



THE LICENSING ACT 2003

STATEMENT OF LICENSING POLICY

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**IPSWICH BOROUGH COUNCIL
LICENSING ACT 2003: STATEMENT OF LICENSING POLICY**

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IPSWICH BOROUGH COUNCIL

Sixth Edition - Licensing Act 2003 Statement of Licensing Policy

INTRODUCTION:

The Licensing Act 2003 became fully implemented on 24 November 2005, and brought about the single biggest change to the licensing arrangements for many types of leisure premises in 40 years. The Act integrated six separate licensing regimes covering the sale and supply of alcohol, the provision of regulated entertainment, the provision of late night hot food or drink (between the hours of 11pm and 5am), night café, theatres and cinemas. The legislation is continuing to evolve, and be amended.

This document is the sixth version of the local 'Statement of Licensing Policy' for Ipswich Borough Council and revisions will endeavour to incorporate the Authority's practical experience of the legislation to date, including addressing as far as possible some of the ambiguities of the Act, the fully revised Guidance document published under section 182 of the Licensing Act 2003 by the Home Office in April 2018, and feedback from all relevant stakeholders.

The Licensing Authority recognises that it is not always straightforward to reach decisions that satisfy all parties, but the Authority will always endeavour to carefully balance the interests of owners, employees, customers and neighbours of licensable premises. However the Licensing Authority must address the promotion of the four statutory objectives when undertaking its licensing functions, these are:

- 1. The prevention of crime and disorder**
- 2. Public safety**
- 3. The prevention of public nuisance**
- 4. The protection of children from harm**

When carrying out our functions we support other key aims and purposes. (See 1.6 below)

THE IPSWICH BOROUGH:

Background to the Borough of Ipswich

Ipswich is the county town of Suffolk and a major centre of population, economic activity and growth in the Eastern Region. It is a key centre in the New Anglia Local Enterprise Partnership region covering Norfolk and Suffolk. The town performs a regional role in delivering growth and performing as a major employment, shopping and service centre, and a focus for transportation. There is an ongoing need for regeneration to address pockets of deprivation in some of the disadvantaged and physically more run down areas of the town.

As an engine of growth for the East of England, Ipswich has a thriving commercial sector, ICT sector linked to Adastral Park, business and financial services sector and a significant port. It is a centre for education, including University Campus Suffolk on the Waterfront, which offers a programme of teaching and research in key sectors. Ipswich also provides a wide range of cultural, sporting and retail provision, which serves the needs of the sub-region. The town has a diverse and multicultural population, and is one of the fastest growing urban centres in the UK. Ipswich is developing dynamically and prosperously and has strong prospects for growth. Finance, IT and business activities account for one quarter of the workforce, with a similar proportion for distribution, hotels and restaurants, the latter demonstrating the role of Ipswich in sub-regional tourism and the strong night-time economy. This growth is supported at a central, sub-regional and local government level, enabling Ipswich to develop while acknowledging the sense of place established by many historic buildings and areas and its large landscaped parks.

Ipswich has seen a huge amount of public and private investment in its retail and leisure sector, the town is now able to showcase a diverse supply of early evening venues, leisure venues, traditional pubs, fine dining, family dining and late night venues.

Alcohol consumption is a major contributor to crime and disorder in Ipswich. Some offences are specific to alcohol such as being drunk and disorderly, but alcohol is also associated with other crime, particularly breach of the peace, criminal damage and assault. The link between licensed premises; violence and public disorder is clear though not equal. It is also evident that repeat offenders, including persistent and prolific offenders, cause much of the crime, disorder, and antisocial behaviour. Inclusive and effective partnership working is essential to minimise violence and public disorder committed by those in, between, and outside licensed premises.

The Licensing Act 2003 catches 'any premises' involved in providing licensable activities, and Ipswich Borough Council have issued licences to a broad variety of different types of premises, including:

- Pubs, commercial clubs, restaurants, hotels, conference centres
- Private members clubs
- Shops, supermarkets, off-licences, breweries.
- Community facilities, schools, sports clubs
- Warehouses for mail order and internet sales of alcohol
- Mobile late night fast food vans, florists, garages
- Festivals, concerts, street fairs, fairs
- Takeaways (serving hot food or drink between 11pm and 5am)
- Local Authority public open space

ROLE OF THE LICENSING AUTHORITY IN THE DECISION-MAKING PROCESS:

It is important for any person reading this Statement of Licensing Policy to note that the Licensing Authority's discretion and decision making role, referred to throughout this Statement of Licensing Policy, is only engaged following a relevant representation being lodged in respect of an application, and where that representation is not withdrawn. The application will then ordinarily be heard by the Council's Licensing and Regulatory Sub-Committee. However some minor decisions are delegated to officers.

The Licensing Act 2003 provides for a mediation process between parties. Where it is appropriate for the Licensing Authority to do so, following a relevant representation being made, the Authority will make all reasonable efforts to facilitate mediation. In doing so the Licensing Authority will be mindful of the legislative framework and any relevant government guidance

In cases where a Premises Licence or Club Premises Certificate application has been lawfully made, and no Responsible Authority or other person has made a representation, the Licensing Authority must grant the application on the terms sought, subject only to conditions which are consistent with the operating schedule and relevant mandatory conditions in the Act. This should be undertaken as an administrative process by the Licensing Authority's officers who will translate the proposals contained within the operating schedule to promote the licensing objectives into clear and understandable conditions.

The Police Reform and Social Responsibility Act 2011 created a further role for the Licensing Authority as a Responsible Authority thereby allowing it to make representations and/or seek a review of a Premises Licence or Club Premises Certificate. The details of the involvement of the Licensing Authority as a Responsible Authority are set out in Section 24 of this Statement.

STATEMENT OF LICENSING POLICY

1. Licensing Objectives

- 1.1 This policy must be read in conjunction with the Licensing Act 2003 (the 2003 Act), secondary legislation and the Guidance issued under s.182 of the Licensing Act 2003 (the Guidance).
- 1.2 Where revisions are made to the legislation or Guidance issued by the Home Office, there may be a period of time when the local Statement of Licensing Policy is inconsistent with these revisions. In these circumstances, the Licensing Authority will have regard, and give appropriate weight, to the relevant changes, Guidance and its own Statement of Licensing Policy.
- 1.3 In preparing this Statement of Licensing Policy the Licensing Authority has consulted in accordance with the requirements of the 2003 Act, and has had due regard to the Guidance.
- 1.4 The Licensing Authority recognises that balancing the interests of owners, employees, customers and neighbours of licensable premises will not always be straightforward, but it must always be guided by the four licensing objectives of the Act, which are:
 - the prevention of crime and disorder;
 - the prevention of public nuisance;
 - public safety; and
 - the protection of children from harm

The Licensing Authority's general approach to addressing these four licensing objectives is set out in section 14 of this Statement of Licensing Policy.

- 1.5 In exercising its licensing functions, once its discretion is engaged, the Licensing Authority must address the promotion of the four statutory objectives by focusing on the direct impact of the licensable activities taking place at the licensed premises on members of the public living, working or engaged in normal activity who may be affected by the activities.
- 1.6 The aims of this Statement of Licensing Policy includes helping to encourage and support a strong and inclusive society that balances the rights of individuals and their communities, and integrating the Licensing Authority's aims and objectives with other initiatives and strategies that will help to:
 - Protect the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises.
 - Give the police and licensing authorities the power they need to effectively manage and police the night-time economy and take action against those premises that are causing problems.
 - Recognise the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises.
 - Provide a regulatory framework for alcohol provision, which reflects the needs of local communities and empowers Local Authorities to make and enforce decisions about the most appropriate strategies for their local area.

