

Licensing Authority Statement of Licensing Policy 2011-2014

**LICENSING ACT 2003
SECTION 5**

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1 Introduction

- 1.1 This document sets out the Isle of Wight licensing authority's policy in respect of its licensing functions for the sale of alcohol, provision of regulated entertainment and the provision of late night refreshment. 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.
- 1.2 Further licensing statements will be published every three years thereafter, unless amended legislation dictates otherwise. This Statement of Licensing Policy has been prepared in accordance with the provisions of the Licensing Act 2003 and the guidance issued under Section 182 of the Act.
- 1.3 The Isle of Wight Council is the licensing authority for the Licensing Act 2003. Any reference to "the licensing authority" in this policy refers to the Isle of Wight Council.
- 1.4 Where revisions are made to the statutory guidance by the Secretary of State, it will be for the licensing authority to determine whether revisions to its licensing policy statement are appropriate.
- 1.5 Before determining its policy for any three year period, or if revising a policy within a period, the licensing authority must consult the persons listed in Section 5(3) of the Act. These are:
- the chief officer of police for Hampshire Constabulary;
 - the chief officer of the Isle of Wight Fire and Rescue Service;
 - persons/bodies representative of local holders of premises licences;
 - persons/bodies representative of local holders of club premises certificates;
 - persons/bodies representative of local holders of personal licences; and
 - persons/bodies representative of businesses and residents in its area.
- 1.6 The views of all persons/bodies listed shall be given appropriate weight when the policy is determined. A list of consultees is available on request
- 1.7 It is recognised that in some areas it may be difficult to identify persons or bodies that represent all parts of the industry affected by the provisions of this Act but the licensing authority will make all reasonable efforts to do so.

2 Licensing objectives

- 2.1 The Isle of Wight has many and varied licensed premises. The licensing authority recognises that these premises play a vital part in the cultural identity of the Island and are main contributors to local economy. They attract tourists and visitors and make for vibrant towns and communities, while at the same time providing employment.
- 2.2 Licensing is about the appropriate control of licensed premises, qualifying clubs, temporary events and the people who manage them or hold personal
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licences within the terms of the 2003 Act. Where valid representations are made, the licensing authority will make objective judgements as to whether conditions need to be attached to a licence, certificate or permission to secure achievement of the four licensing objectives. Accordingly, any decision taken by the licensing authority or any conditions attached to the premises licence/certificate will centre on promoting the licensing objectives at the premises being used for licensable activities and within the vicinity of those premises.

- 2.3 When dealing with licensing matters the licensing authority 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.
- 2.4 Each licensing objective is of equal importance.
- 2.5 The licensing authority recognises that the best means of promoting the licensing objectives is through the co-operation and partnership of local authorities, the police, local business, performers, local people and those involved in child protection. In respect of each of the four licensing objectives, applicants will need to provide evidence to the licensing authority that suitable and sufficient measures, as detailed in their operating schedule (see Section 9 below), will be implemented and maintained, relevant to the nature and mode of operation of their premises and events. Reference will need to be made to whether additional measures will be taken on an occasional or specific basis such as when a special event or promotion is planned, which is intended to, or likely to attract, larger audiences.
- 2.6 The licensing authority recognises that licensable activities are an important part in the cultural life of our community. In regulating activities under this legislation it acknowledges that a balance must be struck between the legitimate objectives of applicants and the desires of the population as a whole, and in particular those members of the public living, working or engaged in normal activity in the area concerned. A balance must be struck between these, often conflicting, positions and all views will be taken into account when making licensing decisions or determining a course of action.
- 2.7 Licensing law is not the primary means of controlling the nuisance and anti-social behaviour caused by individuals once they are away from licensed premises. In many cases, such conduct will be beyond the reasonable control of the holder of the premises licence or club premises certificate concerned. It is recognised, however, that where drunkenness or disorder are tolerated in particular premises, the wider community are more likely to be affected by the antisocial behaviour of customers leaving the premises or attracted to the

area. Licence holders are expected to do all that is reasonable to reduce the risk of antisocial behaviour by customers.

3 Licensable activities

3.1 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 are:

- 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 a club;
- the provision of regulated entertainment; and
- the provision of late night refreshment.

