

## LICENSING COMMITTEE

Date: Tuesday 29 October 2019  
Time: 5.30 pm  
Venue: Rennes Room, Civic Centre, Paris Street, Exeter

Members are invited to attend the above meeting to consider the items of business.

If you have an enquiry regarding any items on this agenda, please contact Mark Devin, Democratic Services Officer (Committees) on 01392 265477 or email [mark.devin@exeter.gov.uk](mailto:mark.devin@exeter.gov.uk)

Entry to the Civic Centre can be gained through the Customer Services Centre, Paris Street.

### *Membership -*

Councillors Owen (Chair), Buswell (Deputy Chair), Begley, Branston, Henson, D, Mitchell, K, Newby, Oliver, Quance, I, Vizard, Warwick, Wood and Wright

### Agenda

#### **Part I: Items suggested for discussion with the press and public present**

1 **Apologies**

To receive apologies from Committee members.

2 **Minutes**

To approve and sign the minutes of the meeting held on 17 September 2019.

(Pages 3 -  
6)

3 **Declarations of Interest**

Councillors are reminded of the need to declare any disclosable pecuniary interests that relate to business on the agenda and which have not already been included in the register of interests, before any discussion takes place on the item. Unless the interest is sensitive, you must also disclose the nature of the interest. In accordance with the Council's Code of Conduct, you must then leave the room and must not participate in any further discussion of the item. Councillors requiring clarification should seek the advice of the Monitoring Officer prior to the day of the meeting.

4 **Local Government (Access to Information) Act 1985 - Exclusion of Press and Public**

It is not considered that the Committee would be likely to exclude the press and public during the consideration of any of the items on this agenda but, if it should wish to do so, then the following resolution should be passed: -

**RECOMMENDED** that, under Section 100A (4) of the Local Government Act 1972,

the press and public be excluded from the meeting for particular item(s) on the grounds that it (they) involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs of Part I of Schedule 12A of the Act.

#### **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

- |          |  |                      |
|----------|--|----------------------|
| <b>5</b> | <b>Proposal To Amend the Sex Establishment Licensing Policy</b><br>To consider the report of the Environmental Health and Licensing Manager.       | (Pages 7 -<br>32)    |
| <b>6</b> | <b>Proposal to introduce an updated Statement of Licensing Policy</b><br>To consider the report of the Environmental Health and Licensing Manager. | (Pages 33<br>- 104)  |
| <b>7</b> | <b>Revision of the Taxi Forum Terms of Reference</b><br>To consider the report of the Environmental Health and Licensing Manager.                  | (Pages<br>105 - 110) |

**Individual reports on this agenda can be produced in large print on request to Democratic Services (Committees) on 01392 265107.**

## LICENSING COMMITTEE

17 September 2019

### Present:

Councillor Keith Owen (Chair)

Councillors Buswell, Begley, Henson, D, Mitchell, K, Newby, Oliver, Quance, I, Vizard, Wood and Wright

### Apologies:

Councillor Branston

### Also present:

Litigation Solicitor, Principal Licensing Officer and Democratic Services Officer (SLS)

### 15 **Minutes**

The minutes of the meeting held on 16 July 2019 were taken as read, approved and signed by the Chair as correct.

### 16 **Declarations of Interest**

No declarations of interest were made by Members.

### 17 **Mike Winter**

The Chair advised that Mr Mike Winter passed away recently and he wished to offer both his and fellow Members condolences and also pay tribute to him as he was a well respected and influential member of the taxi trade community.

### 18 **Proposed Hackney Carriage (Taxi) Fare Tariff Changes**

The Principal Licensing Officer submitted a report which sought to inform Members of a request from the Chair of the Exeter St David's Hackney Carriage Association, for an increase to the Hackney Carriage Fare Tariff. He advised that Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 allowed Licensing Authorities to set the tariff fares for Licensed Hackney Carriages (taxis), in their area, and set the maximum fares, in which a taxi could charge the public when using their vehicles.

The request included the following changes be made to the tariff:-

- a charge of £100 be made to customers who soiled the taxi, the increased charge would more realistically compensate the operator for the cost of cleaning the vehicle's interior and loss of earnings whilst the taxi was off the road;
- an additional charge for carrying dogs (excluding assistance dogs which travel free of charge), to rise to £1.00 per dog; and
- the extra charges for luggage and additional persons be removed and be replaced with a separate tariff for over four passengers.

The Chair confirmed that he had been advised by the trade that they believed that factual information in the report; which related to the existing tariffs was not correct and there was also some doubt about support for the proposed changes that had been put forward by the trade representatives.

The Litigation Solicitor confirmed that there had been a conflicting message about the proposed changes which included a request to consult members of the Hackney Carriage taxi trade that had been conducted by the Trade Representatives.

The Chair set out the options for Members to consider, which were to proceed with the request and consider the circulated report, postpone the consideration until the next meeting; or to reject the request for consideration of the tariff in respect of the Hackney Carriage trade. It was important to ensure that any such request had the support of the trade and Members were properly consulted.

**RESOLVED** that Members unanimously voted to reject the request made by the Exeter St David's Hackney Carriage Association for an increase in the Hackney Carriage Fare Tariff.

19 **Local Government (Access to Information) Act 1985 - Exclusion of Press and Public**

**RESOLVED** that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the consideration of the following item on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 1 of Part I, Schedule 12A of the Act.

20 **Application for Consent to Street Trade in Glasshouse Lane**

The Chair introduced the Committee and set out the procedure. The Litigation Solicitor set out the Council's policy and the requirements under the Local Government (Miscellaneous Provisions) Act 1982.

The Principal Licensing Officer, presented the report which advised the Committee that the applicants were seeking approval to engage in street trading on Glasshouse Lane, Exeter, using a purpose-built mobile food van, selling kebabs and other fast food, for a 12 month period. The applicants had supplied photographs of the van and details of the proposed menu, location, the van's extraction certificate, gas installation safety record and liability insurance. The applicants had applied for a consent to trade between 16:00hrs and 23:00hrs, between Monday and Sunday.

The Principal Licensing Officer stated that the applicants considered the location to be the only suitable space for trading, and that Devon County Highways had raised no concerns in relation to the proposed siting of the van, which would be parked adjacent to the footpath in the free parking area. He drew Members' attention to a number of conditions and also to a representation received during the fourteen day consultation period, which related to competition between other existing food outlets. The conditions in the application included the provision of a bin, no use of A Boards, or to conduct any flyposting and to be aware of the Council resolution in respect of Single Use Plastics.

The applicants were in attendance, and spoke with the assistance of an interpreter in support of the application. They had previously provided evidence of the van registration with Environmental Health for food hygiene purposes. They wished to provide a service and serve the people near the area, and welcomed the opportunity

to create a business to benefit their family. The applicant agreed to abide with the requirements and conditions of any street trading consent that might be granted.

In response to questions from Members, the applicant responded in the following terms:-

- having noted a Member's comments about the potential for increased rubbish, anti-social behaviour and general levels of noise, they confirmed they already ran a very clean site for their existing car wash business;
- they had chosen a quieter generator and it would be sited inside the van;
- they would only be serving french fries and not traditional fish and chips
- they considered there was no direct competition and it was a suitable site for the business;
- a fire blanket and fire extinguisher were available in the van;
- the extractor fan eliminated the smells but were retained within the van;
- the extraction certificate would be renewed if they obtained a street trading licence;
- they would consider extending the range of vegetarian items on the menu in time;
- the lights were inside the van only; and
- they had not carried out any door to door research but some customers who had used their other business had expressed an interest in their new venture.

The Litigation Solicitor also referred to the Council's policy under the Local Government (Miscellaneous Provisions) Act 1982 and commented on the enhancement of a local area by any business. The applicant advised they would work to ensure that they adhered to the prescribed opening times, were mindful of noise levels and health and safety requirements. The Litigation Solicitor referred to the proposed trading hours from 16.00hrs until 23:00hrs, Monday to Sunday and if that may be considered as attractive or deemed as marketing to students coming home from school. The applicant said that they had not considered that when considering the hours of operation.

The Principal Licensing Officer responded to Member enquiries, stating:-

- he was not aware of any direct consultation with the existing food outlets in the vicinity;
- the generator to be used by the applicant was small and they did not typically receive complaints about that model, although they were still capable of emitting a low level noise;
- the applicants were mindful of the potential for anti-social behaviour and the effect on the neighbourhood.

The applicants and the Principal Licensing Officer withdrew from the room whilst Members debated the application.

Members discussed the viability and hours of operation and proposed business model at the location. They also discussed the hours of operation and a Member considered that a later start time would not include the potential to attract the school trade, but they would still be able to attract the later evening trade.

**RESOLVED** that the application be approved for 12 months for the amended times of 17:00hrs until 23:00hrs with the following conditions:

- a) that all of the conditions contained within Appendix A of the Street Trading Policy dated 2015 should be included in the consent;
- b) that the consent holder will provide a bin for customer use and that the consent holder will ensure that any rubbish in the vicinity (within 100m of the business), emanating from the business is cleared away at regular intervals;
- c) the use of A boards and flags is prohibited;
- d) the consent holder will not conduct fly posting;
- e) in the event that issues do arise from this consent, then this consent may be revoked by the Environmental Health and Licensing Manager in consultation with the Chair of the Licensing Committee; and
- f) that, in line with the Council's resolution of 24 April 2018, any cutlery, food/ drink containers, and drinking straws used should not be made from single use plastics.

The Chair also reiterated that if any complaints should be received from members of the public that the matter could come back for consideration in the intervening period to be debated by Licensing Manager in consultation with the Chair.

The meeting commenced at 5.40 pm and closed at 6.45 pm

Chair

## REPORT TO LICENSING

**Date of Meeting:** 29<sup>th</sup> October 2019

**Report of:** Environmental Health & Licensing Manager

**Title:** Report Outlining a Proposal to Amend the Sex Establishment Licensing Policy

### Is this a Key Decision?

No

\* One that affects finances over £1m or significantly affects two or more wards. If this is a key decision then the item must be on the appropriate forward plan of key decisions.

### Is this an Executive or Council Function?

Council function

#### 1. What is the report about?

1.1 This report details a proposal to amend condition 17 of the standard conditions found within Appendix C of the Sex Establishment Licensing Policy.

1.2 On 29<sup>th</sup> January 2019 the Licensing Authority received a request from a representative of ABS Holdings who operate Simply Pleasure (156 Sidwell Street), for them to be able to display their clothing range as part of a window display. A copy of the request email is attached at Appendix A. Further correspondence was conducted between the Licensing Authority and ABS Holdings throughout early 2019, and a formal letter requesting a variation to condition 17 of the Sex Establishment Licensing Policy was received on 18<sup>th</sup> June (also attached within Appendix A).

1.3 Standard Condition 17 which relates to the exterior appearance of the licenced premises would currently prohibit the display of clothing as requested by ABS Holdings. The current standard conditions are reproduced in full at Appendix B.

1.4 It is proposed that the existing Standard Condition 17 is amended as follows:

No display, advertisement, word, letter, model, sign, placard, board, notice, device, representation, drawing, writing, or any matter or thing (whether illuminated or not) shall be exhibited so as to be visible from outside the Premises except:-

(i) Any notice of a size and in a form approved by the Council which is required to be displayed so as to be visible from outside the Premises by law, or by any condition of a licence granted by the Council.

(ii) Such display, advertisement, word, letter, model, sign, placard, board, notice, device, representation, drawing, writing, or any matter or thing as shall have been approved by the Council.

1.5 It is further proposed that the responsibility for the above approval be delegated to the Environmental Health & Licensing Manager.

1.6 The above condition is in-line with the wording used by numerous other Council's in the South West, including Torbay, Bournemouth, and Bristol.

#### 2. Recommendations:

2.1 That the Committee approves the amended Sex Establishment Licensing Policy,

#### 3. Reasons for the recommendation:

3.1 Standard Condition 17 has been in place with its current wording since July 2013. The current wording would not permit the type of window display requested by the Licence holder.

3.2 The proposed amended wording would provide for an appropriate balance to be struck between the commercial requirements of the Licence Holder, and the need to maintain appropriate/ acceptable window displays in licenced sex establishment premises.

**4. What are the equality and diversity impacts of this decision?**

A completed EqIA is attached at the end of this report.

**5. What are the resource implications including non financial resources:**

5.1 The proposed changes to policy do not give rise to any significant additional resource implications or have any revenue impact.

5.2 Any future costs in relation to the production of the policy will be met by income from fees.

**6. Section 151 Officer comments:**

6.1 There are no significant financial implications contained in this report for Council to consider.

**7. What are the legal aspects?**

7.1 As with all policies produced by the Council, it is necessary for it to be reasonable and workable in order to avoid any legal challenge by third parties. It is considered that the above amended condition is both reasonable and workable, and is in-line with the wording used by numerous other Licensing authorities in their licence conditions.

**8. Monitoring Officer Comments:**

The amendment to the policy suggested are sensible and look to providing a balance between the interests of the operator and the interest of the public.

**9. Report details:**

9.1 The proposed policy and the conditions included represent guidance on details of the service provided and the general principles that the Council follows in relation to the enforcement of Sex Establishment Licensing and the discretionary functions it undertakes.

9.2 The authority embraces the Department for Business Innovation and Skills' "Regulators Code." The authority embraces the principles of better regulation to promote efficient and effective approaches to regulatory activity without imposing unnecessary burdens on business. The Licensing Authority shall have regard to any plan agreed between a company and primary authority.

**10. How does the decision contribute to the Council's Corporate Plan?**

10.1 The proposed policy amendment will contribute to a business friendly economy whilst maintaining appropriate standards of decency.

**11. What risks are there and how can they be reduced?**

11.1.1 There are risks that a poorly drafted policy that is neither proportionate nor reasonable, or is inadequately consulted upon, may give rise to legal challenge. These risks have been



minimised by the amendment being only minor in nature, and in common with a condition used by numerous other Licensing Authorities. The proposed delegation to the Environmental health & Licensing Manager would also ensure appropriate application oversight.

**12. What is the impact of the decision on health and wellbeing; safeguarding children, young people and adults with care and support needs, economy, safety and the environment?**

12.1 It is considered that the proposed policy amendment will have a neutral effect through the measures outlined above.

**13. What other options are there, and why have they been dismissed?**

13.1 The Committee may reject the proposed policy amendment.

**Environmental Health & Licensing Manager**

**Local Government (Access to Information) Act 1972 (as amended)**

**Background papers used in compiling this report:**

None

Contact for enquiries:

Democratic Services (Committees)

Room 2.3

01392 265115

**Title of work being assessed:** Report Outlining A Proposal To Amend the Sex Establishment Licensing Policy

**Introduction**

The above report details a proposal to amend condition 17 of the standard conditions found within Appendix C of the Sex Establishment Licensing Policy. Condition 17 deals with the external appearance of Licenced Sex Establishments.

Following a request by ABS Holdings who operate Simply Pleasure (156 Sidwell Street), for them to be able to display their clothing range as part of a window display. This would be prohibited under the existing policy wording, and as such an amended form of words for condition 17 has been proposed which would require window displays to obtain prior approval by the Environmental Health & Licensing Manager.

If approved this policy amendment would strike an appropriate balance between the commercial interests of Licence holders and the need to maintain appropriate/ acceptable window displays in licenced sex establishment premises.

**Lead officer:** Lee Staples (Principal Licensing Officer)

**Service Manager:** Simon Lane (Environmental Health & Licensing Manager)

**Stakeholders:**

For each of the areas below, an assessment has been made on whether the policy has a **positive, negative or neutral impact**, and brief details of why this decision was made and notes of any mitigation are included. Where the impact is negative, a **high, medium or low assessment** is given. The assessment rates the impact of the policy based on the current situation (i.e. disregarding any actions planned to be carried out in future).

**High impact** – a significant potential impact, risk of exposure, history of complaints, no mitigating measures in place etc.