- Encourage greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may impact upon them.
- 1.7 This Statement of Licensing Policy does not seek to undermine the right of any individual who has been engaged. It does not seek to override the right of any person to make representations on or about an application or seek a review of a licence or certificate where provision has been made for them to do so in the Act.
 - 1.8 The licensing process can only seek to control those measures within the control of the licensee or certificate holder (and their staff/agents), and in the vicinity of the premises involved in licensable activities, for example on the pavement, in a beer garden or smoking shelter. Licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are away from such premises and beyond the direct control of the licence holder, nor is it the cure-all for community problems.
 - 1.9 In compiling this policy to ensure compliance with our duties under the Equality Act 2010 an equality impact screening assessment has been carried out and no adverse impact was identified.
 - 1.10 Individuals applying for a Personal Licence, a Premises Licence for the sale of alcohol or Late Night Refreshment must be entitled to work in the UK. An application made by an individual without the entitlement to work in the UK will be rejected.
 - 1.11 Where an applicant's immigration permission to live and work in the UK is time-limited, a licence may be issued but will become invalid when the immigration permission expires.
 - 1.12 All applications will be treated the same and the Licensing Authority will establish whether or not an applicant has a lawful immigration status in the UK or is prohibited from working because they are in the UK illegally or is subject to a condition that prevents them from holding a licence.
 - 1.13 The documents that demonstrate an entitlement to work in the licensing regime are based on existing prescribed document lists for checks undertaken by employers. They are set out in the following regulations: The Immigration (Restrictions on Employment) Order 2007 and the Immigration (Restrictions on Employment) (Codes of Practice and Amendment) Order 2014. Any changes to these documents will be complied with when implemented.

2. Purpose of the Statement of Licensing Policy

- 2.1 The purpose of this Statement of Licensing Policy is to:
 - Inform the elected Members serving on the Licensing & Regulatory Committee of the parameters within which licensing decisions can be made.
 - Inform applicants, residents and businesses of the parameters within which the Licensing Authority will make licensing decisions.
 - Inform residents and businesses about how the Licensing Authority will make licensing decisions.

- Provide a basis for decisions made by the Licensing Authority if these decisions are challenged in a court of law.

2.2 This policy relates to the following licensable activities as defined by Section 1 of the 2003 Act:

- Retail sale of alcohol.
- Supply of alcohol by or on behalf of a club, or to the order of a member of the club.
- Provision of regulated entertainment, which includes:
 - a performance of a play
 - an exhibition of a film
 - an indoor sporting event
 - a boxing or wrestling entertainment
 - a performance of live music (beyond the exemptions contained within the Live Music Act 2012)
 - any playing of recorded music (which is not incidental in nature)
 - a performance of dance
 - entertainment of a similar description to the performance of live music, the playing of recorded music or the performance of dance, and
- Provision of late night refreshment.

2.3 The Legislative Reform (Entertainment Licensing) Order 2014 and the Deregulation Act 2015 provide significant exemptions to some of these activities for example the playing of music to audiences of less than 500 people between 8am and 11pm and the showing of films at community premises on a non-profit basis.

2.4 It should be noted that the 2003 Act (Part 2 of Schedule 1) makes provision for exempt or unregulated activities or locations. Whether activities/locations may be entitled to benefit from an exemption would be assessed on a case-by-case basis. E.g. Film exhibitions for the purposes of advertisement, information, or education.

2.5 In some cases additional licences may be required under separate legislation, for example sexual entertainment venues may also require a licence under schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, or the venue may also require Performing Rights Society (PRS) permissions.

3. Other legislation, strategies and guidance

3.1 When carrying out its functions the Local Authority has duties, responsibilities and considerations under other legislation , for example:

- The Gambling Act 2005
- The Environmental Protection Act 1990
- The Noise Act 1996
- The Clean Neighbourhoods and Environmental Act 2005
- The Regulatory Reform (Fire Safety) Order 2005
- The Health and Safety at Work etc. Act 1974
- The Equality Act 2010
- The Immigration Act 2016
- Regulators' code under the Legislative and Regulatory Reform Act 2006.

- 3.2 The premises operators are normally responsible for compliance with any other statutory requirements which may apply for example, the Regulatory Reform (Fire Safety) Order 2005 or ensuring correct planning permission.
- 3.3 The Licensing Authority will as far as possible seek to avoid duplication with other regulatory regimes when dealing with the licensing function. If other existing law already places certain statutory responsibilities on an employer or operator of premises, it cannot be appropriate or proportionate to impose the same or similar duties on the Premises Licence holder or club. Once the discretion of the Licensing Authority is engaged, it is only where additional and supplementary measures are appropriate to promote the licensing objectives that appropriate and proportionate conditions will be attached to a licence.
- 3.4 Other Local Authority and Government policies, strategies, responsibilities, and guidance documents may also refer to the licensing function, and the Licensing Authority may liaise with the relevant authorities or its directorates with regard to these. Whilst some of these may not be directly related to the promotion of the four licensing objectives, they can indirectly impact upon them. For example, the Licensing Authority will liaise closely with the local Safer Neighbourhood Teams (SNT) and/or Ipswich Community Safety Partnership (CSP) to ensure that the Local Authority can develop effective strategies that take full account of local crime and disorder issues.
- 3.5 It is the Local Authority's intention that it will, through its Licensing & Regulatory Committee monitor how these matters, set out in section 3.4 above, impact on the Authority's licensing and other functions, in order that it may seek to co-ordinate and integrate its licensing function with other relevant strategies.
- 3.6 The Local Authority may, in appropriate circumstances, consider seeking Premises Licences in its own name, for its own public spaces within the community. This may assist with the promotion of broader cultural activities and entertainments.
- 3.7 The Local Authority has a Cumulative Impact Policy; which is a separate document to this policy.

4. Relationship with Planning Process

- 4.1 Applications for Premises Licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. However, applications for licences may be made before any relevant planning permission has been sought or granted by the Local Planning Authority.
- 4.2 It is strongly recommended that prospective licence applicants contact the Local Planning Authority in advance of making a licence application in order to check, or seek advice regarding any planning consents or any conditions relevant to the use of the premises. It clearly makes operational sense to ensure that planning and licensing are compatible.
- 4.3 The Licensing Authority wishes to emphasise that the granting of, or any variation of a Premises Licence or Club Premises Certificate would not relieve

the applicant of the need to apply for planning permission or building control consent where appropriate.

- 4.4 The Local Authority will aim to properly separate planning, building control and licensing regimes in order to avoid duplication and inefficiency. The Licensing and Planning regimes involve consideration of different (albeit related) matters.
- 4.5 Where businesses have indicated, when applying for a licence under the 2003 Act, that they have also applied for planning permission or that they intend to do so, licensing committees and officers should consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.
- 4.6 The Licensing Authority is not bound by decisions made by the Planning Committee and vice versa.
- 4.7 Where, as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes that is different to the licensing hours, the licensee must observe the earlier closing time in order to avoid any breach of their planning permission - for which they may be liable to prosecution under planning law (and vice versa where the licensing hours finish earlier than the planning permission).