3.2 Subject to certain conditions, definitions and exemptions contained in Sections 173 to 175 of the Act, the provision of regulated entertainment for the public, or club members or with a view to profit, is defined as:

- an exhibition of a film;
- a performance of a play;
- an indoor sporting event;
- boxing or wrestling entertainment (indoor and outdoor);
- a performance of live music;
- the playing of recorded music;
- a performance of dance;
- entertainment of a similar description to that falling within the performance of live music, the playing of recorded music or the performance of dance;
- provision of facilities for making music or for dancing or entertainment of a similar kind.

3.3 Late night refreshment, which is subject to certain exemptions, is defined in Schedule 2 of the Act and relates to the supply of hot food or drink to members of the public on or from any premises for consumption on or off the premises between 2300hrs and 0500hrs.

3.4 The incidental performance of live music and incidental playing of recorded music may not be regarded as the provision of regulated entertainment in certain circumstances. In cases of doubt, advice should be sought from the Licensing Authority.

4 Integration of strategies and other legislation

4.1 The licensing authority recognises that as part of implementing any cultural strategy it must encourage and promote live music, dancing and theatre for

the wider cultural benefit of the community. The absence of cultural provision in an area can itself lead to young people being diverted into anti-social behaviour.

The successful delivery of the licensing objectives will depend upon the successful integration of this Statement of Licensing Policy with other local crime prevention, planning, transport, tourism, equality schemes and cultural strategies together with any designed to address the management of town centres and the night time economy.

4.2.1 The Equality Act 2010 replaces previous anti-discrimination legislation with a single act. A key part of the Equality Act 2010 is the requirement to meet the public sector equality duty. The equality duty consists of general duty and specific duties which replace the three existing public sector duties for disability, race and gender. The following protected characteristics covered are:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race (this includes ethnic or national origins, colour or nationality);
- religion / belief – this includes lack of belief;
- sex;
- sexual orientation.

It also applies to marriage and civil partnership, but only in the respect to have due regard to the need to eliminate discrimination.

The Equality Act 2010 simplifies the law, removing inconsistencies and making it easier for the local authority to comply.

The general duty has three aims, to:

- eliminate unlawful discrimination;
- advance equality of opportunity between people from different groups;
- foster good relations between people from different groups;

The specific duties require:

- the council to set specific measurable equality objectives;
- the publication of performance information in relation to the objectives;

4.2 The licensing authority will ensure that it takes into account the views of other stakeholders who are involved, directly or indirectly in the promotion of the licensing objectives.

4.3 Conditions attached to premises licences and club premises certificates will reflect any local crime, disorder and drugs strategies. Neighbouring authorities, town/parish councils and community partnerships/forums will also be consulted where appropriate.

4.4 Prior to submitting an application to the licensing authority the applicant should note that while the licensing authority may give authorisation for certain operating hours, the responsibility lies with the applicant to ensure that

any necessary planning consents are obtained for the hours and activities for which the application is being made.

- 4.5 The licensing authority recognises that there should be a clear separation of the planning and licensing systems and licensing applications will be viewed independently of planning applications. Licensing applications will not be a re-run of any planning application and will not conflict with decisions taken by the Planning Committee or following appeals against decisions made by that committee.
- 4.6 The licensing authority will seek to avoid attaching conditions that duplicate other regulatory regimes as far as possible. However, if other legislation does not cover the unique situations that may arise then additional controls may be imposed to secure the licensing objectives.
- 4.7 Prevention of disturbance to neighbourhoods will always be carefully balanced with the wider cultural benefits. Care will be taken to ensure that only necessary and reasonable licensing conditions are attached to licences so as to avoid imposing indirect and disproportionate costs. Conditions will relate solely to the promotion of the licensing objectives.

5 Approach to licensing applications

- 5.1 In determining a licence application the overriding principle will be that each application will be determined on its individual merits. When considering applications, the licensing authority will have regard to this policy and statutory guidance issued under Section 182 of the Licensing Act 2003. However, this policy and the guidance cannot anticipate every set of circumstances which may arise. Accordingly, the licensing authority may depart from them if they have reason to do so. In that event, the licensing authority will give full reasons for having done so.
- 5.2 Nothing in this policy will undermine the right of any person to apply under the 2003 Act for a variety of permissions and have any such application considered on its individual merits. Similarly it will not override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so in the Act.
- 5.3 Conditions will be tailored to the individual characteristics of the premises and licensable activities concerned and will not inhibit evening and night-time economies. Disproportionate and over burdensome conditions on premises will not be imposed. Standardised conditions will not be used. However, the licensing authority may draw upon a pool of conditions from which necessary and proportionate conditions may be attached in particular circumstances.
- 5.4 If the matter to be decided is controversial in any way or law precludes the determination of the matter under delegated powers then it will be decided by the Licensing Sub-Committee (LSC). (**See Appendix A for full schedule of delegations**).

