



Meeting	Licensing & Regulation Committee
Date and Time	Tuesday, 5th September, 2023 at 6.30 pm.
Venue	Walton Suite, Winchester Guildhall

Note: This meeting is being held in person at the location specified above. Members of the public should note that a live video feed of the meeting will be available from the council's YouTube channel ([youtube.com/WinchesterCC](https://www.youtube.com/WinchesterCC)) during the meeting.

A limited number of seats will be made available at the above named location however attendance must be notified to the council at least 3 working days before the meeting. Please note that priority will be given to those wishing to attend and address the meeting over those wishing to attend and observe

AGENDA

PROCEDURAL ITEMS

- 1. Apologies and Deputy Members**
To record the names of apologies given and Deputy Members who are attending the meeting.
- 2. Appointment of vice-chairperson for 2023/24 municipal year**
- 3. Disclosures of Interests**
To receive any disclosure of interests from Members and Officers in matters to be discussed.

Note: Councillors are reminded of their obligations to declare disclosable pecuniary interests, personal and/or prejudicial interests in accordance with legislation and the Council's Code of Conduct.

If you require advice, please contact the appropriate Democratic Services Officer, prior to the meeting.

- 4. Minutes of the previous meeting held on 7 December 2022 (Pages 5 - 8)**



BUSINESS ITEMS

5. Public Participation

To receive and note questions asked and statements made from members of the public on issues relating to the responsibility of this Committee.

Members of the public and visiting councillors may speak at this Committee, provided they have registered to speak three working days in advance. Please contact Democratic Services **by 5pm on Wednesday 30 August 2023** via democracy@winchester.gov.uk or (01962) 848 264 to register to speak and for further details.

6. Review of the Statement of Licensing Policy under the Licensing Act 2003 (Pages 9 - 84)

(LR577)

7. Renewal of Alcohol Consumption Public Space Protection Order 2020 (Pages 85 - 120)

(LR571)

Laura Taylor
Chief Executive

All of the Council's publicly available agendas, reports and minutes are available to view and download from the Council's [Website](#) and are also open to inspection at the offices of the council. As part of our drive to minimise our use of paper we do not provide paper copies of the full agenda pack at meetings. We do however, provide a number of copies of the agenda front sheet at the meeting which contains the QR Code opposite. Scanning this code enables members of the public to easily access all of the meeting papers on their own electronic device. Please hold your device's camera or QR code App over the QR Code so that it's clearly visible within your screen and you will be redirected to the agenda pack.



25 August 2023

Agenda Contact: Nancy Graham, Senior Democratic Services Officer
Tel: 01962 848 235 Email: ngraham@winchester.gov.uk

**With the exception of exempt items, Agenda, reports and previous minutes are available on the Council's Website www.winchester.gov.uk*

MEMBERSHIP:

Councillors

Chairperson: Laming (Liberal Democrats)

Vice Chairperson:

Conservatives

Kurn
Langford-Smith
Pearson

Liberal Democrats

Achwal S
Brophy
Eve
Pett
Prest

Green

Wallace

Conservatives

Cunningham and Read

Deputy Members

Liberal Democrats

Morris and Small

Green

Lee

Quorum = 4 members

PUBLIC PARTICIPATION

Representations will be limited to a maximum of 3 minutes, subject to a maximum 15 minutes set aside for all questions and answers. To reserve your place to speak, you are asked to **register with Democratic Services three clear working days prior to the meeting** – please see public participation agenda item for further details.

People will be invited to speak in the order that they have registered, subject to the maximum time period allowed for speaking not being exceeded. Public Participation is at the Chairperson's discretion.

FILMING AND BROADCAST NOTIFICATION

This meeting will be recorded and broadcast live on the Council's website. The meeting may also be recorded and broadcast by the press and members of the public – please see the Access to Information Procedure Rules within the Council's Constitution for further information, which is available to view on the [Council's website](#). Please note that the video recording is subtitled but you may have to enable your device to see them (advice on how to do this is on the meeting page).

DISABLED ACCESS

Disabled access is normally available, but please phone Democratic Services on 01962 848 264 or email democracy@winchester.gov.uk to ensure that the necessary arrangements are in place.

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LICENSING & REGULATION COMMITTEE

Wednesday, 7 December 2022

Attendance:

Councillors

Williams (Chairperson)

Achwal
Batho
Cunningham
Isaacs

Kurn
Laming
Small
Westwood

Others in attendance who did not address the meeting:

Councillor Kathleen Becker, Cabinet Member for Inclusion & Engagement
Councillor Hugh Lumby

Apologies for Absence:

Councillors McLean and Reach

[Full audio and video recording](#)

1. **APOLOGIES AND DEPUTY MEMBERS**

Apologies and deputy members were noted as set out above.

2. **DISCLOSURES OF INTERESTS**

Councillor Achwal declared a personal but not prejudicial interest as a resident of Whiteley Town Council area and chair of the Advisory Group.

Councillor Small also declared a personal but not prejudicial interest as a resident of Whiteley Town Council area.

Councillor Pearson declared a personal but not prejudicial interest as a member of the Whiteley Development Forum.

3. **APPOINTMENT OF VICE-CHAIRPERSON FOR THE MEETING**

In the absence of Councillor McLean, a vice-chairperson was appointed for the meeting.

RESOLVED:

That Councillor Laming be appointed as vice-chairperson for the meeting.

4. **MINUTES**

RESOLVED:

That the minutes of the previous meeting held 6 September 2022 be agreed as a correct record.

5. **PUBLIC PARTICIPATION**

Representations were received from Mike Evans (Whiteley Town Council) and Eric Bodger (Curdridge Parish Council) as summarised briefly under the minute below.

6. **NORTH WHITELEY COMMUNITY GOVERNANCE REVIEW (LR561)**

The Interim Service Lead: Legal introduced the report and highlighted the intention to formally introduce the reorganisation order in time for the local elections in May 2023. To this end, an additional meeting of the Committee was proposed for Tuesday 31 January 2023, but this meeting would only be required if substantive issues arose during the further consultation period (recommendation 4 of the report refers).

Mike Evans (Whiteley Town Council) and Eric Bodger (Curdridge Parish Council) addressed the committee as summarised briefly below.

Mike Evans

He thanked the officers involved in the governance review process to date. Whiteley Town Council believed that a town council covering the whole Whiteley Winchester area would be more efficient in delivering local services as well as representing the local community more effectively. The future town council would include councillors elected from the whole area and two North Whiteley residents had already been co-opted onto the council. The council supported the draft recommendations at Appendix 3 of the report and would hope that changes could be introduced before the May 2023 local elections.

Eric Bodger

He reiterated the thanks to officers and also to Councillor Achwal for chairing the Advisory Group. Curdridge Parish Council supported the draft recommendations and also hoped the changes could be introduced in time for the May 2023 elections. The parish council held a reserve of £10,514 for transfer to the Whiteley Town Council which could be written into the reorganisation order. He highlighted that confirmation of the boundary change was necessary for the parish council to set an accurate precept for 2023/24.

The Interim Service Lead: Legal responded to members' questions on the report and appendices. He agreed to provide further clarification to committee members on the following:

- (a) The section 106 agreement and deeds of variation currently being negotiated (paragraph 5.3 of the report refers);
- (b) The basis of the estimated population rise in the North Whiteley area referred to in paragraph 11.24 of the report.

During debate, some members expressed the view that the number of parish councillors on the new Town Council should be increased to reflect the number of residents. The Service Lead confirmed that the number currently proposed was within the statutory guidance and had been supported by the town council. The recommendation about the number of parish councillors was part of the consultation process and could be reviewed as part of that process.

RESOLVED:

1. That the results of the recent consultation on the options for the future governance arrangements for the North Whiteley major development area be noted.
2. That the draft recommendations be approved, as set out in Appendix 3, so they can be the subject of a further 28-day consultation to allow those with an interest to provide their views on the proposed changes.
3. That provided the further consultation process does not give rise to any issues that would require major changes to the draft recommendations, authority be delegated the Service Lead – Legal, in consultation with the Chair of the Committee and the Cabinet Member for Inclusion and Engagement, to finalise the recommendations of the review so they can be considered, along with a reorganisation order to implement any changes, by the full council at its meeting on 18 January 2023.
4. That if any substantive issues arise during the further consultation process, the recommendations should be brought back to this committee to be finalised, at a special meeting on 31 January 2023, prior to consideration of final recommendations and a reorganisation order, at the full council meeting on 23 February 2023.
5. That it be noted that that whilst a reorganisation order can be made at any time following a review, for administrative and financial purposes, orders should take effect on the 1 April following the date on which the order is made, and electoral arrangements then come into force at the first elections to the parish council following the reorganisation order.

6. That it be noted that if, for any reason, a reorganisation order is not made by the end of February, there would be insufficient time to put the necessary electoral arrangements in place for the elections in 2023. In this scenario it would be prudent to:

a. Publish the recommendations of the review within the 12-month time limit.

b. Make the reorganisation order later in 2023, so that the administrative, financial, and electoral changes will come into effect from 1 April 2024.

The meeting commenced at 6.30 pm and concluded at 7.00 pm

Chairperson

REPORT TITLE: REVIEW OF LICENSING POLICY UNDER THE LICENSING ACT 2003.

5 SEPTEMBER 2023

REPORT OF CABINET MEMBER: Cllr Jackie Porter, Cabinet Member for Place and Local Plan

Contact Officer: Carol Stefanczuk Tel No: 01962 848188
Email cstefanczuk@winchester.gov.uk

WARD(S): ALL

PURPOSE

The City Council as the Licensing Authority is required to determine its policy with respect to the exercise of its licensing functions under the Licensing Act 2003 at least every five years. The Licensing Policy must be reviewed and adopted by 6 February 2024. The reviewed Policy will cover the 5 year period from 7 February 2024 to 7 February 2029.

This report suggests minor amendments to the Policy as detailed in the report.

RECOMMENDATIONS:

1. That the reviewed Draft Licensing Policy at Appendix 1, including any further amendments by the Licensing and Regulation Committee, be approved for consultation as detailed in paragraphs 10.6 to 10.9 of the report.

IMPLICATIONS:1 COUNCIL PLAN OUTCOME

- 1.1 Tackling the Climate Emergency and Creating a Greener District
- 1.2 N/A
- 1.3 Homes for all
- 1.4 N/A
- 1.5 Vibrant Local Economy
- 1.6 The Policy aims to promote a thriving economy for individuals and businesses providing licensable activities, whilst ensuring they comply with the law.
- 1.7 Living Well
- 1.8 The Policy seeks to balance supporting local businesses and using powers available to officers to ensure that the Winchester district is a pleasant place to live, work and visit.
- 1.9 The Policy highlights working closely with the police and other partners to address anti-social behaviour and improve community safety.
- 1.10 Your Services, Your Voice
- 1.11 The Policy sets out the powers available to officers and any person negatively impacted by the provision of licensable activities and where they consider the licensing objectives are not being met.

2 FINANCIAL IMPLICATIONS

- 2.1 None

3 LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 The Licensing Policy must be reviewed at least every five years as required by the Licensing Act 2003.

4 WORKFORCE IMPLICATIONS

- 4.1 None

5 PROPERTY AND ASSET IMPLICATIONS

- 5.1 None

6 CONSULTATION AND COMMUNICATION

- 6.1 The proposed changes to the Licensing Policy will go through a full consultation process subject to approval at the Licensing and Regulation Committee on 5 September 2023 – see paragraphs 10.6 to 10.9 below.

7 ENVIRONMENTAL CONSIDERATIONS

- 7.1 None

8 PUBLIC SECTOR EQUALITY DUTY

- 8.1 The Policy sets out that all applicants must ensure that they take into account adequate provision for the safety of persons under the Equality Act 2010.

- 8.2 An Equality Impact Assessment (EqIA) has been completed and can be found at Appendix 2.

- 8.3 The EqIA highlights the following:

- Residents living in urban areas may be disproportionately likely to be impacted by the anti-social behaviour and noise complaints than rural areas. This is directly acknowledged in the Policy and is effectively mitigated by providing more support to these areas (such as additional policing and community support) and applying higher requirements in areas with dense residential properties.
- The Policy has the potential to negatively impact individuals with a disability. This is mitigated by making other versions available, such as larger text. Customers can also book an appointment for an officer to read the Policy to them face-to-face or by telephone.
- As all applicants for premises and personal licences must be aged 18 or over, this has the potential to negatively affect an individual based on age. The policy clearly explains the rationale and legal justification of age restrictions and the benefits of having these in place.
- The Policy includes a glossary to explain the meaning of legal 'jargon' making the document easier to understand for those with English as an additional language, people with learning difficulties, or those with lower levels of literacy.

9 DATA PROTECTION IMPACT ASSESSMENT

- 9.1 Any personal data received as part of the consultation process will be stored in line with Council policy and GDPR requirements.

- 9.2 Personal data will be made public as part of a future report to the Licensing and Regulation Committee for consideration of any comments received. Consultees will be notified of this in advance and will be given the opportunity to withdraw their comments or provide exceptional reasons why their personal data should not form part of the report.

9.3 RISK MANAGEMENT

Risk	Mitigation	Opportunities
Financial Exposure	N/A	
Exposure to challenge	The adoption of the Policy could be challenged by Judicial Review, but as the proposed changes are minor and legal advice has been provided for the process, a challenge is considered unlikely. There will be a formal consultation as detailed in paragraphs 10.6 to 10.9.	
Innovation	N/A	
Reputation	The Policy aims to strike a balance between obtaining all the benefits provided by licensed premises and events, and ensuring that their impact is properly controlled and balanced against other community interests.	
Achievement of outcome	Where representations are received against applications, these decisions are made by the Licensing Sub-Committee where the Policy and national guidance are considered as part of the decision-making process.	
Property	N/A	
Community Support	All elected Members and Parish Clerks will be consulted.	
Timescales	The current Policy will be active until the reviewed Policy has been determined.	
Project capacity	N/A	
Other	N/A	

10 SUPPORTING INFORMATION:

Introduction

- 10.1 The Licensing Authority is required under section 5 of the Licensing Act 2003 to review and publish its Licensing Policy every five years.
- 10.2 The current Licensing Policy (“the Policy”) was adopted by full Council on 28 February 2019, following a review.
- 10.3 The Policy must be taken into consideration when the Council is carrying out its Licensing Act 2003 functions.

Changes proposed

- 10.4 The draft Licensing Policy at Appendix 1 details the proposed changes which are shown tracked.
- 10.5 The changes are minor, as set out below:
 - a) Page 2. Updated the approximate number of licensed premises, to reflect the changes in the last five years.
 - b) Page 2. To include Outdoor events and festivals, and wholesalers/online alcohol sales to acknowledge the increase of these types of businesses/applications.
 - c) Page 4. To update and acknowledge The Regulatory Reform (Fire Safety) Order 2005.
 - d) Pages 10 & 11. Reference to Live Music Act 2012 and Deregulation Act 2015 and the expectation on the premises licence holder not to create unacceptable nuisance where the activity is exempt.
 - e) Pages 16 & 54. Remove reference to TEN limitations, as these have been changed and could be amended again in the future. The Council’s website will detail the current, relevant restrictions.
 - f) Page 16. To clarify that all electronic notices will be forwarded to the relevant Responsible Authorities by the Licensing Authority, not the applicant.
 - g) Page 24. Include consideration by applicants relating to procedures on how to deal with reports of Violence Against Woman and Girls (VAWG), which is being highlighted by Hampshire Police and the Police and Crime Commissioner.
 - h) Page 26. Recognising that the Regulatory Reform (Fire Safety) Order 2005 replaces previous fire safety legislation. The Licensing Authority will

not seek to impose fire safety conditions on a licence/certificate where the Order, or any future fire safety guidance/legislation applies. Conditions should not duplicate any legislation.

- i) Page 26. Remove paragraph B.3 in relation to fire safety considerations, which are not required to be duplicated. This would be subject to separate review by Hampshire & IOW Fire and Rescue Service.
- j) Page 27. To expect applicants to consider national safety campaigns and measures on how to deal with drink spiking and any reported incidents of these.
- k) Page 27. Add reference to counter terrorism considerations, in line with the updated Home Office guidance issued under Section 182 of the Licensing Act 2003.
- l) Pages 27 & 40-47. Remove reference and list of 'additional matter which should be considered by applicants' which refer to outdated conditions used prior to the Licensing Act 2003.
- m) Page 36. Remove reference to premises having a direct link to the Police and update in line with modern technology, including reference to 'banned persons' imposed by Winchester Pubwatch.
- n) Page 39. Updated bibliography.
- o) Page 55. Remove known breweries or companies such as Punch Taverns and Marstons PLC, as they have been taken over or do not have a significant number of premises within the district to justify consulting them directly.

Consultation

10.6 Before adopting the Policy, the Council will consult with:

- The Chief Officer of Police for Hampshire
- The Chief Officer of Hampshire Fire and Rescue Service
- Bodies representing local holders of premises licences
- Bodies representing local holders of club premises certificates
- Bodies representing local holders of personal licences
- Bodies representing businesses and residents in the Council's area
- The relevant area Child Protection Teams
- Primary Care Trust or Health Board
- Any other bodies the Council deems appropriate, e.g. Winchester BID

10.7 The consultation period will run from 20 September 2023 to 22 October 2023.

10.8 A clean draft Policy (without tracked changes) will be provided to the consultees and will be available to view on the Council's website.

10.9 The results of the Consultation will be reported to the Licensing and Regulation Committee on 6 December 2023 and, subject to any further amendments by that committee, the final version will be referred to full Council on 17 January 2024.

11 OTHER OPTIONS CONSIDERED AND REJECTED

11.1 Not applicable.

BACKGROUND DOCUMENTS:-

Previous Committee Reports:-

[CIL142 – Review of Licensing Policy under the Licensing Act 2003 – 28 February 2019](#)

[LR517 – Review of Licensing Policy under the Licensing Act 2003 – update following consultation – 21 February 2019](#)

[LR514 – Review of Licensing Policy under the Licensing Act 2003 – 6 December 2018](#)

Other Background Documents:-

[Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 – 16 August 2023](#)

APPENDICES:

Appendix 1 – Draft Licensing Policy – Review 2023

Appendix 2 – Equality Impact Assessment (EqIA)

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Winchester
City Council

STATEMENT OF LICENSING POLICY

LICENSING ACT 2003

Review 2023

This Policy was adopted by full Council on ##### following a review.
The version was adopted for the five year period from ##### to #####.

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Part 2	Introduction
Part 3	Types of licence, certificate and notice
Part 4	Licensing Policies & Matters for Consideration by Applicants
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Appendices	
Glossary	

**WINCHESTER CITY COUNCIL
LICENSING ACT 2003
SECTION 5**

**Statement of Licensing Policy
2024 to 2029**

A licensing policy as determined by the Council in respect of its licensing functions for the five year period commencing 7 February 2024 is set out in this statement of licensing policy. During the five year period the policy will be kept under review and the Council will make such revisions to it, at such times, as it considers appropriate. Further licensing statements will be published every five years hereafter.

The policy was reviewed and adopted by full Council on #####.

In this statement “the Council” means Winchester City Council. The City Council is the Licensing Authority for the purposes of the Act and the associated Guidance and Regulations. Accordingly, unless otherwise stated, references to “the Council” are references to the Licensing Authority.

PART 1: BACKGROUND

- 1.1 Winchester District is situated in the County of Hampshire and has a large number of licensed premises and events for which licences are required. These provide leisure and entertainment opportunities for residents and visitors which are an essential part of vibrant and active communities. They contribute to the local economy and provide significant employment. The purpose of this policy is to strike a balance between obtaining all the benefits provided by licensed premises and events and ensuring that their less welcome impact is properly controlled and balanced against other community interests.
- 1.2 There are approximately 520 540 licensed premises in the District where alcohol is sold, hot food or drink provision or entertainment is provided on a regular or occasional basis. These premises include:
- public houses and nightclubs
 - off licences (including supermarkets selling alcohol)
 - businesses offering hot food between 2300 and 0500
 - hotels, guest houses, restaurants and other places that sell alcohol
 - private members clubs and social clubs
 - theatres and venues for amateur dramatic groups
 - cinemas
 - premises where indoor sporting events take place
 - Village Halls, community premises and schools
 - Outdoor events and festivals
 - Wholesalers/online sales of alcohol

The main concentration of licensed premises is in Winchester City Centre. Since the introduction of the Licensing Act 2003, many premises extended their opening hours, generally seeking hours up to Midnight (rather than 2300, the usual end of permitted hours under the Licensing Act 1964). Some premises which already had terminal hours of midnight or later, extended those hours to 0100, 0200, and 0300.