5. Licensing Hours

- 5.1 The Licensing Authority, through the exercise of its licensing functions and once its discretion is engaged, shall not seek to restrict the trading hours of any particular premises unless it is considered appropriate to promote one or more of the licensing objectives. Each application will be considered individually on its own merits.
- 5.2 In the absence of any specific reasons linked to the licensing objectives, the Licensing Authority will not seek to restrict licensed retail outlets ability to sell alcohol for consumption off the premises throughout their general trading hours. A possible example of an occasion when a limitation could be considered would be following Police representations that a shop was known to be a focal point for crime and disorder.
- 5.3 The Licensing Authority recognises that providing consumers with greater choice and flexibility is an important consideration and that in some circumstances flexible licensing hours for the sale of alcohol can help to ensure that the concentrations of customers leaving premises simultaneously are avoided, which in turn can reduce the friction at late night fast food outlets, taxi ranks and other sources of transport which can lead to crime, disorder and disturbance.
- 5.4 The Licensing Authority also acknowledges that licensing hours should not inhibit the development of thriving and safe evening and night-time local economies which are important for investment and employment locally and attractive to domestic and international tourists.
- 5.5 The Licensing Authority will however, where its discretion is engaged, always carefully balance the considerations in section 5.3 and 5.4 above against its duty to promote the licensing objectives and protect the rights of local

residents and businesses in the vicinity of licensed premises.

- 5.6 The Licensing Authority will consider each application individually on its merits, once its discretion is engaged, and notes the Government's guidance that there is no general presumption in favor of lengthening licensing hours and that the four licensing objectives should be paramount considerations at all times. Where there are relevant representations against an application and the Licensing & Regulatory Sub-Committee believes that granting the licensing hours proposed would undermine the licensing objectives then it may reject the application or grant it with appropriate conditions and/or different hours from those requested.
- 5.7 Irrespective of the hours of operation granted for a premises under the 2003 Act, the premises operators should ensure that they comply with any limitation on hours imposed under any other relevant legislation in force - for example Planning law, Sunday Trading Act 1994 or Christmas Day (Trading) Act 2004.

6. Relevant Representations

- 6.1 A relevant representation is one that is made in writing and:
- Is about the likely effect of grant of the licence on the promotion of the licensing objectives;
 - Has been made by a Responsible Authority (see Appendix 1), or other person as defined by the 2003 Act, within the relevant time period as prescribed by regulation;
 - Has not been withdrawn; and
 - In the case of representations made by a person who is not a Responsible Authority that they are not in the opinion of the Licensing Authority considered as frivolous or vexatious (or repetitious in respect of a review).
- 6.2 The Licensing Authority will determine whether a representation is frivolous or vexatious and will apply the below ordinary interpretation;
- A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification.
 - Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.
- 6.3 There is no requirement for a Responsible Authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.
- 6.4 For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation.
- 6.5 The Police should be the Licensing Authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective.

However, any Responsible Authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations.

The Licensing Authorities will therefore consider all relevant representations from Responsible Authorities carefully; however, it remains incumbent on all Responsible Authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

- 6.6 In 'borderline' cases, the Licensing Authority will normally give the benefit of the doubt to the other person making the representation, and any subsequent hearing would provide an opportunity for the person or body making the representation to amplify and clarify it.
- 6.7 Representations can be made in opposition to, or in support of, an application. In cases where only 'positive' representations are made, without qualifications, the Licensing Authority will consider whether a hearing is necessary, and may contact the other persons concerned to give them an opportunity to withdraw their representations.
- 6.8 The Licensing Authority will determine whether:
- The representation has been made by any other person as defined under the 2003 Act; and
 - Any ordinary and reasonable person would consider the issue(s) raised in a representation as frivolous or vexatious (or repetitious in respect of a review).

Any other person aggrieved by a rejection of their representation on these grounds may challenge the Licensing Authority's decision by way of judicial review.

- 6.9 Where a representation is made, a hearing will be held, unless an agreement is reached between the Licensing Authority, the applicant and all of the parties who have made relevant representations, that a hearing is not required.
- 6.10 The Licensing Authority will attempt mediation between the relevant parties wherever it may be permitted or appropriate, so as to avoid unnecessary hearings. It may also extend the normal time limits for hearings where it is considered in the public interest to do so (for example where all parties are on the point of reaching agreement)
- 6.11 It should be noted that the usual hearing arrangements, following receipt of a relevant representation, do not apply to applications for Minor Variations. For these processes the power to determine the application has been delegated to the appropriate officers, and no hearing mechanism is involved. Relevant representations and statutory guidance will, however, be considered as part of this process, and applications shall be assessed individually and on merit by the relevant officer.

7. Administration, Exercise and Delegations of Functions

- 7.1 The Council's published scheme of delegations under the Licensing Act 2003 is contained in the Council's Constitution and is available on the Council website.
- 7.3 Where an application has been lawfully made under the 2003 Act, and no relevant representations are outstanding, the Licensing Authority will grant the application, in accordance with the requirements of the Act under the authority delegated to an officer.

8. Hearings

- 8.1 Where a notice of a hearing is given to an applicant, the Licensing Authority is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the applicant with copies of the relevant representations that have been made, including the name and address of the person making them. If any other person is deterred from making a representation due to these requirements, for example if they have a genuine and well-founded fear of intimidation or violence, then they should promptly contact the Licensing Team for advice.
- 8.2 The hearing will be conducted in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 and any amendments that are applicable.
- 8.3 In determining the application in the overall interests of the local community the Licensing and Regulatory Sub-Committee will give appropriate weight to the:
- Steps that are appropriate to promote the licensing objectives,
 - Relevant representations (including supporting information) presented by all the parties,
 - Guidance issued under section 182 of the 2003 Act (as may be amended from time to time); and the
 - Licensing Authority's Statement of Licensing Policy.

9. Conditions

- 9.1 Conditions include any limitations or restrictions attached to a licence or certificate and essentially are the steps or actions that the holder of the Premises Licence or the Club Premises Certificate will be required to take or refrain from taking in relation to the carrying on of licensable activities at the premises in question.

Failure to comply with any condition attached to a licence or certificate is a criminal offence, which on conviction is punishable by an unlimited fine or up to six months' imprisonment.

There are three types of conditions that may be attached to a licence or certificate: Proposed, Imposed and Mandatory. Each of these categories is described in more detail below.

9.2 Proposed Conditions-

The conditions that are appropriate for the promotion of the licensing objectives and should emerge initially from the risk assessment carried out by a prospective licence or certificate holder, which they should carry out before making their application for a Premises Licence or Club Premises Certificate. This would be translated into the steps recorded in the operating schedule, which must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public. The Licensing Authority will not simply replicate the wording from an applicant's operating schedule and conditions will be interpreted in accordance with the applicant's intention, to ensure they are written in unequivocal and unambiguous terms.

9.3 Imposed Conditions-

With exception of the mandatory conditions (see section 9.4), the Licensing Authority will not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote the licensing objectives.

9.4 Mandatory Conditions-

The 2003 Act makes provision for certain mandatory conditions which are summarised below:

(a) Supply of alcohol-

Where a Premises Licence authorises the sale or supply of alcohol, no supply may be made at any time when there is:

- No designated premises supervisor in respect of the licence; or
- At a time when the designated premises supervisor does not hold a personal licence or it is suspended.
- Every supply of alcohol must be made or authorised by a person who holds a personal licence.

