



Licensing Sub-Committee	Item 5
The Revival Pub Straight Road, Boxted	FOR GENERAL RELEASE

Purpose of the Report	To determine an application, made under the Licensing Act 2003, for the grant of a new premises licence
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1. Application

Applicant and Premises	
Application Type	New
Applicant	The Revival Pub
Premises Address	Straight Road, Boxted, CO4 5QN
Ward	Rural North

The matter for determination by the Sub-Committee concerns an application for a new premises licence for The Revival Pub, Straight Road, Boxted.

The deregulations of the Licensing Act 2003 enable the applicant to have live and recorded music and other similar entertainment within the area covered by the premises licence. The hours of operation are limited to the hours granted for the sale of alcohol. The deregulations mean that the Council's discretion is not engaged and conditions in relation to deregulated entertainment cannot be added to the licence. The matters for determination by the Sub-Committee are the sale of alcohol on the premises and the provision of films.

The Sub-Committee in determining this matter cannot consider the need for the premises as this concerns commercial demand and is a matter for the planning authority and for the market. Neither can the Sub-Committee consider the matter of parking and road safety which lie outside its remit. The Council is only able to consider the potential impact of the application on the licensing objectives which are –

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

The plan is attached at Appendix 1. A location plan is attached at Appendix 3.

The representations received are set out in Appendix 2.

Licensable Activities and Hours

Supply of alcohol on the premises and the provision of films							
On and off the premises							
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start	11.00	11.00	11.00	11.00	11.00	11.00	14.00
End	23.00	23.00	23.00	23.00	23.00	23.00	21.00

2. Conditions

Agreed with Essex Police

1. The premises must have installed and maintain a closed-circuit television surveillance (CCTV) system that at all times complies with the below requirements:

- CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition.
- CCTV cameras must cover all public areas including all entrances and exits and all areas where the sale of alcohol takes place.
- Equipment must be maintained in good working order, be correctly time and date stamped, recordings must be kept in good working order and kept for a minimum period of 31 days.
- At all times, whilst the premises is open for licensable activities, there are members of staff able to immediately provide viewable copies of recordings to the police or licensing authority staff upon reasonable request.
- The recording equipment and data storage devices must be kept in a secure environment and fitted with security functions (such as passwords) to prevent recordings being tampered with.
- An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant: in the event of any failure, this will be recorded immediately.

2. An incident log, which must be either electronic or maintained in a bound document with individually numbered pages, must be kept on the premises or otherwise be accessible on the premises for a minimum of 12 months and made immediately available to police, trading standards or licensing authority staff upon reasonable request. The log must be completed as soon as is possible and in any case within 4 hours of the occurrence and must record the following:

- all crimes reported to the venue
- all ejections of patrons
- any complaints received concerning crime and disorder
- any incidents of disorder
- all seizures of drugs or offensive weapons
- any faults in a CCTV system, searching equipment or scanning equipment mandated as a condition of the licence
- a refusals record detailing all refusals to sell alcohol.
- a drug policy for the premises.
- staff training records including training in relation to the protection of children from harm including under-age sales, how to recognise

drunkenness, the duty not to serve drunk persons and how to minimise noise from patrons as they arrive at, queue and depart from the premises. Refresher training must be carried out at least every six months.

3. A Challenge 25 scheme must be operated, whereby any person who appears to be under the age of 25 years of age is required to produce on request an item which meets the mandatory age verification requirement and is either a:

- Biometric Home Office photo ID
- European National ID Card
- Ministry of Defence Form 90 (Defence Identity Card)
- Passport (UK or International)
- Photo Driving Licence (UK or European)
- Proof of Age Standards Scheme (PASS) card

Where Home Office approved (not yet approved) digital proof of identity assurance technology is in use, this condition applies only when confirming that a person is 18 years or older following a failure of that technology to do so.

4. The premises must clearly display signs at each point of sale and in areas where alcohol is displayed advising customers that a 'Challenge 25' policy is in force.