Other Legislation

- 1.3 As well as being the Licensing Authority under the Licensing Act 2003, Winchester City Council is responsible for a number of other statutory functions which are interrelated to the licensing function. These include its role as a local planning authority determining planning applications, the environmental health function, and the building control service which is provided.
- 1.4 Prior to submitting an application to the Licensing Authority the Applicant should ensure that there is appropriate current Planning Permission for the hours and activities for which application is being made.
- 1.5 The South Downs National Park Authority (“SDNPA”) is the **sole** planning authority for “premises” within the South Downs National Park (“SDNP”). The purposes of the SDNP are:
- Purpose 1 - ‘To conserve and enhance the natural beauty, wildlife and cultural heritage of the area’.
 - Purpose 2 - ‘To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public’.
 - The SDNPA also has a duty ‘To seek to foster the social and economic well-being of the local communities within the National Park in pursuit of our purposes’.
- Where there is a conflict between the purposes and/or duty then Purpose 1 must have priority.
- 1.6 Applicants are encouraged to make contact with the SDNPA at the earliest opportunity where their premises are within the SDNP area **and to consider any guidance issued by the SDNPA** to further promote the licensing objectives. Guidance can be found on the SDNPA website at - www.southdowns.gov.uk/planning-applications/do-i-need-planning-permission/guidance-organisers-large-festivals-events/
- 1.7 The licensing objectives collectively seek to protect the quality of life for those who live and work in the vicinity of licensed premises and those who choose to socialise in them. The licensing authority will have regard to the SDNP purposes when considering applications to ensure they are respected.
- 1.8 The Council recognises that there should be a clear separation of the planning and licensing systems and licensing applications will be viewed independently of planning applications. To achieve this, close liaison will be maintained between the licensing section, planning department and, where applicable, the South Downs National Park authority. Licensing applications are not a re-run of the planning application and should not cut across planning

decisions (whether these are taken by planning officers under delegated powers, the Planning Committee, SDNPA or an inspector following an appeal against the decision of the Planning Authority). The Licensing and Regulation Committee, where appropriate, will provide reports to the Planning Committee on the situation regarding licensed premises in the area including the general impact of alcohol-related crime and disorder.

- 1.9 The Council has a duty under Section 17 of the Crime and Disorder Act 1998 to exercise its various functions with due regard to the likely effect of the exercise of those functions and to do all that it reasonably can to prevent crime and disorder in its area. In addition, it is a member of the Community Safety Partnership, which will also have a key role in the review of this Licensing Policy and the successful operation of the licensing system.
- 1.10 The Council has adopted the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009, with effect from 20 December 2010. Adult entertainment such as striptease and lap dancing which falls within the definition of “Relevant Entertainment” will therefore be controlled under these provisions (and any adopted policy for such provision), rather than the Licensing Act 2003. However, in certain cases, where such entertainment is carried out infrequently, it will continue to be regulated under the Licensing Act 2003 and the provisions of this Policy will therefore apply to such regulated entertainment. In any event, premises providing Relevant Entertainment will need to consider whether a Premises Licence is required for the provision of alcohol, regulated entertainment and late night refreshment.
- 1.11 Furthermore, premises must comply with all other relevant legislation, e.g.
- Food Safety Act 1990 (Food Hygiene)
 - Health & Safety at Work etc Act 1974 (and associated Regulations))
 - Equality Act 2010
 - The Regulatory Reform (Fire Safety) Order 2005~~Building Regulations~~
- 1.12 The Council will seek to avoid duplication with other regulatory regimes as far as possible. However, if other regulations do not cover the unique circumstances that arise in connection with, for example, entertainment at specified premises, then additional controls will be imposed.
- 1.13 Winchester District is an attractive area, with historic towns and villages, as well as beautiful countryside, part of which is covered by the South Downs National Park. It attracts visitors from around the world, as well as students who choose to study at the City’s academic institutions. Many commute into the District to work each day, whilst a large proportion of residents commute to London and the surrounding areas.
- 1.14 The City Council wishes to ensure that the District continues to be a prosperous and attractive place in which to live or work, or to visit. It recognises that the provision of licensable activities can have adverse impacts, such as crime and disorder, and public nuisance. The Licensing Policy, and the administration of licensing under the Licensing Act, will play a key role in ensuring that an appropriate balance is drawn between the

interests of those people wishing to provide and enjoy licensable activities and those who might be affected by such provision and enjoyment.

PART 2: INTRODUCTION

- 2.1 Winchester City Council ("the Council") is the Licensing Authority pursuant to the Licensing Act 2003 ("the Act") and is responsible for considering all applications for licensable activities, as defined in Section 1 of the Act. The purpose of licensing is to regulate the carrying on of licensable activities on licensed premises, by qualifying clubs and at temporary events. Licensable activities, identified by the Act, include:
- Retail sale of alcohol
 - Supply of hot food or drink from premises between 2300 and 0500 hours
 - Supply of alcohol to club members
 - Provision of entertainment listed below (known as "regulated entertainment") to the public or club members or with a view to profit:
 - Film exhibitions
 - Performances of a play
 - Indoor sporting events
 - Boxing or wrestling entertainment
 - Live music performances
 - Playing of recorded music
 - Dance performances
- 2.2 There are a number of exceptions and details of these are set out in Sections 173 to 175 of the Act.
- 2.3 This Statement of Licensing Policy has been prepared in accordance with the provisions of the Act and the Guidance issued under Section 182 of the Act.
- 2.4 The Policy will be kept under review and where any amendments are considered necessary these will only be made after consultation has taken place in accordance with Section 5(3) of the Act. Proper weight shall be given to the views of all those consulted. Those to be consulted will include:
- The Chief Officer of Police for Hampshire
 - The Chief Officer of Hampshire Fire and Rescue Service
 - Bodies representing local holders of premises licences
 - Bodies representing local holders of club premises certificates
 - Bodies representing local holders of personal licences
 - Bodies representing businesses and residents in the Council's area
 - The relevant Area Child Protection Teams
 - Primary Care Trust or Health Board

- Any other bodies the Council deems appropriate
- 2.5 The Council recognises that the best means of promoting the licensing objectives (see 2.8 below) is through the co-operation and partnership of local authorities, the Police, local business, performers, local people and those involved in child protection. The local Community Safety Partnership will be used as part of this partnership approach.
- 2.6 The Council believes that good liaison with operators of licensed premises can assist the promotion of the licensing objectives, by encouraging operators to adopt good practice (such as holding regular meetings with local residents). It will work with existing local groups of operators (where these exist) and will encourage the formation of new groups where appropriate.
- 2.7 The Council will always take the Licensing Policy into account in its decision making, but it may depart from the Policy in appropriate circumstances. Similarly, the Council will have regard to the Secretary of State's Guidance issued under the Licensing Act, but may depart from this Guidance if it is considered appropriate. Where this occurs, reasons will be given as part of the decision.

Licensing Objectives

- 2.8 When dealing with licensing matters the Council will promote and have regard to the four licensing objectives set out in the Act. These are:
- The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance; and
 - The protection of children from harm.
- 2.9 The Council's primary focus is the direct impact of activities taking place at licensed premises on members of the public who are living, working or engaged in normal activity in the vicinity of the premises/place concerned. It will consider any demonstrable link between particular licensed premises and reported problems of nuisance and anti-social behaviour, although the Council recognises that licensing law is not the primary mechanism for the general control of anti-social behaviour by individuals once they are away from that premises/place and, therefore, beyond the direct control of the individual, business or club holding the licence or certificate concerned. However, as the Government's Guidance notes, the Policy is a key aspect of such control, and licensing laws will always be part of a holistic approach to the management of the evening and night-time economy in the City Centre.
- 2.10 Accordingly, any conditions attached to the licence/certificate will centre on the premises and places being used for licensable activities and the vicinity of those premises and places. Whether or not an instance can be regarded as being in the vicinity of licensed premises or places is a question of fact and will depend on the particular circumstances of the case.

- 2.11 The availability of Police resources to deal with crime and disorder problems arising from the operation of licensed premises will be taken into account when considering applications.

Integration of Strategies

- 2.12 As indicated in Section 1 of this Policy, the Council has clear objectives to promote tourism, the cultural diversity of the District and local employment; the Council recognises that licensed premises provide a valuable contribution to these objectives.
- 2.13 The Council will ensure at all times that it takes into account the views of relevant stakeholders and that there is proper integration between the Licensing Policy and other Council Strategies, where appropriate.

Integration will be achieved by a variety of methods, including consultation and input into the various strategies by relevant Portfolio Holders and officers, liaison with major partners and reports to relevant committees and other bodies.

- 2.14 The Council will work closely with other agencies or responsible authorities on issues of enforcement. Where appropriate, neighbouring authorities and Town and Parish councils will also be consulted.
- 2.15 In deciding applications, the Council will always take into account relevant representations from local residents and businesses and responsible authorities. It will also take into consideration the following (insofar as they are relevant to the licensing objectives):
- The requirements of the local tourist economy;
 - The cultural strategy for the District, and the Council's wish to encourage and promote live music, dancing and theatre to the wider cultural benefit of its community and visitors;
 - The employment situation in the District and the need for investment and employment where appropriate.

- 2.16 There are many stakeholders in the leisure industry. Many are involved, directly or indirectly, in the promotion of the licensing objectives, particularly those relating to the prevention of crime and disorder and public nuisance.
- 2.17 Conditions attached to premises licences and club premises certificates will, so far as possible, reflect the Community Safety Strategy and local crime prevention strategies.

Cumulative Effect of a number of Licensed Premises in one area

- 2.18 This Council does not have a Special Saturation Policy.

Other Controls on Anti-social Behaviour

2.19 Other mechanisms exist to control the anti-social behaviour of a minority of consumers who behave badly and unlawfully after leaving licensed premises etc. These controls include:

- Planning controls
- Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority
- Power of local authorities to designate parts of the local authority area as being places where alcohol may not be consumed publicly (see below)
- Police enforcement of normal law concerning disorder and anti-social behaviour including the issuing of fixed penalty notices and anti-social behaviour orders
- The prosecution of any personal licence holder or member of staff at such premises who is 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 events on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises
- The power of the Police and other responsible authorities or a local resident or business to seek a review of the licence or certificate in question

Drinking on the Streets

2.20 The Council has made Orders under the Police and Criminal Justice Act 2001 to control the drinking of alcohol in the streets and other public areas within the Winchester Town (including Oliver's Battery, Badger Farm, and Harestock, as well as the six town wards).

2.21 Following a successful application for a review of a licence, the Council may decide to investigate whether an Order under the Police and Criminal Justice Act 2001 should be made to control the drinking of alcohol in public spaces in the area surrounding the premises concerned.

Licensing Hours

2.22 With regard to licensing hours, consideration will be given to the individual merits of an application. The Guidance issued under the Licensing Act 2003 indicates that the Government's view is that in some circumstances, flexible licensing hours relating to the sale of alcohol are important to ensure that the potential for concentrations of customers leaving premises simultaneously is reduced and a slower dispersal of people from premises is achieved. It is

hoped that this approach will also result in a reduction in “binge drinking” at the end of an evening. This is necessary to reduce friction at late night food outlets, taxi ranks and other sources of transport which can lead to problems of disorder and disturbance.

2.23 The Council recognises the concerns which residents and businesses may have about extended opening hours, and the fear that these may have an adverse impact on crime and disorder, and public nuisance (two of the licensing objectives). Although these concerns may arise anywhere in the District, they are most likely to be found in the urban areas, particularly central Winchester. These problems may (amongst other things) impact on the police and other agencies, as well as local residents. The Council accepts that such concerns are legitimate issues to be considered as part of the licensing process. Therefore, the Council will seek to ensure that where longer opening hours are sought by applicants, or where applicants seek to open new licensed premises, the potential detrimental effects are properly considered and addressed by applicants in their operating schedules. Accordingly, where applications are submitted to extend the hours of opening of premises, and in the case of new premises seeking to open between 23.00 and 08.00, applicants will be expected to either demonstrate that these hours of operation will have no adverse effect on the achievement of the licensing objectives, or set out the steps which they propose to take to secure these objectives.

2.24 In accordance with the Government’s Guidance, this Licensing Policy makes it clear that in areas of denser residential accommodation, stricter conditions relating to noise control will be imposed.

Standardised Conditions

2.25 The Council will impose conditions to reflect applicants’ operating schedules in all cases. Where a hearing is held following relevant representations, and the Council believes it to be appropriate and necessary, in order to promote any of the licensing objectives, it will consider attaching further conditions to licences. Conditions attached to licences will, as far as possible, be tailored to the individual style and characteristics of the premises and licensable activities concerned. Disproportionate and over burdensome conditions on premises will not be imposed. Standardised conditions will be avoided, where possible. Any conditions which are imposed will be tailored to the specific premises and the specific application (see further Home Office Guidance Section 10).

Live Music, Dancing and Theatre

2.26 The Council recognises that as part of implementing any cultural strategy as may from time to time apply, proper account will need to be taken to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community. Conditions to be imposed on relevant licences will not discourage the promotion of such entertainment but will relate solely to the promotion of the licensing objectives.

2.262.27 The Live Music Act 2012 and Deregulation Act 2015 exempts certain licensing activities between 0800 to 2300, depending on the premises. Whilst

exempt activities are taking place, the premises licence holder is still required to ensure that they do not create a nuisance. Premises could be subject to enforcement action under the Environmental Protection Act 1990 should they fail to prevent or control unacceptable nuisance. In some cases, this may also lead to a Review of the Premises Licence/Club Premises Certificate.

Enforcement

2.272.28 The Council established protocols with the local Police on enforcement issues. This will enable the more efficient deployment of local authority staff and Police Officers who are commonly engaged in enforcing licensing law and the inspection of licensed premises. The aim of the protocol is to target agreed problem and high risk premises which require greater attention while providing a lighter touch in respect of low risk premises which are well run.

Closure

2.282.29 The Police may seek a court order to:-

- (a) close down for up to 24 hours premises in a geographical area that is experiencing or likely to experience disorder;
- (b) close down instantly for up to 24 hours individual licensed premises that are disorderly, likely to become disorderly or are causing nuisance as a result of noise from the premises.

Following information from the Police regarding such closures the Council will usually hold a Review Hearing, as described below.

Objections/Review Hearings

2.292.30 A responsible authority or any other person may make representations to the Council as Licensing Authority on any application for grant, variation or for the review of a Premises Licence.

The Council expects that such representations should be made in writing.

In the absence of relevant representations applications **must be granted** subject only to any applicable mandatory conditions and such conditions which are consistent with the applicant's Operating Schedule.

2.302.31 The Council can only review a licence where it is alleged that the licensing objectives are not being met. The Council will hold a review hearing to consider the merits of an application or licence where the representation is considered relevant. In order to be relevant it must relate to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. Review hearings will be heard by a Sub-Committee of three City Councillors. Applicants, and any other person making a representation, will be informed of the hearing and invited to attend such hearings to present their arguments.

2.312.32 The Council will however make every effort to consult with the applicant and any other person making a representation to resolve any issues as appropriate.

2.322.33 Where the Council finds that a representation is not relevant, or is frivolous or vexatious, the person making the representation may challenge this finding by way of a judicial review in the Courts.

2.332.34 Following a Review Hearing the Council may :-

- (a) modify the conditions of the licence;
- (b) exclude a licensable activity from the scope of the licence;
- (c) remove the designated premises supervisor;
- (d) suspend the licence for a period (not exceeding three months); or
- (e) revoke the licence

Offences

2.342.35 The Act sets out a number of offences, proceedings for which may be instigated by the following:-

- (a) The Council (as Licensing Authority)
- (b) The Director of Public Prosecutions
- (c) In the case of an offence under section 146 or 147 (sale of alcohol to children), by Hampshire County Council (the local weights and measures authority).

Any action instigated by the Council will be carried out in accordance with any relevant enforcement policies for the time being in force.

Appeals

2.352.36 Within the Licensing Act 2003 there is provision for appeals in connection with decisions made by the Council for aggrieved parties (including as appropriate, the applicant, the Police, responsible authorities and any person who made relevant representations). An appeal has to be made to the Magistrates Court.

2.362.37 The rights of appeal and reasons for the decision(s) taken by the Council will be provided to all parties concerned with any Licensing decision which might give rise to such an appeal under the terms of the Act. Any reasons given will address the extent to which the decision was made with regard to the Council's statement of licensing policy, statutory guidance, regulations and the Act itself.

2.372.38 The Council reserves the right to make comprehensive records of any hearing held in connection with its licensing functions under the Act. This extends to the recording of hearings.

Equal opportunities & Race Equality

2.382.39 Subject to the general requirements of the Act, the Council will promote equality of opportunity. In such respects, nothing within this statement of

licensing policy shall undermine the right of any individual to apply for any of the licences and/or authorisations provided for under the terms of the Act.

2.392.40 No applicant and/or licence holder shall receive less favourable treatment on the grounds of age, sex, sexual orientation, gender reassignment, disability, marital status, marriage and civil partnership, colour, race or ethnic origin, pregnancy and maternity, religion and belief. No applicant and/or licence holder shall be disadvantaged by conditions or requirements which are not relevant to their application and/or their licence, the promotion of the four licensing objectives and this statement of licensing policy.

2.402.41 Subject to the general requirements of the Act, nothing within this statement of licensing policy shall undermine the right of any person to make representation(s) on an application or seek a review of an existing licence or certificate where provision has been made for them to do so under the Act.

Data Protection

2.412.42 The Council may use the information submitted on any application form for any licence(s) and/or permission(s) provided for under the terms of the Act for the purpose of its statutory function(s) in its capacity as the relevant Licensing Authority.

2.422.43 The Council may disclose all such information to its agents or service providers. The Licensing Authority may also share this information with other Council Services (Departments).

2.432.44 All applicants have the right to ask for a copy of the information that the Council holds about them and to correct any inaccuracies held.

2.442.45 By making application to the Council for any licence and/or permission under the terms of the Act all applicants consent to the Council processing sensitive personal data about them where this is necessary.

2.452.46 The Act requires the Council however to keep a register of:-

- (a) A record of each Premises Licence, Club Premises Certificate and Personal Licence issued by it;
- (b) A record of each Temporary Event Notice received by it ;
- (c) Details of various applications and notices received by the Council (as set out in Schedule 3 of the Act); and
- (d) Such other information as may be prescribed.

Any person is permitted to obtain a copy of this information from the Council.

Delegation of functions

2.462.47 In the interests of speed and efficiency the Council has delegated many licensing decisions and functions to officers. However, if the matter to be decided is controversial in any way (e.g. where relevant representations are received) or the determination of the matter under delegated powers is

precluded by law then it will be decided by a Sub-Committee of the Licensing and Regulation Committee. Appendix A sets out the Council's scheme of delegation in respect of Licensing Matters.

PART 3: TYPES OF LICENCES, CERTIFICATES AND NOTICES

General

- 3.1 The Licensing Act 2003 sets out a comprehensive scheme for licensing of the sale of alcohol and provision of entertainment and late night refreshment. Depending on the circumstances, anyone proposing to carry out any of these activities may require one or more licences or notices under the Act.
- 3.2 Information on the various licences and notices is given on the Council's website (www.winchester.gov.uk/licensing). General advice and assistance may be obtained from the Council's Licensing Team.
- 3.3 There are an increasing number of events held on open land, in public parks and streets, or in temporary structures. Applicants may be required to attend a meeting of the Safety Advisory Group to discuss the detail of the event with the relevant authorities. The Group's terms of reference are to uphold reasonable standards of public safety at all public events in Winchester District, encourage the well being of the public at those public events, and ensure so far as possible that any inconvenience to residents, businesses and the general public arising from events is minimised. The Safety Advisory Group will assist event organisers in meeting these objectives. [Further information to assist event organisers can be found at www.winchester.gov.uk/eventplanning.](http://www.winchester.gov.uk/eventplanning)

Personal licences

- 3.4 A personal licence will be granted to any applicant, aged 18 or over, who possesses a relevant qualification or is a person of a prescribed description as determined by the Department of Culture, Media and Sport. A licence will not be granted to any applicant who has forfeited a personal licence in the five year period ending with the date of the application.
- 3.5 The Police may oppose an application if an applicant has a relevant unspent conviction or a conviction for a comparable offence in a foreign jurisdiction.
- 3.6 Applicants who meet the statutory criteria in terms of age, qualifications and non-forfeiture, as mentioned above, will be granted a licence (subject to any Police objections being received). Applications that do not meet those criteria will be rejected.
- 3.7 If a Police objection is received the application will be determined by a Sub-Committee of the Licensing & Regulation Committee, at a hearing where all representations which are relevant to the grant or refusal of the licence will be taken into account. Matters to be considered may include the nature of any offences, the time since their commission and any mitigating circumstances. The Act requires the Council to reject an application if it considers it is necessary in the interests of crime prevention to do so and, where there is a Police objection, the normal course of events will be refusal **unless the applicant demonstrates** that there are exceptional and compelling reasons to grant the application.