6 Cumulative effect

- 6.1 The licensing authority will not take 'need' into account for a particular type of premises on the Isle of Wight when considering a licence application. This is a matter for planning development control and market forces.
- 6.2 The licensing authority recognises that the cumulative impact of the number, type and density of licensed premises in a given area, may lead to serious problems of nuisance and disorder.
- 6.3 Representations may be received from a “responsible authority” (as defined by section 69(4) of the Act or “interested party” (see 7.1 below) that an area has become saturated with premises making it a focal point for large groups of people. This concentration of premises may be creating exceptional problems of disorder and nuisance over and above the impact from the individual premises.
- 6.4 In these circumstances, the licensing authority may decide that the application of specific conditions is unlikely to address these problems. It may instead consider refusing new premises licences or club premises certificates if it believes that granting of any more would undermine the licensing objectives.
- 6.5 When deciding whether to adopt a “special saturation policy” the licensing authority will adhere to the following:
- Identification of concern about crime and disorder or public nuisance.
 - Consideration of whether it can be demonstrated that crime and disorder and nuisance are arising and are caused by the customers of licensed premises. If so, identifying the area from which problems are arising and the boundaries of that area. Alternatively, the risk factors may be such that the area is reaching a point when a cumulative effect is imminent. Evidence of anti-social behaviour from the police or community safety partnership and noise disturbance from environmental health officers will be taken into account.
 - Consultation with those specified by section 5(3) of the Act as part of the general consultation required in respect of the whole statement of licensing policy.
 - Subject to that consultation, inclusion of a special saturation policy about future premises licence or club premises certificate applications from that area within the terms of this licensing policy.
 - Publication of the special saturation policy as part of the statement of licensing policy required by the Act.
- 6.6 Where a special saturation policy is adopted, applicants will need to demonstrate why the operation of the premises would not add to the cumulative impact already being experienced. However, where representations are received, the onus will be on the objector to provide evidence that the addition of the premises in question would produce the cumulative impact claimed. It is worth remembering that the impact will be different for premises with different styles and characteristics.

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- 6.7 The licensing authority may approve licences that are unlikely to add significantly to the cumulative impact, eg restaurants, theatres etc. Departures from the special saturation policy may be made and so it is not absolute. The Licensing Authority will always consider the circumstances of each individual application on its own merits.
- 6.8 The adoption of a special saturation policy does not relieve responsible authorities or interested parties of the need to make a relevant representation before a licensing authority may lawfully consider giving effect to its special policy.
- 6.9 Once adopted, special saturation policies will be reviewed regularly to assess whether they are still required or need expanding.
- 6.10 A special saturation policy will not be used as a ground for revoking existing premises licences or certificates when representations are received about problems with those premises. Cumulative impact relates to the effect of a concentration of many premises and so identifying individual premises in the context of a review would be arbitrary. The special saturation policy will also not impose any trading hours, terminal hours or quotas (number or capacity of premises) as this would remove regard to the individual characteristics of the premises concerned.
- 6.11 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;
 - police enforcement of normal law concerning disorder and anti-social behaviour including the issuing of fixed penalty notices;
 - the prosecution of any personal licence holder or member of staff at premises that are selling alcohol to people who are either drunk or underage;
 - 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 or excessive noise emanating from the premises;
 - the power of the police and other responsible authorities or an interested party to seek a review of the licence or certificate in question.

7 Representations, reviews and appeals

- 7.1 Interested parties may make representations to the licensing authority in writing on any application for grant, variation or for the review of a premises licence. Interested parties are defined as:
- a person living in the vicinity of the premises in question;

- a body representing persons living in the vicinity of the premises in question, e.g. a residents' association, parish or town council;
- a person involved in a business in the vicinity of the premises in question;
- a body representing persons involved in such a business in the vicinity of the premises, e.g. a trade association;
- a member of the relevant licensing authority, i.e. elected councillors for the area in which a premises is situated.

