

Somerset West and Taunton

Licensing Act 2003

Statement of Licensing Policy

2022 - 2027

Contents

	Page
	Adoption and Contact Details
1.0	Introduction
1.1	Background
1.2	Aim
1.3	Purpose
1.4	Consultation
1.5	Fundamental Principles
2.0	General Principles
2.1	Revision of Policy
2.2	Children and Cinemas
2.3	Immigration
2.4	Licensing Hours
2.5	Maximum Capacities
2.6	Late Night Refreshment
2.7	CCTV systems
2.8	Garages and motorway service areas
2.9	Naming, packing and promotion of alcohol in retail premises
3.0	Licensing Approach
3.1	Partnership Working
3.2	Integrating Strategies
3.3	Avoiding Duplication
3.4	Conditions
3.5	Enforcement
3.6	Live Music, Dancing and Theatre
4.0	Administrative Issues
4.1	Temporary Event Notices
4.2	Applicants for Personal Licences
4.3	Large Scale Events
4.4	Reviews of Licences or Club Premises Certificates
4.5	Administration, Exercise and Delegation of Functions
5.0	The Licensing Authority as a Responsible Authority
6.0	Suspension of Licences for non payment of annual fee
7.0	Further Information
Appendix A	Glossary of terminology

Adoption & Contact Details

The full Council of Somerset West & Taunton adopted this Statement of Licensing Policy for the period 2022 – 2027.

This Statement of Licensing Policy became operative from the 8th February 2022.

For further information regarding this document please contact:

Somerset West and Taunton Council PO Box 866 Taunton TA1 9GS	Email: enquiries@somersetwestandtaunton.gov.uk Website: www.somersetwestandtaunton.gov.uk Telephone: 0300 304 8000
---	--

1.0 Introduction

1.1 Background

1.1.1 Somerset West and Taunton Council (the Council) is the Licensing Authority under the Licensing Act 2003 (the Act). It is empowered to administer the following in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late night refreshment within the district:

- premises licences including provisional statements, variations, transfers, interim authorities and reviews
- club premises certificates
- temporary events notices
- personal licences

1.1.2 Unless otherwise stated this licensing policy will not depart from the Secretary of State's Guidance. Therefore to reduce repetition if matters are detailed in the Guidance they may not be included in this policy.

1.2 Aim

The Act requires the Licensing Authority to carry out its various licensing functions so as to promote the four licensing objectives.

The aim of this Licensing Policy is to set out how the Licensing Authority seeks to promote the four licensing objectives, which are:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

These four objectives will be the paramount considerations when determining a course of action in relation to the Licensing Authority's licensing functions. Each objective will be given equal importance.

1.3 Purpose

The main purpose of this policy is to provide clarity to applicants, interested parties and responsible authorities on how the Licensing Authority will determine applications to supply alcohol, provide regulated entertainment and operate late night refreshment.

1.4 Consultation

1.4.1 Before determining its policy for any five year period, the Licensing Authority will consult the following:

- the Chief Officer of Police
- the Fire Authority
- 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
- persons/bodies representative of businesses and residents in the Borough

- 1.4.2 The Licensing Authority may consult beyond the statutory requirements, and seek comments from additional bodies, groups or individuals.

1.5 Fundamental Principles

- 1.5.1 This Policy sets out the Licensing Authority's general approach to the making of licensing decisions and is consistent with the provisions of the Act. Nothing in the Policy will undermine the right of any individual to apply for permissions and to have any such application considered on its individual merits. Similarly, nothing in the policy will override the right of any person to make representations on an application or to seek a review of a licence or certificate where provisions have been made to do so in the Act.
- 1.5.2 The Licensing Authority may only impose conditions on a premises licence if they are consistent with the operating schedule or after receiving relevant representations. Any conditions attached to the licence must relate to the promotion of the Licensing Objectives.
- 1.5.3 The Licensing Authority acknowledges that the Government believes that in some circumstances flexible hours for the sale of alcohol can help to ensure that the concentrations of customers leaving premises simultaneously are avoided.
- 1.5.4 It is necessary to consider national guidance in the context of local circumstances. Where licensed premises are surrounded by housing, unrestricted extensions of hours could extend the time of such disturbance to later in the night. The Guidance acknowledges that tighter control may be justified in residential areas and the Licensing Authority considers that this is particularly relevant to parts of its administrative area, always having regard to the individual merits of any application.
- 1.5.5 In general terms the Licensing Authority will closely scrutinise applications for premises licences showing a late terminal hour so as to be satisfied that they will have no adverse impact on the licensing objectives.
- 1.5.6 Once people are beyond the control of the individual, club or business holding the relevant authorisation licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour. Licensing law will always be part of a holistic approach to the management of the evening and night-time economy in this district.

