

**COLCHESTER BOROUGH COUNCIL  
LICENSING COMMITTEE  
24 November 2010 at 6:00pm**

**SUPPLEMENTARY AGENDA**

**Part A**

(open to the public including the media)

**Pages**

**7. Draft Licensing Policy 2011-2014**

**4 - 128**

See report by the Head of Environmental and Protective Services. (Policy to follow)

# **SUPPLEMENTARY AGENDA**

## **Part B**

(not open to the public or the media)

**Pages**

**There are no Section B Items**

# **COLCHESTER BOROUGH COUNCIL**

## **STATEMENT OF LICENSING POLICY**

This Policy forms the basis of the Licensing Authority's decision-making process over the next 3 years in accordance with the Licensing Act 2003.

The Licensing Act 2003 covers the sale of alcohol, regulated entertainment, the sale of hot food and hot drink after 23.00, performance of a play, film exhibitions, indoor sporting events, boxing or wrestling (indoor and outdoor), performance of live music, performance of dance and any playing of recorded music.

For a printed copy of the Policy, further information or any questions regarding the Policy or the Licensing Act 2003, please contact the Licensing Authority at the address shown below:

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## How to use this document

The Licensing Act 2003 as amended requires Colchester Borough Council, as Licensing Authority, to publish a 'Statement of Licensing Policy' that sets out the policies the Licensing Authority will generally apply to promote the "licensing objectives" when making decisions on applications made under the Act.

This document outlines the development of the policy, and in particular Colchester's stress area (cumulative impact) policy. It also explains the Licensing Authority's policy regarding the four licensing objectives, how applications will be handled and the information that needs to be submitted with applications.

A glossary of terms is attached as Appendix 1 to this document.

The Appendices of this policy document do not form part of the policy itself, but rather are included as advice, guidance and as examples of best practice to assist applicants. These appendices can be downloaded as individual documents from the Council's web site on [www.colchester.gov.uk](http://www.colchester.gov.uk)

## Assessing Applications

**Boxed bold type refers to policy and to matters that the Licensing Authority would generally expect or encourage to see addressed in the applicant's operating schedule, where reasonable, proportionate or appropriate. Passages of text that are not in bold are provided to assist applicants to understand what the Licensing Authority is seeking to achieve to positively promote the four licensing objectives, the factors that influence the achievement of those objectives and the examples of best practice that could be implemented by the applicant to achieve that outcome.**

# COLCHESTER BOROUGH COUNCIL

## STATEMENT OF LICENSING POLICY

### 1. Introduction

#### What makes Colchester special?

- 1.1 Perhaps it's the rich mixture of such key elements as our heritage, culture, education and military excellence that blend together to give Colchester its unique sense of place.
- 1.2 Colchester is Britain's oldest recorded town. It was the administrative centre of Roman Britain and has a heritage of national importance dating back to at least 4,000BC. The modern borough of Colchester has a large and rich rural hinterland. This makes Colchester an obvious visitor centre. Our historic buildings, green spaces, countryside and coastline all help create a high quality environment for local people. More than five million people visit Colchester every year from Britain and overseas.
- 1.3 Colchester is also special because of the different communities who enjoy life here. These include people who are based around the coastal, rural and riverside parts of the borough, those who choose to live near to the heart of town, and people living on well-established, large housing estates, as well as those who are now moving into one of the new communities that are developing around the regeneration areas. The University and the Garrison bring an extra perspective too, with hundreds of new people coming into the borough every year. Colchester is also somewhat unusual because of the large number of residents who live in and around the town centre itself, in historical areas such as the "Dutch Quarter".
- 1.4 Colchester's educational and training institutions range from the national award-winning nursery, primary and secondary schools and Sixth Form College, to a technology college and a leading university. *These educational establishments make the borough a major educational base and significantly add to the diversity of the population.* Britain's most important army garrison is based in Colchester, and there has been a major military centre here since the first millennium.
- 1.5 Colchester has a rare opportunity to develop a vibrant future because of its strategic position and the availability of brownfield land. The town is seen as a logical centre for commerce, shopping and visitors. Strategically positioned, *the borough lies in a key gateway location between the UK and Europe with access to Europe via the Ports of Harwich and*

*Felixstowe to the east and Stansted Airport to the west. The borough has good rail links and is connected to a comprehensive network of major roads via the A12, and A120. It is close enough to London to provide good business opportunities at an economic rate. It is a natural centre for the surrounding rural areas of north Essex, south Suffolk and beyond.*

- 1.6 The planned expansion of Colchester *through the regeneration programmes in North Colchester, the Garrison, St Botolph's and East Colchester* brings enormous potential to consolidate Colchester's position as a premier evening and late night destination. However, a balance needs to be struck between the commercial importance of our evening and night-time economy and reasonable living and working conditions, including the right of residents to the peaceful enjoyment of their homes and possessions.

## **Key Facts and Figures**

- 1.7 *The National Statistics mid-2009 population estimates for Colchester indicate that the population of Colchester borough has risen to 177,100. An estimated 124,101 persons (68.6% of the population of the borough) live in the main urban areas with 56,899 living in the rural areas. Colchester is the largest district in Essex accounting for 12.7% of the population of Essex. Colchester is also the fastest growing district in Essex having grown by 13.5% since mid 2001 and it is estimated that the population will continue to grow to approximately 215,900 by 2021.*
- 1.8 The age profile of Colchester's population is markedly different to that of the rest of the County. *Colchester has an above average proportion of people aged 20 to 34 years in its population; this is in part attributed to Colchester's large student population resident at Essex University and those staying on after study. From the 40 to 44 year age group onwards Colchester's population falls below the Essex and East of England averages. Colchester also has a higher proportion of ethnic minority groups accounting for 7.9% of the population compared to 6.5% for Essex as a whole.*

## **Colchester's Vision**

- 1.9 *The Strategic Plan for 2009 to 2012 identifies the following priorities for action relevant to the Licensing Policy-*
- *Addressing younger people's needs*

- *Community development*
- *Community Safety*
- *Enabling job creation*
- *Healthy living*

## **Statutory Powers**

1.10 Colchester Borough Council is the Licensing Authority under the Licensing Act 2003 and is responsible for granting premises licences, club premises certificates and personal licences, and for regulating temporary events in the borough for the sale and/or supply of alcohol and the provision of regulated entertainment and late night refreshment.

## **Licensing Objectives**

1.11 The Licensing Act 2003 requires the Licensing Authority to carry out its various licensing functions so that it promotes the four licensing objectives:

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

1.12 The Act also requires the Licensing Authority to publish a “Statement of Licensing Policy” which sets out the Policies the Authority will generally apply to promote the licensing objectives when making decisions under the Act.

1.13 When making applications for new or varied Premises Licences or Club Premises Certificates applicants should consider how they propose positively to promote the licensing objectives. They should also consider the Statement of Licensing Policy. They should also set out in an operating schedule the steps which they propose to promote the licensing objectives, relevant to the individual characteristics or events.

*1.14 It is the intention of the Licensing Authority to closely scrutinise applications for new premises or for variations of existing premises licences or club premises certificates to ensure that applicants are complying with the Council’s policies in relation to the promotion of the licensing objectives in the Colchester Borough area. Where applications substantially differ from the Council’s licensing policy they may be refused.*

1.15 If there is no objection to the application, the application must be granted and the steps proposed will become conditions on the licence. If there is an objection, then if it grants the application the Licensing Authority will impose such conditions, if any, as it considers necessary to promote the licensing objectives.

1.16 Guidance or advice on how to complete an operating schedule can be sought from the Licensing Authority's officers.

## 2. Policy Development

### Background

- 2.1 This 'Statement of Licensing Policy' has been prepared in accordance with the provisions of the 2003 Act and the government guidance issued under Section 182 of the Act.
- 2.2 It has been drafted in partnership with the Essex Joint Licensing Officers' Forum, the Safer Colchester Partnership and the Drug and Alcohol Reference Group. These partnerships provide links to Safer Essex, who will maintain a strategic overview of issues associated with authorisations issued under the Licensing Act 2003.
- 2.3 There are a number of groups who have a stake in the leisure industry, including service providers, customers, residents and enforcing authorities. They all have views and concerns that require consideration as part of the licensing function and also in relation to the promotion of the licensing objectives.
- 2.4 The Licensing Authority consulted widely and comprehensively when undertaking this review of its Policy Statement. Along with the statutory consultees (including the Chief Police Officer for the District and the Essex Fire and Rescue Service, the views of existing licence holders, businesses, voluntary groups, residents, Ward Councillors, Town and Parish Councils, licensed trade organisations and commercial services who have an interest in the licensed trade were also taken into account and fully considered.
- 2.5 Details of the consultation process are attached as Appendix 2.
- 2.6 *This Policy Statement was adopted on \_\_\_\_\_ and will take effect on \_\_\_\_\_ It will remain in force for a maximum of three years.*

### Other Relevant Strategies and Legislation

- 2.7 In formulating this policy, the Licensing Authority has had regard to, and consulted with, those involved in its local strategies on crime prevention, planning, transport, culture, tourism and economic development, to ensure the proper co-ordination and integration of the aims and actions of these policies. *Appendix 3* contains details of these policies and key central government strategies and relevant legislation.
- 2.8 The review and amendment of these strategies will be considered for their impact on this statement of licensing policy. The Licensing Authority will continue to work generally with those agencies and departments responsible for such policies and strategies to ensure continuing integration with licensing policy and control where appropriate.

- 2.9 The Council also recognises its responsibilities under the Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000, the Equality Act 2006, the Disability Discrimination Act 2005 and all other related or relevant legislation. The impact of this policy on race, equality and disability issues will be monitored through the Council's Equality and Diversity policies and strategies *and the Licensing Authority will take these responsibilities into account when dealing with applications.*

## **Relationship with Planning Process**

- 2.10 Any premises for which a licence is required should preferably have either:
- a) planning consent, or
  - b) lawful use under planning legislation.
- 2.11 The Licensing Authority will not treat licensing applications as a re-run of a planning application and it will not seek to impose licensing conditions which duplicate conditions that have been imposed on a planning consent.

## **Review Mechanism**

- 2.12 During its three-year life, the policy will be kept under review and interim revisions may be made if considered to be appropriate. Particular regard will be given to any new or additional information or evidence about anti-social behaviour and any amendments that may be made by the Secretary of State in relation to the guidance issued under Section 182 of the Licensing Act 2003. Amendments made to the Policy as a result of changes to the S182 Guidance will not be subject to any further consultation being undertaken by the Licensing Authority.

## **Extent of Policy**

- 2.13 It is recognised that this Policy covers a wide variety of premises and the activities carried on in them, including theatres, cinemas, restaurants, pubs, nightclubs, private members' clubs, village halls and community centres, as well as off-licences and late night food premises and vehicles selling hot food or hot drink after 23.00. For this reason, this Policy cannot detail every factor that influences the achievement of the licensing objectives or every example of best practice that may be appropriate to the individual style and characteristics of the premises in question.

### **3. Statement of Licensing Policy**

#### **Aims of the Policy**

- 3.1 The Licensing Authority has had regard to the Guidance issued by the Secretary of State when undertaking this review of its Statement of Licensing Policy. If the Licensing Authority departs from this Guidance it will give full reasons for having done so and it will always consider the individual circumstances of each application on its own merit. The Licensing Authority may also make an exception to its own policies where it is appropriate to do so, but will only do so to promote the licensing objectives and will give full reasons for any such departure.
- 3.2 The Licensing Authority wishes to encourage a diverse range of cultural activities, which the whole community can enjoy. The Authority will monitor the licensing of regulated entertainment, especially activities such as live music and dancing, theatrical performances and circuses, to ensure that these events are promoted without unreasonable restrictions being imposed that would discourage such events taking place. The Licensing Authority is broadly in support of live music, but may need to balance relevant concerns raised by responsible authorities or residents concerning disorder or nuisance with the wider cultural and social benefits of the performance of live music or dance.
- 3.3 These policies seek to strike a reasonable and proportionate balance between different and sometimes competing aims. They recognise the importance of widening the choice and appeal of licensed premises, the development of leisure and culture activities, but also recognises the rights of local residents. The Licensing Authority has shaped its Policy in line with the objectives of the Council for Colchester to develop as a prestigious regional centre. The Licensing Authority wishes to discourage alcohol related anti social behaviour and to work with the licensed trade to encourage the effective management of licensed premises and the responsible consumption of alcohol.

#### **Policy Approach**

- 3.4 The majority of licensed premises are concentrated within Colchester town centre. The policy therefore concentrates on this area in terms of cumulative impact policies. However, it also recognises the important social, leisure and cultural contributions that licensed premises can make to both town and rural communities. It is also clear from the mid-2009 population statistics that Colchester bucks the trend throughout the rest of Essex and the East of England for a predominantly ageing populace in favour of a much higher *proportion of 20 to 34 year olds* which in turn is likely to impact on the continued growth and popularity of the evening and night time economy for this age group.

## General Policies

### Satisfying the Licensing Objectives

- 3.5 These policies are intended to help applicants by setting out the criteria and considerations that they should have in mind when drawing up an operating schedule.
- 3.6 These are set out in Section 3 of this document. Further advice on guidance can be sought direct from the Licensing Authority.
- 3.7 Not all the criteria or considerations necessarily apply equally, or at all, to every individual application. These considerations have been developed to help promote the four licensing objectives and were developed in consultation with the responsible authorities. They help to alert applicants to the matters which responsible authorities are likely to consider when deciding whether or not to make representations on an application or whether to apply for a review. They also draw the attention of applicants to matters that could possibly be the subject of reasonable and proportionate conditions being attached to a grant or variation of licence which are designed to positively promote the licensing objectives.

### Licensing Hours

- 3.8 The Council recognises that the Licensing Act 2003 has brought with it great expectations and challenges, not least of which has been the extension of opening hours for licensed premises such as clubs, pubs, bars and take aways.
- 3.9 However, along with the great expectations and opportunities for business expansion, the Licensing Act has also brought with it the responsibilities of the four licensing objectives for all the stakeholders concerned in this venture.

3.10

**The Licensing Authority wishes to work with the licensed trade to promote best practice, the responsible consumption of alcohol and the effective management of licensed premises. It will therefore consider sympathetically any applications for extended licensing hours from well operated, well managed premises whose operating schedules responsibly reflect how they are going to effectively promote the four licensing objectives.**

3.11

**Premises that submit new applications or applications to extend their opening hours, or vary their licensable activities whose operating schedules do not clearly demonstrate that they are well-run, effectively managed and are responsibly operated in accordance with the four licensing objectives should ordinarily expect such applications to be challenged by those responsible authorities as defined by the Act.**

- 3.12 Examples of effective and responsible management and best practice are provided in the appendices.

## **Irresponsible Drinks Promotions**

3.13

The Licensing Authority will continue not to seek any voluntary agreement from within the trade in Colchester on the fixing of minimum price schemes for beers, wines or spirits. Such price fixing could be considered to be in breach of competition laws. The Authority also believes that to do so could result in penalising those pubs, registered clubs and social and community clubs where there is no direct link to high levels of crime or public nuisance on or around the immediate vicinity of these premises but whose customers and members enjoy discounted prices.

- 3.14 *Under the new mandatory licence conditions introduced in April 2010 by the Government, an “irresponsible promotion” is defined as “any activity or offer that encourages customers to drink in a way that could cause a significant risk of breaching one or more of the four licensing objectives”. The following examples of prohibited promotions are taken directly from the guidance that was issued by the Home Office:*

- *women drink for free;*
- *half price drinks for under 25s;*
- *discount nights for students; or*
- *cheap drinks for fans of a specific sporting team.*
- *all you can drink for £10;*
- *pay £5 entry and then drink up to 12 shots;*
- *10 pints for £10; or*
- *pay your entry fee then drink for free until 10pm.*

- 3.15 *However, these examples are not exhaustive and it is crucial that you ensure that the promotion you are running, or thinking of running, is not “carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children”.*

- 3.16 *The Licensing Authority and Colchester Police have agreed to work in partnership in considering whether any drinks promotion is irresponsible, and/or whether it has significantly led or contributed*

*towards crime and disorder, prejudice to public safety, public nuisance, or harm to children. If it is decided that the promotion you have run, or are going to run will breach one of the new mandatory licence conditions, it is likely that a review of your premises licence will be sought at the earliest opportunity.*

*3.17 The Licensing Authority and the police have consulted in considering whether events offering a fixed price for a high number of drinks would be a breach of conditions. It is their joint opinion that these events are substantially similar to all inclusive deals and would be a breach of conditions. An establishment found running such an event is likely to face a review of their premises licence.*

*3.18 Therefore applicants and current licence holders are strongly advised to provide Colchester Borough Council with the full details of any drinks promotion that you are running, or plan to run, in order that we can consult with the police and advise you in advance whether they consider it is an “irresponsible promotion”. The Police have agreed to answer all enquiries within 10 working days, although a much quicker response would normally be expected. This is a voluntary arrangement put in place with the intention of providing applicants and licence holders with advice and guidance. It should prevent the situation whereby a retrospective investigation reveals a breach of conditions resulting in a review.*

*3.19 Any such enquiries or notifications should be made to the Colchester Borough Council Licensing Specialist Unit via the Council’s Customer Service Centre. They can be telephoned on 01206 282520 or e-mailed at [customerservicecentre@colchester.gov.uk](mailto:customerservicecentre@colchester.gov.uk).*

*3.20 Please be aware that the Council’s Licensing Specialist Unit will not be able to give an immediate answer. They will need to consult with the police licensing officer and relevant Neighbourhood Policing Team before forwarding their response back to the person concerned.*

*3.21*

**Where relevant representations are made or an application for a review is requested, premises licence holders will be expected to demonstrate to the Licensing Authority that reasonable and proportionate measures are in place to ensure that even a legitimate promotion does not have a negative impact on crime and disorder and public nuisance occurring**

**on or around the immediate vicinity of the premises.**

## **High Volume Vertical Drinking Establishments (HVVDs)**

- 3.22 These are premises that have high customer capacities, little or no seating for customers and are used primarily or exclusively for the sale and consumption of alcohol for what is termed as “vertical drinking” and are sometimes called High Volume Vertical Drinking establishments (HVVDs). There is also usually either a limited range of food, or no food at all, offered or consumed in such premises, particularly during the evening and night-time hours. Such premises can be the focus for crime and disorder and public nuisance both on the premises and in the immediate vicinity of the neighbourhood surrounding it.
- 3.23 Research by the Home Office over a 25 year period “Alcohol & Crime: Taking Stock” by Ann Deehan Home Office Crime Reduction Series No 3, [www.crimereduction.gov.uk/drugsalcohol8.hem](http://www.crimereduction.gov.uk/drugsalcohol8.hem) shows that the environment created within these establishments can have a significant bearing on the likelihood of crime and disorder arising from flash points. These include matters such as disorder from frustrated customers who are unable to get served because of overcrowding and the admittance to the premises of already drunk and therefore potentially disorderly persons. In addition, there is an enhanced risk of nuisance and disorder as such customers then exit into the street.

3.24

**If there is evidence that such premises have become the cause or focus of crime and disorder or public nuisance, local residents or responsible authorities may apply for a review of the licence. In such a case the Licensing Authority will scrutinise the evidence with particular care. Its powers then include the attachment of further *necessary and proportionate* conditions to the premises licence, curtailing the trading hours or revocation of the licence, if necessary to promote the licensing objectives.**

## **Gaming Machines**

- 3.25 Where the ‘on’ premises licence holder wishes to provide more than two alcohol licensed premises gaming machines, an application for a permit must be made to the Licensing Authority with the prescribed fee. There is no restriction under the Act on the number of machines that may be applied for and applications to vary the number of machines may be made at any time. However it should be noted that the Colchester Borough Council as the Licensing Authority will only grant a maximum of four machines without the need for the application to be considered by the Licensing Committee.
- 3.26 *For further advice or information on gambling in Colchester the Council’s Gambling Licensing Policy Statement can be viewed via*

*the licensing pages of the Council's web site [www.colchester.gov.uk](http://www.colchester.gov.uk), alternatively if general information is required see the Gambling Commission's web site [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)*

## **Drugs**

- 3.27 It is recognised that the use and sale of controlled class A & B drugs unfortunately can, and does, occur on or around the immediate vicinity of some licensed premises. It is the view of the Licensing Authority that this is totally unacceptable.
- 3.28 Controlled drugs are in the main manufactured and supplied illegally by criminal gangs and their sale is used to fund a wide variety of activities ranging from serious and violent crime to acts of international terrorism.
- 3.29 Apart from the very serious threat to law and order that the manufacture and supply of illegal drugs pose; they also pose a very real threat to the safety of the people who purchase these drugs. They also pose a serious threat to community safety.
- 3.30 The Licensing Authority recognises however that many premises already have good drug control procedures in place and have assisted Police in significantly reducing and detecting attempts to sell or use drugs in licensed premises.

