

Licensing Committee Meeting

**Grand Jury Room, Town Hall, High Street,
Colchester, CO1 1PJ**

Wednesday, 12 August 2015 at 19:00

The Licensing Committee deals with policy issues relating to licensing matters and applications and appeals concerning hackney carriage and private hire vehicles and drivers and other appeals.

Information for Members of the Public

Access to information and meetings

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Have Your Say!

The Council values contributions from members of the public. Under the Council's Have Your Say! policy you can ask questions or express a view to most public meetings. If you wish to speak at a meeting or wish to find out more, please refer to Attending Meetings and "Have Your Say" at www.colchester.gov.uk

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COLCHESTER BOROUGH COUNCIL
Licensing Committee
Wednesday, 12 August 2015 at 19:00

Member:

Councillor Mike Lilley
Councillor Nick Cope
Councillor Roger Buston
Councillor Margaret Fairley-Crowe
Councillor Ray Gamble
Councillor Dave Harris
Councillor Pauline Hazell
Councillor Mike Hogg
Councillor Darius Laws
Councillor Richard Martin
Councillor Philip Oxford

Chairman
Deputy Chairman

Substitutes:

All members of the Council who are not Cabinet members or members of this Panel.

AGENDA - Part A
(open to the public including the press)

Members of the public may wish to note that Agenda items 1 to 5 are normally brief.

1 Welcome and Announcements

- a) The Chairman to welcome members of the public and Councillors and to remind all speakers of the requirement for microphones to be used at all times.
- (b) At the Chairman's discretion, to announce information on:
 - action in the event of an emergency;
 - mobile phones switched to silent;
 - the audio-recording of meetings;
 - location of toilets;
 - introduction of members of the meeting.

2 Substitutions

Members may arrange for a substitute councillor to attend a meeting on their behalf, subject to prior notice being given. The attendance of substitute councillors must be recorded.

3 **Urgent Items**

To announce any items not on the agenda which the Chairman has agreed to consider because they are urgent, to give reasons for the urgency and to indicate where in the order of business the item will be considered.

Hackney Carriage/Private Hire Policy//Interim change

7 - 10

4 **Declarations of Interest**

The Chairman to invite Councillors to declare individually any interests they may have in the items on the agenda. Councillors should consult Meetings General Procedure Rule 7 for full guidance on the registration and declaration of interests. However Councillors may wish to note the following:-

- Where a Councillor has a disclosable pecuniary interest, other pecuniary interest or a non-pecuniary interest in any business of the authority and he/she is present at a meeting of the authority at which the business is considered, the Councillor must disclose to that meeting the existence and nature of that interest, whether or not such interest is registered on his/her register of Interests or if he/she has made a pending notification.
- If a Councillor has a disclosable pecuniary interest in a matter being considered at a meeting, he/she must not participate in any discussion or vote on the matter at the meeting. The Councillor must withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Where a Councillor has another pecuniary interest in a matter being considered at a meeting and where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Councillor's judgement of the public interest, the Councillor must disclose the existence and nature of the interest and withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Failure to comply with the arrangements regarding disclosable pecuniary interests without reasonable excuse is a criminal offence, with a penalty of up to £5,000 and disqualification from office for up to 5 years.

5 **Have Your Say!**

a) The Chairman to invite members of the public to indicate if they wish to speak or present a petition at this meeting – either on an item on the agenda or on a general matter not on this agenda.

You should indicate your wish to speak at this point if your name has not been noted by Council staff.

(b) The Chairman to invite contributions from members of the public who wish to Have Your Say! on a general matter not on this agenda.

6 Draft Licensing Policy 2016 to 2021 11 - 62

See report by the Head of Professional Services

7 Exclusion of the Public (not Scrutiny or Executive)

In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).

Part B

(not open to the public including the press)

e-mail: licensing.committee@colchester.gov.uk

website: www.colchester.gov.uk

Licensing Committee

12 August 2015

Item

| | | | |
|----------------|--|--------|-----------|
| Report of | Head of Professional Services | Author | Jon Ruder |
| | | | ☎ 282840 |
| Title | Hackney Carriage/Private Hire Policy // Interim Change | | |
| Wards affected | All | | |

This report seeks the Licensing Committee's approval for an interim change in the enforcement of the hackney carriage and private hire licensing policy in relation to signage on private hire vehicles

1. Decision(s) Required

1.1 The Licensing Committee is asked to agree the interim change to the enforcement of the hackney carriage and private hire licensing policy in relation to signage on private hire vehicles as follows -

- All operators to submit drawings or photographs of their currently livery to the Council.
- No full body livery – the current door sign standards as set out in the current policy is the minimum standard, namely **The sign must be 21 x 30 cm (8¼" x 11¾") overall with a white background and a border 0.6 cm (¼") from the edge, the border to be the same colour as the lettering. The sign must state only the name, address and telephone number of the proprietor of the vehicle and the legend "Licensed Private Hire Vehicle Pre-booked only". The size of the lettering for the address and legend must be not less than 2 cm (¾"); the name must not be greater than 5 cm (2") and the telephone number must not exceed 6.5 cm (2½"). The proprietor may however choose the colour of the lettering if they so wish. The use of the Borough Coat of Arms is prohibited on private hire vehicles.**
- Full body livery – where an operator currently has full body livery (number and company details but not displayed in accordance with the policy) the minimum requirements must be satisfied. These are - **The livery must state only the name, address and telephone number of the proprietor of the vehicle and the legend "Licensed Private Hire Vehicle Pre-booked only".**
- The Council will not accept any new livery design as permanent in this interim period and all operators will be expected to comply with the new policy when approved.
- This interim period will last until the new Policy has been approved and adopted.

2. Reasons for Decision(s)

2.1 To ensure the fair enforcement of the policy in the interim period prior to the Policy's review early in 2016.

3. Alternative Options

- 3.1 The alternative option is to continue to enforce the current policy.

4. Supporting Information

- 4.1 The Current policy states -

Operator signage must be affixed and maintained on the nearside and offside rear doors and should be to the following specification, unless prior written authority has previously been obtained from the Licensing Manager. The sign must be 21 x 30 cm (8¼" x 11¾") overall with a white background and a border 0.6 cm (¼") from the edge, the border to be the same colour as the lettering. The sign must state only the name, address and telephone number of the proprietor of the vehicle and the legend "Licensed Private Hire Vehicle Pre-booked only". The size of the lettering for the address and legend must be not less than 2 cm (¾"); the name must not be greater than 5 cm (2") and the telephone number must not exceed 6.5 cm (2½"). The proprietor may however choose the colour of the lettering if they so wish. The use of the Borough Coat of Arms is prohibited on private hire vehicles.

- 4.2 Over the last ten years some private hire operators are believed to have obtained permission from former officers of the Council to have signage that does not accord with the above provisions however they have in most cases been unable to provide written evidence that such changes were approved by the Council.

- 4.3 In recent months the decision was taken to enforce the Policy and in view of this a letter was sent to all private hire operators advising them that –

"a number of Private Hire vehicles are not displaying the correct door livery as stipulated in our policy. As the operator it is your responsibility to ensure that your drivers and vehicles comply with the policy at all times under the terms of your licence.

The Hackney Carriage and private Hire Policy states the following:-

No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever can be displayed on, in, or from the vehicle, except as may be required by any statutory provision (including by-laws), or required or permitted by these conditions, provided however, that this condition shall not apply to any indication on a taximeter fitted to the vehicle.

The sign must be 21 x 30 cm (8¼" x 11¾") overall with a white background and a border 0.6 cm (¼") from the edge, the border to be the same colour as the lettering. The sign must state only the name, address and telephone number of the proprietor of the vehicle and the legend "Licensed Private Hire Vehicle Pre-booked only". The size of the lettering for the address and legend must be not less than 2 cm (¾"); the name must not be greater than 5 cm (2") and the telephone number must not exceed 6.5 cm (2½"). The proprietor may however choose the colour of the lettering if they so wish. The use of the Borough Coat of Arms is prohibited on private hire vehicles.

The proprietor may display such signs etc, as may from time to time be approved by the Council.

Beginning on the 6th of April 2015 there will be a three month lead in time for all operators to ensure that their vehicles conform to the Colchester Borough Council policy on livery. After this time penalty points will be issued to those not complying with the required standard.”

- 4.4 As a result of this decision penalty points were issued against a number of private hire operators; appeals were received and the matter was raised at the Council's Taxi Forum. In response to concerns raised at the Forum and taking into account the disproportionate amount of officer time spent considering signage queries, it is proposed that the interim measures are put in place to provide operators with clear, unambiguous guidance on the Council's enforcement.


5. Interim Proposals

- 5.1 The policy is being rewritten for release in early 2016 subject to consultation. In the light of this consideration has been given as to what should be enforced in the interim period given that the new licensing policy may impose a radically different livery requirement from that currently in place.
- 5.2 It is suggested that the following should be adopted as an interim measure and enforced accordingly
- All operators to submit drawings or photographs of their currently livery to the Council.
 - No full body livery – the current door sign standards as set out in the current policy is the minimum standard, namely **The sign must be 21 x 30 cm (8¼” x 11¾”) overall with a white background and a border 0.6 cm (¼”) from the edge, the border to be the same colour as the lettering. The sign must state only the name, address and telephone number of the proprietor of the vehicle and the legend “Licensed Private Hire Vehicle Pre-booked only”. The size of the lettering for the address and legend must be not less than 2 cm (¾”); the name must not be greater than 5 cm (2”) and the telephone number must not exceed 6.5 cm (2½”). The proprietor may however choose the colour of the lettering if they so wish. The use of the Borough Coat of Arms is prohibited on private hire vehicles.**
 - Full body livery – where an operator currently has full body livery (number and company details but not displayed in accordance with the policy) the minimum requirements must be satisfied. These are - **The livery must state only the name, address and telephone number of the proprietor of the vehicle and the legend “Licensed Private Hire Vehicle Pre-booked only.**
 - the Council will not accept any new livery design as permanent in this interim period and all operators will be expected to comply with the new policy when approved.

6. Standard References

- 6.1 There are no particular references to the Strategic Plan; publicity or consultation considerations; or financial; equality, diversity and human rights; community safety; health and safety or risk management implications.

