



2002-2003  
*Neighbourhood Renewal*  
2004-2005  
*Supporting People*

## **BABERGH DISTRICT COUNCIL**

# **THE LICENSING ACT 2003 : STATEMENT OF LICENSING POLICY**

**Effective: 07 January 2005 until 07 January 2008  
(unless any revision required)**

## **ADDENDUM TO STATEMENT OF LICENSING POLICY**

- A. The Council confirms and clarifies that applicants for licences may complete the application forms and operating schedules as they think appropriate given the nature and type of establishment they are running. Any examples of control measures in the Statement of Licensing Policy are not intended to be prescriptive or limiting in any way.
- B. The Licensing Authority confirms and clarifies that its decision making role is only engaged when a relevant representation is made in respect of an application. If a relevant representation is received, a meeting of the Licensing Sub-Committee acting as a Hearing Panel will consider the application. No Hearing will be required where an application has been lawfully made and there are no relevant representations from any of the Responsible Authorities or interested parties. No Hearing will be required where all relevant representations are subsequently withdrawn and all parties agree no hearing is required.
- C. The Council has prepared a Procedure Note for the conduct of Licensing Act 2003 Hearings. This is available to members of the public upon request and will also be provided with the hearing report and papers. The Procedure is intended to aid the Chairman in the conduct of Hearings and may be varied at the Chairman's discretion.
- D. The Licensing Authority wishes so far as possible, to work in partnership with Responsible Authorities and representatives of existing licence holders and registration certificates to minimise the burden on all those involved and to ensure that the arrangements work satisfactorily and successfully.

AGREED BY COUNCIL ON 6 SEPTEMBER 2005

## INTRODUCTION

With the introduction of the Licensing Act 2003, the Government is putting in place a more flexible and responsive system of licensing in England and Wales that gives consumers the opportunity to enjoy greater choice in how they spend their leisure time and offers leisure businesses more flexibility and greater responsibility in how they provide facilities for licensable activities. The Act also puts in place measures that will help to address any concerns of residents and businesses in the vicinity of licensed premises. The focus of the legislation is firmly on promoting the four licensing objectives of:

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

The legislation integrates six existing licensing regimes covering the sale and supply of alcohol, the provision of regulated entertainment, the provision of late night hot food or drink, night café, theatres and cinemas. To sell alcohol or provide a wide range of leisure facilities a premises licence will be required and inside each premises licensed to sell alcohol there must be a personal licence holder to authorise that sale or supply.

## THE BABERGH DISTRICT

Babergh is an attractive district in the southern part of Suffolk and has a long border with the county of Essex. Whilst it remains very rural, it is within close and convenient distance of London and the Continent. The district has a population of approximately 84,000 residents divided between 76 parishes. It covers an area of 230 square miles and contains several areas retaining much of their original outstanding character and appearance - including the nationally renowned villages of Lavenham and Long Melford.

The largest town in Babergh is Sudbury which, along with its neighbouring village of Great Cornard, has a population of approximately 20,000. The other market town of Hadleigh - where the Council's offices are located - has a population of approximately 7,000. Ipswich (10 miles from Hadleigh) is now spilling over into the district, and has a population of 130,000 people.

Ease of communications and the attractiveness of Suffolk generally make the district a very popular place to live and work. The area is largely devoted to arable agriculture, but there are a number of areas that support light and medium industry. The main licensing activity arises as a consequence of the large leisure and tourism industry. A significant number of leisure businesses in the area are involved in catering in public houses, hotels and restaurants. All are under economic pressure within the community, as a result of which many are seeking to diversify. Many traditional public houses will now offer both food and entertainment to improve their economic viability.

Although it is unlikely that there are any areas within the district that could be said to have experienced major problems as a result of excessive numbers of licensed premises, care will be taken within the general terms of this Statement of Licensing Policy to ensure that any potential negative impacts are minimised or eliminated.

## STATEMENT OF LICENSING POLICY

This policy was adopted by the Council on 19 October 2004 and is effective during the period 07 January 2005 until 06 January 2008 inclusive.

### 1. Licensing Objectives

- 1.1 This policy must be read in conjunction with the Licensing Act 2003 (the Act), secondary legislation and the Guidance issued under s.182 of the Licensing Act 2003 (the Guidance).
- 1.2 In preparing this statement the Council has consulted in accordance with the Act, having regard to the Guidance. For details of the consultation see Minute No.16 of the Council meeting held on 19 October 2004.
- 1.3 The Council recognises that balancing the interests of owners, employees, customers and neighbours of licensable premises will not always be straightforward, but it will always be guided by the four principal objectives of the Act:
  - a) the prevention of crime and disorder;
  - b) the prevention of public nuisance;
  - c) ensuring public safety; and
  - d) protection of children from harm

#### **The Council's approach to addressing these four objectives is set out in section 14**

- 1.4 In exercising its licensing functions, the Council will consider the direct impact of the licensable activities on members of the public living, working or engaged in normal activity in the area concerned.
- 1.5 The Council wishes to protect the amenity of residents and other businesses from the potential consequence of the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.
- 1.6 The aims of this Statement of Licensing Policy are to:
  - a) Help build a fair and prosperous society that balances the rights of individuals and their communities
  - b) Integrate the Council's aims and objectives with other initiatives and strategies that will:
    - reduce crime and disorder;
    - encourage tourism and cultural diversity;
    - reduce alcohol misuse;
    - encourage the self sufficiency of local communities; and
    - reduce the burden of unnecessary regulation on business.
- 1.7 This Statement of Policy does not seek to undermine the right of any individual to apply under the terms of the Act for a variety of permissions and to have such an application considered on its individual merits. It does not seek to override the right of any person to make representations on or about an application or seek a review of a Licence or Certificate where provision has been made for them to do so in the Act.
- 1.8 The licensing process can only seek to control those measures within the control of the licensee, and in the vicinity of the premises involved in licensable activities. Licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are away from such premises and beyond the direct control of the licence holder.

## **2. Purpose of the Licensing Policy**

2.1 The purpose of this licensing policy is to:

- inform the elected Members serving on the Licensing Committee of the parameters within which licensing decisions can be made;
- inform applicants, residents and businesses of the parameters within which the Council will make licensing decisions;
- inform residents and businesses about how the Council will make licensing decisions; and
- provide a basis for decisions made by the Council if these decisions are challenged in a court of law.