3.31

**The Licensing Authority therefore recommends, as best practice, the keeping and use of secure drugs seizure boxes on licensed premises and the implementation of a random drugs search by consent policy carried out by SIA registered door staff under CCTV cameras on 2 in 10 persons entering the premises.**

3.32

**It also recommends as best practice, the use of high quality digital CCTV cameras with codec facility to cover the whole of the premises, including the male and female toilets, all public access areas, entrance and exit doors to deter drug dealing, assault and other incidents of crime, in accordance with Section 17 of the Crime and Disorder Act 1998.**

3.33

**Other examples of best practice to restrict the sale or use of drugs in licensed premises include controlled queuing supervised by SIA registered door staff, which can help prevent drug dealers from passing on drugs during times when customers are queuing to gain entry, and the sharing and use of best practice e.g. by the licensee joining the Colchester Pub and Clubwatch scheme, by displaying anti-drug campaign posters prominently in the bars and toilets to promote**

**the message that drug taking and drug dealing are not welcome on the premises, and by the use of drug detection devices.**

- 3.34 The Licensing Authority encourages applicants to consider the above control measures, as well as other possible steps that may be available to them and to implement any that are reasonable and proportionate in their operating schedule.
- 3.35 Premises licence holders are encouraged to voluntarily implement the above examples of best practice of their own accord and to work closely with agencies such as the Police, the Council, the Licensing Authority, Colchester Drug and Alcohol Reference Group (DARG) to actively prevent and deter drug taking and drug dealing from taking place on, or around the immediate vicinity of their premises.
- 3.36 Contact names and telephone numbers for the Colchester Drug and Alcohol Reference Group are shown in Appendix 6 of this policy.

3.37

**The Licensing Authority also encourages as best practice that premises licence holders should fully acquaint themselves with the principles contained in the “Safer Clubbing” guide that was formulated by the London Drugs Policy Forum and is now produced by the Home Office and the Department of Health (the guide can be viewed on [www.drugs.gov.uk](http://www.drugs.gov.uk)), are encouraged to show in their operating schedule that all reasonable and proportionate steps have been taken to prevent and deter drug dealing and drug taking on their premises.**

## **Nudity, Striptease and Sex Related Entertainment**

- 3.38 Applicants should clearly specify in their operating schedule whether they propose to have adult entertainment *on more than 11 occasions within a 12 month period* which involves nudity or striptease or any other activity involving full or partial nudity, e.g. topless waitresses etc, or sex related entertainment such as the showing of films or other recordings with an 18 restricted category.
- 3.39 *Where an applicant indicates that they will be providing adult entertainment such as lap dancing on more than 11 occasions in a 12 month period they will be required to apply for a grant of a sex establishment licence and the premises will be known as a sexual entertainment venue in accordance with Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.*
- 3.40 *The Council has adopted the amendments to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as*

*introduced by Section 27 of the Policing and Crime Act 2009 in order to licence sexual entertainment venues.*

3.41

**Where relevant representations are made, applications involving nudity or striptease or sex related entertainment, may be granted subject to reasonable and proportionate conditions being attached to the grant of a licence that are commensurate to the adult entertainment offered and which are also considered necessary for the promotion of the licensing objectives.**

## **Sale of Alcohol at Sports Grounds**

3.42 Outdoor sports stadia are regulated by separate health and safety and fire safety legislation. The Licensing Authority will avoid duplication of other primary legislation when granting or reviewing licences. Except for Boxing and Wrestling matches, sports events at outdoor stadia do not fall within the definition of regulated entertainment and the Licensing Authority will limit its considerations to only those activities that are licensable under the 2003 Act.

3.43 Major stadia can often have several bars and restaurants, including bars open to all spectators and restaurants where public access is restricted. Alcohol may be supplied in private boxes or viewing areas and a Premises Licence may make separate arrangements for these public and private areas, or designate areas where alcohol may not be consumed at all or at particular times.

3.44

**Where relevant representations are made, the Licensing Authority will take particular care to ensure that proposals for the sale or consumption of alcohol in sports grounds during sports events, other than in a designated bar or area, do not breach the licensing objectives. In such cases, the applicant will normally be expected to demonstrate that the licensing objectives will not be breached. Such evidence should deal with the nature of the sporting event involved, any history of crime and disorder associated with that or similar events, and the precise measures proposed to promote the licensing objectives.**

3.45 Certain sports events may be more likely to give rise to concerns about the safety of spectators or disorder amongst spectators. The Licensing Authority will take these factors into account when determining premises licence conditions and will give considerable weight to representations that may be made by the Police in regards to licensable activities.

## **Premises Policies**

## Off Sales/Shops and Supermarkets

3.46

**The Licensing Authority recognises that, in accordance with the Government's guidance, shops, stores and supermarkets should generally be permitted to sell alcohol for consumption off the premises during the hours that they intend to trade, provided that there is no negative impact on the promotion of the licensing objectives as a result.**

3.47 However, the Licensing Authority is concerned that some off-licences, shops, stores and supermarkets selling alcohol in Colchester Borough have become the focus and, in extreme cases, the reason for alcohol related anti-social behaviour, crime, disorder, noise and disturbance, caused by underage drinkers or street drinkers who have obtained, or tried to obtain alcohol from these premises.

3.48

**In such instances, upon an application for review of the licence where there is a concern over alcohol related anti-social behaviour, crime, disorder, noise or disturbance, the Licensing Authority will seriously consider relevant and reasonable representations, made by the Police, responsible authorities or interested parties such as local residents, about reasonable and proportionate remedial measures or improvements that may be required to be implemented by the premises in question.**

3.49 The Association of Convenience Stores, the British Retail Consortium and the Wine and Spirits Trade Association have jointly produced a guide to the responsible retailing of alcohol. *The Guide covers key areas of under age sales, proof of age cards, staff training and alcohol promotions and is available online at: [www.thelocalshop.com/responsibleretailing](http://www.thelocalshop.com/responsibleretailing)*

## Late Night Refreshment

3.50 All premises selling hot food or drink for consumption either on or off the premises between the hours of 23.00 and 05.00 will require a premises licence. The same requirement to hold a licence will also apply to burger/hot dog/fast food vans trading after 23.00 and up to 05.00 the following day.

3.51 There are limited exemptions in certain circumstances to such a requirement. These are explained in Appendix 5 of this policy, along with the definition of what constitutes a licensable activity for the sale of hot food and hot drink between the hours of 23.00 and 05.00.

3.52 The Licensing Authority is concerned that premises offering hot food and drink between the hours of 23.00 and 05.00, either for consumption on or off the

premises, often attract large groups of customers seeking refreshment after the pubs, clubs, bars or nightclubs have closed.

3.53 Many of these customers may have consumed alcohol excessively before seeking this refreshment. The combination of the effects of alcohol combined with the congregation of large groups of people both in and around these premises can and often does lead to violence and disorder, or to unacceptable levels of noise and disturbance for local residents. Police and residents have both expressed concerns over the levels of alcohol related violence, anti-social behaviour, noise and disturbance that emanates from or around the vicinity of fast food take-aways.

3.54 The consumption of food outside take-aways and mobile fast food vans also often results in unacceptably high levels of food waste and litter being deposited onto the street. This can occur to such an extent that it is the cause of public nuisance and cost to residents and the Council in litter and food being removed and cleaned from these pavements and roads.

3.55

**The Licensing Authority will therefore seriously consider any relevant representations made by the Police, responsible authorities or any other interested party such as local residents, to limit the opening hours of fast food take-away premises or any other action that is reasonable and proportionate in relation to the level of the complaint made. This would apply either in the area identified as a cumulative impact or stress area, or anywhere else in the Borough where it can be reasonably established that the late opening hours of such an establishment are attracting or leading to violence, crime and disorder, anti-social behaviour or noise and disturbance to the detriment of the living and working conditions of local persons.**

3.56

**Where relevant representations have been made, the licensing authority will where necessary impose proportionate conditions on the licence, such as a limitation on opening hours or other measures, in order to promote the licensing objectives of the prevention of nuisance or crime and disorder.**

3.57

**Such measures may include for example the employment of SIA registered door staff for the prevention of crime and disorder, digital CCTV cameras and litter picking around the immediate vicinity of the premises. This list is not exhaustive and other measures may be requested by the Police, responsible authorities or local residents for example.**

## **Café Bars**

3.58

**The Licensing Authority will look favourably on applications which seek a grant of licence or variations of licence for a café bar *or similar premises* that offers or views the consumption of alcohol as an ancillary accompaniment to the enjoyment of food purchased and eaten by their customers on the premises *and where the application and operating schedule is clear that the use of the premises is primarily to offer hot or cold food and that the provision of alcohol and regulated entertainment are an accompaniment to the consumption of food.***

3.59

***Any such grant or variation agreed could however, be subject to the following conditions, which would be applied in circumstances where it was reasonable and proportionate to do so, and in order to prevent the premises from gaining a licence to sell alcohol and then simply converting to an ordinary public house or bar that relies more on the sale of alcohol and vertical drinking than it does on the provision of food.***

***These conditions, which relevant applicants are encouraged to include in their operating schedules, could be:***

- (i) The supply of intoxicating liquor and other beverages shall be made by waiter/waitress service solely for the consumption of persons seated at tables.***
- (ii) Substantial food shall be available at all times.***

## **Premises with Outdoor Seating Facilities**

3.60

**The Licensing Authority will also consider applications from restaurants, bars and public houses that apply to serve alcohol to customers seated at tables and chairs and in public areas adjacent to, or immediately outside, the frontage of their premises.**

3.61

**It may however ask for evidence to be supplied as part of the applicant's operating schedule, that the applicant has either the relevant agreements or permissions as may be required by the**

**Highway Authority and Planning Authority to use the public highway, or confirmation that the applicant intends to apply for such permission.**

3.62

**The applicant may also be asked to deposit a plan with the Licensing Authority as part of their operating schedule which clearly defines the area of the table and chair arrangement and should show in their operating schedule the measures that they will reasonably and proportionately take to promote the licensing objectives in this regard.**

## **Colchester Town Centre**

- 3.63 As Colchester has grown, so its nightlife and leisure industry has increased to meet the demand of not only the Borough's growing population, but also of the large numbers of visitors who regularly travel into Colchester primarily at weekends to enjoy the nightlife that Colchester has to offer.
- 3.64 When the Licensing Policy was first adopted in December 2004, there were 25 premises in and around the town centre that offered licensed Public Entertainment for music and dancing. This included 4 nightclubs and 3 theme bars/restaurants, each with a capacity of more than 400 people.
- 3.65 *The relaxation and flexibility of the Licensing Act 2003 has changed this picture dramatically and there are now a total of 109 premises in and around the town centre that can offer regulated entertainment which includes music and dancing.*
- 3.66 *In the town centre itself there are 6 nightclubs, 2 of which have a capacity of over 600 persons, 16 bars and theme bars, 18 public houses, 48 restaurants, 5 hotels, 5 supermarket/convenience stores, 27 takeaways, 3 off licences and 3 theatre venues.*
- 3.67 Again the flexibility and relaxation of the licensing law regarding the sale of alcohol, the provision of regulated entertainment and longer opening hours has encouraged an entrepreneurial growth in these sectors of the evening and night time economy in Colchester, particularly in the bar and restaurant trades *and this has remained reasonably constant in time of recession.*
- 3.68 The evening and night time economy in Colchester is now primarily based around three key areas of activity. The first is focused around the western end of the High Street, where it joins Head Street and North Hill, and the second is around Queen Street and St Botolph's Street. Queen Street and St Botolph's Street are characterised by the presence of a number of fast food take aways and two of the town's most popular night time venues. The third area is the Head Street and Crouch Street locality which has seen an increase in the number of licensed premises since the Licensing Act went live in November 2005.

- 3.69 The evening and night time economy area to the western end of the High Street is diverse in character: North Hill has several restaurants, and the area around Head Street and Crouch Street is home to a cluster of pubs, bars, restaurants and take aways. The character and use of some of these bars blurs the boundaries between bars and the traditional nightclub with loud music, late opening and an entrance charge. The town's cinema is also located in this area and Colchester's main theatre, the Mercury, is also close by with a smaller theatre located in Headgate.
- 3.70 The High Street is the primary connecting route between the key areas with Culver Street also acting as a secondary connecting route.
- 3.71 Head Street is very lively in nature resulting from the number of pubs and bars in the area. The western end of the High Street feels like an extension of the Head Street area and is characterised by the pubs and associated uses which are located there.
- 3.72 There is a particularly high density of licensed premises and take-aways in the Queen Street and St Botolph's Street locality. This has been identified by Essex Police and local residents as the cause of stress to the local amenity through crime and disorder, alcohol related anti-social behaviour, low and medium levels of public nuisance, such as late night noise, late night traffic, parking and litter.
- 3.73 *The 11 licensed premises and 7 take-aways situated in the Queen Street and St Botolph's Street area, which include 2 premises with capacity levels of more than 400 people, act as a magnet for people seeking late night entertainment and in particular hot take-away food after 02.00 hours.*
- 3.74 Colchester's evening and night time economy is busiest on Thursday, Friday and Saturday nights. From about 20.00 the number of people visible in the centre starts to increase. From 21.00 the town centre is busy as venues begin to fill up, and pedestrian traffic is increasingly evident as people move to, or between, venues and queue to use cash-points. The evening and night time economy starts to gather momentum and from about 21.30, particularly in good weather, queues form outside some of the most popular venues and more participants start to move between venues.
- 3.75 The movement of people within the pub and club sector and in Queen Street and St Botolph's Street in the early hours of the morning does play a key role in both determining the character of the evening economy, and how the evening and night time economy is perceived by non-users and residents. The smoking ban appears to have encouraged the movement of customers as they take the opportunity to smoke while walking between the venues within the pub and bar sector throughout the evening until entry to venues is prevented by door staff at pre-determined times.
- 3.76 The night-time population has placed a heavy burden on limited Police resources that are called on to tackle the unacceptably high levels of alcohol related crime and disorder, particularly in the designated stress area, often

until 04.00 or 05.00 on Friday Saturday and Sunday mornings. The ambulance and accident and emergency services are also under pressure to adequately deal with the resulting demands on their services.

3.77 *It is noted that many of the less serious injuries and incidents which in the past would have taken the valuable time and resources of ambulance, accident and emergency and police staff to deal with is now undertaken by volunteers on the SOS Night Bus which is situated in Colchester High Street.*

3.78 It is estimated by the Police and Licensing Authority that on average, there could be around 16,000 people frequenting the town centre on most Friday and Saturday nights. This figure is based on the known capacity levels of venues such as nightclubs and the number of people likely to frequent the public houses, bars, restaurants, theatres and cinema where capacities are largely unknown but can be reasonably estimated.

### **Combating Anti-Social Behaviour**

3.79 *Targeting and reducing instances of anti-social behaviour is an integral part of Colchester's Strategic Plan priorities. The Colchester Crime & Disorder Reduction Partnership in its findings published in February 2009 identified anti social behaviour as the principal priority for crime reduction. The second priority identified amongst respondents to the survey was night time economy binge drinking. Other problems associated with the night time economy such as town centre safety, youth crime and disorder, vandalism and criminal damage, public disorder and noise were also identified as priorities.*

3.80 The Colchester Community Safety Partnership involves the Police, the local authority and many other agencies to form a joint approach in reducing crime and disorder, drug and alcohol misuse, the fear of crime and anti-social behaviour. Addressing anti-social behaviour normally requires several agencies working together to achieve a resolution but, more importantly, it also requires the wider community to take responsibility and assist in problem solving.

3.81 Anti-social behaviour is an action that any reasonable person would consider to be unacceptable, and in particular behaviour that causes, or is likely to cause harassment, alarm or distress. It can restrict regeneration, blight the quality of community life and create an environment in which crime can take hold. This may involve unruly or drunken behaviour, threatening and abusive language in a public place, graffiti or criminal damage. It is any behaviour that prevents others enjoying an acceptable quality of life.

- 3.83 Anti-social behaviour, often alcohol-fuelled, is a problem in the town centre. This behaviour peaks in the town centre between midnight and 02.00, suggesting the problem is associated with the night-time economy. Fighting and drunken incidents mostly take place in the town centre, occurring in and around the entertainment area and along the main routes out of town. *Crime data appears to confirm this view with a higher level of anti social behaviour and violence against the persons incidents being recorded for Castle Ward and New Town and Berechurch Wards.*
- 3.84 For violent anti-social behaviour, both offenders and victims tend to be young males. Binge drinking is the main indicator for involvement in violent anti-social behaviour and is also associated with illicit drug use - a combination that is high risk for violence and some property crime. It has been estimated by the Home Office that nationally 40% of violent crime, including 78% of assaults, and 88% of criminal damage cases are committed when the offender is under the influence of alcohol.
- 3.86 Research has found that common flash points for alcohol related violence are closing time, hot food outlets, transport and taxi ranks with 50% of arrests in any one week occurring typically between midnight and 03.00 on Thursday, Friday and Saturday nights. It is clear that the anti-social behaviour profile of Colchester town centre is strongly influenced by the violence that is associated with the binge drinking culture of the night-time economy, with the highest volume of problems taking place during late evening and in the early hours of the following morning.
- 3.87 Anti-social behaviour has a significant impact on the public. Trends in perception of anti-social behaviour show that these types of behaviour have been the cause of concern over the last decade, although the fear or perception of such behaviour is often much greater than actual risk or instances of crime and disorder and anti-social behaviour having occurred. *A consultation with young people in the Borough between the ages of 11 and 14 and 15 and 18 years confirmed this view. Both groups interviewed identified anti social behaviour as a problem and expressed a fear of crime and antisocial behaviour.*

## Diversity of Premises

3.88

**The Licensing Authority gives its support to the aspiration of creating a diverse mix of licensed and other premises, particularly in the stress area(s) that are identified to be suffering from a cumulative impact of licensed premises.**

3.89 Colchester's STAND (Strategy to Tackle All Night-time Disorder) initiative highlighted that too many single-use premises in a confined area, combined

with patrons turning out of licensed premises all at the same time, create the potential for alcohol related violence, crime, disorder, anti-social behaviour, noise and disturbance. It therefore recommended a mixed use of venues, providing a variety of entertainment for a wide-ranging age group across a wide choice of opening hours. *Colchester Council's Evening and Night Time Economy Panel continues to update and promote the work commenced by STAND to improve and create a more diverse evening and night time economy.*

3.90

**The Licensing Authority believes that genuine diversity would provide buoyancy against changing markets and trends and attract a more diverse range of customers from different age groups who have different interests and attitudes towards the consumption of alcohol. It would also provide the potential for positively changing the ambience of Colchester Town Centre, which in turn may have a positive effect on reducing the fear that residents and visitors alike have of crime and disorder in the town centre, especially in the evenings or late at night.**

3.91 It is also to be hoped that such a positive outcome would lead to an increase in the number, age and diversity of visitors to Colchester in the early evening and also late at night, which in turn may have a beneficial effect on reducing alcohol related crime and disorder and therefore also benefit the overall evening and night-time economy scene in Colchester town centre as a whole.

### **Cumulative Impact of a Concentration of Licensed Premises**

3.92 There can be confusion about the difference between 'need' and the 'cumulative impact' of premises on the licensing objectives. 'Need' concerns the commercial demand for another club, pub, restaurant or hotel. Demand is not a matter for a Licensing Authority in discharging its licensing functions, or for its statement of Licensing Policy to address.

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

3.94

**The Licensing Authority acknowledges that a concentration of licensed premises in a particular area can result in an increased number of people walking through or congregating in streets during the night, waiting for taxis or public transport or queuing at fast food outlets with all of the potential negative impact this may have on an increase in crime, alcohol related anti-social behaviour, noise pollution and other disturbance to residents, together with an increase in the littering and fouling of public streets and private residences. In such cases the**

**amenity of local residents can be placed under severe pressure, although this disorder and nuisance may not be directly attributable to any individual premises.**

- 3.95 Guidance issued under Section 182 of the Licensing Act 2003 suggests that the Licensing Authority should only adopt a special policy on cumulative impact if there is evidential basis that a significant number of licensed premises concentrated in one area is resulting in unacceptable levels of crime and disorder or public nuisance.
- 3.96 Before deciding whether to adopt a special policy, the Licensing Authority will take the following steps: (See guidance issued under Section 182 Licensing Act 2003 paragraphs 13.24 – 13.32)
- (i) identify areas of significant concern about crime and disorder or public nuisance. (This information may come from interested parties, including the Police, a responsible authority or local residents).
  - (ii) consider whether there is good evidence that crime and disorder or nuisance are happening and are caused by the customers of licensed premises, or that the risk of cumulative impact is imminent. (Information from the Police, the Crime and Disorder Reduction Partnership and Environmental Health noise officers is likely to be able to demonstrate concentrations of valid complaints with regards to noise nuisance and cumulative impact and will assist the Licensing Authority to make an assessment on these issues.
  - (iii) identify the boundaries of the area where problems are occurring.
  - (iv) consult with those specified in Section 5(3) of the 2003 Act, and subject to the outcome of the consultation. (Who may be affected by the introduction of such a policy.
  - (v) include and publish details of special policy in licensing policy statement.
- 3.97 In coming to any decision about cumulative impact, the Licensing Authority will also have regard to other mechanisms outside of the licensing regime, which may also be available to address this issue. These include:
- planning controls (where development or change of use is involved, or where trading hours are limited by planning conditions).
  - positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority.
  - the provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols.

- powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly.
- police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices.
- the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk.
- the confiscation of alcohol from adults and children in designated areas.
- police powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance.
- the power of the Police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question.

3.98 It should be noted however that guidance issued under Section 182 of the Licensing Act 2003 states that special policies should never be used as a reason for revoking an existing licence or certificate when relevant representations are received about problems with those premises. After a licence has been granted or varied, an objection relating to a general crime and disorder or nuisance situation in a town centre would generally not be regarded as a relevant representation, if it cannot be positively tied or linked by causal connection to a particular premises that would allow for a proper review of its licence or certificate.