(Exception for Community Premises- Where a management committee of a Community Premises makes an application for a Premises Licence, authorising the supply of alcohol, the application may include an application for the alternative licence condition that every supply of alcohol under the Premises Licence must be made or authorised by the management committee.)

(b) Exhibition of films-

Where a Premises Licence or certificate authorises the exhibition of films, the licence must include a condition requiring that the admission of children aged under 18 is restricted in accordance with the recommendation of the film classification body, or where varied, the film classification awarded by the Licensing Authority. (Note: The Licensing Authority may either award a classification to an unclassified film or vary the classification of a film upon application in accordance with its policy)

The Licensing Authority recognise the British Board of Film Classification (BBFC), or any successor person or persons designated as the authority under section 4 of the Video Recordings Act 1984, as the relevant film classification body for these purposes.

(c) Door Supervision-

Where a licence includes a condition requiring that one or more individuals are present at the premises to carry out security activities, the licence must include a condition requiring such individuals to be licensed by the Security Industry Authority (The SIA). Unless:

- The SIA treats as an 'unlicensed premises' – being premises staging plays or exhibiting films, licensed gaming premises such as casinos and bingo halls, and premises where a Club Certificate is in force and when activities are being carried under the authority of that certificate, or;
- If exempt under section 4 of the Private Security Industry Act 2001, for example conduct in connection to certified sports grounds.

(d) Code of Conduct mandatory conditions-

There are also mandatory conditions relating to all licensed premises, and Club Premises Certificates, relating to irresponsible alcohol promotions and its provision for drinking games, dispensing alcohol directly into the mouth, provision of free tap water, age verification policies, smaller alcohol measures and a ban on sale of alcohol (on or off premises) below the permitted price. These conditions do not have to be physically included in the licence or certificate but nonetheless will apply to every licence and certificate authorising the sale and supply of alcohol for consumption on the premises. The Secretary of State has powers to set further mandatory conditions which will be included as necessary.

(e) Performance of plays-

The Licensing Authority will not attach to a licence or certificate authorising the performance of plays any condition which restricts the nature or manner of performing those plays, unless on the grounds of public safety.

10. Appeals

- 10.1 Entitlement to appeal against any decision of the Licensing Authority is set out in Schedule 5 of the 2003 Act. In broad terms a notice of appeal has to be given to the Magistrates Court by the appellant within 21 days, beginning from the day the appellant was notified by the Licensing Authority of their decision.

11. Enforcement

- 11.1 Where necessary, enforcement action will be considered in accordance the Public Protection Enforcement Policy.
- 11.2 The emphasis will be upon a risk-assessed and targeted approach to inspections, concentrating on those premises which either:
- Present a greater risk;

- Have a history of non-compliance with conditions/regulation; or
- Demonstrate poor management practice which undermines the licensing objectives.

11.3 In consultation with other Responsible Authorities, a decision will be made to use the most appropriate enforcement authority depending on the circumstances.

12. Closure Orders and Notices

12.1 Part 8 of the Licensing Act 2003 provides for the arrangements relating to Closure Orders, and there are also powers available to the Local Authority, Responsible Authorities and the Courts to close premises via other legislation on grounds of serious crime or disorder, persistent nuisance or protection of children, for example under the Anti-Social Behaviour, Crime and Policing Act 2014.

12.2 Where a Court has made a Closure Order, the Licensing Authority must conduct a review of the relevant Premises Licence in accordance with procedures prescribed by regulation. This will normally involve:

- Serving a notice on the Premises Licence holder and Responsible Authorities and advertising the review in accordance with the regulations.
- Holding a hearing in accordance with the process outlined in section 8 of this Statement of Licensing Policy to review the Premises Licence; and
- Determining the review no later than 28 days after the day on which it receives the notice of the Closure Order from the Magistrates' Court.

12.3 When determining a review following the notice of a Closure Order, the Licensing Authority will consider the Closure Order and any relevant representations, and they will take such steps as it considers appropriate to promote the licensing objectives as listed in section 167 of the 2003 Act.

12.4 The Licensing Authority will notify the licence holder, the Chief Officer of Police and any person who made relevant representations of the outcome of the review hearing, including reasons for the decision. The Licensing Authority may suspend the operation of its decision until the end of the period given to appeal, or until the appeal is disposed of (if not already suspended by the Magistrates' Court).

13. Addressing the Licensing Objectives

13.1 In their Operating Schedule, applicants should carefully consider what steps they believe are appropriate to promote the licensing objectives, with relevance to the individual style and characteristics of their premises and activities. Reference could be made as to whether additional measures will be taken on an occasional or specific basis, such as when a special event or promotion is planned, which is intended to, or likely to attract larger audiences.

- 13.2 Applicants are encouraged to seek advice or guidance before submitting applications. This may in some instances reduce the possibility of Responsible Authorities, or other persons, raising representations against an application. Organisers of large, temporary outdoor events (such as music festivals, fairs, shows and carnivals) are strongly encouraged to engage as early as possible with the Responsible Authorities to ensure that their planned event is developed in a way likely to promote the licensing objectives.
- 13.3 Steps volunteered by applicants within their operating schedule will very often directly translate to conditions on the licence. The Licensing Authority encourages applicants to state their proposed steps to promote the licensing objectives in unequivocal and unambiguous terms.

14. Licensing Objectives

14.1 Prevention of Crime and Disorder Licensing Objective

The Council is committed to further improving the quality of life in its area by continuing to help reduce crime and disorder and the fear of crime. To this end, the Licensing Authority strongly encourages applicants and licensees to ensure that relevant factors within their control which impact on crime and disorder have been considered, for example:

- Underage drinking;
- Drunkenness on the premises;
- Drunkenness in public;
- Drugs;
- Violent behaviour; and
- Anti-social behaviour.
- Immigration crime and illegal working

Section 17 of the Crime and Disorder Act 1998 imposes a duty on each Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder, anti-social behavior, the misuse of drugs, alcohol and other substances in its area.

In order to promote the prevention of crime and disorder objective, licence holders are encouraged to become active partners with the Licensing Authority and Responsible Authorities. Applicants are encouraged to demonstrate in their operating schedule that relevant, suitable and sufficient measures within their control have been considered and identified and will be implemented and maintained in order to reduce or prevent crime and disorder on, and in the vicinity of, their premises.

When addressing the issue of crime and disorder in their operating schedule, applicants may consider, but are not limited to, factors identified at paragraph 14.1 above.

The following examples of control measures are given to assist applicants with developing their Operating Schedule, having regard to their particular type of premises and/or activities. These are not in any way to be regarded as standard conditions or mandatory requirements:

- Effective and responsible management of premises;
- Prevention of overcrowding;
- Training and supervision of staff;
- Adoption of best practice guidance;
- Use of accredited 'proof of age' schemes (for example Challenge 21 or Challenge 25) where it is intended to operate more stringent measures that those contained within mandatory conditions (see 9.4 of this document)
- Provision and use of effective CCTV in and around premises;
- Use of Security Industry Authority licensed door staff (during specified days/times);
- Provision of toughened or plastic/polycarbonate glasses and polyethylene terephthalate (PET) bottles;
- Decanting glass bottles into toughened, polyethylene terephthalate (PET) or plastic polycarbonate drinking glasses;
- Provision of secure deposit boxes for confiscated items ('amnesty bins');
- Provision of litter bins and other security measures, such as lighting, outside premises;
- Control of customers entering and leaving with opened bottles/glasses – for example whilst they are observing smoke free regulations;
- Demarcation, capacity control, supervision and monitoring of areas immediately in the vicinity of the premises, used by smokers;
- Searching policy;
- Dispersal Policy;
- Risk assessment process to consider the crime and disorder implications of individual DJ's and Promoters.

