



Licensing Act 2003

(as amended)

DRAFT REVISED

Statement of Licensing Policy

FOR CONSULTATION

~~22 January 2019~~

16 January 2024 – to be confirmed

Public Protection

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1. Background & Context

- 1.1 The Licensing Act 2003 (referred to as “the Act”) requires Licensing Authorities to publish a Statement of Licensing Policy (referred to as “the Policy”) every 5 years. The Act designates Local Authorities as Licensing Authorities responsible for issuing and reviewing licences for premises and club premises.
- 1.2 The purpose of the Policy is to set out Cornwall Council’s general approach to making licensing decisions
- 1.3 The Act is based around the 4 licensing objectives, which are:-
- the prevention of crime & disorder;
 - public safety;
 - the prevention of public nuisance; and
 - the protection of children from harm.
- 1.4 The following licensable activities, subject to certain exemptions (as detailed in the Statutory Guidance), require an authorisation from the Licensing Authority:-
- 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; and
 - The provision of late night refreshment
- 1.5 It is an offence under the Act to carry on licensable activities, unless an exemption applies, without the appropriate authorisations, or to allow such activities to be carried on.
- 1.6 The Act provides for 4 different types of authorisation or permission, as follows:-
- Premises Licence
 - Club Premises Certificate
 - Temporary Event Notice
 - Personal Licence
- 1.7 The types of businesses, premises and events that may require an authorisation include:-
- pubs, bars, nightclubs
 - private members clubs
 - cinemas, theatres
 - late-opening cafes, take-aways (serving hot food or drink between 11pm and 5am)
 - community halls, village halls, schools
 - shops, supermarkets, off-licences
 - festivals, concerts, fairs

- 1.8 Licensing is about regulating licensable activities within the terms of the Act and conditions attached to various authorisations must be focussed on matters which are in the control of individual operators.
- 1.9 The Licensing Authority acknowledges that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises. However it is a key aspect of such control and will always be part of a holistic approach to the management of the evening and night time economy in town and city centres.
- 1.10 Applicants are required to have regard to the promotion of the licensing objectives when making applications. Likewise, representations on applications or a request for a review must also relate to the impact on the licensing objectives.
- 1.11 On receipt of applications, representations may be made by Responsible Authorities or 'Other Persons'.
- 1.12 The Licensing Authority's discretion is engaged on receipt of a relevant representation, and it is obliged to consider the matters of contention or concern, and determine the application by doing whatever it considers appropriate to promote the licensing objectives.
- 1.13 Every application, notice or representation will be considered on its own merits. The Licensing Authority will make decisions in accordance with the Act and with a view to promoting the licensing objectives. It will also have regard to this Policy and the Statutory Guidance.
- 1.14 This Policy and the Statutory Guidance cannot anticipate every possible scenario or set of circumstances that may arise. For these reasons, it may be necessary to depart from the Policy and/or Statutory Guidance. The Licensing Authority will give reasons for doing so in such circumstances.
- 1.15 The Licensing Team offer a [Licensing Direct](#) service where they are able to assist applicants to get their application right first time with various chargeable services offered, including pre-application advice, application assistance, check & send. In addition, if representations are received, the Licensing Team may offer mediation in an attempt to resolve any issues with all parties. The Licensing Team operate impartially and free from conflicts of interest. Businesses should be aware that it is possible to obtain the same services as those offered by Cornwall Council elsewhere.
- 1.16 In addition, the Council's [Business Regulatory Support Service](#) can offer help and advice across the full range of regulatory services such as environmental health, trading standards, planning, fire etc. if required.

Public Health

- 1.17 Alcohol holds a prominent place in our communities, and enjoyed safely (ideally at low risk levels), it can have a positive role in family and social life, as well as being an important factor in Cornwall's economy.
- 1.18 Premises that serve communities are recognised as they play an important role in providing places to meet and socialise for individuals who may otherwise be alone or in isolated.
- 1.19 However these benefits should not disguise the fact that alcohol can also have a profound negative impact on our communities, whether through visible harms such as alcohol fuelled crime, disorder and street drinking; or in relation to more hidden harms such as alcohol dependence, domestic abuse and child safeguarding issues.
- 1.20 Alcohol misuse is associated with 60 medical conditions, from liver disease, heart disease and strokes to types of cancer, hypertension and mental health issues. Alcohol can have a detrimental effect on physical and mental health and wellbeing.
- 1.21 There are no guaranteed safe levels of drinking, but drinking below the recommended limits means the risks to health are low. The current recommended limits can be found at [Alcohol units – what's safe? - Safer Cornwall](#) and [Weekly Alcohol Guidelines on Vimeo](#)
This follows the national guidance published by the [Chief Medical Officer](#)

Weekly drinking guideline

This applies to adults who drink regularly or frequently i.e. most weeks

The Chief Medical Officers' guideline for both men and women is that:

- To keep health risks from alcohol to a low level it is safest not to drink more than 14 units a week on a regular basis.
- If you regularly drink as much as 14 units per week, it is best to spread your drinking evenly over 3 or more days. If you have one or two heavy drinking episodes a week, you increase your risks of death from long term illness and from accidents and injuries.
- The risk of developing a range of health problems (including cancers of the mouth, throat and breast) increases the more you drink on a regular basis.
- If you wish to cut down the amount you drink, a good way to help achieve this is to have several drink-free days each week.

- 1.22 The link between alcohol outlet density in an area and alcohol harms is accepted by the Government, The National Institute for Health and Care Excellence (NICE), Public Health England, the World Health Organisation and the Local Government Association (LGA), and informs their policy and strategy documents.

- 1.23 There is substantial academic evidence which links the density of alcohol outlets in an area with the rate of alcohol harms, such as domestic abuse and alcohol harms in young people, in the same area. Controlling the accessibility and availability of alcohol has been identified as an element in improving health, reducing harm and improving community safety through reduced crime, disorder and antisocial behaviour.
- 1.24 Although the towns in Cornwall do not include large urban Night Time Economy (NTE) areas, outlet density (on and off trade, including supermarkets) in the NTE pockets is something that will be monitored in order to diminish the possibility of increased negative impacts on individuals or localities.

2. Purpose of Policy

- 2.1 The purpose of this Policy is to set out the approach that the Licensing Authority intends to take when determining applications and carrying out its duties with regard to regulation and enforcement. The policy does not seek to explain the various application processes, however guidance and advice on making an application or requesting a review of a licence is available from the Licensing Authority on request. Applicants and members of the public are advised to contact the Licensing Authority in the event of any enquiry for appropriate advice.

The Licensing Authority, in carrying out its responsibilities under the Act, recognises:-

- The need to protect the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible operators;
- The important role which pubs and other operators play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible operators;
- The need to encourage greater community involvement in licensing decisions and give local residents the opportunity to have their say regarding licensing decisions that may affect them.

- 2.2 The Licensing Authority seeks to achieve a balance between the licensed trade, the community and other stakeholders. The Licensing Authority seeks to achieve a mutual co-existence and will work with operators, Responsible Authorities and local communities to identify and resolve issues wherever possible.

3. Local Summary

- 3.1 Cornwall is the most south-westerly part of the British mainland and covers an area of 1,376 square miles. Cornwall has a population of

approximately 570,000 people. A map of Cornwall is attached at Appendix A for information.

- 3.2 Cornwall Council is one of the largest and most geographically diverse Council areas in the country, covering coastal, rural and urban spaces.
- 3.3 Cornwall is internationally known for its industrial pre-eminence in the 18th and 19th centuries. Many local enterprises were developed or supported by land owning families while others were operated, managed, or subsequently taken over by companies outside the Duchy; Cornwall's heritage has evolved from this rich history and culture of mining and maritime industries, the legacies of which can still be seen across the Duchy. This is highlighted with the China Clay industry around the St Austell area and relics of the Tin Mining industry scattered throughout Cornwall. The fishing industries in some areas such as Padstow, Penzance, Newlyn, St Ives, Looe and Polperro are still active but have been in decline for many years, however many ports are thriving such as Penzance, Falmouth and Fowey with ship, boat building and national and international exports being the main business.
- 3.4 Today the economy depends heavily upon its successful tourist industry, which accounts for 25% of the Cornish economy. Over a one year period Cornwall welcomes over 4.5 million visitors who take part in a diverse range of activities that the Duchy provides including surfing, sailing and visiting local attractions such as National Trust properties and gardens, the National Maritime Museum and the Eden Project. This produces an income of over £1.8 billion to the Duchy. The food and drink industry alone generates around 30% of all jobs in the Duchy and accounts for an annual turnover of approximately £1.4 billion. This links in with both the daytime and night time economy.
- 3.5 The hospitality sector plays a significant and positive role in Cornwall. As well as providing licensable activities, premises deliver food, entertainment and accommodation alongside other community services, such as 'Pub in the Hub'. Different types of licensed premises often do not sit in isolation as they can be intertwined with other businesses in their communities. This can be a subtle and fragile ecosystem and should be recognised to ensure knowledge and understanding of the challenges faced by businesses within a community.
- 3.6 While Cornwall retains many of its traditional celebrations and festivals such as Helston Flora Day, St Piran's Day and the Obby Oss celebrations, in recent years there has been a rise in international acts performing at venues such as the Eden Project, Hall for Cornwall and Princess Pavilions. There has also been an increase in large open air events such as Boardmasters which cater for a diverse range of musical and cultural tastes.
- 3.7 With university campuses and subsidiaries in the areas around Falmouth, Penryn, Truro and Camborne there has been an increase in the student population of approximately 5000 with links to the Universities of

Plymouth, Exeter and Camborne School of Mines. This has a major impact on the night time economy in these areas.

- 3.8 Cornwall has approximately 3000 licensed premises including pubs, night clubs, off licences, cafes, bars, village halls, members clubs, restaurants and cinemas. In addition to this an average of 2500 Temporary Event Notices are received each year.
- 3.9 As in many areas throughout the country the issue of excessive alcohol consumption, especially by young people has become a major focus of Government policy in recent years. This includes excessive drinking / harmful drinking (by children and adults) and chronic alcoholism. Both create significant social problems and are harmful to health. The issue of 'pre-loading', drinking at home prior to going out, increases the potential for violence and public order offences. Detailed information relating to Public Health as a Responsible Authority under the Licensing Act 2003 is included at Appendix F to this policy.

Community Safety - Safer Towns

- 3.10 Community Safety in Cornwall is a priority, and the Safer Cornwall Partnership has introduced Safer Town Partnerships in various locations, in order to address local crime and disorder issues, including alcohol related problems. Safer Cornwall (Cornwall's statutory Community Safety Partnership) is comprised of the major public sector organisations, as well as voluntary, community and private bodies, working together to make Cornwall's communities safer.

- 3.11 Details of Cornwall's Alcohol Strategy and Alcohol Needs Assessment can be found at: <https://safercornwall.co.uk/alcohol/>

The Safer Cornwall Partnership has ten priority towns: Bodmin, Camborne, Redruth, Falmouth, Liskeard, Penzance, Newquay, Saltash, St Austell and Truro: <https://safercornwall.co.uk/safer-towns/>

- 3.12 The Safer Towns initiatives are multi-agency action groups directly addressing problems in the priority towns. All action plans have a common objective to reduce alcohol related crime and anti-social behaviour, as well as to improve the local environment, reduce fear of crime and increase the satisfaction of residents with their area as a place to live. Examples of some of the issues being addressed through this initiative are:

- **Camborne** where street drinking was problematic and work with the local police, licensing service, town Council, off-licences, and supermarkets in removing high volume beers and ciders from the shops, reduced the problem.
- **Newquay** combating crime and disorder, underage and binge drinking by targeting and working with local caravan and camp sites and hostels to reduce proxy purchasing has proved successful in reducing alcohol related injuries to young persons. Crime and Disorder has shown a decline due to

the benefit of regular weekly meetings within the Newquay Safe Partnership during the summer months and adopting a joint working and targeted approach.

Safer Cornwall has an ongoing alcohol responsibility messaging campaign, 'What Will Your Drink Cost?', that can be used flexibly and responsively to address Cornwall wide themes, local issues, or specific issues such as drink spiking. Materials are circulated to Licensed Premises as necessary, and during the festive season each year.

The Licensing Authority also supports other initiatives such as the Police campaign 'Ask for Angela'.

Cumulative Impact Assessment – Newquay, Truro, Penzance, Falmouth

- 3.13 The concept of cumulative impact has been described in the Home Office Statutory Guidance since the commencement of the Licensing Act 2003. However, the Policing and Crime Act 2017 amended the Licensing Act in 2018 so that cumulative impact is on a statutory footing. In accordance with the Policing and Crime Act, cumulative impact policies can be adopted if a Cumulative Impact Assessment (CIA) has been carried out and indicates the need for a special policy.
- 3.14 Cumulative impact is the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area.
- 3.15 In some areas where the number, type, and density of licensed premises, such as those selling alcohol or providing late night refreshment, is high or exceptional, serious problems of nuisance and disorder may arise outside or some distance from those premises. Such problems may occur because of a large concentration of people queuing, gathering, or leaving licensed premises at the same time, including late-night takeaways.
- 3.16 Queuing in itself may lead to conflict, disorder, and anti-social behaviour. Large concentrations of people may attract criminal activities. Local services such as public transport, public toilets and street cleaning may not be able to meet the demand posed by such concentrations of people who cannot be effectively dispersed quickly, leading to issues such as street fouling, littering, traffic, and public nuisance.
- 3.17 The Licensing Authority has published this CIA to help limit the number and types of licence applications granted in areas where evidence has shown that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives.
- 3.18 The Licensing Authority considers that the number of premises licences and club premises certificates in the areas specified is such that it is likely that granting further licences would be inconsistent with the Licensing Authority's duty to promote the licensing objectives.

- 3.19 The reasons for this are the nature of the problems identified and the evidence for such problems which are being caused by the cumulative impact of the licensed premises in the areas specified. In reaching this conclusion, the Licensing Authority has considered the following evidence:-
- local crime and disorder statistics, including statistics on specific types of crime and crime hotspots;
 - statistics on local anti-social behaviour offences;
 - health-related statistics such as alcohol-related emergency attendances and hospital admissions;
 - environmental health complaints, particularly in relation to noise;
 - evidence obtained through local consultation.
- 3.20 The areas to which this CIA relate are Newquay, Truro, Penzance and Falmouth and the geographic extent of the areas covered are shown on the maps within this policy – at Appendices B, C, D and E.
- 3.21 The Licensing Authority is of the opinion that the number of licensed premises in Newquay, Truro, Penzance and Falmouth are such that it is likely that granting further licences or variations to licences would be inconsistent with the Licensing Authority's duty to promote the licensing objectives.
- 3.22 This opinion has been reached after careful consideration of evidence and data from the Police, Public Health, Environmental Health and Other Persons, which show high levels of crime and disorder, anti-social behaviour and public nuisance within these areas. Therefore, it is appropriate and necessary to control the cumulative impact in these areas.
- 3.23 The evidential basis for the decision to publish this CIA is available on the Council's website: [Licensing Act Committee 1 September 2022 and Licensing Act Committee 1 December 2022](#)
- 3.24 The types of premises the CIA apply to are premises licences and club premises certificates and specifically relate to premises selling alcohol for consumption 'on' and/or 'off' the premises and late-night refreshment providers.
- 3.25 The types of applications for which it would be inconsistent with the Licensing Authority's duty to promote the licensing objectives to grant are new and variation applications in the specified areas which are likely to add to the cumulative impact.
- 3.26 Publishing this CIA gives a strong statement of intent about the Licensing Authority's approach to considering applications for the grant or variation of premises licences and club premises certificates in the areas specified

However, a CIA is never absolute, and each decision in an area subject to a CIA will still be made on a case-by-case basis with a view as to what is

appropriate for the promotion of the licensing objectives. The Licensing Authority will consider whether it would be justified in departing from its CIA in the light of the individual circumstances of the case, for example, the impact will be different depending on the styles and characteristics of the premises. Applications which are unlikely to add to the cumulative impact or where the applicant can demonstrate in their operating schedule that they would not be adding to the cumulative impact, can be granted.