2.2 This policy relates to the following licensable activities as defined in the Act:

- Retail sale of alcohol ;
- The supply of alcohol by or on behalf of a club, or to the order of a member of the club
- The provision of regulated entertainment, which includes:
  - a performance of a play
  - an exhibition of a film
  - an indoor sporting event
  - a boxing or wrestling entertainment (indoors and outdoors)
  - a performance of live music
  - any playing of recorded music
  - a performance of dance
  - entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance
- The provision of late night refreshment

2.3 The Council will have due regard to the intention of the Act to contribute to the overall economy of the district and in particular to the potential benefits of longer opening hours.

## **3. Other legislation, strategies and guidance**

3.1 When carrying out its functions the Council must comply with other legislation, for example:

- Crime and Disorder Act 1998; and
- The European Convention on Human Rights, given effect by the Human Rights Act 1998.

3.2 The licensee is responsible for compliance with any other statutory requirements which may apply.

3.3 The Council will seek to avoid duplication with other regulatory regimes when dealing with the licensing function.

3.4 The Council will take account of any non-compliance with other statutory requirements brought to its attention, where these undermine the licensing objectives set out at paragraph 1.3.

3.5 Other Council and Government policies, strategies, responsibilities, and guidance documents may also be taken into account in order to complement this Licensing Statement, and the Council will liaise with the relevant authorities or its directorates with regard to these.

3.6 It is the Council's intention that it will, through its Licensing Committee monitor how the matters set out in 3.5 above impact on the Council's Licensing and other functions, in order to integrate its licensing function with other relevant strategies.

- 3.7 The Council may, in appropriate circumstances, consider seeking from the Licensing Authority premises licences in its own name for its own public spaces within the community.

#### **4. Relationship with Planning Process**

- 4.1 Any premises for which a licence is required should have either:
- a) planning consent; or
  - b) lawful use under the planning legislation.
- In order to operate lawfully under the conditions of any licence granted under the Act .
- 4.2 The Council will avoid treating licensing applications as a re-run of planning applications, but will not normally:
- reach a decision which conflicts with a planning decision or permission granted on appeal; or
  - impose licensing conditions where the same conditions have been imposed on a planning consent.

#### **5. Cumulative Impact**

- 5.1 The Council recognises that the cumulative effect of licensed premises may have consequences which include:
- An increase in crime against both property and persons;
  - An increase in noise causing disturbance to residents;
  - Traffic congestion and/or parking difficulties; and
  - An increase in littering and fouling.
- and that enforcement action taken to ensure that conditions are complied with may not resolve all the problems experienced in the vicinity of these premises.
- 5.2 Licensing is only one means of addressing the problems identified above. Other mechanisms include:
- Planning controls;
  - Powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly and confiscation of alcohol in these areas;
  - Police powers to close down premises or temporary events for up to 24 hours on the grounds of disorder, the likelihood of disorder or excessive noise;
  - Prosecution of personal licence holders who sell alcohol to people who are drunk or underage;
  - Powers of the Police, responsible authorities or a local resident or business to seek a review of a premises licence or certificate; and
  - Local authority powers under Part 5 of the Anti-Social Behaviour Act 2003.
- 5.3 Where the Council is satisfied that there is a disproportionate detrimental effect on neighbouring businesses and residents and the operation of a number of premises in a defined area has the effect of undermining the licensing objectives, a special policy may be developed.
- 5.4 When setting such a policy, the Council will have regard to the Guidance, and will follow the consultation, adoption and review procedures applicable to the licensing statement.
- 5.5 No special policy adopted for a specific area will be absolute, each application will be considered properly on its own merits.

#### **6. Licensing Hours**

- 6.1 The Council, through the exercise of its licensing function, will not seek to restrict the trading hours of any particular premises unless this is necessary to promote one or more of the licensing objectives.

- 6.2 In the absence of special reasons, the Council will permit licensed retail outlets to sell alcohol throughout their general trading hours.
- 6.3 Irrespective of the hours of operation granted for a premises under any licence under the Act, the premises should have either:
- a) planning consent; or
  - b) lawful use under the planning legislation.
- In order to operate lawfully.

## 7. Relevant Representations

- 7.1 A relevant representation is one that is made in writing and:
- Is about the likely effect of a licence on the promotion of the licensing objectives;
  - has been made by a responsible authority or interested party within the prescribed period of notices being served;
  - has not been withdrawn; and
  - has not been determined by the Council as frivolous, vexatious or repetitious

- 7.2 The Licensing Authority will determine whether:
- the representation has been made by an interested party as defined under the Act; and
  - any ordinary and reasonable person would consider the issue raised in a representation as frivolous, vexatious or repetitious.

An interested party aggrieved by a rejection of his representations on these grounds may challenge the authority's decision by way of judicial review.

- 7.3 Where a relevant representation is made in respect of:
- an application; or
  - an existing licensed premises
- a hearing will be held, unless an agreement is reached between the Licensing Authority, the applicant and all of the parties who have made relevant representations, that a hearing is not required.

## 8. Administration, Exercise and Delegations of Functions

- 8.1 The Council has adopted the following level of delegation of functions :

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If a police objection	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/ club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Applications for interim authorities		If police objection	All other cases

Application to review premises licence/ club premises certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc			All cases in consultation with the chair, vice chair or another member of the Licensing Committee.
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a police representation to a temporary event notice		All cases	

8.2 Where no representations are received the Council will approve the application under authority delegated to an officer.

## 9. Hearings

*subject to Regulations issued under s.183 of the Act, the Council's policy is:*

- 9.1 Where a hearing is held a summary of any representations will be put before the Licensing Sub-Committee. The representations, including the name and address of the person making them, will be part of a public document.
- 9.2 The hearing will be conducted in accordance with the Council's published procedure, which the Council will include in its guidance for applicants.
- 9.3 Where an application is determined at a hearing, the Licensing Sub-Committee will give appropriate weight to the:
- argument and evidence presented by all parties ;
  - the Guidance;
  - Council's Statement of Licensing Policy; and
  - steps necessary to promote the licensing objectives set out at paragraph 1.3 above.

## 10. Conditions

- 10.1 The Act makes provision for certain mandatory conditions (sections 19-21) which are summarised below:
- Where a premises licence authorises the sale or supply of alcohol, no supply may be made at any time when there is:
    - No designated premises supervisor in respect of the licence; or
    - At a time when the designated premises supervisor does not hold a personal licence or it is suspended.
  - Where a premises licence authorises the exhibition of films, the licence must include a condition requiring that the admission of children is restricted in accordance with the recommendation of the film classification body, or where varied, the film classification awarded by the Council.  
(n.b. The Council may either award a classification to an unclassified film or vary the classification of a film upon application in accordance with its policy).
  - Where a licence includes a condition requiring that one or more individuals are present at the premises to carry out security activities, the licence must include a condition requiring such individuals to be licensed by the Security Industry Authority.  
(n.b. this does not apply to premises with licences authorising plays or films, premises used exclusively by a club with a club premises certificate, premises used under a temporary event notice or under a gaming licence).