**Medium impact** –some potential impact exists, some mitigating measures are in place, poor evidence

**Low impact** – almost no relevancy to the process, e.g. an area that is very much legislation led and where the Council has very little discretion

	<b>Neutral</b>	<b>Positive</b>	<b>Negative</b>
<b>Protected characteristic/ area of interest</b> <b>Race and ethnicity</b> (including Gypsies and Travellers; migrant workers asylum seekers etc.)	There is no evidence to suggest that the proposed policy amendment would have a potential impact on this characteristic.		
<b>Disability</b> (as defined by the Equality Act - a person has a disability if they have a physical or mental impairment that has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities)	There is no evidence to suggest that the proposed policy amendment would have a potential impact on this characteristic.		
<b>Sex/Gender</b>	There is no evidence to suggest that the proposed policy amendment would have a potential impact on this characteristic.		
<b>Gender reassignment</b>	There is no evidence to suggest that the proposed policy amendment would have a potential impact on this characteristic.		
<b>Religion and belief</b>	There is no evidence to suggest that the proposed policy amendment would have a potential impact on this characteristic.		
<b>Sexual orientation</b> (including heterosexual, lesbian, gay, bisexual)	If approved the amended policy condition would be overseen by an appropriate delegated officer who would		

	ensure the appropriateness of any proposed window displays.		
<b>Age</b> (children and young people aged 0 – 24, adults aged 25 – 50, younger older people aged 51 – 75/80; older people 81+. The age categories are for illustration only as overriding consideration should be given to needs).	If approved the amended policy condition would be overseen by an appropriate delegated officer who would ensure the appropriateness of any proposed window displays.		
<b>Community relations</b>	There is no evidence to suggest that the proposed policy amendment would have a potential impact on this characteristic.		
<b>Human Rights</b>	There is no evidence to suggest that the proposed policy amendment would have a potential impact on this characteristic.		
<b>Actions identified as a result of the impact assessment</b>	None		
<b>Action</b>	Lead	By when	

<b>Equality Impact Assessment Report Questions checklist</b>	
<b>1.</b>	Describe the piece of work you are assessing and the reason it is being carried out. Are you: <ul style="list-style-type: none"> <li>○ Making a strategic budget proposal</li> <li>○ Developing a new policy, strategy or project</li> <li>○ Reviewing and revising a policy, strategy or project</li> <li>○ Reviewing a function or a service</li> <li>○ Restructuring a service.</li> </ul> Include any options appraisal and if you have a preferred option explain why.
<b>2.</b>	What are the timescales for completing the work? What committee deadlines do you have to meet?
<b>3.</b>	What are the aims and objectives of the work? How do these link to wider council or strategic objectives.
<b>4.</b>	Who will be the main beneficiaries of the piece of work and in what way? All people in Exeter? Council staff? A specific stakeholder group? A combination of these?
<b>5.</b>	What data do you have on how different groups would be affected by the work?
<b>6.</b>	What research studies or reports have been carried out in other areas of the country or nationally that provide information about the likely impact of your work on equality groups?
<b>7.</b>	What consultation has taken place or is planned with customers (individuals and groups) from equality groups?
<b>8.</b>	What does the consultation indicate about any differential positive or negative impact(s) of this piece of work?
<b>9.</b>	If there are gaps in your previous or planned consultation and research are there any experts/relevant groups that can be contacted to get further views or evidence on the issues? If so please explain who they are and how you will obtain their views.
<b>10.</b>	If you have indicated there is a negative impact on any group, is that impact Legal; Intended; of high or low impact?
<b>11.</b>	If you identified any negative impact that is of low significance, can you minimise or remove it? If so how?
<b>12.</b>	Could you improve the strategy/policy/project's positive impact and if so how?

13.	How do you intend to continue monitoring the impact of this strategy/policy/project?
14.	If there are gaps in your evidence base, do you need to carry out any further research about the likely impact of your work on equality groups?
	<b>There might be a time delay here as you will need to get the results of your consultation before you can continue working your way through the questions.</b>
15.	As a result of this assessment and available evidence collected, including consultation, what if any changes do you need to make to the strategy/policy/project?
16.	Will the changes planned ensure that the negative impact is: Legal; Intended; of low impact?
17.	What monitoring/evaluation/review process have you set up to check the successful implementation of the strategy/policy/project?
18.	How will this monitoring/evaluation further assess the impact on the equality groups/ensure the strategy/policy/project is non-discriminatory?
19.	Please provide an action plan showing any recommendations that have arisen from the assessment and how you plan to take them forward. Are your actions SMART (specific, measurable, achievable, relevant and time-based).
20.	When will you next review this work and the impact assessment?

APPENDIX A

**From:** Birgit Goldberg <[bgoldberg@absholdings.com](mailto:bgoldberg@absholdings.com)>  
**Sent:** 29 January 2019 12:35  
**To:** [licensing.team@exeter.gov.uk](mailto:licensing.team@exeter.gov.uk); [customer.services@exeter.gov.uk](mailto:customer.services@exeter.gov.uk)  
**Subject:** Simply Pleasure.com sex shop licence renewal addition

Dear Sir/Madam,

I am emailing you in regards of the renewal licence application for the Simply Pleasure store in Exeter posted to you on 08.01.2019.

The management has requested I find out the following:

We want to put some male and female mannequins in the window. Some life size, some torso size all wearing clothing with nothing exposed. No toys, no bondage etc. just clothing which will be lingerie on the women (similar to M&S) and t-shirts and underwear on the male (similar to a sports shop).

Please let me know if this is possible and if so do I need to fill in any forms to confirm this or do anything else?

I am new to licensing so any help will be very much appreciated

Kind regards,

Birgit Goldberg  
Human Resources Manager  
e: [bgoldberg@absholdings.com](mailto:bgoldberg@absholdings.com)  
t: 01202 868 525  
w: [www.absholdings.com](http://www.absholdings.com)

Abs Group, Spring Lane, Forest Gate, Ringwood, BH24 3FH, UK

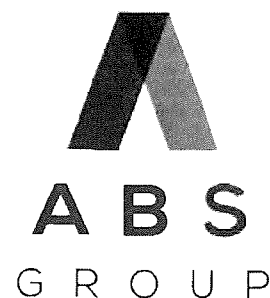
ABS GROUP

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Caroline Moorhead  
Senior Licensing Officer  
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18<sup>th</sup> June 2019

Your ref: SS04

Dear Caroline,

Thank you for your letter dated 05<sup>th</sup> June 2019.

We would further like to request a Variation to Condition 17 of the Standard Conditions to Sex Establishment Licensing Policy.

We have considered the Council's Sex Establishment Licensing Policy ('the Policy'). We would therefore like to submit the details of the proposed variation (1) and the exceptional circumstances of why we consider these changes to be necessary (2).

1. Details of the proposed variation
  - To set up and display clothed male and female mannequins in the window. Some life size, some torso size all wearing clothing with nothing exposed. No toys, no bondage etc. just clothing which will be lingerie on the women (similar to M&S/Debenhams/House of Fraser etc.) and T-shirts and underwear on the male (similar to a sports shops). Allow the use of small signage next to the articles of clothing on the mannequins advising customers the name and brand of the products on show.
  - A change of shop sign to be half Simply Pleasure and half Prowler brand. There will be a paw image next to the word 'Prowler' which is their company logo. Pink paint on the storefront to be changed to grey. Images already provided.

Equally just to clarify, no changes to Condition 18. The window has a solid back cover to it and no person will be able to see inside the store, even when we are making mannequin changes. There is access to the window by a side door.

2. Exceptional circumstances of why we consider these changes to be necessary
  - To be able to promote items in the store whilst still complying with the marketing restrictions on our products – this is good for the store and the business. Increased business for the store equally increases the local economy. More sales, more staff, potential higher levels of employment, again good for the local economy in Exeter.
  - To reduce the view of 'sex shops' as seedy, dark, back-street businesses and to bring this more in line with an open view, displaying clothing items which other stores are permitted

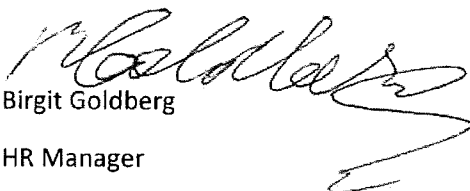


Simply Pleasure Limited T/A ABS Group, Spring Lane, Forest Gate Business Park Ringwood, Hampshire, BH24 3FH, UK  
T +44 (0) 1202 868511 E [sales@absholdings.com](mailto:sales@absholdings.com) W [www.absholdings.com](http://www.absholdings.com)

to display, making our business look more appealing to customers , and in turn making the local area more appealing to shoppers and residents alike. Sexuality and sexual health needs to be promoted in the whole country in a positive manner. Nothing inappropriate will be displayed, this will be the same as other retailers who are permitted to display these sorts of items. The vinyl will still ensure that the inside of the store is not in view from the outside, to continue to comply with the licensing regulations and to prevent those underage from viewing products that are age-restricted. Making the displays friendlier especially that lingerie is displayed by large national firms like Debenhams, M&S, House of Fraser as well as specialised chains such as La Senza, Ann Summers etc. will bring in more people not only to the store by the high street and banish the taboo element to a certain extent.

- Clearly display the nature of the store without being graphic, which makes it easier for potential customers to know what items we sell, encouraging those who are looking to purchase these products, and dissuading those who are not of age from entering the premises.
- Retail suffering all over the country, companies closing and people losing jobs. Changes are clearly needed as in any other business which benefits both the company that provides 140 jobs nationwide. Jobs that are often taken up by minorities, gay community, transgender, single mothers – people who often struggle with employment due to discrimination and general stigma often attached to a variety of minority groups even in the 21<sup>st</sup> century.
- Advertising Prowler creates a link with the gay community making the store and high street friendlier and more diverse which again benefits the company and all its staff as well as Exeter high street.

Kind regards,

  
Birgit Goldberg

HR Manager

## **APPENDIX B**

### **Regulations prescribing standard conditions applicable to licences for sexual entertainment venues**

**Made on the 23 July 2013**

**Coming in to force on the 3 September 2013**

**Revised 1 August 2015**

The Council makes these regulations pursuant to Schedule 3 paragraph 13 of the Local Government (Miscellaneous Provisions) Act 1982.

#### **Definitions**

1. In these Regulations, unless the context otherwise requires:
  - “the Code” means the Code of Conduct required under condition 23 below.
  - “Council” means Exeter City Council.
  - “Officer” means any person authorised in writing by the Council.
  - “Customer” means any person visiting the premises other than employees or performers, whether or not they have paid for or intend to pay for services provided;
  - “Licensable activities” means the activities permitted by the Sex Establishment licence.
  - “Licensee” means the holder of a Sex Establishment licence under the Local Government (Miscellaneous Provisions) Act 1982.
  - “Other contact of a sexual nature” means contact which can reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating the customer.
  - “Premises” means the premises licensed as a Sex Establishment.
  - “Private booth” means a room, cubicle or other area used for private performance to individual paying customers or groups of customers, other than where the booth is fully and

completely open on one side so that activities within it may at all times be clearly and readily supervised from a main gangway through the premises and so that at all times activities within it are recorded by fixed and dedicated CCTV cameras.

- “the Rules” means the Rules for Customers required under condition 23 below.
- “Sexual Entertainment Venue” shall have the meaning ascribed to it in the Local Government (Miscellaneous Provisions) Act 1982.
- “Staff” means all those working at the premises whether employed or self-employed, including performers and door supervisors.
- “Unclothed” means when breasts and/or genitals and/or anus are fully or partially uncovered. For this purpose “partially uncovered” includes being covered in a transparent material.
- “New Psychoactive Substances” means ‘Psychoactive drugs which are not prohibited by the United Nations Drug Conventions but which may pose a public health threat comparable to that posed by substances listed in these conventions.’

#### **General – Sex Establishments**

2. Every Sex Establishment licence granted, renewed or transferred by the Council shall be subject to the standard conditions set out in these Regulations unless they have been expressly excluded or varied by the Council.
3.
  - a) These conditions or any of them may be excluded or varied by the Council in any special case.
  - a) Any such exclusion or variation may be given unconditionally or on such terms and conditions and subject to such restrictions as the Council thinks fit.
  - c) If the licensee wishes any of these conditions to be excluded or varied, an application must be made to the Council pursuant to Schedule 3 paragraph 13(4) of the Local Government (Miscellaneous Provisions) Act 1982.
4. These conditions may be varied by further Regulation at any time.

5. In the event of any conflict between a condition contained in these Regulations and an individual condition contained in a Sex Establishment licence, the individual condition shall prevail.
6. The licence or a clear copy of the licence shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises.
7. The premises shall be maintained in accordance with the layout plan and front elevation plan approved by the Council and appended to the licence.
8. Private booths shall not be installed or used for sexual entertainment at any time.
9. The premises shall not be used for licensable activities before or after the hour specified in the licence for such activities.
10. The premises shall not afford public access to any other premises.
11. The licensee shall notify the Council as soon as is reasonably practicable, and in any event within ten working days, of any material change in the management structure, where a material change means one which is at variance with the information provided in the most recent application for a licence, or its renewal or variation as the case may be.
12. The premises may not be used as any other category of Sex Establishment other than as provided for in this licence.
13. The premises shall not sell New Psychoactive Substances

### **Management**

14. a) At all times that the premises are open to the public the premises shall be supervised by a manager who is present on the premises and engaged in such supervisory activities.

- a) A notice showing the name of the manager who is supervising the premises at any particular time shall be conspicuously displayed in a position where it can easily be seen by customers or officers on entering the premises.
  - b) The licensee shall ensure through training and monitoring that the manager understands the licence conditions, including the conditions set out in these Regulations and all Codes and Rules referred herein.
  - c) The licensee shall ensure that all managers are trained pursuant to paragraph c above before they first carry out management duties at the premises.
  - d) Ongoing training shall be provided for managers as appropriate.
  - e) A written record shall be kept in relation to training and monitoring of each officer pursuant to this condition.
  - g) In this condition “manager” means a person over the age of 18 whose identity has been notified to the Council in writing at least 10 working days before engaging in supervisory activities pursuant to this condition.
15. All areas used for licensable activities shall be supervised at all times so as to ensure compliance with the conditions of the licence.

#### **Age controls**

16. No person under the age of 18 shall be admitted to any part of the premises at any time or be employed in the business of the Sex Establishment.

#### **Exterior of premises**

17. The following matters and no other shall be displayed on the outside of the premises:

- a) The name, style or title as approved by the Council.
- b) The words “Licensed Sex Establishment” in characters no higher than 10cm.
- b) The opening hours of the premises.

- c) The street number, where appropriate.
  - d) A notice stating: “No admittance to persons under 18 years of age”.
  - f) Any notice required to be displayed by law, by these regulations and by any condition of a licence granted by the Council.
18. The entrance and windows of the premises shall be so arranged that no person shall be able to see into the premises from outside.

#### **Welfare of staff**

19. No member of staff shall work at the premises until they have supplied:
- i. proof of age;
  - ii. evidence of a right to work in the UK;
  - iii. an official proof of identity such as passport or driving licence.
20. The licensee shall copy and retain on file the documents and other evidence required by condition 30 which shall be available for inspection by police officers and Licensing Officers at all times.

#### **Marketing of licensable activities**

21. The availability of the licensable activities shall not be marketed or advertised in any of the following ways in the Council’s area:
- personal solicitation, including on foot or from vehicles;
  - leafleting;
  - fly-posting;
  - handouts;
  - externally displayed advertisements, such as on billboards or cars.
22. No commission or gratuity whether in cash or kind shall be paid nor any other incentive offered to taxi or minicab drivers for bringing customers to the premises.

## **Disabled people**

23. All parts of the premises which are open to the public shall be accessible to disabled people save for WC facilities where there are other WC facilities specially designated for use by disabled people.



## Sex Entertainment Venues Only

### Conduct of Performers and Customers

24. a) The licensee shall provide to the Council a Code of Conduct for performers and any amended Code operated by the licensee from time to time and Rules for Customers.
- a) The licensee shall ensure that all performers are trained in the Code and the Rules before they first perform at the premises.
- b) Ongoing training shall be provided for performers, as appropriate.
- c) A written record shall be kept in relation to such training.
- e) Copies of the Code and the Rules shall be prominently displayed in the performers' rest room and changing room.
25. a) At no time may any member of a staff other than a performer be unclothed.
- b) At all times during the performance the performer must be at least 1 metre from the customer or, where more than one customer, each of them.
- c) Prior to the performance or at the completion of the performance there may only be hand to hand payment for the performance.
- e) At no time except during the performance may a performer be unclothed. Immediately following the performance, the performer must dress, so that (for example) the performer may not be unclothed when seeking donations for a performance.
- e) No member of staff may at any time (and whether or not performing):
- i. sit or lie on the lap or any other part of any customer;
  - ii. kiss, stroke, fondle, caress or embrace any customer;
  - iii. straddle any customer;

- iv. engage in any other contact of a sexual nature with any customer;
- f) No performance may include:
- i. the use of sex articles or similar objects;
  - ii. the touching by performers of their own sexual organs;
  - iii. contact between performers;
  - iv. participation by members of the audience;
  - v. performance to standing customers except from a segregated, raised stage area.
26. a) No solicitation for sexual purposes shall take place on the premises.
- b) The licensee shall ensure that no telephone number, residential address, email address or other information that may facilitate further contact between performers and customers is conveyed on the premises.
27. The licensee shall devise, implement and maintain a system of monitoring, recording and enforcement to ensure that the Code and the Rules are observed by performers and customers at all times. Records of such monitoring, recording and enforcement shall be maintained and disclosed to Police and Licensing Officers upon request.
28. The licensee shall devise, institute and maintain a policy for prevention of use of the premises for the taking of illegal drugs, whether by staff or customers. The policy shall include regular checks of the premises for evidence of drug use. The effectiveness of the policy shall be monitored and such revisions thereto as are necessary shall be made. The policy and records of checks and monitoring shall be available for inspection at all times by police or Licensing Officers.
29. The licensee shall maintain a record, including dates, of:
- a) Incidents at the premises.
  - b) Refusals of entry.
  - c) Persons banned from the premises.

The record shall be available for inspection at all times by police officers and Licensing Officers.

30. The licensee shall assess all risks to the welfare of performers, including arising from their gender, and shall devise, institute and maintain a policy for the protection of their welfare while on the premises and when they leave the premises. The effectiveness of the policy shall be monitored and such revisions thereto as are necessary shall be made. The policy and monitoring records shall be available for inspection at all times by Licensing Officers.
  