There will be no need for a hearing if the applicant, Council and Chief Officer of Police agree that a hearing is not necessary.

- 3.8 The Council requires every application for a personal licence to be accompanied by a **basic online** criminal record disclosure form from the Disclosure and Barring Service. This will assist the Council in determining whether the applicant has any relevant unspent convictions.
- 3.9 Applicants should also produce a signed statement confirming that they have not been convicted outside of England and Wales of a relevant offence or equivalent offence (spent convictions excluded). Applicants should be warned that the making of a false declaration for the purpose of obtaining a licence is a criminal offence for which they will be prosecuted.
- 3.10 Only the Courts may revoke a Personal Licence, following a conviction for a relevant offence. The Council expects a high standard from Personal Licence holders operating in the District and will promote such standards at all licensed premises. It will work with the Police and other licensing authorities to ensure that appropriate action is taken by the Courts where these standards have not been met.

Temporary Event Notices

- 3.11 Temporary events involving relevant licensable activities may be held if certain criteria are fulfilled ~~(these criteria include an audience capacity not exceeding 499 people attending and a maximum event period of 168 hours)~~. However, the Council actively encourages persons organising such events ("premises users") to have due regard to any concerns of occupiers of premises adjacent to the proposed venue where the temporary event is due to take place.
- 3.12 When a temporary event is proposed, notice of the event, together with the relevant fee, must be served on the Council. A standard notice must be received at least 10 clear working days before the event. The Act also allows provision for a late Temporary Event Notice. Late notices must be given no later than 5 clear working days and no earlier than 9 working days. **This does not include the day the authority receives the notice or the day of the event.** Working days do not include weekends or bank holidays. The Council encourages premises users to serve notice on the Council as far as possible in advance of the proposed event. However, in order to allow the Police and Environmental Health to make a proper assessment of the situation, notices should not be served earlier than six months ahead of the event.
- 3.13 The premises user must also serve a copy of the notice on the local Chief Officer of Police and Environmental Health within the timescales laid down above in 3.12 if applying in paper format. All electronic notices will be forwarded by the Licensing Authority.
- 3.14 On receipt of a temporary event notice the Council will issue an acknowledgement notice in accordance with the requirements of the Act, unless a counter notice has been served under Section 107 of the Act. Counter notices under this Section relate to circumstances where the limits

permitted under the Act for the service of temporary events notices are exceeded.

- 3.15 If the Chief Officer of Police and the Head of Environmental Health is satisfied that allowing the premises to be used in accordance with the notice will undermine any the licensing objectives, ~~he/she~~ they must serve an objection notice stating his/her reasons, on both the Council and the premises user by the end of the third working day following the day on which the temporary event notice was received.
- 3.16 If the Council receives an objection notice it will hold a hearing to consider the objections (unless the Council, Police, Environmental Health and premises user agree that a hearing is unnecessary) and will give the premises user a counter notice under Section 105 of the Act if it considers it necessary for the promotion of the crime prevention objective to do so.

Club Premises Certificates

- 3.17 The Council acknowledges that private premises to which public access is restricted and where alcohol is supplied, other than for profit, give rise to different issues for licensing law than those presented by commercial enterprises selling direct to the public. The Council encourages clubs to take advantage of the benefits offered to such premises such as the absence of a requirement for a Personal Licence Holder ("PLH") or Designated Premises Supervisor ("DPS").
- 3.18 The Council will consider applications for premises licences if the Club decides that it wishes to offer its facilities commercially for use by the general public but the applicant should remember that the appropriate planning consent should be sought prior to the application for a premises licence being submitted.
- 3.19 When premises have the benefit of a Club Premises Certificate, an application may be made to allow those running the premises to supply alcohol for consumption off the premises. Such supply will only be allowed during the hours that the premises are open for supply of alcohol to its members on the premises. Any such permission that is granted will be subject to conditions that any alcohol supplied will be in a sealed container and will only be supplied to members.

Premises Licences

- 3.20 A premises licence is required for any premises being used for one or more licensable activity as defined in 2.1 above. "Premises" includes any "place" and public areas such as parks, squares and streets will be included in this definition. This means that if licensable events will be taking place in such areas (such as the annual Hat Fair), the areas will need to be licensed. Those who may apply for licences are defined in Section 16 of the Act.
- 3.21 As recommended in the statutory Guidance, applicants for new premises licences (or major variations to premises licences) should undertake a

thorough risk assessment with regard to the licensing objectives, which should then be used to prepare the required operating schedule.

3.22 The requirements in relation to applications for premises licences are set out in Section 17 of the Act and the Council will not be able to consider applications which do not comply with those requirements. This Section requires that applications must be accompanied by:

- an Operating Schedule that demonstrates that the licensed premises can comply with the Council's licensing policy and promotes the four licensing objectives. The operating schedule must be adequate and appropriate for the type, location and opening hours of the particular premises. The licensing policies and matters for consideration by applicants, as detailed in Part 4 of this Policy, need to be considered carefully and measures included in the Operating Schedule, where necessary, showing how compliance with those policies will be achieved. Where an Operating Schedule does not include a measure which (under the Policy) the Council would expect to see included, a justification should be provided in the Operating Schedule.
- a plan of the premises to which the application relates in the prescribed form, details of the relevant premises supervisor and appropriate consent.
- the appropriate fee.

Note: fee levels and prescribed forms may be viewed on the government website www.gov.uk and the Council website www.winchester.gov.uk/licensing, or can be obtained from the Council's Licensing Section.

3.23 Premises Licences will include the mandatory conditions which must be imposed in accordance with the Licensing Act 2003. These are:

Where the Licence Authorises Supply of Alcohol:

1. *No supply of alcohol may be made under the premises licence:*
 - (a) *At a time when there is no designated premises supervisor in respect of the premises licence, or*
 - (b) *At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.*
2. *Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.*

Where the Licence requires Door Supervision:

Where individuals are required on premises to carry out security activities, they must be licensed by the Security Industry Authority.

Where the Licence Authorises Exhibition of Films:

Admission of children to the exhibition of any film is restricted in accordance with:

- (1) Where the film classification body is specified in the licence, unless subsection (2)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
- (2) Where:
 - (a) the film classification body is not specified in the licence; or
 - (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question; admission of children must be restricted in accordance with any recommendation made by that licensing authority.

In this section: 'children' means persons aged under 18; and 'film classification body' means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 9(c 39) (authority to determine suitability of video works for classification).

The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, 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—
 - (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 in a manner which carries a significant risk of undermining a licensing objective;
 - (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 in a manner which carries a significant risk of undermining a licensing objective;
 - (d) 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;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3. (1) *The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.*
- (2) *The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.*
- (3) *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 either—*
 - (a) *a holographic mark, or*
 - (b) *an ultraviolet feature.*
4. The responsible person must 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;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014

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 rate 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.*

Premises Licences for the consumption of alcohol off the premises will only include conditions shown above in *italics*.

In addition, conditions reflecting the operating schedule will be imposed. Where representations are received and a hearing is held, the Council may also impose other conditions it considers necessary as a result of those relevant representations.

- 3.24 Applications for major variations will need to include an operating schedule which deals with the issues relating to the licensing objectives, insofar as these are affected by the variation sought. Representations following such applications can only address the variation, and not the licence which would otherwise result from the conversion application alone.

PART 4: LICENSING POLICIES & MATTERS FOR CONSIDERATION BY APPLICANTS

This Part sets out the matters which applicants should have regard to, by reference to each of the Licensing Objectives. In submitting operating schedules, applicants should set out control measures which they propose to put in place, which will address the relevant issues as they apply to their application.

Applicants are encouraged to informally consult the relevant Responsible Authorities and other relevant bodies, where applicable, such as the South Downs National Park Authority, before preparing operating schedules, in order to ensure that, so far as possible, any issues which such consultees might raise can be dealt with before the application is submitted.

Applicants should deal in their Operating Schedule with each of the four licensing objectives, and state the measures they propose to deal with these objectives. Where a suggested measure mentioned in this Policy is clearly not relevant in respect of particular premises or activities, responsible authorities are less likely to make representations if applicants indicate in their operating schedule why they have not included such measures.

The lists of possible measures are not to be regarded as absolute requirements or as “check lists” and will not be used by the Licensing Authority to create standard conditions.

Section A: Prevention of Crime and Disorder

A. Matters to be considered by applicants.

A.1 Applicants should have regard to the following matters when writing their operating schedules and are advised to consult Hampshire Police before submitting their application. If the Council receives a representation, additional conditions may be imposed at the Hearing that determines the application.

A.2 It should be noted in particular that it is unlawful under the 2003 Act:

- To sell or supply alcohol to a person who is drunk
- To sell or supply alcohol to a person who is under 18 years of age
- To knowingly allow disorderly conduct on licensed premises
- For the holder of a premises licence or a designated premises supervisor to knowingly keep or to allow to be kept on licensed premises any goods that have been imported without payment of duty or which have otherwise been unlawfully imported
- To allow the presence of children under 16 who are not accompanied by an adult between midnight and 05:00 hrs at any premises licensed for the sale of alcohol for consumption on the premises and at any time in premises used exclusively or primarily for the sale and consumption of alcohol

Conditions enforcing these arrangements are therefore unnecessary.

- A.3 When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, when responsible authorities are considering such applications and when the Council is considering applications, following receipt of any relevant representations from a responsible authority or interested party, the measures laid down in Section A.2 should be considered as practices which, if necessary, may promote the prevention of crime and disorder.
- A.4 Whether or not any risk assessment shows these measures to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved. It should also be borne in mind that club premises operate under their own codes of discipline to ensure the good order and behaviour of members.
- A.5 Whether it is necessary to impose conditions on the licence or certificate will also depend on local knowledge of the premises.
- A.6 Any individual preparing an Operating Schedule is at liberty to volunteer any measure, such as those described below in section A.8, as a step he or she intends to take to promote the licensing objectives. When incorporated into the licence or certificate as a condition, they become enforceable under the law and a breach of such a condition could give rise to prosecution.

GENERAL

- A.7 The following measures are designed to provide a range of conditions drawn from experience relating to differing situations and to offer guidance. They are not intended to be regarded as standard conditions to be automatically imposed in all cases.
- A.8 The Applicant must indicate in the Operating Schedule the steps he/she/they propose to prevent crime and disorder. For premises open between 2300 and 0800, and as appropriate for all other premises (depending on the specific premises and business being carried out), the Council would expect Operating Schedules to have considered and include arrangements for the measures set out below (unless the applicant can justify why such measures should not be required):
- Use of CCTV both within and outside the premises in accordance with the code of practice issued by the Information Commissioner from time to time e.g. warning signs
 - Measures to prevent the bringing onto the premises of offensive weapons
 - Procedures for risk assessing promotions and events such as "happy hours" including the potential to cause crime and disorder and plans for minimising such risks
 - Measures to prevent the use or supply of illegal drugs
 - Employment of door supervisors licensed by the Security Industry Authority and other appropriately trained staff

- Participation in an appropriate Watch Scheme or other body designed to ensure effective liaison with the local community
- Proof of Age schemes
- Controls on bottles, glasses and containers
- Occupancy limits
- Notices and signage, including a prominent sign giving the name of the personal licence holder designated as being in charge of the premises at the relevant time.
- No admissions after a specified time
- A personal licence holder to be on duty at the premises during opening hours
- Procedure on how to deal with reports of Violence Against Women and Girls (VAWG)

Reason

Prevention of crime and disorder is one of the four licensing objectives of the Licensing Act 2003. It is important that Applicants identify measures taken to address this objective in their operating schedule.

Drugs/Alcohol Abuse

- A.9 The Council will expect licensees to have adequate management practices in place, as well as suitable training for staff, to ensure that sales are not made to persons under the age of 18, or to persons who may supply to persons under that age. These practices also need to be in place to ensure that sales are not made to persons who are drunk, or in circumstances where it is likely that the sale of alcohol may result in crime and disorder.
- A.10 The Council will also expect licensees to be aware of the misuse of drugs and take all reasonable steps to prevent the entry of drugs into licensed premises, to take appropriate steps to prevent drugs being supplied within the premises and to take practical measures to prevent tragedies as a result of drug misuse. The BIAB (British Institute of Innkeeping Awarding Body) Level 2 Award in Drugs Awareness for Licensed Hospitality Staff qualification is an appropriate method of demonstrating such awareness.

Reason

Drug and alcohol abuse are problems associated with licensable premises. Conditions are required to assist operators of such premises to meet both the crime and disorder and the prevention of public nuisance objectives.

Shops Stores and Supermarkets.

- A.11 The Council will generally consider licensing shops, stores and supermarkets to sell alcohol for consumption off the premises at any times they are open for shopping. However, shops must have adequate management practices to ensure that sales are not made to under 18 year olds and persons where there are grounds to believe that the sale will result in crime and disorder.

- A.12 However, if there are good reasons for restricting those hours, for example, where Police representations made in respect of shops known to be the focus of disorder and disturbance, then restriction of hours will be considered.
- A.13 Operating Schedules should indicate how the applicant will ensure that only staff aged over 18 years sell alcohol (or that any staff under 18 years old are closely supervised doing so). Schedules should also indicate what steps will be taken to avoid staff being intimidated into selling alcohol to children or young people.
- A.14 The Council therefore encourages shops to follow the existing good practice in the licensing trade by ensuring that CCTV is in operation on their premises at points of sale.
- A.15 The Council encourages partnership working to consider applications for Drink Banning Orders under Part 1 of the Violent Crime Reduction Act 2006.
- A.16 Such orders may apply to persons who engage in criminal or disorderly conduct while under the influence of alcohol; and, that such an order is necessary to protect other persons from further conduct by him of that kind whilst he is under the influence of alcohol.
- A.17 The Council may serve closure orders under Section 19 of the Criminal Justice and Police Act 2001.
- A.18 Where the Council is satisfied that any premises in the area of the authority are being, or within the last 24 hours have been, used for the unauthorised sale of alcohol for consumption on, or in the vicinity of, the premises, the authority may serve a closure notice in respect of those premises.
- A.19 Such orders may be served on a person having control of, or responsibility for the activities at the premises.

Reason

The sale of alcohol from premises other than pubs or clubs throughout the day is integral to the Act. It is however necessary to ensure that suitable regimes are in place to prevent the sale of alcohol to persons under 18 years of age and to persons who are drunk. Controls will meet the need to address the potential for crime and disorder problems that such sales can present. In addition the controls required will also address the requirement under the Act to protect children from harm.

Additional matters which should be considered by applicants are shown in Appendix B of this Policy.

Section B: Public Safety

B. Matters to be considered by Applicants

~~B.1 Where an applicant identifies an issue with regard to public safety (including fire safety) which is not covered by existing legislation, the applicant should indicate in their operating schedule the steps which will be taken to ensure public safety. The Council recognises that the Regulatory Reform (Fire Safety) Order 2005 replaced the previous fire safety legislation. Accordingly, the Authority will not seek to impose fire safety conditions on a licence/certificate where the Order, or any future fire safety guidance/legislation, applies.~~

~~The main guidance bibliography is listed in Appendix C to this Policy.~~

B.2 Following receipt of an application, a responsible authority may make representations to the Council, if it considers that adequate provision for public safety has not been made or has not been demonstrated within the application.

~~B.3 When preparing their Operating Schedule, Applicants should consider the following matters and take them into account, and make reference to them in their Operating Schedule as appropriate (unless the Applicant can demonstrate that, taking into account the Public Safety objective, such measures are either unnecessary, or can be fulfilled by other different measures specified in the Operating Schedule).~~

- ~~• The date when the last Health and Safety and the specific Fire Safety risk assessments of the premises were carried out, along with any identified significant findings.~~
- ~~• A summary of any proposed changes or improvements to remedy the significant findings, with the date of their implementation.~~
- ~~• A copy of the emergency plan~~
- ~~• A single line scaled plan or architect's drawing, showing the general layout of the premises, fire safety provisions, including escape routes from the premises to a place of ultimate safety with any significant features~~
- ~~• Supporting evidence demonstrating adequate maintenance of fire safety provisions and systems. e.g. current servicing certificates.~~

~~Conditions will be imposed which reflect the proposals set out in the Operating Schedule and any breach of these conditions may give rise to prosecution.~~

B.4B.3 The Council will expect effective arrangements to secure adequate public safety at all times. When preparing the Operating Schedule, applicants should take into account the areas listed below and any others which are identified from either of the Health and Safety and the specific Fire Safety risk assessments of the premises.

- ~~• Adequate provision for the safety of persons with special needs in line with the Equality Act 2010~~

- Adequate provision of safe ingress and egress to the premises at all times when in use
- Safe occupancy levels to be determined and suitable arrangements to ensure they are not exceeded (where necessary and not imposed by other legislation).
- Adequate means of escape in case of fire
- Adequate warning in case of fire
- Adequate provision for fire fighting
- Adequate levels of both normal and emergency lighting
- Suitable and adequate fire and safety notices
- Adequate levels of ventilation.
- Adequate provision for summoning the emergency services
- Suitable levels of non combustible or flame retarded finishes for the premises construction, wall and ceiling coverings, drapes and contents
- Adequate arrangements for the maintenance of safety equipment and systems.
- Adequate levels of training to staff members
- Suitable recording of maintenance, tests and training
- Testing of electrical wiring and systems
- Suitable access for emergency vehicles
- Adequate arrangements for the provision of first aid equipment
- Adequate safety for indoor Sports Entertainment
- Adequate numbers of attendants and marshals
- Adequate arrangements for the safe use and storage of equipment used for special effects
- Consideration of implementing national safety campaigns such as 'Ask for Angela'
- Measures on how to prevent drink spiking and a procedure on how to deal with reported incidents

Reason

The safety of the public at licensed premises is paramount and is one of the four licensing objectives.

Counter Terrorism

B.1 Applicants will be expected to consider implementing appropriate counter terrorism measures at their premises, in particular, larger premises and events, in line with any national guidance. Applicants must also have regard to any counter terrorism advice given by Counter Terrorism Security Advisors (CTSA) or local police.

B.2 At premises with alcohol for consumption on the premises and entertainment venues, applicants are recommended to consider counter terrorism training for all staff, such as the free Action Counters Terrorism (ACT) e-learning course. At a decision or review hearing, a condition requiring staff to be trained in counter terrorism awareness and how to report suspicious activity or respond to an incident may be imposed.

~~Additional matters which should be considered by applicants are shown in Appendix C of this Policy.~~

The main guidance bibliography is listed in Appendix C to this Policy.

Section C: The Prevention of Public Nuisance

Noise Controls

- C.1 With all applications, a balance of interests will be considered to allow licensable activities where possible, whilst preventing public nuisance within the local community.
- C2. Stricter conditions with regard to noise control will be expected in some circumstances.
This includes:
- (i) areas of the District which have denser residential accommodation
 - (ii) areas of the District that have low levels of background noise (such as within South Downs National Park)
 - (iii) licensable activities which extend into night time hours e.g. 2300-0700
 - (iv) Licensable activities to be held outdoors, in garden areas or in marquees
 - (v) Licensable activities of longer duration or greater frequency e.g. every day/ every weekend
 - (vi) Multiple licences on the same piece of land
 - (vii) Poor history of compliance
- C3. Depending on the nature of the application, the operating schedule would be expected to include some / all of the following:
- The location of premises and proximity to residential and other noise sensitive premises;
 - The hours of opening, particularly between 23:00 hours and 07:00 hours;
 - 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 premises;
 - Details of the genre of music proposed
 - The design and layout of premises and in particular the presence of noise limiting features;
 - The total occupancy capacity (staff, customers, others) of the premises;
 - The availability of public transport;
 - Last admission time; and wind down period' between the end of the licensable activities and closure of the premises;
 - The age and type of clientele being attracted to or likely to be attracted to the premises.
- C4. In relation to C3 above, the applicant will be expected to demonstrate the measures that are taken to mitigate public nuisance, which where relevant, should include the following:
- Effective and responsible management of the premises
 - Installation of sound proofing, air conditioning, acoustic lobbies, sound limitation devices, acoustic curtains, rubber seals to doorways, installation of rubber speaker mounts;
 - Keeping doors and windows closed;

- Limiting music to a particular area of a premises and considering the type of music/ volume;
- Consideration of the choice, location and orientation of speakers;
- Identifying and monitoring noise levels from specific locations and keeping records of this;
- Noise Management Plans;
- Management of people, including staff and traffic (and any resulting queues) arriving and leaving premises;
- Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance, e.g. to ensure customers leave quietly;
- Time restrictions on use of garden areas;
- Management of external garden areas and smoking shelters including closing times;
- Management arrangements for the control of deliveries and collections & disposal of refuse;
- Liaison with public transport providers;
- Siting of external lighting including security lighting;
- Public Information – letters to nearby residents, hotline telephone contact numbers

C5. The applicant should give regard to current standards and national guidance for noise control at licensed premises and, where available, refer to the City Council's detailed advice on the Council's webpages. Applicants are also encouraged to contact the Environmental Health section for advice prior to submitting applications.