- The Council may not attach to a licence authorising the performance of plays any condition which restricts the nature or manner of performing those plays (other than on the grounds of public safety).

10.2 With the exception of the above mandatory conditions, the Council will only attach conditions to a premise licence or club premises certificate where these:

- are consistent with the issues addressed in the operating schedule which the applicant submits in support of their application; and
- are necessary for the promotion of the licensing objectives.

10.3 Whilst the Council will seek to avoid attaching standardised conditions to a premises licence or club premises certificate, the Council will include in its guidance for applicants a pool of conditions from which necessary proportionate conditions may be drawn in particular circumstances.

## **11. Appeals**

11.1 Entitlement to appeal against any decision of the Council is set out in Schedule 5 of the Act.

## **12. Enforcement**

12.1 Where necessary, enforcement action will be taken in accordance with the National Enforcement Concordat and the Council's Enforcement Policy. These are appended to this Statement of Licensing Policy and may be subject to periodic amendment.

12.2 The emphasis will be upon a risk assessed approach to inspections, concentrating on those premises which either:

- present a greater risk;
- have a history of non-compliance with conditions; or
- demonstrate poor management practice which undermines the licensing objectives.

12.3 The Council has adopted a joint enforcement protocol with the:

- Suffolk Constabulary;
- Suffolk Fire and Rescue Service;
- Suffolk County Council Trading Standards;
- Crown Prosecution Service;
- Customs and Excise; and
- Marine and Coastal Authority

12.4 The Council will normally act as the enforcing authority in respect of offences under the Act, unless the circumstances of the particular case are such that it is appropriate for another responsible authority or Suffolk County Council Trading Standards to act instead.

12.5 The Suffolk Constabulary will retain responsibility as the enforcing authority in respect of the following offences under the Act:

- S.97 Power to enter and search
- S.143 Failure to leave
- S.155 Confiscation of alcohol; and
- Part 8 offences with respect to closure of premises.

12.6 Where expedient for the promotion or protection of the interests of the inhabitants of their area, the Council may also take action under Section 222 of the Local Government Act 1972, and other relevant provisions including Section 40 of the Anti-Social Behaviour Act 2003.

## **13. Closure Orders**

- 13.1 Where the Magistrates' Court has determined to exercise any of its powers in respect of closure orders under any existing legislation, the Council will:
- Serve notices on the premises licence holder and responsible authorities and advertise the review in accordance with the regulations;
  - hold a hearing in accordance with the procedure outlined in section 9 above to review the premises licence; and
  - determine the review within 28 days of receipt of the notice of the closure order from the Magistrates' Court.
- 13.2 When determining a review following the notice of a closure order, the Council will consider:
- the closure order and any extension of it;
  - any order under s.165(2); and
  - any relevant representations.
- 13.3 The Council will notify the licence holder, the Chief Officer of Police and any person who made relevant representations of the outcome of the review hearing. The Council may suspend the operation of its decision until the end of the period given to appeal, or until the appeal is disposed of (if not already suspended by the Magistrates' Court).

## **14. Addressing the Licensing Objectives**

- 14.1 In respect of each of the four licensing objectives, applicants will need to provide evidence to the Council that suitable and sufficient measures, as detailed in their Operating Schedule, will be implemented and maintained, relevant to the individual style and characteristics of their premises and events. Reference will need to be made as to whether additional measures will be taken on an occasional or specific basis such as when a special event or promotion is planned, which is intended to, or likely to attract larger audiences.

### **14.2 Prevention of Crime and Disorder**

- 14.2.1 This Council is committed to further improving the quality of life in its area by continuing to reduce crime and the fear of crime. To this end, the Council will work with Suffolk Constabulary to require licensees to demonstrate that factors within their control which impact on crime and disorder have been considered, specifically:
- underage drinking ;
  - drunkenness on premises ;
  - drunkenness in public ;
  - drugs ;
  - violent behaviour; and
  - anti-social behaviour
- 14.2.2 Section 17 of the Crime and Disorder Act 1998 imposes a duty on each local authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.
- 14.2.3 In order to promote the prevention of crime and disorder, this Council requires licence holders to become active partners with the Council to achieve this objective. Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of their premises.
- 14.2.4 When addressing the issue of crime and disorder, the applicant must demonstrate that those factors that impact on crime and disorder have been considered. These may include, but are not limited to factors identified at paragraph 14.2.1 above

14.2.5 The following examples of control measures are given to assist applicants when developing their Operating Schedule, having regard to their particular type of premises and/or activities:

- Effective and responsible management of premises
- Capacity limits (including prevention of overcrowding)
- Training and supervision of staff
- Adoption of best practice guidance (e.g. Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit and other voluntary codes of practice, including those relating to drinks promotions such as The Point of Sale Promotions published by BBPA, and the Portman Group)
- Useage of accredited 'proof of age' schemes and/or photo-id driving licences with photographs
- Signing up to a Nightsafe or Pubwatch scheme where it is in operation
- Provision of effective CCTV in and around premises
- Employment of Security Industry Authority licensed door staff
- Provision of toughened or plastic glasses
- Provision of secure, deposit boxes for confiscated items ('sin bins')
- Provision of litter bins and other security measures, such as lighting, outside premises

14.2.6 Within the operating schedule for premises from which alcohol will be sold, a Premises Supervisor must be designated ('Designated Premises Supervisor' DPS). The Council will expect the DPS to have been given the day to day responsibility for running the premises by the premises licence holder, and, as such, to be the first point of contact for authorised officers. The Council will also expect the DPS, in addition to holding a personal licence, to have experience commensurate with the nature and style of entertainment provided and the capacity of the premises. In exceptional circumstances, the police may object to the designation of a new premises supervisor where they believe that such appointment would undermine the crime prevention objective.

14.2.7 Where the police object to an individual being appointed as a Designated Premises Supervisor, the Council will arrange for a hearing at which the issue can be considered and both parties may put their arguments. This will be held in accordance with the procedure outlined in section 9 above.

14.2.8 The Licensing Sub-Committee considering the matter will confine their consideration to the issue of crime and disorder.