31. Suitable changing, rest room, WC and shower facilities shall be provided for performers. The facilities shall comply with the following standards:
  - a) The facilities shall be secure, private, for single sex use only and shall not be accessible by customers or, except with permission, by other members of staff or management.
  - b) The changing and rest rooms shall comprise an area or areas of a minimum of 2 square metres per performer engaged to perform at any one time.
  - c) The changing and rest rooms shall be located in the immediate vicinity of, but not within, WC areas.
  - d) Private and lockable storage units shall be provided for each performer for the safe keeping of valuables and clothing.
  - e) A supply of free drinking water shall be provided for all performers.
  - f) Sufficient sitting out space shall be provided for rest breaks for performers.
  - g) Adequate showers shall be provided for performers adjacent to, and directly accessible from, the changing facilities.
  - h) Adequate WCs shall be provided for performers in the immediate vicinity of the changing facilities.
  - i) The WC and shower facilities shall provide privacy and security from intrusion by others, and shall not be accessible or accessed by customers at any time.
  
32. Single sex WC facilities shall be provided for staff members other than performers. The facilities shall not be used by customers.

33. Doors and openings which lead to part of the premises to which the public are not permitted access shall have notices placed on them marked "NO ADMITTANCE".
34. Performers and customers shall not be permitted to share any external smoking area.
35. The licensee shall not fine performers for misconduct or any other reason.
36. Performers shall be afforded secure transport from the premises at the end of trading hours.
37. The licensee shall take all reasonable precautions and exercise all due diligence to prevent contact between performers and customers away from the premises.
38. The licensee shall employ a "house parent" to supervise and ensure the welfare of performers.

#### **Protection of customers**

39.
  - a) There shall be prominently and legibly displayed a comprehensive tariff of all charges and prices, including charges for the company of a hostess or performer.
  - b) The tariff shall be:
    - i. placed in such a position that it can easily and conveniently be read by customers before paying any fee for admission to the premises;
    - ii. at each bar in the premises;
    - iii. on each customer table at the premises.
  - c) The tariff shall be drawn to the attention of every customer before they have paid any fees or charges.
  - d) No charge shall be made to any customer except for a service and of an amount shown on the tariff.

- e) No charge shall be made to the customer for any drink provided for a hostess or companion unless the customer has specifically ordered it, having first been made aware of the cost.

### **Conduct of customers**

- 40.
  - a) The licensee shall provide to the City Council the Rules.
  - b) The licensee shall ensure that all performers are trained in the Rules before they first perform at the premises.
  - c) Refresher training shall be provided for performers at least every six months.
  - d) A written register shall be kept in relation to such training.
  - e) Copies of the Rules shall be prominently displayed in the performers' rest room and changing room.
  - f) The Rules shall be prominently displayed:
    - i. at each bar in the premises;
    - ii. on each customer table at the premises.

### **Management**

- 41.
  - a) All public parts of the premises excluding WCs shall be covered by CCTV cameras at all times.
  - b) All CCTV cameras shall be set to record at all times.
  - c) The CCTV system shall be of sufficiently high quality, and the premises sufficiently lit throughout, to enable clear facial recognition of individuals at all times.
  - b) CCTV footage shall be retained for a minimum of 31 days and be available immediately on request by a police officer or Licensing Officer.
  - c) The licensee shall at all times display clearly visible and legible notices informing members of the public that the premises are covered by CCTV.
  - d) The licensee shall ensure that CCTV images are viewed only by police officers, Licensing Officers or other persons expressly authorised by him.

42. All entrances to the premises shall be supervised by door supervisors licensed by the Security Industry Authority (or any successor body) at all times that the premises are open to the public
43. The licensee shall maintain a register in a form approved by the Council recording which staff who are on duty at any time at which the premises are being used for licensable activities. On their request, the register shall be produced immediately to a police officer or a Licensing Officer.
44. All staff other than performers shall be clearly identified as members of staff.

#### **Age Control**

45. The licensee shall implement and maintain a Challenge 25 policy, and a Challenge 25 notice to this effect will be posted on the exterior of the premises.



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## REPORT TO LICENSING COMMITTEE

**Date of Meeting:** 29<sup>th</sup> Oct 2019

**Report of:** Environmental Health and Licensing Manager

**Title:** Report outlining a proposal to introduce an updated Statement of Licensing Policy

### Is this a Key Decision?

No

\* One that affects finances over £1m or significantly affects two or more wards. If this is a key decision then the item must be on the appropriate forward plan of key decisions.

### Is this an Executive or Council Function?

Council function

#### 1. What is the report about?

1.1 This report details the responses to the consultation undertaken into the proposed updated Statement of Licensing Policy which was presented to the Committee at the meeting on 16<sup>th</sup> July 2019. A full 12 week consultation has been undertaken. The Licensing Committee is constituted with formulating new statements of licensing policy with the final policy going to Full Council for adoption.

#### 2. Recommendations:

2.1 The Licensing Committee are requested to approve the updated Statement of Licensing Policy in order that it can be progressed through to full Council for adoption in December.

2.2 That Council formally adopts the updated Statement of Licensing Policy.

#### 3. Reasons for the recommendation:

3.1 The Licensing Committee resolved on 16<sup>th</sup> July 2019 that a public consultation should begin on the proposed revised policy. Following the Licensing Committee's decision, the Licensing Team undertook a full 12-week consultation with a wide range of stakeholders who may have an interest in this policy, including existing licence holders, and statutory consultees.

3.2 The Licensing Authority received no comments or representations in relation to the consultation stage, although Devon and Cornwall Constabulary were actively involved in the discussions which led to the formulation of the draft policy.

4. **What are the equality and diversity impacts of this decision?** A completed EqIA is attached at Appendix A.

#### 5. What are the resource implications including non financial resources:

5.1 The proposed changes to policy do not give rise to any additional resource implications or have any revenue impact.

5.2 There are no reductions, restructuring and/or redundancy implications as the key changes identified in this report do not give rise to any additional resource requirements as changes are to existing processes. However, in delivering to the changed requirements there may be some training implications for existing staff.

5.3 Any future costs in relation to the production of the policy will be met by income from fees.

**6. Section 151 Officer comments:**

There are no significant financial implications contained in this report for Council to consider.

**7. What are the legal aspects?**

None identified.

**8. Monitoring Officer Comments:**

This report raises no issues for the Monitoring officer.

**9. Report details:**

9.1 This proposed policy sets out the general principles that the Council will follow in relation to the enforcement of the Licensing Act 2003.

9.2 The proposed policy and the conditions included represent guidance on details of the service provided and the general principles that the Council follows in relation to the enforcement of the Licensing Act 2003 and the discretionary functions it undertakes.

9.3 The authority embraces the Department for Business Innovation and Skills' "Regulators Code." The authority embraces the principles of better regulation to promote efficient and effective approaches to regulatory activity without imposing unnecessary burdens on business. The Licensing Authority shall have regard to any plan agreed between a company and primary authority.

**10. How does the decision contribute to the Council's Corporate Plan?**

10.1 The proposed Statement of Licensing Policy will contribute to improvements in licensing regulation, help promote a healthy and safe city, and lend support to a robust, business friendly economy.

**11. What risks are there and how can they be reduced?**

11.1 There are risks that a poorly drafted policy that is neither proportionate nor reasonable, or is inadequately consulted upon, may give rise to legal challenge. These risks have been minimised by ensuring appropriate consultation has taken place.

**12. What is the impact of the decision on health and wellbeing; safeguarding children, young people and adults with care and support needs, economy, safety and the environment?**

12.1 Formulating a licensing policy that recognises the key aims of the council, responsible authorities and other stakeholders will make a positive impact on creating a vibrant city to live, work and visit.

**13. What other options are there, and why have they been dismissed?**

13.1 Members of the Committee may reject the proposed policy on the grounds that the policy requires amendment. However, significant amendment to the proposed policy would likely require a further consultation period.

## **Environmental Health and Licensing Manager**

**Local Government (Access to Information) Act 1972 (as amended)**

**Background papers used in compiling this report:**

None

Contact for enquiries:

Democratic Services (Committees)

Room 2.3

01392 265115

**Title of work being assessed:** Report outlining a proposal to introduce an updated Statement of Licensing Policy

**Introduction**

The Licensing Act 2003 introduced significant changes to the Licensing Law in England and Wales. This report refers to one of the main provisions of the Act, the Licensing Act Policy Statement [the Policy] & the requirements enshrined in the legislation with regard to the need to review it.

Local Authorities are required to develop and adopt a Policy in consultation with a number of prescribed bodies every three years. There is an additional requirement on the Licensing Authority to consult those bodies again if new proposals are intended to be included.

The revised Policy draft document at appendix 1 was used as a basis for consultation with Members of the Council, businesses and resident's representatives and others with an interest in the policy. The consultation was undertaken for a period of 12 weeks in-line with good practise. The Licensing Authority received no comments or representations in relation to the consultation stage, although Devon and Cornwall Constabulary were actively involved in the discussions which led to the formulation of the draft policy.

**Lead officer:** Lee Staples (Principal Licensing Officer)

**Service Manager:** Simon Lane (Environmental Health & Licensing Manager)

**Stakeholders:**

For each of the areas below, an assessment has been made on whether the policy has a **positive, negative or neutral impact**, and brief details of why this decision was made and notes of any mitigation are included. Where the impact is negative, a **high, medium or low assessment** is given. The assessment rates the impact of the policy based on the current situation (i.e. disregarding any actions planned to be carried out in future).

**High impact** – a significant potential impact, risk of exposure, history of complaints, no mitigating measures in place etc.

**Medium impact** –some potential impact exists, some mitigating measures are in place, poor evidence

**Low impact** – almost no relevancy to the process, e.g. an area that is very much legislation led and where the Council has very little discretion

	<b>Neutral</b>	<b>Positive</b>	<b>Negative</b>
<b>Protected characteristic/ area of interest</b> <b>Race and ethnicity</b> (including Gypsies and Travellers; migrant workers asylum seekers etc.)	There is no evidence to suggest that the proposed policy amendment would have a potential impact on this characteristic.		
<b>Disability</b> (as defined by the Equality Act - a person has a disability if they have a physical or mental impairment that has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities)	There is no evidence to suggest that the proposed policy amendment would have a potential impact on this characteristic.		
<b>Sex/Gender</b>	There is no evidence to suggest that the proposed policy amendment would have a potential impact on this characteristic.		
<b>Gender reassignment</b>	There is no evidence to suggest that the proposed policy amendment would have a potential impact on this characteristic.		
<b>Religion and belief</b>	There is no evidence to suggest that the proposed policy amendment would have a potential impact on this characteristic.		
<b>Sexual orientation</b> (including heterosexual, lesbian, gay, bisexual)	There is no evidence to suggest that the proposed policy amendment would		

	have a potential impact on this characteristic.		
<b>Age</b> (children and young people aged 0 – 24, adults aged 25 – 50, younger older people aged 51 – 75/80; older people 81+. The age categories are for illustration only as overriding consideration should be given to needs).			
<b>Community relations</b>		An appropriate Statement of Licensing Policy will contribute positively to community relations through the licensing of appropriate venues/ activities which help to maintain a vibrant city to live, work and visit.	
<b>Human Rights</b>	There is no evidence to suggest that the proposed policy amendment would have a potential impact on this characteristic.		
<b>Actions identified as a result of the impact assessment</b>	Review Policy and EqIA every three years.	Review Policy and EqIA every three years.	
<b>Action</b>	Lead	By when	
	Principal Licensing Officer	October 2022	

<b>Equality Impact Assessment Report Questions checklist</b>	
<b>1.</b>	Describe the piece of work you are assessing and the reason it is being carried out. Are you: <ul style="list-style-type: none"> <li>○ Making a strategic budget proposal</li> <li>○ Developing a new policy, strategy or project</li> <li>○ Reviewing and revising a policy, strategy or project</li> <li>○ Reviewing a function or a service</li> <li>○ Restructuring a service.</li> </ul> Include any options appraisal and if you have a preferred option explain why.
<b>2.</b>	What are the timescales for completing the work? What committee deadlines do you have to meet?
<b>3.</b>	What are the aims and objectives of the work? How do these link to wider council or strategic objectives.
<b>4.</b>	Who will be the main beneficiaries of the piece of work and in what way? All people in Exeter? Council staff? A specific stakeholder group? A combination of these?
<b>5.</b>	What data do you have on how different groups would be affected by the work?
<b>6.</b>	What research studies or reports have been carried out in other areas of the country or nationally that provide information about the likely impact of your work on equality groups?
<b>7.</b>	What consultation has taken place or is planned with customers (individuals and groups) from equality groups?
<b>8.</b>	What does the consultation indicate about any differential positive or negative impact(s) of this piece of work?
<b>9.</b>	If there are gaps in your previous or planned consultation and research are there any experts/relevant groups that can be contacted to get further views or evidence on the issues? If so please explain who they are and how you will obtain their views.
<b>10.</b>	If you have indicated there is a negative impact on any group, is that impact Legal; Intended; of high or low impact?
<b>11.</b>	If you identified any negative impact that is of low significance, can you minimise or remove it? If so how?
<b>12.</b>	Could you improve the strategy/policy/project's positive impact and if so how?

13.	How do you intend to continue monitoring the impact of this strategy/policy/project?
14.	If there are gaps in your evidence base, do you need to carry out any further research about the likely impact of your work on equality groups?
	<b>There might be a time delay here as you will need to get the results of your consultation before you can continue working your way through the questions.</b>
15.	As a result of this assessment and available evidence collected, including consultation, what if any changes do you need to make to the strategy/policy/project?
16.	Will the changes planned ensure that the negative impact is: Legal; Intended; of low impact?
17.	What monitoring/evaluation/review process have you set up to check the successful implementation of the strategy/policy/project?
18.	How will this monitoring/evaluation further assess the impact on the equality groups/ensure the strategy/policy/project is non-discriminatory?
19.	Please provide an action plan showing any recommendations that have arisen from the assessment and how you plan to take them forward. Are your actions SMART (specific, measurable, achievable, relevant and time-based).
20.	When will you next review this work and the impact assessment?





**Exeter**  
City Council

# Licensing Act 2003

## Statement of Licensing Policy

Implemented XX 2020

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## 1. **INTRODUCTION**

- 1.1 The Home Office statutory guidance issued under section 182 of the Licensing Act 2003 was revised and published in April 2018. This revised guidance sets out the Government's view on the licensing objectives and the aims of the legislation, this document recognises the revised guidance and it has regard to it wherever it is deemed necessary to promote the Licensing Objectives in this Policy.
- 1.2 The Government acknowledges the important role which pubs and other licensed premises play in local communities and supports responsible premises whilst protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible premises. In support of these aims, the Exeter City Council as the Licensing Authority anticipates the co-operation and active engagement of all licence holders and other stakeholders in promoting themselves as well-run premises and pursues a responsible approach to alcohol and entertainment.
- 1.3 The view of the Government is that the licensing authority is best placed to make decisions about licensed opening hours in its area as part of the implementation of its statement of licensing policy. The Licensing Authority supports this view and considers that the risk of disturbance to local residents is greater when licensable activities continue late at night and into the early hours of the morning. For example, the risk of residents' sleep being disturbed by patrons leaving licensed premises is obviously greater at 02.00 than at midnight. Residents have a reasonable expectation that their sleep will not be unduly disturbed between the hours of 23:00 and 07:00.
- 1.4 Exeter is considered to be among the West Country's most vibrant Cities and a leading business services centre. It strives to ensure that it carries out all the services expected of a local authority and in a manner expected of a leading City.
- 1.5 **Although the City centre is predominantly a business area, there are significant pockets of residential accommodation. The Licensing Authority takes the view that it is vital that their residential amenity is protected and residents are not subject to unacceptable intrusion into their lifestyles by the activities of licence holders.**
- 1.6 The Licensing Authority fully supports the provision of recreational and cultural activities and sees these as being of great benefit to the community. To this end, the Licensing Authority, where appropriate, seeks to encourage the provision of a wide range of public and private recreational art, heritage and cultural facilities activities and events.
- 1.7 The Licensing Authority aims to reconcile all these facets of life in the City to minimise any tensions that may arise between the business, residential and leisure communities. This Policy Statement sets out the framework within which the Licensing Authority will consider the grant and full variations of licences for activities controlled by the Licensing Act 2003.

## **2 POLICY PRINCIPLES**

2.1 The Licensing Act 2003 (the Act) focuses on the promotion of four statutory licensing objectives which must be addressed when licensing functions are undertaken. The four licensing objectives are:

- The prevention of crime and disorder
- The promotion of Public safety
- The prevention of public nuisance
- The protection of children from harm

2.2 In determining a licence application, the overriding principle adopted by the Licensing Authority will be that each application will be determined on its individual merits. The process adopted for determination will, in all cases, follow that required by Regulations made under the Act.

2.3 A proactive and preventative approach is a key aspect of good management at licensed premises. One of the greatest irritations to residents trying to sleep is excessive noise escaping from licensed premises. Noise escape from premises may preclude the grant of a licence or constitute grounds for the review of any licence previously granted. There can be little doubt that a well-managed licensed venue can benefit the local community. However, there is clearly a risk of local residents being disturbed, particularly if the venue is open late at night; because people leaving the premises and noise escape arising from the open doors can be a significant problem in the early hours. Customers may be less inhibited about their behaviour and may be unaware of the noise they are creating.

2.4 Public safety is about protecting the safety and the lives of patrons. It is the aim of the Licensing Authority to ensure so far as is reasonable, that anyone visiting a licensed venue in the City can do so in complete safety. Premises will be inspected to ensure that they have been constructed or structurally altered with safety in mind, are well managed and adequately maintained.