- 3.27 If the Licensing Authority decides that an application should be refused, it will show that the grant of the application would undermine the promotion of one or more of the licensing objectives and that appropriate conditions would be ineffective in preventing the problems involved.
- 3.28 The presumption that an application will be refused because the premises is the subject of a CIA does not relieve Responsible Authorities or Other Persons from the need to make a relevant representation and anyone making a representation may base it on the evidence published in the CIA or the fact that a CIA has been published. If there are no representations the Licensing Authority must grant the application in the terms sought.
- 3.29 The absence of a CIA does not prevent any Responsible Authority or Other Person making representations on an application for the grant or variation on the grounds that the premises will give rise to a negative cumulative impact on the licensing objectives.
- 3.30 CIAs do not apply to Temporary Event Notice (TENs). However, the Police or Environmental Health can refer to evidence published within a CIA when objecting to a TEN.
- 3.31 This CIA will be reviewed at least every 3 years to determine whether the areas should be maintained, amended, or removed.
- 3.32 As part of this policy the Licensing Authority will not consider whether or not there is a *need* for any particular type of premises (as this is a matter for the local planning authority).

4. The Licensing Act Committee & Sub-Committees

- 4.1 The Licensing Act Committee (referred to as the "Committee") consists of 15 elected Members of the Full Cornwall Council.
- 4.2 A Licensing Act Sub-Committee (referred to as the "Sub-Committee") consists of 3 councillors (who will be Members of the Committee drawn on a rota basis) and will sit to hear applications where representations have been received from Responsible Authorities or Other Persons (including requests for review of Premises Licences). *Sub-Committee Hearings may be held remotely, via Microsoft Teams.*
- 4.3 Hearings will normally be held in public except where the Licensing Authority considers that it is in the public interest to exclude press and

public from all or part of a hearing. In such cases, the Sub-Committee will resolve to exclude the press and public under Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005.

- 4.4 Any matter that the Sub-Committee is unable to determine will be referred to the Committee.
- 4.5 Any matter referred to Full Council for determination may be considered by a Panel appointed by the Full Council for this purpose.
- 4.6 The Committee or Sub-Committee will give clear considered reasons for all decisions. Such reasons will be recorded together with the decision in the minutes of the meeting.
- 4.7 A schedule of delegated authority is attached to the Policy for information at Appendix H
- 4.8 Procedures for the Conduct of Hearings are shown at Appendix J.

5. Personal Licences

- 5.1 Every sale of alcohol under a Premises Licence must be made or authorised by a Personal Licence Holder. There is an exception for community premises who have successfully applied to remove the requirement for a Designated Premises Supervisor (referred to as "DPS").
- 5.2 The Licensing Authority recognises that the term 'authorisation' does not imply direct supervision, and agrees with the Statutory Guidance which states a Personal Licence Holder is not required to be personally present at every transaction. However, the responsible Personal Licence Holder should be aware that they may not be able to escape responsibility for the actions of anyone authorised to make sales. Ultimately, whether an authorisation has been given is a question of fact. The Licensing Authority would strongly recommend that Personal Licence Holders give specific written authorisations to individuals who they are authorising to retail alcohol.
- 5.3 In considering whether an authorisation has been given, the Licensing Authority will have regard to the following factors:-
 - the person(s) authorised to sell alcohol at any particular premises should be clearly identified;
 - there should be an overt act of authorisation, for example, a specific written statement given to the individual who is authorised to supply alcohol; and
 - there should be in place sensible arrangements for the personal licence holder to monitor the activity that they have authorised on a reasonably regular basis.

- 5.4 Providing an applicant meets the criteria laid down by the Act a personal licence will be granted. Qualifying individuals will:
- Be over 18 years
 - Possess an accredited qualification*
 - Provide proof of entitlement to work in UK
 - Have not forfeited a personal licence in the last 5 years.
 - Have no relevant offences, foreign offences or immigration penalties/offences
- 5.5 Where an applicant for a personal licence has a current criminal conviction for a relevant or foreign offence, the Licensing Authority will notify the police who will determine whether to object. If an objection is received, a hearing will be held by the Council's Licensing Act Sub-Committee in accordance with its procedure for the conduct of hearings.
- 5.6 Separate 'Guidance for Applicants' is available ~~from the Licensing Team.~~ *on the Council's website: [Personal Licence - Cornwall Council](#)*
- * Cornwall Council are an approved training provider for this course, which enables applicants to gain the qualification and apply for their personal licence at the same time all in one place. *Further information is available on the Council's website: [Personal Licence training - Cornwall Council](#)*
- 5.7 A personal licence holder who is charged with a relevant offence is required by Section 128 of the Act to produce their personal licence to the court at their first appearance in court. If for any reason the personal licence cannot be produced, the holder must notify the court that they hold a personal licence and the reasons why it cannot be produced. Section 128 provides additional information in relation to this requirement and it is recommended that legal advice is also sought by any individual to which this section relates. Failure to comply with this section is in itself an offence, and may result in further prosecution proceedings being taken against the individual by the Licensing Authority.
- 5.8 Under Section 132 of the Act, if a holder of a personal licence is convicted of a relevant offence (when they have not notified the Court in accordance with Section 128 of the Act or if the conviction was given by another Court) or foreign offence, they must give the relevant Licensing Authority a notice stating the nature of the offence, the date of conviction and the sentence imposed on him/her.
- 5.9 Such a notice must be given as soon as reasonably practicable after the conviction. This notice must also be accompanied by the personal licence, or if that is not practicable, a statement of the reasons for the failure to surrender the licence. Failure to comply with this section is in itself an offence, and may result in further prosecution proceedings being taken against the individual by the Licensing Authority.

5.10 In accordance with the Policing and Crime Act 2017, the Licensing Authority has the discretionary power to suspend or revoke a personal licence when they become aware of any convictions (received since 6 April 2017) for a relevant offence or a foreign offence or an immigration penalty being received. The following is the process the Licensing Authority will follow:-

- Licensing Officer gives notice to the Personal Licence Holder inviting them to make representations (within 28 days) regarding the offence, court decision and their personal circumstances.
- Licensing Officer to receive representations and forward to the Police and Licensing Compliance Team inviting them to make representations (within 14 days) on whether the licence should be suspended or revoked having regard to the crime prevention objective.
- If the Police and/or Licensing Compliance consider the Personal Licence should not be suspended or revoked, no action to be taken and the licence will remain in force.
- If the Police and/or Licensing Compliance consider the Personal Licence should be suspended or revoked, a Licensing Act Sub-Committee hearing will be scheduled to consider the representations.
- At the hearing, the Licensing Act Sub-Committee will determine whether to suspend, revoke or take no action against the Personal Licence Holder.
- Personal Licence will be updated accordingly and all parties notified.

POLICY 1

Where a hearing is necessary following police objections, the Licensing Authority will have regard to the police objection notice and will reject the application if it considers it appropriate for the promotion of the crime prevention objective.

REASONS: *Prevention of crime and disorder is an objective of the Act and an important responsibility of the Licensing Authority under the Crime and Disorder Act 1998. A personal licence holder should be a responsible person who is not only properly qualified but a person who will assist the fight against crime. Granting a licence to a person with a criminal record may undermine rather than promote the crime prevention objective.*

6. Designated Premises Supervisor

6.1 Any Premises Licence that authorises the sale of alcohol must specify a Designated Premises Supervisor (referred to as "DPS"). There is an

exception for community premises who have successfully applied to remove the requirement for a DPS.

- 6.2 The Statutory Guidance states that the DPS will normally be the person who has been given day-to-day responsibility for running the premises by the premises licence holder.
- 6.3 No supply of alcohol is permitted under a premises licence if there is no DPS in respect of the licence. The same applies if the DPS specified on the licence does not have a Personal Licence or it has been suspended/~~revoked~~.
- 6.4 It should be noted the police may object to the designation of a new DPS where, in exceptional circumstances, they believe that the appointment will undermine the crime prevention objective.
- 6.5 Separate Guidance for Applicants to vary a DPS is available ~~from the Licensing Team.~~ on the Council's website: [Premises Licence application forms and guidance notes - Cornwall Council](#)
- 6.6 Where an objection is received from the police, a hearing will be held by the Council's Licensing Act Sub-Committee in accordance with its Code of Conduct for hearing applications.
- 6.7 A DPS can be removed from a Premises Licence following a hearing of a Review Application, where appropriate for the promotion of the licensing objectives.
- 6.8 A DPS can also request (in writing/~~email~~) that the Licensing Authority remove him/herself from a Premises Licence with immediate effect.
- 6.9 Although licensed premises can only have one designated DPS, it is recommended other individuals working at premises are licensed as Personal Licence Holders. This will ensure there is no interruption to a business when a DPS removes him/herself as the Premises Licence Holder can easily apply to designate another Personal Licence Holder as DPS with immediate effect.

POLICY 2

Where a hearing is necessary following police objections, the Licensing Authority will have regard to the police objection notice and will refuse to specify the individual as DPS or refuse to grant an application to vary a DPS on a Premises Licence, if it considers it appropriate for the promotion of the crime prevention objective.

REASONS: *Prevention of crime and disorder is an objective of the Act and an important responsibility of the Licensing Authority under the Crime and Disorder Act 1998. A DPS must be a responsible person who is not only properly qualified but a person who will assist the fight against crime. Designating an unsuitable*

person as a DPS may undermine rather than promote the crime prevention objective.

Community Premises

- 6.10 Certain community premises, such as a church or village hall, that wish to sell alcohol may apply to have an alternative mandatory licence condition instead of designating a DPS on the licence. The application may only be made if the operator is or is to be, a committee or board of individuals with responsibility for management of the premises, referred to as the "Management Committee".
- 6.11 The Management Committee will be required to provide details which include how the premises is managed, its committee structure and how the sale of alcohol is supervised in different situations (when the hall is hired to private parties, for example).
- 6.12 If the alternative licence condition is granted, the effect is that the Management Committee will be responsible for the supervision and authorisation of all alcohol sales. There will be no requirement for a DPS or for alcohol sales to be authorised by a Personal Licence Holder.
- 6.13 It should be noted the police, in exceptional circumstances, may object to a request for inclusion of the alternative licence condition on the grounds of crime and disorder.
- 6.14 Where an objection is received from the police, a hearing will be held by the Council's Licensing Act Sub-Committee in accordance with its Code of Conduct for hearing applications.
- 6.15 The mandatory licence condition requiring a DPS can be reinstated following a hearing of a Review Application, where appropriate for the promotion of the licensing objectives.

7. Premises Licences / Club Premises Certificates

- 7.1 'Premises' is defined in the Act as meaning any place and includes a vehicle, vessel or moveable structure.
- 7.2 Any reference to 'Premises Licence' in this section means a Premises Licence or Club Premises Certificate unless otherwise stated.
- 7.3 Premises Licences are required to authorise licensable activities. The procedures for making an application are set out in the Act and accompanying regulations. Separate guidance notes for applicants are also available ~~from the Licensing Team~~ *on the Council's website: - [Premises Licence application forms and guidance notes - Cornwall Council](#)*. Applicants should be aware that failure to make an application in accordance with the statutory requirements will result in the application being rejected by the Licensing Authority.

- 7.4 The procedures and legal requirements for premises and club premises are largely similar but there are differences, and further information and advice on specific circumstances may be obtained from the Licensing Team.
- 7.5 Applicants should ensure that they make their application in plenty of time as applications for Premises Licences can take 8 weeks or more to process.
- 7.6 Applicants for the grant or variation of a Premises Licence are required to assess the proposed operation of the premises and include in the operating schedule measures that they consider will promote the licensing objectives. Applications that do not adequately address the licensing objectives are more likely to be subject to representations. In such cases, it will be necessary for the Licensing Authority to determine the application taking such steps as it considers appropriate to promote the licensing objectives.
- 7.7 Applicants are required to provide certain information as part of the application, and to advertise a summary of the application in accordance with the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005. Applicants are encouraged to provide a description of the nature of the premises operation that will inform responsible authorities and other persons and will assist them in assessing the likely impact on the licensing objectives.

Provisional Statement

- 7.8 There are certain circumstances under the Act where an application for a provisional statement may be made. An example would be where a premises has not yet been built and the operator would like assurance that a licence would be granted before construction.
- 7.9 Where a provisional statement has been issued, the operator is then likely to submit an application for the grant of a licence. There are limits on what representations can be allowed. Separate guidance and advice is available from the Licensing Team in this regard.

Licensing Hours

- 7.10 Operating schedules should include the proposed hours for each of the proposed licensable activities together with the hours when the premises will be open to the public. Any seasonal differences and non-standard timings should be included.
- 7.11 The Licensing Authority agrees with the Government that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas.
- 7.12 The Licensing Authority will carefully balance considerations under the Act against its duty to promote the licensing objectives and protect the rights

of local residents and businesses who may be affected by licensed premises. The Licensing Authority aims to reduce anti-social behaviour associated with drunkenness.

- 7.13 The Licensing Authority would encourage operators to work in partnership to achieve this aim. The Licensing Authority may also consider the implementation of other measures to achieve this aim such as Early Morning Restriction Orders and/or implementation of a Late Night Levy. Details regarding these measures are explained later in the Policy.
- 7.14 Applications could result in representations being received in relation to proposed hours of operation. In these circumstances the Licensing Authority will consider each application on its own merits.
- 7.15 The Licensing Authority may reject, amend or approve the hours requested together with additional conditions, if considered appropriate, in order to promote the licensing objectives.
- 7.16 Unless there are good reasons for restricting hours of operation, shops, stores and supermarkets will be permitted to sell alcohol for consumption off the premises at any times when the retail outlet is open for shopping.

Mandatory Conditions

- 7.17 There are Mandatory Conditions under the Act that apply to all Premises Licences. These relate to the following matters:-
- Designated Premises Supervisors
 - Authorisation by Personal Licence Holders
 - Irresponsible promotions
 - Free potable water
 - Age verification
 - Smaller measures of alcohol
 - Exhibition of films
 - Door Supervision
- 7.17 Full details are available in the [Statutory Guidance](#) or on request from the Licensing Team. Applicants should be fully aware of the mandatory conditions so they do not replicate them in the operating schedule within their application.

Operating Schedules

- 7.19 The operating schedule must include a general description of the premises.
- 7.20 If the application proposes off-sales of alcohol and it is intended to provide a place for consumption, a description of where the place will be and its proximity to the premises within the general description of the premises must be included. The plan submitted with the application should indicate the area for consumption.

- 7.21 The Licensing Authority when issuing a Premises Licence may apply *and interpret* conditions that are consistent with the operating schedule, *which are appropriate and proportionate for the promotion of the licensing objectives*. This may include conditions that will restrict the premises to the style of operation set out in the application. This is necessary to ensure that applicants do not significantly alter the style of operation without making an application to the Licensing Authority, which will then be assessed against the licensing objectives as required by the Act.
- 7.22 The applicant must highlight in the operating schedule any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.
- 7.23 There is an exemption under the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009 for adult entertainment on an infrequent basis (i.e. no more than 11 occasions within a 12-month period) that would otherwise require a Sexual Entertainment Venue Licence. In order to benefit from the exemption, applicants should highlight any adult entertainment in the operating schedule and there must be no conditions on the premises licence restricting adult entertainment and the premises licence must also authorise performance of dance.
- 7.24 If no adult entertainment is highlighted, or the applicant states none is to be provided, no authorisation exists for adult entertainment. In these circumstances the Licensing Authority will impose the following condition on any licence issued:-
- "There must be no adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children."*
- 7.25 Operators must be clear about the activities and times at which events would take place to determine when it is not appropriate for children to enter the premises. In addition, at times when it is appropriate for children to be on the premises, operators should set out steps to be taken to protect children from harm."
- 7.26 The applicant, if the premises are in a cumulative impact area, must demonstrate in the operating schedule of their application that there will be no negative cumulative impact on the licensing objectives, for example include measures that will be taken to mitigate the impact.
- 7.27 It suggested that applicants may find it helpful to seek the views of the Licensing Authority and relevant Responsible Authorities before formally submitting their application as a useful source of expert advice on local issues that should be taken into consideration when making an application.

Counter Terrorism

The Terrorism (Protection of Premises) Bill (referred to as the 'Protect Duty' or 'Martyn's Law') is expected to become law in 2024/25. The aim of this new legislation is to improve safety and security at public venues, to help ensure that people are prepared, ready to respond and know what to do in the event of a terrorist attack. When it becomes law, there will be a legal requirement on those responsible for certain venues to increase their preparedness for and protection from a terrorist attack by requiring them to take proportionate steps, depending on the size and nature of the activities that take place.

In the meantime, although terrorist attacks are rare, the threat from terrorism is real and increasingly unpredictable, and therefore operators should consider the threat and implement appropriate and proportionate mitigation measures to ensure public safety.

Examples conditions are included in Appendix I; these are intended for reference only and not what would be expected in all circumstances. A risk assessment approach is recommended to applicants in identifying the risks and measures in relation to their individual application.