14.2.9 Certain temporary events (see section 18 below) must be notified to the Council using the Temporary Event Notice procedure. Depending on the nature and location of such events these may, on occasion, have serious crime and disorder implications. Organisers of these events are encouraged to submit their notification as soon as reasonably practicable to enable the police and the Council to work with them to identify and reduce the risk of crime and disorder.

### **14.3 Public Safety**

14.3.1 The Licensing Authority is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. To this end, applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety.

14.3.2 When addressing the issue of public safety, an applicant must demonstrate that those factors that impact on the standards of public safety have been considered. These may include, but are not limited to:

- the occupancy capacity of the premises (including staff and performers)

- the age, design and layout of the premises, including means of escape in the event of fire
- the nature of the licensable activities to be provided, in particular the sale or supply of alcohol, and including whether those activities are of a temporary or permanent nature
- the hours of operation (differentiating the hours of opening from the hours when licensable activities are provided, if different)
- customer profile (such as age or disability)
- the use of special effects such as lasers, pyrotechnics, smoke machines, foam machines, etc.

14.3.3 The following examples of control measures are given to assist applicants when preparing their operating schedules, having regard to their particular type of premises and/or activities. These are not exhaustive, but include:

- Suitable and sufficient risk assessments
- Effective and responsible management of premises
- Provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons
- Appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and patrons
- Adoption of best practice guidance (for example, Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit and other voluntary codes of practice, including those relating to drinks promotions e.g. The Point of Sale Promotions published by BBPA, and the Portman Group)
- Adoption of best practice guidance
- Provision of effective CCTV in and around premises
- Provision of toughened or plastic glasses
- Implementation of crowd management measures
- Monitoring arrangements such as door staff, attendance clickers or maintenance of attendance records
- Regular testing (and certification where appropriate) of procedures, appliances, systems etc. pertinent to safety

14.3.4 The design and layout of premises are important in determining capacity, as is the availability and size of exits within recommended travel distances. Other factors should also be considered when assessing the appropriate capacity for premises or events. These include, but are not limited to:

- the nature of the premises or event
- the nature of the licensable activities being provided
- the provision or removal of such items as temporary structures, (for example, stages, or furniture)
- the number of staff available to supervise customers both ordinarily and in the event of an emergency
- instruction, training and supervision of staff
- the age of the customers
- the attendance by customers with disabilities, or whose first language is not English
- availability of suitable and sufficient sanitary accommodation
- nature and provision of facilities for ventilation

14.3.5 The agreement to a capacity limit for a premises or events should not be interpreted as a requirement to also provide permanent monitoring arrangements. The Council recognises that the person in charge at the premises can often readily assess the capacity of premises without resort to such measures. However, where the capacity is likely to be reached (such as on known busy evenings) and particularly where a special event or promotion is planned, the applicant will be expected to detail the additional arrangements that will be put in place to ensure that the capacity of the premises is not exceeded.

## **14.4 Prevention of Public Nuisance**

- 14.4.1 Licensed premises may have a significant potential to impact adversely on communities through public nuisances that arise from their operation.
- 14.4.2 The Council interprets “public nuisance” in its widest sense, and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in the vicinity of a premises.
- 14.4.3 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance, relevant to the individual style and characteristics of their premises and events.
- 14.4.4 The Council expects the licensee to apply a high standard of control to mitigate the effects of any public nuisance that may arise from their operation of the premises where:
- They are situated in a residential area; or
  - Where extended opening hours are proposed.
- 14.4.5 When addressing the issue of prevention of public nuisance, the applicant must demonstrate that those factors that impact on the likelihood of public nuisance have been considered. These may include, but are not limited to:
- the location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices and places of worship
  - the hours of operation, particularly between 23.00 and 07.00
  - the nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside
  - the design and layout of premises and in particular the presence of noise limiting features
  - the occupancy capacity of the premises
  - the availability of public transport
  - ‘wind down period’ between the end of the licensable activities and closure of the premises
  - last admission time
- 14.4.6 The following examples of control measures are given to assist applicants when preparing their operating schedules, having regard to their particular type of premises and/or activities. These are not exhaustive, but include:
- Effective and responsible management of premises
  - Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance
  - Control of operating hours for all or parts (such as garden areas) of premises, including such matters as deliveries
  - Adoption of best practice guidance (such as the Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by the Institute of Acoustics, Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit and other voluntary codes of practice, including those relating to drinks promotions)
  - Installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices
  - Management of people, including staff, and traffic (and resulting queues) arriving and leaving premises
  - Liaison with public transport providers
  - Siting of external lighting, including security lighting

- Management arrangements for collection and disposal of litter
- Effective ventilation systems to prevent nuisance from odour

## 14.5 Protection of Children from Harm

- 14.5.1 The move towards giving accompanied children greater access to licensed premises made possible by the Act may bring about a social change in family friendly leisure. This relaxation places additional responsibilities upon licence holders, but it is also recognised that parents and others accompanying children also have responsibilities.
- 14.5.2 The protection of children from harm includes the protection of children from moral, psychological and physical harm and, in relation to the exhibition of films, or transmission of programmes or videos, this includes the protection of children from exposure to strong language and sexual expletives or acts. In certain circumstances children are more vulnerable and their needs require special consideration. This vulnerability includes their susceptibility to suggestion, peer group influences, inappropriate examples, the unpredictability of their age and their lack of understanding of danger.
- 14.5.3 When considering an application for a premises licence and any options appropriate to prevent harm to children, the Council will take into account the nature of the activities proposed to be provided and the history of a particular premises, which may include, but not be limited to:
- the purchase, acquisition or consumption of alcohol
  - exposure to drugs, drug taking or drug dealing
  - exposure to gambling
  - exposure to activities of an adult or sexual nature
  - exposure to incidents of violence or disorder
- 14.5.4 The Council will not:
- impose conditions requiring the admission of children to any licensed premises; or
  - limit the access of children to licensed premises, or parts thereof, unless necessary for their protection from harm.
- The council considers that, unless restriction of access is necessary to protect children from harm, this is a matter for the discretion of the licensee.
- 14.5.5 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to protect children from harm.
- 14.5.6 In these circumstances, conditions may be attached to any licence to:
- (a) Limit the hours when children may be present;
  - (b) Restrict the age of persons permitted on the premises;
  - (c) Limit or exclude when certain activities may take place; or
  - (d) Require an accompanying adult;
- 14.5.7 The following examples of control measures are given to assist applicants when preparing their operating schedules, having regard to their particular type of premises and/or activities. These are not exhaustive, but include:
- Provision of a sufficient number of people employed or engaged to secure the protection of children from harm
  - Appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm
  - Adoption of best practice guidance (Public Places Charter)
  - Limitations on the hours when children may be present in all or parts of the premises

- Limitations or exclusions by age when certain activities are taking place (see 14.5.3 above)
- Imposition of requirements for children to be accompanied by an adult
- The presence of an adequate number of adult staff to control the access and egress of children and to protect them from harm whilst on the premises
- An adequate number of adult staff to be responsible for the child performers.
- Useage of accredited 'proof of age' schemes and/or photo-id driving licences.