2.5 **The grant or variation of a licence could have a significant impact on the lives or businesses of those living or working in the area around the premises for which a licence is sought. It is only right, therefore, that all those likely to be affected by an application are made aware of it and of the opportunity to make representations.**

2.6 Any activity involving public entertainment or eating or drinking on the premises has the potential to impact adversely on the surrounding area due to noise, smells, or congestion on the footway. It may also be caused by the customers being noisy on departure or leaving litter. The impact of noise generated by these activities, especially customers departing either on foot or in cars, is particularly intrusive at night when ambient noise levels are much lower.

2.7 Much of the City is very sensitive to the impact of licensed activities because it is close to residential areas. The impact of traffic going to and from licensed premises can be considerable. Even where a majority of customers arrive on foot or by public transport, the numbers of people dispersing may be significant.

2.8 **The impact from licensed premises increases considerably in areas where there are concentrations of such venues. The adverse effects from licensed activities are particularly acute in some areas of the City. The Licensing Authority will consider the**



effects of licensed premises saturation which may cause a significant negative cumulative impact in such areas. This is dealt with to a degree by the introduction of the Cumulative Impact Area and the special policy adopted in relation to premises applications in that area of the City.

- 2.9 The Licensing Authority recognises that there are many interlinking strategies introduced for the good management of its area and its night-time economy. Many of these strategies are not directly related to the promotion of the four licensing objectives, but indirectly impact upon them. Co-ordination and integration of such policies, strategies and initiatives are therefore important. The aim of this policy is to minimise disturbance to residents and ease the strain on the very limited transport systems available at this time of the day. It is also designed to prevent the large scale departures of patrons exiting from the numerous outlets in the Cumulative Impact Area, whatever the hour, to the detriment of the licensing objectives of preventing public nuisance and crime and disorder. The policy also takes into account any concerns relating to promoting safety and preventing nuisance that may arise from people congregating outside premises and to strike a fair balance between the needs of those wishing to enjoy refreshment in the open air and the need to prevent problems concerning safety and nuisance.
- 2.10 The Council, in accordance with its obligations in regard to safeguarding and its Safeguarding Policy, would expect licence holders, not only to ensure that their premises are suitable for children (where licence holders propose to admit children), but to ensure the children are adequately protected and any concerns regarding the safety of children are reported to the appropriate authorities.
- 2.11 The prime purpose of this Policy Statement is to achieve the promotion of the licensing objectives. In furtherance of this aim, the Statement lists below particular matters that the Licensing Authority will take into account, such as the precise nature of the activity, especially for the sale or supply of alcohol and the nature and timing of proposed entertainment when considering whether a licensed activity is likely to cause an adverse impact, particularly to local residents.
- 2.12 Levels of noise from licensed premises which may be acceptable at certain times of day may not be acceptable later in the evening or at night when ambient noise levels are much lower.
- 2.13 With any adverse impact it may be possible to take steps to mitigate or prevent the impact and if such measures are reliable, an activity may be licensed. In accordance with Government advice, the decisions taken by the Licensing Authority will obviously be focused on matters within the control of individual licence holders and others granted relevant permissions and the steps they can take to achieve the licensing objectives. Accordingly, these matters will centre on the premises and places being used for licensable activities and the likely impact of those activities on members of the public living, working or engaged in normal activity in the area concerned.
- 2.14 In reaching its decisions, the Licensing Authority acknowledges the difficulty a licence holder has in preventing anti-social behaviour by individuals once they are beyond the direct control of that licence holder. However, it will also take into account that the licensing objective of preventing public nuisance will not be achieved if patrons from licensed premises regularly engage in anti-social activities to the detriment of nearby residents or businesses.
- 2.15 Furthermore, the Licensing Authority will also take into account its responsibility under the Crime and Disorder Act to do all it can to prevent crime and disorder in the



City. The aim of the Policy is, therefore, to achieve a holistic and balanced approach to these difficult issues, although it must be realised that there may be circumstances where measures within the control of the applicant are likely to be insufficient to prevent one or more of the licensing objectives being undermined. In these circumstances it may not be appropriate for a premises licence to be granted or for a licence to be revoked following a review.

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### **3 LEGAL BACKGROUND**

- 3.1 The Licensing Act 2003 (the Act) gives the Licensing Authority powers to grant or reject applications for the sale of alcohol, the provision of some forms of entertainment (Regulated Entertainment) or late night refreshment. Conditions designed to ensure the Licensing Objectives are promoted may be attached to licences.
- 3.2 For example, to prevent residents or businesses being disturbed, the Licensing Authority may restrict licensed hours where it can be shown to be appropriate for the promotion of the Licensing Objectives. However, the ability of local authorities to take decisions is limited either by provisions in the Act, Regulations made under the Act or by the guidance from the Home Office.
- 3.3 The Licensing Authority is legally obliged to have regard to the Home Office guidance. The Licensing Authority may deviate from the guidance if it is considered appropriate but would need good reasons to do so. This Policy Statement takes full account of the current Home Office guidance.
- 3.4 In formulating this Policy Statement, the Licensing Authority has had regard to the provisions of the European Convention on Human Rights that everyone has the right to respect for his home and private life and that every person is entitled to the peaceful enjoyment of his possessions. The Human Rights Act 1998 makes it unlawful for a public authority to act in a way that is incompatible with a convention right. Consequently, an aim of this Policy Statement, particularly in relation to the decision-making process of the Licensing Authority, is to ensure that a licensing decision does not breach such a right.
- 3.5 The Equality Act 2010 and prior legislation requires the City to give due regard to the elimination of unlawful discrimination when exercising its public duties, to promote equality between people who share and do not share a particular protected characteristic and to promote good relations between people who share and who do not share a particular characteristic.
- 3.6 The Licensing Authority expects licence holders and applicants for the grant of licences to be familiar with the contents of relevant codes of practice issued by the Government under the Equality Act 2010.
- 3.7 The Licensing Authority has taken account of the provisions of the Crime and Disorder Act 1998. This requires local authorities to have regard to the likely effect of the exercise of their functions on crime and disorder in their area and to do all they can to prevent such crime and disorder.
- 3.8 The Policing and Crime Act 2009 introduced further powers for local authorities regarding the regulation of lap-dancing and other sexual entertainment venues; this is now covered in new legislation with separate and discrete policies in place to address the provisions. This Act also contains provisions on alcohol misuse and imposed new mandatory licensing conditions (see Appendix 3 for all the current mandatory conditions).
- 3.9 The Licensing Authority has taken account of the Police Reform and Social Responsibility Act 2011 and the Live Music Act 2012, which both brought in legislative changes to the Licensing Act 2003. The changes have been reflected in this policy.

- 3.10 The Licensing Act requires that licensing authorities consult with other responsible authorities and representatives of licensees of all types, together with representatives of local residents and businesses. The Licensing Authority will have regard to the views of these persons in the determination of policy following the response to this consultation and its periodic review.

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## **4 SCOPE OF THE POLICY**

- 4.1 The Act relates to the sale of alcohol, the provision of certain entertainment and late night refreshment. Activities that require a licence under the Licensing Act 2003 and covered by this Policy Statement include:
- i) retail sale of alcohol
  - ii) supply of hot food or drink from premises from 23.00 to 05.00 hours
  - iii) supply of alcohol to club members
  - iv) provision of regulated entertainment to the public or club members or with a view to profit unless it is one of the activities defined which no longer require licensing (exempt licensable activities).
    - a) film exhibitions
    - b) performance of a play
    - c) indoor sporting events
    - d) a boxing or wrestling entertainment
    - e) live music performances
    - f) playing of recorded music
    - g) dance performances
    - h) provision of facilities for making music
- 4.2 The Live Music Act 2012, which came into effect on 1 October 2012, removes the licensing requirements for certain types of live music performances. The exemptions are set out in Appendix B of this document. There are a number of other activities that are exempt from the licensing requirement, details of which are also set out in Appendix B of this document.
- 4.3 The scope of the Policy Statement covers new applications, transfers and variations of premises licences and club premises certificates, temporary event notices and renewals where applicable. It covers the sale of alcohol at community events and ancillary sales; it also includes the policy on the review of premises licences and club premises certificates which could lead to revocation of that licence.
- 4.4 In general, a reference in the Policy Statement to a premises licence will include a club premises certificate. This policy Statement will cover the period XX 2020 to XX 2023 but may be amended if there are significant changes in legislation or if considered appropriate in the light of feedback from local communities.
- 4.5 To achieve the promotion of the Licensing objectives, the authority will enter into appropriate partnership arrangements, working closely with the Police, Planning, the Fire Authority, Environmental Health, local businesses, community representatives including the ward councillors and local people.

## **5 PERSONAL LICENCES**

- 5.1 The Licensing Authority recognises it has little discretion regarding the granting of personal licences. In general, provided an applicant has a qualification accredited by the Secretary of State or a certified equivalent, and does not have specified relevant convictions; the application is required to be granted.
- 5.2 If an applicant has a relevant conviction, the Police may oppose the application, in which case a hearing will be held. At any hearing the Licensing Authority will consider carefully whether the refusal of the personal licence would be in compliance with the licensing objectives. It will consider the seriousness and relevance of the disclosed conviction(s), the period that has elapsed since the offence(s) were committed and any mitigating circumstances. The Licensing Authority will refuse the application if it is satisfied that granting it would not promote the licensing objectives.
- 5.3 Prevention of crime is both an objective of the Licensing Act 2003 and an important responsibility of the Licensing Authority under the Crime and Disorder Act 1998. A person holding a personal licence should be properly qualified and be able to assist in the reduction of crime. Granting a licence to a known criminal will in many cases undermine rather than promote the crime prevention objective.

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## **6 PREMISES LICENCES AND CLUB PREMISES CERTIFICATES**

- 6.1 Applicants for premises licences and club premises certificates are required to produce an operating schedule to accompany their application. In completing the operating schedule, applicants should set out in some detail how they intend to run the premises in order to promote the four licensing objectives. Applicants are expected to have regard to this statement of licensing policy when completing their operating schedules.
- 6.2 The Licensing Authority has produced a Code of Good Practice for Licensed Premises to assist applicants in completing their operating schedules for the promotion of the four licensing objectives. The Code does not form part of the statement of licensing policy but is attached as Appendix I to this document. The Licensing Authority will expect all applicants to have regard to the Code and to make a positive commitment to preventing problems from occurring at their premises.
- 6.3 In order to reduce the number of representations and the cost for all parties in having to attend a hearing, applicants are strongly advised to arrange and attend a pre-application meeting with officers of the Licensing Authority and other responsible authorities where appropriate. This will give the applicant the opportunity to discuss any issues with the Licensing Officers and if necessary, representatives of the Police and Environmental Health etc. Officers can discuss all aspects of the application and compliance with the Licensing Policy to pre-empt so far as is possible any representations and hearings.
- 6.4 The costs falling on all parties can also be materially reduced if the applicant has early and detailed discussions with local residents. The Licensing Authority is not permitted to accept an amended operating schedule from the applicant where conditions have been agreed between the local residents or responsible authorities and the applicant if this occurs AFTER submission whether or not the agreement is prior to the last date for making representations.
- 6.5 The Licensing Authority therefore anticipates:
- All applications will be accompanied by a covering statement explaining in some detail the nature of the proposed operation. If the application is for a licence variation, the statement must also set out the reasons for the variation and whether there are any proposals to change the nature of the operation at the premises.
  - All applicants will have addressed the licensing objectives to a suitable and sufficient level in their operating schedule which they are required by the Act to prepare; this can be dealt with at the pre-application meeting.
  - All applications to be accompanied by a plan scaled at 1:100 in electronic format or hard copy on no greater than A3 size paper using colour where necessary.
  - The operating schedule to have regard to the nature of the area where the premises are situated, the type of premises concerned, the licensable activities to be provided, operational procedures and the needs of the local community. The operating schedule will also address minimising the potential for the building structure to carry sound and vibration through to other adjoining premises.

- The applicant to demonstrate in the operating schedule that they have taken appropriate measures to ensure that the premises will be 'good neighbours' and where appropriate demonstrate that consideration has been given to arrangements for the quick, safe and quiet dispersal of customers from their premises.
  - Applicants will complete their own detailed risk assessments on their businesses using the Code of Good Practice for licensed premises as a guide.
- 6.6 Any proposed changes to the operating schedule, including change of use, to be notified to the Licensing Authority and, depending on the nature of the changes proposed, the Licensing Authority may require a new premises licence application or the submission of an application to vary the existing licence. In particular, the Licensing Authority will expect the applicant to be proposing practical steps to prevent disturbance to local residents. The Licensing Authority will expect the applicant to supply an acoustic report in applicable circumstances confirming that there will be no noise breakout sufficient to cause nuisance short of statutory nuisance from the premises that is likely to cause public nuisance to persons living or working in the area around the licensed premises. Any doubts as to whether such a report is required can be discussed in the pre-application meeting.
- 6.7 Any sound breakout must be addressed in practical ways such as:
- keeping doors and windows closed and providing adequate mechanical ventilation
  - where appropriate providing double door entry to premises with a ventilated lobby, to reduce noise levels generally and during entry and exit of persons to the premises
  - installing soundproofing measures to contain sound and vibration
- 6.8 The Licensing Authority expects that premises intended for the provision of noise generating licensable activities are acoustically controlled, engineered and managed to a degree where the noise from the premises, when compared to the ambient noise level, will not cause undue disturbance. The Licensing Authority recognises specific difficulties associated with other premises structurally linked to would-be licensed premises and the limit of sound insulation performance that can be achieved.
- 6.9 In some circumstances licensed premises with amplified music adjoining, or in very close proximity to, residential properties may not be appropriate. A similar situation can arise in relation to disturbance caused by the dispersal of customers where in some circumstances, large numbers of customers leaving premises late at night or early in the morning is simply not appropriate.
- 6.10 All noise reduction measures; installation of an approved sound limiting device to prevent sound exceeding the appropriate level and any other acoustic attenuation necessary to minimise, if not remove noise breakout, and the level of noise breakout to be approved, shall be by a suitably qualified acoustic consultant after consultation with Environmental Health at the pre-application meeting.**
- 6.11 The Licensing Authority expects the operators of popular venues, which attract queues, to formulate a system to avoid disturbance to residents. This may sometimes be achieved by simply ensuring that the direction of the queue is away from residential accommodation. However, excessive noise and/or disorder will require more rigorous action. It is important that queues formed later in the evening are

supervised to keep noise to a minimum. Door supervisors will generally be expected to carry out this role, but they must be given clear instructions as to their duties and responsibilities which should cover other areas of crime and disorder, for example underage drinking and drugs.

6.12 Any customer control measure must be addressed in practical ways such as:

- i) erecting prominent notices at the exits to premises asking customers to leave quietly and not to slam car doors;
- ii) at appropriate times making loudspeaker announcements to the same effect within the premises;
- iii) instructing door staff to ask customers leaving the premises to leave the area quietly
- iv) reducing the volume of music towards the end of the evening and where appropriate playing quieter, more soothing music as the evening winds down.
- v) in appropriate cases, having door supervisors or a manager patrolling nearby streets to assess for themselves whether there is a problem and how best to deal with it.
- vi) banning from the premises people who regularly leave in a noisy fashion
- vii) increasing outside lighting levels
- viii) instituting a mini cab/taxi booking scheme
- ix) any other steps which may be appropriate to prevent noise, or other nuisance, to neighbours of the licensed premises This will include utilising door supervisors to usher people away from premises toward taxi ranks and taxi booking offices and may include door supervisors from differing premises to work together to ensure the public move away swiftly thus promoting the prevention of nuisance and minimising the risk of crime and disorder.

## **7 CONSULTATION**

- 7.1 It is the policy of the Licensing Authority that it will always endeavour to make all those affected by an application, aware of applications and of the opportunity to make representations. In doing so, every application for a premises licence will be required to be advertised by both the licensing authority via the Councils website and the applicant which will bring the details of the application to the notice of residents and other persons by way of a Notice posted in an appropriate position at the premises. The applicant will also be required to send a copy of the application to the Police, but to ensure all Responsible Authorities receive their copies in a timely manner, the Licensing Authority will undertake to circulate the application to each of them electronically.

Representations must be relevant and not vexatious or frivolous. To be relevant the representation will be accepted if it relates to the likely effect of the grant or full variation of a licence on the promotion of at least one of the objectives. In other words representations should relate to the impact of licensable activities carried on from premises on the licensing objectives. Representations based on vague references to what may arise if the licence is granted will almost certainly not be considered relevant.

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## **8. DETERMINATION OF APPLICATIONS**

- 8.1 Where the Licensing Authority's discretion is engaged following relevant representations, any imposed conditions will depend on the individual application and will be imposed where appropriate to meet the licensing objectives. Licence conditions will not be imposed where the Licensing Authority is satisfied that other regulatory regimes provide sufficient protection to the public e.g. health and safety at work and fire safety legislation.
- 8.2 It is the policy of the Licensing Authority that, when considering and applying conditions, such conditions should be clear, appropriate and enforceable. Conditions will be focussed on matters that are within the control of the individual licence holder.
- 8.3 Suggested model conditions have been produced **and agreed** across **all of the Devon Licensing Authorities** to assist applicants, responsible authorities and other persons when proposing and determining conditions for a premises licence, but all should ensure that the conditions apply specifically to the premises and meet the criteria of clarity, appropriateness and enforceability.
- 8.4 Suggested model conditions are neither exclusive nor exhaustive. They do not restrict applicants, responsible authorities or other persons in proposing additional or alternative conditions. Nor do they restrict the Licensing Authority, when determining contested applications, from imposing any reasonable condition on a licence that it considers appropriate for the promotion of the licensing objectives under the Licensing Act 2003.
- 8.5 A premises licence that contains conditions imposed by the Licensing Authority, or offered by the applicant, shall also be subject to the statutory mandatory licensing conditions (these mandatory conditions applying to all premises licences). See Appendix C for the full list of mandatory conditions.