12 August 2015

| | | | |
|----------------|-------------------------------------|--------|--|
| Report of | Head of Professional Services | Author | Jon Ruder |
| Title | Draft Licensing Policy 2016 to 2021 | |  282840 |
| Wards affected | All | | |

This report seeks the Licensing Committee's approval for the proposed draft of the Council's Statement of Licensing Policy and to agree to the commencement of the formal consultation process. It also sets out the form of the consultation process and how it will be undertaken.

1. Decision(s) Required

- 1.1 The Licensing Committee is asked to agree the proposed draft Statement of Licensing Policy to enable the formal consultation process on that draft to begin.
- 1.2 Members are also asked to agree to the proposed consultation process.

2. Reasons for Decision(s)

- 2.1 Under the Licensing Act 2003, the Council needs to review and readopt a Statement of Licensing Policy every five years.

3. Alternative Options

- 3.1 There is no alternative option and the Policy must be reviewed and readopted in order to be compliant with the current Licensing Act 2003 legislation.

4. Supporting Information

- 4.1 In drafting this Policy, particular reference has been made to the Section 182 Guidance issued under the Act by the Home Office, as amended.
- 4.2 If Members agree to the draft policy as proposed by this report the Council must consult with the following:
 - (a) the chief officer of police for the area,
 - (b) the fire and rescue authority for the area,
 - (c) each local authority's director of public health,
 - (d) persons/bodies representative of local premises licence holders,
 - (e) persons/bodies representative of local club premises certificate holders,
 - (f) persons/bodies representative of local personal licence holders, and
 - (g) persons/bodies representative of businesses and residents in its area.
- 4.3 Invitations to comment on the Policy will also be sent to all other responsible authorities, businesses, resident's groups, Ward Councillors and Town and Parish Councils. A copy of the Policy will be available for viewing and to download via the licensing link of the Council's web site.

- 4.4 At the end of the consultation period the representations received will be considered. The Policy and where appropriate any relevant representations will be referred to Counsel for consideration. This process will ensure that the Council's Policy is robust, fit for purpose and unlikely to be subject to legal challenge.
- 4.5 Once the draft Policy and any relevant consultation responses have been scrutinised by Counsel a further report will be brought back to the Committee for its final determination and agreement of the Statement of Licensing Policy and the Committee will be asked to recommend its approval and ratification to full Council.
- 4.6 It is anticipated that the consultation period will run from 17 August to 31 October. The matter will then be brought back to the Committee before being placed before Council on 10 December 2015.

5. Proposals

- 5.1 It is proposed to the Licensing Committee that it should approve the draft Statement of Licensing Policy presented to it and which is included at Appendix 1.

6. Strategic Plan References

- 6.1 The proposed draft review of the Statement of Licensing Policy attempts to strike a difficult but reasonable and proportionate balance between the different and often competing aspirations of licensed businesses and residents. This Policy recognises the importance of widening the choice and appeal of licensed premises and the development of cultural, social and community activities while at the same time offering reasonable and proportionate protections to local residents, visitors and other non licensed businesses. The policy is in line with the Council's vision to create a Borough that is vibrant, prosperous, thriving and welcoming.

7. Consultation

- 7.1 The consultation will be undertaken in line with the methods and consultees that are detailed in paragraphs 4.2 to 4.5 of this report.

8. Publicity Considerations

- 8.1 If Members approve the proposed draft Policy, it is intended that this will be the subject of a wide ranging public consultation and the Policy itself will be available to view and download from the Council's website.

9. Financial Implications

- 9.1 There will be costs associated with sending out the letters of consultation. There will also be a cost in referring the consulted draft Policy to Counsel for legal opinion.
- 9.2 There may also be costs incurred in defending any action brought against the Council which might seek to challenge the Statement of Licensing Policy by way of a judicial review which is why it is essential that the Policy must be scrutinised by Counsel in order to ensure that it is robust and fully compliant with the law and national Section 182 Guidance as issued by the Home Office.

10. Equality, Diversity and Human Rights Implications

- 10.1 The draft revised Statement of Licensing Policy has been developed in accordance with and taken account of, all relevant legislation and national and local strategies. It will also be subject to full legal scrutiny by appointed Counsel.

11. Community Safety Implications

- 11.1 The Licensing Policy is a key component in the Council's Evening and Night time Economy strategy to tackle crime and disorder and anti-social behaviour, particularly alcohol related anti social behaviour and as such it will contribute significantly towards improving overall community safety.

12. Health and Safety Implications

- 12.1 There is no known direct public health and safety issues which might arise from the adoption of the draft revised Licensing Policy. The adoption of a Statement of Licensing Policy for a further 5 years is also a legal requirement under the Licensing Act 2003.

13. Risk Management Implications

- 13.1 A flexible yet robust revised Statement of Licensing Policy will continue to provide both the Council and the Licensing Authority with a sound basis for decision making in relation to licensed premises and a secure platform from which to promote the four licensing objectives as outlined in the Licensing Act 2003.
- 13.2 To minimise the potential risks and costs associated with any defence of the adopted and published version of the next five year Licensing Policy against legal challenges or actions that may be brought against it, legal opinion/advice will be sought by the Licensing Authority from a Counsel who specialises in licensing matters.

Statement of Licensing Policy 2016–2021

**Licensing Act 2003
Colchester Borough Council**

Draft August 2015

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Foreword by Portfolio Holder/Licensing Chairman (to be added)

Comment by Police (to be added)

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Introduction

This Statement of Licensing Policy (hereafter referred to as the 'Licensing Policy') is published under Section 5 of the Licensing Act 2003 and states how the Council as the Licensing Authority will exercise its licensing functions in order to promote the four licensing objectives which are:

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

Unless otherwise stated this licensing policy will not depart from the Secretary of State's Guidance (known as Section 182 Guidance (as amended)). Therefore to reduce repetition if matters are detailed in the Guidance they may not be included in this policy.

The aim of this Licensing Policy is to ensure desirable destinations for a wide range of age groups and uses. Premises that will extend the diversity of entertainment and attract a wider range of participants are encouraged rather than premises mainly or exclusively focused on the sale of alcohol. The Licensing Authority believes that achieving this will promote the licensing objectives as well as support other important Council strategies.

The Licensing Policy is integral in managing the role licensed premises play throughout the Borough. A key aim of the policy is to ensure that licensed premises have a positive impact on their locality and where any premises do cause problems, they are addressed swiftly and in the most appropriate manner. This Policy aims to develop a more inclusive night time economy, ensure high standards of management for licensed premises, and promote high-quality premises that can contribute positively to their locality.

Links to Other Strategies, Policies and Initiatives

In preparing this Policy, the Council has had regard to and consulted those involved in its local strategies on crime prevention, planning, transport, culture, tourism and economic development. The Policy therefore integrates, as far as is reasonably practicable, with other key Council policies to ensure the promotion of the Council's strategic plan and with key initiatives to improve the night time economy

The Strategic Plan

The Council's strategic plan is the overarching strategy for the Borough setting out the direction and potential for the Borough and integrating social, economic and environmental strategies to create a Borough that is -

- Vibrant** promoting our heritage and working hard to shape our future
- Prosperous** generating opportunities for growth and supporting infrastructure
- Thriving** attracting business and selling Colchester as a destination
- Welcoming** a place where people can grow and be proud to live

This Policy aims to contribute to this vision through promoting a wider range of high-quality attractions that encourage an increased range of customers in order to lead to

longer term economic viability. Licensed premises provide a key role as an employer, in regeneration, and in attracting people to the Borough. Additionally, effective regulation plays an essential role in enabling businesses to thrive and contribute to the Borough's economy.

Aspirations for the Borough

The Council is committed to achieving the goals set out in its Strategic Plan to create a vibrant, prosperous, thriving and welcoming town. In relation to the evening and night time economy this Policy will support the plans to

Ensure Colchester is a welcoming and safe place for residents, visitors and businesses with a friendly feel that embraces tolerance and diversity

Enhance the diverse retail and leisure mix supporting independent businesses valued by residents and visitors

Create the right environment for people to develop and flourish in all aspects of life both business and pleasure.

Create a business friendly environment, encouraging business start-ups, support to small and medium sized enterprise and offer development in the right locations

Develop a strong sense of community across the Borough by enabling people and groups to take more ownership and responsibility for their quality of life

Promote Colchester's heritage and wide ranging tourism attractions to enhance our reputation as a destination

Promote Colchester to attract further inward investment and additional businesses, providing greater and more diverse employment and tourism opportunities

Be clear about the major opportunities to work in partnership with public, private and voluntary sectors to achieve more for Colchester than we could on our own

Improve sustainability, cleanliness and health of the place by supporting events that promote fun and wellbeing

Make more of Colchester's great heritage and culture so that people can enjoy them and draw inspiration for their creative talents

Cultivate Colchester's green spaces and opportunities for health, wellbeing and the enjoyment of all.

Make Colchester confident about its own abilities, to compete with the best of the towns in the region to generate a sense of pride.

Licensed premises can have a major effect on these aspirations and so when relevant

to the promotion of the licensing objectives, the Licensing Authority will aim to support the aspirations to ensure premises are only licensed that contribute positively to the Borough.

The Licensing Authority will seek to ensure that premises contribute positively to the area in which they are situated with respect to the licensing objectives having regard to the nature of its locality. Operators of licensed premises are encouraged to consult with local residents and businesses prior to submitting applications. Additionally, existing licensed premises are encouraged to have regular dialogue with residents and businesses in the local area in ensuring the promotion of the licensing objectives on an ongoing basis.

Purple Flag

This Licensing Policy aims to build upon Colchester's success in achieving Purple Flag status and further enhance the leisure, cultural and entertainment offerings for users of the night time economy by ensuring only well-run, safe and welcoming licensed premises are operated offering a broad mix of attractions. It is a key strand of the Council's Strategic Plan, to make Colchester a better place to live, work, learn and visit, and its core themes of ensuring Colchester is vibrant, prosperous, thriving and welcoming. This Policy aims to complement the principles behind the Purple Flag award to ensure licensed premises make a positive contribution towards a successful night time economy.