Section D: Protection of Children

D. Matters to be considered by Applicants

- D.1 When addressing the protection of children, applicants should initially identify any particular issues (having regard to their particular type of premises and/or activities) which are likely to cause concern in relation to children. Such steps as are required to deal with these identified issues should be included within the applicant's Operating Schedule. They should also have regard to the following matters when writing their operating schedules and are advised to consult the relevant Area Child Protection Team, (The Safeguarding Unit, Falcon House, Monarch Way, Winchester SO22 5PL)
- D.2 If the Council receive a representation, additional conditions may be imposed at the Hearing that determines the application.
- D.3 It should be noted that it is unlawful under the 2003 Act to permit unaccompanied children under the age of 16 to be present:
- (a) on premises exclusively or primarily used for supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or a temporary event notice when open for the purposes of being used for the supply of alcohol for consumption there; or
 - (b) between midnight and 05.00 at premises supplying alcohol for consumption on those premises under the authorisation of any premises licence, club premises certificate or temporary event notice.

Conditions duplicating these provisions are therefore unnecessary.

Adult Entertainment

- D.4 In most cases, adult entertainment, such as striptease or lapdancing, will be controlled under the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009 (see paragraph 1.7 of Part 1 above). Where the Licensing Act 2003 applies to such adult entertainment, however, the following provisions will apply to such regulated entertainment.

The Council will take into account the increased risk to the licensing objectives arising from adult entertainment.

NOTE: For the sake of convenience the term "striptease" in this part of the policy should be taken to refer to any entertainment or service involving exposure of private parts or the sexual stimulation of patrons.

- D.5 Where such entertainment is provided the operating schedule must include measures designed to ensure that children are not admitted to and cannot witness these activities and to prevent crime and disorder problems. For example:

D.5.1 The area proposed for striptease shall:

- (a) be in a position where the performance cannot be seen from the street;
- (b) be in a designated area of the premises with segregation from the audience;
- (c) be in a position where the performers will have direct access to the dressing room without passing through or in close proximity to the audience.

D5.2 Whilst striptease entertainment is taking place no person under the age of 18 shall be on the licensed premises and a clear notice shall be displayed at each entrance to the premises in a prominent position, so that it can be easily read by persons entering the premises, in the following terms:

“NO PERSON UNDER 18 WILL BE ADMITTED”

D.5.3 To prevent the possibility of children seeing unsuitable advertisements, unless the advertisement has been previously agreed by the Council, the policy of the Council will be to attach a condition to the effect that “Except with the consent of the Council there shall be no external advertising of the striptease entertainment either at the premises or in its immediate vicinity.”

Reason

These policies are designed to further the licensing objective of protecting children by preventing them being exposed to unsuitable material or acts. They are also designed to further the crime prevention and prevention of nuisance objectives by recognising the increased risk of nuisance or illegal activities such as performers offering “extras” to customers or the plying for trade by prostitutes.

Additional Controls

D.6 The Council will take strong measures to protect children from harm. In particular, it will ensure that strenuous efforts are made to reduce unlawful drinking of alcohol by children and young people under the age of 18. Examples of premises where the introduction of additional controls are likely to be necessary are:

- Where there have been convictions for serving alcohol to a minor or with a reputation for under-age drinking
- Where the premises or the activities being provided are likely to attract children and young people seeking to unlawfully drink alcohol
- With a known association with drug taking or dealing
- Where there is a strong element of gambling on the premises
- Where entertainment of an adult or sexual nature is provided

D.7 In such circumstances, it may sometimes be necessary to impose a complete prohibition, although this would only be imposed rarely. The Council would normally require:

- Limitations on the hours when children may be present
- Age limitations below 18
- Limitations or exclusions when certain activities are taking place
- Requirements for accompanying adults
- Full exclusion of people under 18 from the premises when any licensable activities are taking place.

D.8 Where there is provision of entertainment specifically for children (e.g. a children's disco) the Council will require the presence of sufficient adults to control the access and egress of the children and assure their safety.

Reason

These policies are designed to allow flexibility for the licensee, to ensure that where appropriate licensed premises are "user friendly" for children but to ensure they are adequately protected.

Children & Cinemas

D.9 The Council expects licensees to include in their Operating Schedule arrangements for restricting children from viewing age restricted films classified according to the recommendations of the British Board of Film Classification.

D.10 Where the exhibition of films is permitted the Council will expect the age restrictions of the British Board of Film Classification (BBFC) in respect of the films to be exhibited to be complied with. Only in exceptional cases will variations to this general rule be granted by the Council and then only with appropriate safeguards.

D.11 In relation to specialist Film Festivals, where it is desired to show films not classified by the BBFC, the Council will, provided adequate notice has been given, classify the films concerned. To achieve consistency and the protection of children the Council will use the guidelines published by the BBFC.

Reason

To prevent children from viewing unsuitable films.

Children and Regulated Entertainment

D.12 It is expected that adult staff will be present at places of public entertainment to control the access and egress of children and to protect them from harm. This requirement also applies to children present at an event as performers, in which case for every ten children there must be one supervising adult present at all times.

Children and Purchase of Alcohol

D.13 The Council will actively encourage licensees to keep registers of refused sales (refusals/challenge books) where sales of alcohol and any other age-restricted goods have been refused for any reason. Keeping such records will help to demonstrate that responsibilities for checking ages of purchasers are being taken seriously. Refusals/challenge books should be kept on the licensed premises and be made available for inspection by the Licensing Officer, Trading Standards or the Police.

Additional matters which should be considered by applicants are shown in Appendix E of this Policy.

APPENDIX A

SCHEME OF DELEGATION

Matter to be dealt with	Licensing Sub-Committee	<u>Service Lead for Public Protection</u>
Application for personal licence	If Police objection is made owing to unspent relevant convictions.	In all cases unless a Police objection is made owing to unspent relevant convictions.
Application for premises licence/club premises certificate	If a relevant representation is made	If no relevant representation is made
Application for provisional statement	If a relevant representation is made	If no relevant representation is made
Application to vary premises licence/club premises certificate	If a relevant representation is made	If no relevant representation is made
Application to vary Designated Premises Supervisor	If a Police objection is made	In all other cases
Request to be removed as Designated Premises Supervisor		In all cases
Application for transfer of premises licence	If a Police objection is made	In all other cases
Application for interim authorities	If a Police objection is made	In all other cases
Application to review premises licence/club premises certificate	In all cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc		In all cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of a Police or Environmental Health objection to a temporary event notice	In all cases	
In cases where the Magistrates' Court has determined the licence on appeal		In all cases

Matter to be dealt with	Licensing Sub-Committee	<u>Service Lead for Public Protection</u>
Application for a minor variation to premises licence/club premises certificate		In all cases
Decision on whether an application for minor variation should be referred to a responsible authority		In all cases
Application to disapply the mandatory condition for a Designated Premises Supervisor at community premises	If a Police objection is made	In all other cases

APPENDIX B

Prevention of Crime and Disorder

Measures which should be considered

Electronic Communication Devices

~~Electronic communication devices such as radios or text pagers connecting premises licence holders, designated premises supervisors, and managers of premises clubs to the local Police can provide for rapid response by the Police to situations of disorder which may be endangering the customers or staff on the premises.~~

~~Such devices provide two-way communication, enabling licence holders, managers, designated premises supervisors and clubs to report incidents to the Police and also enabling the Police to warn a large number of other premises of potential trouble-makers or individuals suspected of criminal behaviour who are about in a particular area. Radios or pager systems can also be used by licence holders, door supervisors, managers, designated premises supervisors and clubs to warn each other of the presence of such people in an area.~~

~~An encrypted digital radio system connecting licensed premises may be utilised to communicate the presence of people in an area who may be engaging in anti-social behaviour, crime and disorder or who are a 'banned person' imposed by Winchester Pubwatch.~~

Door Supervisors

Conditions relating to the provision of door supervisors and security teams may be valuable in:

- Preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder
- Keeping out excluded individuals (subject to court bans or imposed by the licence holder)
- Searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons
- Maintaining orderly queuing outside of venues prone to such queuing

Where door supervisors conducting security activities are to be a condition of a licence, which means that they would have to be registered with the Security Industry Authority, conditions may also need to deal with a number of such supervisors, the displaying of name badges, the carrying of proof of registration, where and at what times they should be stationed on the premises and whether at least one female should be available (for example, if female customers are to be the subject of body searches).

Door supervisors also have a role to play in ensuring public safety.

Bottle Bans

Bottles may be used as weapons inflicting more serious harm during incidents of disorder. A condition can prevent sales of drinks in their bottles for consumption on the premises. However, many women consider that drinking from bottles to be safer as it is easier for them to prevent the spiking with drugs of drinks in bottles the openings of which may be readily covered. These issues, therefore, need to be carefully balanced.

Plastic Containers and Toughened Glass

Glasses containing drinks may be used as weapons during incidents of disorder and can cause very serious injuries. Consideration should therefore be given to conditions requiring either the use of plastic containers or toughened glass that inflicts less severe injuries. Location and style of the venue and the activities carried on there would be particularly important in assessing whether a condition is necessary. For example, the use of glass containers on the terraces of outdoor sports grounds may obviously be of concern, but similar concerns may also apply to indoor sports events such as boxing matches. Similarly, the use of such plastic containers or toughened glass during the televising of live sporting events, such as international football matches, when high states of excitement and emotion fuelled by alcohol might arise, may be a necessary condition.

It should also be noted that the use of plastic or paper drinks containers and toughened glass may also be relevant as measures to promote public safety.

CCTV

The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Operating Schedules should state the precise siting of each camera, the arrangements which will be put in place to maintain cameras in working order and the proposed retention period for such tapes.

The Police should provide individuals conducting risk assessments (when preparing Operating Schedules) with advice on the use of CCTV to prevent crime.

Open Containers Not to be Taken From the Premises

Drinks purchased in licensed premises or clubs may be taken from those premises for consumption elsewhere. Where premises are licensed for the sale of alcohol for consumption off the premises that would be entirely lawful. However, consideration should be given to preventing the taking of alcoholic and other drinks from the premises in open containers (e.g. glasses and opened bottles). This may again be necessary to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises.

Restrictions of Drinking Areas

It may be necessary to restrict the areas where alcoholic drinks may be consumed in premises after they have been purchased from the bar. An example would be at a sports ground where the police consider it necessary to prevent the consumption of alcohol on the terracing of sports grounds during particular sports events. Operating Schedules should not only specify these areas, but also indicate the circumstances in which the ban would apply and times at which it should be enforced.

Capacity Limits

Capacity limits are not enforceable under the Licensing Act 2003, however the Hampshire Fire and Rescue Service recommends that premises users include a capacity limit within their Risk Assessment.

Crime Prevention Notices

It may be necessary at some premises for notices to be displayed warning customers of the prevalence of crime that may affect them. For example, in certain areas, a condition attached to a premises licence or club premises certificate might require the displaying of notices at the premises advising customers about the need to be vigilant of unattended bags because of concerns about terrorism.

Signage

It may be necessary for the normal hours under the terms of the premises licence or club premises certificate at which licensable activities are permitted to take place to be displayed on or immediately outside the premises so that it is clear when breaches of the terms of the licence or certificate are taking place.

Similarly, it may be necessary for any restrictions on the admission of children to be displayed on or immediately outside the premises so that the consequences of breaches of these conditions would also be clear and to deter those who might seek admission in breach of those conditions.

It will often be important for the Police, authorised officers and members of the public to know the name of the person who is in charge of the premises when they are open for trading. In appropriate circumstances, a condition may be imposed requiring the name of the duty manager or other responsible person in charge to be displayed.

Reference: Home office guide – Design out crime

APPENDIX C

Public Safety

The following bibliography provides suitable information and guidance to assist applicants to determine the appropriate provisions and standards required for public safety.

BS: 9999:~~2017~~ Fire Safety in the design, management and use of buildings

Approved document B to the Building Regulations – means of escape from fire.

Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X

Example risk assessments – www.hse.gov.uk/risk/casestudies

The Guide to Safety at Sports Grounds (“The Green Guide”) ISBN 978-1-9164583-0-7

The Noise Council Code of Practice on Environmental Noise at Concerts (1995)

The Purple Guide - www.thepurpleguide.co.uk/

~~Temporary Demountable Structures – Guidance on running events safely –~~
www.hse.gov.uk/event-safety

BS 8551:~~2015~~ – ~~Temporary water supply code of practice Provision and management of temporary water supplies~~

Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by the independent Street Arts Network, copies of which may be obtained through www.streetartsproject.org.uk
~~www.streetartsnetwork.org/pages/publication~~

~~Additional~~ assistance on fire safety related matters can be found by visiting Hampshire ~~and IOW~~ Fire and Rescue Service web site: www.hantsfire.gov.uk

~~Advice and guidance for businesses on how to protect the public from terrorist threats -~~ www.counterterrorism.police.uk/adviceforbusinesses/ and www.protectuk.police.uk/

Additional Measures to be considered

1. Disabled People

~~In certain premises where existing legislation does not provide adequately for the safety of the public, consideration might also be given to conditions that ensure that:~~

- ~~• When disabled people are present, adequate arrangements exist to enable their safe evacuation in the event of an emergency; and~~
- ~~• Disabled people on the premises are made aware of these arrangements.~~

2. Escape routes

~~It may be necessary to include conditions relating to the maintenance of all escape routes and exits, including external exits. These might be expressed in terms of the need to ensure that such exits are kept unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified. In restaurants and other premises where chairs and tables are provided this might also include ensuring that internal gangways are kept unobstructed.~~

~~In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:~~

- ~~• All exits doors are easily openable without the use of a key, card, code or similar means;~~
- ~~• Doors at such exits are regularly checked to ensure that they function satisfactorily and a record of the check kept;~~
- ~~• Any security fastenings are removed prior to the premises being open to the public;~~
- ~~• All fire doors are maintained effectively self-closing and shall not be held open~~
- ~~• Fire resisting doors to ducts, service shafts and cupboards shall be kept locked shut~~
- ~~• The edges of the treads of steps and stairways are maintained so as to be conspicuous~~
- ~~• Adequate handrails to staircases and changes of floor level~~

3. Safety checks

~~In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:~~

- ~~• Safety checks are carried out before the admission of the public; and~~

- ~~Details of such checks are kept in a log book.~~

~~4. Curtains, hangings, decorations and upholstery~~

~~In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:~~

- ~~Hangings, curtains and temporary decorations are maintained in a flame-retardant condition; and~~
- ~~Any upholstered seating meets on a continuous basis the pass criteria for smouldering ignition source 0, flaming ignition source 1 and crib ignition source 5 when tested in accordance with Part 5 of BS 5852:1990; and~~
- ~~Curtains, hangings and temporary decorations are arranged so as not to obstruct exits, fire safety signs or fire-fighting equipment; and~~
- ~~Any temporary decorations which may be used from time to time must be specified in the Operating Schedule. Any decorations that are not so specified must not be used without the express consent of the Council.~~

~~5. Accommodation limits~~

~~In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:~~

- ~~Arrangements are made to ensure that any capacity limit imposed under the premises licence or club premises certificate is not exceeded; and~~
- ~~The personal licence holder, a club official, manager or designated premises supervisor should be aware of the number of people on the premises and required to inform any authorised person of these details on request.~~

~~6. Fire action notices~~

~~In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:~~

- ~~Notices detailing the actions to be taken in the event of fire or other emergencies, including how the fire brigade should be summoned, are prominently displayed and protected from damage and deterioration.~~

~~7. Outbreaks of fire~~

~~In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:~~

- ~~• The fire brigade must be called at once to any outbreak of fire, however slight and the details recorded in a Fire Log book.~~

~~8. Loss of water~~

~~In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:~~

- ~~• The local Fire Control centre are notified as soon as possible if the water supply to any hydrant, hose reel, sprinkler, drencher or other fire extinguishing installation is cut off or restricted.~~

~~9. Access for emergency vehicles~~

~~In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:~~

- ~~• Access for emergency vehicles is kept clear and free from obstruction.~~

~~10. First aid~~

~~In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:~~

- ~~• Adequate and appropriate supplies of first aid equipment and materials are available on the premises.~~
- ~~• At least one suitably trained first-aider shall be on duty when the public are present; and if more than one suitably trained first-aider that their respective duties are clearly defined.~~

~~11. Lighting~~

~~In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:~~

- ~~• In the absence of adequate daylight, the lighting in any area accessible to the public, members or guests shall be fully in operation when they are present.~~
- ~~• Fire safety signs are adequately illuminated.~~
- ~~• Emergency lighting is not to be altered without the consent of the Council.~~
- ~~• Emergency lighting batteries are fully charged before the admission of the public, members or guests.~~
- ~~• In the event of the failure of normal lighting, where the emergency lighting battery has a capacity of an hour, arrangements are in place to ensure that the public,~~

~~members or guests leave the premises within 20 minutes unless within that time normal lighting has been restored and the battery is being re-charged; and, if the emergency lighting battery has a capacity of three hours the appropriate period by the end of which the public should have left the premises is one hour.~~

~~12. Temporary electrical installations~~

~~In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:~~

- ~~• Temporary electrical wiring and distribution systems are not provided without notification to the Council at least ten days before commencement of the work.~~
- ~~• Temporary electrical wiring and distribution systems shall comply with the recommendations of BS 7671 or where applicable BS 7909.~~
- ~~• Temporary electrical wiring and distribution systems are inspected and certified by a competent qualified person before they are put to use.~~

~~13. Ventilation~~

~~In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:~~

- ~~• Where the ventilation system is designed to maintain positive air pressure within part of the premises, that pressure is maintained whenever the public, member or guests are present in that part of the premises.~~
- ~~• Ventilation ducts are kept clean.~~
- ~~• Air filters are periodically cleaned and replaced to maintain a satisfactory air supply.~~

~~14. Indoor Sports Entertainment~~

~~In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:~~

- ~~• If necessary, an appropriately qualified medical practitioner is present throughout a sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature.~~
- ~~• Where a ring is involved, it is constructed and supported to the satisfaction of the Council and any material used to form the skirt around the ring is flame-retardant.~~
- ~~• At any wrestling or other entertainments of a similar nature members of the public do not occupy any seat within 2.5 metres of the ring.~~

- ~~At water sports entertainments, staff adequately trained in rescue and life safety procedures are stationed and remain within the vicinity of the water at all material times (see also Managing Health and Safety in Swimming Pools issued jointly by the Health and Safety Commission and Sport England).~~

~~15. Theatres and Cinemas (Promotion of Public Safety)~~

~~There are particular matters in the context of public safety and fire safety, which should be considered in connection with theatres and cinemas. The principle remains that conditions must be necessary and should be established through risk assessment.~~

~~Premises used for Closely Seated Audiences~~

~~Attendants~~

- ~~(a) The number of attendants on each floor in a closely seated auditorium should be as set out in the table below:~~

Number of members of the audience present on a floor	Minimum number of attendants required to be present on that floor
1–100	One
101–250	Two
251–500	Three
501–750	Four
751–1000	Five
And one additional attendant for each additional 250 persons (or part thereof)	

- ~~(b) Attendants shall not be engaged in any duties that would hinder the prompt discharge of their duties in the event of an emergency or entail their absence from that floor or auditorium where they are on duty.~~
- ~~(c) Any attendant shall be readily identifiable to the audience (but this need not entail the wearing of a uniform).~~
- ~~(d) The premises shall not be used for a closely seated audience except in accordance with seating plan(s), a copy of which is available at the premises and shall be shown to any authorised person on request.~~
- ~~(e) No article shall be attached to the back of any seat which would reduce the clear width of seat ways or cause a tripping hazard or obstruction.~~
- ~~(f) A copy of any certificate relating to the design, construction and loading of any temporary seating shall be kept available at the premises and shall be shown to any authorised person on request.~~

~~Standing and Sitting in Gangways etc~~

- ~~(a) Sitting on floors shall not be permitted except where authorised in the premises licence or club premises certificate.~~
- ~~(b) Waiting or standing shall not be permitted except in areas designated in the premises licence or club premises certificate.~~