## **9. LOCATION OF PREMISES, LICENSING HOURS AND THE PREVENTION OF NUISANCE**

- 9.1 The view of the Government is that longer licensing hours should be encouraged in the interests of avoiding a concentration of disturbance and ensuring that nuisance is minimised to local residents. The Government believes that shops and public houses should generally be permitted to sell alcohol during the hours they intend to open. Entertainment providers should be encouraged to provide a range of entertainment during their operating hours and to promote live music, dancing and theatre for the wider cultural benefit of the community.
- 9.2 The Licensing Authority understands the view of the Government, but considers that the risk of disturbance to local residents is greater when licensable activities continue late at night and into the early hours of the morning. For example, the risk of residents' sleep being disturbed by patrons leaving licensed premises is obviously greater at 02.00 than at 23.00. Residents have a reasonable expectation that their sleep will not be unduly disturbed between the hours of **23:00** and 07:00.
- 9.3 It is therefore the policy of the Licensing Authority to strike a fair balance between the benefits to a community of a licensed venue, and the risk of disturbance to local residents and workers. Notwithstanding that all applications will be determined on their merits.
- 9.4 In all cases, the granting of a licence will depend on the impact of an activity, particularly on local residents or late night businesses. Consideration will be given to relevant matters including, but not limited to, the level of noise and vibration, litter, people coming and going, queuing and any potential for criminal activity or disorder.
- 9.5 The Licensing Authority notes the nuisance and potential danger to pedestrians and particularly to disabled people and those using access equipment or items such as pushchairs by the obstruction of the highway, which includes the footway, by customers of the licensed premises smoking, drinking and eating on the public highway. Any questions or concerns relating to this element of the policy should be raised at the pre-application meeting. The Licensing Authority will also expect licensees to be familiar with and operate in compliance with the Street Charter for Exeter found at: <https://exeter.gov.uk/clean-safe-city/environment/clear-streets-charter/>
- 9.6 In relation to operating schedules the Licensing Authority will expect that all operating schedules indicate fully and clearly the steps an applicant is taking to promote the licensing objectives.
- 9.7 Any operating schedule submitted in respect of premises shall include proposed times of operating and details of how the applicant intends to comply with the licensing objectives and in particular, how the outside areas will be managed to prevent noise, smell, or obstruction nuisance to neighbours and the public.
- 9.8 The proposals in the operating schedule should include an assessment of the potential for public nuisance arising from customers smoking, eating and drinking in outdoor areas and on the public highway outside the premises and how this is to be managed with particular reference being made to:
- a) restricting the number of customers permitted in certain outside areas and/or at certain times



- b) limiting the number of customers permitted on the premises at any one time
- c) not permitting customers who are smoking to take drinks outside with them
- d) the arrangements in place for the regular removal of used glasses, crockery and cutlery
- e) locating smoking areas away from residential premises
- f) using door supervisors and employees to monitor possible public nuisance issues with a ratio not less than 1 door supervisor for every 100 customers or such higher level as agreed at the pre-application meeting.
- g) providing a form and location of demarcation and or physical barriers acceptable to the Devon and Cornwall Police to be used to mark the boundary of the area outside the premises where customers are allowed to drink
- h) identifying the steps they intend to take to educate their customers and prevent public nuisance arising from litter and prevent the use of alleyways, street corners, and open pavements in the area around their premises as urinals
- i) how they will work with other licence holders and their door supervisors in the area to combat nuisance caused by night time visitors creating noise and urinating in the alleyways, street corners and open pavements in the area around the premises
- j) with regard to the licensing objective of public safety, the issue of capacity should be addressed in the fire risk assessment for the premises use. This does not mean that every premises must have a capacity figure. However there should be evidence that the Licence holder or other responsible person has considered the number of persons who can be safely evacuated through the available exits.

9.9 Where applicable, capacity should normally be inclusive of staff and performers and Management should be able to demonstrate a realistic method of controlling capacity

9.10 In order to promote the licensing objective of public safety, the issue of the use of candles, pyrotechnics and/or fireworks should be addressed at the pre-application meeting with the Devon and Somerset Fire and Rescue Service (DSFRS). The Licensing Authority requires all measures identified and recommended by the DSFRS to be adopted and implemented at all times, so as to reduce or remove the risk of danger to public safety.

## 10 CONSIDERATION OF THE IMPACT OF LICENSED ACTIVITIES

10.1 When considering whether any licensed activity should be permitted after its discretion has been engaged e.g. following representations, the Licensing Authority will assess the likelihood of that activity causing unacceptable adverse impact, particularly on local residents and businesses, by considering the following factors amongst other relevant matters:

- The type of use;
- The proposed hours of operation;
- The means of access and egress to the premises by patrons;
- The measures that are proposed to avoid nuisance being caused to residents and businesses in particular from outside smoking, drinking and eating in terms of noise, obstruction of the highway and anti-social behaviour.

10.2 When considering any application **for review** of premises already licensed, the Licensing Authority may take into account evidence of the following:

- a) Evidence of past demonstrable adverse impact from the activity especially on local residents and businesses
- b) Any appropriate measures which have been agreed and put into effect by the applicant to mitigate any adverse impact
- c) Adoption of and implementation of the Licensing Authority's Code of Good Practice for Licensed Premises

## 11 SATURATION AND CUMULATIVE IMPACT

- 11.1 In determining an application, the authority will take into account, in the interests of the prevention of crime and disorder, public safety and the avoidance of nuisance, any representations relating to the negative cumulative impact that the existence of a saturation of premises in one area may have. A saturation of licensed premises can attract customers to the area that has an impact on the surrounding area beyond the control of individual licence holders. The Licensing Authority will take this into account whenever it receives representations about cumulative impact on the licensing objectives if warranted within the specific area identified in the Cumulative Impact Area as attached at Appendix F.
- 11.2 The cumulative impact area has been in place following Police representations in 2006. The policy (and appropriate area) was considered again in June 2019, at which time the Police representations indicated that both the policy itself and the area it covers should remain unchanged.
- 11.3 For the sake of clarity cumulative impact currently only applies to selling alcohol.

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## **12 VARIABLE CLOSING TIMES**

- 12.1 When the current licensing regime passed to local government in 2005, one of the aims was to prevent concentrations of patrons exiting the premises at 23:00 as happened under the inflexible licensing hours of the previous liquor licensing arrangements. The Government abolished fixed licensing hours in favour of hours suitable for individual premises.
- 12.2 In areas containing a number of licensed premises, the policy of the Licensing Authority will be to encourage licensees to vary their closing times so that patrons leave for natural reasons over a longer period. Additionally to ensure that the prevention of nuisance is promoted throughout the identified area premises will normally be expected to cease the sale of alcohol at no later than 02:30 and premises close no later than 03:00. Notwithstanding this policy, each application will be determined on its merits and if good reasons are put forward by the applicant the Licensing Authority may exercise its discretion to depart from the policy.

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### **13 TABLES AND CHAIRS OUTSIDE PREMISES**

- 13.1 The provision of tables and chairs outside premises, either on the highway or on private land, can enhance the attractiveness of the venue. It can have the benefit of encouraging a continental style café culture. However, late at night these same tables and chairs can contribute to noise problems. This is because they can encourage patrons and passers-by to loiter rather than disperse.
- 13.2 The Licensing Authority may determine hours of operation for pavement cafés and would encourage any application for pavement café licenses to consider a closing time. Applications with times later than this will be accepted but may draw representations resulting in additional measures on the applicant, for example by setting additional conditions where appropriate to meet the licensing objectives, taking into consideration crime and disorder, noise nuisance, public safety and local residents' amenities and would wish to see details of the proposed operation in the operating schedule prior to application. This matter could be fully addressed at the pre-application meeting to minimise any risk of representations and subsequent hearings.

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## **14 SMOKING**

- 14.1 Legislation in relation to smoking in enclosed spaces came into force on 1 July 2007. From that date it became illegal to smoke or to fail to prevent smoking in a smoke-free place.
- 14.2 The Licensing Authority may take into consideration the possible effect of people leaving licensed premises to smoke when determining licence applications. This relates to safety of patrons and passers-by and also nuisance from noise or litter. In this regard leaving premises also includes standing on the street or curtilage of premises in order to smoke.

## **15 SEXUAL ENTERTAINMENT VENUES**

- 15.1 The Licensing Authority has a separate policy for applications for Sexual Entertainment Venues and applicants for licenses permitting that activity should refer to that policy for guidance.

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## 16 OTHER CONTROLS

16.1 The Government's view is that Statements of Licensing Policy should indicate other mechanisms that are available for addressing issues of customers behaving badly away from licensed premises such as:

- Planning controls
- Positive measures to create a safe and clean City centre environment in partnerships with local businesses, transport operators and other local authority departments
- The provisions of CCTV surveillance in town centres, ample taxis and sufficient and suitably placed taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols
- Powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly
- Police and local authority enforcement of the general law concerning disorder and antisocial behaviour, including the issue of fixed penalty notices
- The prosecution of any personal licence holder or member of staff at premises found to be selling alcohol to people who are drunk
- The confiscation of alcohol from adults and children in designated areas
- Police powers to close down instantly for up to 24 hours any licensed premises or temporary event on the grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises causing a nuisance.
- The power of the Police, other responsible authorities or other person or business to seek a review of the licence or certificate in question. See Appendix 4 for contact details of the responsible authorities.

## **17 PROTECTION OF CHILDREN FROM HARM**

17.1 The protection of children from harm is an important licensing objective. Nevertheless, the Licensing Authority will not normally impose conditions requiring or prohibiting the admission of children to any premises, believing this should remain a matter of discretion for the licence holder and takes account of the view of Government that the use of licensed premises by children should be encouraged. However, it will, when its discretion is engaged and appropriate, impose conditions designed to protect children.

17.2 The Licensing Authority will ensure strong measures are in place to protect children from harm. Examples of premises where the introduction of additional controls are likely to be appropriate are:

i) Where entertainment or services of an adult or sexual nature are commonly provided

ii) Where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking

iii) Where there is a known association with drug taking or dealing

iv) 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)

v) Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises and no measure have been included in the operating schedule.

While in some circumstances it may be appropriate to impose a complete prohibition, the Licensing Authority will in other situations consider imposing requirements such as:

i) Limitations on the hours when children may be present

ii) Limitations or the exclusion of the presence of children under certain ages when particular specified activities are taking place

iii) Limitations on the parts of premises to which children might be given access

iv) Age limitations (e.g. no person under 18)

v) Requirements for accompanying adults (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult)

vi) Full exclusion of those people under 18 from the premises when any licensable activities are taking place

17.3 Where the exhibition of films is permitted, the authority will expect the age restrictions of the British Board of Film Classification (BBFC) or the Licensing Authority in respect of the films to be exhibited to be complied with.



- 17.4 In relation to specialist Film Festivals where it is desired to show films not classified by the BBFC, the Licensing Authority will classify the films concerned. Adequate notice will need to be given by the Festival organiser if Licensing Authority classification is required. To achieve consistency and the protection of children, the Licensing Authority will use the guidelines published by the BBFC. In addition, the Licensing Authority will use its other statutory functions to ensure the protection of children from harm with particular emphasis on the sale of alcohol to underage persons.

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## **18 DRUGS**

- 18.1 Recent surveys indicate a general increase in the use of illegal and “legal high” drugs, involving a wider range of substances. This is particularly true of what are often referred to as ‘recreational drugs’. The misuse of such drugs holds grave dangers and has led to fatalities. Other factors may have contributed to these deaths, such as a lack of drinking water, excessive drinking of water, an overly hot environment with inadequate ventilation, or a lack of adequate information about drugs.
- 18.2 The Licensing Authority expects licensees of venues to take all reasonable steps to prevent the entry of drugs into premises under their control, to take appropriate steps to prevent drugs changing hands within the premises and to take practical measures to prevent tragedies as a result of drug misuse by way of management and design of the premises.
- 18.3 In particular, the Licensing Authority will expect licensees of such venues to be familiar with the contents of Chapter 4 (drug awareness) of the BIIAB Level 2 National Certificate for Entertainment Licensees and to be following the recommendations of that handbook. The Licensing Authority will also expect licensees to be following the recommendations of the book ‘Safer Clubbing’ issued by the London Drug Policy Forum and endorsed by the Home Office.
- 18.4 Failure to follow these recommendations, and those set out in the attached Code of Good Practice for Licensed Premises, on a voluntary basis, could lead to the licence being reviewed with the possibility of revocation. In appropriate cases the Licensing Authority will consider imposing the recommendations detailed in these publications by way of licence conditions.

## **19 OTHER INTEGRATION STRATEGIES**

- 19.1 The Licensing Authority will continue to work with its partners and other agencies and organisations which impact on the licensing Authorities licensing responsibilities. In particular, the Licensing Authority commends initiatives such as ‘Best Bar None, Purple Flag or equivalent accreditation schemes relating to the responsible promotion of City venues as welcoming to all.

## **20**     **ENFORCEMENT**

- 20.1   Where necessary, enforcement action will be taken in accordance with the principles of good enforcement, as set out in the Regulators' Compliance Code, which promote consistency of enforcement throughout the country. Action taken will meet the requirements of Exeter City Councils Enforcement Policy. In particular, enforcement action will have regard to the fundamental principles recommended by the Better Regulation Task Force for good enforcement. These are;
- Risk assessment – i.e. focusing on activities that give rise to the most serious risks or where hazards are least well controlled
  - Consistency – i.e. similar approaches in similar circumstances to achieve similar ends
  - Transparency – i.e. helping licensees to understand what is expected and distinguishing between statutory requirements and guidance
  - Proportionality – i.e. action taken should be proportional to the risk presented.
- 20.2   The Licensing Authority will establish protocols with the Police and other Authorities on enforcement issues to avoid duplication and to provide for the most efficient deployment of authorised officers and constables in respect of inspection of licensed premises and the enforcement of licensing law.
- 20.3   The policy of the Licensing Authority will always be a light touch inspection regime for well-managed and maintained premises, with a targeted and graduated inspection and enforcement regime for problem and high-risk premises.

## **21**     **DISCHARGE OF FUNCTIONS**

- 21.1   The Act provides that the functions of the licensing authority (including its determinations) are to be taken or carried out by its Licensing Committee (except those relating to the making of a statement of licensing policy or where another of its committees has the matter referred to it).
- 21.2   The Licensing Committee may delegate these functions to sub-committees or, in appropriate cases, to officers working for or supporting the licensing authority. Where licensing functions are not automatically transferred to licensing committees, the functions must be carried out by the licensing authority as a whole and not by its executive. See the table at Appendix E for the scheme of delegation in respect of licensing matters.



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## Appendix A

# Pool of Conditions

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## APPENDIX A– POOL OF CONDITIONS:

Model licence conditions for each of the four Licensing Objectives have been agreed across all of the Devon Licensing Authorities and can be accessed via the link below:

*(insert web link)*

Additional general licence conditions are set out below:

### GENERAL CONDITIONS

- G1 The licensee shall ensure that any outside areas included in the licence is effectively controlled ensuring that any impact is minimised so as not to cause nuisance.
- G2 The handling of kegs and / or bottle disposal shall not take place between the hours of x and y.
- G3 The delivery of goods shall not take place between the hours of x and y.
- G4 The licensee shall ensure adequate supervision of any queue which forms to gain entry to the premises.
- G5 The Licensee shall ensure that suitable and sufficient signage is conspicuously displayed advising that any person causing nuisance or disorder in a queue will be refused admission to the premises.
- G6 Suitable signage shall be displayed requesting patrons to avoid causing noise or nuisance to local residents.
- G 7 The licensee shall take reasonable steps to ensure that alcohol is not taken into the designated smoking area.
- G8 Suitable receptacles for cigarette litter will be provided within the designated smoking area.
- G9 Other than in a designated beer garden there shall be no consumption outside of the premises of alcohol purchased at the premises.
- G10 There shall be no consumption of beverages purchased from the premises outside the *front – rear* of the premises.
- G11 No outdoor area of the premises may be used by customers or staff after *(insert time)* on any (specified or all) days
- G12 The *(specified area)* shall not be used for licensable activities from x until y
- G13 All outside areas shall be cleared of customers by *(specified time)* on *(specified or all)* days
- G14 After *(time)* hours noise levels in outside areas of the premises are to be monitored and controlled to minimise potential impact on local residents
- G15 After *(time)* hours an SIA registered door supervisor will be on duty in the *specified* area to monitor customers and control noise disturbance.