2.0 General Principles

In all applications relating to premises, the Legislation requires applicants to specify methods by which they will promote the four licensing objectives in their operating schedules. The operating schedule should include reference to the measures the applicant intends to use to promote the licensing objectives. Prior to submitting your application you may find it useful to seek the views of responsible authorities and local community to obtain information on local issues and concerns that you may wish to take into consideration prior to making your application.

2.1 Revisions to Policy.

- 2.1.1 The Licensing Authority has a duty to review its Licensing Policy and has therefore consulted with Responsible Authorities and other stakeholders since the implementation of the legislation in order to identify topics that may need to be added or removed from the Licensing Policy.
- 2.1.2 Areas of change have been necessitated through the implementation of the Police Reform and Social Responsibility Act 2011.

- 2.1.3 Applicants for a premises licence are advised to include in their Operating Schedule, (where applicable) specifically how they prevent sales of alcohol to persons under 18, minimise glass related injuries and or assaults, prevent noise from licensed premises becoming a nuisance and manage customers outside their premises who are smoking.
- 2.1.4 Crime Statistics locally have indicated that a last time of entry condition has assisted in the promotion of the licensing objectives. It is therefore expected that applicants for late licensed premises will be expected to provide detailed reasons in their operating schedules for seeking to allow any new entry to the premises after 1am.

2.2 Children and cinemas

- 2.2.1 The Act requires applicants for premises licences and club premises certificates to copy details of their applications to a body which:
- a) 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
 - b) is recognised by the Licensing Authority for that area for the purposes of this section as being competent to advise it on such matters.
- 2.2.2 The Licensing Authority's policy is that the "Responsible Authority" in relation to the protection of children from harm will be Somerset County Council's Children's Social Care at County Hall, Taunton, TA1 4DY.
- 2.2.3 The Licensing Authority will expect licensees of premises giving film exhibitions to include, in their operating schedules, arrangements for restricting children from viewing age restricted films. Such premises will be subject to a mandatory condition requiring that access will be restricted to only those who meet the required age limit in accordance with any certificate granted by the British Board of Film Classification, (BBFC) or in specific cases where such certificates have not been granted, the Licensing Authority.
- 2.2.4 The Licensing Authority does not intend to adopt its own system of film classification but reserves the right to amend the classification imposed by the British Board of Film Classification.
- 2.2.5 If the Licensing Authority attaches an age-restriction to any film that differs from the BBFC classification or attaches one to an unclassified film, the information about the Licensing Authority's classification will be published on the Council's website at www.somersetwestandtaunton.gov.uk.
- 2.2.6 We shall not seek to limit the access of children to any licensed premises unless it is necessary for the prevention of physical, moral or psychological harm. In all other cases it will be left to the discretion of the licensee but it is expected that the licensee shall give full consideration of access by children at all times and ensure that there is a policy in place to promote this licensing objective.

2.3 Immigration

- 2.3.1 The commencement of the Immigration Act 2016 made it a requirement for Licensing Authorities to be satisfied that an applicant has the right to work in the UK. An application made by someone who is not entitled to work in the UK must be rejected.
- 2.3.2 Licences must not be issued to people who are illegally present in the UK, who are not permitted to work, or who are permitted to work but are subject to a condition that prohibits them from doing work relating to the carrying on of a licensable activity.

- 2.3.3 A premises or personal licence issued in respect of an application made on or after 6 April 2017 will lapse if the holder's permission to live or work in the UK comes to an end.
- 2.3.4 Any application by an individual or partnership will mean the named persons must prove their right to work in the UK unless working for a company which are making said application.