- ~~(c) In no circumstances shall anyone be permitted to-~~
- ~~(i) sit in any gangway~~
 - ~~(ii) Stand or sit in front of any exit; or~~
 - ~~(iii) Stand or sit on any staircase including any landings.~~

Drinks

~~Except as authorised by the premises licence or club premises certificate, no drinks shall be sold to or be consumed by a closely seated audience except in plastic and paper containers.~~

Balcony Fronts

~~Clothing or other objects shall not be placed over balcony rails or upon balcony fronts.~~

Special effects

~~Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff. Advance warning of any special effects should be given.~~

~~Special effects include:~~

- ~~• Dry ice machines and cryogenic fog~~
 - ~~• Smoke machines and fog generators~~
 - ~~• Pyrotechnics, including fireworks~~
 - ~~• Real flame~~
 - ~~• Firearms~~
 - ~~• Motor vehicles~~
 - ~~• Strobe lighting~~
 - ~~• Lasers (see HSE Guide The Radiation Safety of lasers used for display purposes [HS(G)95] and BS EN 60825: Safety of laser products)~~
 - ~~• explosives and highly flammable substances~~
- ~~• In certain circumstances, it may be necessary to require that certain special effects are only used with the prior consent of the Council.~~

Scenery

~~Any scenery should be maintained flame-retardant.~~

Safety curtain

~~Where a safety curtain is necessary, it should be arranged so as to protect the audience from the effects of a fire or smoke on stage for sufficient time to enable the safe evacuation of the auditorium.~~

~~Where a stage with a proscenium arch is not equipped with a safety curtain, any curtains provided between the stage and the auditorium should be heavyweight and~~

~~be made of non-combustible material or inherently or durably treated flame-retarded fabric.~~

Ceilings

~~All ceilings in those parts of the premises to which the audience are admitted should be inspected by a suitably qualified person every five years and a structural safety certificate concerning the condition of the ceilings forwarded to the Council.~~

Seating

~~Where potential audience exceeds 250 all seats in the auditorium should, except in boxes accommodating not more than 8 persons, be either securely fixed to the floor or battened together in lengths of not fewer than four or more than twelve.~~

Premises used for Film Exhibitions

Attendants - premises without a staff alerting system

~~Where the premises are not equipped with a staff alerting system the number of attendants present should be as set out in the table below:~~

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty
1 – 250	Two
And one additional attendant for each additional 250 members of the audience present (or part thereof)	
Where there are more than 150 members of an audience in any auditorium or on any floor	At least one attendant shall be present in any auditorium or on any floor

Attendants - with a staff alerting system

~~Where premises are equipped with a staff alerting system the number of attendants present should be as set out in the table below:~~

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty	Minimum number of staff on the premises who are available to assist in the event of an emergency
1 – 500	Two	One
501 – 1000	Three	Two
1001 – 1500	Four	Four
1501 or more	Five plus one for every 500 (or part thereof) persons over 2000 on the premises	Five plus one for every 500 (or part thereof) persons over 2000 on the premises

~~(b) Staff shall not be considered as being available to assist in the event of an emergency if they are:~~

- ~~(i) — the holder of the premises licence or the manager on duty at the premises; or~~
 - ~~(ii) — a member of staff whose normal duties or responsibilities are likely to significantly affect or delay his response in an emergency situation; or~~
 - ~~(iii) — a member of staff whose usual location when on duty is more than 60 metres from the location to which he is required to go on being alerted to an emergency situation.~~
- ~~(c) — Attendants shall as far as reasonably practicable be evenly distributed throughout all parts of the premises to which the public have access and keep under observation all parts of the premises to which the audience have access.~~
- ~~(d) — The staff alerting system shall be maintained in working order.~~

Minimum Lighting

~~The level of lighting in the auditorium should be as great as possible consistent with the effective presentation of the film; and the level of illumination maintained in the auditorium during the showing of films would normally be regarded as satisfactory if it complies with the standards specified in BS CP 1007 (Maintained Lighting for Cinemas).~~

Flammable films

~~No flammable films should be allowed on the premises without the consent of the Council.~~

APPENDIX D

THE PROTECTION OF CHILDREN

Additional matters to be considered

Access for children to licensed premises - in general

Restrictions on the access of children under 18 to premises where licensable activities are being carried on should be made where it is necessary to protect children from harm. Conditions attached to premises licences and club premises certificates may reflect the concerns of responsible authorities and interested parties who have made representations but only where the Council considers such conditions necessary to protect children from harm. Whilst applications in relation to premises licences and club premises certificates must be judged by the Council on their individual merits and characteristics, the Secretary of State recommends (unless there are circumstances justifying the contrary) that:

- For any premises with known associations (having been presented with evidence at a hearing) with underage drinking, drugs, significant gambling, or any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature, there should be a strong presumption against permitting any access at all for children under 18 years. Applicants wishing to allow access for children to premises where these associations may be relevant, when preparing Operating Schedules or club Operating Schedules or variations of those schedules, for the purposes of obtaining or varying a premises licence or club premises certificate, should:
 - Explain their reasons; and
 - Outline in detail the steps that they intend to take to protect children from harm on such premises.

- For any premises, not serving alcohol for consumption on the premises, but where the public are allowed on the premises after 2200 hrs in the evening, there should be a presumption against the presence of children under the age of 12 unaccompanied by adults after that time. Applicants wishing to allow access when preparing operation schedules or variations of those schedules or club Operating Schedules for the purposes of obtaining or varying a premises licence or club premises certificate should:
 - Explain their reasons; and
 - Outline in detail the steps that they intend to take to protect children from harm on such premises.

In any other case, subject to the personal licence holder, designated premises supervisor or club's discretion, the expectation would be for unrestricted access for children of any age to premises. An operating schedule or club operating schedule should indicate any decision for the premises to exclude children completely, following from which there would be no need to include in the schedule steps the applicant proposes to take to promote the protection of children from harm.

Age Restrictions - specific

Under the 2003 Act a wide variety of licensable activities could take place at various types of premises and at different times of the day and night. Whilst it may be appropriate to allow children unrestricted access at particular times and when certain activities are not taking place the Council (following relevant representations made by responsible authorities and interested parties) will need to consider a range of conditions that are tailored to the particular premises and their activities where these are necessary. The Council will consider:

- The times of day during when age restrictions should and should not apply. For example, the fact that adult entertainment may be presented at premises after 2000 hrs does not mean that it would be necessary to impose age restrictions for earlier parts of the day.
- Types of event or activity in respect of which no age restrictions may be needed, for example;
 - Family entertainment; or
 - Non-alcoholic events for young age groups such as under 18s dances

Similarly, types of event or activity that give rise to a more acute need for age restrictions than normal, for example:

- During "Happy Hours" or on drinks promotion nights;

Age restrictions - cinemas

The Secretary of State considers that, in addition to the mandatory condition imposed by virtue of Part 20 of the Act, requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under Part 4 of the Video Recordings Act 1984 or by the Council itself, conditions restricting the admission of children to film exhibitions should include:

- A condition that where the Council itself is to make recommendations on the admission of children to films, the cinema or venue operator must submit any film to the authority that it intends to exhibit 28 days before it is proposed to show it. This is to allow the authority time to classify it so that the premises licence holder is able to adhere to any age restrictions then imposed.
- A condition that when films are classified, by either the film classification body as specified in the licence or the Council, they should be classified in the following way:
 - U Universal - suitable for audiences aged four years and over.
 - PG Parental Guidance. Some scenes may be unsuitable for young children.
 - 12 Passed only for viewing by persons aged 12 years or older.

- 12A Passed only for viewing by persons aged 12 years or older or persons younger than 12 when 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.
- That conditions specify that immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film.
 - A condition that when a Council has made a recommendation on the restriction of admission of children to a film, notices are required to be displayed both inside and outside the premises so that persons entering can readily be made aware of the classification attached to any film or trailer. Such a condition might be expressed in the following terms:

"Where a programme includes a film recommended by the Council as falling into the 12, 12A, 15 or 18 category no person appearing to be under the age of 12, under 12 and unaccompanied, 15 or 18 as appropriate shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position at each entrance to the premises a notice in the following terms -

**PERSONS UNDER THE AGE OF [INSERT APPROPRIATE AGE]
CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME**

Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction.

This condition does not apply to members of staff under the relevant age provided that the prior written consent of the person's parents or legal guardian has first been obtained,"

Theatres

The admission of children to theatres, as with other licensed premises, is not normally expected to be restricted unless it is necessary to promote the licensing objective of the protection of children from harm. However, theatres may be the venue for a wide range of activities. The admission of children to the performance of a play will normally be left to the discretion of the licence holder and no condition restricting the access of children to plays should be attached. However, theatres may also present entertainment including, for example, variety shows, incorporating adult entertainment. A condition restricting the admission of children in such circumstances may be necessary. Entertainment may also be presented at theatres specifically for children (see below).

Consideration will be given to the imposition of conditions to premises licence requiring the presence of a sufficient number of adult staff on the premises to ensure the well being of children present on the premises during any emergency.

Performances especially for children

Where performances are presented especially for children in theatres and cinemas conditions are anticipated to be needed which:

- Require that an attendant be stationed in the area(s) occupied by the children, in the vicinity of each exit, provided that on each level occupied by children the minimum number of attendants on duty should be one attendant per 50 children or part thereof.
- Specify whether or not standing will be allowed. For example, there may be reduced risk for children in the stalls than at other levels or areas in the building.

Children in performances

There are many productions each year that are one-off shows where the cast is made up almost entirely of children. They may be taking part as individuals or as part of a drama club, stage school or school group. The age of those involved may range from 5 to 18. The Children (Performances) Regulations 1968 as amended set out requirements for children performing in a show. However, if it is necessary to consider imposing conditions for the promotion of the protection of children from harm then the Council will consider the matters outlined below:

- **Venue** - the backstage facilities should be large enough to accommodate safely the number of children taking part in any performance.
- **Fire safety** - all chaperones and production crew on the show should receive instruction on the fire procedures applicable to the venue prior to the arrival of the children.
- **Special effects** - it may be inappropriate to use certain special effects, including smoke, dry ice, rapid pulsating or flashing lights, which may trigger adverse reactions especially with regard to children.
- **Care of children** - theatres, concerts halls and similar places are places of work and may contain a lot of potentially dangerous equipment. It is therefore important that children performing at such premises are kept under adult supervision at all times including transfer from stage to dressing room and anywhere else on the premises. It is also important that the children can be accounted for at all times in case of an evacuation or emergency.

GLOSSARY OF TERMS USED

Note: In this Policy, the following definitions are included to provide an explanation of certain terms included in the Act and therefore in the Policy. In some cases they are an abbreviation of what is stated in the Licensing Act 2003 or an interpretation of those terms. For a full definition of the terms used, the reader must refer to the Licensing Act 2003.

Club Premises Certificate	A certificate granted under the Licensing Act 2003 for premises habitually used by a club which fulfils certain statutory criteria.
Designated Premises Supervisor	The person (who must be a Personal Licence holder), in the case of premises selling alcohol, who will normally have been given the day to day responsibility for running the premises by the holder of the Premises Licence The Premises Licence Holder can also be the Designated Premises Supervisor.
Any Other Person	The Act has removed the vicinity test, therefore any person may make a representation or apply for review.
Late Night Refreshment	the supply of hot food or hot drink to members of the public (whether for consumption on or off the premises) between the hours of 11.00 pm and 5.00 am.
Licensable Activities	<ul style="list-style-type: none">• the sale by retail of alcohol• the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club• the provision of Regulated Entertainment• the provision of Late Night Refreshment
Licensed Premises	includes club premises and events unless the context otherwise requires.
Operating Schedule	a document containing a statement of the following matters (and any others that may be prescribed):- <ul style="list-style-type: none">• the relevant Licensable Activities• the times at which the Licensable Activities are to take place and any other times when premises are open to the public• information regarding the person who will be specified in the Premises Licence as the Premises Supervisor• where the Licensable Activities involve the supply of alcohol, whether it is for the supply on and/or off the premises• steps being taken to promote the Licensing Objectives
Personal Licence	A licence granted to an individual authorising that individual to supply alcohol.

Premises Licence	A licence granted under the Licensing Act allowing premises to be used for one or more Licensable Activities.
Relevant Representation	<p>Representations which are:</p> <ul style="list-style-type: none"> (a) relevant to one or more of the licensing objectives; and (b) made by any <u>person</u> within the appropriate period; and (c) have not been withdrawn; and (d) if they are made by any person (who is not also a responsible authority), are not, in the opinion of the Council frivolous, or vexatious <p>The Council will determine whether representations are relevant or not.</p>
Responsible Authority	<p>These include any of the following:</p> <ul style="list-style-type: none"> (a) The Chief Officer of Police (b) The Fire Authority (Hampshire Fire and Rescue) (c) The enforcing authority for health and safety at work (either the Health and Safety Executive or the City Council) (d) The local planning authority (the City Council or South Downs National Park Authority) (e) The local authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health (the City Council (Environmental Health Section)) (f) The Primary Care Trust or Health Board (g) The Licensing Authority (h) A body which: <ul style="list-style-type: none"> (i) represents those who, in relation to any such area, are responsible for, or interested in, matters relating to the protection of children from harm and (ii) is recognised by the licensing authority for that area for the purposes of this section as being competent to advise it on such matters (in Winchester's case, this will be the relevant Safeguarding Unit) (i) in relation to a vessel, a navigation authority, the Environment Agency, Maritime and Coastguard Agency or the British Waterways Board.
Regulated Entertainment	<ul style="list-style-type: none"> • a performance of a play • an exhibition of a film • an indoor sporting event • a boxing or wrestling entertainment • a performance of live music • any playing of recorded music • a performance of dance <p>(or entertainment of a similar description falling within the last three of the categories listed above), where the entertainment</p>

takes place in the presence of and for the purposes of entertaining that audience or spectators.

Temporary Event Notice

a temporary activity involving one or more Licensable Activities subject to the following various conditions and limitations set out under the Licensing Act 2003:-

- duration ~~— they are limited to events lasting for up to 168 hours;~~
- scale – not exceeding 499 people present at the event at any one time;
- use of the same premises on a prescribed number of occasions per calendar year ~~— the same premises cannot be used on more than 15 occasions in a calendar year, but are subject to the overall aggregate of 21 days irrespective of the number of occasions on which they have been used;~~ and
- the number of notices given by an individual within a given period of time ~~— a Personal Licence holder is limited to 50 notices in one year and any other person to five notices in a similar period.~~

In any other circumstances, a full Premises Licence or Club Premises Certificate will be required for the period of the event.

Statement of Consultation

This document was produced by Winchester City Council in accordance with its duties under the Licensing Act 2003.

Under Section 5 of the Act, the Council is required to determine its policy with respect to licensing functions and publish a statement of that policy. The statement must be published no later than 5 January 2023, must be kept under review and a new policy published every five years.

The draft policy was published on the Council's website on ~~#####~~, and the following were consulted on the proposed policy:-

- Chief Constable, Hampshire Police;
- Hampshire and IOW Fire and Rescue Authority;
- Child Protection, Hampshire County Council
- Environmental Health – Winchester City Council
- Development Management – Winchester City Council
- South Downs National Park Authority
- All elected Members
- Parish and Town Councils in the Winchester District;
- Known residents associations;
- Winchester Pubwatch;
- Winchester BID;
- British Beer and Pub Association;
- ~~Punch Taverns;~~
- ~~Fuller Smith & Turner;~~
- ~~Greene King Retailing Limited;~~
- ~~Enterprise Inns Plc;~~
- ~~Marstons Plc;~~
- ~~Wadworth & Co. Limited.~~

The policy was approved following adoption by full Council on ~~#####~~.

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Winchester City Council

Equality Impact Assessment (EqIA)

Section 1 - Data Checklist

		Yes/No	Please provide details
1	Has there been any complaints data related to the policy or project you are looking to implement?	No	No complaints have been received in relation to the current Policy. The review will be subject to consultation as detailed report LR577.
2	Have all officers who will be responsible for implementing the policy or project been consulted, and given the opportunity to raise concerns about the way the policy or function has or will be implemented?	Yes	The Licensing Department and Service Lead for Public Protection have been consulted in advance of the report being considered by the Licensing and Regulation Committee.
3	Have previous consultations highlighted any concerns about the policy or project from an equality impact perspective?	No	The Policy was previously reviewed in 2018 (adopted in 2019). No concerns have been raised.
4	Do you have any concerns regarding the implementation of this policy or project?	No	This review of the Policy will replace the current document, which does not give any concerns for implementation. The applicants must consider any changes made in the Policy, these changes may have an impact on their business.
5	Does any accessible data regarding the area which your work will address identify any areas of concern or potential problems which may impact on your policy or project?	Yes	Data that has been used to inform this analysis includes: <ul style="list-style-type: none"> - Census 2021 data covering the demographics of the Winchester district. - Experience of licensing officers in implementing this

		Yes/No	Please provide details
			policy in the past and interacting with different licence holders.
6	Do you have any past experience delivering similar policies or projects which may inform the implementation of your scheme from an equality impact point of view?	Yes	<p>I have delivered and implemented previous reviews of this Policy and the Council's Statement of Licensing Policy with respect to Hackney Carriage and Private Hire Vehicles, Drivers and Private Hire Operators.</p> <p>There have been no previous concerns with the current Policy under the Licensing Act 2003.</p>
7	Are there any other issues that you think will be relevant?	Yes	<p>Although not a protected characteristic, the policy refers to the differential impacts of licensing on the rural and urban areas of the district. It is noted that licensed premises are more densely concentrated in urban areas such as the city centre – residents living in these areas may be disproportionately likely to be impacted by the anti-social behaviour and noise complaints that may accompany these licensed venues, for example. This is directly acknowledged in the Policy and is effectively mitigated by providing more support to these areas (such as additional policing and community support), and applying higher requirements in areas with dense residential properties.</p>

Section 2 - Your EqIA form

Directorate: Place	Your Service Area: Public Protection	Team: Licensing	Officer responsible for this assessment: Carol Stefanczuk	Date of assessment: 17/08/2023
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	Question	Please provide details
1	What is the name of the policy or project that is being assessed?	Statement of Licensing Policy (Licensing Act 2003)
2	Is this a new or existing policy?	Existing, with proposed changes for adoption in February 2024 for five years.
3	Briefly describe the aim and purpose of this work.	The Policy intends to provide guidance to applicants, licence holders, officers and Members of the Licensing Sub-Committee, in relation to applications and licences granted to premises providing alcohol, entertainment and late night refreshment. The Policy must be reviewed at least every five years, in line with the Licensing Act 2003.
4	What are the associated objectives of this work?	<ul style="list-style-type: none"> - To demonstrate how the Council will fulfil its legal obligations under the Licensing Act 2003. - To provide applicants and licence holders with guidance on requirements for applications/licences. - To provide the public with transparent information about the measures expected to promote the four licensing objectives; prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm. - To outline the Council's decision-making process in relation to determining applications for these licences.
5	Who is intended to benefit from this work and in what way?	<ul style="list-style-type: none"> - Applicants and licence holders; access to full details of the Council's requirements and decision-making process - Council officers; guidance on decision making processes - Members; guidance on decision making processes

