avoid the risk of any issues, delays, or rejection of a late application if the online facility is unavailable.
- 27.3 Where applications are made using the online facility the Licensing Authority will distribute copies of applications to the relevant Responsible Authorities on behalf of the applicant.
- 27.4 Applicants are strongly encouraged to use the online facility to complete their applications. Hardcopy forms are available on request from the licensing team.

28 OTHER RELEVANT MATTERS

Adult entertainment.

- 28.1 The Licensing Authority has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 and premises offering regular entertainment of a sexual nature must be licensed as a sex establishment under those provisions.
- 28.2 The Licensing Authority acknowledges that exemptions under the above legislation do allow sexual entertainment to be provided at premises licensed under the Licensing Act 2003, as long as it is provided on no more than 11 occasions within 12 months and with at least 1 month between each occasion. Those infrequent events will be regulated by the licence granted under the Licensing Act 2003 where that licence authorises performances of dance and where the original application specified that such adult entertainment was proposed to be provided.
- 28.3 Where application forms for premises licences and club premises certificates specify that no entertainment of an adult nature is proposed then the exemptions referred to at Para 18.3 will not be permitted.
- 28.4 Where licensees have declared that no adult entertainment will take place at a premises, wish to use the exemption allowed at Para 28.3 the Licensing Authority will expect them to make an application to vary the licence (or club premises certificate) to include such entertainment. The Licensing Authority expects that any application to provide sexual entertainment will incorporate appropriate steps within the operating schedule to protect all parties at the premises including performers and the public and in particular prevent access to such events by children to promote the prevention of children from harm licensing objective.
- 28.5 Applicants will be advised to seek advice from the Licensing Authority before applying to vary a licence to permit adult entertainment and are also advised to consider the Basingstoke and Deane Borough Council Sex Establishment Licensing Policy and licence conditions adopted by this authority in respect of the licensing of sexual entertainment venues and sex establishments.

Gaming machines in licensed premises - Automatic entitlement

- 28.6 There is provision in the Gambling Act 2005 (GA2005) for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines of category C and/or D. The premises licence holder merely needs to notify this Licensing Authority and pay the prescribed fee.
- 28.7 This authority can remove the automatic authorisation in respect of any particular premises if:
- Provision of the machines is not reasonably consistent with the pursuit of the licensing objectives (under the GA2005 Act):

- Gaming has taken place on the premises that breaches a condition of section 282 of the GA2005 Act (for example, the gaming machines have been made available in a way that does not comply with requirements on the location and operation of gaming machines):
- The premises are mainly used for gaming: or
- An offence under the GA2005 Act has been committed on the premises.

Gaming Machine Permit

28.8 If a premises wishes to have more than 2 machines of categories C and/or D, then it needs to apply for a permit and this authority will consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission under section 25 of the Act, and such matters as officers consider relevant.

28.9 In determining such matters, consideration will be given to the need to protect children from harm and to the need to protect vulnerable persons from harm or being exploited by gambling. The applicant will be required to satisfy the authority that there will be sufficient measures to ensure that minors do not have access to the adult only gaming machines.

28.10 Measures to satisfy the authority relate to restricting access to age restricted machines and adult machines being in sight of the bar, or in sight of staff who will monitor that the machines are not being used by minors. Notices and signage should also be displayed to this effect. Applicants may consider the provision of information leaflets and helpline numbers for organisations such as GamCare to demonstrate their responsibility in the protection of vulnerable persons and compliance with Codes of Practice issued by the Gambling Commission.

Gambling in alcohol 'On' licensed premises

28.11 Exempt gaming is equal chance gaming that is generally permissible in any club or alcohol licensed premises. Equal chance gaming includes games such as backgammon, mahjong, rummy, kalooki, dominoes, cribbage, bingo and poker. Such gaming should be ancillary to the purposes of the premises.

28.12 This exemption is automatically available to all clubs or alcohol licensed premises, but is subject to statutory stakes and prize limits determined by the Secretary of State. Licensees are expected to seek advice from the Gambling Commission website or this Licensing Authority before providing any forms of gambling at alcohol licensed premises.

Outdoor seating areas at licensed premises

28.13 It is recognised that many 'on' licensed premises are located in pedestrianised streets with areas of outdoor space on the public highway adjacent to the premises. Customers like to sit outside such premises when the weather is suitable, and a 'café' style culture is encouraged.

- 28.14 The Licensing Authority will require all licensees who wish to expand their eating and drinking areas to include the public highway adjacent to the premises to discuss those plans with the licensing team and ensure they have read and understood the guidance notes on what would be deemed safe and acceptable before making an application for a licence to permit them to place tables and chairs on the highway. Further advice can be obtained at on the council website.
- 28.15 Licensees will be expected to make appropriate arrangements for customers who wish to smoke outside the premises to ensure that the licensed highway area is not also used as the allocated smoking area. This is to prevent nuisance and potential ill-health to non-smokers who wish to use the outside seating.