2.4 Licensing Hours

- 2.4.1 With regard to licensing hours the Licensing Authority will consider each application on its individual merits.
- 2.4.2 Applications for premises licences with a terminal hour later than 12 midnight where the sale or supply of alcohol for consumption on the premises is the main activity or where the sale or supply of alcohol is accompanied by musical entertainment, will be subject to close scrutiny by the Responsible Authorities to ensure that there will be no adverse impact on the licensing objectives. Specifically, the applicant should ensure that the operating schedule for such a premises demonstrates how the licensing objectives will be met. Applicants are strongly recommended to seek the advice of both the Council's Licensing Officers and the Police in this regard.
- 2.4.3 This is a general policy and does not automatically mean that all applications will result in licences being granted until midnight or that no applications will be granted with a closing hour after midnight.
- 2.4.4 In considering these issues the Licensing Authority will give careful consideration to the nature of the venue proposed. For example, the Council is keen to promote establishments at which the service and consumption of alcohol is not the primary activity. These may include restaurants, theatres, cinemas, comedy clubs, galleries, museums, and similar venues. The Licensing Authority's experience is that such venues are liable to give rise to fewer public concerns and so applications for such premises to operate past midnight are more likely to be successful.
- 2.4.5 The Licensing Authority will pay special regard to the proximity of residential uses to the proposed premises, the parking areas and routes taken by customers when arriving at and leaving the premises. Consideration will be given to the imposition of stricter noise control conditions, if representations are received in areas with a concentration of residential property.
- 2.4.6 The Licensing Authority will expect premises to be cleared of patrons within a reasonable time of the terminal hour set for the premises. Applicants should state in their operating schedule the time they require to clear the premises. In normal circumstances, this will not exceed 30 minutes from the last sale of alcohol. Where the applicant can show that an extended period would assist in the promotion of the licensing objectives, the Council will consider permitting longer than 30 minutes.
- 2.4.7 Shops, stores and supermarkets will generally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping, unless there are good reasons for restricting those hours. An example would be where the Police make representations that the premises are a focus of disorder and disturbance.

2.5 Maximum Capacities

- 2.5.1 The type of entertainment offered on licensed premises and the closing hour of premises permitted to provide alcohol to the public often have a direct link to crime and disorder, public nuisance and public safety issues.

2.5.2 The Licensing Authority believes that some of the problems that may occur in late night licensed premises may be controlled by good management practices. However, controlling the numbers of customers allowed into the premises can also assist in promoting the following three licensing objectives:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance

2.5.3 Conditions specifying maximum capacities will be imposed where it is determined it is appropriate and proportionate in an individual case.

2.6 Late Night Refreshment

2.6.1 The Licensing Authority will expect applicants for licences, in respect of late night refreshment premises, to detail in their operating schedules how they intend to promote the licensing objectives and in particular how they intend to address queue management, litter and noise disturbance.

2.7 CCTV systems

2.7.1 Applicants and licence holders are encouraged to read the [CCTV guidance published by the Home Office \(link to webpage\)](#) and Avon and Somerset Constabulary; 'CCTV systems within licensing premises operational requirement guidance' before purchasing and installing a CCTV system.

2.7.2 The licensing authority may at times, when exercising its functions and in cases where it is appropriate and proportionate to do so in an individual case, seek to secure the standard of a CCTV system in a particular premises by referencing the aforementioned guidance in a licence condition.

2.8 Garages and motorway service areas

2.8.1 Section 176 of the 2003 Act prohibits the sale or supply of alcohol at motorway service areas and from premises which are used primarily as a garage, or part of premises used as a garage, being a premises used for one or more of the following:

- The retailing of petrol;
- The retailing of derv (diesel);
- The sale of motor vehicles; and
- The maintenance of motor vehicles.

2.8.2 The Secretary of State's guidance refers to a licensing authority deciding if a premises is used primarily as a garage where a relevant representation is made and that it may ask the licence holder to provide further information to help decide. To that effect, in instances like that or where the licensing authority or another responsible authority is making enquiries as to the use of the premises, applicants and licence holders are encouraged to be forthcoming with information and/or data to demonstrate the primary use of the premises e.g. electronic point of sales figures.

2.9 Naming, packing and promotion of alcohol in retail premises

2.9.1 The Secretary of State's guidance states that "The Government acknowledges that the irresponsible naming, packing or promotion of alcoholic drinks may contribute to alcohol related harms." It goes on to identify The Portman Group who, on behalf of the alcohol industry, operate a [Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks](#). The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older. Complaints about products under the Code are considered

by an Independent Complaints Panel and the Panel's decisions are published on the Portman Group's website, in the trade press and in an annual report. If a product's packaging or point-of-sale advertising is found to be in breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of sale material, until there has been compliance with the decision.