The Purple Flag Core Agenda covers five broad themes:

Wellbeing – The standards for licensed premises set out in the Policy set out how the Licensing Authority expects licensed premises to operate in order to ensure high quality of operation and management.

Movement – Getting home safely after an evening out is a prime requirement. The consideration of availability of transport is addressed through the location considerations in the Policy by ensuring that there are appropriate transport and dispersal mechanisms in place, having regard to the locality.

Broad appeal – Successful destinations should offer a vibrant choice of leisure and entertainment for a diversity of ages, lifestyles and cultures, including families. They should contain a rich mix of public and private attractions. They should be vital places for both the day and the night. The Policy sets out the diverse range and types of licensed premises the Council aims to encourage.

Place – Successful hospitality areas are alive during the day, as well as in the evening and night. They contain a blend of overlapping activities that encourage people to mingle and attractive places where spending and being are in balance. They respect and reinforce the character and identity of the area, its buildings, structures and features. They demonstrate flair and imagination in all aspects of design for the night. This Licensing Policy aims to encourage an evening and night time economy that is not solely youth-oriented and alcohol-driven and by ensuring that premises are only licensed that contribute positively to their locality.

Policy framework – this policy provides clear direction to ensure that licensed premises offer a positive experience within the area in which they are located.

Community Safety Team and the Safer Colchester Partnership

This policy ties in well with the work of the Community Safety Team. There is a significant degree of overlap in the work of Community Safety and Licensing around the areas of alcohol and safety and this Policy supports and enhances this work. Key Priority 3 of the Safer Colchester Partnership Plan deals with the issue of alcohol misuse. Alcohol together with drug misuse fuels most of the violent and antisocial behavior that takes place in the Town Centre. The Partnership seeks ways to support projects and initiatives that tackle the problems both in the night time economy and also during the day with street drinkers. The initiatives, identified in the plan, include a pilot project with licensed premises on the use of polycarbonate drinking vessels; the use of Section 222 orders to prohibit open alcoholic drinking vessels in the town centre; and the voluntary reduce the strength campaign to encourage off-licences to stop selling super strength cheap lagers, beers and ciders.

SOS Bus

The Town Centre benefits from the operation of the SOS bus and support mini bus which operates in Colchester High Street every Friday and Saturday night. The bus, which is staffed by a manager, coordinator and trained volunteers, offers a safe haven, helps diffuse trouble and provides medical support to people who need it. Its operation demonstrably reduces demand for accident and emergency attendances and helps reduce the negative impact of the night time economy on business, residents and the town in general. This Policy supports the work of the SOS staff and recognises the essential role it plays in making the Borough vibrant, prosperous, thriving and welcoming.

Local Development Framework

The Spatial Strategy emphasises the importance of the Town Centre and regeneration. The Strategy directs development towards the most accessible and sustainable locations and plans for the provision of transport, employment and community facilities to support the growth areas of the Borough. This Policy supports these development aims; it recognises the need to ensure that licensed premises are suitable for the area in which they are situated and encourages a diverse range of entertainment facilities to meet the needs of growing communities.

Contributing to achieving wider aspirations

The Council recognises there is no public health licensing objective and therefore cannot conduct its licensing function in order to promote public health. However, it also recognises the impact of alcohol misuse in the Borough, and it is hoped that through the implementation of this Policy the promotion of the four licensing objectives will in turn have a positive effect on preventing alcohol misuse. For example, by ensuring licensed premises refuse sales of alcohol to children, or those attempting to purchase it on behalf of children, this will impact positively on a reduction in child alcohol-related health problems. Additionally, by preventing the use of illegal drugs on licensed premises, it is hoped this might reduce combined alcohol and drug misuse. Through ensuring the responsible selling of alcohol, this may impact on reducing a person's drinking at harmful or hazardous levels. However, it is accepted that any such positive impact will be as a coincidence of the Licensing Authority conducting its licensing function under the Act to promote the licensing objectives.

Pubwatch

The Council encourages participation in the town centre Pubwatch scheme and is

assisting in the creation of a new scheme for West Mersea. The Council encourages licensees to participate in Pubwatch, or for them to seek to establish new ones where none currently exist and endeavours to provide as much support as possible to any members of the trade looking to work together with neighbouring residents and businesses to ensure the promotion of the licensing objectives.

Consultation and Implementation of the Policy

In accordance with Section 5(3) of the Act, the Licensing Authority carried out extensive consultation between xx of xxxx 2015 and the xx of xxxx 2015.

This Statement of Licensing Policy will take effect on 1 January 2016 and will remain in force for a period of not more than five years from this date. The Policy will be monitored and reviewed on a regular basis. Any proposed significant changes will be subject to full consultation in accordance with the Act. Minor amendments which do not affect the substance of the policy may be made without consultation.

Integration with Planning

The use of premises for the sale or provision of alcohol, regulated entertainment or late night refreshment is subject to planning control. Such use will require planning permission or must otherwise be lawful under planning legislation. Planning permission is generally required for the establishment of new premises or the change of use of premises.

The planning and licensing regimes involve consideration of different (albeit related) matters. The Licensing Sub-Committee is not bound by the decision made by a Planning Committee and vice versa. Where the hours granted by planning are different to the licensing hours, the licensee must observe the earlier closing time. Premises operating in breach of their planning permission may be liable to prosecution or other enforcement under planning law.

The grant or variation of a licence does not negate the requirement for the licensee to ensure that relevant planning permission (or building control approval) is in place prior to the premises operating. Applications for premises licences should normally be from businesses with planning consent for the property concerned. However applications for licences may be made before any relevant planning permission has been sought or granted by the Planning Authority. It is strongly recommended that applicants contact the Planning Authority in advance of making a licensing application to seek advice on the planning constraints in respect of their premises and so ensure that in operating the premises planning and licensing requirements are compatible.

Consideration of need

The Licensing Authority will not take into account need or the commercial demand when exercising any licensing function; this is a matter for the market.

Duplication with other regulatory regimes

In exercising its licensing functions, the Licensing Authority shall seek to avoid duplication with any other existing legislation and regulatory regimes that already place obligations on employers and operators e.g. the Management of Health and Safety at Work Regulations 1999, the Regulatory Reform (Fire Safety) Order 2005, or the Environmental Protection Act 1990.

Other Licensing Policies

The Council has policies to deal with applications made under the Gambling Act and for applications in relation to sex establishments. These Policies can be found at (add links).

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Guide to the Licensing Policy

This Licensing Policy sets out the relevant information on how licence applications will be determined and how licensed premises are expected to operate, as well as explaining how licensing integrates with other related strategies for the Borough.

The aims of this Licensing Policy are to pursue and promote the licensing objectives by encouraging:

- Desirable destinations for a wide range of age groups
- Licensed premises suitable for the area within which they are located
- Diversity of entertainment throughout the town centre that appeals to a wider audience
- A wide range of uses of premises

Licensed premises are an integral part of town and wider Borough and this Policy is a key tool in ensuring the different circumstances of our identified areas are taken into account when considering licence applications. After careful consideration and having regard to evidential data including the most recent night time economy survey data completed in July 2015, the Council has set out special policies in respect of specific areas of the Borough which is consistent with achieving this goal.

The Council, as the Licensing Authority, is committed to ensuring that licensed premises are an asset to their locality and respect the character and identity of the area through the implementation of this Licensing Policy. However, where licensed premises fail to promote the licensing objectives, the Licensing Authority will take appropriate steps to address any such licence related issues.

Residents can play a significant role in contributing to the effective implementation of this Licensing Policy. The impact of licensed premises will naturally be most felt at a local level and it is important that residents and businesses have an active involvement in the licensing process and understand how they can do this.

The Licensing Authority considers it extremely important that licensed premises operate as good neighbours within their community. Operators of licensed premises are encouraged to consult with local residents and businesses prior to submitting applications to ensure they are aware of, and can address, any needs or concerns they may have.

Additionally, existing licensed premises are encouraged to have regular dialogue with residents and businesses in the local area to ensure the promotion of the licensing objectives on an ongoing basis.

This Policy contains a number of Key Factors, which are the primary issues it expects to be considered by licensees when identifying the steps they intend to take to promote the licensing objectives in respect of their licensed premises:

KF1 What we aim to encourage – desirable destinations for a wide range of groups and uses

KF2 The location of licensed premises – venues in the right place

KF3 Hours for licensed premises – operating at the right hours

KF4 Standards to promote the licensing objectives – excellent management

KF5 Off sales of alcohol - operating to the highest standards

Operation of the Policy

Where an application is located within a Special Policy area, for example the Town Centre Zone, all parties are expected to have due regard to it. The Licensing Authority's discretion to determine the application shall be engaged upon the receipt of relevant representations and the respective special policy shall be the starting point when doing so. The Licensing Authority will always consider the circumstances of the case and whether there are exceptional circumstances to justify departing from the special policy in light of the individual circumstances of the case. Where no representations are received for an application within a special policy area, the application will be granted as applied for.

Irrespective of any special policy, all applications for new licences or material variations shall be considered with regard to the key factors.

There is likely to be a greater chance of a representation being made (and therefore a hearing) where the factors contained in this Policy are not addressed in the operating schedule.

The general approach is to attach conditions consistent with the key factors, when considered by the Licensing Authority to be appropriate and proportionate in order to promote the Licensing objectives. Any such conditions will be tailored to the individual style and characteristics of the premises and events concerned. Conditions may include restrictions on licensable activities and hours.

In considering conditions to be attached to licences and certificates, the Licensing Authority will ensure that conditions must:

- be specific for the premises;
- not duplicate existing provisions;
- be capable of being met; and
- be appropriate for the promotion of the Licensing objectives.

Where, following relevant representations and a hearing, the Licensing Authority is not satisfied that the imposition of conditions will ensure the promotion of the licensing objectives, the policy is to refuse the application.

Licensees are not obliged to address the key factors in their operating schedule; if this is not done, and there is no relevant representation, then the licence must be granted as applied for. However, if there is a relevant representation, there will be a hearing and the Licensing Authority will take this Policy into account.

All persons, including responsible authorities, are encouraged to take into consideration the key factors when they are assessing applications and deciding whether to make a representation on an application.