Within the operating schedule for a premises from which alcohol will be sold, a premises supervisor must be designated (Designated Premises Supervisor or DPS), unless a relevant community premises disapplication has been authorised. The DPS will often have been given the day-to-day responsibility for running the premises by the Premises Licence holder and, as such, will usually be the first point of contact for authorised officers. In exceptional circumstances, the Police may object to the designation of a new DPS where they believe that such an appointment would undermine the crime prevention objective.

Where the Police object to an individual being appointed as a Designated Premises Supervisor, or object to an application made by Community Premises management committee for the inclusion of the alternative licence condition, the Licensing Authority will arrange for a hearing at which the issue can be considered in accordance with the process outlined in section 8 of this Statement of Licensing Policy. The Licensing and Regulatory Sub Committee whilst considering the matter, will confine their consideration to the prevention of crime and disorder objective.

Certain temporary events (see section 28) should be notified to the Licensing Authority using the Temporary Event Notice procedure. Depending on the nature and location of such temporary events these may, on occasion, have crime and disorder implications. Organisers of such events are encouraged to submit their notification as soon as reasonably practicable in advance of the event (and no later than 10 working days before the event in line with

existing statutory requirements) to enable the Police and the Local Authority to work with them to identify and reduce the risk of crime and disorder.

14.2 Public Safety Licensing Objective

The Council is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. To this end, applicants will be encouraged to demonstrate in their Operating Schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety. These factors may include, but are not limited to:

- The occupancy capacity of the premises (including staff and performers). Note: If a capacity has been imposed/set through other legislation, for example under Fire Safety legislation, it may not be appropriate to reproduce it in a Premises Licence. Anticipated maximum capacity/attendance for large, temporary outdoor events should be made clear;
- Fire safety and access to emergency services;
- Ensuring presence of trained first aiders and provision of first aid kits;
- The hours of operation (differentiating the hours of opening from the hours when licensable activities are provided, if different);
- Customer profile (such as age or disability)
- The use of special effects such as lasers, pyrotechnics, smoke machines, foam machines, etc;
- Demarcation, capacity control, supervision and monitoring of areas immediately in the vicinity of the premises, used by smokers.

The Licensing Authority shall not seek to impose public safety conditions where other Primary legislation exists, and adequately controls such matters.

The following examples of possible control measures are given to assist applicants when preparing their operating schedules, having regard to their particular type of premises and/or activities. These are not in any way to be regarded as standard conditions or mandatory requirements;

- Suitable and sufficient risk-assessments. Some applicants may wish to consider a commitment in their operating schedule to providing the relevant authorities with a full risk assessment prior to the commencement of licensable activities (this may be particular relevant to large temporary outdoor events);
- Effective and responsible management of premises;
- Provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons/staff;
- Appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and patrons;
- Adoption of best practice guidance and other voluntary codes of practice (Note: Applicants may wish to contact the local Health & Safety officers or HSE for advice);
- Provision and use of effective CCTV in and around premises;
- Provision of toughened or plastic/polycarbonate glasses and polyethylene terephthalate (PET) bottles;

- Decanting glass bottles into toughened, PET or plastic polycarbonate drinking glasses;
- Implementation of crowd management measures;
- Monitoring arrangements such as door staff, ticketing, attendance clickers or maintenance of attendance records;
- Regular/periodic review and testing (and certification where appropriate) of procedures, appliances, systems etc. which are pertinent to safety.

14.3 Prevention of Public Nuisance Licensing Objective

Licensed premises can have significant potential to impact adversely on persons living and working in the area around the premises.

Subject to any changes in case law, the Licensing Authority interprets 'public nuisance' in its broad common law meaning, and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in the area of a licensed premises.

Applicants will be encouraged to demonstrate in their Operating Schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance.

The Licensing Authority recommends that licensees apply a high standard of control to minimise the potential for any public nuisance that may arise from their operation of the premises, particularly where they are situated in a residential or noise sensitive area or extended opening hours are proposed.

The Licensing Authority recognises that beyond the immediate vicinity of the premises, the control that a licence holder can exert over its patrons diminishes and individuals who engage in anti-social behavior are accountable in their own right.

When addressing the issue of prevention of public nuisance in their operating schedule, the applicant may identify steps to show that those factors that impact on the prevention of public nuisance objective have been considered. These may include, but are not limited to:

- The location of premises and proximity to residential and other noise sensitive premises, such as hospitals, care homes, hospices and places of worship;
- The hours of operation, particularly between 23.00hrs and 07.00hrs;
- The nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside;
- The design and layout of premises and in particular the presence of noise limiting features;
- The occupancy capacity of the premises;
- The availability of public transport / taxi and private hire services to assist the dispersal of patrons;
- 'Wind down period' between the end of the licensable activities and closure of the premises;
- Last admission time.

The following examples of control measures are given to assist applicants when preparing their operating schedules, having regard to their particular type of premises and/or activities. These are not exhaustive, and are not to be regarded in any way as standard conditions or mandatory requirements, but include:

- Effective and responsible management of premises;
- Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance;
- Control of operating hours for all or parts (such as garden, patio and terraced areas) of premises, including such matters as deliveries or the collection or disposal of glassware;
- Impact on neighbours due to customers opening doors and/or going outside to smoke;
- Adoption of best practice guidance. The local Environmental Protection officer may be able to offer some helpful advice in this respect;
- Installation and effective maintenance of soundproofing, air conditioning, acoustic lobbies and sound limitation devices;
- Management of people, including staff, and traffic (and resulting queues) arriving and leaving premises;
- Liaison with public transport/taxi and private hire service providers;
- Siting of external lighting, including security lighting. The local Environmental Protection Officer may assist in ensuring any external lighting minimises the potential for light pollution nuisance;
- Management arrangements for collection and disposal of litter;
- Effective ventilation systems to prevent nuisance from odour;
- Demarcation, capacity control, supervision and monitoring of areas immediately in the vicinity of the premises, used by smokers;
- A dispersal policy.
- Any adverse noise created by any ventilation or air conditioning system or any other machinery positioned outside the building.

Please note that applicants should consider contacting the local Planning Authority for advice on whether any proposed installation of lighting, ventilation, soundproofing, smoking shelter or other works require planning consent. This may be particularly relevant if the premises are a listed building.

14.4 Protection of children from harm Licensing Objective

The Licensing Authority, shall not seek to limit the access of children to any premises unless it is appropriate for the prevention of their physical, moral or psychological harm. Considerable weight will be given to representations concerning child protection matters and the Licensing Authority must also consider the need to protect children from sexual exploitation when undertaking its licensing functions.