- 2.9.2 Retailers are encouraged to abide by The Code. It is an important tool in protecting children and vulnerable consumers from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner which may particularly appeal to these groups.

3.0 Licensing Approach

3.1 Partnership Working

- 3.1.1 The Council recognises that Licensing functions are not the only means of promoting the licensing objectives. Delivery must involve working in partnership with Planning, Environmental Health, the Police, the Fire Authority, the Safer Somerset Group, Pubwatch schemes, Business Improvement Districts (BIDs), Parish and Town Councils, local businesses and residents, Somerset County Council, transport operators and those involved with child protection.
- 3.1.2 The Council recognises that co-operation and partnership remain the best means of promoting the licensing objectives.

3.2 Integrating Strategies

- 3.2.1 There are many stakeholders involved in the leisure industry and many are involved in the promotion of the licensing objectives. A number of stakeholders' plans and strategies deal with matters related to the licensing function. Where this is the case the Council will aim, as far as possible, to coordinate them.
- 3.2.2 Cultural Strategy – The Council will monitor the impact of any decisions on the provision of regulated entertainment. The aim is not to deter live music, but to ensure that the licensing objectives are promoted. The Council will monitor the effect of licensing on the provision of regulated entertainment, particularly live music and dancing, to ensure that any licensing conditions that impose any restrictions, on such events, are proportionate and reasonable.
- 3.2.3 Equality & Diversity – The Council is required by legislation to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between people. The impact of these issues on the Licensing Policy will be monitored and amendments will be made as necessary.
- 3.2.4 Enforcement Policy – All licensing enforcement will be conducted in accordance with the Regulators Compliance Code and the Environmental Health Enforcement Procedures.

3.3 Avoiding Duplication

- 3.3.1 The Licensing Authority recognises the need to avoid, so far as possible, duplication with other regulatory regimes such as health and safety at work, fire safety, building control and planning. Conditions will not be imposed if the matters concerned are already provided for in other legislation. However, other legislation may not always cover the unique circumstances that arise in connection with licensable Activities and in such cases tailored conditions may be necessary but only if relevant representations are received.
- 3.3.2 Non-compliance with other statutory requirements may be taken into account in reaching a decision about whether or not to grant a licence but only if relevant representations are

received. Applicants, licence holders and notice givers are therefore reminded, in particular, of the need to be correctly registered with the council's food safety function and ensure the appropriate form of planning permission is in place, as these are separate regulatory regimes which are not superseded or overridden by an authorisation under the Licensing Act 2003. The council's website can be consulted for further information on each.

3.4 Conditions

- 3.4.1 Consideration of the licensing objectives and the impact the premises has or does not have on these will promote the need for conditions to be attached. There are already ten mandatory conditions (for alcohol alone) and these should be considered to avoid duplication.
- 3.4.2 Conditions may only be attached if relevant representations are received, any such conditions attached to licences and certificates will be tailored to the individual style and characteristics of the premises and events concerned. I.e. what is relevant to that premises not what is relevant to a premises just because it has a licence to supply alcohol licence.
- 3.4.3 However, where it is considered necessary to promote one or more of the licensing objectives the Licensing Authority will consider attaching conditions, if relevant representations are received.
- 3.4.4 Relevant representations must relate to one of the four licensing objectives, refer to the likely effect of the grant of the application on one or more of the licensing objectives and be based on evidence, where appropriate. The Licensing Authority will ultimately decide whether representations are 'relevant'.
- 3.4.5 There is guidance for Responsible Authorities on making representations at: <https://www.gov.uk/government/publications/alcohol-licensing-making-representations/a-practical-approach-to-making-representations-to-a-licensing-authority>
- 3.4.7 There will be circumstances where parties making representations negotiate with applicants and this can result in a compromise being reached and changes to the Operating Schedule are put forward. The Licensing Authority will, in such circumstances, treat this as a change to the Operating Schedule/application and that any representations are withdrawn, meaning a hearing is not necessary and the matter can be dealt with by Officers.