- 7.2 The licensing authority can only review a licence where it is alleged that the licensing objectives are not being met. The licensing authority 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. A sub committee of three elected members from the licensing committee will consider review hearings. Applicants and objectors will be informed of the hearing procedure and invited to attend such hearings to present their cases. Hearings will be held promptly so that the issue can be dealt with efficiently and effectively.
- 7.3 While arrangements for a review hearing are initiated, authorised officers of the licensing section will make efforts to consult with the licence holder and review applicant in an attempt to resolve any issues informally. Where agreement cannot be made a hearing will be held unless authorised officers make the decision that the representation is repetitive or is vexatious or frivolous.
- 7.4 An aggrieved interested party whose representation is not regarded as "relevant" or is determined as "vexatious" or "frivolous" or "repetitious" may challenge the authorised officers' opinion by way of the Isle of Wight Council's complaints procedure or through the courts by way of judicial review.
- 7.5 Following a review hearing the licensing authority may:
- modify the conditions of the licence;
 - exclude a licensable activity from the scope of the licence;
 - remove the designated premises supervisor;
 - suspend the licence for a period (not exceeding three months); or
 - revoke the licence.
- 7.6 The Licensing Act 2003 contains provision for appeals by aggrieved parties against decisions made by the licensing authority. Any appeal has to be made to the magistrates' court.
- 7.7 The rights of appeal and reasons for the decision(s) taken by the licensing authority will be provided in writing to all parties concerned with any licensing decision. Decisions will have regard to the licensing authority's statement of licensing policy, statutory guidance, regulations and the Act itself.
- 7.8 The licensing authority will make comprehensive records of any hearing held in connection with its licensing functions under the Act, which will include the recording of hearings.
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8 Enforcement

- 8.1 The licensing authority will work closely with the police on issues of enforcement. Protocols will be established with the local police and other enforcing authorities as appropriate on enforcement issues.
- 8.2 The aim of such protocols will be to target higher risk and problem premises which require greater attention, while providing a lighter touch in respect of low risk premises which are well run.
- 8.3 The principle of risk assessment and targeting will prevail, and inspections of licensed premises will not be undertaken routinely but when and if they are judged necessary.
- 8.4 When judged necessary to do so, authorised officers of the licensing authority and responsible authorities will from time to time carry out unannounced inspections or test purchase visits to licensed premises in order to ensure compliance with the provisions of the Licensing Act 2003 and any other associated legislation.
- 8.5 Any enforcement action instigated by the licensing authority will be in accordance with the Environmental Health Enforcement Policy.

9 Operating schedules

- 9.1 The Operating schedule forms part of the completed application form for a premises licence. It should include information which is necessary to enable any responsible authority or interested party to assess whether the steps to be taken to promote the licensing objectives are satisfactory. Specific requirements on what it should contain and how it should be presented are contained in Section 17 of the Act and in regulations. However, general policies relevant to each of the licensing objectives are detailed below.
- 9.2 Any individual preparing an operating schedule is at liberty to volunteer any additional measure as a step he or she intends to take to promote the licensing objectives. However, it should be made clear to applicants that if any such steps are incorporated into the licence or certificate as conditions, they will become enforceable in law. A breach of such a condition could give rise to prosecution.

Prevention of crime and disorder

- 9.3 Licence holders are seen as playing a key role in the prevention of crime and disorder and must address this issue in their operating schedule. The range and scope of control measures will depend on a number of factors including the:
- nature and style of the venue;
 - activities being conducted there;
 - location of the premises;

- anticipated clientele of the business involved.

To demonstrate to the Licensing Authority and other responsible authorities that adequate provision has been made, consideration should be given to including the following, where appropriate, within the operating schedule:

- Staff training as regards roles and responsibilities within the Licensing Act.
- Incident records, including refusals logs.
- The use of plastic or polycarbonate glassware, particularly in venues where licensable activities take place after 2300hrs, or in the case of large or outdoor events where the risk of disorder or injury resulting from broken glass is raised.
- The provision of door staff.
- The imposition of a last entry time.
- The provision of CCTV.