Comprehensive risk management advice is available on the ProtectUK website: [Risk management template and examples | ProtectUK](#)

Licensing Objectives

- 7.28 Different premises styles and locations will inevitably impact differently on the licensing objectives and will require different measures to be put in place according to the individual circumstances.
- 7.29 The Council recognises that limitations on a licence could prevent a business thriving or expanding and the Council would support premises that wish to broaden and enhance their business. Ultimately this would need to be balanced to ensure the licensing objectives are not undermined.
- 7.30 Applicants, in order to sufficiently assess the potential risk or impact that the proposed operation of the premises will have on the licensing objectives, are expected to understand the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate.
- 7.31 Applicants are expected to include positive proposals in the operating schedule on how they will manage any potential risks that could impact on the licensing objectives.
- 7.32 It would be useful and informative, where it is considered by the applicant that no additional measures are necessary to promote any of the licensing objectives, to include information within the application in order to reduce the likelihood of representations being received.

- 7.33 The Licensing Authority encourages applicants to liaise with Responsible Authorities as appropriate when drafting operating schedules as part of the application, as this could also reduce the likelihood of representations being received. A list of Responsible Authorities with contact details is shown at Appendix K.
- 7.34 To assist applicants, a range of measures which could be considered when compiling premises operating schedules are detailed within the [Statutory Guidance](#). Further examples are listed at Appendix I; these are intended for reference only and not what would be expected in all circumstances. This is not an exhaustive list of measures and will be subject to regular review and amendment as appropriate. A risk assessment approach is recommended to applicants in identifying the risks and measures in relation to their individual application.

POLICY 3

Applicants are required to include in their operating schedules, measures that are appropriate to promote the licensing objectives.

These should include:-

- a) Measures which are considered appropriate to promote public safety and the prevention of crime & disorder, or reasons why no measures are considered necessary.**
- b) Measures which make adequate provision to control the adverse effects of noise, disturbance, smells, extraneous lighting, defacement of property, containment of solid and liquid waste; and in particular: -**
- **Restrict the generation of noise within the premises and from activities associated with the premises in the vicinity of the premises;**
 - **Limit the escape of noise from the premises;**
 - **Restrict noise emissions to levels below that which could affect people in the vicinity going about their business at work and when at home.**
 - **Minimise and control noise from customers arriving at the premises, outside it and departing from the premises;**
 - **Minimise and control noise from staff, contractors and suppliers and their activities;**
 - **Minimise and control noise from vehicles associated with and providing services to the premises and their customers.**

c) Measures that make adequate provision to protect children from harm. This will include measures to ensure that children are not permitted to access age restricted products (e.g. alcohol), and are protected from exposure to inappropriate activities or material (such as sexual or other adult entertainment and advertisements in relation to such entertainment). The protection of children from harm will be taken in the widest context and may therefore include issues related to morality, psychological harm, physical harm and health related issues. This could also include criminal record checks for staff or entertainers providing entertainment or activities for children.

POLICY 4

The Licensing Authority will continue to work in partnership with Responsible Authorities and Other Persons (including representatives of the licensed trade) to identify and establish best practice initiatives. This will include reduction of harm from alcohol and working in partnership with Public Health Cornwall, to achieve this aim. Operators will be expected to participate in/with appropriate initiatives aimed at promoting the licensing objectives

REASONS: *to ensure that operators / applicants take all reasonable steps to promote the licensing objectives and to achieve a balance between the interests of the licensed trade and those of the wider community who are likely to be affected by the operation of licensed premises.*

- *Crime and disorder in connection with licensed premises is often related to excessive drinking, and the impact of drunken anti-social behaviour is intimidating and distressing to local residents. It is incumbent on applicants to demonstrate how their premises will be properly managed to minimise any negative impact against all the licensing objectives.*
- *One of the greatest irritations to residents trying to sleep is the sound of music escaping from licensed premises. Such an escape of sound might preclude the grant of a licence or if one has already been granted, it might cause it to be reviewed and restricted or revoked. It might also lead to a noise abatement notice being issued under the Environmental Protection Act 1990. Responsible applicants and operators will wish to avoid the need for such action, as they will wish to comply with the licensing objective of preventing public nuisance.*
- *People leaving licensed premises, particularly late at night or in the early hours of the morning, can be a significant problem. Customers under the influence of alcohol are often less inhibited about their behaviour and may be unaware of the noise they are creating. This is exacerbated by the fact that this tends to happen later at night when ambient noise levels are naturally low, and the ensuing noise is therefore even more intrusive.*
- *Dispersal of customers once they have left licensed premises is also an area of concern, and often leads to anti-social behaviour and alcohol*

related crime. In addition, exacerbated by the smoke free legislation, is the need to control the behaviour and number of persons in outside areas of licensed premises such as beer gardens, and designated smoking areas or by customers in the vicinity of the premises.

- *Public safety is about protecting the safety, and even lives, of persons who work on the premises, performers and customers. Operators should take a risk assessment approach to identify potential hazards and put in place appropriate and proportionate measures to minimise such risks.*
- *The welfare of children and the protection of children from exposure to adult activities and/or material is crucial to their wellbeing. Exposure to inappropriate material may have an adverse impact on their actions in relation to anti-social behaviour and alcohol related crime.*

Determination of applications

- 7.35 Where an application is properly made and no Responsible Authority or Other Person makes representations, the Licensing Authority must grant the application, subject only to conditions which are consistent with the operating schedule and relevant mandatory conditions in the Act.

Tacit authorisation applies to premises licence/certificate applications where no objections are received. At the end of the 28 day consultation period, the licensing team will advise if objections are received. However, if not heard, it is advisable for applicants to contact the licensing team to confirm there have been no objections, before assuming the licence/certificate has been granted

- 7.36 In accordance with the Statutory Guidance, measures in the applicant's operating schedule will be replicated as conditions of licence in a form which is clear and enforceable and which reflects the applicant's intention.
- 7.37 Where representations are made by a Responsible Authority or relevant representation made by an Other Person, the Licensing Authority's discretion will be engaged. Representation forms, together with guidance on making representations, is available *on the Council's website: [Premises licence applications](#)* ~~from the Licensing Team~~, to assist those wishing to make representations.
- 7.38 The Licensing Authority can only accept representations from Other Persons if they are relevant to the licensing objectives and are not vexatious or frivolous. The Licensing Authority will have regard to the Statutory Guidance when determining the validity of representations from Other Persons. Where representations are rejected, reasons will be given.

With regard to petitions, these will be accepted, but there are some important factors to consider:-

- *The instigator of the petition identifies themselves as a single point of contact - the Licensing Team may need to make contact in order*

to verify certain matters and if unable to do so, could invalidate the petition.

- *Each page of the petition should contain information as to the purpose of the petition so that all persons know what they are signing.*
- *Full names and addresses must be supplied.*
- *Each page of the petition should state that it will be supplied to the applicant and a copy will be contained within committee papers, so names and addresses will be published.*
- *The Licensing Team will not write or email each signatory separately, as will assume that the instigator will advise each signatory of the hearing date and the final outcome of the application.*
- *It is expected that the instigator will represent the signatories at the hearing and to speak for them.*

- 7.39 The Licensing Act Committee are committed to work with all Responsible Authorities and expect them to respond to all applications.
- 7.40 Where a Responsible Authority or Other Person has made a valid representation, the Licensing Authority may offer mediation between all parties to address and clarify the issues of concern and where possible identify potential solutions.
- 7.41 This process will not override the right of any Responsible Authority or Other Person to have their representation considered by the Licensing Act Sub-Committee as part of the hearing process.
- 7.42 In certain circumstances, mediation can result in an applicant agreeing to amend their proposals, which may negate the requirement for a full hearing if all parties agree.
- 7.43 It will be recommended to the Sub-Committee, when all parties agree that a hearing is unnecessary, that it approves the application in the terms sought subject to the agreement reached. This is known as a 'Hearing/Approval by Documentation' and avoids the need for any party to attend a meeting.
- 7.44 Where an agreement has not been reached following the receipt of representations, the application will be heard and determined by the Sub-Committee.
- 7.45 The Licensing Authority will not impose any conditions unless its discretion has been engaged following receipt of relevant representation and it is satisfied as a result of a hearing that it is appropriate to impose conditions for the promotion of the licensing objectives.
- 7.46 The Licensing Authority will avoid attaching conditions that duplicate other regulatory regimes as far as possible. It will consider the statutory provisions of other legislation as an alternative to imposing a condition where such legislation deals with the area of concern that has been raised.

7.47 The Statutory Guidance encourages the use of the words such as 'must', 'shall' and 'will' within licence conditions. The guidance also states that conditions must:-

- be appropriate for the promotion of the licensing objectives;
- be precise and enforceable;
- be unambiguous and clear in what they intend to achieve;
- not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- be tailored to the individual type, location and characteristics of the premises and events concerned;
- not be standardised as they may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- not replicate offences set out in the Act or other legislation;
- be proportionate, justifiable and be capable of being met;
- not seek to manage the behaviour of customers once they are beyond the direct management of the operator and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- be written in a prescriptive format.

7.48 The Licensing Authority will have regard to the Statutory Guidance when writing conditions or interpreting measures into conditions from operating schedules.

POLICY 5

Applications will be considered on their merits together with the information provided to the Licensing Authority. When determining applications, the Licensing Authority will consider all options including: -

- **Approve as applied for**
- **Approve with additional and/or amended conditions**
- **Approve with the exclusion of certain licensable activities**
- **Refuse to specify a person as the DPS**
- **Refuse application**

REASONS – *to do whatever is appropriate, reasonable and proportionate to promote the licensing objectives.*

POLICY 6

Where in the opinion of the Licensing Authority, following receipt of representations, and having considered the submissions from all parties, an application for a Premises Licence is likely to undermine any of the four licensing objectives, and this cannot be resolved through the imposition of conditions, restrictions or regulated by other legislation, the application will be refused.

REASONS – in accordance with the Licensing Authority's obligations to promote the licensing objectives.

Minor Variations

- 7.49 The Act allows for applications to be made for minor variations to a Premises Licence in certain circumstances. An application to vary a licence under this simplified process can only be determined where it can be shown that the application will not have any adverse effect on the promotion of any of the licensing objectives.
- 7.50 The application must be advertised in accordance with the regulations. Separate Guidance for Applicants is available from the Licensing Team on the Council's website: [Premises Licence - Minor Variation](#).
- 7.51 A minor variation application may be appropriate for operators who wish to make a small, low-risk change to a Premises Licence, eg:-
- removing or adding a licensable activity
 - change timings
 - add or remove conditions
 - making small changes to the layout of the premises
- 7.52 Variations to the following are excluded from the minor variations process and a full variation must be applied for:-
- to extend licensing hours for the sale or supply of alcohol for consumption on or off the premises between the hours of 23.00 and 07.00; or
 - to increase the amount of time on any day during which alcohol may be sold or supplied for consumption on or off the premises.
- 7.53 Advice in relation to whether or not proposals will be considered to be 'substantial variations' can be obtained from the Licensing Team prior to the application being submitted.
- 7.54 If a valid objection is received, the application may be refused under delegated authority. There is no provision under the Act for hearings of minor variation applications. In addition, there is no right of appeal against refusal of a minor variation application. However, operators can

submit an alternative minor variation application or apply for a full variation if appropriate.

- 7.55 The full variation process is very similar to the application process for a new premises licence and the fee is the same. You should use this process if you want to make a ~~substantial~~ change to your licence, e.g. increasing the hours when you sell alcohol. Alternatively you may ~~prefer~~ *be required* to apply for a new premises licence *in certain circumstances, e.g. extending a time limited licence or substantially varying the premises to which the licence relates*. Advice on the various application processes can be obtained from the Licensing Team.

Transfer of Premises Licence

- 7.56 The Act provides for any person who may apply for a Premises Licence to apply for a Premises Licence to be transferred to them. Separate Guidance for Applicants is available ~~from the Licensing Team~~ *on the Council's website:- [Premises Licence - Transfer](#)*.
- 7.57 The Act provides a mechanism for the transfer to have immediate interim effect, until it is formally determined.
- 7.58 The Police may object if they believe the transfer may undermine the crime prevention objective, in which case a hearing of the Sub-Committee will be arranged.
- 7.59 The Home Office (Immigration Enforcement) may object if it considers that granting the transfer would be prejudicial to the prevention of illegal working in licensed premises.
- 7.60 Objections from the Police or Home Office are expected to be rare and should arise only if there is evidence that the business or individuals are involved in crime or disorder or employing illegal workers.

POLICY 7

Where a hearing is necessary following an objection from the Police or Home Office, the Licensing Authority will have regard to the objection and will refuse the transfer of premises licence, if it believes the transfer may undermine the crime prevention objective, or if it considers that granting the transfer would be prejudicial to the prevention of illegal working in licensed premises.

REASONS: *Prevention of crime and disorder is an objective of the Act and an important responsibility of the Licensing Authority under the Crime and Disorder Act 1998.*

Appeals

- 7.61 All parties may appeal to the Magistrates' Court against a decision of the Licensing Authority in relation to a premises application. The appellant must give notice of appeal to the Magistrates Court within 21 days from when the appellant was notified by the Licensing Authority of the decision which is being appealed.

Interim Authorities

- 7.62 A Premises Licence will lapse in the event of the licence holder dying, becoming bankrupt or mentally incapable. However, there are special arrangements for an interim authority notice to be given ~~by an individual~~ to re-instate the Premises Licence within 28 days of the licence lapsing. The effect of the notice is that licensable activities can continue to take place for a maximum of 3 months to allow the transfer of the Licence.

Annual Fees

- 7.63 The Act requires the Licensing Authority to suspend a Premises Licence if the annual fee is not paid when due, unless there is an administrative error or the operator has disputed liability.
- 7.64 The Licensing Authority will endeavour to remind operators when annual fees are due.
- 7.65 The preferred method of annual fee payment is online at:-
https://secure.cornwall.gov.uk/form/auto/licen_act_annual_fees

Early Morning Restriction Order

- 7.66 As well as Cumulative Impact Policies, other mechanisms to address problems can include powers introduced by the Police Reform and Social Responsibility Act 2011, such as Early Morning Alcohol Restriction Orders ("EMROs") or the Late Night Levy ("LNL").
- 7.67 An EMRO allows local authorities to look at restricting the sale of alcohol at a specified time between the hours of midnight and 6:00am and applies to Premises Licences, Club Premises Certificates and Temporary Event Notices.
- 7.68 EMROs are intended to deal with alcohol-related crime and disorder, anti-social behaviour, and serious public nuisance, which is not directly attributable to licensed premises. Licensing Authorities are encouraged to look at the relationship between their existing cumulative impact areas and a proposed EMRO area.
- 7.69 An EMRO can apply to a specific area (i.e. a cumulative impact area), a town or even a single street; it does not need to be Cornwall wide. It can apply to specific days of the week, different times for different days of the week, and can apply to limited periods of the year or for an unlimited period. It cannot apply on New Year's Eve/New Year's Day.

- 7.70 EMROs only affect the sale of alcohol and do not affect authorised hours for regulated entertainment or late night refreshment.
- 7.71 The adoption of an EMRO is subject to a process involving the collection and analysis of relevant evidence and consultation with operators and the public.
- 7.72 EMROs must be periodically reviewed to ensure they remain appropriate to promote the licensing objectives and can be varied or revoked via the same process as that for adoption.
- 7.73 Cornwall Council does not currently intend to introduce any EMROs within its area. If this changes in the future, a full consultation would be carried out with persons affected.

Late Night Levy

- 7.74 A Late Night Levy (LNL) is an optional power, introduced by the Police, Reform and Social Responsibility Act 2011, which permits Licensing Authorities to raise a contribution towards the costs of policing the night time economy by charging a levy to licence holders who are authorised to sell alcohol *or provide late night refreshment*. A LNL ~~must apply across the whole of Cornwall~~ no longer has to be implemented across an entire area, and can be introduced in smaller geographical areas. A LNL applies to on and off licences, however Temporary Event Notices (TENs) are not included.
- 7.75 A LNL requires that a levy is paid by those persons who are authorised to sell alcohol *or provide late night refreshment* between the period specified in the LNL regardless of whether they are actually open during that period. This can be no earlier than midnight and no later than 6.00am and must be the same period every day.
- 7.76 At least 70% of the levy must be paid to the Police and Crime Commissioner. There are no restrictions on what the police portion can be used for. The Local Authority portion can be used to tackle alcohol-related crime and disorder and to support management of the night time economy in line with the reduction of crime and disorder, promotion of public safety, prevention of public nuisance and street cleansing.
- 7.77 The Licensing Authority may deduct the costs of preparing, publicising and administering the levy (subject to regulations) before paying the police proportion. *Licensing authorities are required to publish information about how the revenue raised from the levy is spent.*
- 7.78 Prior to any implementation, the Licensing Authority would consider the potential financial risk, if lower than expected revenue is received, as the police portion must be paid regardless of whether the levy has been collected in full.