Whilst the Licensing Authority cannot anticipate every possible issue of concern that could arise in respect of children in relation to individual premises, areas that will give rise to particular concern in respect of children would include premises:

- Where entertainment or services of an adult or sexual nature are provided (whether permanently or occasionally);

- Where there have been convictions of members of the current staff at the premises for selling alcohol to minors or with a reputation for underage drinking;
- With a known association with drug taking or dealing;
- It is known that unaccompanied children have been allowed access;
- Where there is a strong element of gambling on the premises (but not for example the simple presence of a small number of cash prize gaming machines); and
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

Whilst it is not possible for the Licensing Authority to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature, examples would generally include topless bar staff, striptease, lap-dancing, table-dancing, pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language. It should be noted that premises deemed as 'sexual entertainment venues' under the Policing and Crime Act 2009 are also likely to require an additional licence under the Local Government (Miscellaneous Provisions) Act 1982.

The 2003 Act made it an offence to permit children under the age of 16 who are not accompanied by an adult to be present on premises being used exclusively or primarily for supply of alcohol for consumption on those premises under the authorisation of a Premises Licence, Club Premises Certificate or where that activity is carried on under the authority of a Temporary Event Notice (TEN). 'Exclusively or primarily' in relation to the consumption of alcohol will bear their ordinary and natural meaning in the context of the particular circumstances.

In addition, it is an offence to permit the presence of children under 16 who are not accompanied by an adult between midnight and 5am at other premises supplying alcohol for consumption on the premises under the authority of a Premises Licence, Club Premises Certificate or where that activity is carried on under the authority of a Temporary Event Notice (TEN).

The Licensing Authority considers that, subject only to the provisions of the 2003 Act and unless restriction of access is appropriate to protect children from harm, this is a matter for the discretion of the licensee.

Applicants are expected to demonstrate in their Operating Schedule that suitable and sufficient measures have been identified and will be implemented and maintained to protect children from harm.

Where it is appropriate for promotion of the protection of children from harm licensing objective, there are a range of alternatives which may be considered for limiting the access of children. These could include:

- Restrictions on the hours when children may be present;
- Restrictions or exclusions on the presence of children under certain ages when particular activities are taking place;
- Restrictions on the parts of premises to which children might be given access;

- Age restrictions (below 18);
- Requirements for accompanying adults; and
- Full exclusion of people under 18 from the premises when any licensable activities are taking place.

The following examples of possible control measures are given purely to assist applicants with preparing their operating schedules, having regard to their particular type of premises and activities. These examples are not exhaustive, and are not in any way to be treated as standard conditions or mandatory requirements, but include:

- Provision of a sufficient number of people employed or engaged to secure the protection of children from harm;
- Appropriate instruction, training, supervision and background checks of those employed or engaged to secure the protection of children from harm;
- Adoption of best practice guidance;
- limitations on the hours when children may be present in all or parts of the premises;
- The presence of an adequate number of adult staff to control the access and egress of children and to protect them from harm whilst on the premises;
- An adequate number of adult staff to be responsible for the child performers checked by the Disclosure and Barring Service;
- Use of accredited 'proof of age' schemes (for example Challenge 21 or Challenge 25) where it is intended to operate more stringent measures than those contained within mandatory conditions (see 9.4 of this document)

While the 2003 Act makes it an offence to sell or supply alcohol to someone who is under 18 (or 16 in certain circumstances), the Equality Act 2010 makes it illegal to refuse to provide goods or services on the basis of age. However, it provides an exemption for licensed premises provided that an age warning statement is displayed stating that alcohol will not be provided if the customer appears to be less than the specified age; and fails to produce satisfactory identification to prove their age.

Where film exhibitions are authorised at a premises, the licence shall include a mandatory condition (section 20 of the 2003 Act) requiring that children are restricted from viewing age-restricted films in accordance with the British Board of Film Classification (BBFC), or in accordance with any recommendation made by the Licensing Authority.

The Licensing Authority recognise the British Board of Film Classification (BBFC), or any successor person or persons designated as the authority under section 4 of the Video Recordings Act 1984, as the relevant film classification body for these purposes.

Where an application is being made for a films activity, it is recommended that the applicant consider in their operating schedule how they will protect children from harm - for example a commitment to prohibiting or restricting the access of children to any film showing, or part thereof, that could give rise to concerns in protecting them from moral, psychological or physical harm.

For a non-BBFC rated film showing (for example the showing of a recorded television broadcast) the Licensing Authority may set an age restriction on the admission of children to that viewing.

The Licensing Authority seeks to work in partnership with licence holders in promotion of the licensing objectives, and Premises Licence / Club Premises Certificate holders may contact the Licensing Authority for guidance if they are planning to show a film that is not BBFC rated and may not be suitable for the presence of children. Where the Licensing Authority is minded to make any recommendation on a non-BBFC rated film showing it will do so in writing to the licence or certificate holder.

Suffolk County Council Trading Standards and Suffolk Constabulary may, in conjunction with other appropriate agencies, conduct test purchases to check the compliance of retailers with the prohibition on underage sales of alcohol.

15. Personal Licences

- 15.1 The Licensing Authority will grant a personal licence if the applicant has met the requirements set out in the Act and no objections are received. This licence will be valid for an indefinite period.
- 15.2 Where an applicant is found to have an unspent conviction for a relevant offence or a foreign offence, and the Police object to the application on crime prevention grounds, the application will normally be referred to the Licensing & Regulatory Sub Committee.
- 15.3 Any hearing will be held in accordance with the process referred to in section 8 of policy.
- 15.4 All personal licence holders should ensure they are aware of the offences relating to personal licences, for example the duty of the holder to advise the Court of the existence of their personal licence if charged with a relevant offence and to advise the Licensing Authority of changes to name or address.
- 15.5 The Licensing Authority has the power to revoke or suspend a personal licence it has granted, when it becomes aware that the holder has been convicted of a relevant offence, foreign offence or required to pay an immigration penalty.

16. Premises Licence

- 16.1 A Premises Licence authorises the use of any premises for licensable activity. Advice about making an application can be obtained by contacting the Licensing Team or via the Council website at www.lpswich.gov.uk
- 16.2 Pre-application discussions with Responsible Authorities are strongly encouraged to assist applicants with development of their operating schedule in a way which is likely to promote the licensing objectives.
- 16.3 An application can be made to the Licensing Authority for any premises within its area to be used for licensable activities.

- 16.4 Where relevant representations are received about an application, and those representations are not withdrawn, the application will normally be referred to the Licensing & Regulatory Sub Committee, a hearing will be held in accordance with the process referred to in section 8.
- 16.5 The 2003 Act provides for a mediation process between parties. Where it is appropriate for the Licensing Authority to do so, following a relevant representation being made, the Authority shall make all reasonable efforts to facilitate mediation. In doing so, the Licensing Authority will be mindful of the legislative framework and any relevant government guidance. It may also extend the normal time limits for hearings where it is considered in the public interest to do so (for example where all parties are on the point of reaching agreement, or so as to ensure that it is possible for a party to attend the hearing).
- 16.6 Where a Premises Licence application is being applied for to authorise a large scale outdoor event of a temporary nature (for example a music concert, street fair, show or carnival) the Licensing Authority strongly recommends that applicants contact the Responsible Authorities as soon as possible in advance of making their application in order to seek expert advice and guidance on the formulation of their operating schedule to ensure that the event runs safely and with a view to promoting the licensing objectives. Such events may benefit from consideration by the appropriate Safety Advisory Group.