- 9.4 It is recognised that club premises may operate under their own codes of discipline to ensure the good order and behaviour of members.
- 9.5 The licensing authority will expect licensees to have adequate management practices in place as well as suitable training for staff, to ensure that sales of alcohol are not made directly or indirectly to persons under the age of 18. Practices also need to be in place to ensure that sales are not made to persons who are either drunk or, in the opinion of the member of staff, may be reasonably expected to commit crime and disorder.
- 9.6 The licensing authority commends initiatives such as Pubwatch and Best Bar None, and will strongly encourage all retailers of alcohol to take part in such schemes, as active membership will be seen as an indicator of attempts to reduce crime and disorder. It is envisaged that adherence to the scheme could be taken into account when there is an official complaint made against a particular premises.
- 9.7 The licensing authority 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. Licensees must take appropriate steps to prevent drugs being supplied within the premises.
- 9.8 To ensure the proper scrutiny of Temporary Event Notices, the Local Authority shall encourage persons giving notice of such events to provide additional information about the proposed event. The person giving the notice is encouraged to take reasonable steps to provide relevant information to residents and businesses likely to be affected by the event.

Public safety

- 9.9 Applicants must indicate in their operating schedule the steps he/she proposes to ensure public safety.

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- 9.10 To demonstrate to the licensing authority and other responsible authorities that adequate provision has been made, the following should be included, where appropriate, with the operating schedule:
- Details of the occupancy numbers to be permitted in the premises, and the management arrangements to ensure they are not exceeded.
 - A copy of the emergency procedure plan.
 - Details of fire safety provisions and escape routes from the premises to a place of ultimate safety with any significant features should be identified on the plan accompanying the application and described in the operating schedule.
 - Supporting evidence demonstrating adequate maintenance of fire safety provisions and systems, e.g. current servicing certificates.
 - Adequate provision for the safety of persons with special needs.
 - Adequate provision of safe ingress and egress to the premises at all times when in use.
 - Suitable recording of maintenance, tests and training.
 - Testing of electrical wiring and systems (temporary and permanent).
 - 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.

The prevention of public nuisance

- 9.11 The licensing authority is committed to reducing the adverse impact of licensable activities, while not unduly restricting the legitimate desire of licensees to provide such activities. In considering applications the licensing authority will seek to ensure that personal and public amenities are maintained.
- 9.12 Activities involving regulated entertainment or eating or drinking on the premises have the potential to impact adversely on the surrounding area. The impact of noise generated by these activities and customers departing either on foot or in cars can be particularly intrusive at night when ambient noise levels are much lower.
- 9.13 More strict conditions with regard to noise control will be expected in certain areas of the Island, which have denser residential accommodation or low levels of background noise but this will not justify limiting opening hours without regard to the individual merits of any application.

Noise controls

- 9.14 The operating schedule must have regard to the nature of the area where the premises are situated, the type of premises concerned, the licensable activities to be provided, operational procedures and the needs of the local community. The licensing authority will expect the schedule to demonstrate how it is intended that the premises will be “good neighbours” both to

residents and to other venues and businesses. Businesses should have regard to guidance contained in the Good Practice Guide on the Control of Noise from Pubs and Clubs, March 2003 (produced by the Institute of Acoustics) and where appropriate, the Code of Practice on Environmental Noise Control at Concerts (produced by the former Noise Council).

Noise Conditions

9.15 Consideration may be given to conditions for the prevention of public nuisance, to ensure the following:

- Noise or vibration does not emanate from the premises so as to cause a nuisance to the occupants of nearby properties. This might be achieved by a simple requirement to keep doors and windows at the premises closed, (while providing adequate mechanical ventilation).
- Prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
- The placing of refuse – such as bottles – into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.
- Prohibit certain rooms from being used for purposes that create noise.
- The use of explosives, pyrotechnics and fireworks of a similar nature, which could cause disturbance in surrounding areas are restricted.
- Reducing sound levels and installing a sound limiting device to prevent sound exceeding the appropriate level.
- Installing soundproofing measures to contain sound and vibration.
- Restrictions on the location and use of sites on the premises designated for smoking.

9.16 The licensing authority will expect the applicant to propose practical steps as to how disturbance to local residents will be prevented and the following general issues should also be covered in the operating schedule:

- The establishment of an appropriate noise assessment procedure.
- The establishment of monitoring systems to demonstrate compliance with noise policies and with any specific noise restrictions.
- The establishment of an internal communications procedure for dealing with noise issues.
- The establishment of methods for logging and responding to noise complaints within appropriate time limits.
- The provision of general advice and training on noise control to employees.