## **Colchester's Special Policy – Stress Areas**

3.99

**The Licensing Authority will continue to apply a special policy relating to cumulative impact to the Queen Street/St Botolph's Street area of Colchester town centre. This area continues to be identified as being under stress because of the cumulative effect of the concentration of late night food and alcohol and entertainment premises, which results in serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses located in that area.**

## **Stress Area Policy**

3.100 Although the stress area policy is being maintained, each and every application to grant or vary a premises licence in this area will be considered on its own individual merits and in its own right and in relation and relevance to any representations received that are pertinent to the application and also to the licensing objectives. Applicants should be aware however that all

applications received within the stress area may receive closer scrutiny from the responsible authorities, particularly from Essex Police, in order to ensure that the application will not have a negative impact on the licensing objectives especially where the objectives of the prevention of crime and disorder and the prevention of public nuisance are concerned.

3.101

**The Special Policy applies to applications for new licences and to variations which are relevant to the licensing objectives. This may include extensions of hours, capacities or activities at the premises. Applicants are expected to state in their operating schedules how it is proposed to ensure that the application will not add to the cumulative impact currently being experienced in the stress area. Their operating schedule is likely to receive the close scrutiny of responsible authorities.**

3.102

**Where no relevant representations are received, the application will be granted. Where, however, relevant representations are received, the application will normally be refused, unless the applicant demonstrates that the application will not add to that impact. The Licensing Authority may attach further or modified conditions to the licence where this is necessary to meet those concerns. This Policy is not an absolute bar on new applications. Where relevant representations are received, the individual merits of the application will always be considered, and a decision made as to whether it is appropriate to make an exception to the Policy.**

3.103 A map of the area that is the subject of this stress area (cumulative impact) policy is shown in Appendix 7.

3.104 The Licensing Authority welcomes the provision of a diverse choice of alternative entertainment where this is suitable, in order to reduce or ameliorate the impact of clubs, pubs, bars and fast food takeaway outlets situated within the stress area.

3.105 The stress area (cumulative impact) policy will continue to be subject to scrutiny, review and consultation.

## **Areas outside of the Stress Area Policy**

3.106

**The absence of a stress area policy for a particular area does not prevent any responsible authority or interested party making representations on a new application for the grant or variation of a premises licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. However where no relevant representations are received the application must be granted automatically.**

3.107

**Applications outside of the Stress Area will be judged on their own individual merits, but the Licensing Authority may take into consideration the following:**

- (i) Existing levels and concern about crime and disorder or public nuisance, and the impact that the proposed use will have on a locality.**
- (ii) The proximity of residential properties to the proposed use.**

### ***Rural Areas and Community Facilities***

3.108 Within the rural areas of the Borough, there are a number of village halls, community facilities, local pubs and shops that make an important contribution to the social, recreational and cultural life of rural communities and as such are key in sustaining their vibrancy and viability. A number of these benefit from premises licences which allows for the sale of alcohol and the provision of regulated entertainment. There are also a number of shops and pubs that have off-licence facilities.

3.109 The Council is also keen to maintain the provision of active and vibrant community facilities, including public houses, *community* halls, church halls, community centres and shops and welcomes the provision of additional facilities *particularly where they are provided in rural areas*.

3.110

**Therefore where reasonable, proportionate or appropriate to do so, the Licensing Authority will endeavour to apply a light touch, risk-assessed approach to applications for Village Hall or Community Centres in particular, in order that regulatory conditions are only applied in instances where it is needed to promote one or more of the licensing objectives.**

3.111 However, it is important to realise that with most premises licence applications, it is likely that a balance may have to be struck between the rights of those community or commercial facilities and the customers who wish to enjoy those facilities, with the rights of residents living in the immediate vicinity of such premises to enjoy the peaceful enjoyment of their homes and possessions.

### ***Minor Variations for Premises Licences and Club Premises Certificates***

3.112 *The Licensing Authority acknowledges that the Minor Variation procedure is intended to be a simplified approach to processing*

*applications under the Licensing Act 2003 which generally fall into four categories:*

- (i) minor changes to the structure or layout of a premises;*
- (ii) small adjustments to licensing hours;*
- (iii) removal of out of date, irrelevant or unenforceable conditions or the addition of a volunteered condition;*
- (iv) addition of certain licensable activities (excluding the supply of alcohol).*

*3.113 Therefore the Licensing Authority intends to only consult with those responsible authorities or interested parties that it feels are relevant to the minor variation application submitted and who can give specialist advice as to the possible impact that granting the application might have on the promotion of one or more of the licensing objectives.*

*3.114 Variations to add the sale by retail or supply of alcohol to a licence are excluded from the minor variations process and will be treated as full variations in all cases.*

## 4. Applications

### Assessment

4.1 When considering applications, the Licensing Authority will have regard to:

- (i) the Licensing Act 2003 and the four Licensing Objectives
- (ii) Government guidance issued under Section 182, Licensing Act 2003
- (iii) any supporting regulations
- (iv) this Statement of Licensing Policy.

However, in the absence of relevant representations being made to the Licensing Authority, applications must be automatically granted.

4.2 This does not undermine anyone's rights to apply under the Licensing Act 2003 for a variety of permissions and to have the application considered on its own individual merits and in its own right, nor does it override the right of any responsible authority or interested party to make representations on any application, or seek a review of a premises licence or club premises certificate, where they are permitted to do so under the 2003 Act.

4.3

**When the Licensing Authority is considering any application, it will avoid unnecessary or unlawful duplication with other regulatory regimes and will not use the licensing regime to achieve outcomes that could be achieved by other legislation. In particular, its licensing functions will be discharged separately from its functions as the local Planning or Building Control Authority.**

4.4 In all cases, applicants and those making representations in respect of applications to the Licensing Authority have a right of appeal to the Magistrates' Court against the decisions of the Licensing Authority.

4.5

**Where it is appropriate and possible to do so the Licensing Authority will assist applicants with the application process, the Licensing Act 2003, the regulations, statutory guidance, and local practice and procedures, or provide information on them. An incomplete application will not be accepted by the Licensing Authority, but will be returned to the applicant with an explanation of why it is incomplete.**

4.6 When part of the Council itself seeks a premises licence, officers of the Licensing Authority and also Members of the Licensing Sub-Committee where appropriate will consider the application from an entirely neutral standpoint. If relevant representations are made, they will be considered in their own right and on their own individual merits as to how they relate to the negative or positive impact the application may have on one or more of the four licensing objectives. Those responsible authorities or interested persons making

relevant representations that might be aggrieved by any decision taken by the Licensing Sub-Committee in favour of an application made by a part of the Council may be entitled to appeal against the decision and the grant of licence to the Magistrates' Court.

## Representations

- 4.7 The Chief Officer of Police, the Essex Fire and Rescue Service, the enforcing authority for health and safety purposes, the local planning authority, the authority responsible for minimising or preventing the risk of pollution, Trading Standards and the Children's Safeguarding Service are all known as 'Responsible Authorities'. Responsible authorities may make representations on applications, so far as they relate to the promotion of the four licensing objectives, and request reviews once licences have been granted. Contact details of all of the responsible authorities that are named in the Licensing Act 2003 are listed in Appendix 9 of this policy.
- 4.8 *Ward Councillors, including those who are also members of the Licensing Authority, Parish or Town Councils*, local residents and businesses in the vicinity of the premises subject to the application or their representatives *and* who are all known as 'interested parties', are entitled to make relevant representations. A representation would only be 'relevant' if it relates to the likely effect of the grant of the licence on the promotion of at least one of the four licensing objectives. In addition, the representation must not be frivolous or vexatious, and in the case of reviews, it cannot be repetitious.

## Conditions

- 4.9 The Licensing Act 2003 is about the reasonable and proportionate regulation of premises licences, club premises certificates, temporary events and persons who are responsible for their management, or hold a personal licence within the terms of the 2003 Act.

4.10

**Where relevant representations are made, the Licensing Authority will seek to make objective and informed judgements about whether reasonable, proportionate and necessary conditions may need to be attached to the licence which will positively promote the four licensing objectives.**

4.11

**Any conditions arising from an operating schedule, or as a result of relevant representations, will focus primarily on the direct negative impact of the licensable activities taking place at licensed premises and on those who frequent such premises as customers or staff and also on members of the public who live, work or otherwise are engaged in normal day to day activity in the area concerned. Conditions will only**

**cover matters that are within the reasonable control of individual premises licence holders or Designated Premises Supervisors.**

4.12 The Licensing Authority acknowledges that the Licensing Act 2003 is not the primary mechanism for controlling crime and disorder or alcohol related anti-social behaviour away from licensed premises, particularly where it is beyond the direct control of licence holders.

4.13 However, it is an extremely important and influential element of such control and is part of a wider strategy for the management of the evening and night-time economy in town and city centres. Other mechanisms may be utilised, where appropriate, to tackle crime and disorder or alcohol related anti social behaviour when it is beyond the control of the individual, premises, club premises holding the licence, certificate or authorisation concerned. These can include:

- planning controls (where development or change of use is involved, or where trading hours are limited by planning conditions).
- positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority.
- the provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols.
- powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly.
- police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices.
- the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk.
- the confiscation of alcohol from adults and children in designated areas.
- police powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance.
- the power of the Police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question.

4.14

**If an applicant volunteers a condition in their operating schedule because their own risk assessment has determined such a condition to be appropriate for the promotion of one or more of the four licensing**

objectives, it will be attached to the licence or certificate and any breach of that condition could be enforced or prosecuted as appropriate.

4.15

The Licensing Authority recognises that all applications should be considered on an individual basis and on their own individual merit. Any condition attached to a licence will only be relevant to each individual premises to avoid the imposition of disproportionate or unreasonable conditions on those premises and will only be attached for the promotion of one or more of the four licensing objectives. Standardised conditions, other than mandatory conditions, will not be imposed and no condition will be attached that is not necessary for the promotion of the licensing objectives. The Licensing Authority may however also select individual conditions from the pool of conditions set out in the Appendices to the Guidance set out under Section 182 of the Licensing Act 2003 where it is reasonable, proportionate and necessary to do so.

4.16

The Licensing Authority will give individual consideration to the terminal hours of licensed premises where relevant representations have been made to it, and may have regard amongst other things to the nature, size, style, target clientele and location of the individual premises particularly where it is located in a predominately residential areas, together with any of the operating conditions proposed by the applicant.

4.17

The Licensing Authority recognises that varied opening hours may reduce concentrations of customers leaving premises simultaneously, so reducing friction at food outlets, taxi ranks and public transport points. It may also however take into account, where relevant, the potential link between later closing hours and later crime and disorder or public nuisance.

4.18

Reasonable and proportionate conditions regarding noise may also be applied in areas of denser residential accommodations but only if relevant representations are received.

4.19

In general, off-sales hours will normally be permitted to follow general retail hours unless there is a very good reason for restriction, *such as a direct link that those opening hours may be the cause of crime and disorder and public nuisance, especially where it is associated with under age sales or alcohol related crime and disturbance.* However altering opening hours or attaching licence conditions to premises licences can only be considered if

**relevant representations are received by the Licensing Authority.**

## **Delegation of Functions**

- 4.20 With the exception of the approval and review of its Licensing Policy, decisions on licensing matters will be taken in accordance with an approved scheme of delegation aimed at underlining the principles of timely, efficient and effective decision-making. A table setting out how the Licensing Authority expects to approach its various functions is attached as Appendix 8.

## **Advice and Guidance**

- 4.21 The Licensing Authority recognises the valuable cultural, social and business importance that premises and events requiring a licence or permission under the Licensing Act 2003 provide, and welcomes the diversity of activities that are provided by licence holders.
- 4.22 For new businesses and developments involving licensable activities, the Licensing Authority welcomes and encourages an early opportunity to offer advice and guidance, especially before the applicant seeks planning permission, *where it is able to do so or where it is appropriate to do so*. It is often easier and more cost-effective to integrate solutions to issues such as crime and disorder, transport and public safety into the early design stages. Existing businesses are encouraged to hold discussions with the Licensing Authority to develop their operating schedule before submitting an application under the Licensing Act 2003. The Licensing Authority, the Council's Environmental Control or Food Safety Teams, Essex Police and/or Essex Fire and Rescue Service will also offer as much advice and guidance to applicants as is appropriate and as their resources may permit.
- 4.23 The Licensing Authority may also seek to liaise with applicants and/or mediate between applicants and others who may make representations, to achieve a reasonable and proportionate outcome for all parties involved, wherever possible and where resources permit. Where an applicant considers that mediation and liaison may be likely or probable, it is recommended that the applicant discuss the proposal with the Licensing Authority, relevant responsible authority or interested party who may make representations, before submitting their application. Once an application has been lodged, there are statutory timescales imposed on the application and determination process, which restrict the opportunity for such discussions, liaison and mediation.
- 4.24 Appendices 9, 10, 18, 19, 20 and 21 provide details of various organisations, trade associations and reference literature that an applicant may find useful in preparing an operating schedule and running a safe premises or event.

## Reviews

4.25 The Licensing Authority or a relevant responsible authority will give early warning, where possible and appropriate, to licence holders of any concerns about problems identified at the premises and of the need for improvement.

4.26

**Responsible authorities and/or interested parties such as residents living in the immediate vicinity of a premises licence, but a clear case based on evidence would need to be presented to the Licensing Authority. Such evidence may for example be in the form of written, recorded, filmed or photographic evidence.**

4.27

**No more than one review from interested parties (such as residents) will normally be accepted by the Licensing Authority within any 12 month period on similar grounds, except in exceptional and compelling circumstances.**

4.28 The Licensing Authority may exercise a wide range of powers that has been given to it to promote the licensing objectives, when determining a representation that has called for a review of a premises licence.

4.29 Steps that can be taken by the Authority could include:

- Taking no action.
- to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition) for example, by reducing the hours of opening times or by requiring door supervisors at particular times;
- to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
- to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- to suspend the licence for a period not exceeding three months;
- to revoke the licence.

4.30 All of the above measures are shown as examples only of what action the Licensing Authority could take when determining an accepted relevant representation which seeks a review of a premises licence and are in accordance with paragraphs Chapter 11, paragraphs 11.1 to 11.28 of the guidance issued under Section 182 of the Licensing Act 2003.

- 4.31 Offences under the Licensing Act 2003 include the serving of alcohol to unaccompanied persons under the age of 18. The consumption of alcohol by children can impact on the health, educational attainment, employment prospects and propensity for crime and anti-social behaviour of young people.
- 4.32 The admitting or serving of persons who are intoxicated is also an offence under the Licensing Act 2003, and the Licensing Authority will consider representations that such offences have occurred with the utmost seriousness when they arise in connection with the grant or review of a premises licence.
- 4.33 In regards to a review that may be applied for by the Police for example in connection with serious criminal activities occurring on or around, or because of a licensed premises, the following criteria may apply as reasons for such a review being sought and are in accordance with paragraph 11.26 of the guidance issued under Section 182 of the Licensing Act 2003. These may include:
- the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
  - the sale and distribution of illegal firearms;
  - the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
  - the purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
  - prostitution or the sale of unlawful pornography;
  - organised groups of paedophiles to groom children;
  - as the base for the organisation of criminal activity, particularly gangs;
  - the organisation of racist activity or the promotion of racist attacks;
  - unlawful gaming and gambling and
  - the sale of smuggled tobacco and alcohol.
- 4.34 While it is not the role of the Licensing Authority to determine the innocence or guilt of individuals charged with licensing or other offences committed on licensed premises, that is down to the judgment of the Courts, there is however no reason why representations received by the Licensing Authority that give rise to a review of a premises licence should be delayed pending the outcome of any criminal proceedings. (See paragraph 11.25 of the guidance issued under Section 182 of the Licensing Act 2003).

- 4.35 It is therefore the intention of the Licensing Authority to proceed with such a review should such circumstances prevail, although it does acknowledge that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licensee and the staff working at the premises and despite full compliance with the conditions attached to the licence.
- 4.36 Where reviews arise and the Licensing Authority has determined that the crime prevention objective is being undermined through a licensed premises being used as a base for serious crime or in connection with serious criminal activity, in accordance with paragraph 11.27 of the guidance issued under Section 182 of the Licensing Act 2003, it will seriously consider even in the first instance, the revocation of the premises licence.

## **Enforcement**

- 4.37 The Council delivers a wide range of enforcement services aimed at safeguarding the environment and the community and providing a 'level playing field' on which businesses can trade fairly. The administration and enforcement of the licensing regime is one of these services. The Council has adopted the Government's Enforcement Concordat, which is designed to ensure effective and efficient public protection services. Specifically, the Council is committed to using the principles of good enforcement practice by carrying out its regulatory functions in a fair, open and consistent manner.
- 4.38 The Licensing Authority is subject to the Enforcement Concordat and which is based on the principles that businesses should:
- (i) receive clear explanations from enforcers of what they need to do and by when;
  - (i) have opportunities to resolve differences before enforcement action is taken, unless immediate action is needed;
  - (iii) receive an explanation of their rights of appeal.

A copy of the Enforcement Concordat is available from the Council's website ([www.colchester.gov.uk](http://www.colchester.gov.uk)) or on request.

- 4.39 The Licensing Authority recognises the interests of both citizens and businesses, and will work closely with partners to assist licence holders to comply with the law and the four licensing objectives that it seeks to promote. However, reasonable, proportionate but firm action will be taken against those who commit serious offences or consistently break the law or the conditions of licence that they may be subject to.
- 4.40 The Council has set clear standards of service and performance that the public and businesses can expect. In particular, a licensing enforcement

policy has been created that explains how the Council will undertake its role as Licensing Authority, and how the principles of effective enforcement will be achieved. This policy is available from the Planning, Protection and Licensing Service, as are details of the Council's corporate complaints procedures. These documents can also be viewed on the Council's website: [www.colchester.gov.uk](http://www.colchester.gov.uk)

- 4.41 Attached as Appendix 16 is the protocol adopted by the Council, Essex Police, Essex Fire and Rescue Service and Essex County Council's Trading Standards on enforcement issues. This protocol provides for the targeting of resources and intelligence towards high-risk premises and activities that require greater attention, while providing a lighter touch approach for low-risk premises that are effectively and responsibly managed.
- 4.42 *The Licensing Authority intends to regularly inspect licensed premises as part of its overall licensing policy and the Council's strategic aim of making Colchester a safe place to live, work and visit.*
- 4.43 *To encourage the promotion of the licensing objectives, best practice and the responsible management of licensed premises, the Licensing Authority will inspect and rate premises according to a risk based assessment that will place premises into a high, medium or low risk. An example of the inspection form that will be used under these circumstances is shown as appendix 25 to this policy document.*
- 4.44 *Most inspections will be carried out by appointment with the licence holder or Designated Premises Supervisor or other appropriate person at a time convenient to the premises, but there will be other times that premises are randomly checked to ensure compliance with the times, activities and conditions that are attached to the grant of the premises licence or club premises certificate and to ensure that the premises is being operated in a safe and responsible manner.*
- 4.45 *An example of the inspection notice that will be used for random checks on premises is shown as appendix 26 to this policy document.*
- 4.46 *This notice may be used and served by officers of the Licensing Authority, Police Officers or the Council's Environmental Control noise team officers.*

- 4.47 *The notice will be used both in an enforcement and advisory capacity with a copy being served on the Designated Premises Supervisor or other person identified as the person responsible for the premises such a manager for example. This copy will give clear details of who has served the notice, why it has been served, what remedial action may be required and in what timescale such work is expected to be carried out at the premises.*
- 4.48 *A copy of the notice will be passed to Essex Police for their records and a copy will be retained by the Licensing Authority.*
- 4.49 *Under extreme circumstances where a notice has had to be served on a premises on at least three consecutive occasions for the same or continuous breach of a licensing condition or conditions, the evidence gathered and the service of the notice may be used and referred to in any relevant review of the premises licence that is brought by a responsible authority such as Essex Police or the Council's Environmental Control Team.*

## 5. Licensing Objectives

5.1 The following sections set out the Council's policy relating specifically to the four licensing objectives:

- (i) the prevention of crime and disorder.
- (ii) public safety.
- (iii) the prevention of public nuisance.
- (iv) the protection of children from harm.

**The promotion of the four licensing objectives are the only matters to be taken into account when determining an application and conditions will only be attached which are considered as reasonable, proportionate and necessary to achieve those objectives. All applications will be considered in their own individual right and on their own individual merit.**

5.2 In each section relating to the licensing objectives, the Licensing Authority has set out its general policies and specifies the criteria and considerations that applicants should have in mind when drawing up an operating schedule. The Licensing Authority will endeavour to offer advice to applicants where appropriate or possible to do so on how best to promote the licensing objectives within their operating schedule.

5.3 Applicants should know their own premises best and will be expected to address all aspects relevant to the individual style and characteristics of their premises and events in order to positively promote the licensing objectives.

5.4 A list of possible best practice measures is also provided to help applicants, but should not be regarded as an exhaustive list. Many measures achieve more than one licensing objective but have not necessarily been listed under each objective. Similarly, applicants will not be required to mention measures more than once in their operating schedule.

5.5 The selection of best practice measures, referred to in each section, should preferably be based on a risk assessment of the premises, events, activities and the customers expected to attend (for example, numbers and their age).

5.6 The submission of clear best practice measures based on the outcome of a documented risk assessment can assist the Licensing Authority with the determination of the licence application. Applicants are therefore encouraged to submit details of a risk assessment with their operating schedules where it is appropriate or necessary for them to do so.

5.7 Additional best practice measures may be necessary on an occasional or specific basis, such as when a special event (such as a popular live band) or when a promotion (including major sporting occasions) is planned and which is intended to or is likely to attract larger audiences and/or audiences of a different nature, and which can have a significant impact on the achievement of the licensing objectives, particularly the objective for the prevention of crime and disorder.

5.8 Reference should be made in an applicant's operating schedule or Temporary Event Notice application where applicable to such occasions, giving the additional measures that are planned in order to positively promote the licensing objectives and in particular the prevention of crime and disorder objective.