- G16 No person carrying open or sealed bottles, cans or other receptacles containing alcohol shall be admitted to the premises at any time licensable activities are being provided.
- G17 All drinks shall be served in plastic/paper/toughened glass/ polycarbonate containers. *(Delete as appropriate)*
- G18 All drinks shall be served in plastic/paper/toughened glass/ polycarbonate containers when customers use areas outside the premises. *(Delete as appropriate)*.
- G19 All drinks shall be served in plastic/paper/toughened glass/ polycarbonate containers during the events or occasions specified. *(Delete as appropriate and identify events)*
- G20 Collection of bottles and glassware shall be undertaken at regular intervals to ensure no accumulation of glass in and around the premises.
- G21 Staff and where appropriate door supervisors, shall ensure as far as is reasonable that no bottles or glassware are taken from the premises.
- G22 Waiter/ess service shall be available throughout the premises at all times the premises are open to the Public.
- G23 The number of persons drinking in the bar and not awaiting a table shall not exceed x.
- G24 Sale of alcohol is restricted to customers waiting to be escorted to a table for a meal.
- G25 Alcohol shall only be sold to customers who are engaging in a sit down table meal as an ancillary to that meal.
- G26 The licensee shall ensure that measures are in place to remove litter.
- G27 **In areas where street drinking affects any of the licensing objectives:**
- No single cans or bottles of beer or cider will be sold.
  - Ban on the sale of high strength beers or ciders.
  - Minimum of two staff to be on duty at times the premises are open for sale.
  - High strength beers or ciders will be for sale behind a counter accessible only by staff.
  - All alcoholic drinks will be clearly labelled or marked with the name of the premises.
  - The premises will operate a challenge 21/25 policy.
- G28 **Notices will be clearly displayed near to where alcohol is exposed for sale or sold advising customers that the area is subject to a Designated Public Places Order (Soon to be replaced).**
- G29 There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
- G30 No regulated entertainment shall take place at the premises unless conducted in full accordance with a noise management plan. The noise management plan shall be agreed in writing with the Local Authority Environmental health Officer.

## LATE NIGHT REFRESHMENT/ TAKEAWAYS/FOOD OUTETS

- L1 The premises shall only operate as a restaurant where:
- a) Customers are shown to their table
  - b) Substantial table meals are prepared on the premises and served / consumed at the table using non-disposable crockery;
  - c) No take away service for immediate consumption is provided;
  - d) Alcohol shall only be sold to persons who are bona fide customers being supplied with substantial table meals.
  - e) Where the supply of alcohol is by waiter or waitress service only,
  - f) Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
  - g) Which do not provide any take away service of food or drink for immediate consumption,
  - h) Which do not provide any take away service of food or drink after 23.00, and where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
  - i) Notwithstanding the previous condition customers will be permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.
- L2 Waitress / waiter service shall be provided throughout the premises at all times the public are on the premises.
- L3 Substantial food shall be available at all times, subject to a wind down period agreed with the Devon and Cornwall Police prior to closing at the end of normal trading.
- L4 The sale of alcohol shall only be made to customers who are engaging in a sit down meal as an ancillary to that meal.
- L5 The Licensee shall ensure that sufficient measures are in place to remove litter or waste arising from their customers and to prevent such litter from accumulating in the immediate vicinity of the premises. Where necessary the Licensee shall ensure that adequate measures are in place to provide customers with sufficient receptacles for the depositing of waste materials such as food wrappings containers and/or smoking related waste.
- L6 The Licensee shall ensure that a suitable number of receptacles are available in suitable locations for the depositing of waste materials by customers.
- L7 The Licensee shall ensure that all packaging provided with takeaway food is marked in some way to show the origin of the packaging.

- L8 When a mobile unit is removed from the allocated pitch the Licensee shall ensure the site is properly cleaned and that any accumulations of surface grease are cleansed and removed from the site.
- L9 All rubbish and waste produced at the premises shall be securely stored in a designated area or bin with close fitting lockable lid.
- L10 All references to the removal and disposal of waste and litter shall be taken to include disposal of spilled food and similar material so as to leave the footway in a clean and safe condition.
- L11 Suitable signage will be positioned on the premises requesting that patrons make as little noise as possible when leaving the premises.
- L12 Patrons will be asked to disperse quickly and quietly.
- L13 The delivery of goods is restricted to the hours of xx until xx to limit the likelihood of noise nuisance.
- L14 There will be no movement of bins rubbish or empty glassware outside the premises between the hours of xx and xx to minimise the likelihood of noise nuisance.
- L15 No commercial waste collection arrangements will be permitted before xx in order to minimise noise nuisance.
- L16 Barriers will be provided to control queuing and to prevent crushing. The barriers must be sited so as not to impact on means of escape.
- L17 All packaging used at the premises will be bio-degradable and suitable information advising the customers to dispose of by way of recycling shall be displayed on the premises.
- L18 Alcohol may be supplied and consumed prior to their meal in the bar area (**designated on the plan**), by up to a maximum at any one time, of (12) persons dining at the premises
- L19 There shall be no sales of hot food or hot drink for consumption off the premises after [01:00]
- L20 Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be restricted to a designated smoking area defined as (**specify location**).
- L21 Alcohol shall only be sold for consumption by persons attending a pre-booked and bona fide private function or event to which members of the public are not admitted. A register of persons attending the event shall be kept at the premises and made available for immediate inspection by police or an authorised officer of the Licensing Authority.





## Appendix B

# Exempt Activities

Activities Exempt from the Licensing Requirement:

- (1) Film exhibitions for the purposes of advertisement, information, education etc.
- (2) Film exhibitions that form part of an exhibit put on show for any purposes of a museum or art gallery.
- (3) Music whether live or recorded, which is incidental to other activities which do not require a licence.
- (4) Live music as follows:
  - i. amplified live or recorded music between 8am and 11pm before audiences of no more than 500 people on premises authorised to sell alcohol for consumption on the premises;
  - ii. amplified live or recorded music between 8am and 11pm before audiences of no more than 500 people in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment); and
  - iii. unamplified live music between 8am and 11pm in all venues
- (5) Use of television or radio receivers for the simultaneous reception and playing of a programme.
- (6) Any entertainment or entertainment facilities at a place of public religious worship.
- (7) Entertainment at garden fetes or similar functions unless there is an element of private gain.
- (8) Morris dancing or any dancing of a similar nature or a performance of unamplified live music as a part of such a performance.
- (9) Entertainment on road vehicles in motion.

## Appendix C

# Mandatory Conditions

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## Appendix C - Mandatory Conditions

There shall be no sale or supply of alcohol when there is no Designated Premises Supervisor (DPS) in respect of this premises licence or at a time when the said Premises Supervisor does not hold a personal licence or when his/her licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Any person used to carry out a security activity must be licensed by the Security Industry Authority.

Admission of children (under the age of 18) to any exhibition of films must be restricted in accordance with the film classification body designated as the authority under Section 4 of the Video Recordings Act 1984.

Where the film classification is not specified or the relevant licensing authority has notified the premises licence holder under Section 20 (3)(b) of the Licensing Act 2003, the admission of children must be restricted in accordance with any recommendation made by the Licensing Authority.

The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

An irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children-

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable

manner.

The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

The responsible person shall ensure that-

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1—

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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# Appendix D

## Responsible Authorities

### **Devon & Cornwall Police**

The Chief Officer of Police  
Licensing Department (East)  
Devon & Cornwall Police Headquarters  
Middle moor  
EXETER  
EX2 7HQ Tel 01392 452225

### **Devon & Somerset Fire & Rescue Service**

Divisional Commander  
Central Command (Exeter Group)  
Exeter Fire Station  
Danes Castle  
Howell Road  
EXETER  
EX4 4LP Tel: 01392 872354

### **Health and Safety Executive (HSE)**

(for Government owned premises only)

Ballard House  
West Hoe Road  
PLYMOUTH  
PL1 3BL Tel: 08701 545500

### **Environmental Health and Licensing**

(for Environmental Protection/Health & Safety)

Environmental Health & Licensing Manager  
Exeter City Council  
Civic Centre  
Paris Street  
EXETER  
EX1 1RQ Tel: 01392 265193

## **Exeter City Council Planning & Development Service**

City Development  
Exeter City Council  
Civic Centre  
Paris Street  
EXETER  
EX1 1NN Tel: 01822 813600

## **Devon County Council Child Protection**

Head of Safeguarding, Child Protection Manager  
Childrens Services Division  
Parker's Barn  
Parker's Way  
TOTNES  
TQ9 5UF Tel: 01392 380739

## **Devon Trading Standards Service**

Chief Trading Standards Officer  
Devon County Council  
County Hall  
Topsham Road  
EXETER Tel: 01392 382818

## **Public Health Board**

Devon DA AT  
NHS Devon  
Room 255  
County Hall  
Topsham Road  
Exeter  
Devon  
EX2 4QL Tel 0845 002 3456

Email [alcohollicensing-mailbox@devon.gov.uk](mailto:alcohollicensing-mailbox@devon.gov.uk)



# Appendix E

## Scheme of Delegation (Licensing Act 2003 Section 10)

<b>Licensing Authority</b>	<b>Licensing Sub-Committee</b>	<b>Officer</b>
<b>Production and review of Licensing Policy</b>		
	<b>Application for personal licence if a Police objection</b>	<b>If no objection made</b>
	<b>Application for personal licence with unspent convictions</b>	<b>If no unspent convictions declared</b>
	<b>Application for premises licence/club premises certificate if a relevant representation made</b>	<b>If no relevant representation made</b>
	<b>Application for provisional statement if a relevant representation made</b>	<b>If no relevant representation made</b>
	<b>Application to vary premises licence /club premises certificate if a relevant representation made</b>	<b>If no relevant representation made</b>
	<b>Application to vary designated premises supervisor if a Police objection is received</b>	<b>If no relevant representation made</b>
	<b>Application for transfer of premises licence if a Police objection is received</b>	<b>If no relevant representation is received</b>
	<b>Application for interim authorities if a Police objection is received</b>	<b>If no objection is received</b>
		<b>Decision on whether a complaint is irrelevant, frivolous, vexatious etc</b>
	<b>Determination of a police or environmental health objection to a Temporary Event Notice</b>	<b>Determination of a police or environmental health objection to a LATE Temporary Event Notice</b>

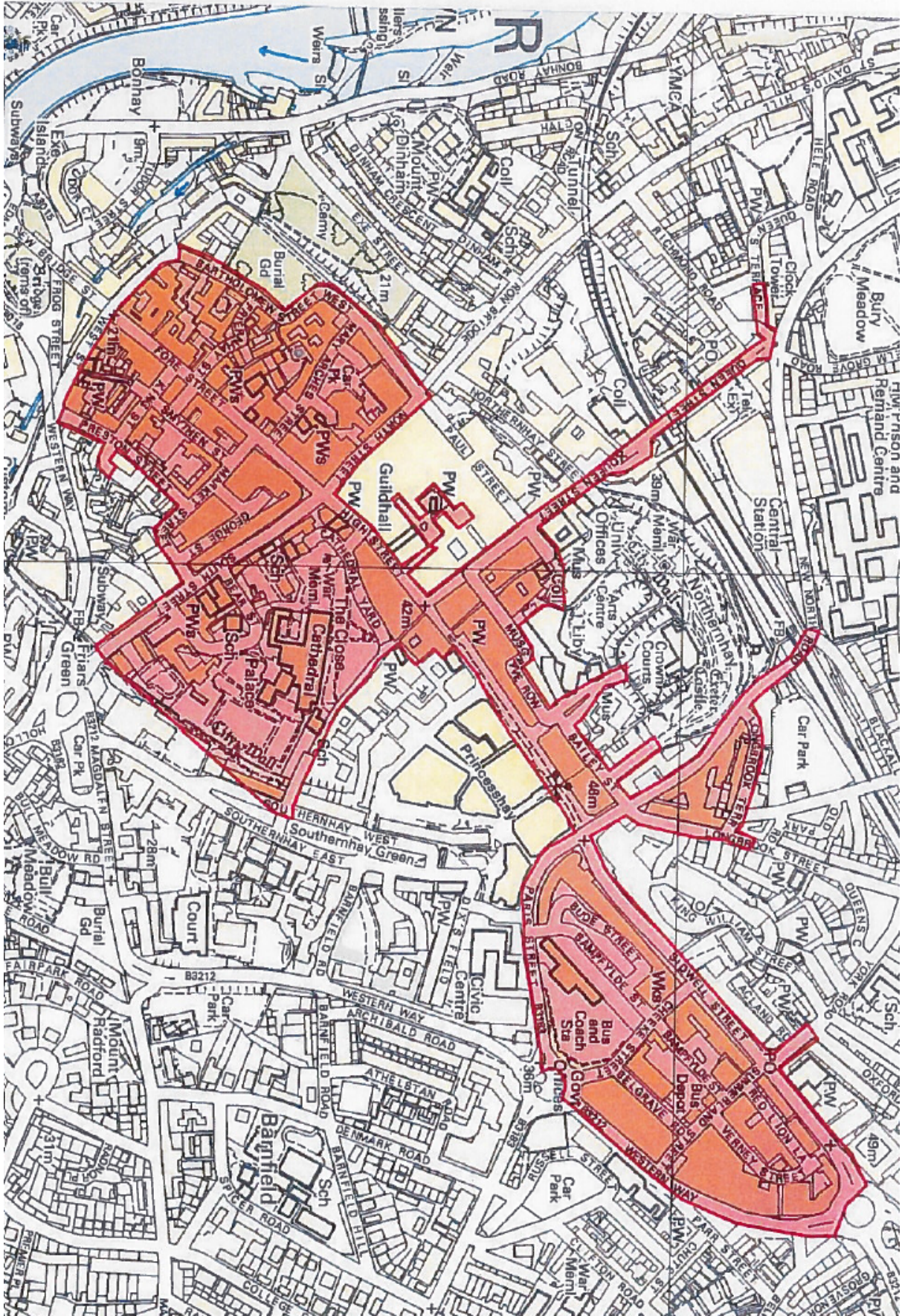
	<b>Determination of application to vary premises licence at community premises to include alternative licence condition if Police objection</b>	<b>If no Objection is received</b>
		<b>Decision whether to consult other responsible authorities on a minor variation</b>
		<b>Determination of a minor variation application</b>

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## Appendix F

# Cumulative Impact Zone

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## Appendix G

### Exeter City Council's Administrative Area

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Crown Copyright Exeter City Council 100049053  
 Exeter City Council, Civic Centre, Paris Street, Exeter EX1 1JN  
 Based upon the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office (c) Crown Copyright  
 Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or Civil proceedings



## Appendix H

# British Board of Film Classification

## Appendix H

### British Board of Film Classification

<b>Classification</b>	<b>Abbreviation</b>	<b>Explanation</b>
Universal	UC	Particularly suitable for young children (advisory) (for video only)
	U	Suitable for all
Parental Guidance	PG	Some scenes may be unsuitable for young children
12		Passed for children of 12 years and over
12A persons		Passed only for viewing by persons aged 12 years or older, or younger children accompanied by an adult
15		Passed only for viewing by persons aged 15 years and over
18		Passed only for viewing by persons aged 18 years and over
Restricted 18		Passed only for viewing by persons aged 18 years or over who are members of a properly constituted club or their guests aged 18 or over



## Appendix I

# Licensing Code of Good Practice

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## **Licensing Code of Good Practice (This does not form part of the Licensing Policy)**

### **Aim of the code**

The aim of this code is to provide applicants and licensees with guidance on good practice for the promotion of the licensing objectives which are paramount considerations at all times. The code is consistent with the Home Office guidance issued under section 182 of the Act and with the Licensing Authority statement of licensing policy. It outlines what the Licensing authority and its responsible authority partners expect in practical terms from applicants when completing their operating schedules and from licensees when operating their premises under the terms of a premises licence.

Applicants and licensees are expected to make a proactive commitment to preventing problems occurring at licensed premises through the adoption of this code.

### **Risks associated with licensed premises**

Risks associated with licensed premises can vary dependent on the premises type and characteristics, the design, layout and general environment, the location, the policies in place and the events being held there.

This code identifies many of the possible risks associated with the sale of alcohol and the provision of entertainment or late night refreshment and sets out good practice measures to mitigate those risks. It provides a key mechanism for the promotion of the licensing objectives, for well-run premises and a responsible approach to alcohol, entertainment and late night refreshment.

It is recognised that not every risk will be relevant to every premises and it is unlikely that any one premises will need to address all of the measures. Indeed some premises may only need to introduce one or two measures.

The code cannot anticipate every possible risk, problem or circumstance that may arise from licensed premises. Neither does the code restrict an applicant or licence holder from promoting the licensing objectives through alternative means.

### **How will the code be used?**

A proactive and preventative approach is a key aspect of good management at licensed premises. This licensing authority therefore expects applicants to have regard to this code when completing their operating schedule.

If problems occur at licensed premises after a licence has been granted and a reactive approach is needed, licensees should put additional operational measures in place to manage and prevent those problems from recurring. The licensing authority expects licensees to have regard to this code when considering additional operational measures.

The code is not a statutory document but it will be taken into consideration and used by the licensing authority and responsible authorities as follows:

- When offering advice to applicants either at the design and planning stage or during pre-application discussions;

- when responding to licence applications where the licensing objectives do not appear to have been adequately addressed in the operating schedule;
- as a first point of dealing with licensed premises encountering problems, to raise standards to promote the licensing objectives in those premises and avoid further problems; and
- for the review of licences where there is evidence that licensees have not promoted the licensing objectives.