It is acknowledged that conditions can only be imposed that seek to manage the

behaviour of customers when they are on the premises and within the control of the licensee or in the immediate vicinity of the premises. As stated above, each case will be considered on its own merits and therefore the Licensing Policy does not seek to define what constitutes 'in the vicinity'. When considering the question of vicinity the Licensing Authority will consider the likely impact the proposed operation of the premises will have upon one or more of the Licensing objectives.

Licensing law is not the primary mechanism for the general control of nuisance and antisocial behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control, and licensing law will always be part of a holistic approach to the management of the evening and night time economy in the Borough.

Departures from the Policy

This Policy sets out the Licensing Authority's vision for the regulation of licensed premises throughout the Borough and outlines the standards expected in order to ensure the promotion of the licensing objectives. The Licensing Authority may depart from the policy should it consider doing so would benefit the promotion of the licensing objectives. Reasons will be given for any such departure from the general policy in this statement. However, it is expected that any such departure would only be in exceptional circumstances.

The cumulative impact of concentrations of licensed premises

Cumulative impact means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a Licensing Authority to consider in developing its licensing policy statement.

The Licensing Authority acknowledges that a concentration of licensed premises in a particular area can result in an increase in crime, anti-social behaviour, noise pollution and disturbance to residents in the vicinity of those premises. In such cases the amenity of local residents can be placed under severe pressure but the causes may not be attributable to any individual premises and therefore enforcement action taken to ensure adherence to conditions may not always resolve the problems.

Types of evidence the Licensing Authority will take into consideration when considering whether to implement such a special policy include:

- Alcohol-related crime

- The number and type of licensed premises and the hours and activities for which they are licensed

- Ambulance and A&E data in respect of alcohol-related incidents

- Residential density

- Noise complaints

- The number of consumers attracted to the area and the availability of public transport.

In coming to any decision about a cumulative impact, the Licensing Authority will also have regards to other mechanisms outside of the licensing regime, which may also be available to address the issues, these include but are not limited to:

- Planning controls

- Positive measures to create a safe and clean town environment in partnership with local businesses, transport operators and other Council departments

- The provision of CCTV in the town centre, sufficient taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols

- Police enforcement including the issuing of fixed penalty notices

- Prosecution of personal licence holders or other members of staff who sell alcohol to people who are already drunk

- Confiscation of alcohol from children and adults in designated areas

- Police and Council powers to close down instantly, for 24 hours, a premises or temporary event on the grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance

- The power to seek the review of a licence

Such a special policy will be implemented if the Authority is satisfied that there is evidence to support such a decision, and that it is proportionate and the most effective measure to address the problems identified.

Special Policy in respect of Colchester's Town Centre Zone

In the town centre restaurants and takeaways account for over half of the premises in the night time economy and pubs bars and inns account over a third of all premises. There is evidence that the promotion of the licensing objectives within the area identified as the Town Centre Zone (shown on the plan at Appendix 1) is being undermined as a consequence of the operation of licensed premises in the area; having regard to the levels of crime and disorder and public nuisance experienced within it and the complaints received from local residents.

The Licensing Authority considers that whilst the levels of problems do not currently justify the implementation of a cumulative impact and saturation policy for the area; the area is of concern and shall be kept under review. The Licensing Authority has taken into consideration the role of the SOS bus in helping to mitigate the problems caused by the sale of alcohol in this area and recognises that were the bus to be withdrawn the effect would be to push problems in the area to levels where a cumulative impact area would be considered.

Therefore, the Council has adopted a special policy for the area, to be known as the Town Centre Zone Policy.

There is evidence of problems associated with operation of licensed premises in the Town Centre Zone and the Licensing Authority wishes to see a decrease in the levels of crime and disorder and public nuisance already being experienced in the area. However, the authority does wish to diversify the evening and night time economy in in this area. With this in mind, the following approach for new licences and material variations, where relevant representations have been made, shall be taken:

Town Centre Zone Matrix

| Function offered | Closing Time | Approach |
|--|--|---|
| Restaurant Non Alcohol lead premises (theatre/cinema) Live Venues Café Bars Coffee Bars/Shops | Up to Midnight Up to midnight Up to 01.00 Up to 01.00 Up to 01.00 | Strongly encouraged provided they do not undermine the licensing objectives. |
| Restaurant Pub Members Club Wine Bars Live Venues Café Bars Coffee Bars/Shops | Beyond midnight Up to Midnight All All After 01.00 After 01.00 After 01.00 | Judged according to set criteria. Positive proposals for the promotion of the licensing objectives, including from departing customers, must also be demonstrated in the operating schedule. |

| | | |
|---|--|---|
| | | A stricter approach is likely to be taken to where customers are not seated at tables and/or where a substantial food offer is not available at all times the premises are open. |
| Late night takeaway Nightclub High Volume Vertical Drinking establishment Pub | All All All Beyond Midnight | Strong presumption against. A genuinely exceptional case would need to be shown. The reasons for the exception should be shown in the operating schedule and must demonstrate that there will be no harm to the licensing objectives, including from departing customers |

Key Factor 4, Standards to Promote the Licensing objectives, sets out many measures that the Licensing Authority considers to be appropriate in order to ensure the promotion of the licensing objectives.

Having regard to the issues within the Town Centre Zone the Licensing Authority has also set out particular matters that it expects operators to pay special attention to in order to ensure their operation will not add to the problems within this area. Operators are not required to do so, but where the authority's discretion is engaged, any applications which fail to address all appropriate matters may be refused or have conditions applied to comply with the policy measures.

These measures shall be considered in conjunction with the policy approach set out above and may be more or less appropriate depending on the style of operation applied for. Applicants are not limited to only these proposed measures and should propose all measures they consider appropriate in the promotion of the licensing objectives.

The measures are set out as follows:

Please note – the references below refer to the standards under the licensing objectives (see page 26 to 39)

| Ref | Matter to be addressed | Measure to be adopted |
|-----|---|--|
| CD2 | Effective management of queues outside the premises | A documented policy addressing how queues outside of the premises will be managed to prevent any nuisance or disorderly behavior |
| CD3 | The control of entry to and | A documented risk assessment |

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|--------------|---|--|
| | exit from the premises, including assessing the need for door supervisors | assessing the need for door supervisors at the premises. Where employed, door supervisors shall be easily identifiable (through high-visibility uniform) and employed in appropriate numbers and during appropriate times. Written records to be kept of any door supervisors on duty. |
| CD6 | Designing out crime in the layout of the premises | Positive consideration will be given to the commissioning a Licensing Impact Statement (by Design for Security) and operation of the premises in line with the recommendations of that report. |
| CD9 | Implementation of documented reporting procedures at the premises | Documented records to be kept in respect of: Lost and found property Refused sales of alcohol Thefts Banned and ejected persons Injuries Complaints and any remedial action taken. |
| CD11 and CH8 | Provision of comprehensive documented staff training | Documented staff training conducted in respect of: Preventing underage sales Preventing drunkenness Managing and resolving conflict Emergency procedures Compliance with the licence conditions Relevant obligations and offences under the Licensing Act, particularly those associated with the sale of alcohol Identification and refusal of underage sales Positive consideration will be given to the use of accredited training course and recognized industry qualifications (e.g. BII) |
| CD12 | Implementation of effective measures to prevent and deal with drunkenness at the premises | A documented policy in relation to preventing and managing drunkenness on the premises. Access to the premises should not be permitted to any person who is visibly |

| | | |
|------|---|--|
| | | <p>intoxicated.</p> <p>Positive consideration will be given to:</p> <p>The sale of alcohol being subject to the use of waiter/waitress service for consumption by persons seated at tables</p> <p>Substantial food being available at all times</p> <p>Use of the Responsible Alcohol Service Guide</p> <p>Displaying responsible drinking information and posters throughout the premises</p> <p>Ensuring alcohol-free options are readily available</p> <p>Making appropriate arrangements to ensure the safe transport home of vulnerable customers</p> <p>Training of staff in the Responsible Alcohol Service award</p> |
| CD13 | A documented policy in relation to preventing and managing drunkenness on the premises. | <p>Positive consideration will be given to:</p> <p>Voluntary restriction of high strength alcohol (i.e. high ABV beers and cider)</p> <p>No promotional activity resulting in a minimum unit price of less than 50p.</p> |
| CD14 | Effective monitoring of the premises (both interior and exterior) including the use of CCTV | A digital CCTV system installed in conjunction with any specification or recommendations of Essex Police. |
| CD15 | Ensuring all alcohol sales are properly authorised | Positive consideration will be given to there being at least one personal licence holder on duty on the premises at all times it is open to the public. |
| CD17 | Operation of a documented glass policy for the premises | A documented risk assessment in respect of the use of glassware on the premises. Where appropriate plastic or polycarbonate drinking vessels. |
| CD18 | Support for the SOS bus and other mitigation measures | Positive consideration will be given to measures to support the SOS bus and other mitigation measures |
| PS1 | Maintaining a safe capacity and recording customer numbers | The maximum occupancy of the premises should be prominently displayed at the entrance to the premises and appropriate measures put in place to ensure the capacity is not breached. |

| | | |
|-----|---|--|
| | | |
| PS6 | Operation of a documented glass collection and spillage policy | A documented policy to ensure that drinking vessels are not left unattended and the efficient collection of glasses and cleaning up at the premises, especially in outdoor areas. |
| PN1 | Prevention of noise breakout from the premises | Systems to ensure that any noise from the premises, especially regulated entertainment, does not cause disturbance to neighbouring properties, particularly local residents. |
| PN3 | Communication and integration with local residents and businesses | Positive consideration will be given to: Participation in any community local initiatives Communication with local residents and groups, Provision of a mobile contact number for the DPS or nominated person for the immediate resolution of problems Hosting of meetings with local residents to troubleshoot issues associated with the premises. |
| PN4 | Effective management of exterior spaces (e.g. beer gardens, smoking areas) | Policies in place in relation to: Supervision arrangements How such areas will be kept clean and free of litter, particularly at the end of trading Avoiding customers causing noise disturbance. |
| PN5 | Cleansing arrangements and ensuring the premises and surrounding area are kept clean and free of litter | Systems in place to ensure the premises and surrounding area are kept clean and free of litter at all times the premises is open to the public, and at the close of trade. Positive consideration will be given to: Contribution (including financial) to any community local initiatives or infrastructure Cleaning initiatives beyond the immediate vicinity of the premises. |
| PN6 | Responsible management of the use of flyers and other promotional material | The distribution of flyers shall only be conducted in accordance with the terms of the requisite permit to distribute free printed material issued by the Council. |

| | | |
|------|--|--|
| PN9 | Prevention of customers causing disturbance when leaving the premises | Policies for the dispersal of customers to ensure orderly conduct and minimise disturbance. Positive consideration will be given to: Supervision of customers leaving including preventing customers congregating outside Use of a winding-down period Providing a dedicated taxi/private hire calling service, which operates a call back facility. |
| PN10 | Membership of any local Pub and Club Network/Off Licence Forum or other recognised partnership group | Positive consideration will be given to: Participation in the local Pubwatch scheme Support of any local resident / community schemes including the voluntary hosting of meetings. |
| CH4 | Taking action to prevent proxy sales of alcohol from the premises | Operators should ensure staff are aware of the risks of proxy sales and take appropriate measures to deter offences. |
| CH7 | Prevention of underage sales of age-restricted products and underage persons access | The operation of Challenge 21 (on-licence) or Challenge 25 (off-licence) with acceptable forms of ID Positive consideration will be given to: The use of till prompts Operation of mystery shopper exercises at own expense. |

The special policy shall apply to all new and material variation applications within the Town Centre Zone. In relation to variations, this includes any variation that seeks to add a licensable activity, increase the capacity/size of a licensed premises, or extend the hours for licensable activities, but will usually exclude minor variations.