14.5.8 Where film exhibitions are given at premises, licensees must ensure that children are restricted from viewing age-restricted films classified according to the British Board of Film Classification, or by the Council.

14.5.9 The Council recognises Suffolk Constabulary Child Protection Teams as being competent to advise on matters relating to the protection of children from harm. The contact details are set out in the Guidance to Applicants.

14.5.10 Trading Standards and the Suffolk Constabulary, in conjunction with other appropriate agencies may, through making purchases, test the compliance of retailers with the prohibition on underage sales.

## **15. Personal Licences**

*subject to Regulations issued under s.117 and s.133 of the Act, the Council's policy is:*

15.1. The Council will grant a personal licence if the applicant has met the requirements set out in the Act and no objections are received.

15.2 Where an applicant is found to have an unspent conviction for a relevant offence or a foreign offence, and the police object to the application on crime prevention grounds, the application will be referred to the Licensing Committee or one of its sub-committees.

15.3 Any hearing will be held in accordance with the procedure outlined in section 9 above.

## **16. Applications for Premises Licences**

*subject to Regulations issued under s.17 and s.54 of the Act, the Council's policy is:*

16.1 The Council provides a written guide to making an application, available free of charge.

16.2 Pre-application discussions with responsible authorities are encouraged to assist applicants to develop their operating schedule in a way which is likely to promote the licensing objectives.

16.3 The Council will make provision for a negotiation procedure to mediate between the applicant, responsible authorities and interested parties where relevant representations are made, within the restrictions of the statutory time limits.

16.4 An application can be made to the Council for any place within its area to be used for licensable activities or recognised club activities. The application must be accompanied by:

- a) The required fee;
- b) Risk Assessments appropriate to the nature of the proposed operation (a template is provided in the Guidance for Applicants);
- c) An Operating Schedule;
- d) plan of the premises, in accordance with Appendix A; and
- e) If it is intended to sell alcohol, a form of consent given by the person the applicant wishes to have specified in the Premises Licence as the Designated Premises Supervisor.

- 16.5. The Operating Schedule must include a statement of:
- a) The relevant licensable activities, including a description of the style and character of the business and activities to be conducted on the premises ;
  - b) The times during which the applicant proposes that the relevant licensable activities are to take place;
  - c) Any other times during which the applicant proposes that the premises are to be open to the public;
  - d) Where the applicant wishes the licence to have effect for a limited period, that period;
  - e) Where the relevant licensable activities include the sale by retail of alcohol, the name and address of the individual whom the applicant wishes to have specified as the Designated Premises Supervisor and a copy of his or her Personal Licence;
  - f) Where the relevant licensable activities include the sale by retail of alcohol, whether such sales are proposed to be for consumption on the premises or off the premises, or both;
  - g) The steps which the applicant proposes to take to promote the licensing objectives; and
  - h) Any other prescribed matters.
- 16.6 Where relevant representations are received about an application, the application will be referred to the Licensing Sub-Committee, which will be held in accordance with the procedure outlined in section 9 above.

## **17. Club Premise Certificates**

*subject to Regulations issued under s.71, s.91 and s.92 of the Act, the Council's policy is:*

- 17.1 Paragraphs 16.1 to 16.3 above apply
- 17.2. An application for a Club Premises Certificate must be accompanied by:
- a) The relevant fee;
  - b) Risk assessments appropriate to the nature of the proposed operation
  - c) The Club Operating Schedule;
  - d) A plan of the premises in accordance with Appendix A;
  - e) A copy of the rules of the Club;
  - f) Evidence that the Club is a qualifying Club (see the Guidance to Applicants).
- 17.3 The Club Operating Schedule must contain the following:
- a) Details of the recognised Club activities to which the application relates;
  - b) The times during which it is proposed the recognised Club activities take place;
  - c) Any other times during which it is proposed the premises are open to members and their guests;
  - d) The steps which it is proposed to take to promote the licensing objectives; and
  - e) Any other prescribed matters.
- 17.4. Where relevant representations are received in respect of an application, the application will be referred to the Licensing Committee or one of its sub-committees. which will be held in accordance with the procedure outlined in section 9 above

## **18 Temporary Events Notices (TEN)**

- 18.1 The Act sets out the terms and conditions under which an application for a TEN may be made.
- 18.2. Where a TEN complies with the statutory requirements, and the Suffolk Constabulary has not submitted an objection notice to the Council within the prescribed time, the Council will record the notice in its register and send an acknowledgement to the premises user. The

event may then proceed in accordance with the submission in the Temporary Event Notice.

18.3 Where the Suffolk Constabulary issue an objection notice, the Council will consider this at a hearing (unless the objection notice is withdrawn before the hearing date). The hearing will be confined to consideration of the crime and disorder objective and will be held in accordance with the procedure outlined in section 9 above

18.4 The licensing authority will notify the applicant of its decision at least 24 hours before the beginning of the event period specified in the temporary event notice.

## **19. Provisional Statements**

*subject to Regulations issued under s.29 and s.30 of the Act, the Council's policy is:*

19.1. The Act sets out the terms and conditions under which an application for a provisional statement may be made.

19.2 Where a Provisional Statement has been issued and a person subsequently applies for a Premises Licence in respect of the premises in accordance with the provisions of the Licensing Act and:

- a. Given the information in the application for a Provisional Statement the person objecting could have made the same, or substantially the same, representations about the application but failed to do so without reasonable excuse; and,
  - b. There has been no material change in circumstances relating either to the relevant premises or to the area in the vicinity of those premises.
- representations made by a person to the Council will not be taken into account.

## **20. Variations of Licences**

*subject to Regulations issued under s.34, s.37 and s.84 of the Act, the Council's policy is:*

20.1. An application for a variation of a premises licence will be required where any change to the premises has an impact on any of the four licensing objectives.