The routine monitoring of licensed premises will be undertaken by the licensing authority and responsible authorities and findings under the five licensing objectives will be brought together.

Problems or concerns with licensed premises will be identified and flagged up at an early stage and advice will be offered to licensees with a view to improving standards at their premises and to prevent or minimise subsequent problems.

Where problems have been identified, the licensing authority and other responsible authorities will agree appropriate measures from the code with the licence holder to be implemented at the premises. The aim of the code is to avoid the need for enforcement action such as prosecution or review but it will not replace enforcement action where it is necessary.

The code will also be used by the licensing authority and its licensing partners to acknowledge and support well run premises through schemes such as Best bar None and Purple Flag.

This section provides guidance on good practice for the general promotion of all five licensing objectives at licensed premises. It is intended to help those applying for new licences or variations to existing licences in completing their operating schedules. It is also designed to guide licence holders and applicants on the general promotion of the licensing objectives after a licence has been granted.

Licensees and their staff have responsibility for the effective and safe management of their premises and the promotion of the licensing objectives. Training is the key to giving licence holders, premises managers and staff the knowledge and skills to deal with and manage risks associated with licensed premises. Training should be provided to all staff and should be about both preventing and managing problems occurring at premises. Training should be regularly updated.

### **Risk management & Good practice measures**

#### **Lack of knowledge or understanding of the Licensing Act 2003**

1 (a) Well trained staff will contribute to well run premises and a support a responsible approach to the sale of alcohol, the provision of entertainment and late night refreshment. Formal qualifications for your staff, either to Personal Licence level or to another appropriate standard recognised by bodies such as the British Institute of Innkeepers (BII) would be preferred.

(b) All staff should be advised of licensing law in writing before they are allowed to serve alcohol.

(c) Training should also be provided on premises' specific policies relevant to the operation of the business.



(d) A record should be kept of the date and name of person trained or advised and be made available for inspection by the police or licensing authority.

### **Prevention of crime and disorder**

2 a) This section provides guidance on good practice for the prevention of crime and disorder from licensed premises. It is intended to help those applying for new licences or variations to existing licences in completing their operating schedules. It is also designed to guide licensees on the prevention and management of crime and disorder from their premises after a licence has been granted.

b) The main causes of crime and disorder in licensed premises arise from inadequate security provisions, poor design and layout, the type of event being promoted, overcrowding and customers being drunk or under the influence of drugs. This can result in theft, conflict, violence and anti-social behaviour. It is therefore recommended that applicants and licence holders take a proactive approach to preventing and managing crime and disorder from their premises.

c) All applications for new licences and variations should address the steps proposed to prevent crime and disorder and this is best achieved through a premises risk assessment. Alcohol can be a significant contributory factor to levels of crime and disorder in an area. Good management and good practice along with adequate physical controls can make an important difference to the level of alcohol related crimes. Such measures should be reflected in the operating schedule.

d) For new premises or the refurbishment of existing premises, preventative measures should be factored in during the planning and design stage. Consideration should be given to the design and layout of the premises to minimise the potential for crime and disorder. Useful information can be found in documents such as 'Secured by Design'.

e) Licence holders should have clear documented policies and procedures in place which identify all crime and disorder risks associated with their premises and the measures implemented to prevent, manage and respond to those risks.

### **Security in and around the premises**

3 a) An alarm or other security measure should be installed at the premises to protect it when closed or empty.

b) Emergency exits should be alarmed when the premises are open to the public so that staff are immediately notified of unauthorised opening or tampering.

(c) Any staff or private areas and cellars should be kept locked and secured whilst the premises are open to the public.

d) CCTV should be installed inside and outside the premises. The cameras should cover all internal areas accessible to the public and areas immediately outside the premises. The date and time settings on the system must be correct.

(e) The recordings should be in real time and on hard drive with the availability to copy discs for other agencies such as the police.

(f) For analogue systems, tapes should be changed daily and used no more than 12 times.

(g) Recordings should be kept for a minimum period of 31 days.

(h) Staff should be trained in the maintenance and operation of such systems with a record kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority.

(i) A trained member of staff should be on duty to operate the system whenever the premises are open.

4a) External lighting provides an obvious means of crime deterrence. Care should be taken so that lighting does not impact on neighbours.

(b) Security systems should be integrated so that the alarm, CCTV and lighting work together in an effective manner.

(c) The alarm should be linked to a system that will notify the police if it is activated.

5a) Door staff and/or stewards should be employed at the venue to supervise admissions and control unruly customers inside the venue.

(b) Any person performing the role of a door supervisor must be licensed with the Security Industry Authority (SIA) and SIA badges must be clearly displayed whilst working.

(c) Door staff should be easily identifiable by wearing a uniform, high visibility jackets or arm bands.

(d) Door staff should sign in to a register detailing their full SIA licence number, their name, contact details and the time and date their duty commenced and concluded.

(e) Stewards and other staff at the premises should also be easily identifiable. Stewards must not be used for supervision of the door.

6 (a) Effective security policies based on risk assessments can protect your premises, staff and customers from threats, conflict or violence. Such security policies should be formulated in consultation with a police crime prevention officer.

(b) All staff must be aware of a premises security policy with a record kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority.

(c) Premises should be searched inside and out for suspect packages before, during and after opening hours. Staff should be trained to remain vigilant during opening hours and report any suspicious activity to the Police. Security reviews should be held regularly and at least every three months with minutes kept.

(d) Regular briefings and de-briefings can be informal but any problems identified and remedial action taken should be recorded with records kept.

(e) Promoted events may attract larger than usual crowds and particular promotions may have violent or aggressive followers, rival gangs or other crime and disorder associated with them.

(f) Such events must have a comprehensive risk assessment undertaken by the licence holder and submitted to the Police licensing team at least 14 days in advance of the

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proposed event. It is expected that promoters should have obtained the BIIAB level 2 for music promoters.

(g) In the event that a problem should arise during a promoted event, this should be documented by the licence holder and it is expected that details will be provided to the Police licensing team within 48 hours of the event.

7(a) Proper management of the door will depend on the size and type of venue. The number of door supervisors should be determined by a risk assessment taking into account the size of venue and the type of crowd the entertainment is likely to attract, but at the very least on a ratio of 1 door supervisor per 100 customers or such other ratio as agreed at the pre-application meeting.

(b) Consideration should be given to a sufficient provision of male and female door supervisors, but at least one female door supervisor should be used.

8a) A door admissions policy including any age restrictions, expected dress standards or the screening of hand bags should be widely publicised on any promotional material or website and clearly displayed at the entrance to the premises. It may be necessary to eject or refuse entry to persons from the premises if they do not meet your admissions standards or they are known to be violent or aggressive. In such cases, an entry should be made in an incident or log book

9 (a) A policy to manage capacity should be adopted to prevent overcrowding and patrons possibly becoming aggressive through accidental jostling.

(b) For promoted events and large venues, the use of clickers or other accurate means of recording is essential to record the number of patrons inside the premises.

(c) For other events or smaller venues, ticket sales or head counts may be appropriate.

(d) Consideration should be given to deliberately running below capacity to afford a comfort factor to your patrons and avoid conflict, violence or aggression within the premises.

(e) Where a premises holds a special event which is expected to attract a greater than usual number of patrons and in excess of 500 people, the premises licence holder is expected to notify the Police licensing team at least 14 days in advance of the event.

10 (a) Alternatives to glass drinking vessels should be considered to prevent glassware being used as an assault weapon, particularly during promoted events.

(b) Drinking vessels made from plastic or polycarbonate should be preferred particularly in outside areas.

(c) Where alternatives are not used, there should be a robust glass collection policy in place. This should include regular collection of glassware by staff and prevention of glassware being removed from the premises.

11 (a) Measures to preserve a crime scene until police arrival, following the outbreak of disorder or any other crime, should be clearly documented in a policy. Such a policy should be formulated in consultation with a police crime prevention officer prior to the submission of an application.

(b) All staff must receive training on the policy with a record kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority

12 (a) Staff training in conflict management should be provided to give them the knowledge and confidence to deal with difficult situations and reduce crime and disorder at the premises. Training should also cover dealing with, logging and reporting incidents if they occur.

(b) A record should be kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority.

13 Sharing of information with others in the industry including regular meetings, the use of local radio networks and / or membership of a local pub/club watch scheme will enable information to be passed on about trouble makers and common problems in the area.

14 (a) A zero tolerance policy to the use of drugs and carrying of weapons in the premises should be adopted with a clear “no search no entry” message.

(b) Posters can be displayed throughout the premises to remind customers of zero tolerance policy.

c) Effective search policies will minimise the opportunity for drugs and weapons to be brought into licensed premises and lead to drug and weapon seizure if attempts are made. The use of search arches and wands may be appropriate in some cases.

(d) Search policies should be formulated in consultation with the Police licensing team prior to the submission of an application

(e) Search policies must be advertised widely on tickets, promotional leaflets and on websites and prominently in the premises entrance and queuing area.

(f) Searches should always be carried out in public areas and covered by CCTV.

(g) All staff must be trained on search policies with a record kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority.

15 (a) All staff must be made aware of the requirement to call the police if customers are suspected of being in possession of drugs or weapons. A written procedure should be in place relating to the seizing, retaining and documenting of any drugs or weapons found with a clear audit trail and a process for surrendering them to the Police.

(b) A search policy should clearly set out procedures that must be followed by staff should they find drugs or weapons during a search, including the use of tamper proof bags and safe storage of seized items, details that need to be recorded and circumstances when the police should be called.

16(a) Supervising toilet areas can be effective in discouraging drug selling or use, a toilet attendant may be appropriate for promoted events or on busy nights such as Friday and Saturday.

(b) Regular toilet checks such as swabbing should be considered and where conducted, these should be documented with date, time and finding recorded.

(c) Designing out or arranging for the removal of flat surfaces in toilet areas can reduce the likelihood of drug misuse.

d) Drug awareness training should be provided for all staff. A record should be kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority.

17a Clear signage should be displayed throughout the premises about crime prevention and to warn customers of the potential for pickpockets and bag/laptop snatchers, bag hooks (Chelsea clips) should be provided to prevent bag snatching. Property patrols, managed cloakrooms and toilet attendants can be employed to prevent theft from patrons or the premises.

b) Premises layout and lighting should be considered and secluded or dimly lit parts of the premises should be avoided as they can encourage crime. Mirrors used throughout the premises can aid supervision and act as deterrents to thieves.

c) A lost and found policy should be in place in relation to lost/found property at the premises. The policy should include procedures regarding the logging and disposal of property and in particular any valuable property. Passports and any other ID found should be handed in to the police.

18 (a) Careful positioning of alcohol in retail premises can reduce theft from the premises. Alcohol is a key target for shop thieves so it is best not to place alcoholic beverages within the first few metres near the door as this allows thieves to 'grab and run'. It may be helpful for alcohol display areas to be covered by CCTV if possible.

b) Security tagging any items considered a specific target for theft, particularly alcoholic drinks over a certain price level will deter thieves.

19a) Reduce the potential for excessive queue lines with a well-managed and efficient door policy. Long queuing times can cause people to become agitated or aggressive. Searches, if this is the reason for the queuing, should therefore be conducted as quickly and effectively as possible.

b) A customer dispersal policy can minimise the potential for disorder from customers leaving the premises. A policy should clearly set out measures to avoid a mass exit at the end of the evening such as a gradual change in music style and increasing lighting levels.

(c) Sufficient staff should be available at the end of the evening to manage a controlled shut down of the premises and maintain good order in the area of the premises as customers leave.

(d) Staff training in preventing disorder should be provided to give them the knowledge and confidence to deal with difficult situations. A record should be kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority

20 (a) Drinks promotions should be socially responsible and not encourage excessive drinking. A documented policy on responsible drinks promotions should be in place at the premises and should adhere to industry codes such as those recommended by the British Beer and Pub Association (BBPA) and The Portman Group. This is in addition to adherence with the mandatory licensing condition regarding irresponsible promotions.

(b) Any drinks promotion should market the availability of soft drinks





c) Staff training on the effects of alcohol and how to spot early signs of customers becoming drunk should be provided to give them the knowledge and confidence to deal with drunken patrons.

d) Staff should be aware of their responsibilities under the Licensing Act 2003 and be able to recognise appropriate 'cut off' points for serving drunken customers, so as to reduce the likelihood of fights or aggressive behaviour.

e) When staff are collecting glasses, they should interact with customers and assess the levels of drunkenness. Any concerns should be reported back to a manager. A record should be kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority.

21a A duty of care policy regarding persons suffering adversely from the effects of drink should be in place at the premises. The policy should clearly express that every effort will be made by staff to prevent patrons from deteriorating to an uncontrolled intoxicated extent. All staff must be briefed on the policy.

b) This policy should include identifying a quiet zone or rest room where the patrons may sit while waiting e.g. for a taxi or family to take them home. This room should be regularly visited by staff to ensure no deterioration of the customer is taking place while waiting.

22 Drink-aware posters can be displayed in the premises to remind customers of the unit content in alcoholic drinks and the safe alcohol consumption limits.

23 Consumption of alcohol on the street and street drinkers is a real threat to the prevention of nuisance and the prevention of crime and disorder. Primarily aimed at policies for off-licensed premises the recommendations are to;

- Restrict the sale of strong beer and cider above 6.0%ABV and
- restrict the sale of single cans or bottles of beer and cider. Such sales can contribute to anti-social behaviour and disorder through the consumption of alcohol on the street and in open spaces by street drinkers or persons who are already drunk.
- Prevent the sale of alcohol outside permitted hours, it is of course an offence but lockable shutters can be fitted on display units for alcohol in retail premises, which can be closed and locked at the end of permitted hours while the premises continues to trade in other non licensed goods.

24 All staff should be made aware of the risk assessment and precautionary measures therein. A copy of the risk assessment should be kept at the premises and made available for inspection. First aid boxes should be available at the premises and maintained with sufficient "in date" stock. A recognised qualification in first aid should be held by at least one member of staff who should be on duty at all times the premises licence is in use.

25 (a) Other staff should be trained to a basic first aid standard with records kept of the date and name of person trained. A first aid room or quiet room should be made available to anyone requiring medical attention.

b) Temperature levels and humidity in venues should be controlled for the comfort and safety of customers. An environment that is too hot or too cold can make customers irritable. Premises should be adequately heated and ventilated to avoid this. This can be achieved through use of air conditioning systems or natural ventilation in non-residential areas.

26a Overcrowding can significantly affect the comfort and safety of the public. A documented capacity should be set for the premises overall and for individual rooms within the premises. Capacity can be determined by a risk assessment in consultation with the fire safety authority at the pre-application stage.

b) The risk assessment should consider factors such as floor space, numbers of toilets, potential queuing time and available fire exits. A policy to manage the capacity should be adopted to prevent overcrowding, particularly localised overcrowding.

(c) The use of electronic counting systems, clickers, ticket sales or head counts may be appropriate. Consideration should be given to deliberately running below capacity to afford a comfort factor to your patrons.

27(a) A glass collection policy should include provisions for regular collection of glassware by staff and the prevention of glassware from being taken into external areas. Glassware should not be allowed to accumulate or cause obstruction.

(b) Perimeter checks should be made outside the premises for any glasses or bottles.

(c) All staff must be made aware of the glass collection policy and their responsibility for the task.

28a) Spillages and broken glass should be cleaned up immediately to prevent floors from becoming slippery and unsafe.

b) Bottle bins should be secure at all times and away from public areas.

29 (a) A written policy to deal with all types of accidents & emergency incidents should be in place at the premises. The policy should be based on risk assessments and include matters such as emergency management, contingency planning and evacuation procedures in the event of fire, bomb threats or suspect packages and when to contact emergency services.

(b) Evacuation responsibilities and roles should be clearly communicated to staff. Routes and exits should be well defined and evacuation plans exercised regularly.

30a) A fire detection system should be in place at the premises and should be fully functional at all times. The system should be tested regularly with records kept and made available for inspection.

a) A copy of the fire risk assessment should be kept at the premises and made available for inspection by the fire authority and licensing authority.

c) Means of escape in case of any emergency must be clearly visible, unobstructed and well maintained. This should include areas outside exits leading to a place of ultimate safety such as the street.

(d) Checks should be carried out before opening each day to ensure that exits are unlocked and unobstructed. Equipment should be checked and maintained regularly with a record kept of the date and findings of the checks.

31a Staff training in fire safety and any premises safety policy should be provided for all staff to give them the knowledge and confidence to deal with emergency situations, including location of equipment, utilities, services and layout of premises. Training should include how to use fire extinguishers.

(b) Records should be kept of the date and name of person trained and made available for inspection.

c) An accident book should be kept in order to record all accidents or incidents and made available for inspection by the appropriate authority.

32(a) A zero tolerance policy to the use of drugs in the premises should be adopted.

(b) Posters should be displayed throughout the premises to remind customers of the zero tolerance policy.

c) Refusing entry to anyone who appears to be showing signs of drug use and contacting the emergency services in appropriate circumstances. In such cases, an entry should be made in an incident log book.

(d) A duty of care policy regarding persons suffering adversely from the effects of drugs should be in place at the premises. The policy should include drug awareness training for all staff so that they can recognise the effects of controlled drugs and provide medical attention where necessary.

(e) All staff must be briefed on the policy. A record should be kept of the date and name of person trained.