Each application will be considered on its individual merits.

Departure from policy is expected only in exceptional circumstances. Exceptional circumstances will not include the quality of management or size of venue.

Applicants will be expected to have particular regard to all key factors of this Policy.

This special policy area will be kept under review and where problems of crime and disorder or public nuisance are not improving, or are worsening, the Policy will be reviewed with a view to introducing a cumulative impact area.

Key Factors

The key factors set out in the Policy are intended to address the principle issues related to licensed premises. Licensed premises and activities can play an important role in ensuring that the Borough is vibrant, prosperous, thriving and welcoming. However, if premises are not managed responsibly they can also impact negatively on an area by causing a wide variety of problems.

Our aim is to promote an 'inclusive' evening and night time economy throughout the Borough to ensure people of all ages can participate in and enjoy a range of activities. These key factors are designed to ensure that all licensed premises throughout the Borough operate to promote the four licensing objectives in order to ensure they contribute positively to the Borough. The Key Factors are:

- KF1 What we aim to encourage
- KF2 The location of licensed premises
- KF3 Hours for licensed premises
- KF4 Standards to promote the licensing objectives
- KF5 Off sales of alcohol

A key aim is to ensure the diversity of licensed premises and particularly avoid premises simply focused on the consumption of alcohol. Where relevant representations are made, there will be presumptions against premises that facilitate quick drinking through lack of seats (vertical drinking), loud music, and particularly those which aim to attract an exclusively youth-focused crowd to the exclusion or detriment of other groups.

We will also ensure that due consideration is given to the proximity of licensed premises not only to local residents and businesses, but also in relation to other licensed premises to ensure they are located in a position that does not adversely affect their ability to ensure the promotion of the Licensing objectives.

While it is recognised that, in some circumstances, flexible licensing hours for the sale of alcohol can help to ensure that concentrations of customers leaving premises simultaneously are avoided, the Licensing Authority will consider restricting hours to ensure the promotion of the Licensing objectives, subject to relevant representations being made in relation to the hours applied for, should the Licensing Authority deem this appropriate and proportionate following a hearing.

Where no relevant representations are received against an application for a Premises Licence or club Premises Certificate, it shall be granted automatically subject to mandatory conditions under the Licensing Act and conditions consistent with the licensee's operating schedule.

However, we have established Key Factors we expect licensees to consider. Failure to do this may increase the possibility of representations being made against applications, particularly by Responsible authorities.

Every application will be treated in accordance with the Act, the Guidance and this Licensing Policy. The licensee is expected to consider the Key Factors and the potential impact upon the Licensing objectives relevant to them. The Licensing Policy is applicable to all premises providing any licensable activity, and it is important that all premises have regard to it.

The Standards to Promote the Licensing objectives (Key Factor 4) set out what the Licensing Authority expect licensees to have due consideration to in how they operate their premises. However, it is a matter for them to propose the measures they consider appropriate with respect to their individual circumstances.

The Licensing Authority expects licensees to implement all measures they consider appropriate to promote the Licensing objectives with respect to their individual circumstances. The Standards may not be appropriate to apply in every situation to every premises but all relevant measures appropriate to the premises will be expected to be incorporated as part of the operating schedule. Licensees are not restricted to consideration of those measures outlined in the Licensing Policy and it is proper that they address all issues they consider appropriate to promote the Licensing objectives.

KF1 - What we aim to encourage

The aim is to ensure desirable destinations that cater to a wide range of age groups and uses. Premises that are encouraged are:

Those that will extend the diversity of entertainment and attract a wider range of participants. Live music, especially original material, is encouraged particularly to provide a range of live performances and styles of music, provided that such entertainment does not undermine the licensing objectives.

Family friendly venues, where people with children can attend, are encouraged. These need not necessarily be places specifically aimed at children but could be premises appealing to adults which also provide for children.

Quieter and Smaller 'local-style' venues able to promote a sense of community and familiarity for customers.

Wind-down or chill-out venues that enable people to begin or end their nights out in a quieter venue where customers can sit down in a relaxed environment, particularly without alcohol.

Restaurants and Cafés as well as other less alcohol-dominated venues.

Theatres and Cinemas

These types of licensed premises will generally be granted, unless relevant representations are made and the Licensing Authority is satisfied the individual application will undermine the licensing objectives.

| Function | Residential | Mixed Commercial and Residential | Commercial |
|--|--|---|-------------------|
| Restaurant | Yes – 11pm | Yes – midnight | Yes – 1am |
| Late Night Takeways | Yes – 10pm | Yes – midnight | Yes – 1am |
| Nightclub | No | No | No |
| Pub | Yes – 11pm | Yes - midnight | Yes – 2am |
| High Volume Vertical Drinking Establishments | No | No | No |
| Non Alcohol Led – Theatres etc | Yes – 11pm | Yes – midnight | Yes – midnight |
| Off-licence | Yes – 10pm | Yes – midnight | Yes – midnight |
| Members' Club | Yes - 11pm | Yes – midnight | Yes -2am |
| Village Halls | Yes | Yes | Yes |
| Wine Bars | Yes - 11pm, midnight Friday and Saturday | Yes – midnight | Yes – 2am |
| Live Venues | Yes – 11pm | Yes – midnight | Yes – midnight |
| Café Bars | Yes – 11pm | Yes – midnight | Yes – 2am |
| Coffee Shops/bars | Yes – 11pm | Yes – midnight | Yes – 2am |

KF2 - The location of licensed premises

The Licensing Authority considers the following as key issues in relation to the location of licensed premises:

The proposed operation of the premises having regard:
to the licensable activities applied for,
the size, structure and proposed capacity,
the type/nature of the business

The proximity of the premises to local residents.

The proximity of the premises to other local businesses that could be affected

The general character of the surrounding area including crime and antisocial behaviour levels

The availability of transport to and from the premises

Consideration will be given to the capacity for vertical drinking at the premises. Where relevant representations are made, there shall be a presumption against new premises aimed at predominately providing vertical drinking environments i.e. through limited seating provision. Vertical drinking has been linked with encouraging binge drinking and an increased potential for violence and antisocial behaviour.

Additionally, a number of premises closing simultaneously would lead to larger numbers leaving at the same time thereby increasing the risk of disorder and disturbance, as well as creating spikes in demand for taxis and other sources of transport.

There is the need to balance the needs of residents with that of the night time economy. Licensees should consider how their premises could impact upon the needs of local residents and businesses. Particular consideration is expected to be given to:

Prevention of noise or vibration escaping from the premises due to volume of music or plant and machinery noise

Prevention of noise disturbance from people entering and leaving the premises (e.g. queue management, dispersal policy)

Prevention of disturbance by people outside the premises (e.g. smoking areas)

Litter from the premises (This issue is considered particularly relevant in respect of late night takeaways and smoking-related litter outside of licensed premises)

Disturbance caused by deliveries and collections at the premises including waste and bottle collection

Consideration should be given to the effective availability of transport in relation to the premises including the proximity of public transport in order to ensure customers are

able to get home safely and without causing disturbance.

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KF3 - Hours for licensed premises

The Licensing Authority considers that measures must be taken to address the causes of crime and disorder and public nuisance linked to the night time economy.

The Licensing Authority will have particular regard to the hours applied for and considers that later hours will typically be more sensitive and higher risk in causing problems, especially related to drunkenness and particularly after midnight. Consequently, the Licensing Authority expects a higher level of control measures to be implemented at the premises when later hours are applied for.

The Licensing Authority will have particular consideration to the location of premises and their likely effect on the locality when considering whether the hours requested are appropriate to the area and consistent with promoting the four licensing objectives.

Where relevant representations are made, premises that are considered to meet the criteria 'What we aim to encourage' will normally be given greater freedom to operate than premises that could be considered more likely to have a detrimental impact upon the Licensing objectives, such as youth-oriented, alcohol- driven premises.

It is expected that hours for licensed premises will be particularly relevant having consideration to the location of the premises. Consequently, the hours applied for licensable activities should be appropriate with regard to the nature of the location of the premises. It is recognised that in spite of the quality of the operation of the business, where patrons are out of the control of the licensee, the lateness of the terminal hour for the premises will often be a contributory factor in the potential for disturbance.

Applicants should only apply for hours that they realistically intend to operate.

The Licensing Authority will not consider the fact that other premises in the vicinity already have later hours as a justification for granting similar or extended hours and each application will be considered on its individual merits.

KF4 – Standards to promote the licensing objectives

An application for a new premises licence application, provisional statement, or a variation to an existing licence, must contain an operating schedule which identifies robust proposals to promote the licensing objectives.

Where no relevant representation is received against an application, only conditions consistent with the steps proposed in the operating schedule will be attached to the licence (in addition to the mandatory conditions).