5.9

**Applicants are therefore recommended to submit as part of their application a promotion/event risk assessment form which can be supplied to them by Essex Police or by the Licensing Authority. The completion and submission of this form is entirely voluntary and is not mandatory in any capacity. However applicants, who do not, may find their application challenged by Essex Police in circumstances where the Police consider its submission necessary to positively promote the licensing objective for the prevention of crime and disorder. The form is shown as appendix 19 to this policy.**

5.10 The Licensing Authority considers the effective and responsible management of the premises, the instruction, training and supervision of staff and the adoption of best practice to be amongst the most essential measures for the positive promotion of the four licensing objectives.

5.11

**Where reasonable and proportionate, the issues listed in Appendices 18,19, 20, 21 and 22 should be specifically considered and properly addressed as necessary within the applicant's operating schedule.**

## **Objective 1: Prevention of crime and disorder**

5.12 The Council is committed to further improving the quality of life for the people living in the Borough of Colchester by continuing to reduce crime and the fear of crime.

5.13 Section 17 of the Crime and Disorder Act 1998 places a duty on the Council to do all that it reasonably can to reduce crime and disorder. The Licensing Act 2003 and the Anti-Social Behaviour Act 2004 reinforce this duty.

## **General Policy**

5.14

**Where relevant representations have been received, and in considering applications for review, the Licensing Authority will take into account the following factors:**

- (i) whether the premises has or will have a negative impact on levels of crime and disorder and anti-social behaviour, and whether the operating schedule reasonably and proportionately takes into account the likelihood of crime and disorder occurring as a result of the grant of the application. In deciding this, regard will be given by the Licensing Authority on the levels of crime and disorder in and around the venue; the proposals contained in the operating schedule; the level of compliance with conditions on existing licences; and the extent to which Essex Police's effective management checklist (see Appendix 18) has been taken into account. This provides a comprehensive list of best practice which may be taken into account by the Licensing Authority where relevant to the circumstances of the premises.**
- (ii) whether the layout, lighting and fittings of the premises have been designed to minimise conflict and opportunities for crime and disorder and anti-social behaviour. (see Appendix 18)**
- (iii) whether the operating schedule includes management measures to prevent crime and disorder.**
- (iv) whether the operating schedules for pubs and bars or for the provision of facilities for music and dancing have had regard to the number of people who may be admitted to the premises and the possibility of overcrowding increasing the likelihood of crime and disorder; the areas set aside for drinking while standing at any time when any licensable activity is taking place and the measures set out in Appendix 18 to help prevent crime and disorder and offences under the Licensing Act 2003. Other premises may have to have regard to these matters in exceptional circumstances.**

5.14 The following examples of best practice measures are only provided to assist and guide applicants, who may need to take account of them in their operating schedule after having due regard to their relevance in relation to their particular type of premises and/or activities. It should be noted that these examples are not intended as an exhaustive checklist and will not be used by the Licensing Authority to create standard conditions. All applications are considered in their own individual right and on their own individual merit. Where no representations are received a licence must be granted.

- effective and responsible management of premises by consideration within an applicant's operating schedule of the issues listed in Appendix 18.

- training and supervision of staff including the use and maintenance of CCTV systems on the premises and awareness of alcohol and drug misuse.
- adoption of best practice guidance, for example Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit and other voluntary codes of practice, including those relating to drinks promotions such as the Point of Sale Promotions published by BBPA, and Security in Design published by BBPA and Drugs and Pubs.
- acceptance of accredited 'proof of age' cards, for example PASS, locally approved 'proof of age' cards such as 'Prove It' and/or 'new type' driving licences with photographs.
- provision of effective and maintained CCTV in and around premises.
- employment of Security Industry Authority licensed door staff.
- provision of toughened or plastic drinking vessels.
- provision of secure, deposit boxes for confiscated items ('sin bins').
- provision of litter bins.
- other security measures, such as effective lighting.
- membership of local 'Pubwatch' schemes or similar organisations or schemes such as the Best Bar None Award
- finger print recognition identification system e.g. "In Touch" or similar.
- search arch or wand metal detectors.
- *Adoption of "Challenge 21" Scheme or "Challenge 25" Scheme.*

5.15 A Premises Supervisor must be designated within the operating schedule for premises from which alcohol will be sold. **The Licensing Authority will normally expect the Designated Premises Supervisor to have been given the day-to-day responsibility for running the premises by the premises licence holder and, as such, would be present on the licensed premises sufficiently to ensure that the licensing objectives are being positively promoted and that premises licence conditions are being satisfied.** In addition to the Designated Premises Supervisor holding a personal licence, the Licensing Authority would strongly encourage this person to undertake additional training, and to have experience commensurate with the nature and style of entertainment provided and the capacity of the premises.

5.16 In general, conditions imposed upon premises licences and club registration certificates where relevant representations have been received by the Licensing Authority will reflect local crime prevention strategies and will be

reasonable, proportionate and necessary for the promotion of one or more of the four licensing objectives.

## Objective 2: Public safety

5.17 The Licensing Authority is committed to ensuring as far as is reasonable or possible, that the safety of anyone visiting or working in licensed premises, passers by and those living in the immediate vicinity, is not compromised.

5.18

Where relevant representations have been received, and in considering applications for review the Licensing Authority will take into account the following factors –

- (i) whether appropriate and satisfactory general and technical risk assessments, management procedures and certificates have been made available to the relevant responsible authority and to the Licensing Authority where it may be necessary to do so that demonstrate that the public will be safe within, and in the immediate vicinity, of the premises.
- (ii) whether the premises already has a premises licence or club premises certificate that specifies the maximum number of people who can attend it or be present and, if not, whether a risk assessment has been undertaken by the responsible person in accordance with the Regulatory Reform (Fire Safety) Order 2005 which advises the maximum number of persons who may be present in various parts of the premises so that they can be evacuated from the premises safely in the event of an emergency.
- (iii) whether there are procedures proposed to record and limit the number of persons on the premises with opportunities for 'pass outs' and readmissions.
- (iv) whether patrons can arrive at, and depart from, the premises safely.
- (v) whether there may be local overcrowding in parts of the premises.
- (vi) whether music and dance venues and performance venues will use equipment or special effects which may affect public safety (for example moving equipment, vehicles, pyrotechnics, strobe lights, smoke machines).
- (vii) whether due account has been given to the measures outlined in 'Safer Clubbing', in applications for facilities for music and dance. The key areas identified are:
  - Prevention of overcrowding
  - Air conditioning and ventilation

- Availability of drinking water
- Further measures to combat overheating
- Overall safety.

(viii) whether there are defined procedures and responsibilities for medical and other emergencies and for calling the emergency services.

5.19 Crime, disorder and anti-social behaviour inside, and in the vicinity of, licensed premises may threaten public safety and affect perceptions of public safety. The Licensing Authority has a role in safeguarding the safety of people visiting and working in licensed premises. Therefore, it may need to satisfy itself that measures to protect public safety including fire risk assessments, setting safe capacities, adequate means of escape, and fire fighting equipment and CCTV are put in place and maintained, if not adequately provided for by other regulatory regimes.

5.20 The following examples of best practice are given to assist applicants who may need to take account of them in their operating schedule, after having regard to their individual type of premises and/or activities:

- suitable and sufficient risk assessments;
- effective and responsible management of premises;
- provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons;
- appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and patrons;
- adoption of best practice guidance, for example the “Guide to Fire Precautions in Existing Places of Entertainment and Like Premises” and “The Event Safety Guide”;
- provision and maintenance of effective CCTV in and around premises;
- effective training and supervision of staff in the use and maintenance of CCTV systems on the premises;
- provision of toughened or plastic drinking vessels;
- implementation of crowd management measures;
- proof of regular testing (and certification where appropriate) of procedures, appliances and systems which relate to safety,
- finger print recognition system e.g. “In Touch” or similar,

- search arch or wand metal detectors.

### **Objective 3: Prevention of Public Nuisance**

5.21 Some licensed premises have the potential to have a significant negative impact on communities through the public nuisances that may arise from their operation. The Licensing Authority wishes to maintain and protect the amenity of residents and other businesses from the potential consequences of the operation of licensed premises that are not effectively or responsibly managed, whilst at the same time it recognises the valuable cultural, social and business importance that the vast majority of licensed premises provide to local communities.

5.22 The Licensing Authority therefore intends to interpret 'public nuisance' in its widest sense and takes it to include such issues as noise, disturbance, light, odour, litter and alcohol related anti-social behaviour, where these matters impact on people living, working or otherwise engaged in normal activity in the immediate vicinity of the licensed premises.

5.23

**Where relevant representations have been received, and in considering applications for review, the Licensing Authority will take into account the following factors:**

- (i) the potential for nuisance associated with the style, characteristics and activities of the proposed licensable activities to be carried on at the premises, and the potential steps that could be taken to reduce the risk of nuisance occurring. This particularly may apply where residents live in the immediate vicinity of the premises;**
- (ii) whether operating schedules contain adequate measures to prevent noise and vibration, either air-borne or structure-borne, and which are generated from within the premises or outside it, causing disturbance to people in the immediate vicinity of the premises. Regard will be given to disturbance of people whether at home or at work or otherwise staying in or visiting that area. Stricter conditions on noise control will be imposed in areas that have denser residential accommodation or residents living in the immediate vicinity of the premises.**

### **Measures to limit noise and vibration**

5.24

**The Licensing Authority will expect applicants, where it is reasonable, proportionate and necessary to do so, to include measures in their operating schedule that make adequate provision to:**

- (i) restrict the generation of noise from activities associated with the premises in the immediate vicinity of the premises;**
- (ii) limit the escape of noise from the premises.**
- (iii) restrict noise emissions to below levels that could affect people in the immediate vicinity going about their business, at work and when at home both while relaxing and sleeping.**
- (iv) minimise and control noise from customers arriving at the premises and when leaving it and are in the immediate vicinity of the premises.**
- (v) minimise and control the noise from vehicles associated with, and providing services to , the premises or their customers.**

## **Other Environmental Impacts**

5.25

**Where relevant representations have been received, the Licensing Authority may also consider:**

- (i) whether operating schedules contain reasonable and proportionate measures to prevent:**
  - litter, smells, fumes, dust or other emissions**
  - street fouling**
  - light pollution**

**arising from the proposed licensable activity and which may cause disturbance or nuisance, causing disturbance to residents or businesses situated in the immediate vicinity of the premises;**
- (ii) whether the proposed licensable activities could be likely to cause nuisance by congestion of the pavement or the roadway, so impeding reasonable access (including the access required to provide essential services such as refuse collection and street cleaning);**
- (iii) whether customers or patrons standing outside the premises are likely to cause obstruction or other nuisance;**
- (iv) whether the proposals would lead to the need for increased refuse storage or waste collection;**
- (v) whether measures would be undertaken to prevent nuisance caused by the storage, handling and collection of refuse and recyclable materials;**

- (vi) whether the sale of takeaway food is proposed and the measures planned to prevent littering in the immediate vicinity and to clear up any litter that occurs;**
- (vii) whether late night premises are likely to generate litter. Premises may need to make provision to clear up litter, taking into consideration the hours of street sweeping;**
- (vii) whether late night premises are likely to generate litter. Premises may need to make provision to clear up litter, taking into consideration the hours of street sweeping;**
- (viii) whether queuing of customers is likely and the steps proposed to prevent queuing away from residential properties where it is possible to do so, the management of the queue to prevent nuisance, disturbance or obstruction to the highway;**
- (ix) whether other measures to prevent public nuisance such as the use of CCTV or the employment of registered door supervisors are necessary.**

## **Eating and Drinking Outside Premises**

5.26

**If the sale of alcohol in open containers or food for consumption outside the premises and/or external seating is proposed the following may be relevant when the Licensing Authority is determining an application in relation to a premises or club premises certificate or an application for a review:**

- whether the premises are under or near to residential accommodation;**
- the hours of sale of alcohol in open containers or food for consumption outside the premises and/or the hours of consumption, and/or the hours of use of external areas;**
- measures to make sure that customers move away from outside the premises when such sales cease;**
- measures to collect drinking vessels and crockery, cutlery and litter;**
- the areas proposed for the consumption of food and alcoholic drink;**

- **whether there is a need for door supervisors to prevent or to control the consumption of food or drink outside the premises either in certain areas or between certain hours or at all times.**

5.27

**The Licensing Authority encourages applicants to set out in their operating schedules the steps taken or proposed to be taken to deal with the potential for public nuisance arising from the operation of the premises.**

5.28

**When addressing the issue of prevention of public nuisance, where it is reasonable, proportionate and necessary to do so, the applicant should demonstrate that those factors that may impact on the likelihood of public nuisance have been considered.**

**These may include:**

- **the location of premises and proximity to residential and other noise-sensitive premises, such as hospitals, hospices and places of worship;**
- **the hours of opening, particularly between 11.00pm and 7.00am;**
- **the nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises;**
- **the design and layout of premises, particularly the presence of noise-limiting features;**
- **The provision of toilet facilities on the premises;**
- **the safe capacity of the premises;**
- **the availability of public transport or taxis;**
- **a 'wind down period' between the end of the licensable activities and closure of the premises;**
- **the last admission time.**

5.29 The following examples of best practice are given to assist applicants who may need to take account of them in their operating schedule, having regard to their individual type of premises and/or activities:

- effective and responsible management of premises by consideration within an applicant's operating schedule of the issues listed in Appendix 18;
- appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance, for example ensuring that customers leave quietly;
- control of operating hours for the premises including deliveries and parts of the premises, for example beer gardens and outdoor spaces;
- adoption of best practice guidance, for example the Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by the Institute of Acoustics, and Noise Control, published by BBPA;
- installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices;
- management of people and traffic when arriving at and leaving the premises;
- liaison with public transport or taxi providers;
- siting of external security lighting;
- arrangements for the collection and disposal of litter;
- effective ventilation systems to prevent nuisance from odour.

5.30 The Licensing Authority fully supports and endorses the concept of winding down periods, during which alcohol sales may cease and sales of soft drinks, coffee and food continue; music is turned down and lighting turned up; dedicated taxi services are arranged; announcements are made requesting people to leave quietly and respect neighbours; and door staff at the exits encourage customers to leave quietly.

5.31 These examples of best practice shown for the prevention of public nuisance are not mandatory and by no means exhaustive and applicants should give further attention to the advice contained in Appendices 18 to 22.

#### **Objective 4: Protection of children from harm**

5.32 The protection of children from harm is a most important issue. It is hoped that family-friendly premises will thrive, but the risk of harm to children remains a paramount consideration when determining applications.

5.33 The general relaxation allowed by the Licensing Act gives accompanied children greater access to licensed premises and is a positive step, aimed at bringing about a social change in family-friendly leisure. Clearly this relaxation

can place additional responsibilities upon licence holders. However, it is also recognised that parents and others accompanying children also have their own responsibilities in this regard.

5.34

**The Licensing Authority will rarely impose a complete ban on access to licensed premises for children. In exceptional circumstances and only where it is reasonable proportionate or necessary to do so to promote this licensing objective, conditions restricting access or excluding children completely may be considered necessary.**

5.35

**The Licensing Authority will not impose conditions requiring that children be entitled to access to premises. This is a matter for the sole discretion of the individual premises or club or person who is applying for a Temporary Event Notice.**

5.36

**Where relevant representations have been received, and in considering applications for review, the Licensing Authority will take into account the following factors:**

- (i) whether there are effective measures to check the age of those under 18;**
- (ii) whether due regard is paid to industry codes of good practice on the labelling and display of alcoholic drinks;**
- (iii) whether there are adequate procedures for identifying unaccompanied or lost children and for ensuring that they are kept safe and adequately supervised until they can be handed over to a responsible adult;**
- (iv) the likelihood of children being attracted to the premises; for example by the nature of activities or facilities provided;**
- (iv) whether there is evidence of problems of underage drinking on the premises;**
- (v) whether the premises commonly provides entertainment or services of an adult or sexual nature;**
- (vi) whether there is a strong element of gambling on the premises (but not, for example the simple presence of a small number of cash prize gaming machines);**
- (vii) whether the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises;**
- (viii) whether films are to be shown and the measures to restrict children from viewing age restricted films classified according to the recommendations of the British Board of Film Classifications (see Appendix 19);**

**if performances or activities are likely to attract children, the number of adults required for supervision of children;**

**(ix) where play facilities are provided, if an adequate risk assessment has been made and appropriate measures taken;**

**(x) the measures to be taken to ensure that those supervising or having contact with children have been appropriately vetted to ensure they pose no risk to children. Obtaining enhanced disclosure from the Criminal Records Bureau may be appropriate in some cases;**

**(xii) proposals for the provision or arrangement for safe transport home for children.**

5.37

**The Licensing Authority expects that, when a licensable activity is held exclusively for children under 18 years old, that there will be sufficient numbers of staff available to ensure the safety of those children and in particular to prevent any possibility of alcohol being sold to individuals under the age of 18. The event should also be supervised by persons who have undergone an enhanced Criminal Record Bureau (CRB) disclosure check.**

5.38

**The event supervisor should carry out a risk assessment of the necessity for the personal searching of children. The Licensing Authority recommends that metal and drug detection equipment be used so as to remove the need for personal contact when searching. Where the risk assessment has revealed the need for personal contact, any such search should be directly supervised by persons who have undergone an enhanced CRB check. A person of the same sex must carry out the search, and warnings that such searching may be conducted should be prominently posted both inside and outside of the premises.**

## **Proof of Age Scheme**

5.39 The Licensing Authority is extremely concerned that under 18's are often involved in alcohol related crime, disorder and anti-social behaviour. In order to prevent illegal purchases of alcohol the Licensing Authority strongly encourages all licensees to recognise and accept proof of age schemes such as '*Validate UK*', '*Challenge 21*', '*Challenge 25*', '*Citizens Card*' or any similar scheme that is accredited by the PASS (Proof of Age Standards Scheme).

5.40 The PASS scheme is endorsed and supported by the Government and is audited by the Trading Standards Institute and means that all proof of age card schemes carry *a holographic mark* or logo that is extremely difficult to

forge and as a result means that retailers can easily distinguish legitimate cards from forgeries. *Other acceptable means of proof of age could be the production of a photo driving licence, national identity card, some student cards or a passport.*

## Portman Group

- 5.45 The Portman Group operates a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks on behalf of the alcohol industry. The code seeks to ensure that alcoholic drinks are packaged and promoted in a socially responsible manner and only to persons who are aged 18 years or over.
- 5.46 The code is an important mechanism in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises to ensure that they are not sold in such a way as to attract and appeal to minors. The Licensing Authority fully supports and endorses this code.

## Films

5.47

**In the case of film exhibitions, the Licensing Authority will expect licence and certificate holders and those who have given notice of a temporary event within the terms of the 2003 Act, to implement measures that restrict children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification (see Appendix 23) or the Council. In the case of a film exhibition that has not been classified, the Licensing Authority will expect the licensee to conduct an assessment of the suitability of the film for exhibition to children and to implement measures that restrict viewing by children if necessary.**

## Capacity of Premises

- 5.48 Safe capacities should only be imposed where necessary for the promotion of public safety or the prevention of disorder on the premises. If capacity has been imposed through other legislation, it would be unlawful to reproduce it in a premises licence.
- 5.49 The lead authority for considering matters of capacity in this respect is the Essex Fire and Rescue Authority. However where there has been no capacity prescribed or imposed, other responsible authorities can make representations in this regard and could consider it necessary for a new capacity to be attached to the premises which would apply at any material time when licensable activities are taking place, to prevent disorder for example.

5.50 The design and layout of premises are important in determining capacity, as is the availability and size of exits within recommended travel distances. Other factors might also be considered when assessing the appropriate capacity for premises or events. These include:

- the nature of the premises or event;
- the nature of the licensable activities being provided;
- the provision or removal of such items as temporary structures, such as a stage, or furniture;
- the number of staff available to supervise customers both ordinarily and in the event of an emergency;
- the age of the customers;
- the attendance by customers with disabilities, or whose first language is not English;
- the availability of suitable and sufficient sanitary accommodation;
- the nature and provision of facilities for ventilation.