- 7.79 If implemented, Licence Holders affected can make a variation application, free of charge, in order to avoid being affected by the levy.
- 7.80 If implemented, the levy will apply indefinitely. However it must be reviewed at regular intervals and may be ceased at the end of a levy year.
- 7.81 Cornwall Council does not currently intend to implement a LNL in Cornwall. If this changes in the future, a full consultation would be carried out with persons affected.

Business and Planning Act 2020

Pavement Licensing

A Pavement licence granted by the Licensing Authority, allows removable furniture, including tables and chairs, to be placed on the highway adjacent to premises, such as pubs, restaurants and cafes, for the consumption of food and/or drink. A streamlined process was introduced as a temporary measure during the Covid pandemic under the [Business and Planning Act 2020](#) to assist businesses. This legislation has been extended to 30 September 2024 and is expected to be made permanent under the Levelling Up and Regeneration Bill.

It is important to note a Pavement licence only permits the placing of furniture on the highway. A pavement licence does not negate the need to obtain the appropriate authorisation to sell alcohol.

Alcohol Off-sales

The Business and Planning Act also introduced temporary amendments during the pandemic by way of regulatory easements, which permitted ON-licensed premises to also sell alcohol for consumption OFF the premises, without needing to apply for a variation of the premises licence. This relaxation has been extended until 31 March 2025. This means Premises Licences which authorise sales of alcohol for consumption on the premises ("on-sales") are also permitted to allow sales of alcohol for consumption off the premises ("off-sales") during the hours the premises are open for on-sales, but not beyond 11pm, without amending their premises licence. This is subject to the exemption for off-sales not being removed as part of a premises licence review.

8. Reviews of Premises Licence / Club Premises Certificate

- 8.1 The review process is integral to the operation of the Act. If problems arise in connection with a premises, any Responsible Authority or Other Person can apply for a review of the premises licence.

- 8.2 An application for review must relate to a particular premises and must be relevant to the promotion of the licensing objectives. Applications for review must be made in accordance with the regulatory requirements. Guidance on the correct procedure can be sought from the Licensing Team before making an application for review.
- 8.3 The procedures for making an application are set out in the Act, accompanying regulations and the guidance notes for applicants. Applicants should be aware that failure to make an application in accordance with the statutory requirements will result in the application being rejected by the Licensing Authority.
- 8.4 When an application has been received, any Responsible Authority or Other Person may submit a representation in respect of the review application.
- 8.5 The Licensing Authority can only accept representations from Other Persons if they are relevant to the licensing objectives and are not vexatious or frivolous. The Licensing Authority will have regard to the Statutory Guidance when determining the validity of representations from Other Persons. Representation forms, together with guidance on making representations is available from the Licensing Team, to assist those wishing to make representations. Where representations are rejected, reasons will be given.
- 8.6 All review applications must result in a hearing of the Sub-Committee.
- 8.7 Mediation is encouraged between all parties to address and clarify the issues of concern and where possible identify potential solutions. However, it will be for the Sub-Committee to hear the application and determine the appropriate outcome.
- 8.8 The Act requires that the Licensing Authority must, having regard to the application and any relevant representations, take such of the steps mentioned in the Act as it considers appropriate for the promotion of the licensing objectives.
- 8.9 The Licensing Authority recommends applicants, operators and event planners communicate with people living and working in the vicinity of the premises / land proposed to be used for licensable activities. This may enable potential / actual areas of concern to be identified and addressed without the need for direct involvement by the Licensing Authority.

Summary Reviews (expedited)

- 8.10 Where there is serious crime and/or serious disorder the Police may apply for an expedited review under Section 53a-53d of the Licensing Act. An expedited review is necessary where a police officer of superintendent or higher rank, has certified to the Licensing Authority that premises licensed for the retail sale of alcohol have been associated with serious crime and/or serious disorder.

- 8.11 Expedited reviews can only be submitted in relation to Premises Licences and not Club Premises Certificates.
- 8.12 The Home Office has published guidance separate to the Statutory Guidance in relation to expedited reviews which the Licensing Authority will have regard to.
- 8.13 Following receipt of a certificate and review application, licensing authorities must hold a hearing within 48 hours to determine whether to take any 'interim steps'. These steps could include:-
- modifying the licence conditions
 - excluding the sale of alcohol
 - removing the DPS from the licence
 - suspending the licence

The interim steps may take immediate effect, or may be delayed.

- 8.14 Following consideration of any interim steps, the Licensing Authority is also required to process and determine the full review application.
- 8.15 The Licensing Authority will not impose any conditions unless its discretion has been engaged following a review application and/or receipt of relevant representations and it is satisfied as a result of a hearing that it is appropriate to impose conditions to promote one or more of the licensing objectives.

POLICY 8

All reviews will be considered on their merits together with the information provided to the Licensing Authority. In determining the review, the Licensing Authority will consider all options including: -

- **No action**
- **Informal warning**
- **Imposition / modification of conditions**
- **Refusal to specify an individual as Designated Premises Supervisor (DPS)**
- **Removal of existing DPS**
- **Restriction of regulated activities / hours of operation**
- **Suspension of licence**
- **Revocation of licence**

***REASONS** – to do whatever is appropriate, reasonable and proportionate to promote the licensing objectives.*

POLICY 9

Where in the opinion of the Licensing Authority, having considered the review application and submissions from all parties, the operation of the

premises is likely to undermine any of the four licensing objectives, and this cannot be resolved through the imposition of conditions, restrictions or regulated by other legislation, the Premises Licence will be revoked

REASONS – in accordance with the Licensing Authority’s obligations to promote the licensing objectives.

9. Temporary Event Notices

- 9.1 Some small-scale events (no more than 499 people in attendance at any one time including staff, performers etc), may be held under the authority of a Temporary Event Notice (TEN). There are various restrictions in respect of both individuals and premises, and event organisers are strongly advised to obtain advice well in advance of the event, as if restrictions are exceeded a Counter Notice will be issued. Guidance *notes together with an online application is available on the Council’s website:- and assistance is available from the Licensing Team.* [Temporary Event Notice - Cornwall Council](#)
- 9.2 There are two types of TEN; a standard TEN and a late TEN. A standard TEN must be served not less than 10 working days prior to the event. A late TEN must be served not later than 5 working days prior to the event; in either case the date of service or the first day of the event is not included in the working days’ notice required.
- 9.3 Anyone over the age of 18 can submit a maximum of 5 TENs per year, 2 of which can be late TENs. A Personal Licence Holder can submit a maximum of 50 TENs per year, 10 of which can be late TENs.
- 9.4 Unless a TEN is submitted electronically via the Council’s online [Temporary Event Notice](#) web form or via Gov.uk the TEN must be served on the Licensing Authority, the Police and Environmental Health - Community and Environmental Protection Team (‘CCEP’). If the TEN is correctly submitted electronically the Licensing Authority will notify the Police and CCEP.
- 9.5 Only the Police and CCEP may object to a TEN, which must be within 3 working days from their receipt of the TEN, where they consider that the event is likely to undermine any of the licensing objectives.
- 9.6 If an objection is received to a standard TEN, it is possible for the Police or CCEP to modify the TEN if the premises user agrees and other relevant persons also agree. If all parties are not in agreement, a hearing will be held.
- 9.7 If an objection is received to a late TEN there is no provision for any modification, hearing or adding existing conditions and a Counter Notice will be issued preventing the event from going ahead. *There is no right of*

appeal in respect of late TENs following an objection by the Police or Environmental Health.

- 9.8 In practice the timescales in relation to *standard* TENs are unlikely to be sufficient, if the notice is not submitted early enough, to allow any concerns to be resolved, and organisers are therefore advised to give as much notice as possible. In the event that a hearing is held and a Counter (refusal) Notice issued by the Licensing Authority, it is unlikely that there will be sufficient time for any appeal to be heard by the Magistrates.
- 9.9 Organisers are strongly advised to ensure that adequate safety measures (including the recorded findings of a fire risk assessment) are in place in relation to any temporary event. Any event held under a TEN may be subject to inspection by officers from Responsible Authorities.
- 9.10 Event organisers should be aware that authorisation of licensable activities under a TEN does not remove the requirement for an event organiser to ensure that all other permissions are in place, e.g. planning, and also that the land/premises owner has given their consent for the event to take place.
- 9.11 Event organisers should also complete an 'Event Notification Form' so that all relevant services of the Council can be made aware of events – please see link www.cornwall.gov.uk/events for more information including an [Events Toolkit](#) and [Risk Assessment](#) guidance.
- 9.12 For any events taking place on Cornwall Council land or property, an Event Notification Form, risk assessment and proof of public liability insurance must be submitted to eventplanning@cornwall.gov.uk. Cornwall Council also encourage this practise for all events; it is the event organiser's responsibility to ensure necessary risk assessments have been carried out as well having adequate public liability insurance at all events.
- 9.13 Cornwall Council also encourages Town/Parish Councils and other organisations to follow this practice for their events. It is the event organiser's responsibility to ensure necessary risk assessments have been carried out as well having adequate public liability insurance at all events.
- 9.14 The Licensing Authority will advise other Responsible Authorities and agencies of TENs served. Those authorities may address issues of concern under their own regulatory powers. *A register of recent and upcoming TENs is also available on the Council's website:- [TENs register](#)*

POLICY 10

All Temporary Event Notices will be considered on their merits together with the information provided to the Licensing Authority. In determining TENs, the Licensing Authority will consider all options including: -

- **Authorise event in accordance with notice**
- **Imposition of existing premises licence conditions**
- **Issue of Counter (refusal) Notice**

REASONS – to do whatever is appropriate to promote the licensing objectives.

10. Electronic Applications

- 10.1 The Licensing Authority encourages operators to apply for *all* authorisations, where possible, electronically. Operators can do this by using the application forms that are available on either via www.GOV.UK or by emailing the forms on the Council's website: [Licensing Act 2003 - Cornwall Council](#). In respect of TENs, the Council has its own electronic facility in respect of Temporary Event Notices [Temporary Event Notice](#). There is a link for each application process on the Council's website within the Licensing pages. Submitting a full application electronically saves the necessity to serve paper copies on Responsible Authorities.
- ~~10.2 If an operator submits any part of their application in writing, the operator will remain responsible for copying it to Responsible Authorities.~~
- 10.3 In all cases, the operator is responsible for advertising, where applicable, their application in the normal way.

11. Enforcement

- 11.1 The Council complies with the Regulators' Code, which provides a flexible, principles based framework in its delivery of the regulatory function.
- 11.2 Cornwall Council's Licensing Compliance Team will adopt a proportionate and transparent approach to those businesses it regulates encouraging a, 'comply and grow' approach to regulation assessing whether a similar social, environmental and economic outcome can be achieved by a less burdensome means.
- 11.3 It is the responsibility of operators of licensed premises to provide appropriate training for their staff to ensure the promotion of the licensing objectives; it is recommended up to date training records are retained.
- 11.4 The Public Protection Enforcement Policy (available on request) sets out a range of actions that are available where offences against licensing legislation are found or where licence conditions have been contravened. A balanced and transparent approach will be taken and each case will be judged on its own merits. For example, depending on the circumstances, an isolated and minor offence will in the first instance be dealt with by way of help and advice or in some cases a written warning. Offences of a more serious nature or offences which have either been committed over a period of time or which jeopardise public safety may result in prosecution and/or review of licence, however the latter will be a last resort when all other avenues have been unsuccessful or the matter is of such a serious nature this is the only option.

- 11.5 The Licensing Authority will share information with other agencies in relation to compliance and risk and will seek to work with the police and other enforcement agencies in enforcing the licensing legislation, which may include participation in planned operations. This will include information sharing about licence holders and licensed premises. A joint enforcement protocol has been drawn up with the police and other relevant statutory agencies.

POLICY 11

A risk based approach will be undertaken when conducting inspections. Premises will be subject to both planned and unannounced inspections (including multi-agency inspections and test purchase inspections). Problem and 'high risk' premises will be subject to a higher level of scrutiny than well run, low risk premises and such premises are more likely to receive more regular inspections.

***REASONS** – to ensure compliance with the law and the conditions of Premises Licences*

12. Strategies, Services & Partnerships

Event Planning

- 12.1 Advice on licensing requirements should always be obtained at an early stage in planning any event to ensure that there is sufficient time to allow an application to be processed. An application for a Premises Licence may take 8 weeks or more to process.
- 12.2 The Council has an [Event Notification](#) procedure in place in order to assist event organisers and it is recommended an Event Notification form is completed at least 6 months prior to the event.
- 12.3 Event organisers are encouraged to visit the Council's Events web page: www.cornwall.gov.uk/events and complete the [Event Notification](#) form so that all relevant services (ie Council and Emergency Services) can be made aware of the event. The Event Planning Team will then advise on which permissions and licences are required. Online guidance is also available for general advice on organising events including risk assessments, management plans and guidance for small and large scale events.
- 12.4 Operators should seek advice well in advance of events so they are aware of what authorisations and permissions are required and the time limits involved.

- 12.5 It is recommended that a noise management plan is submitted to the Council's Community Protection Service for events covering multiple days or late night/morning events.
- 12.6 For guidance on health, safety and welfare, particularly at large-scale music and similar events, it is recommended that event organisers, who have a duty to manage health and safety should refer to the 'Purple Guide': <https://www.thepurpleguide.co.uk/> in addition to the Council's *Guidance for large events* on its website.

Single-use/non-recyclable plastic

- 12.7 Waste and recycling is a major concern for the people of Cornwall with single use plastics creating unnecessary waste with negative impacts on our communities. Cornwall Council encourages a culture that supports the environment by reducing waste and utilising reusable and recyclable products. Event organisers are therefore discouraged from using single-use/non-recyclable plastic at events. *From 1 October 2023, businesses must no longer supply single-use plastic cutlery such as cutlery and plates or food and drink in polystyrene containers – further information is available at: Single-use plastics ban: plates, bowls, trays, containers, cutlery and balloon sticks - GOV.UK (www.gov.uk)*

Lantern and Balloon Release

- 12.8 Lanterns and balloons can create a number of environmental hazards. For that reason, Cornwall Council has a policy of prohibiting the release of lanterns and balloons on Council owned and controlled property. Although the release of lanterns and balloons is not a licensable activity, land owners and event organisers are discouraged from carrying out such activity at licensed events.

Planning/Building Control

- 12.9 The use of any licensed premises or places (including outside areas) are subject to planning controls. This may affect licensable activities held under an authorisation under the Act. There are several key differences between licensing and planning control.
- 12.10 The Planning, Building Control and Licensing processes are distinct and separate as are the imposition of any conditions resulting from determination of an application. Licensing applications will not be a re-run of a planning application. Internal and external alterations to licensed premises must have building regulation approval where such approval is required under the Building Acts, etc.
- 12.10 *It is recommended that planning permission is obtained prior to applying for a licence. However, in cases where businesses have indicated that licensing and planning applications are being made simultaneously, the Licensing Service strongly recommends discussion with the Planning*

Service with the aim of agreeing mutually acceptable operating hours and scheme designs.

12.11 Where issues concerning planning/building control have not been resolved before a licence application is made, the Planning Authority may make representations if such matters affect the promotion of licensing objectives and in particular where: -

- the activity to be authorised would amount to a contravention of the existing planning permissions and/or conditions imposed on planning permissions for the premises;
- the hours being sought exceed those authorised by any relevant planning permission.

12.12 Where a planning condition sets a terminal hour which is different to the licensing hours under an authorisation, the operator must comply with the earlier hour in order to avoid any breach of either planning or licensing law.

12.13 In reaching decisions on licensing applications, the Council will be mindful of any nearby developments, which are subject to the 'agent of change principle' contained within the National Planning Policy Framework, which states the following:-

"Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including change of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed."