Anti social behaviour

9.17 It is self evident that the risk of disturbance to local residents is greater when licensable activities continue late at night and into the early hours of the morning. For example the risk of residents' sleep being disturbed by patrons leaving licensed premises is obviously greater at 0200hrs than at 2300hrs.

If premises are open after 2300hrs it will be expected that:

- the premises will have an operating schedule agreed with the licensing authority that indicates the applicant is taking appropriate steps to comply with the licensing objectives of preventing public nuisance and the prevention of crime and disorder;
- there will not be any increase in the adverse impact from these or similar activities, on an adjacent residential area;
- there is a particularly high level of public transport accessibility to and from the premises at the appropriate times;
- the activity will not be likely to lead to a demonstrable increase in car parking demand in surrounding residential streets;
- there will be minimal adverse impact relating to the conduct of customers outside the venue or in any garden or smoking area.

Exterior lighting

- 9.18 Exterior lighting and security lighting must be positioned to reduce light pollution in neighbouring residential property.

Odour/litter

- 9.19 Where necessary and appropriate consideration of the actual or intended controls over odour and litter should be addressed in the operating schedule. This should include measures to control any smoking related litter generated by customers in the vicinity of the premises. .

Protection of children from harm

- 9.20 The licensing authority does not seek to limit the access of children to any premises unless it is necessary for the prevention of physical, moral or psychological harm to them. This policy cannot anticipate every issue of concern that could arise in respect of children and individual premises. Consideration of the individual merits of each application remains the best mechanism for judging such matters.
- 9.21 The licensing authority will not impose conditions requiring children to be admitted to any premises. This will remain a matter for the discretion of the individual licensee, club or person who has given a temporary event notice. Venue operators seeking premises licences and club premises certificates may volunteer such prohibitions and restrictions in their operating schedules if they have determined that the presence of children is undesirable or inappropriate.
- 9.22 The Licensing Authority will pay particular attention to ensuring the protection of children in the following circumstances:
- Where enforcement action has been taken against a member of staff for selling alcohol to children or where the premises has acquired a reputation for underage drinking.

- Premises with a known association with drug taking or dealing.
 - Where there is a strong element of gambling on the premises.
 - Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
 - Where entertainment or services of an adult or sexual nature are provided.
- 9.23 Entertainment or services of an adult or sexual nature will include topless bar staff, striptease, lap, tabletop or pole dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language. In such circumstances it will usually be necessary to impose a condition to exclude any person under the age of 18.
- 9.24 It is expected that any operating schedule will demonstrate how the licensee will ensure that no harm comes to any child by virtue of the licensable activities. The range of alternatives for limiting access to children include:
- limitations on the hours when children may be present;
 - limitations on the exclusion of the presence of children under certain ages when particular specified activities are taking place;
 - limitations on the parts of premises to which children might be given access;
 - age limitations below 18;
 - requirements for accompanying adults; and
 - full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 9.25 Where there is provision of entertainment specifically for children (e.g. a children's disco) or where the children themselves are performers, the licensing authority will require the presence of sufficient adults to control the access and egress of the children and ensure their safety. In the latter case there usually should be one supervising adult present at all times for every ten children.
- 9.26 The licensing authority expect 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](#) (BBFC).
- 9.27 Where the exhibition of films is permitted the authority will expect the age restrictions of the BBFC in respect of the films to be exhibited to be complied with. Only in exceptional cases will variations of this general rule be granted by the licensing authority and then only with appropriate safeguards.
- 9.28 For specialist film festivals where it is desired to show films not classified by the BBFC, the licensing authority will, provided adequate notice has been given, classify the films concerned. The licensing authority will use the guidelines published by the BBFC to do this. This information will be published on the licensing section's website.

9.29 In respect of licensing matters the licensing authority, recognises the Isle of Wight Council's directorate responsible for children and young persons as the responsible authority in relation to the protection of children.

APPENDIX A
Schedule of Delegations

Matter to be dealt with	Sub-Committee	Authorised Officer
Application for personal licence	If a police objection	If no objection made
Application for personal licence with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	If a police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a police objection	All other cases
Applications for interim authorities	If a police objection	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a complaint is irrelevant, frivolous, repetitious or vexatious etc		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 objection to a temporary event notice	All cases	
In cases where the Magistrates' Court has determined the licence on appeal		All cases
Application for minor variation of a premises licence or club premises certificate		All cases

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