33 Prevent the possibility of drink spiking by offering various anti drink spiking products to customers. If a customer suspects that their drink has been spiked, you should report it to the police immediately. A procedure for this should be clearly set out in your duty of care policy.

34 A 'chill out' area should be provided. This should be cooler and quieter than rest of venue.

35 Staff should be aware of their responsibilities regarding smoke-free legislation and for monitoring compliance.

36 Discourage drink driving by promoting schemes such as Designated Driver, with notices clearly displayed throughout the premises.

37 (a) Display information to customers with regards to when leaving the premises advising using safe options for travelling home. Information should include contact numbers providing access to licensed taxi cabs or licensed private hire vehicles, the location of taxi ranks and public transport facilities if still available.

(b) Provide a free taxi phone service and a safe waiting area for customers inside the premises.

38 (a) A 'chill out' period at the end of an evening can allow a slow dispersal from the premises allowing door staff to gain a handle on problem individuals, preventing arguing over taxis or congregation at takeaways and clashes with groups from other venues.

(b) Provision of food and non-alcoholic drinks during a chill out period can be effective in allowing customers to sober up before leaving the premises.

39(a) Increased lighting inside the premises should be considered towards the end of an evening to affect the alertness of customers before they leave the premises.

(b) Increased external lighting particularly in car parks under the direct control of the licence holder will provide added safety for customers as they leave the premises. Care should be taken so that lighting does not impact on neighbours, particularly in and close to established residential areas.

40a A noise management policy should be in place setting out sound attenuation measures to prevent or control music, singing and speech noise breakout from the premises.

(b) The policy should be based on the findings of an acoustic consultant's assessment.

(c) All staff should be trained on the content of the policy to ensure a commitment to good noise management. A record should be kept of the date and name of person trained and made available for inspection by the licensing authority or environmental health responsible authority.

(d) DJs, event promoters or other entertainment providers should be made aware of the policy in advance of any performance.

(e) Use an approved list of DJs, event promoters / other entertainment providers who are signed up to the policy.

41 (a) Windows and doors should be kept closed whilst the premises licence is in use to prevent noise breakout. Ventilation should be provided by mechanical means.

(b) Windows should be sound insulated.

(c) Emergency exits should be sealed acoustic doors.

(d) A lobbied area should be provided at the entrance and exit to the premises.

(e) Doors should be fitted with self-closing devices.

42(a) A sound limiting device should be installed, set and sealed at a level approved by an acoustic consultant.

(b) The sound limiting device should be used at all times that relevant regulated entertainment is taking place, including all externally promoted events.

(d) Only the premises licence holder or the designated premises supervisor should have access to the sound limiting device when it is in use.

43 (a) Locate entertainment facilities such as DJ booth, stage and loud speakers away from doors and windows.

(b) Rubber speaker mounts can be used to minimise structure borne noise.

44 (a) Methods for monitoring noise should be included in a noise policy. Methods could range from simple perimeter checks and listening tests by the licence holder/staff to a detailed measurement taken by a qualified consultant using sound measuring equipment.

(b) Noise monitoring should actively be carried out on a regular basis and in particular when a new form of entertainment is introduced at the premises, when alterations are made to the premises or when a complaint is made directly to the venue.

45(a) A log book should be kept of any noise monitoring carried out, the findings of the monitoring and any remedial action taken. The log should indicate whether it was routine noise monitoring or the result of a complaint.

(b) The log book should be made available for inspection by the licensing authority or environmental health responsible authority.

46a A contact telephone number should be made available to local residents and businesses which they can use to report noise disturbances to a responsible person at the venue as and when they occur. The phone line should be available at all times the licence is in use.

47 (a) You can reduce the potential for excessive queue lines with a well-managed and efficient door policy.

(b) Long queues should be avoided and any queues should be directed away from residential properties.

(c) Queues should be actively managed by door staff, especially later in the evening, to keep noise to a minimum. Rowdy behaviour from people queuing to get in should not be tolerated. Door staff should refuse entry to anyone behaving in an anti-social way.

(d) Restrict or prohibit admittance or re-admittance to the premises at midnight.

48 (a) A customer dispersal policy can minimise noise disturbance to local residents from customers leaving the premises; it should clearly set out measures to avoid a mass exit at the end of the evening.

(b) A gradual change in music style and reduction in volume, for example quiet or mellow music towards the end of an evening and increasing lighting levels can help to reduce the potential for rowdy behaviour.

(c) Sufficient staff should be available at the end of the evening to manage a controlled shut down of the premises and maintain good order as customers leave.

49(a) Display prominent notices close to the exit doors, requesting patrons to leave the premises quickly and quietly.

(b) Display notices in car parks reminding patrons that they are in a residential area and to leave quickly and quietly and not to slam doors, rev engines, sound horns or play loud music.

(c) Make announcements at the end of an evening, requesting patrons to leave the premises and area quickly and quietly.

50 (a) Provide a free taxi phone service and an internal waiting area for customers to prevent noise disturbance to neighbours.

(b) Steps should be taken to ensure that any taxi operators used and all their drivers are aware that they should arrive and depart as quietly as possible and should not sound their horns or leave engines idling unnecessarily.

51 Display prominent signs in external areas such as beer gardens and forecourts asking customers to keep noise to a minimum.

52 Restrict the use of external areas after 10pm if premises are in a residential area.

53(a) Door supervisors or staff should regularly monitor and manage external areas to ensure that customers are not causing a disturbance to local residents.

(b) For private forecourts, a physical barrier such as a rope should be used to mark the boundary of the area outside the premises where customers are allowed.

(c) Limit the number of smokers permitted outside at any one time after a certain time.

(d) Discourage smokers from loitering outside by not permitting them to take their drinks with them and removing external furniture after a certain time.

(e) Locate smoking areas away from residential premises or pedestrian areas.

(f) Do not permit customers to congregate on and block the public highway to passers-by.

54 Staff and performers who depart late at night or in the early hours of the morning when the business has ceased trading, should conduct themselves in such a manner as to avoid causing disturbance to nearby residents. This includes the loading and unloading of artists' equipment.

55 Commercial deliveries, collections and storage/disposal of waste, including beer deliveries, refuse collections and storage / disposal of waste and recyclables in external areas should be restricted to waste disposal normal working hours between 8am and 6pm Monday to Friday.

56 (a) Flyers should not be distributed outside the premises by the licence holder or any staff employed by the licence holder.

(b) Licence holders should ensure that promoters of events at their premises do not distribute flyers outside the premises.

57(a) Procedures should be in place for the prompt collection of street litter generated by the premises for example flyers, cigarette butts or food wrappers.

(b) Regular patrols of the area outside the premises should be undertaken by staff to clear any litter attributable to the premises.

(c) Use wall or floor mounted cigarette bins in designated smoking areas for customers.

58 External lighting for the premises should be turned off after the premises are closed to the public.

59 Plant and machinery should not cause nuisance to local residents by way of noise, odours or vibration.

60 Acoustic measures such as screening, enclosures, anti-vibration mounts, silencers or timing clocks should be used if necessary.

61 All applications for new licences and variations to existing licenses should address the steps proposed to protect children from harm and this is best achieved through a premises risk assessment. Licence holders should have clear documented policies and procedures in place which identify all age restricted risks at their premises and measures implemented to prevent, manage and respond to those risks.



62(a) A documented policy setting out measures to protect children from harm should be in place at the premises. The policy should consider all activities associated with the premises including the sale of alcohol and the provision of regulated entertainment and when children should be allowed on or restricted from the premises.

(b) All staff including door staff and bar staff should be trained on the policy and restrict access to children depending on the nature of the business and / or circumstances.

(c) The admission of children may be restricted up until a specified time in the evening.

(d) The admittance of children may be permitted only if they are accompanied by an adult.

63(a) Operate a strict 'No ID – No Sale' policy; Challenge 21 scheme serves as a reminder to staff of the need to be vigilant in preventing underage sales and to customers that it is against the law for anyone under 18 to purchase alcohol.

(b) A 'Challenge 25' scheme gives staff additional support and encouragement to ask for ID from any person appearing to be under 25 years of age to prove that they are over 18.

(c) Only accept the new photographic PASS (Proof of Age Standards Scheme) cards as means of ID. High value documents such as passports and driving licenses should not be carried around particularly where vulnerability may increase i.e. after drinking alcohol. If you accept other forms of ID such as EU National ID cards, these must bear a photograph, date of birth and holographic mark.

(d) Use till prompts to remind staff to ask for proof of age.

(e) Prominently advertise the proof of age scheme in your premises so that customers are aware, in particular, display proof of age signs at the point of sale.

f) Display posters at the premises stating that it is an offence to purchase alcohol on behalf of an underage person (proxy sales)

g) Adverts or promotions for alcohol should not appeal to young persons.

(h) Keep a refusals book (or refusal button on EPOS – Electronic Point of Sale) on the premises and ensure it is completed whenever a sale is refused to a person who cannot prove they are over the age of 18. The book should contain the date and time of the incident, a description of the customer, the name of the staff member who refused the sale, and the reason the sale was refused. The book should be made available to Police and / or other authorised officers on request

(i) The book should be reviewed on a regular basis to see if any patterns emerge. Staff training in the age related sections of the Licensing Act 2003 should be provided to all door, bar and till staff. This includes the ability to competently check customers' identification where necessary. A record should be kept of the date and name of person trained.

64 Provisions for restricting children from viewing age restricted films should be in place at the premises. Staff should be trained to check age at point of sale and prior to entry to a screening room to ensure that admission of children to films is in accordance with the recommendations of the British Board of Film Classifications (BBFC).

65 Age restricted gaming or vending machines should have suitable signage setting out the age restrictions and should be in full view of staff for monitoring.

66 a) Children under the age of 18 should be excluded from the premises or part of the premises when specified activities such as adult entertainment are taking place.

b) Advertisements for entertainment of an adult nature should not be displayed externally on the premises or in any part of the premises internally where they can be seen by young persons.

DRAFT





**REPORT TO:** LICENSING COMMITTEE  
**Date of Meeting:** 29 October 2019

**Report of:** Environmental Health and Licensing Manager

**Title:** Revision of the Taxi Forum Terms of Reference

**Is this a Key Decision?**

No

**Is this an Executive or Council Committee Function?**

The Licensing Committee has delegated powers to determine this matter function.

**1. What is the report about?**

1.1 The purpose of this report is to review the terms of reference for the taxi forum to ensure that the forum has the appropriate representation to the Licensing Committee, trade and Licensing Authority.

**2. Recommendations:**

2.1 To approve the terms of reference as detailed in Appendix A of this report.

**3. Reasons for the recommendation:**

3.1 The current terms of reference for the taxi forum were set up a number of years ago when the forum was first established. It has become apparent that changes are needed to ensure that appropriate representation is maintained.

**4. What are the equality and diversity impacts of this decision?**

4.1 There are no equality and diversity impacts as a result of this decision.

**5. What are the resource implications including non-financial resources:**

5.1 There are no resource implications as a result of this report.

**6. Section 151 Officer Comments:**

6.1 There are no financial implications for Council to consider.

**7. What are the legal aspects?**

7.1 There is no legal duty for the Licensing Committee to have a Taxi Forum, however best practice nationally is that Licensing Committees have an effective forum to establish a clear communication channel with the Private Hire and Hackney Carriage Trade.

**8. Monitoring officer Comments**

This report raises no issues for the Monitoring Officer

**9. Report Details:**

- 9.1 The revised terms of reference make two changes to the membership of the committee. The first change is that the Deputy Chair should be the Deputy Chair of the Licensing Committee and no longer the Environmental Health and Licensing Manager. The second change is to remove the limit on number of licensing committee members that can attend the taxi forum, to ensure that any interested member of the Licensing Committee can attend if they wish.
- 9.2 In order to ensure that those that attend the forum are representing the views of the Hackney Carriage trade, it is felt necessary to ensure that those attending have been elected chair or deputy chair by their respective associations at a constituted AGM. Therefore the revised terms of reference require representatives of Hackney Carriage Associations must provide a copy of the minutes of their Annual General Meeting to the Licensing Authority along with a covering letter signed by the whole committee certifying that the minutes are a true record. These must be provided prior to the first meeting of the calendar year and updated if an AGM takes place during the course of the year.
- 9.3 In order to ensure that the Private Hire Trade representatives have the authority of representing their company, they would need to provide a letter from the owner of the company (or Managing Director) stating that they are authorised and delegated to act on behalf of the company at the taxi forum. This letter must be provided prior to the first meeting of the calendar year and updated if a change of representative takes place during the course of the year.

**10. How does the decision contribute to the Council's Corporate Plan?**

- 10.1 This decision contributes to a well-run council.

**11. What risks are there and how can they be reduced?**

- 11.1 This report seeks to improve the representation of the taxi forum and ensure

**12. What is the impact of the decision on health and wellbeing; safeguarding children, young people and adults with care and support needs, economy, safety and the environment?**

- 12.1 There is no impacts as a result of this report

**13. What other options are there, and why have they been dismissed?**

- 13.1 The Licensing Committee may amend the Terms of Reference as they see fit.

Author: Simon Lane, Environmental Health and Licensing Manager

**Local Government (Access to Information) Act 1972 (as amended)**

**Background papers used in compiling this report:-**

- 1)

Contact for enquires:  
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## TAXI FORUM

### TERMS OF REFERENCE

#### **1. Aim, Scope and Objectives**

##### **Aim**

- 1.1 To improve communication between Exeter City Council, licensed hackney carriage drivers and proprietors, licensed private hire vehicle drivers, proprietors and operators (trade representatives) and any other relevant agency which may be identified.

##### **Scope**

- 1.2 The Taxi Forum is not a decision making body. It will be used for first stage consultation on any proposals by either Exeter City Council or trade representatives. The responsibility for decision making with respect to taxi issues lies with the Council's Licensing Committee or an Officer of the Council to whom a taxi licensing decision making function has been delegated.

##### **Objectives**

- 1.3 A mechanism through which there can be discussion on any issues that have a direct or indirect bearing on the operation of the Taxi and Private Hire Vehicle Licensing in order to promote mutual understanding and co-operation,;
- 1.4 A regular opportunity for trade representatives to meet Officers and Councillors of the Licensing Authority as well as representatives of other agencies with an impact on the trade and customers;
- 1.5 An opportunity for the trade representatives to make suggestions and contribute positively to the development and improvement of the licensing provision outside the formal consultation processes;
- 1.6 An avenue for communication with Exeter City Council's Licensing Committee via the Committee's representative.

#### **2. Membership**

Chair: Chair of the Licensing Committee (or deputy)

Deputy Chair: Deputy Chair of the Licensing Committee

Other Members: Other members of the Licensing Committee

The Portfolio Holder

Principal Licensing Officer (or deputy)

Chair of the Exeter Taxi Association (or deputy)

Chair of the Exeter St David's Taxi Association (or deputy)

Representative from Apple Central

Up to 3 representatives from the Private Hire Trade (operators or drivers)

Neighbourhood Policing Inspector (or deputy)

Representative from the Taxi Marshals provider

Other individuals or groups may attend from time to time at the discretion of the chair

- 2.1 Representatives of Hackney Carriage Associations must provide a copy of the minutes of their Annual General Meeting to the Licensing Authority along with a covering letter signed by the whole committee certifying that the minutes are a true record. These must be provided prior to the first meeting of the calendar year and updated if an AGM takes place during the course of the year.
- 2.2 Representatives from the Private Hire Trade need to provide a letter from the owner of the company (or Managing Director) stating that they are authorised and delegated to act on behalf of the company at the taxi forum. This letter must be provided prior to the first meeting of the calendar year and updated if a change of representative takes place during the course of the year.

### **3. Meetings and Conduct of Business**

- 3.1 The Group will meet quarterly and may convene additional meetings as it deems appropriate.
- 3.2 Meetings will take place at the Civic Centre, Paris Street, Exeter unless agreed otherwise by the Group.
- 3.3 The Council will provide secretarial support to the Group including the timely distribution of agendas and minutes.
- 3.4 Agenda items will be submitted at least 10 days prior to meeting, agendas will be circulated 5 working days before the meeting. The forum will only discuss items which have been submitted for inclusion on the agenda. There will not be an 'any other business' agenda item.
- 3.5 Members must confirm attendance at least 7 days prior to a meeting. A meeting will not proceed unless at least 50% of members or their substitutes have confirmed their intention to attend. Where members cannot attend apologies should be given.
- 3.6 The Taxi Forum will support the interests of all its members and work in an open and transparent way with good communication between members and the organisations they represent
- 3.7 For a trade organisation to be effectively represented, it is important that they have a representative in attendance at meetings. Should a representative not be able to attend, the relevant organisation is entitled to send a deputy. Should an organisation not send a representative for 2 consecutive meetings, the organisation should inform the Chair with an explanation for their non-attendance. If the organisation does not inform the Chair or provide a reasonable explanation, their membership of the Forum may be revoked by the Chair in consultation with the Forum, until such time that they commit to improving their attendance record.

- 3.8 The Taxi Forum may establish a sub-group of at least 3 members to progress particular areas of work agreed by the membership. Working sub-groups can appoint their own chairperson who will be responsible for reporting back their findings to the main Forum for consideration. Sub-groups may co-opt members who are particularly relevant to the sub-group's area of investigation.
- 3.9 The representatives on the Taxi Licensing Forum should establish means for interacting with their representative groups and work to establish good communication.

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