Strategies

12.14 Other local authority and government policies, strategies and responsibilities may also refer to the licensing function. The Licensing Authority may liaise with the relevant authorities or its directorates with regard to these. Some of these may not be directly related to the promotion of the licensing objectives; they can indirectly impact upon them. Examples of strategies would include:-

- National Alcohol Strategy
- Cornwall Alcohol Strategy
- Community Safety Strategy including Safer Cornwall
- Crime Prevention Strategies
- Local Transport Plan
- Tourism
- Equality
- Cultural

- Safeguarding
- Economic Strategy
- Planning Strategy
- Police and Crime Commissioner's Strategy (emerging strategy)
- Public Health / Health and Wellbeing Strategies

Every Customer Counts

- 12.15 The Licensing Authority are committed to making a real and positive difference to all its residents in terms of their experiences accessing work and business premises. Licensed premises, in particular, are places where many people choose to socialise and are therefore an important part of daily lives, however many of these premises are difficult for disabled people to access. The Licensing Service are sympathetic to the challenges which disabled people face every day in relation to physical access to licensed premises
- 12.16 In order to ensure compliance with the Equality Act 2010 and for the benefit of businesses and their disabled customers, the Licensing Authority actively supports Disability Cornwall in their 'Every Customer Counts' campaign. The Licensing Authority would encourage all businesses to sign up to the 'Every Customer Counts' initiative, which will provide tailored, practical, user friendly advice and information on access for disabled people.

Partnership Working

- 12.17 In accordance with Statutory Guidance, the Licensing Authority will look to the police as the main source of advice on crime and disorder but will also seek to involve the Local Community Safety Partnership.
- 12.18 The Licensing Authority will co-operate with the Security Industry Authority (SIA) and consider adding relevant conditions to authorisations where appropriate.
- 12.19 Regular meetings will be held between the Licensing Authority and Responsible Authorities and appropriate internal services within the Council in order to address issues that arise in relation to the provision of licensable activities in a co-ordinated approach.
- 12.20 The Licensing Authority encourages Pubwatch schemes and similar trade groups and will actively support such schemes and endeavour to attend meetings. The Licensing Authority will have regard to operators' involvement with and support for Pubwatch and other schemes such as 'Best Bar None', which have an interest in improving standards and promoting the licensing objectives.
- 12.21 The Licensing Authority will work closely with trade organisations (eg Pubwatches, Federation of Licensed Victuallers, British Institute of Inn-keeping, Federation of Small Businesses, Chambers of Commerce,

Business Improvement Districts) and similar groups to identify and encourage best practice.

12.22 An example of best practice is where operators require bar crawl companies and organisations to comply with the Bar Crawl Code of Conduct before allowing such companies to access their premises. Failure of operators to enforce the Code with the bar crawl organisers may result in their Premises Licence being reviewed.

12.23 The Licensing Authority will endeavour to work with other authorities and government departments to assess and utilise best practice to ensure a consistent approach is taken to licensing matters whilst respecting the differing needs of the individual communities throughout Cornwall.

12.24 The Licensing Authority will support the development of Purple Flag accreditation for key evening and night time economy areas within Cornwall.

POLICY 12

The Licensing Authority shall ensure proper integration of this policy with local crime prevention, planning, transport, tourism and cultural strategies by: -

- **Liaising and consulting with the members of the Crime and Disorder Reduction Partnership, Planning Committees and the Community Safety Partnership.**
- **Liaising and consulting with the Safety Advisory Groups.**
- **Liaising and consulting with the Planning Authority and the Highways Authority.**
- **Participation in partnership initiatives aimed at addressing issues around the evening and night-time economy.**
- **Participation and support in multi-agency exercises including during performance inspections and test purchasing.**

REASONS – *it is important that different policies / strategies support each other together with the Licensing Authority's vision rather than creating unnecessary conflict and confusion.*

13. Other Legislation *

Whilst licence conditions should not duplicate other statutory provisions, licensing authorities and operators should be mindful of requirements and responsibilities placed on them by other legislation. Legislation which may be relevant includes:

- Gambling Act 2005

- Environmental Protection Act 1990
- Noise Act 1996
- Clean Neighbourhoods and Environmental Act 2005
- Regulatory Reform (Fire Safety) Order 2005
- Health and Safety (First-Aid) Regulations 1981
- Health and Safety at Work Act 1974
- Public Health Act 2006
- Health Act 2006
- Equality Act 2010
- Criminal Justice and Police Act 2001
- Anti-Social Behaviour Act 2003
- Violent Crime Reduction Act 2006
- Crime and Disorder Act 1998
- European Convention on Human Rights; Human Rights Act 1998
- European Union Services Directive
- Sustainable Communities Act 2007
- Race Relations Act 1976
- Policing and Crime Act 2009
- Police Reform and Social Responsibility Act 2011
- Safety at Sports Grounds Act 1975
- Sunday Trading Act 2004
- Christmas Day (Trading) Act 2004
- Live Music Act 2012
- Legislative Reform (Entertainment Licensing) Order 2014
- Anti-social Behaviour, Crime & Policing Act 2014
- Regulators' Code under the Legislative and Regulatory Reform Act 2006
- Deregulation Act 2015
- Immigration Act 2016
- Policing and Crime Act 2017
- GDPR / Data Protection Act 2018
- Other legislative requirements, e.g. Phonographic Performance Licence (PPL), Performing Rights Society (PRS), Copyright, etc.
- *Business and Planning Act 2020*

14. Consultation and Engagement

Consultation took place between *11 September 2023 and 20 November 2023*

Below is a non-exhaustive list of persons/organisations consulted with:-

- Chief Officer of Police
- British Transport Police
- Police and Crime Commissioner
- Cornwall Licensing Strategy Group
- Crime and Disorder Reduction Partnership
- Public Health Cornwall / Public Health England
- Royal Cornwall Hospital A&E Dept and local Hospitals
- Maritime and Coastguard Agency
- Event Planning (CC)
- Tourism / Visit Cornwall
- Fire and Rescue Service (CC)
- Local Safeguarding Children Board (CC)
- Trading Standards (CC)
- Community and Environmental Protection (CC)
- Health and Safety (CC)
- Licensing Compliance Team (CC)
- Local Planning Authority (CC)
- Leisure and Culture (CC)
- Transportation and Streets (CC)
- Community Safety (CC)
- Adult Care and Support (CC)
- Childrens, Schools and Families (CC)
- Legal Services (CC)
- Premises Licence / Club Premises Certificate Holders
- Personal Licence Holders
- Pubwatch Groups
- Newquay Association of Licensed Premises
- Federation of Licensed Victuallers Association
- British Institute of Innkeeping
- British Beer and Pub Association
- Chambers of Commerce
- Business Improvement Districts
- Town Centre Management Specialists
- Federation of Small Businesses
- Licensing Consultants/Solicitors
- Cornwall Council Members
- Parish and Town Councils
- Local MPs
- Community Link Officers (CC)
- Residents Associations
- Newquay Safe
- Street Pastors
- Devon & Cornwall Community Watch Association
- Community Watch Schemes
- Disability Cornwall

15. Further Information*

The Council's latest licensing information can be found at www.cornwall.gov.uk/default.aspx?page=467

The Licensing Act 2003 can be found at www.legislation.gov.uk/ukpga/2003/17/contents

Statutory Guidance: [Revised guidance issued under section 182 of Licensing Act 2003 - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

The Government's Alcohol Strategy can be found at:-
[Alcohol strategy - GOV.UK \(www.gov.uk\)](http://www.gov.uk)
<https://www.gov.uk/search/all?keywords=alcohol+strategy&order=relevance>

Cornwall Alcohol Strategy can be found at <https://safercornwall.co.uk/alcohol/>

Safer Cornwall information can be found at www.safercornwall.co.uk

Guidance on the Mandatory Licensing Conditions including Irresponsible Drinks Promotions is available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/350507/2014-08-29_MC_Guidance_v1_0.pdf

Event organisers who have a duty to manage health and safety, particularly at large-scale music and similar events should refer to the 'Purple Guide' at <https://www.thepurpleguide.co.uk/>

PHE (2016) The Public Health Burden of Alcohol and the Effectiveness and Cost Effectiveness of Alcohol Control Policies: An evidence review available at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/583047/alcohol_public_health_burden_evidence_review.pdf

Planning Policies which give residents, businesses and developers an indication of what type and scale of development is appropriate and are used to determine planning applications, is available at <https://www.cornwall.gov.uk/environment-and-planning/planning/planning-policy/>

Fire safety information can be found at www.gov.uk/government/collections/fire-safety-law-and-guidance-documents-for-business

Information relating to registration and training of door staff can be found at the Security Industry Authority at www.the-sia.org

British Institute of Innkeeping, which is the awarding body for appropriate qualifications, can be found at www.bii.org

Department of Culture Media and Sport website www.gov.uk/government/organisations/department-for-culture-media-sport

Pavement Licensing guidance: [Pavement licences: guidance - GOV.UK](#)

There is a comprehensive range of **Business Regulatory Support Services** available to help and advise businesses to be more successful and compliant – more information available at <https://www.businessregulatorysupport.co.uk/>

For help with any licensing application, take advantage of our **Licensing Direct** services where we will assist you with your application from start to finish.

Information relating to the **Personal Licence** training course can be found at <https://www.businessregulatorysupport.co.uk/our-services/training-services/personal-licence-training/>

To view the latest register of licenses premises under the Licensing Act 2003, click [here](#)

For information on noise management plans / acoustic consultancy see <https://www.businessregulatorysupport.co.uk/our-services/environmental-consultancy/acoustic-consultancy/>

Information on Better Business for All can be found at <https://www.cornwall.gov.uk/community-and-living/communities-and-devolution/devolution/devolution-to-cornwall/business-support/>

For more information on Business regulatory support - CIOS Growth Hub <https://www.ciosgrowthhub.com/business-regulatory-support/>

Most UK legislation can be found at www.legislation.gov.uk

For information on organising events in Cornwall www.cornwall.gov.uk/events

Guidance for licensed premises calculating occupancy figures <http://www.cornwall.gov.uk/default.aspx?page=36216>

For more information on the Regulators' Code: <https://www.gov.uk/government/publications/regulators-code>

GDPR – please refer to our [privacy notice](#) under the General Data Protection Regulation – available on the Council's licensing web-page or from the Licensing Team on request.

Use this link to check which other licences or authorisations may be required, depending on the activities being provided:- <https://www.cornwall.gov.uk/advice-and-benefits/licences-and-street-trading/check-to-see-what-licences-you-may-need/>

[Licensing Act 2003 - Councillor's handbook \(England and Wales\) | Local Government Association](#)

[First aid preparedness for organisations | ProtectUK](#)

[Supporting information for public access trauma first aid kits | ProtectUK](#)

Other useful websites:-

Drink Aware <https://resources.drinkaware.co.uk/>

Federation of Small Businesses www.fsb.org.uk

National Pubwatch Scheme www.nationalpubwatch.org.uk

Chambers of Commerce www.britishchambers.org.uk

Federation of Licensed Victuallers Associations www.flva.co.uk

www.GOV.uk

www.homeoffice.gov.uk

www.instituteoflicensing.org

www.bbnuk.com

* The 'Other Legislation' and 'Further Information' sections will be kept under review and updated accordingly

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Contact details

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If you would like this Policy in another format please contact:

Cornwall Council
County Hall
Treyew Road
Truro TR1 3AY

Telephone: 0300 1234 100

Email: enquiries@cornwall.gov.uk

www.cornwall.gov.uk

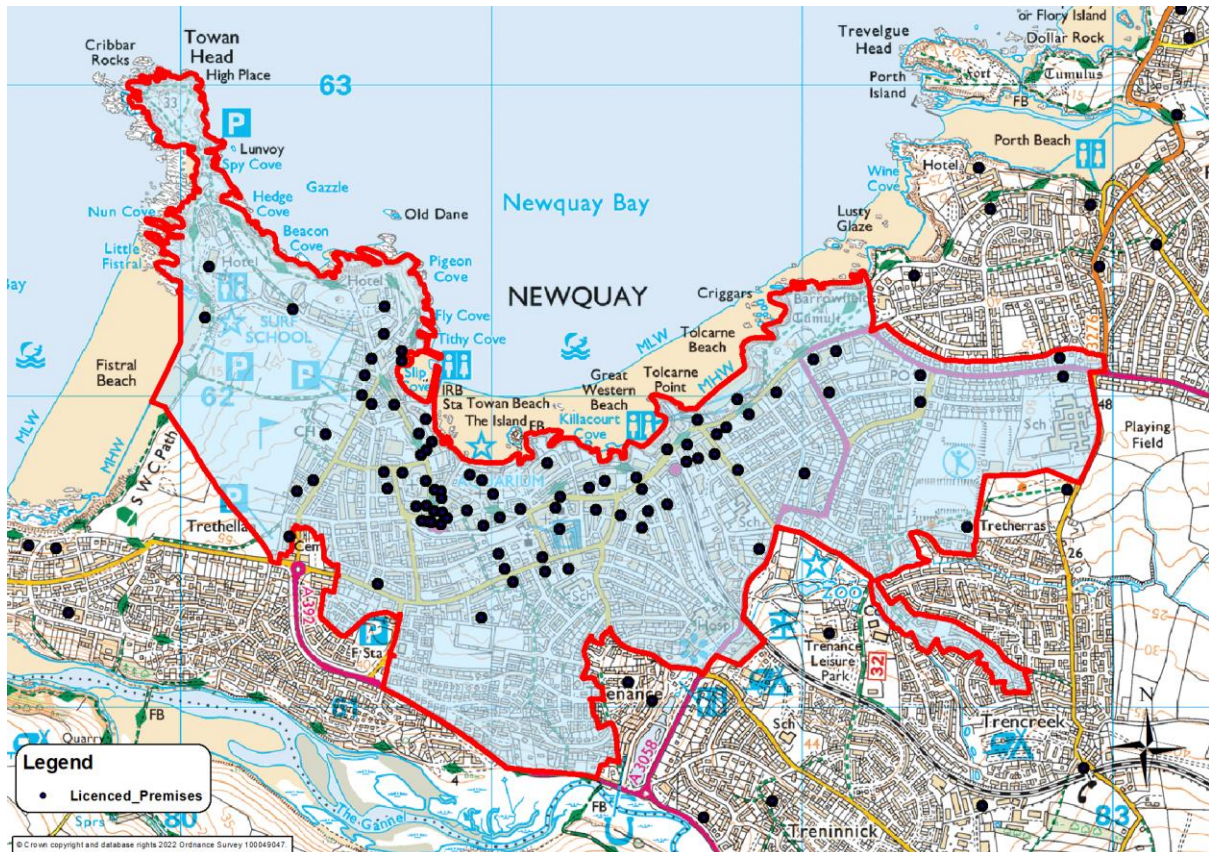
Please consider the environment. Only print this document if it cannot be sent electronically.