3.5 Enforcement

- 3.5.1 The Council, when planning and carrying out enforcement activities, will always have regard to the principles in the Regulators' Compliance Code.
- 3.5.2 The Council intends to use appropriate enforcement to promote the licensing objectives. Once licensed, it is essential that premises are monitored to ensure that they are run in accordance with their operating schedules, in compliance with the specific requirements of the Act and any licence conditions. It will also be important to monitor the district for unlicensed Activities that require a licence.
- 3.5.3 The Licensing Authority has established protocols with Avon and Somerset Constabulary, Somerset County Council Trading Standards and Devon and Somerset Fire Authority on enforcement issues to ensure an efficient deployment of Police and Council officers.
- 3.5.4 The majority of enforcement activity will be reactive, based on reports received and information uncovered by the Authority and where breaches are identified, the Authority will generally seek to educate and encourage compliance in the first instance.

3.6 Live Music, Dancing and Theatre

- 3.6.1 The Council recognises the need to encourage and promote a broad range of entertainment, particularly live music, dancing and theatre for the wider cultural benefit of the community and, in particular, for children and young people.
- 3.6.2 When considering applications for such events and the imposition of any conditions if representations are received on licences or certificates, the Licensing Authority will carefully balance the need to promote the licensing objectives against these wider cultural benefits.

4.0 Administrative Issues

4.1 Temporary Event Notices

- 4.1.1 The Act requires that a Temporary Event Notice must be given to the Licensing Authority, Avon and Somerset Police and the Council's Environmental Health Service a minimum of 10 clear working days' before the event or in the case of a Late Temporary Event Notice, not less than 5 clear working days before the beginning of the event.
- 4.1.2 The Licensing Authority however recommends that Notices are given at least 28 days before the planned event to allow enough time for the organiser to liaise with the fire authority, the police and the relevant Council officers to ensure that the event passes off safely with minimum disturbance to local residents.

4.2 Applicants for Personal Licences

- 4.2.1 The Licensing Authority places particular emphasis on the role of premises supervisors and licensees and, where the Police object, on the grounds of prevention of crime and disorder, there will be a presumption against issuing a personal licence to any applicant with an unspent conviction for a relevant offence. If the applicant can demonstrate exceptional and compelling reasons for disregarding the conviction, this will be taken into consideration.

4.3 Large Scale Events

- 4.3.1 Large Scale events of a temporary or more permanent nature will generally require detailed planning and more consultation with responsible Authorities and possibly representatives of other organisation concerned with safety. For such events it is therefore recommended that applicants contact the Licensing and the Council's Safety Advisory Group (SAG) at the earliest opportunity, to discuss their proposals.

4.4 Reviews of Licence or Club Premises Certificate

- 4.4.1 The Licensing Act details that; where a premises licence or club premises certificate has effect, an interested party or a Responsible Authority may apply to the relevant Licensing Authority for a review of the licence. The relevant Licensing Authority may, at any time, reject any ground for review specified in an application under this section if it is satisfied that the ground is not relevant to one or more of the licensing objectives, or in the case of an application made by a person other than a Responsible Authority, that the ground is frivolous or vexatious, or the ground is a repetition.
- 4.4.2 The Licensing Authority can, on review of licence or certificate, revoke the licence or certificate, suspend the licence or certificate, remove the Designated Premises Supervisor (DPS), reduce hours or licensable activity or add conditions to the licence or certificate.
- 4.4.3 The Licensing Authority recommends that Persons or Bodies considering seeking a review should discuss the matter with the Licensing Team to discuss possible alternatives and to ascertain the correct procedure.

4.5 Administration, Exercise and Delegation of Functions

- 4.5.1 The Council has a Licensing Committee, consisting of 15 elected members, to carry out its licensing functions and to make licensing decisions, except those functions relating to the making of a statement of licensing policy.
- 4.5.2 In the interests of speed, efficiency and cost-effectiveness the Committee will delegate certain decisions and functions to sub-committees and officers.
- 4.5.3 For example, where there are no relevant representations on an application for the grant of a premises licence or club premises certificate or Police objection to an application for a personal licence or to an activity taking place under the authority of a temporary event notice, these matters should be dealt with by officers.
- 4.5.4 The following table sets out the agreed delegation of decisions and functions to the Licensing Committee, Sub-Committees and officers.
- 4.5.5 This scheme of delegation does not prevent the referral of matters to a higher authority if considered appropriate in the circumstances of any particular case.