17. Club Premises Certificates

- 17.1 Clubs are organisations where members have joined together for particular social, sporting or political purposes.
- 17.2. Only 'qualifying' clubs may hold a Club Premises Certificates. In order to be a qualifying club, they must satisfy condition within section 62 of the 2003 Act. Broadly these conditions are; a club must have at least 25 members, an interval of two days between nomination and membership (no instant membership), the club is established and run in good faith and that alcohol is not supplied otherwise than on behalf of the club.
- 17.3 Guests of members visiting the club can be supplied alcohol, however if a club intends to offer its facilities commercially for use by the public, they would need a Premises Licence.
- 17.4. Where relevant representations are received in respect of an application, and those representations are not withdrawn, the application will normally be referred to the Licensing & Regulatory Sub Committee, and the hearing will be held in accordance with the process referred to in section 8.

18. Temporary Events Notices (TENS)

- 18.1 Temporary Event Notices (TENS) when issued allow the temporary carrying on of licensable activities which are not authorised by a Premises Licence or Club Premises Certificate. The 2003 Act sets out the terms and conditions under which an application for a TEN may be made. The Licensing Authority recommend that wherever possible notice-givers submit their TEN a minimum of 28 days prior to the commencement of the event.

- 18.2 Standard TENs must be submitted no less than 10 working days before the event, and a late TEN no less than 5 working days before the event. Working days under the 2003 Act exclude weekends, Christmas Day, Good Friday and bank holidays and excludes the day the notice is received and the first day of the event.
- 18.3 Where either a standard TEN or a late TEN is given and one or more of the relevant statutory limits are exceeded, the Licensing Authority will serve a Counter-Notice on the notice-giver in accordance with section 107 of the 2003 Act, to prevent the licensable activities from going ahead. There is no provision under the Act to appeal against the issue of a Counter-Notice.
- 18.4 Where a TEN complies with the statutory requirements, the Licensing Authority shall record the notice in its licensing register and send acknowledgement to the applicant. The Police and Environmental Health will have three working days in which to object.
- 18.5 If either the Police or Environmental Health issue an objection notice to a standard TEN the Licensing Authority will consider this at a hearing (unless the objection notice is withdrawn before the hearing date). The hearing will be confined to considerations impacting on the licensing objectives and will be held in accordance with the process outlined in section 8 above. The Licensing Authority will either grant or refuse the TEN application and will only impose conditions to a TEN, if they are from the existing conditions on the Premises Licence or Club Premises Certificate.
- 18.6 Where either the Police or Environmental Health issue an objection notice to a Late TEN, the application is deemed invalid.
- 18.7 There are a number of limitations imposed on the use of TENs by the 2003 Act, they are:
- Licensable activity not to exceed 168 hours (7 days).
 - Less than 500 people allowed.
 - Personal Licence Holder can apply for 50 TENs a year.
 - Non-Personal Licence holders can apply for 5 a year.
 - The collective duration of events held under a TEN at any premises can be no more than 21 days.
 - A minimum period of 24 hours must separate TENs in relation to the same premises.

19. Provisional Statements

- 19.1 Provisional statements when obtained, are intended to give applicants a certain degree of assurance about their potential trading condition, prior to undertaking construction or alterations of a premises for licensable use. The 2003 Act sets out the terms and conditions under which an application for a provisional statement may be made.
- 19.2 Where a Provisional Statement has been issued and a person subsequently applies for a Premises Licence the Licensing Authority will not consider any representations in the following circumstances:

- Given the information in the application for a Provisional Statement the interested party or responsible authority objecting could have made the same, or substantially the same, representations about the application but failed to do so without reasonable excuse; and,
- There has been no material change in circumstances relating either to the relevant premises or to the area in the vicinity of those premises.

20. Variations of Premises Licences or Club Premises Certificates

- 20.1 Where a Premises Licence holder wishes to amend the licence, the 2003 Act in most cases permits an application to vary to be made rather than requiring an application for a new Premises Licence. The simplified process to be followed will depend on the nature of the variation and its potential impact on the licensing objectives. There is a Minor or Full Variation process.
- 20.2 Minor Variations that could not impact adversely on the licensing objectives are subject to a simplified ‘minor variations’ process. Under this process, the applicant is not required to advertise the variation in a newspaper or circular or copy it to Responsible Authorities. However, they must display it on a white notice (to distinguish it from the blue notice used for full variations and new applications). The notice must comply with the requirements set out in regulation 26 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005. In accordance with those regulations, the notice must be displayed for a period of ten working days starting on the working day after the minor variation application was given to the licensing authority.
- 20.3 Examples of Minor variations are:
- Minor changes to the structure or layout of premises;
 - Small adjustments to licensing hours (not alcohol);
 - The removal of out of date, irrelevant or unenforceable conditions or addition of volunteered conditions E.g. removal of door supervision for a pub converted into a restaurant.
- 20.4 For minor variations there is no right to hold a hearing and in determining these applications, the Relevant Officer under delegated authority on behalf of the Licensing Authority, shall carefully assess each application on a case-by-case basis considering any relevant representations.
- 20.5 Full variations will normally be concerned with variation of the conditions attached to the licence or of the authorised licensable activities. E.g. Increasing the time alcohol can be sold. The process will require advertising similar to the new Premises Licence application.
- 20.5 It should be noted that there is no provision in the 2003 Act, for a variation application to be made in respect of transferring the licence to another premises, or extending a time limited licence or a substantial variation. The Licensing Authority considers ‘substantial’ to mean any proposed increase in the size of the premises of greater than 50% of the existing licensed area, although each application will be considered on its merit. For these cases an application for a new Premises Licence should be made.

20.6 Any relevant representations to a Full Variations will be considered at a licensing hearing held in accordance with the process referred to in section 8.

21. Transfer of Premises Licence

21.1 Where an application is lawfully made under the 2003 Act for the transfer of a Premises Licence the Police or Home Office can give notice objecting. To object they must be satisfied that exceptional circumstances exist, For the Police, that the granting would undermine the crime prevention objective, or the Home Office considers the transfer to be prejudicial to the prevention of illegal working in licensed premises.

21.2 The Licensing Authority will hold a hearing in accordance with the process referred to in section 8 of this policy.

22. Reviews

22.1 The review of a Premises Licence or Club Premises Certificate is a key protection for local communities where problems associated with one or more of the licensing objectives are occurring and these are linked to the operation of licensed premises.

22.2 Where relevant representations are made about an existing licence or certificate, the Licensing Authority will normally hold a hearing which will be held in accordance with the process referred to in section 8 unless:

- The representation is considered frivolous, vexatious or to be repetitious or
- All parties to the hearing, including those persons making representations, agree that the hearing is not necessary.

22.3 A review of the Premises Licence will normally also follow:

- Any action instigated by the Police to close down the premises for up to 24 hours on grounds of disorder or public nuisance or,
- Summary review powers of the Police pursuant to section 53A of the 2003 Act regarding serious crime and disorder or,
- Any exercise of the Closure Order powers available to the court.

22.4 Responsible Authorities may seek to amend a licence via review if separate enforcement action points to a need for permanent, enforceable, condition(s) to be imposed on a licence.

22.5 In determining a review application at a hearing, the Licensing Authority may take such steps as it considers appropriate to promote the licensing objectives, which may include:

- modifying the conditions of the licence (by inclusion, amendment or omission);
- excluding a licensable activity from the scope of a licence;
- removing a designated premises supervisor;
- suspending the licence for a period not exceeding three months; or
- revoking the licence.