20.2. If relevant representations are made and not withdrawn the Council will hold a hearing which will be held in accordance with the procedure outlined in section 9 above and at that hearing which the Council may:

- a) Grant the application as applied for, subject only to any conditions consistent with the operating schedule and any relevant mandatory conditions;
- b) Modify the conditions (either by means of omission, inclusion or amendment) of the Licence; or
- c) Reject the whole or part of the application.

20.3. The Council may vary a Premises Licence so that different conditions may apply to:

- a) Different parts of the premises concerned; and
- b) Different licensable activities.

20.4 Where the police submit an objection to an application to vary a Designated Premises Supervisor because they consider that the circumstances are such that granting it would undermine the Crime and Disorder Objective a hearing will be held in accordance with the procedure outlined in section 9 above.

## **21. Transfer of Premises Licences**

*subject to Regulations issued under s.42 of the Act, the Council's policy is:*

21.1. Where an application is made under the Act for a transfer of a licence for any reason and the Police submit an objection to an application, the Council will hold a hearing in

accordance with the procedure outlined in section 9 above. This hearing will be confined to consideration of the crime and disorder objective and the application may be rejected where the Council considers it necessary for the promotion of the crime prevention objective to do so.

## **22. Reviews**

*subject to Regulations issued under s.51, s.87 and s.167 of the Act, the Council's policy is:*

- 22.1 The review of a premises licence or club premises certificate is a key protection for the community where problems associated with one or more of the licensing objectives are occurring.
- 22.2 Where relevant representations are made about a current licence the Council will hold a hearing which will be held in accordance with the procedure outlined in section 9 above to consider them unless:
- a) the representation is considered to be a repetition (that is, identical or substantially similar to a ground specified in an earlier application for a licence, provisional statement or review); or
  - b) The Council, the applicant and everyone who has made representations agree that the hearing is not necessary.
- 22.3 A review of the premises licence will normally also follow:
- a) any action by the Police to close down the premises for up to 24 hours on grounds of disorder or public nuisance; or
  - b) any action taken by the magistrate's court.
- 22.4 Following a hearing, the Council will take such steps as it considers necessary to promote the licensing objectives, which may include:
- a) modifying the conditions of the licence (by inclusion, amendment or omission);
  - b) excluding a licensable activity from the scope of a licence;
  - c) removing a designated premises supervisor;
  - d) suspending the licence for a period not exceeding three months; or
  - e) revoking the licence.
- 22.5 The outcome of the hearing will not have effect until such time as the period given for appealing (21 days) expires or an appeal is disposed of.

## **23. Transitional Arrangements – Premises Licences**

- 23.1. The Act, and any regulations made, set out the terms and conditions under which an application for a provisional licence under transitional arrangements may be made.
- 23.2 Where a notice of objection from the Police is received by the Council within the 28 days, the application for the licence will be referred to a hearing which will be held in accordance with the procedure outlined in section 9 above, unless the Council, the applicant and the Police consider a hearing unnecessary.
- 23.3 Where a hearing is held, the Council will, if it considers it is necessary for the promotion of the Crime and Disorder Objective:
- a) reject the application, where the application is in respect of only one current licence; or
  - b) in any other case, reject the application to the extent that it relates to that particular current licence.
- 23.4 When determining an application, the Council will only attach conditions to any new licence preventing the sale of alcohol during the hours designated under the liquor licence, if:

- a) there has been a material change in circumstances since the existing licence was granted or renewed; and
- b) the Council has received a relevant representation from the Police that for the purposes of promoting the Crime and Disorder Objective the new premises licence ought to restrict the hours when the sale of alcohol is authorised.

23.5 The Council will have regard to any provisional grant of a justices licence under s.6 of the Licensing Act 1964 where that grant has not been declared final and the premises has been completed in a way which substantially complies with the plans deposited or any modifications consented to under that Act.

## **24. Transitional Arrangements – Club Premises Certificates**

24.1 An application for the grant of a new Club Premises Certificate must be made in accordance with the Act and any regulations.

24.2 Where the Council receives a notice from the Chief Officer of Police which indicates that the Suffolk Constabulary considers that to convert the existing club certificate to a new licence would undermine the crime prevention objective, the Council will hold a hearing which will be held in accordance with the procedure outlined in section 9 above.

## **25. Transitional Arrangements – Personal Licences**

25.1 An application for the grant of a personal licence must be made in accordance with the Act and any regulations.

25.2 Where an objection notice is received within the statutory time and is not withdrawn, the Council will hold a hearing which will be held in accordance with the procedure outlined in section 9 above to determine the application.

25.3 Having regard to the notice the Council will:

- a) Reject the application where it considers it necessary for the promotion of the Crime and Disorder objective; or
- b) Grant the application in any other case.

## Appendix A Guidance for Submission of Plans

### Guidance for Submission of Plans

Plans are required by statute and regulations and they enable the Responsible Authorities (and sub-committees) to understand clearly the proposals being made. In order to achieve a consistent scale and standard of drawing, you are asked to submit plans in accordance with the following guidance, which addresses the specific requirements of the regulations.

1. Scale – Plans should be drawn in ink on durable paper to a scale of 1:100, or, where agreed following a request, 1:200, or in the case of public spaces, 1:2500. The plan should indicate each area of the premises which is required to be licensed. This includes all areas which may be accessed by the public during a licensed event.
2. To comply with the regulations, each plan should be schematic, indicating the positions of:
  - The boundary of the building or premises, and any external and internal walls and, if different, the perimeter of the premises;
  - The location of access and egress points to and from the premises
  - The location of escape routes from the premises (if different from exits);
  - The location of each licensable activity for which the premises is to be used (the licensable activities and a sample legend are attached for information)
  - Where alcohol is to be served on the premises, the location(s) on the premises which are to be used for the consumption of alcohol (include any outside areas);  
*(n.b. you need only show this where you are applying for a conversion of your licence under the transitional provisions)*
  - Fixed structures (including furniture) or similar objects temporarily in a fixed location (for example, stage lighting towers, herring fencing, generators, portable dance platforms and poles) which may impede the use of exits or escape routes;
  - The location and height of any stage or raised area relative to the floor;
  - The location of any steps, stairs, elevators or lifts;
  - The location of any room or rooms containing public conveniences;
  - The location of any kitchen on the premises; and
  - The location and type of any fire safety and any other safety equipment (*e.g. marine safety equipment*), which may include, but is not limited to:
    - Fire exit doors
    - Manual fire alarm call point
    - Fire alarm sounders and automatic fire detection equipment if appropriate
    - Fire Exit signs appropriate to premises layout
    - Emergency lighting units (including internally illuminated Fire Exit signs)
    - Portable fire fighting equipment (fire extinguishers/blankets appropriate to risk)
    - Panic bolts/push bar fastenings
    - Fire escape keep clear notice
    - Fire alarm control panel
    - Self closing device and fire door keep shut notice.
    - Fire resisting construction and fire doors

A sample legend of fire safety equipment is attached.