Appendix A - Map of Cornwall



Appendix B

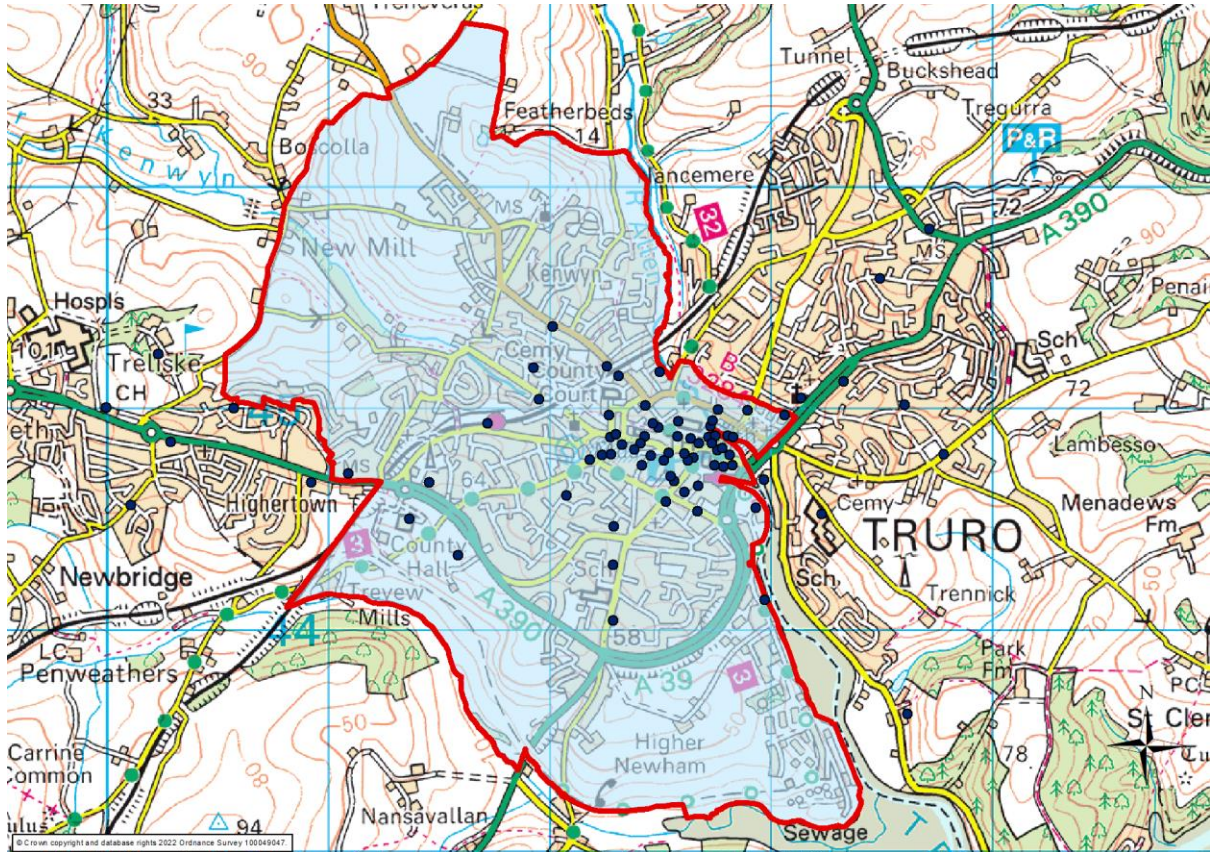
NEWQUAY Cumulative Impact area



E01019020 Narrowcliff
 E01019022 Newquay Trelawney and Chynance Drive
 E01019029 Newquay Town Centre
 E01019028 Fistral and Headland
 E01019019 Tretherras

Appendix C

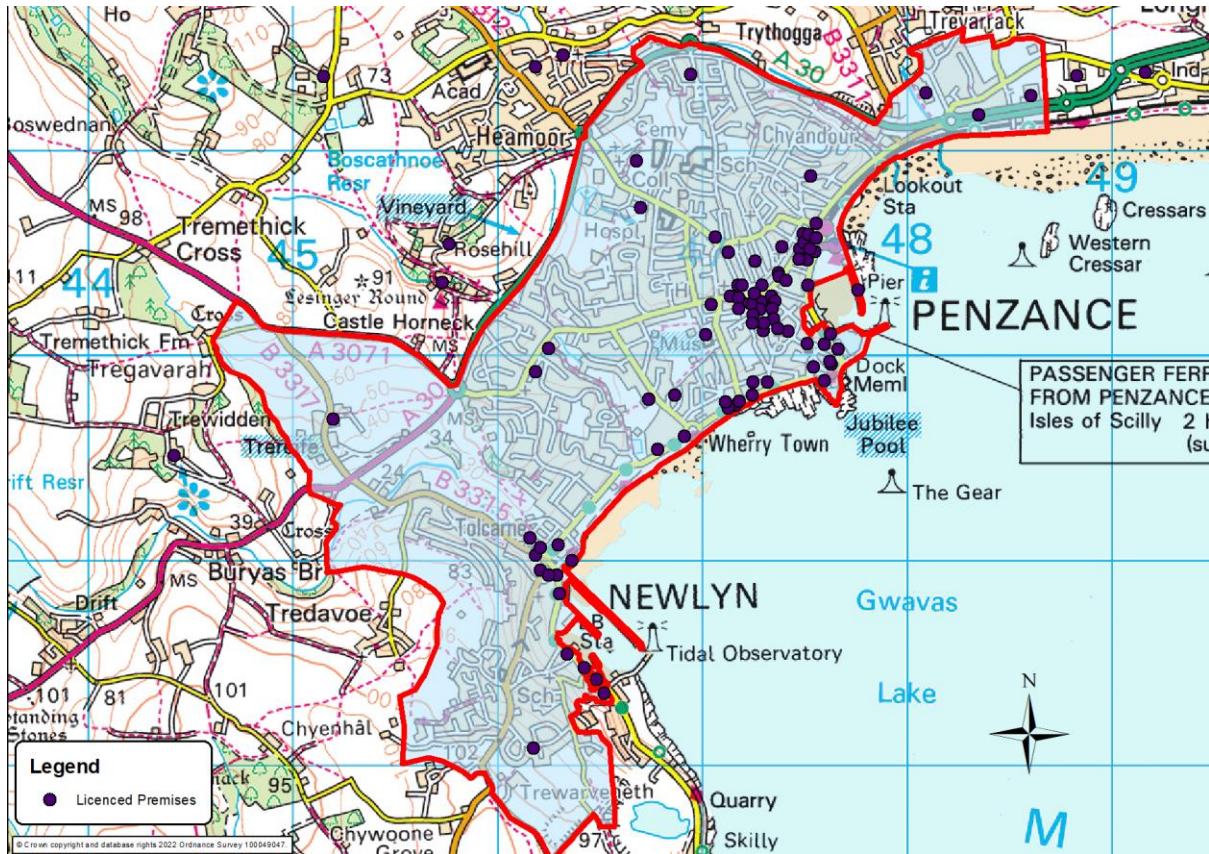
TRURO Cumulative Impact area



- E01018807 Truro South, Newham and Arch Hill
- E01018808 Truro Redannick and Daniel Street
- E01018809 Truro City Centre
- E01018810 Truro Station Road, New County Hall and Chapel Hill
- E01018857 Truro Hendra and Coosebean
- E01018858 Truro Kenwyn Higher Trehaverne

Appendix D

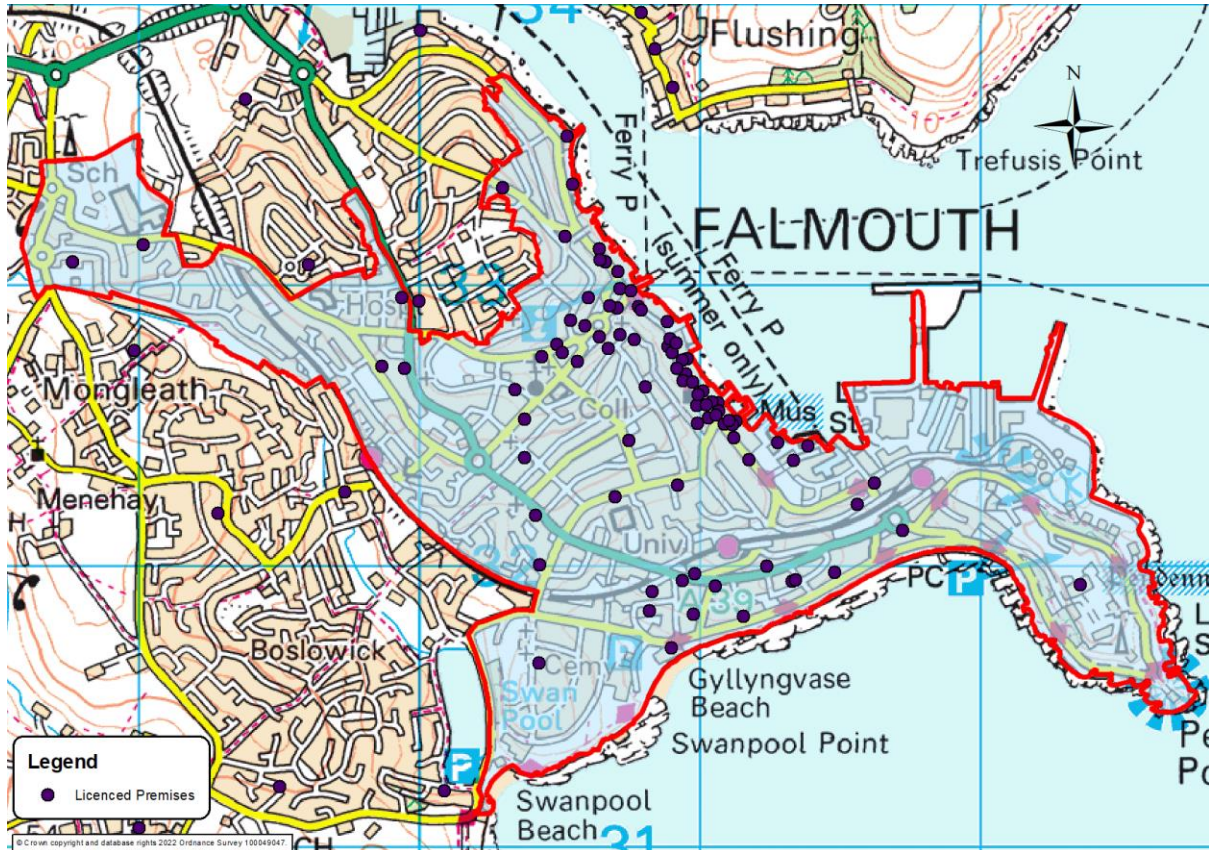
PENZANCE Cumulative Impact area



- E01018994 Penzance Alverton
- E01018995 Penzance St Clare and Town
- E01018996 Penzance Chyandor and Eastern Green
- E01018997 Penzance Treneere
- E01018998 Penzance Battlefields
- E01018999 Penzance Wharfside and Town
- E01019000 Penzance Wherrytown
- E01019001 Penzance Promenade
- E01019003 Newlyn West
- E01019004 Newlyn Harbour and Gwavas

Appendix E

FALMOUTH Cumulative Impact area



- E01018803 Falmouth Docks, seafront and Maritime Museum
- E01018804 Falmouth Church, Arwenack Street and Clare Terrace
- E01018805 Falmouth Arwenack Avenue, Melvill and Boscawen Road
- E01018806 Falmouth Lister Street, Western Terrace and Penmere
- E01018839 Falmouth High Street and Trevethan Road
- E01018840 Falmouth Moor, Kiligrew Street and Kimberley Park
- E01018859 Falmouth Tregenver and Trescobeas

Appendix F

Public Health as a Responsible Authority

The impact of alcohol and correlated harms remains a priority focus for Cornwall, both within Public Health and Community safety, as **Cornwall's alcohol related hospital admissions are above both national and regional rates** at the end of 2016-17: **for a number of years, with recent changes difficult to interpret in the light of the pandemic:**

<https://fingertips.phe.org.uk/profile/local-alcohol-profiles/data#page/1/gid/1938132833/pat/6/par/E12000009/ati/202/are/E06000052/yr/1/cid/4/tbm/1/page-options/car-do-0>

Compared to national rates, Cornwall is reported as having low rates of abstinence, and high rates of regular and binge drinking:

<https://fingertips.phe.org.uk/profile/local-alcohol-profiles/data#page/1/gid/1938133118/pat/6/par/E12000009/ati/202/are/E06000052/iid/92774/age/168/sex/4/cat/-1/ctp/-1/yr/4/cid/4/tbm/1>

This remains an area that needs to be handled carefully, as Cornwall's high quality licensed trade is a valuable and key part of our economy, especially related to tourism, and yet alcohol related issues make a noticeable impact on our health, emergency and criminal justice services, especially during the summer peak season.

Full details of alcohol related social impact in Cornwall can be found in '[Cornwall Alcohol Needs Assessment](#)' and the '[Safer Cornwall Strategic Assessment](#)' on the Safer Cornwall website.

Key Alcohol Impact Facts in Cornwall:

- 20% 18% of violent crime reported to the Police is recorded as linked to alcohol.
- *31% of violence with injury reported to the Police is recorded as linked to alcohol.*
- 32% of all alcohol related violence is recorded as domestic violence.
- *9.8% of all KSI collisions in Cornwall were caused by a drink driver, the highest rate of any county in England, with numbers increasing while they still fell nationally.*
- *81% of drink drivers were male with 20-24 year old males accounting for the majority of collisions, and 77% of drink drivers involved in a collision in Cornwall, lived in Cornwall and 2.9% lived in Devon.*
- *In the lockdowns, alcohol related violence with injury fell by 5%, but alcohol related domestic abuse increased by 11%, and since then Night Time Economy Violence has returned to previous levels.*
- *At least 25% of adult offenders have an alcohol problem.*
- ~~Cornwall is amongst the highest in the country for incapacity benefit claims due to alcohol, and in 2015 Cornwall had 169 claimants per 100,000.~~

- ~~Cornwall's alcohol related RTAs are exceptionally poor, worse than the South West Region as a whole, which also sees a higher level than the national average.~~
- ~~Alcohol is most strongly associated with Night Time Economy Violence (70%).~~
- ~~Alcohol is a risk factor in reoffending for 56% of adult offenders.~~
- ~~62% of offenders on the Probation caseload in Cornwall were identified as having a problem with alcohol, increasing harm to self/others and the risk of reoffending.~~
- Over a 10 year period, around 70% of offenders contacted in Police custody said alcohol was a factor in their arrest.

Health Impact Licensing Tool (HILT)

In 2016, Public Health England ran a 'Health as a Licensing Objective' (HaLO) pilot scheme which resulted in the publication of a national 'Analytical Support Package' (ASP): <https://www.gov.uk/government/publications/alcohol-licensing-pilot-of-analytical-support-package>

Cornwall contributed by developing a tool that became accepted as a good example of this approach, and was then used as a model of best practice in the PHE end of pilot event, was presented to the House of Lords Licensing Committee, was used in a PHE webinar, and has been presented to the UKCTAS Academic group (United Kingdom Centre for Tobacco and Alcohol Studies).

The Cornwall model was originally called the HaLO tool, but it now has been more accurately named the 'Health Impact Licensing Tool' (HILT).

Cornwall was invited to participate, partly due to Cornwall DAAT and Community Safety Intelligence (Amethyst) having a good track record of compiling data led Alcohol Needs Assessments.

The remit of the pilot was to ascertain whether health data can be legitimately brought to bear in Licensing cases. Local Health bodies have been a Licensing Responsible Authority since 2011, but few areas in England had managed to use health data effectively in this arena.

Previously the only data seen as relevant had been A&E assault victim data, or Ambulance data, both of which can be placed alongside named premises in known incidents. This new approach uses wider health related data to learn about the context in which a premises trades.

This data assesses the impact of alcohol correlated factors in small population/postcode areas on the NHS and Emergency Services, by pooling data on alcohol related crime, violence and disorder. The tool then speaks to the trading landscape in which each premises sits, showing how which issues need to be addressed under the Licensing Objectives.

This is particularly important in Cumulative Impact Zones, giving Public Health a voice in the Licensing arena, allowing premises and Licensing Authorities to learn more about the locations and contexts that need to be considered in setting Licenses, CIPs and specific conditions.

HILT is an evidence-based tool which can be used to determine the potential risk that the availability of alcohol currently poses in any given location in Cornwall. The user simply has to type in a post code and will be presented with a risk level based on 5 Key Indicators, and an array of additional health data which may be relevant to that case.

The 5 Key HILT Indicators are:

1. Alcohol Related Hospital Admissions (in the local population)
2. Referrals into alcohol treatment (in the local population)
3. Alcohol Related Violence (in the local area)
4. ASB/Street Drinking (in the local area)
5. Alcohol Related Road Traffic Collisions (in the local area)

These are matrixed together to identify the highest risk LSOAs in Cornwall, so that resources can be targeted to these cases, and Licensing Committees can see clear mapping of the issues in any given case.

The tool was tested against 2 actual cases and was then accepted as of legally evidential quality by Cornwall Council's Legal Department and accepted by the Licensing Act Committee.

Since then it has been used to contribute to the annual review of the Cumulative Impact Zones, and has provided clear supporting evidence in a revocation case, in which Police evidence of breaches sat alongside HILT evidence demonstrating the outlet's sensitive location in the centre of a CIZ.

Assault Related Injuries Database

~~Within the HILT supporting evidence, as well as in its own right, the A&E and MIU data around assaults is key evidence in identifying vulnerable areas and violence hotspots.~~

~~This approach is based on the Cardiff Model:~~

~~https://www.cardiff.ac.uk/data/assets/pdf_file/0008/989414/VRG-Cardiff-Model-Briefing-WEB.pdf~~

~~This approach is promoted by the Royal College of Emergency Medicine:~~

~~[https://www.rcem.ac.uk/docs/RCEM%20Guidance/OEC%20Guideline%20Information%20sharing%20to%20reduce%20Community%20Violence%20\(Sept%202017\).pdf](https://www.rcem.ac.uk/docs/RCEM%20Guidance/OEC%20Guideline%20Information%20sharing%20to%20reduce%20Community%20Violence%20(Sept%202017).pdf)~~

~~Licensing Officers and Responsible Authorities in Cornwall can have access to this data to assess trends and responses in specific locations near specific premises.~~

Premises quality standards

Effective management of licensed premises is integral to the alcohol harm reduction agenda, and it is recognised many establishments are keen to support this agenda. Examples of best practice which Public Health recommend are considered by premises licence or certificate holders are:

- Provide good quality, ongoing training to staff, which is regularly reviewed and updated (*such as the local 'Substance Misuse and Alcohol Retail Training' SMART*).
- Ensure that non-alcoholic drinks are priced competitively with alcoholic drinks and actively promoted.
- Actively promote designated driver schemes where a driver is offered discounted or free non-alcoholic drinks.
- In areas close to schools or other places where young people gather promotions should not be visible from the street.
- In retail premises consider where alcohol is displayed, e.g. away from the door, thus reducing the chance of theft.
- Ensure age verification policies are in place, and staff are fully conversant with the policy.
- Consider removing high ABV beers/lagers, cider and spirit mixers, especially when there is local evidence that these products are used by street and dependent drinkers.
- Restrict 'special offers' like cheap shots, 'Happy Hours', 'Buy One Get One Free' or buy 2 glasses of wine get whole bottle. This slows down consumption, the rate at which blood alcohol concentrations increase and the peak levels reached by drinkers. Rapidly ascending and high blood alcohol concentrations are shown to be associated with violence and uninhibited behaviour.