We have identified the standards we expect licensees to consider when preparing their operating schedules in order to promote the four objectives. However, it is a matter for them to consider and propose the measures they regard as appropriate to promote the licensing objectives with respect to the individual circumstances of their application. These measures are not exhaustive and the Licensing Authority will have regard to any relevant issues raised in any representation that may fall outside the standards.

All relevant measures appropriate to the premises will be expected to be incorporated as part of the operating schedule. Licensees are not restricted to only those measures outlined in this Policy and it is proper that they address all issues they consider appropriate to promote the licensing objectives. They may also wish to liaise with the responsible authorities and local residents or businesses in considering whether any additional issues may be relevant.

All persons, including responsible authorities, should also consider these standards in relation to making any representation against an application.

Where there are relevant representations in respect of an application, these standards will be applied by the Licensing Authority to ensure licensed premises operate in the manner expected, where appropriate, by the Licensing Policy.

The policy is to attach conditions in accordance with the standards to promote the licensing objectives outlined in this Policy when considered by the Licensing Authority to be appropriate and proportionate in order to promote the licensing objectives.

While the standards have been separated under distinct titles of the four licensing objectives, many of them will be relevant for the promotion of multiple objectives. Where a measure may address more than one licensing objective is proposed as part of an operating schedule, it need only be included once.

The prevention of crime and disorder

The Licensing Authority expects licensees to implement all measures they consider appropriate to promote the Prevention of Crime and Disorder licensing objective with respect to their individual circumstances. The standards below may not be appropriate to apply in every situation, to every premises, but all relevant measures appropriate to the premises will be expected to be incorporated as part of the operating schedule. Licensees are not restricted to considering only those measures outlined in the Policy and it is proper that they address all issues they consider appropriate to promote the licensing objectives.

CD1 Implementation of effective security measures at the premises

It is expected that there should be a defined policy that documents the security measures in place for the premises. A defined policy should ensure a consistent approach and explain the standards expected of staff. It is expected that premises hold security review meetings on a regular basis to help identify and resolve issues and ensure that staff are fully aware of important issues. Relevant issues could include the prevention of thefts, or identifying problematic individuals.

CD2 The effective management of queues outside the premises

Queues should be managed effectively to prevent any nuisance or disorderly behaviour. There should be a consistent approach to the management of customers waiting to enter the premises and licensees are expected to demonstrate how they will manage queues to the premises.

CD3 The control of entry to and exit from the premises, including assessing the need for door supervisors

Consideration should be given to how capacity will be controlled and how already drunk or disorderly individuals will be prevented from being admitted. A relevant consideration will be whether security staff will be employed at the premises. It is expected that the need for security staff will be determined by documented risk assessment.

Where door supervisors are provided, it is expected that licensees have consideration of the following:

- High-visibility identification – It is expected that door supervisors shall be easily identifiable by wearing high-visibility clothing.

- Appropriate number of staff – Door supervisors should be employed at specified times with regard to the individual circumstances of the premises. The need for door staff should also be regularly reviewed and risk-assessed and appropriate security employed.

- The role of door supervisors in ensuring effective dispersal of patrons from the premises at the end of the night – Door supervisors should be instructed to encourage persons leaving the premises do so without causing disturbance and in an orderly fashion.

- Consideration of SIA-approved contractor scheme companies – The objective of the SIA's Approved Contractor scheme is to raise performance

standards. Approved contractors are demonstrably committed to customer service and the compulsory licensing of their staff, ensuring that every private security operative deployed on a premises will be working within the law.
Holding security briefings at the start and end of duty.
Maintaining a register of door supervisors on duty.

CD4 Operation of a documented policy in respect of searching patrons entering the premises.

Consideration should be given to whether searches of customers entering the premises are required. It is expected that the need for searches will be determined by risk assessment.

Any search policy is expected to include provision for the following circumstances:

Records maintained of searches and seized items – Records should be maintained of any searches where prohibited items are seized and removed. Records should be made available to the Police.

Circumstances under which searches will be conducted – Risk assessments should be conducted to consider when searches are appropriate.

Location of where searches will take place – Areas should be covered by CCTV and not in isolated areas.

Use of detection devices to detect weapons and drugs and when and where they will be used – Consideration for appropriate detection devices should be risk- assessed and employed as appropriate.

Putting procedures in place for the seizure and retention of recovered drugs and other prohibited items – Items recovered should be kept in a secure location and the Police notified.

CD5 Operation of a documented policy for searching the premises building

The premises should have a documented policy that includes searches before the premises opens, during hours of operation and at closing.

CD6 Designing out crime in the layout of the premises

Consideration should be had to best-practice advice such as the 'Licensed Property: Security by Design' (BBPA) or at www.securedbydesign.com (ACPO).

CD7 Comprehensive risk assessments for activities at the premises

Risk assessments should be regularly reviewed and any appropriate action implemented immediately. Risks identified should be recorded and updated when appropriate. Consideration should be given to the risks associated with the activities of the business, the clientele, the Key Factors in this Licensing Policy, the nature of the area the premises is located, as well as any appropriate individual circumstances.

CD8 Use of town link radio service at the premises

Late-night premises in the town centre are expected to consider subscribing to the town link radio service which enables the rapid dissemination of information on criminal activity throughout the town centre.

CD9 Implementation of documented reporting procedures at the premises

Important and relevant incidents that occur at the premises should be recorded. Such records should be made available upon request by a Responsible Authority.

Recordable incidents could include:

- Accidents
- Lost and found property
- Refused sales of alcohol
- Thefts
- Banned and ejected persons
- Other incidents
- Injuries
- Allegations against staff.

CD10 Ensuring responsible management of externally promoted events at the premises

Promoters should be required to complete the promoter pro-forma and notification be given to Essex Police and the Licensing Authority no later than 28 days before the event.

CD11 Provision of comprehensive documented staff training

Documented staff training should be conducted relevant to the prevention of crime and disorder issues on the premises, to include (but not limited to):

- Age restrictions in respect of products
- Responsible Alcohol Service, including recognising signs of drunkenness, refusal skills, drugs awareness
- Company policies and reporting procedures (see above)
- Managing and resolving conflict
- Action to be taken in the event of an emergency, including the report of a crime, fire, or request for emergency medical attention
- Licence conditions
- Relevant obligations and offences under the Licensing Act 2003, including those associated with the sale of alcohol.

Records of all training should be documented and kept on the premises available for inspection by the Responsible authorities.

CD12 Implementation of effective measures to prevent and deal with drunkenness at the premises

Premises licensed for the sale of alcohol for consumption on the premises should have a written policy in relation to drunkenness. Premises should not admit persons who are visibly intoxicated and staff should be trained regarding responsible alcohol sales, identifying drunkenness and preventing alcohol sales to them.

Consideration should also be given to:

- Taking practical steps to prevent drink driving

Displaying responsible drinking information and posters throughout the premises including the toilet areas
Ensuring alcohol free options are readily available
Making appropriate arrangements to ensure the safe transport home of vulnerable customers

CD13 Ensuring only responsible drinks promotions are operated at the premises

Consideration should be given to how any promotions could impact upon the mandatory licence condition for on-licensed premises prohibiting irresponsible promotions. It is expected licensees have reference to recognised codes of practice in respect of the responsible sale and promotion of alcohol products such as those issued by the British Beer and Pub Association, Portman Group and Drinkaware Trust.

CD14 Effective monitoring of the premises (both interior and exterior) including the use of CCTV

It should be demonstrated how the premises will be effectively monitored, e.g. patrols by staff, which areas will be covered by CCTV, whether security staff will be employed and, if so, where – as well as any other appropriate measures. Additionally, appropriate monitoring of external areas, e.g. immediately outside the entrance to the premises, smoking shelters or beer gardens, should be addressed where relevant.

Details of CCTV cameras should be provided (both internal and external). CCTV should be installed in liaison with, and to a standard approved by, Essex Police.

CD15 Ensuring all alcohol sales are properly authorised

The Licensing Authority considers it good practice for alcohol-licensed premises to ensure that there is a Personal Licence-holder on site at all times the premises is open for the sale of alcohol. Depending on the size of the premises, it may be appropriate for multiple Personal Licence-holders to be on duty, e.g. if the premises has more than one bar or is particularly large. The Licensing Authority expects to see written evidence of the delegation by the DPS to other persons of the authority to sell alcohol at the premises

CD16 Prevention of illegal drug use and anti-spiking at the premises

A zero-tolerance policy should be implemented regarding the use of illegal drugs on the premises. A drugs policy should be in writing and include how drugs will be prevented from being brought into the premises, what action the venue will take should anyone be caught with drugs on the premises, and how the drugs will be disposed of. The use of toilet attendants, regular documented toilet checks and searches of the premises could be conducted. Licensees for on-licensed premises should also consider what action will be taken to prevent the spiking of drinks at the premises. This could include encouraging customers to ensure that drinks are not left unattended, and the use of publicity material to ensure customers remain vigilant.

CD17 Operation of a documented glass policy for the premises

Glass injuries are a serious problem in the UK, with approximately 5,500 glassings

reported each year, and glasses or bottles being used in 5% of all violent crime. A documented risk assessment should be conducted for the use of glassware on the premises and safer drinking vessels, such as toughened glass or polycarbonate, should be used when appropriate. Risk assessments should also include the use of glass in external areas (if appropriate) as well as how glass collections will be managed throughout the premises, including the frequency of such collections.

CD18 Support for the SOS bus and other mitigation measures

The SOS bus works with other teams out and about in the night time economy – the street pastors, enforcement officers, doormen of licensed premises, police and ambulance service – to mitigate the effects caused by patrons of premises operating in the night time economy and to assist those premises in dealing with problems at their venue. Licensees are expected to demonstrate how they can offer support to ensure the continued operation of the SOS bus. This can take the form of financial contributions, display of promotional material, fundraising and actively working in a positive way with volunteers, as well as other initiatives such as taxi marshalling.

Public safety

The Licensing Authority expects licensees to implement the measures they consider appropriate to promote the public safety objective regarding their individual circumstances. The standards below may not be appropriate to apply in every situation to every premises but all relevant measures appropriate to the premises will be expected to be incorporated as part of the operating schedule. Licensees are not restricted to only those measures outlined in the Licensing Policy and it is proper that they address all issues they consider appropriate to promote the Licensing objectives.