5. The Designated Premises Supervisor must ensure that a written record of authority is kept at the premises for all staff who sell alcohol. The record must be made available for inspection upon request of the Police or an authorised officer of the Licensing Authority and all staff selling alcohol must be in possession of formal identification to verify their identity against the record.

6. The requirement for SIA door supervisors must be risk assessed.

Agreed with Environmental Protection

8. Prominent and clear notices must be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

9. Empty bottles/cans must not be handled outside the premises between 21.00 and 09.00 so as to be audible at residential premises.

3. Representations

See Appendix 2.

4. Policy Context

Policy references are given for guidance only; they should not be regarded as a substitute for the Policy which contains the necessary detail for all parties in making and determining applications

Guide to the Policy

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

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

2.3 Licensed premises are an integral part of town and wider Borough and can have a major effect on the Council's aspirations for the Borough. Therefore, when relevant to the promotion of the licensing objectives, the Licensing Authority will aim to ensure premises are only licensed that are an asset to their locality and respect the character and identity of the area, contributing positively to the locality in which they are situated and to the Borough. Where licensed premises fail to promote the licensing objectives, the Licensing Authority will take appropriate steps to address any such licence related issues.

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

2.6 The Licensing Authority considers it extremely important that licensed premises operate as good neighbours within their community. Licence holders are encouraged to engage with local residents and businesses prior to submitting applications and for the duration of their licence to ensure that any problems can be dealt with promptly and to ensure the promotion of the licensing objectives on an ongoing basis.

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

Key Factors

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

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

KF3 Hours for licensed premises – operating at the right hours

KF4 Standards to promote the licensing objectives – excellent management

KF5 Off sales of alcohol - operating to the highest standards

Operation of the Policy

2.8 This Policy sets out the Licensing Authority's vision for the regulation of licensed premises throughout the Borough and outlines the minimum standards expected in order to ensure the promotion of the licensing objectives. Applicants are advised that where their application falls outside the guidance set out in the policy in relation to times and activities etc., they will be required to demonstrate that their proposals will not undermine the licensing objectives.

2.9 Every application will be treated in accordance with the Act, the Section 182 Guidance and this Licensing Policy. The applicant is expected to consider all relevant sections of the Policy and the potential impact upon the licensing objectives relevant to them.

2.10 The Licensing Policy is applicable to all premises providing any licensable activity. Applicants are expected to consider all the matters relevant to their application; these include key factors and where appropriate special guidance in relation to the Town Centre Zone.

2.12 If there is a relevant representation, the application will be considered on its own merits against the guidance contained within the policy and steps taken which are appropriate and proportionate to promote the licensing objectives.

2.14 The Licensing Authority will always consider the circumstances of the case and whether granting the application will undermine the licensing objectives.

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

- be specific for the premises;
- not duplicate existing provisions;
- be capable of being met;
- be appropriate and proportionate for the promotion of the licensing objectives: and
- be tailored to the individual style and characteristics of the premises and events concerned.

2.16 It is acknowledged that conditions can only be imposed that seek to manage the behaviour of customers when they are on the premises and within the control of the licensee or in the immediate vicinity of the premises.

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

2.18 Where, following relevant representations and a hearing, the Licensing Authority is not satisfied that amendments to the application and/or the imposition of conditions will ensure the promotion of the licensing objectives the application will be refused. The amendments that will be taken into consideration include –

- excluding licensable activities
- amendments to the times for licensable activities
- a reduction in the licensable area.

3 Key Factors

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

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

KF1 What we aim to encourage

KF2 The location of licensed premises

KF3 Hours for licensed premises

KF4 Standards to promote the licensing objectives

KF5 Off sales of alcohol

KF1 - What we aim to encourage

3.3 A key aim is to ensure the diversity of licensed premises and particularly avoid premises simply focused on the consumption of alcohol. Where relevant representations are made applicants wishing to operate premises that facilitate quick drinking through a lack of seats (vertical drinking), loud music, and particularly those which aim to attract a particular audience to the exclusion or detriment of other groups will need to be able to demonstrate through appropriate measures that their application will not have an adverse impact on the licensing objectives; the reliance on continuing good practice is unlikely to be sufficient where such applications for new or material variations are sought.