Appendix G – Definitions

The Act	The Licensing Act 2003
Statutory Guidance	The Statutory Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003
Licensing Authority	For the purpose of this document, the 'Licensing Authority' is Cornwall Council. The administrative processing is carried out by the Public Health and Protection service through its Licensing Team
Operating Schedule	Prescribed information which forms part of premises licence application to include description of premises, details of licensable activities, hours of operation, period of licence, steps to promote licensing objectives
Licensable activities	a) the sale by retail of alcohol b) the supply of alcohol by or on behalf of a club to, or to the order of a member of the club c) the provision of regulated entertainment d) the provision of late night refreshment
Qualifying club activities	a) the supply of alcohol by or on behalf of a club to, or to the order of a member of the club b) 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; and c) 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
Operator	Includes all Premises Licence holders, Club Premises Certificate holders, Designated Premises Supervisors and individuals who have given a Temporary Event Notice. This in some circumstances could also include the owner of the business and certain members of staff.
Responsible Authorities	Authorities designated under the Act or prescribed in regulations (listed in Appendix J). Responsible Authorities are served with copies of applications and may make representations against an application or request review of an existing licence based on the likely or actual adverse impact on the licensing objectives.
Other Persons	Includes any individual, body or business who may make representations on applications for grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographic proximity to the premises. In addition, these persons may seek a review of a premises licence.
Licensing Objectives	Set by the Licensing Act 2003 the licensing objectives are: - a) the prevention of crime & disorder; b) public safety; c) the prevention of public nuisance; and d) the protection of children from harm.
Community Premises	Defined as premises that are or form part of a church hall, chapel hall or other similar building; or a village hall, parish hall or community hall or other similar building, provided they are genuinely made available for community benefit most of the time, and accessible by a broad range of persons and sectors of the local community for purposes which include purposes beneficial to the community as a whole.

Appendix H – SCHEDULE OF DELEGATED AUTHORITY

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If a police objection	All other cases
Application for personal licence with relevant or foreign offences		If a police objection	All other cases
Application for Premises Licence/Club Premises Certificate		If a relevant representation	All other cases
Give notice to dispense with a hearing where all parties consider a hearing is unnecessary and the relevant licensing Sub-Committee have confirmed in writing their agreement that a hearing is unnecessary			All cases
Application for provisional statement		If a relevant representation	All other cases
Application to vary Premises Licence/Club Premises Certificate		If a relevant representation	All other cases
Application for minor variation of Premises Licence/Club Premises Certificate			All cases
Application to disapply mandatory condition requiring designated premises supervisor in respect of a Premises Licence		If a police objection	All cases
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	

Matter to be dealt with	Full Committee	Sub Committee	Officers
Decision on whether a representation is irrelevant frivolous vexatious or repetitive			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of an objection to a Temporary Event Notice		All cases	
Withdrawal of Club Registration Certificate where Licensing Authority is satisfied that the club is no longer a qualifying club			All cases
Decision to reject an application for review			All cases
Decision to extend time limits for hearings where it is considered to be in the public interest to do so			All cases
Decision to adjourn hearings where it is considered to be in the public interest to do so		All cases	
Suspension of Premises Licence or Club Premises Certificate when annual fee not paid			All cases
Making representations on applications as Licensing Authority			All cases
Making application for Review as Licensing Authority			All cases

Appendix I *

The example conditions in this document may assist applicants when preparing an operating schedule as part of a premises licence application. Applicants are required to include measures which are appropriate for the promotion of the licensing objectives.

The examples are provided for reference only, from which individual conditions can be chosen, if appropriate, to promote the licensing objectives.

This list is not exhaustive and applicants should include alternative measures tailored to the individual premises/type of operation, if appropriate.

In addition, any of the responsible authorities may suggest alternative measures to suit the type and individual characteristics of the premises.

General

- G1 All staff responsible for making alcohol sales, supervisors and managers must be trained in the legality and procedure of alcohol sales. The training shall be signed and documented and training records will be kept on the premises and be made available to any responsible authority on request. Training records will be kept for at least 12 months.
- G2 All staff shall be fully trained to perform their role. They will also be trained in the contents of the premises licence including times of operation, licensable activities, conditions and restrictions.
- G3 All staff shall be trained in the requirements of the Challenge 25 policy.
- G4 All staff shall be suitably trained in the operating procedures for refusing service to any person who is drunk or is under-age or appears to be under-age.
- G5 Management shall encourage liaison with the police neighbourhood beat manager for the area in which the premises is situated.
- G6 Any person who appears to be intoxicated or who is behaving in a disorderly manner shall not be allowed entry to the premises.

G7 All off sales will be in sealed containers.

Off-licences

O1 No beer, lager or cider above 6% ABV will be sold at the premises.

O2 No single cans or bottles of beer, lager or cider will be sold at the premises.

O3 All spirits will be stored behind the serving counter, not on the shop floor.

O4 Between the hours of 23:00 and 06:00 hours the premises will be closed to the public – all sales will take place via a serving hatch.

Prevention of Crime and Disorder

CD1 An incident book shall be maintained to record any activity of a violent, criminal or anti-social nature. The record will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident.

CD2 An incident book shall be available for inspection at all reasonable times by an authorised officer of relevant responsible authority. The records will be retained for at least 12 months.

CD3 No drinking vessel, glass or bottle shall be taken away from the premises.

CD4 There shall be a safeguarding policy of refusing admission to persons who are drunk and / or disorderly or are identified as 'excluded' under Pubwatch or similar schemes.

CD5 Toilets and out of the way areas must be checked regularly to monitor and curtail any possible drug use and own supplied alcohol consumption.

Door supervisors

- CD6 SIA registered door supervisors will be employed at the premises on [state days of week] from ##.## hours until premises close to the public.
- CD7 The number of door supervisors employed shall be in accordance with the following ratio: A minimum of two door supervisors will be employed for the first 100 customers and one door supervisor for every 100 thereafter.
- CD8 Door supervisors must be properly briefed and trained to manage queues in a safe and efficient manner.
- CD9 Door supervisors will be responsible for ensuring the safe, quiet and orderly dispersal of customers from the premises and the immediate vicinity of the premises.
- CD10 All door supervisors will be clearly identifiable and display their SIA badge in an approved method (i.e. arm display badge holder) at all times.
- CD11 All door supervisors engaged in searching persons (as a condition of entry) shall be fully trained in the use of their powers to do so.
- CD12 Where a licensed premises engages in searching persons, there must be door supervisors of both sexes on duty.
- CD13 The following details for each door supervisor must be kept in a register for that purpose:
- (i) Full name,
 - (ii) SIA Certificate number and or badge number, or registration number of any accreditation scheme recognised by the Licensing Authority (including expiry date of that registration or accreditation),
 - (iii) The time they began their duty
 - (iv) The time they completed their duty.
 - (v) The full details of any agency through which they have been allocated to work at the premises if appropriate

- CD14 The register shall be available at all reasonable times to an authorised officer of the Licensing Authority or a police officer.
- CD15 This register is to be kept at the premises at all times and shall be so maintained as to enable an authorised officer to establish the particulars of all door supervisors engaged at the premises during the period of not less than 12 months prior to the request.
- CD16 All door supervisors shall be capable of communicating instantly with one another by way of radio or other simultaneous system of communication.

CCTV

- CD17 CCTV must be installed, maintained and be compliant with the guidance contained in the Information Commissioner's Office (ICO) guidance document.
- CD18 The CCTV equipment must be maintained in good working order and must *(either by continuous recording or by motion activation)*~~continually~~ record until premises close to the public.
- CD19 Time and date accuracy must be checked and recorded on a weekly basis. The CCTV system must cover all areas of the premises where the public have access. Images must be retained for a minimum period of ~~14~~ **31** days.
- CD20 The CCTV system must be capable of downloading images to a recognizable viewable format. The software must be able to playback the images at full screen resolution with forward, reverse replay including pause and slow motion.
- CD21 At all times the premises are open for business, a member of staff who is capable of operating the CCTV system and downloading images at the request of a police officer or other authorised officer must be available within a reasonable time period, i.e. 24 hours.
- CD22 The CCTV system must be capable of obtaining clear facial recognition images and clear head and shoulders images of every person entering or

leaving the premises. If the system covers other areas at the premises then the image quality must be of the same standard.

- CD23 If the CCTV equipment (Including any mobile units in use at the premises) breaks down, the Licence holder must ensure the DPS, (or in his/her absence other responsible person), verbally informs the Licensing Authority and the Police Licensing Officer as soon as is reasonably practicable. This information must be contemporaneously recorded in the incident report register and must include the time, date and how this was done and to whom the information was reported. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The Licensing Authority and the Police Licensing Officer should be informed when faults are rectified.
- CD24 The Licence holder and / or DPS must be able to demonstrate that they have a recording management system in place that prevents recordings being tampered with, stolen, misplaced or failure to record .Recording equipment must be housed in a secure room / cabinet where access and operation is strictly limited to persons authorised in writing.
- CD25 No customers carrying open or sealed bottles cans or other receptacles containing alcoholic liquor shall be admitted to the premises at any time that the premises are open to the public.
- CD26 The collection of glasses and bottles shall be undertaken at regular intervals to ensure there is no build-up of empties in and around the premises.
- CD27 The outside area will be controlled in a safe and effective manner to the same standard operated within the premises building and special attention will be given to the impact that the use of the outside area has on the surrounding community.

Drugs Policy

- CD28 There shall be a secure police approved drugs box at the premises. All controlled drugs (or items suspected to be, or containing controlled drugs) found at the premises must be placed in this box as soon as practicable.

- CD29 Where a secure police approved drugs box is available on the premises to deposit finds there will be a clear policy for the handling and packaging of seized items.
- CD30 A written drugs policy shall be adopted detailing the actions to be undertaken to minimise the opportunity to supply or use illegal substances in or around the premises. *The written drugs policy will be kept on the premises and be made available to any responsible authority on request. Training records will be kept for at least 12 months.*
- CD31 Records will be maintained to record the time and date of substance misuse training and those involved in the sessions and the person carrying out the training. Records will be retained and made available for inspection on demand. The records will be retained for at least 12 months.
- CD32 A structured training programme must be delivered at (regular intervals/annually/ _ monthly intervals) to all staff that deal with persons who are in the possession of / or incapacitated through the use of drugs or the combined effect of drugs and alcohol.
- CD33 There must be a clearly visible notice displayed at the premises advising those attending that a search as a condition of entry to the premises may occur, and that the Police will be informed if anyone is found in possession of controlled substances or weapons.
- CD34 Security arrangements must be in place where toilet and similar areas are regularly checked for evidence of drugs. The date and times of all checks to be recorded in a bound book kept for that purpose and be available on request from an authorised officer of the Licensing Authority or a police officer. Signage shall also be placed in the toilet areas advising patrons that checks are conducted regularly.

Drug testing/policy at festivals/events

- CD35 The licence holder and/or DPS will co-operate and work with Devon and Cornwall Police, and Cornwall Council commissioned drug and alcohol treatment services, with regard to any drug testing services invited to deliver a service at large events/festivals: e.g. having a drug testing facility to test seized or voluntarily submitted substances, in order to

identify whether there are any potentially dangerous substances being sold onsite, and if so to communicate harm reduction advice and information to attendees to warn them.

Night-clubs

- CD36 The designated queuing area shall be enclosed within appropriate barriers to ensure that the footway is kept clear.
- CD37 Queuing outside the premises shall be restricted to a designated area located at (specify location).
- CD38 There shall be no admissions or re-admission to the premises after ##.## hours.
- CD39 A documented risk assessment on the need for searching patrons entering the premises must be carried out. The risk assessment shall be reviewed regularly and at least every 6 months.
- CD40 A written policy that aims to prevent customers or staff bringing illegal drugs, weapons or other illegal items on the premises at any time shall be in place and operated at the premises.
- CD41 A search must be carried out at the premises before the premises open, during hours of operation and at closing. Any relevant items recovered, e.g. illegal drugs lost property, shall be managed in accordance with company procedures.
- CD42 An incident log (which may be electronically recorded shall be kept at the premises for at least 12 months and made available on request to the Police or an authorised officer of the Licensing Authority, which will record the following incidents including pertinent details:
- all crimes reported to the venue or by the venue to the Police;
 - all ejections of patrons;
 - any complaints received;
 - any incidents of disorder;
 - seizures of drugs, offensive weapons, fraudulent ID or other items;

- any faults in the CCTV system, searching equipment or scanning equipment;
- any refusal of the sale of alcohol;
- any visit by a relevant authority or emergency service;
- the times on duty, names and the licence numbers of all licensed door supervisors employed by the premises.

CD43 All drinks shall be served in plastic /paper (eco-friendly products) / toughened glass or polycarbonate containers during the following events or occasions (enter specified events).

Drink Driving

CD44 This outlet must have robust drink driving awareness policies and visible publicity in place, due to specific factors in its location, setting and/or local drink driving incidence data. Bar staff should regularly ask people if they are driving, and offer designated driver soft drink / zero alcohol offers, in order to keep the location and their clientele safe.

Restaurants

CD45 Alcohol shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to their meal. Alcoholic beverages to be served to persons seated at tables by waiter/waitress staff.

Online Alcohol Sales *and Delivery*

OA1 All alcohol stored at the premises shall be locked in a secure storage area. All staff responsible for making alcohol sales shall be trained in the requirements of the Challenge 25 age verification policy.

OA2 Alcohol shall be sold in sealed containers only.

OA3 All deliveries of alcohol shall only be delivered to a premises address with a valid postcode and will only be delivered directly to that property.

OA4 Full name and address details, including postcode, must be given when placing an order.

- OA5 Alcohol can only be delivered to a residential or business address and not to a public place.
- OA6 Challenge 25 - if the driver considers the recipient of alcohol appears under 25 recognised photographic identification to be requested before any alcohol is handed over.
- OA7 At the time the order is placed a declaration will be required from the person placing the order that that person is over 18 years of age.
- OA8 Acceptable proof of age shall include identification bearing the customer's photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport. No ID no delivery.
- OA9 Minimum age of 18 for delivery drivers.
- OA10 Delivery will be refused if the driver believes the alcohol is being purchased on behalf of another person aged under 18 years.
- OA11 Customers to be reminded on the website that it is a criminal offence for a person under 18 to purchase or attempt to purchase alcohol and that it is also an offence to purchase alcohol on behalf of a person aged under 18.

Prevention of Public Nuisance

Noise

- PN1 The doors and windows at the premises [*or specify location at the premises*] will be kept closed during indoor regulated entertainment, except for the purpose of access and egress.
- PN2 During regulated entertainment noise from the premises will be regularly monitored at (specify intervals) at (specify position), and remedial action will be taken if the noise level is considered to be

unreasonable. A record will be kept of all monitoring and remedial actions taken and kept for a period of 6 months.

- PN3 Outside areas (*highlighted on plan if needed*) will not be used after (time) (except for the purposes of smoking).
- PN4 Prominent, clear notices will be displayed at all public exits requesting customers to leave the premises and area quietly.
- PN5 Prominent, clear notices will be displayed in any area used for smoking, requesting patrons to use the area quietly.

Litter

- PN6 The disposal of glass bottles into external receptacles will not take place between 20:00 and 07:00 hours
- PN7 A suitable receptacle/s for smoking-related litter will be provided for patrons smoking off the premises.
- PN8 Collection of commercial waste will not take place prior to 7 a.m.

Public Safety

- PS1 Safety management systems should be in place including plans, policies, risk assessments, method statements and safe systems of work etc to demonstrate compliance with legislation and ensure any hazards are appropriately identified and controlled to minimise any risk to the public.
- PS2 A fire risk assessment should be completed and documented by a suitably competent person to consider any hazards associated with areas such as; Fire detection and alarm, emergency plans, emergency egress to a final point of safety, lighting, control of fire/smoke spread, provision/check/test/maintenance of firefighting/smoke control equipment, use of pyrotechnics, combustible materials, catering and cooking, LPG storage, emergency vehicle access, fire service response time, water availability, signage, information, staffing and stewards, communications, training and occupancy levels both total and in

individual areas to ensure and demonstrate appropriate controls are in place.