PS1 Maintaining a safe capacity and recording customer numbers

Capacity should be managed effectively and in accordance with an appropriate risk assessment to prevent overcrowding. Advice should be sought from Essex Fire and Rescue in relation to the safe capacity for premises and how it should be managed.

PS2 Ensuring Fire Safety procedures are in place and up to date

Licensed premises should:

- Conduct a Fire Risk Assessment for the premises, which is reviewed as required, and as a minimum every 12 months. An assessment template and guidance notes are available on the Essex County Fire & Rescue Service website.

- Ensure all fire equipment is inspected/serviced as per its relevant British Standard (generally, but not always, annually) and documented.

PS3 Use of a daily pre-opening and closing checklist

Consideration should be given to implementing such checklists as they can help ensure that all appropriate and routine actions are conducted consistently, ensuring good practice.

PS4 Provision of comprehensive documented staff training

Documented staff training should be provided to ensure adequate public safety on the premises, including (but not limited to):

- First Aid
- Fire safety procedures
- Evacuation procedures
- Terrorist threats (predominantly town centre venues)
- Overcrowding.

PS5 Implementation of appropriate anti-terrorism measures

Licensed premises, particularly those located in the town centre, should have regard to the National Counter Terrorism Security Office (NaCTSO) publication 'Counter Terrorism Protective Security Advice for Bars, Pubs and Nightclubs'.

PS6 Operation of a documented glass collection and spillage policy

Premises licensed for the sale of alcohol for consumption on the premises should have a policy and procedure in place to ensure effective and efficient collection of glasses and the cleaning-up of spillages throughout the premises.

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The prevention of public nuisance

The Licensing Authority expects licensees to implement the measures they consider appropriate to promote the prevention of public nuisance objective with respect to their individual circumstances. The standards below may not be appropriate to apply in every situation to every premises but all relevant measures appropriate to the premises will be expected to be incorporated as part of the operating schedule. Licensees are not restricted to only those measures outlined in the Licensing Policy and it is proper that they address all issues they consider appropriate to promote the Licensing objectives.

PN1 Prevention of noise breakout from the premises

This relates to both internal and external areas. Measures such as double-glazing, the use of an acoustic lobby, noise limitation devices and soundproofing for internal areas may be relevant. Licensees should demonstrate the measures taken to address such issues.

PN2 Use of a last entry time for the premises

Consideration should be given to a curfew on entry times, which can reduce the possibility of persons causing noise and disturbance late at night who may have been attracted to the premises.

PN3 Communication and integration with local residents and businesses

Licensees are encouraged to consult with local residents and businesses prior to submitting an application for a new licence or variation of an existing licence to ensure that any issues that may arise in respect of the proposed operation of the premises can be addressed at the earliest possible stage and ensure the promotion of the Licensing objectives.

Licensees are expected to communicate with local residents and businesses, to address and resolve relevant problems. This could include giving contact telephone numbers to local residents so they can report any issues to the premises for them to be dealt with. It is expected that contacts at the premises would be persons in a position of responsibility who are contactable whenever the premises is open to the public so that any issues can be addressed without delay. Licensees could also arrange regular meetings with neighbours to ensure good relations.

PN4 Effective management of exterior spaces (e.g. beer gardens, smoking areas)

Where the premises include any exterior areas, licensees should demonstrate what measures are in place to prevent issues that may give rise to problems. Relevant considerations should include:

- a limit on the number of patrons in such areas
- whether there is a curfew on using them
- how they will be delineated, if relevant
- how will premises be kept clean and free of litter, particularly at the end of trading

what supervision will be in place?
will the premises be covered by CCTV?
How will the area be lit to avoid nuisance to neighbours?
will glasses be allowed outside?
what glass collection arrangements will be in place?
how to avoid customers causing noise disturbance
how the premises will prevent begging at, and in the immediate exterior of, the premises.

PN5 Cleansing arrangements and ensuring the premises and surrounding area are kept clean and free of litter

Where the licensable activities could give rise to litter being dropped in the vicinity of the premises, the measures in place to prevent this occurring and/or tidy it up should be demonstrated. Such measures could include regular litter inspections during the hours of operation and at the close of business, the placing of litter bins in prominent areas of the premises, reducing packaging, and the use of branded packaging.

PN6 Responsible management of the use of flyers and other promotional material

The irresponsible use of flyers can cause major litter problems. Any use of flyers and other promotional material should be done in a responsible and appropriate manner. It should be noted that permits are required for handing out flyers in various areas of the Borough.

PN7 Ensuring adequate arrangements for secure and responsible storage of refuse

Adequate and secure storage for refuse should be provided that is appropriate for the nature of the business. Particular regard should be given to the management of glass bottles to prevent them being taken outside the premises as potential weapons, and to the emptying of bottles into refuse containers at times that could disturb local residents or businesses.

PN8 Appropriate arrangements for deliveries and collections

Consideration should be given to how and at what times deliveries are made to the premises to avoid disturbance to local residents and business and avoid any obstruction. Equally, this would apply to any collections from the premises, e.g. refuse collections by private contractors.

PN9 Prevention of customers causing disturbance when leaving the premises

Licensed premises need to ensure the orderly exit and dispersal of customers from the premises. Relevant considerations could include:

Prominent display of notices requiring courtesy for neighbours
Preventing customers from congregating outside
Providing advice and directions to available public transport
Providing contact details for taxi/private hire firms and provision of a call-back service
Use of a dedicated taxi/private hire service
Implementing a dispersal policy based upon good practice

Use of a winding-down period

The role of door supervisors in managing persons leaving.

PN10 Membership of any local Pub and Club Network/Off Licence Forum or other recognised partnership group

Licensees should commit to work in partnership through local business groups, which can provide useful forums to keep abreast of local issues and developments when they operate in the area.

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The protection of children from harm

The Licensing Authority expects licensees to implement the measures they consider appropriate to promote the protection of children from harm licensing objective with respect to their individual circumstances. The standards below may not be appropriate to apply in every situation to every premises but all relevant measures appropriate to the premises will be expected to be incorporated as part of the operating schedule. Licensees are not restricted to only those measures outlined in the Licensing Policy and it is proper that they address all issues they consider appropriate to promote the Licensing objectives.

CH1 Risk assessment for when children are on the premises

Regard should be had to specific risks that may arise when children are on the premises. The risk assessment should be documented and available for inspection by the Responsible authorities upon request. Relevant considerations could include:

- Will access be restricted to certain areas of the premises?
- Is there adequate supervision?
- Are the areas covered by CCTV?
- Will alcohol sales be restricted in areas where children are permitted?
- How will children be prevented from accessing alcohol?

Special consideration is expected to be given to promoted events in licensed premises aimed at, or likely to attract, persons under 18. The Licensing Authority expects robust measures to be in place to address potential risks associated with such an activity.

CH2 Ensuring any gambling machines on the premises are appropriately located and properly monitored

Consideration should be given to the ability to supervise their use regarding location to ensure underage persons do not use them with regard to any code of practice issued by the Gambling Commission (gambling machines) and advice from the Licensing Authority.

CH3 Ensuring entertainment at the premises is age-appropriate

Where adult-only entertainment is provided, children should be prevented from being on the premises when such entertainment is taking place.

CH4 Taking action to prevent proxy sales of alcohol from the premises

Premises licensed for the sale of alcohol should take proactive steps to prevent this occurring. Possible measures include:

- Regular checks around and/or outside the premises for underage persons
- encouraging adults to purchase alcohol for them
- Use of CCTV, particularly in external areas

Displaying prominent notices in the premises explaining the law in relation to purchasing alcohol on behalf of persons under 18 and the penalties involved.

CH5 Proper management of any child performers

It is expected that any child performers are properly licensed and a nominated adult is present to act in a supervisory capacity.

CH6 Ensuring age restrictions are enforced effectively when showing films

Where age-restricted films are displayed, appropriate and effective measures must be in place to ensure relevant age restrictions are complied with.

CH7 Prevention of underage sales of age-restricted products and underage persons access

Effective and appropriate measures must be taken to ensure age restrictions are enforced at the premises. Relevant considerations include:
details of what forms of ID are acceptable
the use of till prompts
the maintenance of refusal logs
staff training.

CH8 Provision of comprehensive documented staff training

Documented staff training is expected, particularly in relation to activities consistent with the Licensing objectives, including (but not limited to):

Identification and refusal of underage sales
Age-restricted products
Any access restrictions to the premises by children.

CH9 Display of child welfare information in public areas of the premises

Where children are allowed on the premises, information should be available on what to do if there is a cause for concern regarding a child's welfare. This can include reporting
xxxxxxxxxxxx

Off-sales of alcohol (KF5)

The Council has implemented Designated Public Place Orders in xxxxxxxxx in order to help address and prevent numerous problems caused by public consumption of alcohol. Street drinking can be a major cause of antisocial behaviour, often involving underage persons, which gives rise to disorder, concerns over public safety and harm to children. Additionally, it is widely reported that consumption of alcohol by persons on the way to on-licensed premises gives rise to problems of drunken and disorderly behaviour.

The Licensing Authority therefore adopts the following policy in relation to premises licensed for the sale of alcohol for consumption exclusively off the premises:

Where any Responsible Authority makes representation against the grant of a licence for off-sales and, following a hearing the committee are satisfied that there is evidence of serious concerns over demonstrable problems of street drinking or disorder associated with the off-sale of alcohol in the area, there shall be a presumption against granting a licence. Applications will only be granted, following a hearing, where the Licensing Authority is satisfied the grant of the licence would not harm the licensing objectives.

Where relevant representations are made, the Licensing Authority will also have particular consideration to the hours requested for sales of alcohol. Persons who are alcohol-dependant may be drawn to particular premises if they are licensed to sell alcohol at earlier times than other premises. Additionally, if there are issues related to late-night disorder, the hours for alcohol sales from the premises may be restricted.

Other conditions may be imposed directed at avoiding problematic street drinking in the vicinity of the premises. Another particular concern will be irresponsible drink promotions that do not follow best practice, would appeal to underage drinkers or street drinkers, or encourage excessive consumption.