3. Further information, which will assist Responsible Authorities in assessing your application, but which is not required under the regulations, is set out below:
  - Site maps – Where applicants consider that it would be beneficial to produce one, they should apply a scale and distance that is appropriate to the application and the area concerned.
  - The plan could be accompanied by relevant risk assessments to supplement the details shown.
  - An indication of any fire resisting walls which form part of the internal structure of the building
  - An indication of any temporary seating arrangements, indicating their position in relation to the fire exits and escape routes (you may wish to submit a number of alternative arrangements).

## Licensable Activities

The regulations also require applicants to show, where the application relates to the sale of alcohol, the proposed location for any consumption of alcohol. You must include any beer garden or pavement area. Any licence granted will only allow you to operate within the areas specified on the plans you submit.

Please use this sample legend to outline the areas that you propose to use for each of the licensable activities. This will assist Responsible Authorities in assessing your application. Two sample plans are attached for your information.

Sample legend:

Red:

Sale or Supply of Alcohol



Consumption of alcohol



Blue:

Performance of a play



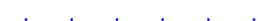
Exhibition of a film



Performance of Dance



Performance of live music



Playing of recorded music



Green:

Indoor Sporting Event



Boxing or Wrestling entertainment



Pink:

Facilities for making music



Facilities for dancing



Orange:

Entertainment of a similar description to that falling within 6, 7 or 8



Facilities of a similar description to that falling within 10 or 11



Purple:

Late night refreshment



## APPENDIX B

### LICENSING ACT 2003 ENFORCEMENT PROTOCOL SIGNED BETWEEN:

1. Babergh District Council
2. Forest Heath District Council
3. Ipswich Borough Council
4. Mid Suffolk District Council
5. Suffolk Coastal District Council
6. St Edmundsbury Borough Council
7. Waveney District Council
8. Crown Prosecution Service
9. Customs and Excise
10. Suffolk Constabulary
11. Suffolk Fire and Rescue Service
12. Suffolk County Council Trading Standards
13. Marine and Coastal Authority

#### 1. Introduction

1.1 The principal aim of this document is to set out the framework for enforcement of the Licensing Act, 2003 and to promote the licensing objectives:

- a) the prevention of public nuisance
- b) the prevention of crime and disorder
- c) ensuring public safety
- d) protection of children from harm

1.2 The parties identified above agree to work in partnership to achieve this aim. This joint agreement seeks to provide a framework to guide future working. This Protocol sits alongside and will be carried out in conjunction with the provisions contained in the Licensing Act 2003 (the Act), the Guidance used under Section 182 of the Licensing Act 2003 and each authority's enforcement policy, which has been adopted in accordance with the Central/Local Government Concordat on Good Enforcement.

1.3 Each Party has enforcement responsibilities in relation to licenced premises and recognises the importance of effective co-operation and liaison to ensure premises licence holders; designated premises supervisors; personal licence holders; club premises certificate holders and premises users understand and comply with the law.

1.4 This Protocol sets out the steps that have been agreed to achieve that aim.

#### 2. Areas covered by this Protocol

2.1 The Act lists four areas, which are to be regulated and constitute licensable activities. These are: -

- The sale by retail of alcohol;
- The supply of alcohol by clubs;
- The provision of regulated entertainment; and
- The provision of late night refreshment.

2.2 A licensable activity may be carried out under and in accordance with: -

- a premises licence;
- club premises certificate; or
- a temporary event notice

#### 3. Information Sharing

3.1 Section 29 of the Data Protection Act 1998 allows for the exchange of information for the purposes of the prevention of crime or the apprehension of offenders.

3.2 Section 115 of the Crime and Disorder Act 1998 allows for information to be specifically exchanged between the police and the licensing authorities.

3.3 Parties to this Protocol may disclose information to other Parties for these purposes providing that the local Protocols applicable to each organisation for data protection are observed. Every request for information under the Act must be made in writing giving reasons why disclosure is necessary.

3.4 Information supplied may only be used for the purpose for which it is obtained, will be securely retained whilst in the possession of the responsible authority that has requested it, and will be securely disposed of when no longer required. It may not be further transmitted to a third party without the consent of the original authority that supplied the information.

3.5 This part of the Protocol may be supplemented by any Memorandum of Understanding on data exchange agreed either at a local or national level.

3.6 One or more parties to the agreement may provide information and evidence to another party to the agreement, to enable them to take appropriate enforcement action, up to and including prosecution under the Licensing Act 2003 or other relevant legislation.

#### **4. Inspections**

4.1 From time to time, joint inspections will be carried out by the licensing authority's licensing enforcement officers and officers from the relevant responsible authority.

4.2 Inspections may be conducted by one or more of the parties to this agreement on the basis of a risk assessment applied to all licensed premises, or in response to a specific complaint.

4.3 Where practicable, inspecting officers will:

1. inform each other of their inspection schedules; and
2. Adopt risk appropriate standards which support and supplement specific guidance in Codes of Practice, Government guidelines, approved industry guides and other approved sources.

#### **5. Offences**

5.1 The Parties agree that prime responsibility for enforcing the offences under the Act is as set out at Appendix 1. In all other cases, the relevant licensing authority will be the prosecuting authority.

#### **6. Investigation of offences**

6.1 When a responsible authority has become aware of any offence under this Act or other legislation, and would like the enforcing authority to take formal action, whether under the Licensing Act 2003 or other legislation, they will take the following steps:

1. early discussions with the appropriate responsible authority;
2. supply to the relevant responsible authority in a timely manner all of the relevant evidence (whether subsequently used or unused); and
3. set out in writing details of the offence and request that the relevant responsible authority take action.

6.2 Once in receipt of a written request to take action the appropriate responsible authority will:

1. assess the facts and take appropriate action in accordance with the relevant enforcement policy for that authority;
2. inform the responsible authority that initiated the complaint and the Licensing Authority of the action taken.

#### **7. Register of cautions**

7.1 Each licensing authority will maintain a register of formal cautions issued to holders of licences, certificates or permissions.