Matter to be dealt with	Sub-committee	Officers
Application for personal licence	If an objection is made	If no objection is made
Application for personal licence, with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a representation is made	If no representation is made
Application for provisional statement	If a representation is made	If no representation is made
Application to vary premises licence/club premises certificate	If a representation is made	If no representation is made
Application to vary designated premises supervisor	If a police objection is made	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a police objection is made	All other cases
Application for interim authority	If a police objection is made	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.		All cases

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	

5.0 The Licensing Authority as a Responsible Authority

- 5.1 There is no requirement under the Act for responsible authorities to make representations about applications for the grant of premises licences or to take any other steps in respect of different licensing processes. The Council will therefore determine when it considers it appropriate to Act in its capacity as a Responsible Authority based on the individual circumstances of each situation and in accordance with its duties under section 4 of the 2003 Act.
- 5.2 The Licensing Authority would not normally expect to act as a Responsible Authority on behalf of other parties (for example, local residents, local councillors or community groups) although there are occasions where the authority may decide to do so. Such parties can make relevant representations to the Licensing Authority in their own right, and the Licensing Authority considers it reasonable to expect them to make representations themselves where they are reasonably able to do so. However, if these parties have failed to take action and the Licensing Authority is aware of relevant grounds to make a representation, it may choose to act in its capacity as Responsible Authority.
- 5.3 The Licensing Authority will normally expect that other responsible authorities should intervene where the basis for the intervention falls within the remit of that other Responsible Authority.
- 5.4 The 2003 Act enables licensing authorities to Act as responsible authorities as a means of early intervention; where it considers it appropriate the Council may do without having to wait for representations from other responsible authorities.
- 5.6 In cases where the Licensing Authority is also acting as Responsible Authority in relation to the same process, it is important to achieve a separation of responsibilities within the authority to ensure procedural fairness and eliminate conflicts of interest. In such cases licensing determinations will be made by the licensing committee or sub committee comprising elected members of the authority (although they are advised by a licensing officer). Therefore, a separation is achieved by allocating distinct functions (i.e. those of Licensing Authority and Responsible Authority) to different officials within the authority.
- 5.7 In these cases, the Licensing Authority where possible will allocate the different responsibilities to different licensing officers or other officers within the local authority to ensure a proper separation of responsibilities. The officer advising the licensing committee (i.e. the authority acting in its capacity as the Licensing Authority) will be a different individual to the officer who is acting for the Responsible Authority. The officer acting for the Responsible Authority should not be involved in the licensing decision process and should not discuss the merits of the case with those involved in making the determination by the Licensing Authority.
- 5.8 Communication between these officers in relation to the case should remain professional and consistent with communication with other responsible authorities. Representations, subject to limited exceptions, will be made in writing.

6.0 Suspension of licences following non payment of fees

- 6.1 In order to provide a strong incentive for businesses to pay their fees in a timely manner and save the Council the time and cost of pursuing non-payment, the Licensing Authority will use its powers under the Act to suspend licences due to non-payment of fees. Should no contact be received from a licence holder following the issue of an invoice the council will assume the licence has been surrendered and write the licence holder verifying this fact.

7.0 Further Information

- 7.1 Further information about the Licensing Act 2003 and this statement of Licensing Policy can be obtained from:

Somerset West and Taunton Council, PO Box 866, Taunton, TA1 9GS

Tel: 0300 304 8000

Email: enquiries@somersetwestandtaunton.gov.uk

Website: www.somersetwestandtaunton.gov.uk

- 7.2 Information is also available from the Department for Media Culture and Sport

2- 4 Cockspur Street, London SW1Y 5DH.

Tel: 020 7211 6200

Email: enquiries@culture.gov.uk

Website: www.culture.gov.uk

Appendix A – Glossary of terminology

Club Premises Certificate	means a certificate granted to a qualifying club under the Act in respect of premises occupied, and habitually used for the purposes of a club. Alcohol must not be supplied other than to members by or on behalf of the club.
Entertainment facilities	are defined as facilities for enabling persons to take part in entertainment for the purpose of being entertained. The descriptions of entertainment are making music, dancing, and entertainment of a similar description to that falling within those mentioned above. This definition is subject to Part 3 of Schedule 1 to the Licensing Act 2003 (interpretation).
Hot food or hot drink	<p>food or drink supplied on or from any premises is “hot” for the purposes of Schedule 2 to the Act if the food or drink, or any part of it:</p> <p>(i) before it is supplied, is heated on the premises or elsewhere for the purpose of enabling it to be consumed at a temperature above the ambient air temperature and, at the time of supply, is above that temperature,</p> <p>or</p> <p>(ii) after it is supplied, may be heated on the premises for the purpose of enabling it to be consumed at a temperature above the ambient air temperature.</p>
Interested Party	<p>is defined as:</p> <p>(i) a person</p> <p>(ii) a body representing persons</p> <p>(iii) a person involved in a business</p> <p>(iv) a body representing persons involved in such businesses.</p> <p>(v) a member of the relevant Licensing Authority.</p>
Licensable Activities and qualifying club Activities	<p>are defined in the Licensing Act as:</p> <p>(i) the sale by retail of alcohol</p> <p>(ii) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club</p> <p>(iii) the provision of regulated entertainment</p> <p>(iv) the provision of late night refreshment - for those purposes the following licensable Activities are also qualifying club Activities:</p> <p>(i) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club for consumption on the premises where the supply takes place</p> <p>(ii) the sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place</p>