INFORMATION

- 28.16 In order to ensure that applicants and persons who make representations have the necessary information to be able to do so, information is available on the Basingstoke and Deane Borough Council website www.basingstoke.gov.uk or by contacting the licensing team by email (licensing@basingstoke.gov.uk) , or by telephone on 01256 844844.
- 28.17 In order to ensure that applicants and persons who make representations have the necessary information to be able to do so, information is available on the Hart District Council website www.hart.gov.uk or by contacting the licensing team by email (licence@hart.gov.uk) , or by telephone on 01252 622122.

APPENDIX A - Responsible Authorities

The Responsible Authorities for the council areas under the Act, and their contact details are as follows.

Contact details may change, and other responsible authorities may be designated by regulations by the Secretary of State. For latest information, please check with the relevant council's licensing team.

Responsible Authority	Address	Telephone, e-mail and website
The licensing authorities	Licensing Team Basingstoke and Deane Borough Council London Road Basingstoke RG21 4AH	01256 844844 licensing@basingstoke.gov.uk www.basingstoke.gov.uk
	Licensing Team Hart District Council Basingstoke and Deane Borough Council London Road Basingstoke RG21 4AH	01252 622122 licence@hart.gov.uk www.hart.gov.uk
The planning authorities	Planning Basingstoke and Deane Borough Council London Road Basingstoke RG21 4AH	01256 844844 planning.comments@basingstoke.gov.uk www.basingstoke.gov.uk
	Planning Hart District Council Harlington Way Fleet GU51 4AE	01252 774419 planningadmin@hart.gov.uk www.hart.gov.uk
Hampshire Safeguarding Children Partnership	Hampshire Safeguarding Children Partnership Falcon House Monarch Way Winchester SO22 5PL	01962 876355 hscp@hants.gov.uk www.hampshirescp.org.uk
Public Nuisance and Public Safety	Environmental Protection Basingstoke and Deane Borough Council London Road Basingstoke RG21 4AH	01256 844844 eht@basingstoke.gov.uk www.basingstoke.gov.uk

	Environmental Protection Hart District Council Harlington Way Fleet GU51 4AE	01252 622122 eh@hart.gov.uk www.hart.gov.uk
Police	The licensing Officer Hampshire Constabulary Basingstoke Police Station London Road Basingstoke Hampshire RG21 2AD	licensing@hampshire.pnn.police.uk
Fire Service	Service Delivery (Community Safety Delivery) Protection Department Southsea Fire Station Somers Road Southsea Hampshire PO5 4LU	Csprotection.admin@hantsfire.gov.uk
Health and Safety Executive	Priestley House Priestley Road Basingstoke Hampshire RG24 9NW	concerns@hse.gsi.gov.uk
Trading Standards	Head of safety and Standards The Trading Standards Service Montgomery House Monarch Way Winchester SO22 5PW	tsadvice@hants.gov.uk
Primary Care Trust	Licensing Public Health Manager Public Health Department 1 st Floor Room 153 Elizabeth II Court South Hampshire County Council Winchester SO23 8TG	Publichealth.licensing@hants.gov.uk

Clinical Commissioning Group	Frimley Clinical Commissioning Group Aldershot Centre for Health Hospital Hill Aldershot GU11 1AY	frimleyccg.public@nhs.net
Clinical Commissioning Group	Hampshire Southampton and Isle of Wight Clinical Commissioning Group The Castle Ground Floor Castle Avenue Winchester Hampshire SO23 8UJ	hsiccg.communications@nhs.net

APPENDIX B - Table – Delegation of Functions for decision making under the Licensing Act 2003

MATTER TO BE DEALT WITH	FULL COUNCIL	LICENSING COMMITTEE	SUB-COMMITTEE	OFFICERS
Approval and adoption of Statement of Licensing Policy	X	X		
Application for personal licence			If a Police objection	If no objection made
Application for personal licence with unspent convictions			If an objection is made by the Police and not disregarded by the officers	If no objection is made by the Police
Application for premises licence/club premises certificate			If a relevant representation is made	If no relevant representation is made
Application for provisional statement			If a relevant representation is made	If no relevant representation is made
Application to vary premises licence/club premises certificate			If a relevant representation is made	If no relevant representation is made
Application to vary designated premises supervisor			If a Police objection	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
Decision to object when local Authorities is a consultee and not the				All cases

relevant Authorities considering the application				
Determination of an objection to a temporary event notice			All cases	
Determination of application to vary premises licence at community premises to include alternative licence condition			If Police objection	All other cases
Decision whether to consult other responsible authorities on minor variation application				All cases
Determination of minor variation application				All cases
Decision on whether to make a representation about a premises licence or club premises certificate application or major variation or call for a review of a licence/club premises certificate				Officer graded at a level above the grade of the case officer