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

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

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

located within the Town Centre Zone should have regard to both the provisions set out in Paragraph 3.14 and those set out in 9.5.

What we aim to encourage

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

Those that will extend the diversity of entertainment and attract a wider range of participants and in particular venues that offer diversity within the night time economy such as late night cinema, without the sale of alcohol, and live music venues. Venues that offer original material, are encouraged particularly to provide a range of live performances and styles of music, provided that such entertainment does not undermine the licensing objectives.

Family friendly venues, where people with children can attend, are encouraged.

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

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

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

Theatres and Cinemas

3.14 Subject to compliance with the other policies the types of licensed premises set out in the Matrix below will generally be considered acceptable, unless relevant representations are made and/or the Licensing Authority considers that the application will undermine the licensing objectives. The Council wishes to see wider diversity in the night time economy and in particular wishes to encourage premises whose primary purpose is not the sale of alcohol.

Primary Function	Residential	Mixed Commercial and Residential	Commercial
Pub** Bar Wine Bar	Yes until 23.00, midnight Friday and Saturday	Yes until midnight	Yes until 02.00

KF2 - The location of licensed premises

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

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

- The proximity of the premises to local residents.
- The proximity of the premises to other local businesses that could be affected
- The general character of the surrounding area including crime and antisocial behaviour levels
- The availability of transport to and from the premises

3.16 Consideration will be given to the capacity for vertical drinking at the premises. Vertical drinking has been linked with encouraging binge drinking and an increased potential for violence and antisocial behaviour.

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

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

- Prevention of noise or vibration escaping from the premises due to volume of music or plant and machinery noise.
- Prevention of noise disturbance from people entering and leaving the premises (e.g. queue management, dispersal policy).
- Prevention of disturbance by people outside the premises (e.g. smoking areas).
- Litter from the premises (This issue is considered particularly relevant in respect of late-night takeaways and smoking-related litter outside of licensed premises).
- Disturbance caused by deliveries and collections at the premises including waste and bottle collection.

3.19 Consideration should be given to the effective availability of transport in relation to the premises including the proximity of public transport in order to ensure customers are able to get home safely and without causing disturbance.

KF3 - Hours for licensed premises

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

3.21 The Licensing Authority will have particular regard to the hours applied for and considers that later hours will typically be more sensitive and higher risk in causing problems, especially related to drunkenness and particularly after midnight.

Consequently, the Licensing Authority expects a higher level of control measures to be implemented at the premises when an application is made for later hours.

3.22 The Licensing Authority will have particular consideration to the location of premises and their likely effect on the locality when considering whether the hours requested are appropriate to the area and consistent with promoting the four licensing objectives (see the Matrix in paragraph 3.14). Opening hours will not generally be regulated but each application will be considered on its own merits and in particularly noise sensitive locations it may be appropriate to consider the opening hours of a premises.

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

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

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

KF4 – Standards to promote the licensing objectives

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

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

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

3.29 All relevant measures appropriate to the premises will be expected to be incorporated as part of the operating schedule. Licensees are not restricted to only those measures outlined in this Policy and it is proper that they address all issues they consider appropriate to promote the licensing objectives. They may also wish

to liaise with the responsible authorities and local residents or businesses in considering whether any additional issues may be relevant.

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

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

3.32 When it is considered by the Licensing Authority to be appropriate and proportionate in order to promote the licensing objectives, the policy is to attach conditions in accordance with the standards to promote the licensing objectives outlined in this Policy

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

5. Options available to the Sub-Committee

The Sub-Committee must take such of the following steps as it considers appropriate to ensure the promotion of the licensing objectives –

- Grant the application as requested
- Grant the application whilst imposing additional conditions
- Exclude or reduce the hours of operation of any licensable activities included within the application
- Reject the whole or part of the application

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