5.51 Any representation made by a responsible authority for the imposition of a safe capacity limit to either promote the prevention of crime and disorder or public safety objectives at premises or events should not be interpreted as a requirement that applicants or licence holders are also expected to provide permanent monitoring arrangements such as doorstaff, attendance clickers or maintenance of attendance records. The Licensing Authority recognises that the person in charge at the premises can assess the safe capacity level of the premises without resorting to such measures

5.52

**However, where the capacity is likely to be reached (for example on known busy evenings) and particularly where a special event or promotion is planned, the applicant may be expected to detail the additional arrangements that can be put into place to ensure that the safe capacity of the premises is not exceeded. Again applicants and licence holders are recommended to submit as part of their application, a promotion/event risk assessment form which can be supplied to them by Essex Police or by the Licensing Authority. The form can be viewed as appendix 19 to this policy.**

## Temporary Event Notices

**Certain temporary events are not required to be licensed, but can still be notified to the Licensing Authority using the Temporary Event Notice procedure. However, depending on the nature and location of such events, they can have serious crime and disorder implications. Organisers of these events are encouraged to submit their notification as soon as reasonably practicable to enable the Police and the Licensing Authority to work with them to identify and reduce the risk of crime and disorder. Appendix 17 provides details regarding the application process and timescales for the submission of Temporary Event Notices. Temporary Event Notices can be augmented by the use of Essex Police's promotion/event risk assessment form which can be supplied to them by Essex Police or by the Licensing Authority. The form can be viewed as appendix 19 to this policy.**

## **List of Appendices**

<b>Appendix 1</b>	<b>Definitions / Glossary of Terms</b>
<b>Appendix 2</b>	<b>Consultation Process</b>
<b>Appendix 3</b>	<b>Colchester Strategies and Other Relevant Legislation</b>
<b>Appendix 4</b>	<b>Colchester Crime and Disorder Reduction Partnership</b>
<b>Appendix 5</b>	<b>Late Night Refreshment Exemptions</b>
<b>Appendix 6</b>	<b>Colchester Drug and Alcohol Reference Group</b>
<b>Appendix 7</b>	<b>Map showing Queen Street / St Botolphs Street Stress Area</b>
<b>Appendix 8</b>	<b>Committees and Delegation Decision Making Chart</b>
<b>Appendix 9</b>	<b>Contact Details of Relevant Responsible Authorities</b>
<b>Appendix 10</b>	<b>Contact Details and Useful Addresses</b>
<b>Appendix 11</b>	<b>Interested Parties, Responsible Authorities, Representations, Reviews, Hearings and Appeals</b>
<b>Appendix 12</b>	<b>Personal Licence, Relevant Offences</b>
<b>Appendix 13</b>	<b>Plans</b>
<b>Appendix 14</b>	<b>Fees</b>
<b>Appendix 15</b>	<b>Time Scale for Hearing</b>
<b>Appendix 16</b>	<b>Enforcement Protocol</b>
<b>Appendix 17</b>	<b>Temporary Event Notices</b>
<b>Appendix 18</b>	<b>Crime Prevention and Effective Management Checklist</b>
<b>Appendix 19</b>	<b>Essex Police Event Risk Assessment Form</b>
<b>Appendix 20</b>	<b>Recommended 'Minimum' Requirements For CCTV Systems Within Colchester Borough</b>
<b>Appendix 21</b>	<b>Guidance on Noise</b>
<b>Appendix 22</b>	<b>Good Practice Guide on Prevention of Crime and Disorder</b>
<b>Appendix 23</b>	<b>Guidance on Classification of Films (Courtesy of British Board of Film Classification)</b>
<b>Appendix 24</b>	<b>Objections and Representations</b>
<b>Appendix 25</b>	<b>Inspections Sheet</b>
<b>Appendix 26</b>	<b>Venue Checklist</b>

## Appendix 1

### Definitions/Glossary of Terms

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

**‘Designated Premises Supervisor’**, in the case of premises selling alcohol, means the person who will normally have been given the day-to-day responsibility for running the premises by the holder of the Premises Licence, or is the Premises Licence holder. The Designated Premises Supervisor must also be the holder of a Personal Licence.

**‘Entertainment Facilities’** means facilities for enabling people to take part in entertainment of a description falling within the definition of Regulated Entertainment, or for the purpose of being entertained. These include making music and dancing. This definition is subject to Part 3 of Schedule 1 to the Licensing Act 2003 (interpretation).

**‘Hot food or drink’** means food or drink that is heated before or after it is supplied. ‘Hot’ means to a temperature above the ambient air temperature.

**‘Interested Party’** means a person or a body living or involved in a business in the vicinity of the premises, or a body representing such persons.

**‘Late Night Refreshment’** means the supply of hot food or hot drink to members of the public between 11.00pm and 5.00am, for consumption on or off the premises.

**‘Licensable Activities’** means:

- the sale by retail of alcohol
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- the provision of Regulated Entertainment
- the provision of late night refreshment.

**‘Licensed Premises’** means any place and includes a vehicle, vessel or moveable structure and includes club premises and events unless the context requires otherwise.

**‘Operating Schedule’** means a document containing a statement of the following matters (and any others that may be prescribed):

- the relevant Licensable Activities
- the times at which the Licensable Activities are to take place and any other times when premises are open to the public

- information regarding the person who will be specified in the Premises Licence as the Designated Premises Supervisor
- where the Licensable Activities involve the supply of alcohol, whether it is for the supply on and/or off the premises
- the steps being taken to promote the licensing objectives.

**‘Personal Licence Holder’** means an individual who is granted a licence by a licensing authority that authorises that individual to supply alcohol, or authorise the supply of alcohol, in accordance with a premises licence.

**‘Premises’** means any place and includes a vehicle, vessel or moveable structure.

**‘Regulated Entertainment’** means:

- a performance of a play
- an exhibition of a film
- an indoor sporting event
- a boxing or wrestling entertainment
- a performance of live music
- any playing of recorded music
- a performance of dance

(or entertainment of a similar description falling within the last three of the categories listed above), where the entertainment takes place in the presence of and for the purposes of entertaining that audience or spectators. This definition is subject to Part 3 of Schedule 1 to the Licensing Act 2003 (interpretation).

**‘Entertainment Facilities’** means:

- facilities for enabling persons to take part in entertainment of a description falling within sub paragraph (2) (of Schedule 1 to the Licensing Act 2003, ‘Provision of Regulated Entertainment’) for the purpose, or purposes which include the purpose, of being entertained.
- The descriptions of entertainment are:
  - a) making music
  - b) dancing
  - c) entertainment of a similar description to that falling within paragraph (a) or (b).

This paragraph is subject to Part 3 of Schedule 1 to the Licensing Act 2003 (interpretation).

**‘Responsible Authority’** means any of the following:

- the Chief Officer of Police
- the Fire and Rescue Authority
- the enforcing authority for Health and Safety at Work
- the local planning authority
- the local weights and measures authority (Trading Standards)

- the local authority responsible for minimizing or preventing the risk of pollution of the environment or of harm to human health
- the body representing matters relating to the protection of children from harm
- a navigation authority, the Environment Agency, the British Waterways Board or the Secretary of State, if in relation to a vessel.

**'Temporary Event Notice'** means a notice of intention to conduct a permitted temporary activity involving one or more Licensable Activities subject to the following various limitations:-

- duration – they are limited to events lasting for up to 96 hours (or 4 days).
- scale - more than 499 people cannot be present at any one time.
- use of the same premises – the same premises cannot be used on more than 12 occasions in a calendar year, and are subject to the overall aggregate of 15 days irrespective of the number of occasions on which they have been used.
- the number of notices given by an individual within a set period of time. A Personal Licence holder is limited to 50 notices in one year and any other person to five notices in one year. In any other circumstances, a full Premises Licence or Club Premises Certificate will be required for the period of the event involved.

**'Vessel'** includes a ship, boat, raft or other apparatus constructed or adapted for floating on water.

## Appendix 2

### Consultation Process

1. This review of the Licensing Policy is currently in a draft form following statutory consultation in accordance with the provisions of the Licensing Act 2003. Consultation with key stakeholders and interested parties took place between **insert** and **insert**. When preparing this draft policy, proper weight was given to the views of the organisations and individuals who responded to the consultation and amendments to the policy arising from the consultation were adopted, and subsequently approved by the Licensing Committee on **insert**
2. Consultation included the following:
  - The Chief Officer of Police for the area;
  - The Fire Authority for the area;
  - Persons/bodies representative of local holders of existing licences;
  - Persons/bodies representative of clubs registered in the Borough;
  - Persons/bodies representative of businesses in its area;
  - Persons/bodies representative of residents in its area; and
  - Other relevant and interested bodies/authorities.
3. Future consultation will occur at each three yearly cycle of review, or sooner if for instance there is a requirement to do so.
4. Once it has been finally approved, the Licensing Policy will be used to inform existing licensees and other applicants before they prepare applications and also as a general guide for all of the responsible authorities or interested parties concerned with this process.

### Summary

- **The consultation period formally ended on **insert**;**
- **All representations received, in writing, were considered by the Licensing Committee on **insert** and where appropriate the policy was amended before consideration and final approval by full Council on **insert**;**
- **The policy is in draft form only at this present time and will be subject to additional legal and Committee scrutiny before being referred to Full Council for final approval.**

## **Appendix 3**

### **Linked Colchester Strategies and Other Relevant Legislation**

#### **Colchester Borough Local Plan**

The Adopted Review of the Colchester Borough Local Plan, published in March 2004, sets out the Borough Council's planning policies for developing land, improving transport and protecting the environment. It also describes some of the more significant development proposals likely to take place during that time. In 2007 it will be superseded, in part, by the production of documents, which will form part of the Local Development Framework that was introduced on 28 September 2004 under the Planning and Compensation Act 2004.

At the moment, the Town & Country Planning Act 1990 (the 1990 Act) sets the legal background for the Local Plan.

Section 54A of the Town & Country Planning Act 1990 requires the Borough Council to determine planning applications in accordance with the development plan (which includes the Local Plan), unless material considerations indicate otherwise.

#### **Local Policies etc**

- Colchester Borough Council Strategic Plan 2009 – 2012, Our Vision
- Crime Reduction Survey
- STAND: Strategy to Tackle All Night-time Disorder in Colchester – Urban Cultures December 2003
- Evening & Night time Economy Panel

#### **Government strategies**

- Alcohol Harm Reduction Strategy
- Home Office "Safer Clubbing" Guide
- Action Plan for Tackling Alcohol Related Crime, Disorder and Nuisance
- Safer Places: the Planning System and Crime Prevention.

#### **Planning Legislation and Building Control**

The planning, building control and licensing regimes will be properly separated to avoid duplication and inefficiency. The guidance contained in paragraph 13.64 of Section 182 of the Licensing Act 2003 states that applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. Licensing applications should not be a re-run of the planning application and should not cut across decisions taken by the local authority planning committee or following appeals against decisions taken by that committee (guidance paragraph 13.65). The granting by the Licensing Committee of any variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building regulation control where appropriate (guidance paragraph 13.66).

## **Health and Safety at Work etc Act 1974 and associated legislation**

The Council is the enforcing authority for this legislation for almost all premises within the Borough that will fall within the new licensing controls. However, for some premises, especially local authority premises, the Health and Safety Executive will be the responsible body.

## **Human Rights Act 1998**

The Borough Council has a duty under the European Convention on Human Rights to protect both the rights of a resident to privacy and family life (Article 8) and the rights of a licensee not to be deprived of his possessions, which may include the licence itself (Article 1 of the First Protocol). These policies are intended to reflect the balance to be struck between these interests where they conflict.

## **Disability Discrimination Act 1995**

The Disability Discrimination Act introduced measures to tackle discrimination encountered by disabled people. It is recommended that licensees make themselves familiar with the requirements of this Act for the access and provision of services to disabled people.

## **Crime and Disorder Act 1998, Section 17**

This Act requires local authorities and others to consider crime and disorder reduction while exercising all of their duties. It states,

“Without prejudice to any other obligation imposed upon it, it shall be the duty of each authority, to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.”

Therefore, this Act requires local authorities and others to consider crime and disorder reduction while exercising all of their duties. This reflects the reality that there are crime and/or disorder implications in decisions made across the full range of local authority services. The consideration of the specific licensing objective of the prevention of crime and disorder fulfils the requirement under this Act.

## **Environmental Protection Act 1990**

This covers a wide range of types of pollution including noise pollution.

## **Fire Safety Legislation**

The Essex Fire and Rescue Authority enforce fire safety legislation. This currently includes the Regulatory Reform (Fire Safety) Order 2005.

### **Race Relations Act 1976 (as amended 2000)**

Local authorities have a legal obligation to have regard to the elimination of unlawful discrimination; promote equality of opportunity and good relations between persons of different racial groups.

### **The Health Act 2006 – workplace smoking ban**

The ban on smoking in all enclosed workplaces and public spaces came into force on the 1 July 2007. The ban will include smoking in pubs, restaurants and members' clubs where bar or other staff are employed. An enclosed place will mean anywhere with more than 50% of wall or ceiling space infilled.

### **The Clean Neighbourhoods and Environment Act 2005**

Provides local authorities with an additional power to issue a fixed penalty notice to any licensed premises emitting noise that exceeds the permitted level between the hours of 23.00 and 07.00 hours.

### **Violent Crime Reduction Act 2006**

Introduces an amendment into the Licensing Act for a new offence of persistently selling alcohol to children. The offence will be committed if, on three or more occasions in a period of three consecutive months, alcohol is unlawfully sold to a minor on the same premises.

The Act also gives new powers to local authorities and the Police to designate Alcohol Disorder Zones (ADZ's) as a last resort to tackle alcohol related crime and disorder in an area and to charge licensees for additional enforcement activity affecting all licensed premises within the zone.

The Police will be given new powers under the VCR Act 2006 to apply to a licensing authority in cases where serious crime and disorder has occurred to attach interim conditions on a licence pending a full review.

It is expected that both of these new powers will commence as at the 1 October 2007.

### **The Anti - Social Behaviour Act 2003**

The Act gives local authorities new powers under sections 40 and 41 of the act for duly authorised Environmental Health Officers to issue a closure order to close any licensed premises for a period of up to 24 hours that is causing public nuisance through noise. This power compliments powers that the Police already have under part 8 of the Licensing Act 2003 to close licensed premises for temporary periods.

### **Alcohol Harm Reduction Strategy**

The latest alcohol harm reduction strategy published by the government in June 2007 is Safe. Sensible. Social. The next steps in the National Alcohol Strategy.

### ***The EU Services Directive***

*The EU Services Directive is a European directive intended to develop the single market for services by breaking down barriers to cross border trade within the European Union making it easier for service providers within the scope of the directive to set up business or offer their services in other EU countries. The directive requires that all notices and authorisations in scope are able to be completed electronically and via a 'single point of contact'. For further information see [www.businesslink.gov.uk](http://www.businesslink.gov.uk)*

### ***The Policing and Crime Act 2009***

*The Policing and Crime Act 2009 clarifies how Police forces and Local Authorities can work together by placing an explicit duty on Police Authorities to reflect their community's priorities in their work. The Act introduced a number of measures which are relevant, or made changes to the Licensing Act 2003 including:*

- *A mandatory code of practice for alcohol retailers;*
- *elected members of licensing authorities included as interested parties;*
- *reclassification of lap dancing clubs so they require a sex establishment licence.*

### ***LACORS Practical Guide to Test Purchasing***

*LACORS fulfils an important co-ordinating role in advising and informing licensing authorities about the requirements of the Licensing Act 2003. Their web site can be viewed at [www.lacors.gov.uk](http://www.lacors.gov.uk).*

## **Appendix 4**

### **Safer Colchester Partnership – Membership and Contact Details**

## Appendix 5

### Late Night Refreshment Exemptions

There are some instances where the provision of hot food and hot drink do not need to be licensed under the Act. These are:

- Hot drink consisting of, or containing alcohol (although a premise licence will still be required for the supply of alcohol);
- Hot drink distributed by means of a vending machine where the payment for the hot drink is inserted into the machine by a member of the public and the hot drink is supplied directly by the machine to the member of the public (this exemption does not apply to hot food)
- Hot food or hot drinks supplied free of charge, where there is also no charge for admission to any premises, or for some other item to obtain the hot food or hot drink;
- Hot food or hot drink supplied by a registered charity or by a person authorised by a registered charity;
- Hot food or hot drink supplied on a vehicle, which is not permanently or temporarily parked at the time.

Supplies of hot food or hot drink are also exempt when the premises are used exclusively for:

- guests of hotels or similar premises – that is guest houses, lodging houses, hostels, caravan or camping sites other premises supplying accommodation as their main purpose;
- members of recognised clubs and their guests;
- employees of a particular employer and their guests – for example, where refreshment is made available to employees whose shift patterns require them to be present at the workplace between 11pm and 5am;
- a person who is engaged in a particular profession or who follows a particular vocation - for example a tradesman carrying out work at particular premises.

## Appendix 6

### Colchester Drug and Alcohol Reference Group – Membership

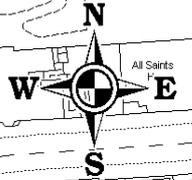
The Colchester & Tendring DARG membership includes representatives from the following organisations and agencies:

- Alcoholics Anonymous [www.alcoholics-anonymous.org](http://www.alcoholics-anonymous.org)
- Beacon House Health Centre (Colchester) for the Homeless
- Essex Chamber of Commerce [www.essexchambers.co.uk](http://www.essexchambers.co.uk)
- Colchester Borough Council [www.colchester.gov.uk](http://www.colchester.gov.uk)
- Colchester Crime & Disorder Reduction Partnership [www.colchester-community-safety.org.uk](http://www.colchester-community-safety.org.uk)
- North East Essex Primary Care Trust [www.northeastessexpct.nhs.uk](http://www.northeastessexpct.nhs.uk)
- Colchester United Community Sports Trust [www.cucst.org.uk](http://www.cucst.org.uk)
- Essex Drug Action Team [www.essexdrugaction.org](http://www.essexdrugaction.org)
- Essex Rivers Healthcare Trust [www.colchesterhospital.nhs.uk](http://www.colchesterhospital.nhs.uk)
- Essex Youth Service
- Local Magistrates
- Matrix – Colchester , support for homeless & socially excluded people
- North East Essex Drug and Alcohol Service (NEEDAS) [www.nemhpt.nhs.uk](http://www.nemhpt.nhs.uk)
- Open Door, support for the homeless
- Open Road, support & treatment for people with substance misuse problems [www.openroad.org.uk](http://www.openroad.org.uk)
- Pharmacists
- Colchester Police Essex Police [www.essex.police.uk](http://www.essex.police.uk)
- Probation Service
- Phoenix Group Homes, support for people with alcohol problems [www.phoenicalcoholproject.org.uk](http://www.phoenicalcoholproject.org.uk)
- Schools & colleges
- Social Services Essex County Council [www.essexcc.gov.uk](http://www.essexcc.gov.uk)
- YMCA

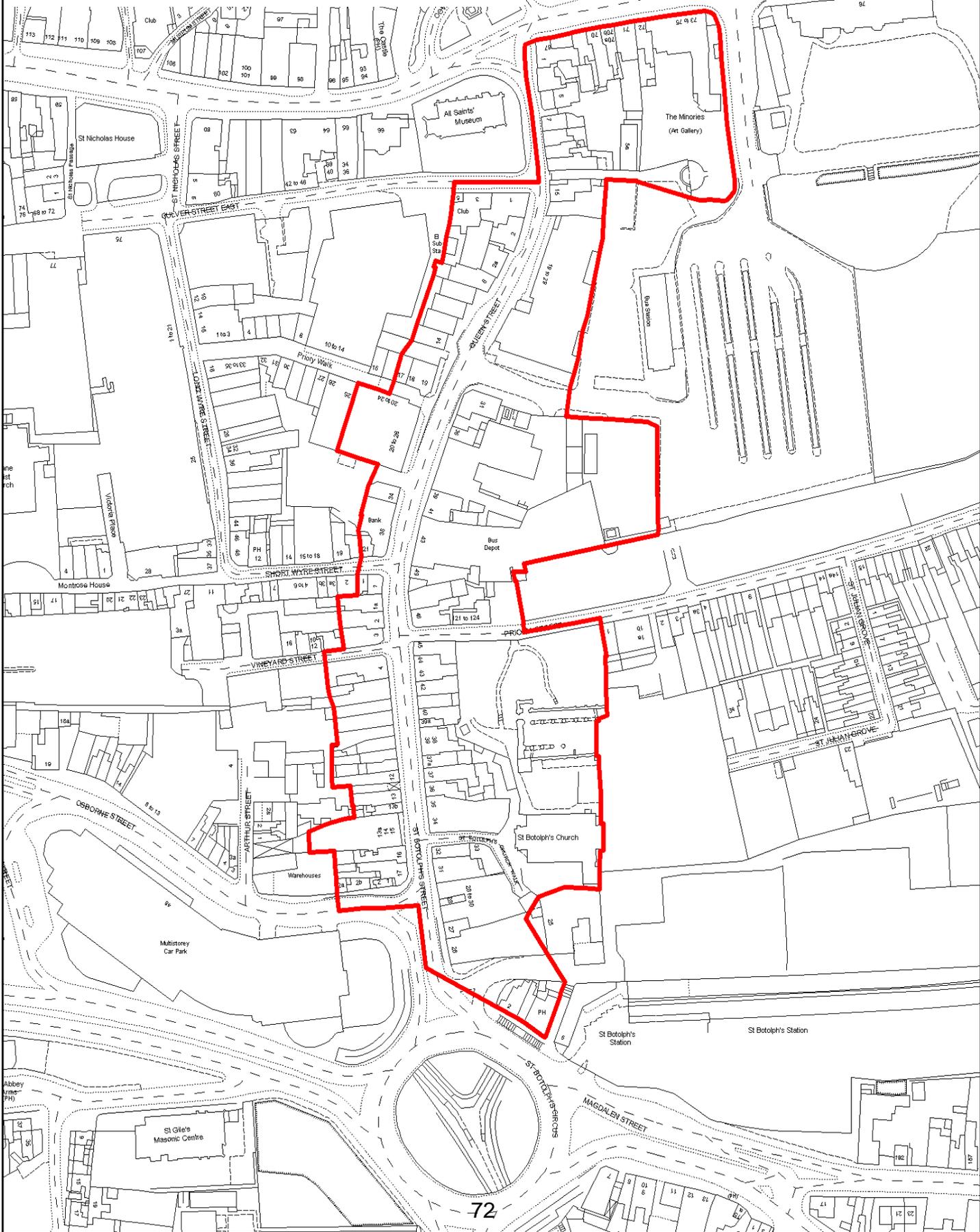
DARG produces an Action Plan every year and this is consistent with, and complements, other local strategies, particularly the Colchester Health Improvement Programme (See [www.colchester-pct.nhs.uk](http://www.colchester-pct.nhs.uk)) and the Colchester Crime and Disorder Annual Strategic Assessment of Crime. (See [www.colchester-community-safety.org.uk](http://www.colchester-community-safety.org.uk)). For more information about Colchester & Tendring DARG please contact the Colchester Crime & Disorder Reduction Partnership on **01206 717819**

# Appendix 7

REPRODUCED FROM THE ORDNANCE SURVEY MAPPING WITH THE PERMISSION OF THE CONTROLLER OF HER MAJESTY'S STATIONERY OFFICE. CROWN COPYRIGHT. UNAUTHORISED REPRODUCTION INFRINGES CROWN COPYRIGHT AND MAY LEAD TO PROSECUTION OR CIVIL PROCEEDINGS. COLCHESTER BOROUGH COUNCIL 100023706 2004.