		- The public; access to details of how the Council expects applicants/licence holders to promote the four licensing objectives.		
6	What are the outcomes sought from this work?	To review the Policy to have regard to the Home Office guidance issued under the Licensing Act 2003 – August 2023. The Policy supports the following Council Plan outcomes; <i>Vibrant Local Economy, Living Well and Your Services, Your Voice.</i>		
7	What factors/forces could contribute or detract from the outcomes?	Amended guidance and/or changes to legislation.		
8	Who are the key individuals and organisations responsible for the implementation of this work?	Service Lead for Public Protection Licensing Manager and Licensing Officers Portfolio Holder for Place and Local Plan Members of the Licensing and Regulation Committee Members of the Licensing Sub-Committee 'Responsible Authorities' under the Licensing Act 2003		
9	Who implements the policy or project and who or what is responsible for it?	Service Lead for Public Protection Licensing Manager and Licensing Officers		
		Please select your answer in bold . Please provide detail here.		
10a	Could the policy or project have the potential to affect individuals or communities on the basis of race differently in a negative way?	Y	N	The Policy has no adverse impact on racial groups.
10b	What existing evidence (either presumed or otherwise) do you have for this?	Data regarding applicants' or individuals' race is not collected as part of any application process and does not form part of the Council's decision making process when determining applications licences. Some applications under the legislation requires proof of the right to work in the UK. This is administered in line with		

		legislation. The policy is published in English. Translations are available upon request as standard council protocol.		
11a	Could the policy or project have the potential to affect individuals or communities on the basis of sex differently in a negative way?	Y	N	The Policy has no adverse impact due to sex.
11b	What existing evidence (either presumed or otherwise) do you have for this?	Data regarding applicants' or individuals' sex is collected as part of determining the applicant or individual's identity and right to work in the UK, but does not form part of the Council's decision making process when determining applications for licences. The policy is likely to have a positive impact on women due to specialist considerations to drink spiking and Violence Against Women and Girls (VAWG) at licensed venues.		
12a	<p>Could the policy or project have the potential to affect individuals or communities on the basis of disability differently in a negative way?</p> <p><i>you may wish to consider:</i></p> <ul style="list-style-type: none"> • <i>Physical access</i> • <i>Format of information</i> • <i>Time of interview or consultation event</i> • <i>Personal assistance</i> • <i>Interpreter</i> • <i>Induction loop system</i> • <i>Independent living equipment</i> • <i>Content of interview</i> 	Y	N	The Policy is currently available to view on the Council's website. Officers can make other versions available, if requested, such as larger text. Customers can also book an appointment for an officer to read the Policy to them face-to-face or by telephone.
12b	What existing evidence (either presumed or otherwise) do you have for this?	The Council's Policy requires that all applicants must ensure that they take into account adequate provision for the safety of persons under the Equality Act 2010.		
13a	Could the policy or project have the potential to affect			The Policy has no adverse impact due to

	individuals or communities on the basis of sexual orientation differently in a negative way?	Y	N	sexual orientation.
13b	What existing evidence (either presumed or otherwise) do you have for this?	Data regarding applicants' or individuals' sexual orientation is not collected as part of the application process, and does not form part of the Council's decision making process when determining applications for licences.		
14a	Could the policy or project have the potential to affect individuals on the basis of age differently in a negative way?	Y	N	Applicants for premises and personal licences must be aged 18 or over. Age is referred to throughout the document with regards to safeguarding children, and age restrictions for the sale of alcohol etc.
14b	What existing evidence (either presumed or otherwise) do you have for this?	Under the Licensing Act 2003, applications may only be accepted from individuals aged 18 or over for premises and personal licences.		
15a	Could the policy or project have the potential to affect individuals or communities on the basis of religious belief differently in a negative way?	Y	N	The Policy has no adverse impact on religious groups.
15b	What existing evidence (either presumed or otherwise) do you have for this?	Data regarding applicants' or individuals' religious belief is not collected as part of the application process, and does not form part of the Council's decision making process when determining applications for licences.		
16a	Could this policy or project have the potential to affect individuals on the basis of gender reassignment differently in a negative way?	Y	N	The Policy has no adverse impact on persons undergoing or who have undergone gender reassignment.
16b	What existing evidence (either presumed or otherwise) do you have for this?	Data regarding applicants' or individuals' gender is collected as part of determining the applicant or individual's identity and right to work in the UK, but does not form part of the		

		Council's decision making process when determining applications for licences.		
17a	Could this policy or project have the potential to affect individuals on the basis of marriage and civil partnership differently in a negative way?	Y	N	The Policy has no adverse impact on persons' marital or civil partnership status.
17b	What existing evidence (either presumed or otherwise) do you have for this?	Data regarding applicants' or individuals' marital status is collected as part of determining the applicant or individual's identity and right to work in the UK, but does not form part of the Council's decision making process when determining applications for licences.		
18a	Could this policy or project have the potential to affect individuals on the basis of pregnancy and maternity differently in a negative way?	Y	N	The Policy has no adverse impact on persons who are pregnant.
18b	What existing evidence (either presumed or otherwise) do you have for this?	Data regarding whether applicants' or individuals' are pregnant is not collected as part of the application process, and does not form part of the Council's decision making process when determining applications for licences.		
19	Could any negative impacts that you identified in questions 10a to 15b create the potential for the policy to discriminate against certain groups on the basis of protected characteristics?	Y	N	Both disability and age have been identified as protected characteristics that may be negatively impacted by the Policy and associated application forms. There is a lawful basis for the Council to refuse applications made by persons that do not meet the age requirements. The Council seeks to ensure adequate assistance is provided to any person seeking to view this Policy. This falls within the requirement to make reasonable adjustments for people with

				<p>a disability.</p> <p>It is not considered that this Policy has the potential to discriminate on the basis of either of the above protected characteristics.</p>
20	Can this negative impact be justified on the grounds of promoting equality of opportunity for certain groups on the basis of protected characteristics? Please provide your answer opposite against the relevant protected characteristic.	Y	N	<p>Race: N/A</p> <p>Sex: N/A</p> <p>Disability: Assistance will be provided</p> <p>Sexual orientation: N/A</p> <p>Age: Officers will administer applications in line with legislation – applicants must be 18 years old or above.</p> <p>Gender reassignment: N/A</p> <p>Pregnancy and maternity: N/A</p> <p>Marriage and civil partnership: N/A</p> <p>Religious belief: N/A</p>
21	How will you mitigate any potential discrimination that may be brought about by your policy or project that you have identified above?	<p>The following mitigations are included in our Licensing Policy:</p> <ul style="list-style-type: none"> The policy features the council’s standard statement of alternative formats on the front page of the report to ensure it is accessible to all and direct readers to where they can request additional support: <p>“If you need this information in a different format, please contact XXX on XXX”</p> <ul style="list-style-type: none"> The council will provide alternative formats upon request such as large print, translation, and the opportunity to meet face to face or over the telephone to have the policy read to them. The policy features a glossary which defines the legal “jargon” used throughout, making the policy easier to understand for those with English as an additional 		

		<p>language, people with learning difficulties, or those with lower levels of literacy.</p> <ul style="list-style-type: none"> The policy clearly explains the rationale and legal justification of age restrictions and the benefits of having these in place. <p>Dedicated section on licence applicant's obligations under Equality Act.</p>		
22	Do any negative impacts that you have identified above impact on your service plan?	Y	N	

Signed by completing officer	Carol Stefanczuk
Signed by Service Lead or Corporate Head of Service	Dawn Adey

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REPORT TITLE: RENEWAL OF ALCOHOL CONSUMPTION PUBLIC SPACE PROTECTION ORDER 2020

5 SEPTEMBER 2023

REPORT OF CABINET MEMBER: Cllr Becker Cabinet Member for Communities and Engagement

Contact Officer: Davina Domone-Hollands Tel No: 01962 848 275 Email: ddomone-hollands@winchester.gov.uk

WARD(S): WINCHESTER TOWN WARDS

PURPOSE

For the purposes of Section 60 under the Anti-social behaviour, Crime and Policing Act 2014 the Council has a statutory duty to review the Alcohol Consumption Public Space Protection Order. The current PSPO expires on 14 September 2023 and will expire if not extended.

A Public Space Protection Order can last for up to three years, after which it must be reviewed. If the review supports an extension and other requirements are satisfied, it may be extended for up to a further three years. There is no limit on the number of times an Order may be reviewed and renewed.

To support the decision making process, this report provides the background information in relation to the legislation and current status of the Alcohol Control Zone.

RECOMMENDATIONS:

1. That the extension of the Public Open Space Protection Order for a further 3 years to 14 September 2026 be agreed; and
2. That the Strategic Director Housing Services, be authorised to carry out the statutory publication and notification requirements for the extended Order.

IMPLICATIONS:1 COUNCIL PLAN OUTCOME1.1 **Tackling the Climate Emergency and Creating a Greener District**

1.2 N/A

1.3 **Homes for all**

1.4 Winchester is considered to be rich in support services and that can mean that as a city it is a place which transient individuals gravitate towards. Working in partnership with other agencies, officers endeavour to engage with individuals and often a disclosure is made about housing circumstances. In line with homeless legislation, this can result in support provision being put in place to help reconnect the individual to their area of origin or the arrangement of an appointment with the Housing Options team (circumstance dependant).

1.5 **Vibrant Local Economy**

1.6 The Community Safety Partnership (CSP) works collaboratively with businesses and partner agencies to reduce crime and disorder issues. Promoting a safe and vibrant environment for those visiting, working and living in Winchester is an important part of that process.

1.7 The Alcohol Consumption Public Spaces Protection Order (PSPO) provides Hampshire and Isle of Wight Constabulary with the power to request an individual surrenders their alcohol when it is linked to anti-social behaviour. This supports the Partnership's aim to reduce alcohol related anti-social behaviour and improve the feelings of public safety within the night time economy and for those using open spaces.

1.8 The City is part of the Winchester Business Improvement District and that along with the extension of the PSPO is likely to provide new enterprise with assurance that crime and disorder issues will be managed.

1.9 **Living Well**

1.10 The overall aim of the PSPO is to reduce alcohol related incidents that cause alarm, harassment and distress to those using our open spaces.

1.11 The PSPO provides a greater opportunity for partners to signpost those who are entrenched in alcohol abuse to support services.

1.12 **Your Services, Your Voice**

1.13 The CSP is proud of its strong partnership ethos and actively promotes the use of "You Said, We Did " slogans. This is demonstrated in the delivery of

community projects that have been instigated because of public concern around crime and disorder.

2 FINANCIAL IMPLICATIONS

- 2.1 Any identified need to purchase replacement signage will be undertaken in accordance with the council's Contract Procedure Rules and Public Contract Regulations 2015 (PCR2015). An audit was completed in 2018 of the current signage with additional signage added at a location identified in 2023. It is anticipated that any cost implications would be minimal for additional signage and ongoing work to identify these would be undertaken within current staffing and budget levels.

3 LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 The Anti-social Behaviour, Crime and Policing Act 2014 provides a broad legal framework within which PSPOs can be implemented. Orders can be introduced in a specific public area where the local authority is satisfied on reasonable grounds that certain conditions have been met. The Home Office statutory guidance reissued in February 2018 states that proposed restrictions should focus on specific behaviours and be proportionate to the detrimental effect that the behaviour is causing or can cause, and are necessary to prevent it from continuing, occurring or recurring.
- 3.2 A PSPO can last for up to three years, after which it must be reviewed. If the review supports an extension and other requirements are satisfied, it may be extended for up to a further three years. There is no limit on the number of times an order may be reviewed and renewed. The legislation sets out a number of additional requirements for consultation and communication before an order is introduced, once it is implemented and where it is extended, varied or discharged.
- 3.3 When considering whether to make or extend the period for a PSPO a local authority must have particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the European Convention on Human Rights. The limited impact of the restrictions imposed by the PSPO are considered compatible with rights under the Convention as the restrictions are lawful, necessary and proportionate having regard to the evidence and detrimental impact of alcohol related anti-social behaviour on people living, working or visiting the area of the PSPO.
- 3.4 Prior to extending a PSPO the council is required to consult with the local chief officer of police, the office of the police and crime commissioner, Hampshire County Council and appropriate community representatives and, where practicable, owners and occupiers of land affected by the PSPO. Details of the consultation that has been carried out are set out in paragraph 6 of this report.

- 3.5 The council's constitution states that the Licensing and Regulation Committee will determine all applications to designate an area a PSPO under Section 60(3) of the Anti-Social Behaviour, Crime and Policing Act 2014.

4 WORKFORCE IMPLICATIONS

- 4.1 Current signage will be reviewed and updated as appropriate within existing resources.

5 PROPERTY AND ASSET IMPLICATIONS

- 5.1 None

6 CONSULTATION AND COMMUNICATION

- 6.1 In line with the legislation, the Police District Commander, Office of the Police and Crime Commissioner, Hampshire and Isle of Wight Constabulary, were consulted. Hampshire County Council has been notified of the proposal.
- 6.2 A survey was launched between 2 June 2023 and 24 August 2023 and sent to statutory and non statutory partners who work within the current PSPO area to seek their views, organisational experience and working knowledge of the PSPO. Key partners included members of Winchester Town Forum, Police Alcohol Licensing Officer, Hampshire and Isle Of Wight Constabulary, University of Winchester, Winchester City Council Licensing Manager, Winchester City Council Service Lead (Housing and Social Inclusion), Winchester Bid Rangers, The Winchester Beacon, Trinity Winchester, Winchester Street Pastors, Winchester Cathedral, Winchester City Council Estates Team, Winchester City Council CCTV. Winchester City Council Natural Environment Team who manage the affected open spaces were also consulted.
- 6.3 It was not practicable to consult all owners and occupiers of land in the area. However major owners of open space in the area were consulted.
- 6.4 Partner responses showed an overall majority in favour of extending the current PSPO by 3 years as proposed with no objections to the proposed extension (see Appendix 1).
- 6.5 CCTV data is obtained on a monthly basis which supports the monitoring process in relation to the PSPO area.

7 ENVIRONMENTAL CONSIDERATIONS

- 7.1 The Public Space Protection Order promotes a positive and safe environment for those using open spaces, without fear of witnessing alcohol fuelled anti-social behaviour.

7.2 The Neighbourhood Services and Community Safety Team deliver against the Environmental Protection Act 1990 (as amended by The Clean Neighbourhoods and Environment Act 2005).

7.3 Anecdotally, there is a correlation between alcohol associated anti-social behaviour and detritus found within the same locations e.g. cans/glass bottles. Managing alcohol fuelled anti-social behaviour and dealing with the littering issues in public places, helps to improve the environment for others who are visiting, working or living in Winchester. There are six statutory partners responsible for leading the delivery of priority actions within Winchester Community Safety Partnership (CSP), all have a duty (Crime & Disorder Act 1998) to ensure there are joint working arrangements in place to reduce crime and disorder across the district. The CSP consists of Winchester City Council, Hampshire and Isle of Wight Constabulary, Hampshire and Isle of Wight Fire & Rescue Service, Hampshire Clinical Commissioning Group, Hampshire County Council, National Probation Service (South Central).

8 PUBLIC SECTOR EQUALITY DUTY

8.1 Government guidance is clear as to when the powers should be utilised and the PSPO only comes into force if complaints are received from others who feel alarmed, harassed or distressed within the alcohol control zone.

8.2 An Equality Impact Assessment can be found at appendix 3. The only adverse impact identified would be those who are alcohol dependent. However, any confiscation of alcohol is supported by signposting to relevant services.

9 DATA PROTECTION IMPACT ASSESSMENT

9.1 None

10 RISK MANAGEMENT

Risk	Mitigation	Opportunities
Financial Exposure	N/A	N/A
Exposure to challenge	Ensure that the council has properly followed the legal requirements for consultation and publicity when extending a PSPO	N/A
Innovation	N/A	N/A
Reputation - Partnership working. Hampshire and Isle of Wight Constabulary are keen for the PSPO to continue in	PSPO made and in place until 2026	Relaunch of the current PSPO provides additional public education and acts as a reminder to partners about the use of powers

its current guise. Allowing the current PSPO to expire may impact on the credibility of the partnership		available them.
Achievement of outcome	PSPO in place until 2026	Further publicise the importance of the PSPO/ACZ
Property	None	None
Community Support normally managed by Bid Rangers and Police.	The most prolific anti-social individuals coming to attention of the CSP can be referred to a multi-agency case conference meeting whereby a plan to address their behaviour or the offer of support can be put in place.	To signpost to appropriate support services.
Timescales - To meet the legislation requirement the PSPO must be extended before 15 th September 2023.	Report being presented to Licensing and Regulation Committee 5 th September 2023	Wider publication of the order on web-site, Social media and local publications/newspapers and site notices.
Project capacity	None	None
Other	N/A	N/A

11 SUPPORTING INFORMATION:

- 11.1 The original Designated Public Place Order (DPPO) was authorised in 2005 and launched in 2006. It was subsequently extended in 2007 to cover the surrounding areas of the city. (Appendix 1)
- 11.2 A review of the DPPO was undertaken in July 2009 in accordance with Government guidelines and as a consequence of a Human Rights challenge (Nationally) the CSP decided to change the name from Alcohol Exclusion Zone to Alcohol Control Zone.
- 11.3 A change in legislation following a review of the Anti-Social Behaviour, Crime and Policing Act 2014 allowed CSPs to automatically carry forward the disbanded DPPO in the form of a PSPO for a further period of 2 years without review (This commenced in October 2018). Government legislation dictates that where the automatic carry forward took place a further review would be undertaken and if appropriate approved for a further 3 years no later than 15 September 2023.

- 11.4 Under s72 of the Anti-Social Behaviour, Crime and Policing Act 2014 there is a requirement to consult, publicise and notify before the PSPO is extended. Subsequently a review of the current PSPO has been undertaken in accordance with those Government guidelines and if the authorisation for publication is approved by Committee it will remain in place for a further 3 years beyond 15 September 2023.
- 11.5 Breach of an order (refusing to give up alcohol when requested by a police officer) is a criminal offence, which can result in the issue of a Fixed Penalty Notice (FPN) of £100 or lead to prosecution. If found guilty of the offence, an individual can be fined up to a maximum of £1000. Under 18yrs will not be issued with FPN's.
- 11.6 Hampshire and Isle of Wight Constabulary data showed public order offences that carry arrest power. It showed that in the period between 01.10.2020 – 31.05.2023 Winchester saw a total of **70** public order offences in relation to alcohol, drink and drugs. To date our records show that **2** FPN's were issued for non-compliance which would imply that current early interventions are working (see Appendix 1)
- 11.7 The PSPO is not a ban on public drinking, it will only be acted upon when complaints from the public are received e.g. families/friends can still legitimately have a picnic in the open space on the proviso that no complaints are received.
- 11.8 PSPOs are not intended to target individuals for anything other than alcohol related anti-social behaviour which is having an unreasonable and detrimental effect on a person's quality of life. A full Equality Impact Assessment has been completed to ensure we adhere to the Human Rights of all, taking a balanced view with regards to enforcement procedures at all times.
- 11.9 The PSPO provides uniformed police officers with the power to require a person to stop drinking in a public place and as appropriate to surrender their alcohol if their behaviour is directly linked to their drinking. The order states that 'it is an offence to drink alcohol in public within this area when asked not to do so by a police officer'.
- 11.10 Where Licensed premises have responsibility for land adjacent to a curtilage or where consumption is associated with tables and chairs placed on the highway with the Council's consent e.g. pub gardens, cordoned areas, eateries it will not be considered to warrant the use of PSPO enforcement legislation because there are already powers available within the statutory licensing regulations.
- 11.11 Historically, a local agreement with Winchester City Council and District Police Commander was put in place which allowed for the temporary disbandment of the order whilst events in the city take place, with a condition that it resume 24 hours after it ends e.g. the Hat Fair. It is proposed that this condition will not change within the extension.

- 11.12 Section 72 Allows for openness and accountability so before making, varying, extending or discharging a PSPO, the council must carry out the necessary publicity and necessary notification (if any) in accordance with section 72(3) of the Anti-social Behaviour, Crime and Policing Act 2014 – This has been completed (Appendix 1)
- 11.13 Although the legislation allows the powers within the PSPO to be widened, the current data does not support using the powers for anything other than alcohol related ASB.

Next steps

- Subject to approval of this proposal, publication of the PSPO renewal will take place in the form of notices within the affected area, on the council's web-site and by the use of social media.
- The new PSPO must be in place no later than 15 September 2023.

12 **OTHER OPTIONS CONSIDERED AND REJECTED**

- 12.1 The option of not renewing the PSPO was rejected, as the evidence in this report and the feedback from the consultation showed that the consultees fully support the renewal of the PSPO which is considered to be a valuable tool in tackling alcohol fuelled anti-social behaviour.

13 **BACKGROUND DOCUMENTS:-**

Public Space Protection Order – Guidance for Councils – LGA

<https://www.local.gov.uk/public-spaces-protection-orders-guidance-councils>

LR211 EXTENSION OF THE ALCOHOL CONSUMPTION DESIGNATION ORDER
MARCH 2007

<https://democracy.winchester.gov.uk/data/licensing%20&%20regulation%20committee/200703011830/agenda/lr0211-aezreport.pdf>

LR223 EXTENSION OF THE ALCOHOL CONSUMPTION DESIGNATION ORDER JUNE
2007 <https://democracy.winchester.gov.uk/data/licensing%20&%20regulation%20committee/200706071830/agenda/lr0223-alcoholdesignationorderextensionreportplusapps.pdf>

Equality Impact Assessment

http://sharepoint/sites/builtenvironment/_layouts/15/DocIdRedir.aspx?ID=F5F755R7T2VE-1300910264-1344

APPENDICES:

Appendix 1. PSPO Report 2023

Appendix 2. Alcohol Exclusion Designated Order 2020

Appendix 3. Equality Impact Assessment



Public Spaces Protection Order Review and Extension 2023

**Report by: Davina Domone-Hollands - Neighbourhood Services
Officer – Anti-social Behaviour Lead Winchester City Council -
2023**



Introduction

The Anti-Social Behaviour, Crime and Policing Act 2014 provide local authorities with the power to implement Public Spaces Protections Orders (PSPO) to address Anti-social behaviour. Winchester currently has an active PSPO referred to locally as Alcohol Control Zone (Appendix 3). The order restricts “Behaving in a manner, either as an individual or within a group of people, which is likely to cause harassment, alarm or distress, whilst being in possession of an open container of, or consuming alcohol”^{1 2}.