The Licensing Authority expects licensees to consider the standards below in relation to the operation of their premises; they may not be appropriate to apply in every situation but where they are such measures will be expected to be incorporated as part of the operating schedule. Licensees are not restricted to only those measures outlined in the Licensing Policy and it is proper that they address all issues they consider appropriate to promote the licensing objectives and in particular those set out in the preceding sections on the measures to promote the licensing objectives.

OF1 Taking action to prevent the purchase and sale of counterfeit or non-duty paid alcohol

Premises should take proactive steps to prevent this from occurring. Such measures include:

- No alcohol purchased from sellers calling at the shop

Reporting to Trading Standards any caller to the shop attempting to sell alcohol
Keeping invoices (or copies) on the premises for all alcoholic goods purchased for inspection by authorised officers
Operation of a stock control system
Use of an ultraviolet pen or light to check the UK Duty Stamp on spirits

OF2 To control the sale of alcohol for delivery

Regard should be given to the specific risks, of selling and supply alcohol to persons underage, that are presented by the ordering of alcohol by telephone or internet and the delivery to a residential address where the person receiving the alcohol be underage. Premises should take proactive steps to prevent the sale and delivery of alcohol to underage persons. Possible measures include:

Pre-ordering by telephone or internet prior to delivery
Carrying Invoices relating to delivery on the delivery vehicle
Production of invoices and record of orders on request to any authorised officer
Operation of a "Challenge 25" scheme
A refusals book

Premises Licences for large-scale public events

The Council holds a number of Premises Licences for public areas throughout the town centre. If you wish to hold an event in a public space it is strongly recommended that you first contact the Council's Licensing Team.

Licensees are expected to have regard to the management standards set out in the Policy as well as address the following elements:

- Overall event safety control
- Production details
- Medical and first aid provision
- Site management and the structural integrity of all temporary structures
- Crowd management, stewarding and security
- Fire safety and control
- Configuration and control of sound systems
- Management of any on-site and off-site car parking
- Management of concessions and franchises
- Provision and maintenance of water supplies
- Welfare and provision of information
- Provision and maintenance of sanitary facilities
- Reception collection and removal of litter and other waste
- Liaison with local residents and businesses

Relevant details in respect of the above may include:

- The proposed capacity of the event

- The provision of plans to agreed scales detailing exits, entrances, temporary bars, marquees and all facilities to be provided within the premises

- Details of proposals for entertainments, together with information regarding any special effects

- Details of proposals for concessionary activities, including food franchises, bars, restaurants and non-food retail sales

An alcohol management plan, which will include details of:

- The designated premises supervisor
- Personal Licence-holders
- Control of the sale of alcohol
- Proof-of-age policy
- Promotion of responsible drinking
- Appropriate signage

A Safety Policy and Risk Assessment for the event

Details of arrangements for co-ordinating and controlling event safety on the site

A site safety plan, including site safety rules, requirements for construction and breakdown of site, structural safety calculations, drawings of temporary structures and safety barriers, details of electrical installations and lighting arrangements

Incident contingency and emergency plans (including a Major Incident Plan)

A crowd management, stewarding and security plan (taking into account the views of Essex Police)

A medical ambulance and first aid plan

A fire safety plan

A traffic management plan

A sound assessment with details and proposals for monitoring and controlling sound emission

Details for the provision of cleaning and maintenance of sanitary accommodation, washing facilities and drinking water

Details for the reception collection, litter and disposal of other waste

Details of welfare arrangement facilities and provisions for information on site

Details of the arrangements and facilities for disabled persons.

Consideration should not solely focus on the activities taking place within the area of the licensed premises. Appropriate measures to address issues outside the licensable area include:

Putting in place plans that will assist to minimise disruption to the day-to-day lives of local residents, businesses and existing operations for the period of the event

Providing a robust traffic and transport plan that takes into account the needs of the local community – and minimises the impact of visitors to the area for the event – while maintaining a safe and convenient point of access and egress for the attendees within the parameters of existing traffic, transport and parking provision

Putting in place a strategy to manage the consumption of alcohol by visitors accessing and leaving the event in the public realm and highway

Putting in place a strategy for the control of access to and egress from the licensed

premises for the control of disorderly behaviour.

Providing facilities external to the licensed area that will assist in the management of the access and egress of visitors to the event – and minimise the impact on the existing public realm – including, but not restricted to, additional toilet facilities and a designated park and ride area

Putting in place a cleansing strategy beyond the immediate perimeter of the licensed premises in association with the Local Authority

Providing communication channels for the local community that will enable residents and businesses to access sufficient detailed information prior to the event days

Providing a hotline and information phone number for residents and local businesses for the duration of the event.

Licensees should contact the Safety Advisory Group which oversees large scale events in the Borough (contact details) and have reference to The Event Safety Guide – A Guide to Health, Safety and Welfare at Music and Similar Events, commonly referred to as 'The Purple Guide'.

Licensing Enforcement and Monitoring

It is essential that licensed premises comply with the terms of their licence as well as other requirements of the Licensing Act. Equally important is ensuring that premises not licensed to provide licensable activities are prevented from doing so. Once licensed, it is essential that premises are monitored to ensure that they are run in accordance with the licence conditions and the specific requirements of the Act. The Council will also monitor the Borough for unlicensed activities that require a licence and then act accordingly and in line with the Council's Enforcement Policy. The Policy can be found at (add reference)

Enforcement activities to promote the licensing objectives will be targeted and will concentrate on those premises that present a greater risk; have a history of non-compliance with conditions and regulations; or demonstrate poor management practice.

The Licensing Authority is the lead authority on the Council's Licensing Enforcement Group which comprises representatives from all the responsible authorities and the Garrison. The Group meets monthly to share information on licensed venues. The purpose of the Group is to:

- Work together to share knowledge and deal effectively with premises licensed under the Licensing Act 2003 that have been subject to complaints or raised concerns.

- Identify and discuss at an early stage those premises which may be called for review.

- Establish agreed means by which an intervention by the Group rather than by a single responsible authority could be achieved.

- To consider matters of potential serious or escalating concern that may fall outside the Licensing Act 2003 (e.g. taxi problems or disturbance that may be related to the management of one or more licensed premises).

The aims and responsibilities of the Group are to:

- Improve the local and immediate neighbourhood that is affected by poorly managed premises.

- Raise the levels of compliance and standards of management in licensed premises.

- Prevent a possible escalation of problems with early and co-ordinated intervention.

- Enable the Licensing Authority to optimise its role as responsible authority under the Licensing Act.

- Improve understanding and foster positive working relationships between all responsible authorities.

The Licensing Authority takes a risk-based and proportionate approach to regulatory enforcement and monitoring in relation to the likely impact of the premises upon crime and disorder, public nuisance, problems concerning public safety and the protection of children from harm. Therefore, higher-risk and problem premises will be targeted for enforcement activity whereas a lighter touch approach will be adopted for low risk, well-run premises.

Failure to promote the Licensing objectives may result in licence review and the possible implementation of sanctions by the Licensing Committee, including removal of licensable activities, reductions in hours or, ultimately, revocation of the licence.

Additionally, where offences are committed and/or licence conditions are not adhered to, prosecution will be considered.

The Licensing Authority and partner agencies shall continue to work with the licensed trade through the provision of advice, education and training, information, promotion of good practice and behaviour.

The principles of enforcement for the Licensing Authority focus on:

- Taking firm action against those who flout the law or act irresponsibly
- Assisting businesses and others in meeting their legal obligations
- Promptly acting on issues of concern to local communities.

The Responsible authorities are available to provide advice and support for licensees as well as members of the public in relation to any problems they may be encountering relevant to licensed premises.

Reviews

The review of a licensed premises is the key protection for residents and businesses where one or more of the licensing objectives are being undermined and these problems can be linked to the operation of a licensed premises. A responsible authority or any other body can ask for the review of a licence.

When considering a review request, or other possible enforcement action, the Licensing Authority will consider all relevant matters and in particular –

- The use of the premises for criminal activities such as the supply of drugs or money laundering
- Failure to promptly respond to a warning given by a responsible authority
- Failure to engage with the responsible authorities in an effective manner
- Previous convictions for licensing offences
- Previous failure to comply with licence conditions

The Licensing Authority will not normally engage its role as a responsible authority by calling reviews on behalf of other persons, such as local residents or community groups.

These individuals are entitled to do so in their own right where there are sufficient grounds to do so.

Where responsible authorities have concerns about problems identified at a premises, the Licensing Authority considers it to be good practice for them to give the licence holder early warning of their concerns and the need for improvement. Where possible and/or appropriate it would be expected that advice and guidance in addressing the issue(s) should be given, such as using an Improvement Plan before bringing the premises to review. Responsible authorities may seek to amend a licence via review where evidence indicates the need for permanent enforceable conditions to be added to a licence.

It should be noted that a review can be called without an early warning where a serious situation has occurred and immediate action is required. Where premises are associated with serious crime and/or disorder a senior Police officer may apply for a summary review of a premises licence.

The outcome of a review hearing will not ordinarily have effect until such time as the period given for appealing (normally 21 days) expires or an appeal is disposed of.

Suspension for Non Payment of Fees

The Licensing Authority is required to suspend a premises licence or club premises certificate if the annual fee has not been paid when it is due. Where a premises licence or certificate has been suspended, no licensable activities can be lawfully carried out at the premises until the annual fee has been paid. The suspension shall be lifted immediately upon payment of the fee and licensable activities may be resumed.

If an annual fee has not been paid by the due date, the licence holder shall be notified accordingly by the Licensing Authority and given notice of the date the suspension shall take effect.

Where payment has not been made by the due date as a result of a genuine administrative error, or because the licence holder disputed liability for the fee before or at the time of the due date, there shall be a grace period of 21 days to resolve the matter before the licence is suspended.

Ability to re-instate conditions upon Review

Where entertainments authorised under the Licensing Act 2003 have been deregulated and the conditions in relation to those matters no longer apply, the Licensing Authority may reinstate or impose conditions following a review of a premises licence or club premises certificate. The reinstatement or imposition of conditions will be considered where it can be demonstrated that the promotion of the licensing objectives is being undermined and such action is considered to be appropriate.

Town Centre Zone