	(iii) the provision of regulated entertainment where that provision is by or on behalf of a club for members of the club or members of the club and their guests.
Operating Schedule	<p>means a document that must be prepared by or on behalf of an applicant for a premises licence or club premises certificate containing a statement including the following matters:</p> <ul style="list-style-type: none"> • the relevant licensable Activities • the times at which licensable Activities are to take place and any other times the premises are to be open to the public • information about the Designated Premises Supervisor • whether any alcohol sales are on and/or off sales • the steps being taken to promote the licensing objectives.
Personal Licence	authorises an individual to supply or authorise the supply of alcohol in accordance with a premises licence.
Premises Licence	authorises the premises to be used for one or more licensable Activity.
Provision of late night refreshment	<p>is defined as the provision of hot food or hot drink to members of the public, or a section of the public on or from any premises, whether for consumption on or off the premises between 11 pm and 5 am</p> <p>or</p> <p>at any time between those hours when members of the public, or a section of the public, are admitted to any premises, a person supplies, or holds himself willing to supply, hot food or hot drink to any persons, or to persons of a particular description, on or from those premises, whether for consumption on or off the premises.</p>
Regulated Entertainment	<p>is defined as:</p> <ul style="list-style-type: none"> (a) a performance of a play (b) an exhibition of film (c) an indoor sporting event (d) a boxing or wrestling entertainment (e) a performance of live music (f) any playing of recorded music (g) a performance of dance (h) entertainment of a similar description to that falling within paragraph (e), (f) or (g) where the entertainment takes place in the present of an audience and is provided for the purpose, or for purposes which include the purpose, of entertaining that audience. Any reference to an audience includes a reference to spectators. This definition is subject to Part 3 of Schedule 1 to the Licensing Act 2003 (interpretation).

	(i) Entertainment Facilities. This definition is subject to Part 1 of Schedule 1 to the Licensing Act 2003 (interpretation).
Responsible Authority	<p>is defined as:</p> <p>(i) Chief Officer of Police for any Police area in which the premises are situated</p> <p>(ii) the Fire Authority for any area in which the premises are situated</p> <p>(iii) the enforcing authority within the meaning given by section 18 of the Health and Safety at Work etc Act 1974 for any area in which the premises are situated</p> <p>(iv) the local planning authority within the meaning given by the Town and Country Planning Act 1990 (c.8) for any area in which the premises are situated</p> <p>(v) 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</p> <p>(vi) a body which:</p> <p>(a) 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</p> <p>(b) is recognised by the Licensing Authority for that area for the purposes of this section as being competent to advise it on such matters</p> <p>(vii) any Licensing Authority (other than the relevant Licensing Authority) in whose area part of the premises is situated</p> <p>(viii) in relation to a vessel:</p> <p>(a) a navigation authority (within the meaning of section 221(1) of the Water Resources Act 1991 (c.57)) having functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is or is proposed to be, navigated at a time when it is used for licensable Activities</p> <p>(b) the Environment Agency</p> <p>(c) the British Waterways Board, or</p> <p>(d) the Secretary of State</p> <p>(e) the Local Licensing Authority</p> <p>(f) Local Health Bodies for the responsible area to include a Primary Care Trust</p> <p>(g) a person prescribed for the purpose of this subsection.</p>
Temporary Event	is defined as the use of premises for one or more of the licensable Activities during a period not exceeding 168 hours usually where a premises licence covering the licensable activity is not in place.

Temporary Event Notice

a document giving notice to the Licensing Authority of intention to hold a temporary event.

DRAFT