## Queen Street / St Botolphs Street Stress Area



## Appendix 8

### Committees and Delegation - Decision Making Chart

MATTER TO BE DEALT WITH	LICENSING SUB COMMITTEE	HEAD OF PLANNING, PROTECTION & LICENSING
<b>PERSONAL LICENCES</b>		
Application for a personal licence	If a Police objection has been made	If no objection is made
Application for personal licence with unspent convictions	All cases	
Application to vary designated premises licence holder	If a Police objection is made	All other cases
Request to be removed as designated premises licence holder	All cases	
<b>PREMISES LICENCES AND CLUB PREMISES CERTIFICATES</b>		
Application for premises licence/club premises certificate	If a relevant representation is made	If no relevant representation is made
Application for provisional statement	If a relevant representation is made	If no relevant representation is made
Application to vary premises licence/club premises certificate	If a relevant representation is made	If no relevant representation is made
Application for transfer of premises licence	If a Police objection is made	All other cases
Application for Interim Authorities	If a Police objection is made	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc	All cases	
Decision to object when local authority is a consultee and not the lead authority	All cases	
<b>TEMPORARY EVENT NOTICES</b>		
Determination of a Police representation to a temporary event notice	All cases	

## Appendix 9

### Contact Details of Relevant Responsible Authorities

1. Essex Police  
Colchester Police Station  
10 Southway  
Colchester, CO3 3BU

 01206 762212  
e-mail: [ED-Licensing@essex.pnn.police.uk](mailto:ED-Licensing@essex.pnn.police.uk)  
web: [www.essex.police.uk](http://www.essex.police.uk)
2. Essex Fire and Rescue Service  
Colchester and Tendring Community  
Command  
Colchester Fire Station  
Colchester, CO1 1XT

 01376 576600  
e-mail: [ct.command@essex-fire.gov.uk](mailto:ct.command@essex-fire.gov.uk)  
web: [www.essex-fire.gov.uk](http://www.essex-fire.gov.uk)
3. Planning Services Manager  
Colchester Borough Council  
PO Box 889  
Rowan House, 33 Sheepen Road  
Colchester, CO3 3WG

 01206 282222  
e-mail: [licensing@colchester.gov.uk](mailto:licensing@colchester.gov.uk)  
web: [www.colchester.gov.uk](http://www.colchester.gov.uk)
4. Food Safety & Health & Safety Manager  
Colchester Borough Council  
PO Box 889  
Rowan House, 33 Sheepen Road  
Colchester CO3 3WG

 01206 282222  
e-mail: [licensing@colchester.gov.uk](mailto:licensing@colchester.gov.uk)  
web: [www.colchester.gov.uk](http://www.colchester.gov.uk)
5. Environmental Control Manager  
Colchester Borough Council  
PO Box 889  
Rowan House, 33 Sheepen Road  
Colchester, CO3 3WG

 01206 282222  
e-mail: [licensing@colchester.gov.uk](mailto:licensing@colchester.gov.uk)  
web: [www.colchester.gov.uk](http://www.colchester.gov.uk)
6. Head of Child Protection  
Children's Safeguarding Service  
70 Duke Street  
County Hall  
Chelmsford, CM1 1JP

 01245 436744  
e-mail: [licenceapplications@essexcc.gov.uk](mailto:licenceapplications@essexcc.gov.uk)  
web: [www.essexcc.gov.uk](http://www.essexcc.gov.uk)
7. Weights & Measures  
Essex Trading Standards  
New Dukes Way Office  
1 Beaufont Road  
Dukes Park Industrial Estate  
Chelmsford, CM2 6PS

 01245 341888  
e-mail: [TSBusinessSupport@essex.gov.uk](mailto:TSBusinessSupport@essex.gov.uk)  
web: [www.essexcc.gov.uk](http://www.essexcc.gov.uk)

## Appendix 10

### Contact Details and Useful Addresses

1. Arts Council England  
48-49 Bateman Street  
Cambridge  
CB2 1LR  
☎ 0845 300 6200  
e-mail: [enquires@artscouncil.org.uk](mailto:enquires@artscouncil.org.uk)  
web: [www.artscouncil.org.uk](http://www.artscouncil.org.uk)
2. Association of Licensed Multiple Retailers  
3b Walpole Court  
Ealing Studios  
London  
W5 5ED  
☎ 020 8579 2080  
e-mail: [info@almr.org.uk](mailto:info@almr.org.uk)  
web: [www.almr.org.uk](http://www.almr.org.uk)
3. British Beer and Pub Association  
Market Towers  
1 Nine Elms Lane  
London  
SW8 5NQ  
☎ 020 7627 9191  
e-mail: [web@beerandpub.com](mailto:web@beerandpub.com)  
web: [www.beerandpub.com](http://www.beerandpub.com)
4. British Board of Film Classification  
3 Soho Square  
London  
W1D 3HD  
☎ 020 7440 1570  
e-mail: [helpline@bbfc.co.uk](mailto:helpline@bbfc.co.uk)  
web: [www.bbfc.co.uk](http://www.bbfc.co.uk)
5. British Institute of Innkeeping  
Wessex House  
80 Park Street  
Camberley, Surrey  
GU15 3PT  
☎ 01276 684449  
e-mail: [reception@bii.org](mailto:reception@bii.org)  
web: [www.bii.org](http://www.bii.org)
6. Business Link in the East of England  
Zenith Court  
4 Bishops Square Business Park  
Hatfield, Hertfordshire  
AL10 9NE  
☎ 08457 17 1615  
e-mail: [questions@businesslinkeast.org.uk](mailto:questions@businesslinkeast.org.uk)  
web: [www.businesslink.gov.uk](http://www.businesslink.gov.uk)
7. Equality & Human Rights Commission  
3 More London  
Riverside Tooley Street  
London  
SE1 2RG  
☎ 0845 604 6610  
e-mail: [info@equalityhumanrights.com](mailto:info@equalityhumanrights.com)  
web: [www.equalityhumanrights.com](http://www.equalityhumanrights.com)

- |     |   |                      |  |
|-----|---|----------------------|--|
| 8.  | Essex Chambers of Commerce<br>8/9 St Peters Court<br>Colchester<br>CO1 1WD  | ☎<br>e-mail:<br>web: | 01206 765277<br><a href="mailto:info@essexchambers.co.uk">info@essexchambers.co.uk</a><br><a href="http://www.essexchambers.co.uk">www.essexchambers.co.uk</a>   |
| 9.  | Colchester and Tendring Drug<br>and Alcohol Reference Group<br><b>Colchester Borough Council</b><br><b>PO Box 5215</b><br><b>Town Hall</b><br><b>Colchester</b><br><b>CO1 1GG</b> | ☎<br>e-mail:<br>web: | 01206 717819<br><a href="mailto:peter.carrington@colchester.gov.uk">peter.carrington@colchester.gov.uk</a><br><a href="http://www.colchester-drug-alcohol.org.uk">www.colchester-drug-alcohol.org.uk</a> |
| 10. | Essex Racial Equality Council<br>Lower Ground Floor<br>Civic Centre<br>Victoria Street<br>Southend on Sea<br>SS2 6EP  | ☎<br>e-mail:<br>web: | 01702 333351<br><a href="mailto:erec.southend@btconnect.com">erec.southend@btconnect.com</a><br><a href="http://www.cre.gov.uk">www.cre.gov.uk</a>   |
| 11. | Essex Trading Standards<br>Beehive Lane-<br>Chelmsford<br>CM2 9SY   | ☎<br>e-mail:<br>web: | 01845 6037626<br><a href="mailto:trading.standards@essexcc.gov.uk">trading.standards@essexcc.gov.uk</a><br><a href="http://www.essex.gov.uk">www.essex.gov.uk</a>  |
| 12. | Equity<br>Guild House<br>Upper St Martins Lane<br>London<br>WC2H 9EG  | ☎<br>e-mail:<br>web: | 020 7379 6000<br><a href="mailto:info@equity.org.uk">info@equity.org.uk</a><br><a href="http://www.equity.org.uk">www.equity.org.uk</a>  |
| 13. | Health and Safety Executive<br>Wren House<br>Hedgerows Business Park<br>Colchester Road<br>Springfield<br>Chelmsford<br>CM2 5PF   | ☎<br>e-mail:<br>web: | 01245 706222<br><a href="mailto:hse.infoline@connaught.plc.uk">hse.infoline@connaught.plc.uk</a><br><a href="http://www.hse.gov.uk">www.hse.gov.uk</a>   |
| 14. | Institute of Acoustics<br>77a St Peter's Street<br>St Albans<br>Hertfordshire<br>AL1 3BN  | ☎<br>e-mail:<br>web: | 01727 848195<br><a href="mailto:ioa@ioa.org.uk">ioa@ioa.org.uk</a><br><a href="http://www.ioa.org.uk">www.ioa.org.uk</a>   |

15. Musicians' Union  
East and SE England  
1a Fentiman Road  
London  
SW8 1LD
- ☎ 020 7840 5537  
e-mail: [eastsoutheast@themu.org.uk](mailto:eastsoutheast@themu.org.uk)  
web: [www.musiciansunion.org.uk](http://www.musiciansunion.org.uk)
16. Performing Rights Society for Music  
Copyright House  
29/35 Berners Street  
London W1T 3AB
- ☎ 020 75805544  
e-mail: [customerservice@prsformusic.com](mailto:customerservice@prsformusic.com)  
web: [www.prsformusic.com](http://www.prsformusic.com)
17. Phonographic Performance Limited  
1 Upper James Street  
London  
W1F 9DE
- ☎ 020 7534 1000  
e-mail: [info@ppluk.com](mailto:info@ppluk.com)  
web: [www.ppluk.com](http://www.ppluk.com)
18. Security Industry Authority  
PO Box 8  
Newcastle Upon Tyne  
NE82 6YX
- ☎ 08702 430 100  
e-mail: [info@the-sia.org.uk](mailto:info@the-sia.org.uk)  
web: [www.sia.homeoffice.gov.uk](http://www.sia.homeoffice.gov.uk)
19. Essex & Suffolk Institute of Licensing  
Myland Hall Education Centre  
Barncroft Close  
Highwoods  
Colchester  
CO4 9JU
- ☎ 01206 851560  
e-mail: [info@sesil.org.uk](mailto:info@sesil.org.uk)  
web: [www.esil.co.uk](http://www.esil.co.uk)
20. British Security Industry Association  
Kirkham House  
John Comyn Drive  
Worcester  
WR3 7NS
- ☎ 0845 3893889  
e-mail: [info@bsia.co.uk](mailto:info@bsia.co.uk)  
web: [www.bsia.co.uk](http://www.bsia.co.uk)
21. National Security Inspectorate  
Sentinel House  
5 Reform Road  
Maidenhead  
SL6 8BY
- ☎ 01628 637512  
e-mail: [nsi@nsi.org.uk](mailto:nsi@nsi.org.uk)  
web: [www.nsi.org.uk](http://www.nsi.org.uk)
22. The Portman Group  
Fourth Floor  
20 Conduit Street  
London  
W18 2XY
- ☎ 020 7290 1460  
e-mail: [info@portmangroup.org.uk](mailto:info@portmangroup.org.uk)  
web: [www.portmangroup.org.uk](http://www.portmangroup.org.uk)

23. BEDA  
(Bar Entertainment and Dance Association)  
BEDA Limited  
5 Waterloo Road  
Stockport  
Cheshire  
SK1 3BD

 01614 290 012  
e-mail:  
web:

## Appendix 11

### Interested Parties, Responsible Authorities, Representations Reviews, Hearings and Appeals

Who can make representations or seek reviews?

- **‘Interested Parties’** and **‘Responsible Authorities’** may make **‘relevant representations’** in respect of applications made for the grant or variation of a Premises Licence or Club Premises Certificate and may seek a review of licences and certificates granted.

**‘Interested Parties’** are defined as any of the following;

- A person living in the vicinity of the premises
- A person involved in a business in that vicinity
- A body representing persons living in that vicinity
- *A member of the Licensing Authority i.e. an elected Councillor of the Licensing Authority*

**‘Responsible Authority’** is defined as any of the following (see Appendix 9 for further details)

- The Chief Officer of Police for the area
- The Fire Authority
- The enforcing authority for Health and Safety at Work
- The local Planning Authority
- The Local Authority responsible for minimising or preventing the risk of pollution of the environment or of harm to human health
- The body representing matters relating to the protection of children from harm
- A navigation authority, the Environment Agency, or the British Waterways Board in relation to a vessel
- The weights and measures authority (Trading Standards).

**Relevant Representations** is the term used for comments and objections that:-

- Are about the likely effect of the grant of the Premises Licence or Club Premises Certificate on the promotion of the licensing objectives
- Are made by an **‘Interested Party’** or **‘Responsible Authority’** within the prescribed period and have not been withdrawn

- In the opinion of the Licensing Authority, are not **frivolous, repetitious** or **vexatious** (such a decision will be made by the Councils Licensing Manager).
- Relate to the identity of the proposed premises supervisor, and are made by the Chief Officer of Police for the Colchester Borough and include a statement that the proposed premises supervisor would undermine the crime prevention objective.

The terms '**frivolous**' and '**vexatious**' have their normal meanings.

In the case of a review of a premises licence or certificate, a representation will be '**repetitious**' if: -

- (a) It is identical or substantially similar to: -
  - Grounds in an earlier application for review made in respect of the same premises and already determined, or
  - Representations considered by the Licensing Authority in granting the premises licence or certificate, or
  - Representations which would have been considered except they were excluded representations following a provisional statement, and
- (b) A reasonable interval has not elapsed since the earlier application for review or grant of the licence or certificate.

## Reviews

The Licensing Authority must hold a hearing to review a Premise Licence or Club Premises Certificate where either: -

- **Representations** are made in the prescribed form by a '**Responsible Authority**' or '**Interested Party**' seeking a review of the licence or certificate on one or more of the licensing objectives, or
- A Magistrates' Court issues a notice under section 165 (4) of the Act, following consideration of a Closure Order issued by the Police.

## Hearings

A hearing must be held within a prescribed period of time where relevant representations are made in respect of any licensing application or issue of a Temporary Event Notice.

Notices must be sent to each party informing them of the date of hearing in many cases at least 10 working days before the day of the hearing.

Copies of any representations made regarding the application must also be given to the applicant, the holder of the Premises Licence or the club premises certificate, as appropriate.

The time scales within which hearings have to be held and the persons to whom notices must be given are **shown on Appendix 15**.

**Contact Details – Licensing Team****Address:**

Colchester Borough Council  
Licensing Specialist Unit  
PO Box 889  
Rowan House  
33 Sheepen Road  
Colchester  
CO3 3WG

**Email:**

[licensing@colchester.gov.uk](mailto:licensing@colchester.gov.uk)

**Telephone no:**

01206 282222

**Fax:**

01206 282598

## Appendix 12

### PERSONAL LICENCE: RELEVANT OFFENCES

- 1 An offence under this Act.
- 2 an offence under any of the following enactments-
  - (a) Schedule 12 to the London Government Act 1953 (c. 33) (public entertainment licensing);
  - (b) the licensing Act 1964 (c. 26);
  - (c) the Private Places of Entertainment (Licensing) Act 1967 (c. 19);
  - (d) section 13 of the Theatres Act 1968 (c 54);
  - (e) the Late Night Refreshment Houses Act 1969 (c. 53);
  - (f) section 6 of, or Schedule 1 to, the Local Government (Miscellaneous Provisions) Act 1982 (c. 30);
  - (g) the Licensing (Occasional Permissions) Act 1983 (c. 24);
  - (h) the Cinemas Act 1985 (c.13);
  - (i) the London Local Authorities Act 1990 (c. vii).
- 3 An offence under the Firearms Act 1968 (c. 27).
- 4 An offence under section 1 of the Trade Descriptions Act 1968 (c. 29) (false trade description of goods) in circumstances where the goods in question are or include alcohol.
- 5 An offence under any of the following provisions of the Theft Act 1968 (c. 60)-
  - (a) section 1 (theft);
  - (b) section 8 (robbery);
  - (c) section 9 (burglary);
  - (d) section 10 (aggravated burglary);
  - (e) section 11 (removal of articles from places open to the public);
  - (f) section 12A (aggravated vehicle-taking), in circumstances where subsection (2)(b) of that section applies and the accident caused the death or any person;
  - (g) section 13 (abstracting of electricity);
  - (h) section 15 (obtaining property by deception);
  - (i) section 15A (obtaining a money transfer by deception);
  - (j) section 16 (obtaining pecuniary advantage by deception);
  - (k) section 17 (false accounting);
  - (l) section 19 (false statements by company directors etc.);
  - (m) section 20 (suppression, etc. of documents);
  - (n) section 21 (blackmail);
  - (o) section 22 (handling stolen goods);
  - (p) section 24A (dishonestly retaining a wrongful credit);
  - (q) section 25 (going equipped for stealing etc.).
- 6 An offence under section 7(2) of the Gaming Act 1968 (c.65) (allowing child to take part in gaming on premises licensed for the sale of alcohol).

- 7 An offence under any of the following provisions of the Misuse of Drugs Act 1971 (c. 38)-
- (a) section 4(2) (production of a controlled drug);
  - (b) section 4(3) (supply of a controlled drug);
  - (c) section 5(3) (possession of a controlled drug with intent to supply);
  - (d) section 8 (permitting activities to take place on premises).
- 8 An offence under either of the following provisions of the Theft Act 1978 (c. 31) –
- (a) section 1 (obtaining services by deception);
  - (b) section 2 (evasion of liability by deception).
- 9 An offence under either of the following provisions of the Customs and Excise Management Act 1979 (c. 2)-
- (a) Section 170 (disregarding subsection (1) (a)) (fraudulent evasion of duty etc.);
  - (b) Section 170B (taking preparatory steps for evasion of duty).
- 10 An offence under either of the following provisions of the Tobacco Products Duty Act 1979 (c. 7)-
- (a) section 8G (possession and sale of unmarked tobacco);
  - (b) section 8H (use of premises for sale of unmarked tobacco).
- 11 An offence under the Forgery and Counterfeiting Act 1981 (c. 45) (other than an offence under section 18 or 19 of that Act).
- 12 An offence under the Firearms (Amendment) Act 1988 (c.45).
- 13 An offence under any of the following provisions of the Copyright, Designs and Patents Act 1988 (c. 48)–
- (a) Section 107(1)(d)(iii) (public exhibition in the course of a business of article infringing copyright);
  - (b) Section 107(3) (infringement of copyright by public performance of work etc.);
  - (c) Section 198(2) (broadcast etc. of recording of performance made without sufficient consent);
  - (d) Section 297(1) (fraudulent reception of transmission);
  - (e) Section 297A (1) (supply etc. of unauthorised decoder).
- 14 An offence under any of the following provisions of the Road Traffic Act 1988 (c.52)-
- (a) Section 3A (causing death by careless driving while under the influence of drink or drugs);
  - (b) Section 4 (driving etc. a vehicle when under the influence of drink or drugs);
  - (c) Section 5 (driving etc. a vehicle with alcohol concentration above prescribed limit).

- 15 An offence under either of the following provisions of the Food Safety Act 1990 (c. 16) in circumstances where the food in question is or includes alcohol-
  - (a) Section 14 (selling food or drink not of the nature, substance or quality demanded);
  - (b) Section 15 (falsely describing or presenting food or drink).
- 16 An offence under section 92(1) or (2) of the Trade Marks Act 1994 (c. 26) (unauthorised use of trade mark, etc. in relation to goods) in circumstances where the goods in question are or include alcohol.
- 17 An offence under the Firearms (Amendment) Act 1997 (c. 5).
- 18 A sexual offence, within the meaning of section 161(2) of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6).
- 19 A violent offence, within the meaning of section 161(3) of that Act.
- 20 An offence under section 3 of the Private Security Industry Act 2001 (c 12) (engaging in certain activities relating to security without a licence).

## Appendix 13

### PLANS

Unless the Licensing Authority has previously agreed in writing, following a request by the applicant or the person submitting the application on behalf of the applicant, the scale of the plan shall be to the standard scale of 1:100.

The list shown below is also applicable in the case of applications for club premises certificates.

#### The Plan shall show:

- 1 The extent of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises.
- 2 The location of points of access to and egress from the premises.
- 3 If different from **2** the location of escape routes from the premises.
- 4 In the case of where the premises are used for more than one licensable activity, the area within the premises used for such activity.
- 5 In the case of where an existing licensable activity relates to the supply of alcohol, the location or locations on the premises which is or are used for the consumption of alcohol.
- 6 Fixed structures (**including furniture**) or similar objects temporarily in a fixed location (**but not the furniture**) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment.
- 7 In the case of where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor.
- 8 In the case of where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts.
- 9 In the case of where the premises includes any room or rooms containing public conveniences, the location of the room or rooms.
- 10 The location and type of any fire safety equipment and any other safety equipment.
- 11 The location of a kitchen, if any on the premises.

The plan may include a legend through which the matters mentioned or referred to in the above are sufficiently identifiable by the use of symbols on the plan.