In accordance with Government Guidance a PSPO order³ can be made for a maximum duration of up to three years, after which it may be extended after a review and further authorisation. The current order is now subject to review to ascertain if certain criteria under section 60 of the act is still being met. This includes consideration that; an extension is necessary to prevent activity recurring, there has been an increase in frequency or seriousness of activity.

PSPO’s were introduced to provide wider discretionary powers to deal with nuisance or problems which harm the local community’s quality of life. They provide local authorities with the necessary powers intended to deal with a specific nuisance or problem in a particular area that is detrimental to those using an open space. They are designed to ensure the law abiding majority can use and enjoy public spaces, safe from anti-social behaviour. The order imposes conditions on the use of that area which applies to everyone.

Breaking an order is a criminal offence, which can result in a fixed penalty notice (FPN) of £100 and/or proceed to prosecution. If prosecuted, an individual could be fined up to a maximum of £1,000. Only those aged 18 or over can be issued with an FPN.

In order to move a further 3 year extension forward, support and feedback has been sought for the current PSPO to continue beyond 2023. The city council’s constitution states that the Licensing and Regulation Committee will determine all applications to designate an area under Section 59 Anti-Social Behaviour, Crime and Policing Act 2014. This means that officers need to establish if our partners and the Committee are happy to proceed with the continuation of the PSPO in its present format.

Methodology

¹ PSPO Order – does not apply to licensed premises.

² Breaking an order is a criminal offence, which can result in a fixed penalty notice (FPN) of £100 or proceed to prosecution. If prosecuted an individual could be fined up to a maximum of £1,000. Only those aged 18 or over can be issued with a FPN.

³ PSPO Order – In Winchester this equates to the current alcohol control zone. A new order will not affect those consuming alcohol in a public place unless they are deemed to be causing alarm, harassment or distress to those in the immediate vicinity.

During the consultation process the following evaluation process was adopted:

- Survey (attached) - sent out to partners for completion.
- Anecdotal evidence - collected from partners in relation to the current Alcohol Control Zone (pro's and con's).
- CCTV Statistics – from WCC CCTV Manager
- Licensing Statistics - requested from Police Licensing Officer, Licensing and Alcohol Reduction Team.
- Police Anecdotal evidence – provided by Ch. Insp. (District Police Commander Winchester)
- Police Anecdotal evidence provided by District Inspector
- Anecdotal evidence given from Winchester BID via their contracted Rangers (Venture Security)
- Anecdotal evidence given from Winchester City Council Estates Team
- Surveys given to owners/occupiers in the alcohol control zone area

Surveys

A survey containing 10 questions was sent out to partners who were identified because of their work within the current alcohol control zone. See appendix 1 for copy of the questionnaire.

Partners included:

- WCC Licensing Manager
- Police Alcohol Licensing Officer
- Hampshire and Isle of Wight Constabulary
- Winchester University Security Manager
- WCC Service Lead – Housing and Social Inclusion
- BID Rangers – Winchester Business Improvement District
- The Winchester Beacon
- Trinity Manager
- Winchester Street Pastors
- Winchester City Council Estates Team

Partner agency survey responses showed the following results:

Table 1. Question	Responses:
1. Are you aware of the current Public Space Protection Order also known as the Alcohol control zone? 1) Yes 2) No 3) Not answered	<ul style="list-style-type: none"> • Yes 100%

<p>2. Which of the following applies to you whilst out in the PSPO zone?</p> <ol style="list-style-type: none"> 1) Walk through/patrol 2) Socialising 3) Resident 4) Workplace 5) Enforcing authority? 6) None apply 7) Not answered 	<ul style="list-style-type: none"> • Walk through/patrol 70% • Socialising 30% • Resident 20% • Work place 50% • Enforcing authority 50%
<p>3. Do you agree or disagree that the PSPO has helped to improve the quality of your life for those working, living and visiting Winchester?</p> <ol style="list-style-type: none"> 1) Strongly Agree 2) Agree 3) Disagree 4) Strongly Disagree 5) No opinion 6) Not answered 	<ul style="list-style-type: none"> • Strongly agree 50% • Agree 40% • Disagree 10% • Strongly disagree 0% • No opinion 0% • Not answered 0%
<p>4. Do you think that the PSPO helps to reduce crime and disorder?</p> <ol style="list-style-type: none"> 1) Yes – please explain why? 2) No – please explain why? 3) No opinion 4) Not answered 	<ul style="list-style-type: none"> • Yes 90.0% • No 10%
<p>5. Do you think the PSPO signage is clear?</p> <ol style="list-style-type: none"> 1) Yes 2) No 3) Don't know 4) Not answered 	<ul style="list-style-type: none"> • Yes 10% • No 50% • Don't know 40%
<p>6. Do you think the current process for managing alcohol related anti-social behaviour works?</p> <ol style="list-style-type: none"> 1) Yes 2) No 3) Not answered 	<ul style="list-style-type: none"> • Yes 90% • No 10%
<p>7. Do you support or oppose the use of the PSPO?</p>	<ul style="list-style-type: none"> • 100% Support

1) Support 2) Oppose 3) Not answered	
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Partners providing supporting statements

Listed below are key comments from the Police Licensing Officer, Hampshire and Isle of Wight Constabulary District Commander for the Winchester District, Hampshire and Isle of Wight Constabulary Neighbourhood Police Team Sergeant (Winchester) , Hampshire and Isle of Wight Constabulary Winchester District Inspector, ,Winchester BID City Rangers, Winchester Street Pastors, Councillor’s

- It would be a shame to revert to the unsatisfactory situation that existed previously.
- I am in full support of the extension. It has been proven to discourage groups within the city centre who congregate whilst consuming alcohol. This additional power allows early intervention with such individuals and has been proven to reduce more serious crimes taking place later on.
- The PSPO remains a useful tool for my officers and staff to take early intervention to reduce alcohol related violence. This is particularly effective with the street attached individuals who are causing disruption to local businesses and residents on a daily basis. It is also useful to assist us in dispersing youth related anti-social behaviour which remains an ongoing issue with groups congregating in open spaces such as Abbey Gardens.
- I support this to help reduce anti-social behaviour and assist in making Winchester a nicer place for residents and visitors. Also it discourages our homeless people from gathering in the city centre which can be intimidating for people.
- Working collectively with partners including Street pastors makes Winchester a safer place to be.
- It gives police the powers to intervene before it becomes a crime and allows police to set a bar for behaviour.
- Any additional powers that will help our authorities in protecting the local businesses, tourists and residents with regard to irresponsible behaviour is a big help.in areas of the city that have long been
- The area of particular concern has greatly improved in the last 12 months and an extension of the order to help my colleagues and the Police manage the area effectively is invaluable.

- Good working relationships with WCC, BID, CSP and Licensing.
- It works well in conjunction with Police Dispersal powers and enables officers to seize alcohol before drunken and disorderly behaviour. It also sets a level for general behaviour around the town.

Partners proving statements that require addressing:

- There needs to be a better system to manage the process so individuals who regularly ignore the PSPO are dealt with swiftly and where appropriate issued a FPN which if not paid is supported by prosecution.

Our response – We take a proactive approach to all concerns of public disorder including the Police, Winchester City Council Outreach and Inclusion to reduce the level of public drinking and drug taking within the city. We need to ensure that partners are reporting in the correct way so concerns of breaches of the PSPO are swiftly actioned.

- The PSPO is underutilised by agencies with persistent individuals ignoring it daily with limited consequence.

Our response – There is no evidence to suggest that the PSPO is under-utilised although we acknowledge the fact it would be worthwhile to do some education around the Alcohol control zone and legislation.

Data from Hampshire and Isle of Wight Constabulary

Hampshire and Isle of Wight Constabulary data for arrestable public order incidents reported for Winchester between 01.10. 2020 – 31.05.2023 x **70**.

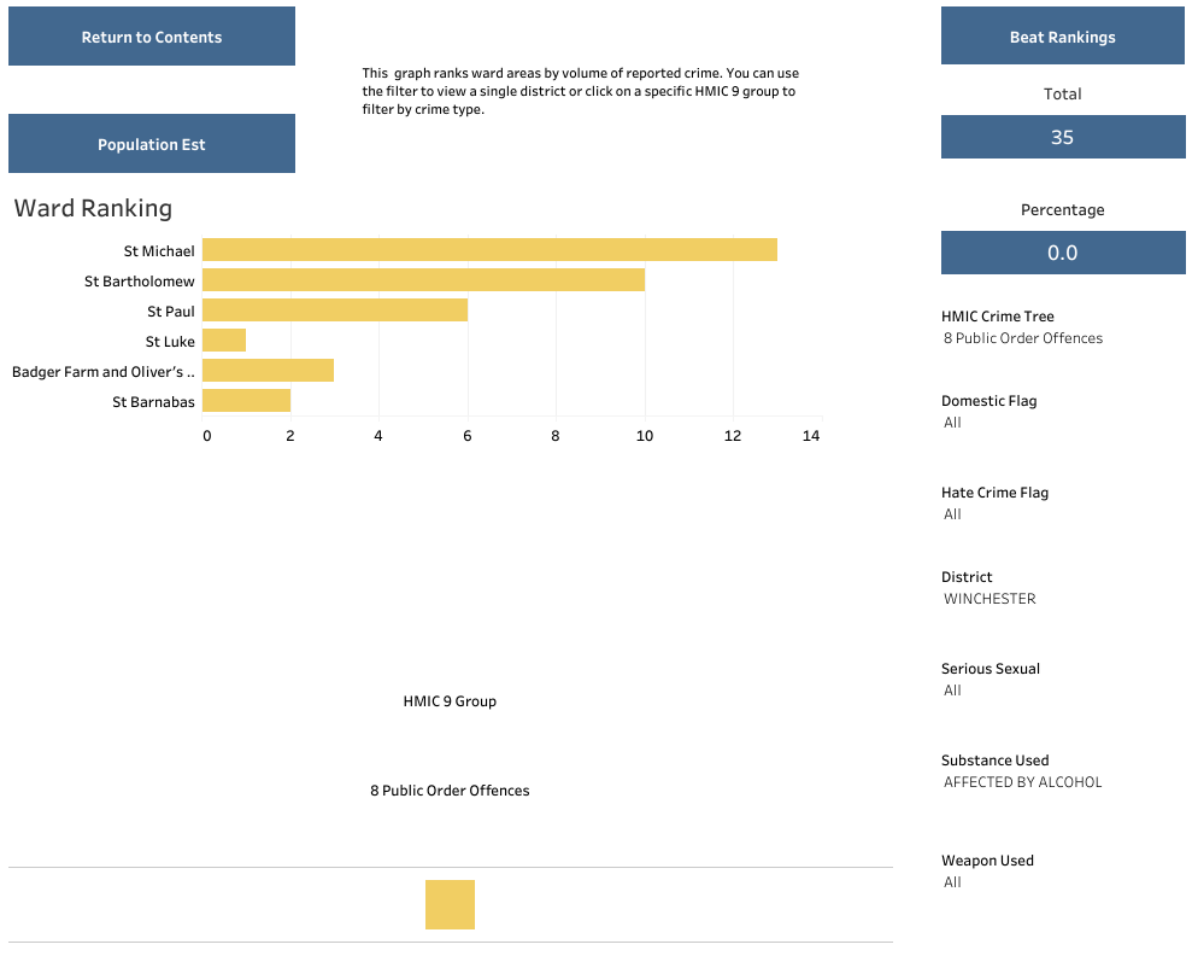
Please note below further comments from the Police Alcohol Licensing Officer

The date range above was during the COVID pandemic which was also an aggravating factor that when the hospitality industry re-opened, it was done so on the emphasis on utilising outdoor spaces.

Legislation was also amended to permit “off sales” of alcohol to support those venues who could not accommodate the outdoor regulations. Further legislation was amended to simplify and reduce the bureaucracy to the application process of the Amenities / Tables & Chairs permits. It is worth noting that both of these mentioned pieces of legislation remain relaxed to support the hospitality industry.

There was also a government initiative to support those who found themselves to be homeless and of an increased risk of catching (and spreading) the virus. I am not in possession of any figures but I am aware that this scheme was very positive in reducing the number of homeless during this period. I can also say with experience that these individuals would have previously contributed to the statistics, especially within the City Centre, and in particular Silver Hill.

I would suggest that if there is a positive use of the power and there has been a reduction in incidents then, as a Police Alcohol Licensing Officer, I would support the extension



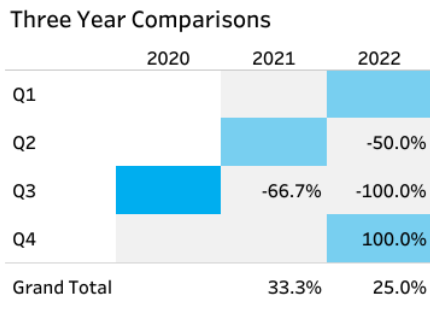
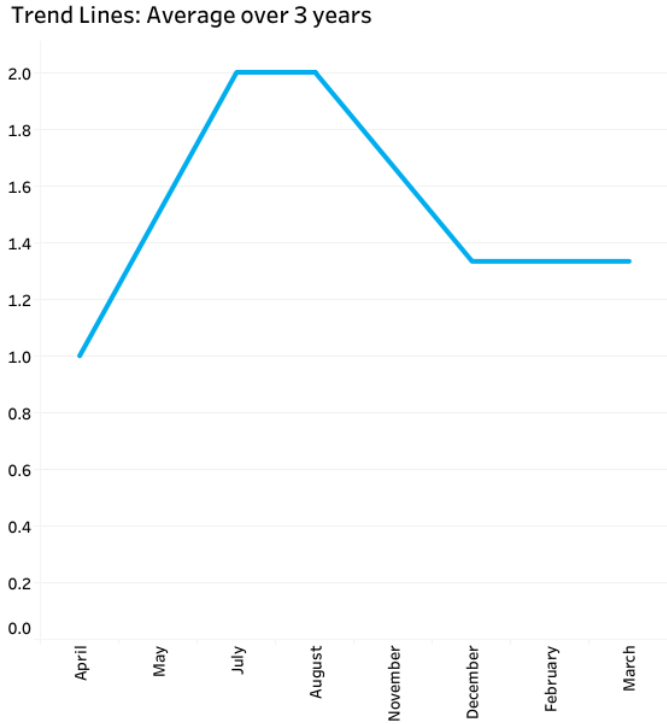
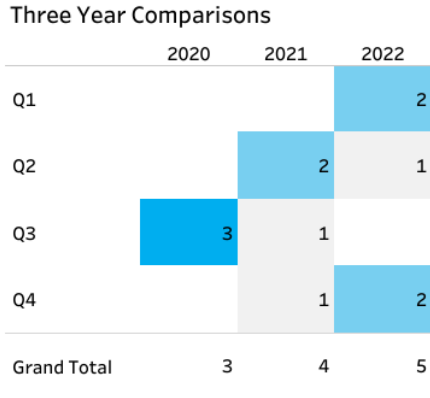
Alcohol related public order offences for the period 01/04/22 – 31/03/23 (no comparable data available)

Police recorded stats from Interact (Tableau) which is a multi-agency data collection tool which is managed by the Office of the Police and Crime Commissioner showing reported ASB incidents related to Alcohol - 3 year trend.

Three Year ASB Comparisons

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District: WINCHESTER | Ward: Multiple values | Beat: All | ASB Type: All | Substance Used: AFFECTED BY ALC..



Alcohol related ASB for the last 3 years for the following wards: St Barnabas, St Bartholomew, St Luke, St Michael, St Paul, Badger Farm and Oliver Battery. (Littleton and Harestock and St John's don't exist as wards anymore)

CCTV data for proactive requests to log/monitor in ACZ and Public Order related incidents in Winchester

CCTV data for Alcohol related incidents in Alcohol Control Zone and Public Order reported for monitoring/logging in Winchester between 01/10/2020 – 31/05/2023

Classified in the following way:

ACZ – Anyone that is in possession of an open container of alcohol but is behaving sensibly.

Public Order – Any individual/group that is causing a disturbance, harassment, alarm or distress which includes alcohol related to members of the public.

ACZ & Public Order Stats: October 2020 – May 2023

Months	Quarter	ACZ Total	Public Order Total
Oct – Dec 2020	3	2	12
Jan – March 2021	4	4	1
April – June 2021	1	6	8
July – Sep 2021	2	4	15
Oct – Dec 2021	3	0	6
Jan – March 2022	4	1	4
April- June 2022	1	5	7
July – Sep 2022	2	0	7
Oct – Dec 2022	3	0	3
Jan – March 2023	4	0	8
April – May 2023	1	0	3
Total:		22	74

Equality Impact Assessment

Government guidance required the completion of a full Equality Impact Assessment (EqIA) which are one tool for examining the main functions and policies of an organisation to see whether they have the potential to affect people differently. Their purpose is to identify and address existing or potential inequalities, resulting from policy and practice development. This has been completed and attached as (Appendix 2).

Introduction:

Important equality considerations; There is a requirement for a period of statutory consultation to be undertaken before a decision can be taken. It is important for the consultation to be both accessible and engaging with those likely to be affected by the order (positively and negatively). It must also consider the communication needs

of those living within the designated area (i.e. larger BME population), and ensure that they have access to translation services as required. If the PSPO is implemented it will be important for authorised officers to consider the needs of the individuals and their personal circumstances in order to make an informed decision as to the appropriate action to take (i.e. recommendation for support, advice, fine, criminal justice approach). It will also be important for authorised officers to ensure that any action taken is proportionate to and balanced against any risks posed, either to the individual or the wider community. This includes the seriousness of the offence, past history, the consequences of non-compliance and the likely effectiveness of the various enforcement options. It has outlined the need for a consistent yet flexible approach to the application of the PSPO, which must be tailored to the individual's needs and circumstances. It will be important to be able to evidence that the PSPO is not used, or is not perceived to be unfairly targeting young men who congregate within the different parts of the designated area. It is envisioned that some or all of the following factors will have a greater impact on the above individuals; the risk of further deprivation, destitution or homelessness, risk of criminalising behaviour, risk to health (for those physically dependant on substances), risk to community cohesion, restricted access to services located within the area for the duration of the order (i.e. pharmacies, GP, substance misuse treatment), if for example deemed unreasonable by the enforcing officer.

Recommendations

- Extend for another three years as outlined in this report - Using the information provided within this report it is clear that there is unanimous 100% support for the extension of the Public Space Protection Order beyond September 2023. Not extending the Public Space Protection Order is likely to result in:
 - a) Reduced public confidence
 - b) There is also a lack of other powers to remove alcohol
 - c) Increase in alcohol related crime
- Encourage greater data collection and the reporting of successes resulting from the Public Space Protection Order.
- Review the wording on the signage to ensure the terminology used is that as laid down in statute.
- Provide a list of signage locations to statutory and non-statutory partners to use as a guide when educating the public about the alcohol control zone/legislation.

Appendix: 1

PSPO Survey Questions

Table 1. Question	Responses:
<p>1. Are you aware of the current Public Space Protection Order also known as the Alcohol control zone?</p> <p>1) Yes 2) No 3) Not answered</p>	
<p>2. Which of the following applies to you in relation to the PSPO Zone?</p> <p>1) Walking through/patrol 2) Socialising 3) Resident 4) Workplace 5) Enforcing authority 6) None apply 7) Not answered</p>	
<p>3. Do you agree or disagree that the PSPO has helped to improve the quality of life for those working, living and visiting Winchester?</p> <p>1) Strongly Agree 2) Agree 3) Disagree 4) Strongly Disagree 5) No opinion 6) Not answered?</p>	
<p>4. Do you think that the PSPO has helps to reduce crime and disorder?</p> <p>1) Yes – please explain why? 2) No – please explain why? 3) No opinion 4) Not answered</p>	
<p>5. Do you think that the PSPO signage is clear?</p> <p>1) Yes 2) No 3) Don't know 4) Not answered</p>	

<p>6. Do you think the current process for managing alcohol related anti-social behaviour works?</p> <p>1) Yes 2) No – please explain why? 3) Not answered</p>	
<p>7. Do you support or oppose the proposed extension of the PSPO?</p> <p>1) Support 2) Oppose 3) Not answered</p>	
<p>8. What is your name?</p>	
<p>9. What is your organisation?</p>	
<p>10. What is your email address?</p>	

Appendix: 2



Public Space Protection Order - Review and Extension 2023

Equality Impact Assessment (EIA)

Data Checklist:

		Yes/No	Please provide details
1	Have there been any complaints data related to the policy or project you are looking to implement?	No	This is linked to government guidance whereby we deleted the DPPO and replaced it with a PSPO in 2018 which expires in September 2023.
2	Have all officers who will be responsible for implementing the policy or project been consulted, and given the opportunity to raise concerns about the way the policy or function has or will be implemented?	Yes	Hampshire and Isle of Wight Constabulary have been consulted and are fully supportive of the proposal to extend the current PSPO.
3	Have previous consultations highlighted any concerns about the policy or project from an equality impact perspective?	No	The original DPPO was in place from 2006 and to date we have not had any formal representation made about inequality impact.