Signed:  
Authority:

**Enforcement Concordat – Offences to address**

Section	Heading	Offence	Fine Level	Lead Authority
	<b>Part 3 – Premises Licences</b>			
33(6)	Notification of Change of Address	Failure to comply	2	Licensing Authority
40(1)	Duty of applicant following determination under s.39	to notify premises supervisor outcome of application	3	Licensing Authority
41(4)(b)	Request to be removed as a premises supervisor	failure to comply with direction given under this section	3	Licensing Authority
46(4)	Duty to notify designated premises supervisor of transfer	Failure to notify	3	Licensing Authority
49(5)	Supplementary provisions about interim authority notices	Failure to notify designated premises supervisor of new holder	3	Licensing Authority
56(3)	Licensing Authority's duty to update licence document	Failure by holder to comply with requirement to produce notice	2	Licensing Authority
57(4)	Duty to keep and produce licence	Failure to control and display notice(s) etc	2	Licensing Authority
57(7)		Failure to produce licence or copy on request of officer	2	Licensing Authority
59(5)	<b>Inspection of premises before grant of licence etc.</b>	Intentional obstruction of authorised officer	2	Licensing Authority
	<b>Part 4 – Club Premises Certificates</b>			
82(6)	Notification of Change of name or alteration of club rules	Failure to notify within 28 days	2	Licensing Authority
83(6)	Change of relevant registered address of club	Failure to notify change as soon as reasonably practicable	2	Licensing Authority
93(3)	Licensing Authority's duty to update club premises certificate	Failure to produce certificate within 14 days upon request	2	Licensing Authority
94 (5,6 & 9)	Duty to keep and produce certificate	Failure to secure/produce certificate Failure to display/produce certificate	2 2	Licensing Authority
96(5)	Inspection of premises before grant of certificate etc.	Intentional obstruction of authorised person	2	Licensing Authority
97	Other powers of entry & search	Where misuse of drugs or breach of peace suspected		<b>Police</b>
	<b>Part 5 – Permitted Temporary Activities</b>			
108(3)	Right of entry where temporary event notice given	Intentional obstruction of an authorised officer	2	Licensing Authority
109(4) 109(8)	Duty to keep and produce temporary event notice	Failure to display notice Failure to produce notices on request	2 2	Licensing Authority
	<b>1 Part 6 – Personal Licences</b>			
123(2)	Duty to notify licensing authority of convictions during application period	Failure to notify licensing authority of relevant offences during application period.	4	Licensing Authority

Section	Heading	Offence	Fine Level	Lead Authority
127(4)	2 Duty to notify change of name or address	Failure to notify licensing authority of name or address	2	Licensing Authority
128(6)	3 Duty to notify court of personal licence	Failure to notify court of personal licence or notifiable event	2	Magistrates Court
132(4)	4 Licence holder's duty to notify licensing authority of convictions	Failure to notify LA of convictions	2	Licensing Authority
134(5)	5 Licensing Authority's duty to update licence document	Failure of licence holder to produce licence on request	2	Licensing Authority
135(4)	6 Licence holder's duty to produce licence	Failure to produce licence for examination	2	Licensing Authority
136	<b>7 Part 7 – Offences</b> Unauthorised licensable activities	Carries on, attempts to carry on or knowingly permits a licensable activity otherwise than in accordance with an authorisation	20,000 or six months	Licensing Authority
137	8 Exposing alcohol for unauthorised sale	Exposing alcohol for sale by retail in any circumstances where sale by retail would be unauthorised activity	20,000 or six months	Licensing Authority
138	9 Keeping alcohol on premises for unauthorised sale		2	Police/Licensing Authority
140	10 Allowing disorderly conduct on licensed premises etc		3	Police/Licensing Authority
141	11 Sale of alcohol to a person who is drunk		3	
142	12 Obtaining alcohol for a person who is drunk		3	Police/Licensing Authority
143	13 Failure to leave licensed premises	Failure to leave premises or attempt to re-enter premises when drunk and disorderly	1	<b>Police</b>
144	14 Keeping of smuggled goods	Knowingly keeps or allows to be kept on relevant premises smuggled goods	3	Licensing Authority
145	15 Unaccompanied children prohibited from certain premises	Allowing an unaccompanied child to be on the premises at a time they are open for the purposes of the supply of alcohol	3	Licensing Authority
146	16 Sale of alcohol to children		5	Police/Trading Standards
147	17 Allowing the sale of alcohol to children		5	Police/Trading Standards
148	18 Sale of liqueur confectionary to children under 16		2	Police/Licensing Authority
149(1) 149(3&4)	19 Purchase of alcohol by or on behalf of children	By a child(note, except test purchasing) On behalf of a child	3 5	Police/Licensing Authority
150	20 Consumption of alcohol by children	Knowingly consuming alcohol on relevant premises Offence committed by individual who failed to prevent consumption	3 5	Police/Licensing Authority
151	21 Delivering alcohol to children		5	Police/Licensing Authority

Section	Heading	Offence	Fine Level	Lead Authority
152	22 Sending a child to obtain alcohol	(except test purchasing)	5	Police/Licensing Authority
153	23 Prohibition of unsupervised sales by children		1	Police/Licensing Authority
154	24 Enforcement role for weights and measures authorities			Trading Standards
155	25 Confiscation of sealed containers of alcohol			Police
156	26 Prohibition of sale of alcohol on moving vehicles	At a time when the vehicle is not permanently or temporarily parked	20,000 or 3 months	Police/Local Authority
157	27 Power to prohibit sale of alcohol on trains			Police/Magistrates Court
158	28 False statements made for the purposes of this act	Where a person produces, furnishes, signs or otherwise makes use of a document that contains a false statement	5	Licensing Authority
160	<b>29 Part 8 – Closure of Premises</b> Orders to close premises in an area experiencing disorder	Where a person knowingly keeps any premises to which an order relates open during the period of the order	3	Police
161(6)	30 Closure orders for identified premises	Where a person permits relevant premises to be open in contravention of a closure order	20,000 or 3 months	Police
165(7)	31 Consideration of closure order by magistrate's court	Where a person permits relevant premises to be open in contravention of continuation or extension of closure order	20,000 or 3 months	Police
168(8)	32 Provision about decisions under section 167	Where a person permits relevant premises to be open in contravention of decision of LA following review	20,000 or 3 months	Police
169	33 Enforcement of closure order	Constable may use such force as is necessary for the purposes of closing premises in compliance with closure order		Police