## Appendix 14

### FEES

#### Rateable Values and Bands

Rateable Value	<u>Band</u>	Fee
No rateable value to £4300	A	£100
£4300 to £33,000	B	£190
£33,001 to £87,000	C	£315
£87,001 to £125,000	D	£900 (£450 x2)
£125,001 and above	E	£1905 (£635 x3)

#### Premises Licenses and Club Premises Certificates

BAND	FEE
A	£100
B	£190
C	£315
D	£450 x 2
E	£635 x 3

#### VARIATION FEE

BAND	FEE
A	£100
B	£190
C	£315
D	£450 or £900
E	£635 or £1905

#### MINOR VARIATION FEE

	£89
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## ANNUAL FEE

BAND	FEE
A	£70
B	£180
C	£295
D	£320
E	£350

## FEEES FOR PERMITTED TEMPORARY ACTIVITIES, PERSONAL LICENCES AND MISCELLANEOUS

APPLICATION OR NOTICE	FEE
Replacement of Premises Licence or Summary. (Sec 25)	£10.50
Application for a Provisional Statement when the premises are being built etc., (Sec 29)	£315.00
Notification of change of name or address. (Sec 33)	£10.50
Application to vary a Licence to specify individual as Premises Supervisor. (Sec 37)	£23.00
Application for the transfer of a Premises Licence. (Sec 42)	£23.00
Interim Authority Notice following death etc., of licence holder. (Sec 47)	£23.00
Replacement after Theft loss etc., of Certificate or Summary. (Sec. 79)	£10.50
Notification of change of name or alteration of rules of Club. (Sec. 82)	£10.50
Change of relevant registered address of Club. (Sec 83 (1) (2))	£10.50
Temporary Event Notice. (Sec 100)	£21.00
Replacement after theft, loss etc., of Temporary Event Notice. (Sec 110)	£10.50
Application for the grant or renewal of a Personal Licence. (Sec 117)	£37.00
Replacement after theft loss etc, of Personal	£10.50

Licence. (Sec 126)	
Notify change of name or Address. (Sec 127)	£10.50
Right of freeholder etc., to be notified of licensing matters. (Sec 178)	£21.00

## Appendix 15

### TIME SCALE FOR HEARINGS

Reason for hearing being held.	Period of time in which hearing must be held.	Notices must be sent to.
Application for Premises Licence	20 working days beginning with the day after the end of the period for making representations.	Applicant. Persons who have made relevant representations.
Application for a Provisional Statement	20 working days beginning with the day after the end of the period for making representations.	Applicant. Persons who have made relevant representations.
Application to vary Premises Licence	20 working days beginning with the day after the end of the period for making representations.	Holder of licence. Persons who have made relevant representations.
Application to vary Premises Licence to change Designated Premises Supervisor	20 working days beginning with the day after the end of the period for making representations.	Holder of licence. Chief of police Proposed Premises Supervisor
Application for transfer of Premises Licence	20 working days beginning with the day after the end of the period for making representations.	Applicant. Chief of police Holder of licence.
Cancellation of Interim Authority Notice	5 working days beginning with the day after the end of the period for making representations.	Applicant. Chief of police
Application for review of Premises Licence	20 working days beginning with the day after the end of the period for making representations.	Holder of licence. Persons who have made relevant representations. Applicant.
Application for Club Premises Certificate	20 working days beginning with the day after the end of the period for making representations.	Applicant (the club). Persons who have made relevant representations.
Application to vary Club Premises Certificate	20 working days beginning with the day after the end of the period for making representations.	Applicant (the club). Persons who have made relevant representations.

Application for review of Club Premises Certificate	20 working days beginning with the day after the end of the period for making representations.	The club holding the Club Premises Certificate. Persons who have made relevant representations. Applicant.
Counter notice following police objection to TEN	7 working days beginning with the day after the end of the period for making representations.	The premises user. Chief of police
Application for grant of Personal Licence	20 working days beginning with the day after the end of the period for making representations.	Applicant. Chief of police
Application for renewal of Personal Licence	20 working days beginning with the day after the end of the period for making representations.	Applicant. Chief of Police
Convictions coming to light after grant or renewal of Personal Licence	20 working days beginning with the day after the end of the period for making representations.	Holder of licence. Chief of police
Review of Premises Licence following closure order	10 working days beginning with the day after the day the licensing authority receives the court notice.	Holder of licence. Chief of police
Application for conversion of existing licence	10 working days beginning with the day after the end of the period for making representations.	Applicant. Chief of police
Application for conversion of existing Club Premises Certificate	10 working days beginning with the day after the end of the period for making representations.	Applicant (the club). Chief of police
Application by holder of a justices' licence for grant of Personal Licence	10 working days beginning with the day after the end of the period for making representations.	Applicant. Chief of police

**Appendix 16**

***Enforcement Protocol (to follow)***

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## Appendix 17

### Temporary Event Notices

The Licensing Act 2003 allows for the putting on of small scale events without the need to hold a premises licence and which is defined in the act as being an event for less than 500 people and lasting for no longer than 96 hours (4 days) duration in total.

There is a difference between the number of temporary events that the holder of a personal licence can put on, as opposed to the number of events that a non-personal licence holder can put on.

A personal licence holder can put on a maximum number of 50 events per year, whereas non-personal licence holders may only put on a maximum of 5 per year.

In each case, the maximum aggregate duration of the periods covered by a temporary event notice at any individual premises is 15 days and the maximum number of times that a premises can be used to hold a temporary event is 12, regardless of whether the events are being put on by a personal licence holder or non-personal licence holder.

If any more than 12 events per year are required, applicants are strongly recommended by the Licensing Authority to apply for a full premises licence or club premises certificate.

Applications can be made giving a minimum of at least 10 working days to the Licensing Authority and the Police and in accordance with Section 193 of the Licensing Act 2003. A working day is defined as “any day other than a Saturday, a Sunday, Christmas Day, Good Friday, or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in England and Wales” and “ten working days notice” means ten working days exclusive of the day on which the event is to start.

**However, in practice the Licensing Authority strongly recommends that a much longer notice period than 10 days is given and would recommend a minimum notice period of no fewer than 30 working days and a maximum of not more than 120 working days. Too little notice does not give a reasonable amount of time to consider the application, whilst notice given too far in advance could mean that the circumstances surrounding the event may change considerably in the intervening period.**

This recommendation is made by the Licensing Authority in order that proper discussion can take place between the applicant and the Police, on how the event proposed will meet the licensing objectives of the prevention of crime and disorder.

**Only the Police may object to an application for a temporary event notice however and may only do so on grounds of the prevention of crime and disorder. It is only on these grounds that the licensing authority may refuse**

**such an application, after having first received representations from the Police that will satisfy the Licensing Authority that such a refusal is warranted.**

**The Licensing Authority, whilst not in any way wishing to fetter the discretion of either the applicant or the Police in this matter, would suggest however that any applicant not giving the Police sufficient notice of an event, and therefore sufficient time to consider the crime and disorder implications of holding such an event, may well leave the Police with little option other than to raise an automatic objection to such an application with the Licensing Authority, thereby triggering the need for a hearing which could have been avoided if a reasonable notice period had been given.**

The Licensing Act 2003 (section 161) gives the Police powers to close premises which are the subject of temporary events notices where there is, or is likely to be, disorder on or in the vicinity of the premises or where a public nuisance is being caused by noise coming from the premises.

It should also be noted that, in certain circumstances where the application is in breach of part 5 of the Licensing Act 2003, the Licensing Authority will issue a counter notice to the applicant.

The Licensing Authority fully acknowledges that the use of temporary event notices are of great benefit to many charities, community and voluntary groups such as schools, churches and hospital, when staging either indoor or outdoor fund raising events. However, it must be understood by applicants that the grant of a temporary event notice does not circumvent any requirements under planning law for appropriate planning permission where it is required; neither does it relieve the applicant of any need to comply with all relevant health and safety or noise nuisance legislation.

Nevertheless, the Licensing Authority also acknowledges that the concept of the temporary event notice supposes a less regulatory approach to temporary activities and a lighter touch regime to administer them. It will therefore strive to keep arrangements for temporary events manageable and user-friendly for such charitable, community or voluntary groups.

**In doing so it recommends all applicants applying for Temporary Event Notices to be aware of and have full regard to the advice given in the following publications:**

**The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999 (*“The Purple Book”*) ISBN 0 7176 2453 6**

**Managing Crowds Safety – (HSE 2000) ISBN 0 7176 1834 X**

**5 Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 0 7176 15804**

**The Guide to Safety at Sports Grounds (The Stationary Office 1997) (*“The Green Guide”*) ISBN 3000952**

**Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances – Published by the Independent Street Arts Network, copies of which can be obtained through:  
[www.streetartsnetwork.org.uk/pages/publications.htm](http://www.streetartsnetwork.org.uk/pages/publications.htm)**

**This recommended list is by no means exhaustive or comprehensive in terms of health and safety requirements and an applicant should always seek the relevant professional advice relating to the type and nature of event that is being held.**

## Appendix 18

### Crime Prevention and Effective Management Checklist

<b>Links to Health and Safety Policy and legislation:</b>	
1. Is there a written Health and Safety Policy for the premises?	
2. Is there a written Risk Assessment?	
3. When was it carried out?	
<b>Incident Logs – Crime &amp; Disorder incidents to be recorded</b>	
<b>Mapping scheme, mark location incidents within premises</b>	
1. Is there an incident log in operation?	
2. Is the incident log available for inspection?	
3. Within your premises, where are your crime hotspots?	
<b>Staff Training – training to resolve identified risks</b>	
1. Are all staff trained to recognise aggressive or suspicious behaviour?	
2. Are all staff requested to approach customers about unattended property/drinks?	
3. On busy nights are staff employed to warn customers about leaving property unattended?	
4. Do door Supervisors attend staff training days?	
5. Is there a record of staff training?	
6. Do staff sign a training attendance record?	
7. Who is responsible for company policy on staff training?	
8. Where food premises are involved – are staff trained to the appropriate standard to handle food?	
<b>Staffing Levels</b>	
1. What are your minimum and maximum staffing levels?	
2. How are they decided?	
<b>Design of Premises – implement recommendations of Crime Reduction Officer</b>	
1. How many points of entry are there?	
2. Are the entry points monitored?	
3. Is there a Police response alarm?	
4. Do staff carry panic buttons?	
5. Is there a panic button in the cash office?	
6. How is capacity monitored?	
7. Are the tills positioned so staff face customers?	
8. Is cash stored at the premises?	
9. Is there a cloakroom?	
10. Does the cloakroom offer free hand luggage storage?	
11. Is the cloakroom facility advertised?	
12. Can the toilets be monitored easily?	
13. Are cupboards and drawers within the toilet kept locked?	
14. Are the cisterns boxed in and secure?	
15. Are there any flat surfaces?	
16. Do toilet cubicle doors have a gap at top and bottom?	
<b>Managing the effects on the local environment</b>	
1. Is glass prevented from being taken outside the premises?	
2. Are noise levels within acceptable limits?	
3. Are steps taken to ensure that pedestrians and vehicles are not affected?	
4. Are steps taken to ensure that no rubbish is left on the street?	
5. Is CCTV correctly used?	

6. Are staffing levels adequate to monitor outside drinking?	
7. What links do you have with local residents?	
8. What steps are taken to minimise disruption when people leave?	
<b>Commercial Policies – i.e., happy hours</b>	
1. The incident log may show the policy is cause for crime and disorder.	
<b>Positive Victim Care – support for witnesses and appropriate complaint procedures</b>	
1. Is there a Positive Victim Care Policy?	
<b>CCTV</b>	
1. Has the venue got CCTV?	
2. Do high-resolution cameras cover all entry/exit doors?	
3. Does CCTV cover the cash office door?	
4. Is there a written operational requirement for the CCTV?	
5. Where is the CCTV video recorder stored and is it in a secure place?	
6. Which members of staff have access to it?	
7. Are the videotapes/discs secured in a secure place?	
8. Is there a record of CCTV maintenance?	
9. Is there a record of tape/disc changes?	
10. How many tapes/discs do they use?	
11. How often are they renewed?	
12. Does the CCTV cover external area?	
13. Has the CCTV system a dedicated operator?	
14. Is the system operated in accordance with the Data Protection Act? (Registered with Data Protection Registrar)	
Also refer to the guidance on the recommended minimum requirements for CCTV in Colchester	
<b>Access Control</b>	
1. Who is responsible for supervising security staff?	
2. Is there a writing access policy?	
3. Is the queue supervised outside the venue?	
4. Is the queue supervised at the cloakroom?	
5. Is a record kept of door staff working on each day?	
6. Are personal details of security staff kept?	
<b>Crime Prevention</b>	
1. Is crime prevention literature displayed?	
2. Is there a company policy regarding the display of crime prevention material?	
3. Who is in charge of the policy?	
4. What crime prevention initiatives are in place?	
<b>Outside Eating and Drinking</b>	
1. Does the venue allow outside drinking?	
2. Has the venue got a CBC 'tables and chairs' licence?	
3. How are customers supervised outside?	
4. Is crime prevention literature displayed?	
5. Have any crime prevention measures been implemented outside?	
6. How are risks assessed regarding passing pedestrians and traffic?	
7. Are members of staff trained to supervise those outside?	
8. How are numbers of persons outside controlled? (Capacity)	
<b>Drugs and Weapons</b>	
1. Does the premises have a search policy?	
2. Are notices prominently displayed explaining the policy?	
3. Do security staff patrol inside the premises?	
4. Are staff trained in identifying problems within the venue?	
5. Are efforts made for close supervision of toilets and poorly lit areas?	

6. Are Police informed of seizures?	
7. Are seizures correctly documented?	
8. Has the premises been supplied with self-sealed property bags and plastic weapon containers?	
9. Are doorstaff trained in how to deal with weapons/firearms?	
10. Do management/staff keep written notebooks for 'original notes'?	
11. Has the venue provided search arch and/or search wands?	
12. Are door staff registered?	
13. Does the venue provide local Police with details of events involving outside promoters (one month notice)?	
14. Does the premises enter into contractual agreements with outside promoters?	
15. Are Police contacted before such agreements are signed?	
<b>Admission of Children</b>	
1. Are door supervisors trained and empowered to deal with underage drinking?	
2. Have robust systems been put in place to monitor and control the access of young people?	
3. Is there a policy statement to deal with underage access, which includes reference to the use of approved 'Proof of Age' schemes that include photo identity cards, such as the PASS scheme?	
4. Is the policy on checking of age clearly displayed?	

## Appendix 19



### PROMOTION / EVENT RISK ASSESSMENT

**THIS FORM MUST BE COMPLETED BY THE LICENSEE IN CONSULTATION WITH THE PROMOTER**

Name of Premises:

Address:

Telephone Number:

Email Address:

Designated Premises Supervisor:

Personal Licence Holder:

**Completing this document will enable police to give you appropriate support and advice to ensure a safe event. Full, honest disclosure forms part of the risk assessment and will not in itself jeopardise the event. Full co-operation is regarded as demonstrating positive and effective venue management.**

**PLEASE COMPLETE ALL SECTIONS.**

PROMOTER / PROMOTION DETAILS			
Event / Promotion Name			
Event Date (dd.mm.yyyy)			
Music style to be played / performed (e.g. <i>Basement</i> ,			
Start Time (HH:mm)		Finishing Time (HH:mm)	
Promoter's Full Name ( <i>include any other names used</i> )			
Date of Birth (dd.mm.yyyy)			
Address			
Contact Telephone Numbers	Landline		Mobile
Email Address			
Contact Name ( <i>if different</i> )			
Contact Telephone Numbers	Landline		Mobile
Contact Email Address			
Position held in Company			
Is the event...? ( <i>check relevant</i> )	Private	<input type="checkbox"/>	Public <input type="checkbox"/>
If private, how are the invitations being distributed?			

If private, who can attend? (e.g. people named on a mailing list, company)			
If public, how is the event being publicised?			
How are tickets being sold?			
Will tickets be sold on the	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
What are the expected			
What is the age range?			
Will those attending be...?	Predominantly male	Predominantly female	Mixed <input type="checkbox"/>
Is there a particular ethnic group attending?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	If 'Yes', please state group:
Advertisements (when, where and how)			
Dress code			
Do you intend to use...?	In-house security <input type="checkbox"/>	Other security <input type="checkbox"/>	
Please provide the name(s) of the security company/ies to be used:			
Contact Name of Security			
Security Company	Registration No.	Email	
Contact Nos. of Security	Landline	Mobile	
If In-House Security used give	Name of Non-Front Line SIA Licence		
	SIA Registration No.		
If other, please provide the name of the company			
Contact Name of Security			
Contact Nos. of Security	Landline	Mobile	
In all cases give	Name of Head Door Supervisor on duty		
	Mobile No.		

<p>Please list the last 3 venues (including addresses and dates) where this promotion has been</p> <p>1</p> <p>.</p> <p>2</p> <p>.</p> <p>3</p> <p>.</p>
--

Has the promoter run events at your venue before? Yes  No

If 'Yes', please give details below of numbers attending, security arrangements used, problems (if any) identified both inside and outside the venue and any additional security measures you implemented in light of any of those issues.


**Please list below ALL ARTISTES, THE ACTS / SOUND SYSTEMS / OTHER PROMOTERS performing. (DJs, MCs, etc. – show full name and aliases, address, date of birth, contact numbers.) Please use a separate sheet if necessary.**

--

**PLEASE NOTE**

Police and /or Local Authority Officers may visit the event. If it is found that there are acts performing or appearing of whom previous notification has not been given (see list on previous pages) and on whom, therefore, it has not been possible to conduct a proper risk assessment, this may jeopardise any future events either by the promoter or at the venue.

Have the proposed acts / sound systems appeared at your venue before – either alone or with others?

Yes  No

If 'Yes', please give details below of the numbers of persons attending, security arrangements used, problems (if any) identified both inside and outside the venue and any additional security measures you intend to implement in light of any of those issues.

Do you have other knowledge of the acts or crowds attending that would need special considerations to be made to limit crime and disorder (e.g. problems at previous venues, the make up of the patrons, whether they are local or are expected to travel from long distances to the event, etc.)?

Yes  No

If 'Yes', please give details of such matters below.

Show any information you may have from any other source relating to events within the past 12 months by the promoters or sound systems show above – positive and negative comments are beneficial.

Please give your **personal** assessment of any potential risks associated with this event in the box below. You should also show the control measures to be employed with regard to the identified risk and security deployments below. We will compare this with a police assessment to ensure appropriate advice and resources are provided. Your assessment should be your professional opinion based on your knowledge and experience. We are aware that the nature of some events will cause them to pose more or less risk than others. This assessment process is to allow us to properly and fairly manage risk and prevent the need for late and extreme action. Given sufficient information and notice, police and licensees can work together to provide safe and secure venues offering a wide range of public entertainment to the whole community.

<b>Show the Control Measure(s) to be employed</b>	
<b>Risk: Aggression leading to public disorder</b>	<b>Control:</b>

<p><b>Risk: Weapons and / or drugs coming into the venue with customers</b></p>	<p>Control:</p>
<p><b>Risk: Drug dealing inside and outside the venue</b></p>	<p>Control:</p>
<p><b>Risk: Performers and / or entourage bringing drugs and / or weapons into the venue</b></p>	<p>Control (suggested):</p> <ul style="list-style-type: none"> <li>• All performers and members of the entourage must undergo a search every time they enter the venue.</li> <li>• There will be no exceptions.</li> </ul> <p>Control:</p>
<p><b>Risk: Lack of crowd control / disorderly queuing</b></p>	<p>Control (suggested):</p> <ul style="list-style-type: none"> <li>• Barriers will be used to ensure that the queue is directed away from the . . . . . The queue should be monitored constantly and personnel positioned outside the venue must keep in radio contact with the Head of Security to advise on any issues of concern.</li> <li>• There will be no guest list for the show.</li> </ul> <p>Control:</p>

<p><b>Risk: Underage patrons arriving expecting admission</b></p>	<p>Control (suggested):</p> <ul style="list-style-type: none"> <li>This is an over 18s show. ID must be shown if requested. Failure to produce positive ID will result in admission being refused. This policy to be communicated during staff brief.</li> </ul> <p>Control:</p>
<p><b>Risk: Excessive consumption of ALCOHOL leading to drunkenness and public disorder</b></p>	<p>Control (suggested):</p> <ul style="list-style-type: none"> <li>Brief all staff and security to look out for people who may have had too much to drink and / or have taken drugs. Bar staff to be extra vigilant about serving people who appear to be intoxicated. Security to be extra vigilant for customers becoming irate or overly excitable.</li> <li>Medic will be on duty.</li> </ul> <p>Control:</p>

**Security Detail and Deployment**

Please note that all door supervisors used at this event **MUST** be registered with the Security Industry Authority (SIA). If any door supervisors used are unregistered both that person and the employer may be prosecuted and fined.