4	Do you have any concerns regarding the	No	I have completed a report following consultation with Strategic
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	implementation of this policy or project? <i>(i.e. Have you completed a self-assessment and action plan for the implementation of your policy or project?)</i>		Partners using the following evaluation process; surveys, anecdotal evidence in relation to the current Alcohol Control Zone, Statistics from Strategic Partners.
5	Does any accessible data regarding the area which your work will address identify any areas of concern or potential problems which may impact on your policy or project?	No	None that I am aware off.
6	Do you have any past experience delivering similar policies or projects which may inform the implementation of your scheme from an equality impact point of view?	Yes	The DPPO which will be replaced by the PSPO.
7	Are there any other issues that you think will be relevant?	No	The current scheme will continue as is under a different legislation.

Directorate: Housing Services	Your Service Area: Housing Operations and Community Safety	Team: Neighbourhood Services and Community Safety Team	Officer responsible for this assessment: Davina Domone-Hollands	Date of assessment: 27/07/2023
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	Question	Please provide details
1	What is the name of the policy or project that is being assessed?	Alcohol Control Zone - Public Space Protection Order
2	Is this a new or existing policy?	Existing policy
3	Briefly describe the aim and purpose of this work.	To manage alcohol related ASB in public spaces via the extension of the PSPO when it comes to fruition in September 2023.
4	What are the associated objectives of this work?	To reduce the incidence of alcohol related ASB in public open space within the alcohol control zone.
5	Who is intended to benefit from this work and in what way?	All those that live, work or visit Winchester District, making it a safe environment in relation to alcohol fuelled ASB, causing alarm, harassment or distress.
6	What are the outcomes sought from this work?	As above
7	What factors/forces could contribute or detract from the outcomes?	Lack of commitment by Hampshire and Isle of Wight Constabulary to robustly implement their powers to tackle alcohol related ASB within the PSPO.
8	Who are the key individuals and organisations responsible for the implementation of this work?	Community Safety and Hampshire and Isle of Wight Constabulary - The PSPO powers can only be issued if complaints from others who feel alarmed, harassed or distressed within the alcohol control zone are received.
9	Who implements the policy or project and who or what is responsible for it?	The Community Safety Partnership carries the responsibility as statutory duty. Day to day management will be a partnership between the police and city council (licensing committee approval will be required).

		Please select your answer in bold . Please provide detail here.		
10a	Could the policy or project have the potential to affect individuals or communities on the basis of race differently in a negative way?	Y	N	Government guidance is clear as to when the powers should be utilised.
10b	What existing evidence (either presumed or otherwise) do you have for this?	The PSPO only comes into force if we receive complaints from others who feel alarmed, harassed or distressed within the alcohol controlled zone.		
11a	Could the policy or project have the potential to affect individuals or communities on the basis of sex differently in a negative way?	Y	N	As above
11b	What existing evidence (either presumed or otherwise) do you have for this?	The PSPO only comes into force if we receive complaints from others who feel alarmed, harassed or distressed within the alcohol controlled zone.		
12a	Could the policy or project have the potential to affect individuals or communities on the basis of disability differently in a negative way?	Y	N	As above
12b	What existing evidence (either presumed or otherwise) do you have for this?	The PSPO is the extension of a DPPO that came into force in 2006 and the same guidance around the use of powers will still apply.		
13a	Could the policy or project have the potential to affect individuals or communities on the basis of sexual orientation differently in a negative way?	Y	N	As above
13b	What existing evidence (either presumed or otherwise) do you have for this?	The PSPO only comes into force if we receive complaints from others who feel alarmed, harassed or distressed within the alcohol controlled zone.		
14a	Could the policy or project have the potential to affect individuals on the basis of age differently in a negative way?	Y	N	As above

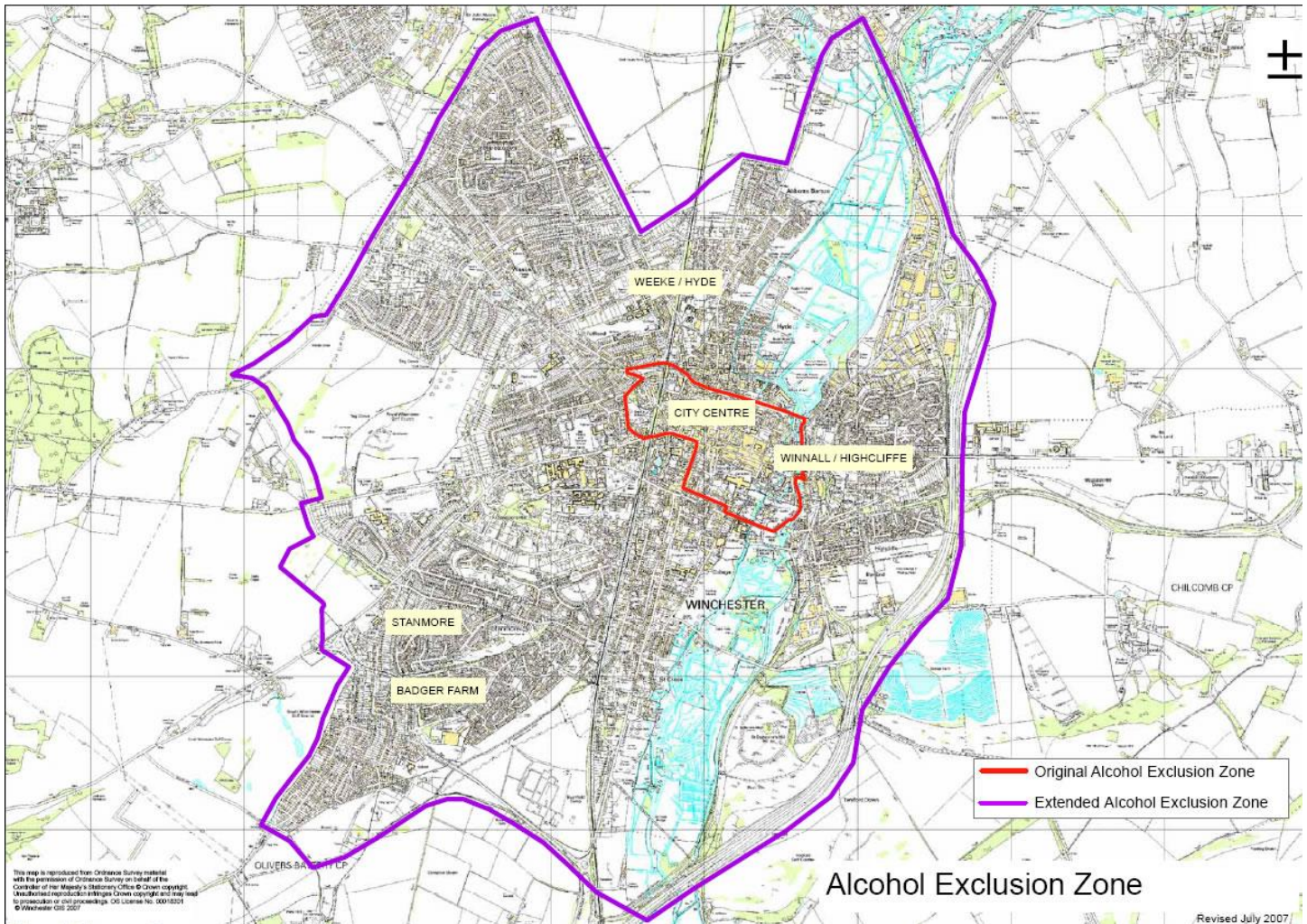
14b	What existing evidence (either presumed or otherwise) do you have for this?	The PSPO only comes into force if we receive complaints from others who feel alarmed, harassed or distressed within the alcohol controlled zone.		
15a	Could the policy or project have the potential to affect individuals or communities on the basis of religious belief differently in a negative way?	Y	N	As above
15b	What existing evidence (either presumed or otherwise) do you have for this?	The PSPO only comes into force if we receive complaints from others who feel alarmed, harassed or distressed within the alcohol controlled zone.		
16a	Could this policy or project have the potential to affect individuals on the basis of gender reassignment differently in a negative way?	Y	N	As above
16b	What existing evidence (either presumed or otherwise) do you have for this?	The PSPO only comes into force if we receive complaints from others who feel alarmed, harassed or distressed within the alcohol controlled zone.		
17a	Could this policy or project have the potential to affect individuals on the basis of marriage and civil partnership differently in a negative way?	Y	N	As above
17b	What existing evidence (either presumed or otherwise) do you have for this?	The PSPO only comes into force if we receive complaints from others who feel alarmed, harassed or distressed within the alcohol controlled zone.		
18a	Could this policy or project have the potential to affect individuals on the basis of pregnancy and maternity differently in a negative way?	Y	N	
18b	What existing evidence (either presumed or otherwise) do you have for this?	The PSPO only comes into force if we receive complaints from others who feel alarmed, harassed or distressed within the alcohol controlled zone.		

19	Could any negative impacts that you identified in questions 10a to 15b create the potential for the policy to discriminate against certain groups on the basis of protected characteristics?	Y	N	None identified									
20	Can this negative impact be justified on the grounds of promoting equality of opportunity for certain groups on the basis of protected characteristics? Please provide your answer opposite against the relevant protected characteristic.	Y	N	<table border="1"> <tr><td>Race:</td></tr> <tr><td>Sex:</td></tr> <tr><td>Disability:</td></tr> <tr><td>Sexual orientation:</td></tr> <tr><td>Age:</td></tr> <tr><td>Gender reassignment:</td></tr> <tr><td>Pregnancy and maternity:</td></tr> <tr><td>Marriage and civil partnership:</td></tr> <tr><td>Religious belief:</td></tr> </table>	Race:	Sex:	Disability:	Sexual orientation:	Age:	Gender reassignment:	Pregnancy and maternity:	Marriage and civil partnership:	Religious belief:
Race:													
Sex:													
Disability:													
Sexual orientation:													
Age:													
Gender reassignment:													
Pregnancy and maternity:													
Marriage and civil partnership:													
Religious belief:													
21	How will you mitigate any potential discrimination that may be brought about by your policy or project that you have identified above?	The PSPO is in place to reduce alcohol related Anti-Social behaviour, so that it does not impact on an individual's ability to access services. By reducing an individual's anti-social behaviour we are promoting their role as part of an inclusive society.											
22	Do any negative impacts that you have identified above impact on your service plan?	Y	N										

Signed by completing officer	Davina Domone-Hollands
Signed by Service Lead or Corporate Head of Service	Amber Russell

Appendix: 3

Alcohol Control Zone Map



Public Spaces Protection Order

Notice is hereby given that Winchester City Council ("the Council") has made the following Public Spaces Protection Order under section 60 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act")

This Order is a continuation of the Alcohol Consumption in Designated Public Places for the area of Winchester Town Centre Order 2005 made 1st July 2005, subsequently extended by the Alcohol Consumption Designated Public Places (Extension) Order 2007, and saved and transitioned by s75 of the Act:

1. The land described by the map(s) below being land in the area of the Council is land to which the Anti-Social Behaviour, Crime and Policing Act 2014 applies and will be protected by the making of this Order (the "area").
2. The Order may be cited as the Alcohol Consumption Public Spaces Protection Order 2020 and came into force on 15th September 2020 for a duration of 3 years.
3. The effect of the Order is to impose the following conditions on the use of the land:
 - (a) In this area any person who continues to carry out activities from which they are prohibited commits an offence namely;
 - 1 continuing to consume alcohol when asked not to do so by an officer
 - 2 refusing to give up or dispose of alcohol when asked to do so by an officer
 - (b) In this area any person who fails to comply with any activity that they are required to undertake commits an offence namely;
 - 1 ceasing to consume alcohol when asked to do so by an officer
 - 2 giving up or disposing of alcohol when asked to do so by an officer

A person guilty of an offence under conditions (a) or (b) above, under section 67 of the Act is liable on summary conviction to a fine not exceeding level 3 on the standard scale or fixed penalty notice of a maximum £100.

(c) In this area any person who continues drinking intoxicating liquor in the Order area when asked to desist by a Police Officer, Police Community Support Officer or authorised person from the Council under section 63 or fails to surrender any intoxicating liquor in his possession when asked to do so by a Police Officer, Police Community Support Officer or authorised person from the Council under section 63 commits an offence as follows:

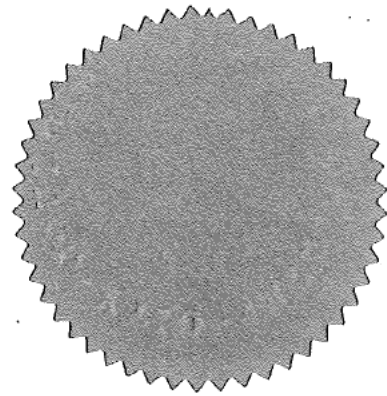
Any person who fails without reasonable excuse to comply with this requirement is liable on summary conviction to a fine not exceeding level 2 on the standard scale or fixed penalty notice of a maximum £100.

Dated: 24 February 2021

The Common Seal of the Winchester)
City Council was hereto affixed in the)
Presence of)

Legal Services

Authorized Signatory
John Fairhall



NO. IN SEAL
REGISTER:
11 165

Public Space Protection Order - Review and Extension 2023 Equality Impact Assessment (EIA)

Data Checklist:

		Yes/No	Please provide details
1	Have there been any complaints data related to the policy or project you are looking to implement?	No	This is linked to government guidance whereby we deleted the DPPO and replaced it with a PSPO in 2018 which expires in September 2023.
2	Have all officers who will be responsible for implementing the policy or project been consulted, and given the opportunity to raise concerns about the way the policy or function has or will be implemented?	Yes	Hampshire and Isle of Wight Constabulary have been consulted and are fully supportive of the proposal to extend the current PSPO.
3	Have previous consultations highlighted any concerns about the policy or project from an equality impact perspective?	No	The original DPPO was in place from 2006 and to date we have not had any formal representation made about inequality impact.
4	Do you have any concerns regarding the implementation of this policy or project? <i>(i.e. Have you completed a self-assessment and action plan for the implementation of your policy or project?)</i>	No	I have completed a report following consultation with Strategic Partners using the following evaluation process; surveys, anecdotal evidence in relation to the current Alcohol Control Zone, Statistics from Strategic Partners.
5	Does any accessible data regarding the area which your work will address identify any areas of concern or potential problems which may impact on your policy or project?	No	None that I am aware off.

		Yes/No	Please provide details
6	Do you have any past experience delivering similar policies or projects which may inform the implementation of your scheme from an equality impact point of view?	Yes	The DPPO which will be replaced by the PSPO.
7	Are there any other issues that you think will be relevant?	No	The current scheme will continue as is under a different legislation.

Your EqIA form

Directorate: Housing Services	Your Service Area: Housing Operations and Community Safety	Team: Neighbourhood Services and Community Safety Team	Officer responsible for this assessment: Davina Domone-Hollands	Date of assessment: 27/07/2023
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	Question	Please provide details
1	What is the name of the policy or project that is being assessed?	Alcohol Control Zone - Public Space Protection Order
2	Is this a new or existing policy?	Existing policy
Page 117	Briefly describe the aim and purpose of this work.	To manage alcohol related ASB in public spaces via the extension of the PSPO when it comes to fruition in September 2023.
	What are the associated objectives of this work?	To reduce the incidence of alcohol related ASB in public open space within the alcohol control zone.
5	Who is intended to benefit from this work and in what way?	All those that live, work or visit Winchester District, making it a safe environment in relation to alcohol fuelled ASB, causing alarm, harassment or distress.
6	What are the outcomes sought from this work?	As above
7	What factors/forces could contribute or detract from the outcomes?	Lack of commitment by Hampshire and Isle of Wight Constabulary to robustly implement their powers to tackle alcohol related ASB within the PSPO.
8	Who are the key individuals and organisations responsible for the implementation of this work?	Community Safety and Hampshire and Isle of Wight Constabulary - The PSPO powers can only be issued if complaints from others who feel alarmed, harassed or distressed within the alcohol control zone are received.
9	Who implements the policy or project and who or what is responsible for it?	The Community Safety Partnership carries the responsibility as statutory duty. Day to day management will be a partnership between the police and city council (licensing committee approval will be required).

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		Please select your answer in bold . Please provide detail here.		
10a	Could the policy or project have the potential to affect individuals or communities on the basis of race differently in a negative way?	Y	N	Government guidance is clear as to when the powers should be utilised.
10b	What existing evidence (either presumed or otherwise) do you have for this?	The PSPO only comes into force if we receive complaints from others who feel alarmed, harassed or distressed within the alcohol controlled zone.		
11a	Could the policy or project have the potential to affect individuals or communities on the basis of sex differently in a negative way?	Y	N	As above
11b	What existing evidence (either presumed or otherwise) do you have for this?	The PSPO only comes into force if we receive complaints from others who feel alarmed, harassed or distressed within the alcohol controlled zone.		
12a	Could the policy or project have the potential to affect individuals or communities on the basis of disability differently in a negative way?	Y	N	As above
12b	What existing evidence (either presumed or otherwise) do you have for this?	The PSPO is the extension of a DPPO that came into force in 2006 and the same guidance around the use of powers will still apply.		
13a	Could the policy or project have the potential to affect individuals or communities on the basis of sexual orientation differently in a negative way?	Y	N	As above
13b	What existing evidence (either presumed or otherwise) do you have for this?	The PSPO only comes into force if we receive complaints from others who feel alarmed, harassed or distressed within the alcohol controlled zone.		
14a	Could the policy or project have the potential to affect individuals on the basis of age differently in a negative way?	Y	N	As above
14b	What existing evidence (either presumed or otherwise) do you have for this?	The PSPO only comes into force if we receive complaints from others who feel alarmed, harassed or distressed within the alcohol controlled zone.		

15a	Could the policy or project have the potential to affect individuals or communities on the basis of <u>religious belief</u> differently in a negative way?	Y	N	As above
15b	What existing evidence (either presumed or otherwise) do you have for this?	The PSPO only comes into force if we receive complaints from others who feel alarmed, harassed or distressed within the alcohol controlled zone.		
16a	Could this policy or project have the potential to affect individuals on the basis of <u>gender reassignment</u> differently in a negative way?	Y	N	As above
16b	What existing evidence (either presumed or otherwise) do you have for this?	The PSPO only comes into force if we receive complaints from others who feel alarmed, harassed or distressed within the alcohol controlled zone.		
17a	Could this policy or project have the potential to affect individuals on the basis of <u>marriage and civil partnership</u> differently in a negative way?	Y	N	As above
17b	What existing evidence (either presumed or otherwise) do you have for this?	The PSPO only comes into force if we receive complaints from others who feel alarmed, harassed or distressed within the alcohol controlled zone.		
18a	Could this policy or project have the potential to affect individuals on the basis of <u>pregnancy and maternity</u> differently in a negative way?	Y	N	
18b	What existing evidence (either presumed or otherwise) do you have for this?	The PSPO only comes into force if we receive complaints from others who feel alarmed, harassed or distressed within the alcohol controlled zone.		

19	Could any negative impacts that you identified in questions 10a to 15b create the potential for the policy to discriminate against certain groups on the basis of protected characteristics?	Y	N	None identified
20	Can this negative impact be justified on the grounds of promoting equality of opportunity for certain groups on the basis of protected characteristics? Please provide your answer opposite against the relevant protected	Y	N	Race: Sex: Disability: Sexual orientation: Age:

	characteristic.			Gender reassignment:
				Pregnancy and maternity:
				Marriage and civil partnership:
				Religious belief:
21	How will you mitigate any potential discrimination that may be brought about by your policy or project that you have identified above?	The PSPO is in place to reduce alcohol related Anti-Social behaviour, so that it does not impact on an individual's ability to access services. By reducing an individual's anti-social behaviour we are promoting their role as part of an inclusive society.		
22	Do any negative impacts that you have identified above impact on your service plan?	Y	N	

Page 120

Signed by completing officer	Davina Domone-Hollands
Signed by Service Lead or Corporate Head of Service	Amber Russell