- 22.6 Where the Police make application for summary review under section 53A of the 2003 Act, the Licensing Authority will normally consider whether it is appropriate to take interim steps pending the determination of the review applied for. Such consideration may take place without the holder of the Premises Licence having been given an opportunity to make representations to the relevant Licensing Authority. The interim steps the Licensing Authority must consider taking are:
- The modification of the conditions of the Premises Licence;
 - The exclusion of the sale of alcohol by retail from the scope of the licence;
 - The removal of the designated premises supervisor from the licence; and
 - The suspension of the licence.
- Should a summary review be instigated, the Licensing Authority shall follow the procedures as amended by the Licensing Act 2003 (Summary Review of Premises Licences) Regulations 2007
- 22.7 Applications may also be made for the review of licences which are held by a management committee in respect of community premises, and which include the alternative licence condition instead of the normal mandatory conditions. In relation to such applications, the Licensing Authority may determine that the normal mandatory conditions should apply instead of the alternative condition if it considers this to be appropriate for the promotion of the licensing objectives. Such a determination may be reached following the usual procedure for review applications set out in sections 51 to 53 of the 2003 Act.
- 22.8 The outcome of a review hearing will not ordinarily have effect until such time as the period given for appealing (normally 21 days) expires or an appeal is disposed of.

23. Fees

- 23.1 Fees are set based on the Secretary of States guidance, if any changes occur they will be implemented accordingly.

24. Local Authority as Responsible Authority

- 24.1 The Police Reform and Social Responsibility Act 2011 amended the Licensing Act 2003 to enable Licensing Authorities to act as Responsible Authorities as a means of early intervention. They may do so where they consider it appropriate without having to wait for representations from other Responsible Authorities.
- 24.2 However it is reasonable for the Licensing Authority to expect that other Responsible Authorities will intervene where the basis for the intervention falls within the remit of that responsible authority.
- 24.3 Further, the Licensing Authority does not expect to act as a Responsible Authority on behalf of other parties (for example, local residents, local councillors or community groups) although there are occasions where the authority may decide to do so, based on the merits of the individual cases. Such parties can make relevant representations to the Licensing Authority in

their own right, and it is reasonable to expect them to make representations themselves where they are reasonably able to do so.

24.4 In general terms the following are examples of occasions when the Licensing Authority may either make representations regarding an application for the grant or variation of a licence or an application for a review:

- Anti-social behaviour unless the alleged behaviour is connected to crime. Any participation will be in conjunction with either the Council's own antisocial behaviour team or the Police
- Noise connected with the dispersal of patrons from a premises or associated with groups of drinkers and/or smokers congregating outside the licensed premises on the pavement or highway.
- Applications in connection with time-limited premises for events particularly when there is no engagement by the premises with the Safety Advisory Group
- The provision of adult entertainment at premises on an infrequent basis so that a licence under the Local Government (Miscellaneous Provisions) Act 1982 is not required. Issues like preventing accidental access by children may be addressed or safeguards to protect the dancers and/or the patrons and addressing the potential concerns of the community in the immediate vicinity.

24.5 Within the body of this Policy it is confirmed that it is not acceptable for the licensing authorities to simply replicate the wording from the operating schedule. The authority will endeavour to interpret any condition in accordance with the applicant's intention. In addition the Licensing Authority, as a Responsible Authority, may engage with the Premises Licence Holder (particularly if there is any application to be determined) with a view to creating conditions that are appropriate and proportionate.

24.6 In cases where the Licensing Authority is also acting as a Responsible Authority in relation to the same process, the Council as Licensing Authority will ensure they make provision for there to be a separation of roles between the Licensing Officer making any such representations and the Officer preparing and presenting the report to the Council's Licensing and Regulatory Sub-Committee.

Appendix 1
LICENSING ACT 2003
CONTACT DETAILS FOR RESPONSIBLE AUTHORITIES

RESPONSIBLE AUTHORITY	ADDRESS
1. Chief Officer of Police	<p>Chief Officer of Police FAO The Ipswich Licensing Unit Suffolk Constabulary Landmark House 4 Egerton Road Ipswich IP1 5PF PoliceAlcoholLicensing@suffolk.pnn.police.uk</p>
2. Chief Fire Officer	<p>Suffolk Fire & Rescue Service Endeavour House Russell Road Ipswich Suffolk IP1 2DE fire.businesssupport@suffolk.gov.uk</p>
<p>3. The enforcing authority under the Health & Safety at Work Act 1974.</p> <p>Note: Send a copy of your application to only one of these addresses depending on the type of premises.</p> <p>For the majority, such as pubs, clubs, restaurants, off licences and village halls, this will be the District Council. If the premises are a school or hospital it will be the Health and Safety Executive.</p> <p>If you are not sure which address to send a copy of your application please contact your local council for advice.</p> <p>NB. The Maritime and Coastguard Agency (MCA) may also need to be served - The Licensing Team will advise you if this applies to your application.</p>	<p>Head of Public Protection Ipswich Borough Council 3W Grafton House 15-17 Russell Road Ipswich IP1 2DE environmental.health@ipswich.gov.uk</p> <hr/> <p>Health & Safety Executive Osprey House Hedgerows Business Park Colchester Road Chelmsford CM2 5PF mocolchester@mcga.gov.uk Colchester Marine Office Iceni Way Colchester Essex CO2 9BY</p>
4. The Local Authority exercising Statutory functions to minimise or prevent risk of pollution of the environment.	<p>Head of Public Protection Ipswich Borough Council environmental.health@ipswich.gov.uk</p> <p><i>The contact details for the responsible authority at the Council for this purpose are the same as that in 3. above. You need only serve one copy of the relevant documents on Environmental Services.</i></p>

RESPONSIBLE AUTHORITY	ADDRESS
5. The Local Planning Authority	Head of Town Planning and Development Ipswich Borough Council 3W Grafton House 15-17 Russell Road Ipswich IP1 2DE DevelopmentManagement@ipswich.gov.uk
6. Suffolk Safeguarding Children Board <i>(Body responsible for protection of children from harm)</i>	Chief Officer of Police FAO The Ipswich Licensing Unit Suffolk Constabulary <i>This body has delegated its function to Suffolk Constabulary – you need only send one copy of your application form to Suffolk Constabulary.</i>
7. Suffolk Trading Standards <i>(Body responsible for weights and measures)</i>	Suffolk Trading Standards Landmark House 4 Egerton Road Ipswich IP1 5PF tradingstandards@suffolk.gov.uk
8. Public Health	Public Health Suffolk Suffolk County Council 8 Russell Road Ipswich IP1 2BX HealthandWellbeing@suffolk.gov.uk
9. Home Office (Immigration Enforcement)	Home Office (Immigration Enforcement) Alcohol Licensing Team Lunar House 40 Wellesley Road Croydon CR9 2BY Alcohol@homeoffice.gsi.gov.uk
10. The Licensing Authority <i>With effect from 25 April 2012 the Licensing Authority was designated as a Responsible Authority and can make representations in respect of applications etc.</i>	You do not have to serve an additional copy of your application on the council as Licensing Authority. Your original application documents will be used for this purpose. licensing@ipswich.gov.uk

**PLEASE RETURN YOUR APPLICATION FORM AND SUPPORTING DOCUMENTS:
TO THE LICENSING AUTHORITY:**
Licensing & Enforcement
Ipswich Borough Council
Grafton House, 15-17 Russell Road,
Ipswich, IP1 2DE