Customer Access		
Number of door supervisors	Male:	Female:
<b>Door Supervisors – based on near capacity attendance levels</b>		
Front of House		
Stage		
Internal Exit 2		
Internal Exit 3		
Internal Exit 4		
Other Internal Exits		
Searching - number of D/Ss	Male:	Female:
Ticket Collector		
Front Door		
Queue		

Camera Operator	
<b>Total Security Staff</b>	
Performer / Artiste Security ( <i>show company name &amp; contact</i> )	
<b>Suggested Pre-Opening Checks</b> ( <i>please check the relevant boxes to confirm these WILL take</i>	
• Radios charged	<input type="checkbox"/>
• Metal detector batteries operational	<input type="checkbox"/>
• Megaphone – located at front of house / operational	<input type="checkbox"/>
• Camcorder – located at front of house / operational	<input type="checkbox"/>
• Capacity monitoring device (e.g. Clickers) – located at front of house /	<input type="checkbox"/>
• Pre-opening checklist completed	<input type="checkbox"/>
• Staff briefing to be held at	<input type="checkbox"/>

When complete please e-mail this whole document to:

Colchester Police Station e-mail [Licensing@essex.pnn.police.uk](mailto:Licensing@essex.pnn.police.uk)  
and [licensing@colchester.gov.uk](mailto:licensing@colchester.gov.uk)

Clacton Police Station e-mail [David.Appleby@essex.pnn.police.uk](mailto:David.Appleby@essex.pnn.police.uk)  
and [licensingsection@tendringdc.gov.uk](mailto:licensingsection@tendringdc.gov.uk)

It is essential that the following items are supplied to police **at least 14 days in advance** of the proposed event in order for a proper risk assessment to be carried out:

- (i) A fully completed Entertainment Venue Risk Assessment
- (ii) A copy of any promotional flyer / advert / ticket

**If the above are not supplied in sufficient time** prior to the event it will not be possible for a proper risk assessment to be undertaken and **the event may be subject to cancellation.**

I have read this document and understood its significance.

Signed ..... (Promoter/Hirer)

..... (Designated Premises  
Supervisor/  
Personal Licence Holder)

..... (Head of Security)

Date .....

Received at the Licensing Unit:

Name  
(print) .....

Signed .....

Date .....

Retention period: 6 years

## Appendix 20

### Recommended 'Minimum' Requirements for CCTV Systems within Colchester Borough

The Licensing Authority recommends that you read and understand the aide-memoire for effective CCTV systems produced by the Association of Chief Police Officers (ACPO). Essex Police working in partnership with Colchester Borough Council also recommend that all premises within Colchester adopt the following standards.

1. The system must comply with the Data Protection Act 1998 and be registered with the Data Protection Commissioner - Tel No. 0303 123 1113, or [www.ico.gov.uk](http://www.ico.gov.uk).
2. A high quality, preferably digital, CCTV system is installed and maintained in the premises by a NACOSS (NSI) approved company, with cameras covering the whole of the premises including the male and female toilets, in order to deter any possible drug dealing, assaults or other incidents, in accordance with the Colchester Crime and Disorder Reduction Strategy and Section 17 of the Crime and Disorder Act 1998.
3. All recording equipment must be stored in a secure area with access restricted to authorised staff only. The video recorder and discs/tapes must be stored in lockable cabinets. A written record must be made by the person accessing the equipment showing the time, date, printed name and signature. Recordings on tapes/discs must be kept available for inspection for a minimum of 31 days after recording.
4. The CCTV system must include a "codec" decoding facility to enable the immediate downloading and viewing of images by the Police.
5. All discs or videotapes handed over to Police investigating incidents at premises must be of good quality, with the images easily and readily identifiable.
6. Where an analogue system is in use, management procedures must be introduced to ensure that tapes are not constantly re-used and taped over and that old tapes should be destroyed after a maximum of 18 uses.
7. Sufficient numbers of staff must be trained in the efficient and effective use of the CCTV system.
8. All 'Entry' and 'Exit' points must be monitored (recorded CCTV pictures), by a camera that records every person entering in any light conditions to a minimum standard of 'frontal' identification. In certain circumstances 'full frontal' recognition may be acceptable (see ACPO guidelines to explain identification and recognition).

9. Additionally nightclubs/pubs must have dance floors, fire exits and areas where security searches are carried out monitored in all light conditions.
10. Further monitoring will be at the recommendation of the CRO taking into account any identified risks. This may include places such as cash offices, external areas etc.
11. Constant recording is recommended for all cameras. A 'real time' recorder giving an update time of less than one second between camera pictures of the same scene will be required.
12. No split screen or rolling monitors should be on view to the public as this identifies monitored areas.
13. **Note** – Where it is shown that the identified risks are greatly reduced, the Licensing Authority may agree alternative requirements in consultation with the Colchester Crime Reduction Unit and/or Essex Police.

## **Appendix 21**

### **Guidance on Noise**

1. Colchester Borough Council regards the control of noise as an essential aspect of good neighbourliness, contributing to the sustainability of residential and commercial communities.

#### **Noise Sources**

2. Applicants should consider the potential sources of noise and the hours when it may be generated. The Council's noise criteria relate to all these sources of noise:
  - a) Music and human voices, both amplified and unamplified;
  - b) Other internal activities;
  - c) Use of open areas;
  - d) Patrons queuing;
  - e) Patrons and staff entering and leaving the premises and in its vicinity;
  - f) Vehicles arriving, waiting, parking and departing;
  - g) Deliveries and collections;
  - h) Plant, machinery and associated equipment;
  - i) Any other factors that could cause noise disturbance.
3. Many licensed activities can cause noise that is heard outside the premises and some of these risk generating noise that causes public nuisance. The risk assessment carried out for licence applications for such activities should take account of the criteria and guidance on noise set out below.
4. On the other hand, some licensed activities will generate noise at such low levels that they are unlikely to cause public nuisance. The list of criteria below should be used to determine whether it is likely that a full noise report will be required.

#### **Information on Noise**

5. Applicants may be required to provide a statement demonstrating whether and how they meet the following criteria:-
  - a) There have been no Noise Abatement Notices (Section 80 of the Environmental Protection Act 1990) served in relation to the premises within the two years prior to this application;
  - b) There have been no noise complaints relating to the premises received by the applicant, the Borough Council, the Police or the Licensing Authority within the two years prior to this application;
  - c) There are no noise sensitive properties above, below, adjacent, opposite or otherwise likely to be affected;

- d) There is no air conditioning or other plant and associated equipment;
- e) There is no loudspeaker system;
- f) There are no activities involving performances of music or other sounds, whether live or recorded, or any other 'regulated entertainment';
- g) No door staff are required as a condition of an existing licence;
- h) Deliveries, collections, servicing, use of vehicles, do not take place between 7.00pm and 7.00am.

### **Noise Report**

- 6. When the Licensing Authority receives a statement from the applicant demonstrating how they do or do not meet these criteria, it may determine whether a noise report will be required, which aspects of it will be required, what it should cover, and how it should be prepared.
- 7. A noise report may contain some or all of the following:
  - a) An environmental noise impact assessment (all noise reports);
  - b) An acoustic report for premises where there is plant and equipment (e.g. ventilation, air conditioning, lifts, hoists etc.);
  - c) A sound insulation and sound reduction measures assessment (for premises where there is plant and equipment and/or sound systems, or 'regulated entertainment');
  - d) Planned management measures for control of noise disturbance related to door control, deliveries and collections, waste management, servicing, and any other aspects requiring control of noise. These will be required in most noise reports and all applications where operating hours include any of the period 7.00pm - 7.00am and/or where door staff are required.

### **Environmental Noise Impact Assessment**

- 8. An Environmental Noise Impact Assessment should provide information, as applicable, including:
  - a) Existing ambient noise climate and a survey of both pedestrian and vehicular numbers in and around the premises;
  - b) Assessment of the existing and future noise climate due to the new or increased use of the premises, indicating any increase in predicted noise levels;
  - c) Assessment of the existing and predicted number and level of noise events;

- d) Details of management procedures to reduce the impact of the premises' operation on the locality, including noise from customers and others arriving and departing.

### **Acoustic Report (Plant and Equipment)**

- 9. An Acoustic Report should provide information for both external and internal plant, and on the prevention of noise breakout from plant, equipment and internal activities. This should cover, as relevant:
  - a) Mechanical and electrical plant, machinery and equipment and their locations, with manufacturers' specifications: octave or 1/3 octave band analysis of noise for the proposed plant, machinery and equipment;
  - b) The location of the nearest openable window of the nearest noise sensitive property that may be affected by noise from the proposed licensed use/plant and equipment, with the distance between these;
  - c) The proposed operational hours;
  - d) The background noise level assessment (LA90, 15 min) over the proposed hours of operation, including: the time, date, weather conditions, instrumentation and calibration, noise sampling locations, and a copy of the noise survey data (in accordance with BS 4142 measurement methodology);
  - e) Calculations for the predicted noise level measured one metre from the window of the nearest affected noise sensitive property;
  - f) Use of acoustic enclosures;
  - g) Use of noise attenuators and acoustic screens as required;
  - h) Measures to ensure that plant, machinery and equipment is maintained to prevent noise levels produced from increasing;
  - i) Use of vibration isolators.

### **Planned Management Measures for Control of Noise**

- 10. This is a statement of management measures to be taken to prevent and control noise and covers matters such as:
  - a) Hours of operation;
  - b) Location of entry and departure points;
  - c) Door control;
  - d) Control and prevention of queuing;

- e) Management of amplified and unamplified music and voices;
- f) Steps to be taken to achieve good behaviour outside and within the premises;
- g) Communication with customers (by signs, announcements and other means);
- h) Management of use of outdoor areas;
- i) Steps to be taken to ensure customers leave quietly;
- j) Advice to customers on departure routes;
- k) Stewarded access to taxis and licensed private hire vehicles;
- l) Arrangements for dedicated taxi or licensed private hire vehicles to collect patrons in a manner so as to minimise any disturbance;
- m) Arrangements for staff and patron parking;
- n) Limits set on hours for servicing and delivery;
- o) Guidance to drivers to limit noise during deliveries;
- p) Communications with suppliers and service providers;
- q) Providing quiet means for storage and movement of waste and recycling materials.

### **Sound Insulation and Sound Reduction Assessment.**

11. A Sound Insulation and Sound Reduction Assessment should provide information, as applicable, on proposed:
  - a) Assessment of the existing sound insulation of the building fabric;
  - b) Operational building layout to prevent noise escape;
  - c) Sound insulation measures to prevent airborne and structural transmission of noise and vibration to adjacent premises;
  - d) Attenuation measures to minimise noise breakout, and to prevent noise disturbance to the surrounding area;
  - e) Use of electronic sound limiters on amplification systems as alternative means of control;
  - f) Other measures to reduce structural transmission of noise and vibration;

g) Installation of acoustic doors and lobbies.

[Note: BS 8233: 1999 contains useful guidance on commercial design criteria.]

### **Noise Criteria**

12. Licensed premises and activities will be required to meet noise criteria which will minimise the impact on nearby residents.

### **Plant noise breakout and structural transmission**

13. Applicants should demonstrate that the licensed activities can be carried out so that plant noise, airborne noise breakout and noise and vibration transmitted through structures will meet the criteria below.

### **Premises structural transmission of noise and vibration**

14. Applicants should ensure that, as far as is reasonably practicable, licensable activities will be conducted and the facilities for licensed activities will be designed and operated so as to prevent the transmission of audible noise or perceptible vibration through the fabric of the building or structure to adjoining properties. In the case of licensable activities involving the playing of music or the operation of kitchens, or the running of plant after 11.00pm, applicants may be required to demonstrate this.

### **Plant and equipment**

15. Premises should be capable of being operated at all times of year without doors or windows being opened for ventilation. Air handling and air conditioning plant and systems must be designed and located so that noise emitted meets the criteria in Paragraph 16 below. The Borough Council will require the applicant to ensure maintenance of building plant and machinery so that the above standards will be met at all times.

### **Plant, machinery and internal activities**

16. Noise emitted from:
- a) plant, machinery and associated equipment, internally or externally installed;
  - b) ventilation;
  - c) music and human voices, both amplified and unamplified; and
  - d) other internal activities,

should achieve the following standards in relation to the existing external noise levels at the nearest noise sensitive properties, at the quietest time during which any of these activities occur:

**either**

(i) where noise from the property to be licensed will not contain tones or be sufficiently intermittent to attract attention, the maximum emission level (LAeq15 min) should not exceed 10 dB below the minimum external background noise at the nearest noise sensitive properties. The background noise level should be expressed in terms of LA90, 15 min.

**or**

(ii) where noise from the property to be licensed will contain tones or will be sufficiently intermittent to attract attention, the maximum emission level (LAeq 5 min) should not exceed 15 dB below the minimum external background noise at the nearest noise sensitive properties. The background noise level should be expressed in terms of LA90, 5 min.

### **People arriving, departing and in the vicinity**

17. Applicants should demonstrate that appropriate measures will be taken to limit noise from patrons and staff entering and leaving the premises and vehicles arriving, departing and in the vicinity to prevent avoidable noise disturbance to noise sensitive properties. The kinds of measures that may be used include:

- a) installation of an acoustic lobby with inner and outer acoustic doors, designed to prevent both sets of doors being opened at the same time together with management arrangements to ensure this;
- b) signs and verbal advice to patrons to encourage them to limit noise as they wait outside and as they leave the premises;
- c) guidance to patrons on routes to take as they depart, to cause least disturbance;
- d) guidance to staff on their responsibilities to minimise noise from patrons as they arrive at and depart from the premises;
- e) guidance to staff to minimise noise from any activities outside and in the vicinity of the premises;
- f) arrangements for the calling of taxis, private hire vehicles, cars or limousines from within the premises and for the collection of patrons by arrangement;
- g) arrangements with dedicated taxi, private hire vehicle, car or limousine companies to collect patrons in an agreed manner so as to minimise disturbance.

### **Deliveries, collections and servicing**

18. The criteria relating to deliveries, collections and servicing are that the applicant must demonstrate appropriate measures that will be taken to limit noise from these sources and that these will prevent avoidable noise disturbance to noise sensitive properties. Such measures may include:

- a) Ensuring that deliveries, collections and operational servicing are carried out between 7.00am and 7.00pm, except where access at other times is unavoidable and specific procedures are in place to limit disturbance;
- b) Guidance to drivers to switch off engine during deliveries, collections and servicing, and to minimise other noise caused by their activities.

**Any questions, further advice or guidance on noise control or reduction measures can be sought from the Council's Environmental Control Team who also represent a relevant responsible authority in regards to such matters as noise or public nuisance generally.**

**The Environmental Control Team can be contacted by phone on 01206 282581 or by email at [environmentalcontrolteam@colchester.gov.uk](mailto:environmentalcontrolteam@colchester.gov.uk)**

## Appendix 22

### Good Practice Guide: Prevention of Crime and Disorder

#### Measures for pubs, bars and music and dance premises

- a) Effective measures to check the age of those possibly under 18.
- b) Ensure door supervisors are effectively trained and empowered to deal with underage drinking.
- c) Put in place effective and robust systems to monitor and control the access of young people.
- d) Have a policy statement to deal with preventing underage access which should include reference to the use of approved 'Proof of Age' schemes, which include photo identity cards as the PASS scheme.
- e) Display of Policy on checking of age.
- f) Whether the design and layout of the premises are likely to lead to local overcrowding.
- g) Measures to discourage binge drinking and alcohol related anti-social behaviour.
- h) Measures to promote 'responsible drinking' including measures to encourage purchase of soft drinks including pricing of soft drinks to below that of alcoholic drinks.
- i) Regard paid to best practice guides and industry codes; e.g. on packaging and labelling.
- j) Whether drinking vessels are made of toughened glass or plastic and are designed to not have a sharp edge when broken.
- k) Whether the taking of glasses or glass bottles outside of the premises is permitted.
- l) Whether licensed door supervisors are to be deployed and their responsibilities for prevention of disorder in the immediate vicinity of the premises.
- m) Whether suitable use of CCTV is proposed inside and outside the premises to provide recordings of a sufficient quality to be of use in prosecutions. (See ACPO's minimum requirements.)
- n) Effective measures to prevent the use and supply of illegal drugs.

- o) Effective search procedures to prevent the bringing of illegal drugs or weapons onto the premises.
- p) Information displayed for staff and patrons, and the training for staff, on drug awareness including the spiking of drinks with drugs.
- q) Procedures agreed with the police, for searches, the surrender and seizure of drugs and weapons. The Police have produced a Guidance booklet "Safe and Sound - helping you manage the threat posed by drugs and weapons" which has sections on seizure procedure.
- r) Membership of a Pub or Clubwatch scheme.

## **Appendix 23**

### **Guidance on Classification of Films (Courtesy of British Board of Film Classification)**

#### **Universal Category**

It is impossible to predict what might upset any particular child. But a 'U' film should be suitable for audiences aged four years and over. 'U' films should be set within a positive moral framework and should offer reassuring counterbalances to any violence, threat or horror. Work classified "Uc" is particularly suitable for pre-school children to view alone.

#### **Parental Guidance Category**

General viewing, but some scenes may be unsuitable for young children.

Unaccompanied children of any age may watch. A 'PG' film should not disturb a child aged around eight or older. However, parents are advised to consider whether the content may upset younger or more sensitive children.

#### **12/12A Category**

No-one younger than 12 may see a '12A' film in a cinema unless accompanied by an adult and films classified '12A' are not recommended for a child below 12. An adult may take a younger child if, in their judgement, the film is suitable for that particular child. In such circumstances responsibility for allowing a child under 12 to view it lies with the accompanying adult. No-one younger than 12 may rent or buy a '12' rated video. The '12' category relates only to video works.

Exactly the same criteria are used to classify works as '12' or '12A'. The material is suitable, in general, only for those aged 12 years or over

#### **15 Category**

Suitable for children aged 15 years or over. No one younger than 15 may see a '15' film in a cinema. No-one younger than 15 may rent or buy a '15' rated video.

#### **18 Category**

Suitable only for adults. No one younger than 18 may see an '18' film in a cinema. No one younger than 18 may rent or buy an '18' rated video.

The BBFC respects the right of adults to choose their own entertainment within the law. It will therefore expect to intervene only rarely in relation to '18' rated cinema films. In the case of videos, which are more accessible to younger viewers, intervention may be more frequent.

There are no constraints at this level on theme, language, nudity or horror. The board may, however, cut or reject the following content:

- any detailed portrayal of violent or dangerous acts which is likely to promote the activity. This includes also instructive detail of illegal drug use
- the more explicit images of sexual activity – unless they can be exceptionally justified by context.

### **Sex Education at ‘18’**

Where sex material genuinely seeks to inform and educate in matters such as human sexuality, safe sex and health, exceptions to the normal constraints on explicit images may be made in the public interest. Such explicit detail must be kept to the minimum necessary to illustrate the educational or instructional points being made.

### **Sex works at ‘18’**

Material that appears to be simulated is generally passed ‘18’, while images of real sex are confined to the ‘R18’ category.

### **R18 Category**

To be supplied only in licensed sex shops to adults of not less than 18 years.

The ‘R18’ category is a special and legally restricted classification primarily for explicit videos of consenting sex between adults. Such videos may be supplied to adults only in licensed sex shops, of which there are currently about 90 in the UK. ‘R18’ videos may not be supplied by mail order.

## Appendix 24

### Objections and Representations – likely questions

#### **Who can object (make representations) about an application for a premises licence or ask for a review of an existing licence?**

'Interested parties' or 'responsible authorities' can make representations. Interested parties are any of the following:

- a person living in the vicinity of the premises
- a body representing people who live in that vicinity
- a person involved in a business in the vicinity of the premises
- a body representing people involved in these businesses
- *A member of the Licensing Authority i.e. an elected Councillor of the Licensing Authority.*

Responsible authorities are any of the following:

- the chief officer of police for the area in which the premises are situated;
- the fire authority for the area in which the premises are situated;
- the health and safety authority for the area in which the premises are situated;
- the local planning authority for the area in which the premises are situated;
- the environmental health authority for the area in which the premises are situated;
- the local weight and measures authority (Trading Standards) for the area in which the premises are situated;
- the body recognised as being responsible for protection of children from harm for the area in which the premises are situated; and
- with regard to a vessel – the relevant navigation authority, the Environment Agency, British Waterways Board or the Secretary of State.

#### **Who can object to a temporary event notice application?**

Only the Police are able to object.

#### **Can the Licensing Authority object (make representations) to a licence application or ask for a review of a licence?**

No, except where a premises is situated in more than one area and a different Licensing Authority is determining the application. The Act does not give the Licensing Authority considering the application the power to make representation about the application for a premises licence or request a review of a premises licence.

#### **What are relevant representations?**

'relevant representations' is the expression used for comments, including objections, regarding applications.

For a representation to be relevant it must:

- relate to the effect of the grant of the licence on the promotion of the licensing objectives
- be made by an interested party or responsible authority
- not have been withdrawn
- not be 'frivolous or vexatious' or, in the case of a review, 'repetitious' if made by an interested party
- if it concerns the designated premises supervisor, be made by a chief officer of police and include a statement explaining the reasons for the objection.

**If a local venue is causing a disturbance, is it possible to request a review of the licence?**

Yes. At any stage, following the grant of a premises licence, a responsible authority such as the Police or the fire authority, or an interested party, such as a resident in the vicinity of the premises, may apply to the Licensing Authority to review the licence if there are grounds which relate to the licensing objectives.

If an interested party, for example, a local resident, residents' association, or local business, applies for a review of the licence, the Licensing Authority must first consider whether the grounds they have put forward are relevant to the licensing objectives and that they are not frivolous, vexatious or repetitious. If the grounds satisfy these tests, the Licensing Authority must arrange a hearing to consider them and any relevant representations made.

**What does frivolous, vexatious or repetitious mean?**

Frivolous or vexatious will bear their ordinary meaning. The Licensing Authority must form a view as to whether a reasonable person would consider the observation frivolous or vexatious.

In the case of a review of the licence, the Act provides that for a ground to be a repetition it must be identical or substantially similar to a ground for review already made.

For a representation to be a repetition it is identical or substantially similar to one already considered by the authority before it determined an application, or the representations would have been considered when the application was first made but for the fact that they were excluded by reason of the issue of a provisional statement. Further, the Act provides that it will be a repetition if a reasonable interval has not elapsed since the earlier application or review.