- PS3 A first aid assessment of needs should be undertaken mindful of audience/customer demographic and numbers, the environment, external factors such as drug use and emergency service response times to determine the numbers of trained personnel, the level of training and equipment/facilities required.
- PS4 Electrical, gas (including LPG), oil and any other electrical or mechanical systems (Sound, lighting, HVAC, SFX etc.) should be appropriately installed and operated by suitably competent persons with any required certification/test/check/maintenance process in place with secure storage etc as required.
- PS5 Suitable welfare arrangements should be in place, cleaned and maintained considering the audience/customer demographic and numbers to ensure adequacy of WC provision, Access to refreshments, Suitable ventilation and temperature control (ensuring noise breakout minimisation) and consideration of weather conditions.
- PS6 Suitable lighting will be provided to ensure safe access, egress, circulation and participation in any activities with suitable power supply redundancy (if applicable) to ensure safe evacuation and shut down of any equipment in an emergency situation.
- PS7 A waste management plan should be in place to detail how rubbish, unused or abandoned materials and sewage are appropriately disposed of within a reasonable time frame without excessive storage
- PS8 A suitable assessment of the risk from extremist activity should be undertaken with appropriate controls in place
- PS9 Temporary demountable structures (marquees, stages, terraced seating, sound and lighting rigs or towers etc) will be appropriately designed and erected by suitably competent persons with due consideration of any required building control or planning compliance, location, completion sign off, periodic inspections, wind resistance with appropriate monitoring and fire retardancy of any fabrics.

PS10 An assessment of traffic management is required documented by way of a traffic management plan to consider all aspects of how the audience/customers arrive and leave the premises/venue/event. Such plans should consider vehicle movements, parking and supervision, segregation of pedestrians, any need for road closures and any wider impact on the surrounding transport infrastructure network.

PS11 An assessment of crowd safety (both for internal and external areas) with appropriate management controls documented by way of a risk assessment or crowd safety plan is required to demonstrate suitable control of crowd movements (including accessibility, arrival, access, circulation, egress and dispersal) and limit any potential for overcrowding, crush or poor behaviour, it will include detailed stewarding plans and arrangements

Drink Spiking

PS12 Provision of signage and information to alert customers to the risk of drink spiking, as well as medical and reporting actions needed as soon as an incident is suspected. This will include leaflets *provided by the Safer Cornwall Partnership, outlining the existing protocols for the Devon and Cornwall Police area,* and the provision of 'spikies' or *similar drink spiking prevention drink tops.*

It is the responsibility of premises to keep their customers safe through staff monitoring, providing information, and keeping and advertising a supply of *'spikies' these resources* at the bar *as a standard part of their own customer service.*

Counter Terrorism – *for high profile or large premises/events or where there are factors which may increase attractiveness of attack.*

PS13 *The Premises Licence Holder / Designated Premises Supervisor / other staff must engage with freely available counter-terrorism advice and have completed the [Action Counter Terrorism \(ACT\) Awareness e-learning training.](#)*

PS14 *There must be a documented security assessment, which sets out counter measures to be implemented in response to a terrorist attack. As part of this assessment, the Premises Licence Holder must conduct*

vulnerability assessments of their operating places and spaces and mitigate the risks created by the vulnerabilities.

PS15 Within 28 days of the grant or variation of the licence, the Premises Licence Holder must evaluate any risks and take prompt steps to reduce the risk as far as is reasonably practicable.

PS16 The counter-terrorism plan must be available at all reasonable times to an authorised officer or responsible authority.

PS17 Security staff must be trained in the use of tourniquets and injury to multiple persons.

PS18 Venues must have an identified area to be used for medical assistance where appropriate.

Protection of Children from Harm

CP1 Challenge 25 policy - if a young person, who appears to be 25 or under asks for alcohol, they will be required to prove their age before being served, unless the staff are certain (from personal knowledge or because they have seen proof of age on a previous occasion) that the person is 18 or over. Proof of age accepted documents are a passport, a photo driving licence or a proof of age card having the PASS accreditation hologram on it. Photocopies will not be accepted. All staff will be trained in this policy and records of this training will be kept. A notice advising customers that they may be required to prove their age before they can be supplied with alcohol will be displayed.

CP2 Unaccompanied children (under 18) will not be allowed upon the premises.

CP3 Accompanied children (under 18) will only be allowed to remain on the premises between the hours of ##.## hrs and ##.## hrs

CP4 A till prompt system shall be installed to assist staff by reminding them to challenge for ID when a sale is made.

- CP5 All staff responsible for alcohol sales shall be suitably trained in the operating procedures for refusing service to any person who is drunk or is under-age or appears to be under-age.
- CP6 No persons under 18 shall be permitted on the premises at any time that sale of alcohol is provided at the premises.
- CP7 Provision of sufficient numbers of staff to control access and egress (including safe transport home) and to ensure the safety of children.
- CP8 During performances aimed at children, provision of adequate numbers of attendants (numbers identified through risk assessments) in the area(s) occupied by the children and in the vicinity of each exit. Suggested minimum ratio - 1 attendant: 50 children.
- CP9 Provision of sufficient and safe accommodation for any children involved in performances with adequate male and female supervision (numbers identified through risk assessments) at all times.
- CP10 Anyone intending to provide staff for the supervision of activities to children (or vulnerable adults) should consider carrying out enhanced criminal record check and / or Independent Safeguarding Authority (ISA) checks on individuals. Such checks should be kept up to date, recorded and retained for the duration of employment.
- CP11 The Licence Holder shall ensure a sales refusal register is maintained for 12 calendar months to include details of all alcohol sales refused and the reason for refusal. The refusals register should be made available to an authorized enforcement officer on request.*

** Note – the example conditions in Appendix I will be updated following further consultation with the Responsible Authorities. It will also be kept under review and updated as and when necessary.*

Appendix J - PROCEDURES FOR THE CONDUCT OF HEARINGS

PROCEDURE FOR THE CONDUCT OF LICENSING ACT SUB-COMMITTEE HEARINGS – PERSONAL LICENCE APPLICATION

1. Election of Chairman.
2. Chairman opens hearing and introduces the Members of the Sub-Committee and the Officers (and their roles) to all parties.
3. Chairman will invite the parties present to introduce themselves.
4. Chairman will explain the procedure to be followed to the parties including those who are entitled to speak and ensure they understand it.
5. The Licensing Service will outline the matter.
6. Members to ask questions of Licensing Service, if any.
7. The applicant (or their representative) will present their application and call any witnesses.
8. Members to ask questions of applicant, their representative and any witnesses.
9. Representations from the Police in relation to the application.
10. Members to ask questions of the Police, if any.
11. Chairman and Members to ask any further questions of all parties.
12. Final Submission from applicant. Applicant has final right of reply.
13. The Sub-Committee may then seek clarification on any points raised in the final submission.
14. The Sub-Committee will then retire to obtain legal advice (see note i). The Legal Officer and Democratic Services Officer will retire with them.
15. The Sub-Committee will, unless an adjournment or deferral is necessary, return and the Decision will be read out.

Note i - Paragraph 5 of Part 1 of Schedule 12A Local Government Act 1972, as amended.

PROCEDURE FOR THE CONDUCT OF LICENSING ACT SUB-COMMITTEE HEARINGS – PERSONAL LICENCE REVIEW

1. Election of Chairman.
2. Chairman opens hearing and introduces the Members of the Sub-Committee and the Officers (and their roles) to all parties.
3. Chairman will invite the parties present to introduce themselves.
4. Chairman will explain the procedure to be followed to the parties including those who are entitled to speak and ensure they understand it.
5. The Licensing Service will outline the matter.
6. Members to ask questions of Licensing Service, if any.
7. Representations from the Police in relation to the review.
8. Members to ask questions of Police, if any.
9. Representations from the licence holder.
10. Members to ask questions of licence holder, if any.
11. Chairman and Members to ask any further questions of all parties.
12. Final Submission from licence holder. Licence holder has final right of reply.
13. The Sub-Committee may then seek clarification on any points raised in the final submission.
14. The Sub-Committee will then retire to obtain legal advice (see note i). The Legal Officer and Democratic Services Officer will retire with them.
15. The Sub-Committee will, unless an adjournment or deferral is necessary, return and the decision will be read out.

Note i - Paragraph 5 of Part 1 of Schedule 12A Local Government Act 1972, as amended.

PROCEDURE FOR THE CONDUCT OF LICENSING SUB-COMMITTEE HEARINGS – PREMISES APPLICATIONS

1. Election of Chairman.
2. Chairman opens hearing and introduces the Members of the Sub-Committee and the Officers (and their roles) to all parties.
3. Chairman will invite the parties present to introduce themselves.
4. Chairman will explain the procedure to be followed to the parties including those who are entitled to speak and ensure they understand it.
5. The Licensing Service will outline the matter. At this stage Licensing will mention any conditions which have been suggested and/or agreed.
6. Members to ask questions of Licensing Service, if any.
7. The Committee will consider any request made by a party (under regulation 8 (2) for permission for another person to appear at the hearing (see note i).
8. The Applicant (or their representative) will present their application and call any witnesses.
9. Members to ask questions of the Applicant, their representative, or witnesses, if any.
10. Representations from the Responsible Authorities from within the Council in relation to the application.
11. Members to ask questions of the Responsible Authorities from within the Council, if any.
12. Representations from external Responsible Authorities in relation to the application.
13. Members to ask questions of the external Responsible Authorities, if any.
14. Representations from Other Persons (or their representative) in relation to the application.
15. Members to ask questions of the Other Persons, if any.
16. Chairman and Members to ask any further questions of all Parties.
17. Final Submission from Applicant. Applicant has final right of reply.

18. The Sub-Committee may then seek clarification on any points raised in the final submission.
19. The Sub-Committee will then retire to obtain legal advice (see note ii). The Legal Officer and Democratic Services Officer will retire with them.
20. The Sub-Committee will, unless an adjournment or deferral is necessary, return and the Decision will be read out.

NOTES:

- Note i Regulation 8 (2) refers to cases where due notice has been given that a party wishes any other person (other than the person he/she intends to represent him/her at the hearing) to appear at the hearing.
- Note ii Paragraph 5 of Part 1 of Schedule 12A Local Government Act 1972, as amended.

PROCEDURE FOR THE CONDUCT OF LICENSING ACT SUB-COMMITTEE – PREMISES REVIEW HEARINGS

1. Election of Chairman.
2. Chairman opens hearing and introduces the Members of the Sub-Committee and the Officers (and their roles) to all parties.
3. Chairman will invite the parties present to introduce themselves.
4. Chairman will explain the procedure to be followed to the parties, including those who are entitled to speak and ensure they understand it.
5. The Licensing Service will outline the matter. At this stage the Licensing Officer will mention any conditions that have been suggested and/or agreed.
6. Members to ask questions of the Licensing Officer, if any.
7. The Committee will consider any request made by a party (under regulation 8 (2)) for permission for another person to appear at the hearing (see note i).
8. Representations from external authority and/or responsible authority from within the Council and/or other persons in relation to the review application.
9. Members to ask questions of the external authority, Council responsible authority or other persons, if any.
10. The Respondent (or their representative) will present their case and call any witnesses.
11. Members to ask questions of the respondent, or their representative, if any.
12. Chairman will ask if any of the responsible Authorities or other persons have anything to add.
13. Chairman and Members to ask questions of all parties.
14. Final Submission from respondent. Respondent has final right of reply.
15. The Sub-Committee may then seek clarification on any points raised in the final submission.
16. The Sub-Committee will then retire to obtain legal advice (see note ii). The Legal Officer and Democratic Services Officer will retire with them.

17. The Sub-Committee will, unless an adjournment or deferral is necessary, return and the decision will be read out.

NOTES:

- Note i Regulation 8 (2) refers to cases where due notice has been given that a party wishes any other person (other than the person he/she intends to represent him/her at the hearing) to appear at the hearing.
- Note ii Paragraph 5 of Part 1 of Schedule 12A Local Government Act 1972, as amended.

**PROCEDURE FOR THE CONDUCT OF LICENSING ACT
SUB-COMMITTEE - TEMPORARY EVENT NOTICE (TEN)
HEARINGS WHERE POLICE AND/OR ENVIRONMENTAL HEALTH
OBJECTION RECEIVED**

1. Election of Chairman.
2. Chairman opens hearing and introduces the Members of the Sub-Committee and the Officers (and their roles) to all parties.
3. Chairman will invite the parties present to introduce themselves.
4. Chairman will explain the procedure to be followed to the parties, including those who are entitled to speak and ensure they understand it.
5. The Licensing Service will outline the matter.
6. Members to ask questions of the Licensing Service, if any.
7. The Committee will consider any request made by a party (under regulation 8 (2)) for permission for another person to appear at the hearing (see note i)
8. The Applicant (or their representative) will present their application and call any witnesses.
9. Members to ask questions of Applicant, or their representative, if any.
10. Representations from the Police and/or Environmental Health in relation to the application.
11. Members to ask questions of the Police and/or Environmental Health, if any.
12. Chairman and Members to ask any further questions of all Parties.
13. Final submission from Applicant. Applicant has final right of reply.
14. The Sub-Committee may then seek clarification on any points raised in the final submission.
15. The Sub-Committee will then retire to obtain legal advice (see note ii). The Legal Officer and Democratic Services Officer will retire with them.
16. The Sub-Committee will, unless an adjournment or deferral is necessary, return and the decision will be read out.

NOTES:

Note i Regulation 8 (2) refers to cases where due notice has been given that a party wishes any other person (other than the person he/she intends to represent him/her at the hearing) to appear at the hearing.

Note ii Paragraph 5 of Part 1 of Schedule 12A Local Government Act 1972, as amended.

Appendix K

RESPONSIBLE AUTHORITIES

Applications, accompanying documents and appropriate fee should be sent to the relevant Licensing Authority, who are also a Responsible Authority under the Act, and copies sent to the following Responsible Authorities * (unless application has been made via www.GOV.UK or other electronic facility accepted by the Licensing Authority)

Responsible Authority	Address	Telephone/Fax/Email
Child Protection	Children, Schools and Families Cornwall Council 3 rd Floor - West Wing New County Hall Treyew Road Truro TR1 3AY	tel. 01872 326536 childrenslicencechecks@cornwall.gov.uk
Trading Standards	Trading Standards Cornwall Council Unit 6 Threemilestone Industrial Estate TRURO TR4 9LD	tel. 0300 1224 191 tradingstandards@cornwall.gov.uk
Police	Licensing Department Devon & Cornwall Constabulary Launceston Police Station Moorland Road LAUNCESTON PL15 7HY	tel. 01566 770500 fax 01566 771388 licensing.team@devonandcornwall.pnn.police.uk
Fire & Rescue Service	Cornwall Fire & Rescue Service Central Division Headquarters St Austell Fire Station Carlyon Road ST AUSTELL PL25 4LD	tel. 01726 72582 fax 01726 67093 csadmin@fire.cornwall.gov.uk
Health & Safety	Health & Safety Cornwall Council Unit 6 Threemilestone Industrial Estate TRURO TR4 9LD	tel. 01872 324388 businesscompliance@cornwall.gov.uk
Environmental Protection	Environmental Health Cornwall Council Dolcoath Avenue CAMBORNE TR14 8SX	tel. 01209 616990 communityandenvironmentalprotection@cornwall.gov.uk
Local Planning Authority	Planning Service Cornwall Council	tel. 01208 265712

	Chy Trevail Beacon Technology Park Bodmin PL31 2FR	planning.enforcement@cornwall.gov.uk
Public Health	<p>Alcohol Strategy Lead CIOS DAAT, Helford House May Court Truro Business Park Threemilestone TRURO TR4 9LD</p> <p><i>Public Health CC CIOS DAAT and Public Health Pydar House Pydar Street TRURO TR1 1XU</i></p>	DAAT@cornwall.gov.uk
Home Office (Immigration Enforcement)	Alcohol Licensing Team Lunar House 40 Wellesley Road Croydon CR9 2BY	alcohol@homeoffice.gov.uk
Additional Responsible Authorities for vessels		
Maritime and Coastguard Agency	MCA Falmouth Pendennis Point Castle Drive FALOUTH TR11 4WZ	tel. 01326 310800 mcaplymouthadmin@mcga.gov.uk
* Responsible Authorities are subject to Regulations and may change. In addition Responsible Authorities' details may change and the above will be updated accordingly.		