

Licensing Committee Meeting

**Online Meeting, Virtual Meeting Platform
Wednesday, 30 September 2020 at 18:00**

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

Information for Members of the Public

Access to information and meetings

You have the right of access to all meetings of the Council, its Committees and Cabinet which may be conducted remotely such as by live audio or video broadcast / webcast. You also have the right to see the agenda (the list of items to be discussed at a meeting), which is published on the Council's website at least five working days before the meeting, and minutes once they are published. Dates of the meetings are available here:

<https://colchester.cmis.uk.com/colchester/MeetingCalendar.aspx>.

Occasionally certain issues, for instance, commercially sensitive information or details concerning an individual have to be considered in private. When this is the case an announcement will be made, the live broadcast will end and the meeting will be moved to consider in private.

Have Your Say!

The Council welcomes contributions in the form of written representations from members of the public at most public meetings. One single contribution to each meeting of no longer than 500 words may be made by each person which must be submitted via the form accessed by this link, before noon on the working day before the meeting date: [Licensing Have Your Say!](#)

If you would like to submit representations to a meeting and need to find out more, please refer to the Have Your Say! arrangements here:

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COLCHESTER BOROUGH COUNCIL
Licensing Committee
Wednesday, 30 September 2020 at 18:00

Member:

Councillor Dave Harris
Councillor Mike Hogg

Chair
Deputy Chair

Councillor Lyn Barton
Councillor Roger Buston
Councillor Helen Chuah
Councillor Simon Crow
Councillor John Elliot
Councillor Patricia Moore
Councillor Beverley Oxford
Councillor Barbara Wood
Councillor Tim Young

Substitutes:

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

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

Members of the public may wish to note that Agenda items 1 to 6 are normally brief.

1 Welcome and Announcements (Virtual Meetings)

The Chairman will welcome members of the public and Councillors to the meeting and remind those participating to mute their microphones when not talking. The Chairman will invite all Councillors and Officers participating in the meeting to introduce themselves. The Chairman will, at regular intervals, ask Councillors to indicate if they wish to speak or ask a question and Councillors will be invited to speak in turn by the Chairman. A vote on each item of business will be taken by roll call of each Councillor and the outcome of each vote will be confirmed by the Democratic Services Officer.

2 Substitutions

Councillors will be asked to say if they are attending on behalf of a Committee member who is absent.

3 Urgent Items

The Chairman will announce if there is any item not on the published agenda which will be considered because it is urgent and will explain the reason for the urgency.

4 Declarations of Interest

Councillors will be asked to say if there are any items on the agenda about which they have a disclosable pecuniary interest which would prevent them from participating in any discussion of the item or participating in any vote upon the item, or any other pecuniary interest or non-pecuniary interest.

5 Minutes of Previous Meeting

The Councillors will be invited to confirm that the minutes of the meeting held on 11 August 2020 are a correct record.

Licensing Committee Minutes -11 August 2020

7 - 10

6 Have Your Say! (Virtual Meetings)

Members of the public may make representations to the meeting. Each representation may be no longer than three minutes (500 words). Members of the public may register their wish to address the meeting by registering online by 12.00 noon on the working day before the meeting date. In addition a written copy of the representation will need to be supplied for use in the event of unforeseen technical difficulties preventing participation at the meeting itself.

7 Changes to the Hackney Carriage and Private Hire Licensing Policy

11 - 14

This report will notify the Committee of a representation received in relation to the consultation carried out from 18 May to 31 July 2020 on proposed changes to the Suitability requirements for hackney carriage vehicle proprietors.

8 Film Classification Policy

15 - 22

The Committee will consider a report on the classification of films and recommend the adoption of a Policy and procedure to be followed to ensure the proper discharge of the Council's responsibilities under the Licensing Act 2003.

9 Licensing Act 2003 Statement of Licensing Policy - Approval for Consultation Purposes

23 - 84

The report seeks the Licensing Committee's approval of the draft Statement of Licensing Policy to enable the formal consultation process to take place.

10 **Licensing Committee Work Programme 2020-2021**

85 - 86

This report sets out the current Work Programme 2020-2021 for the Licensing Committee. This provides details of the reports that are scheduled for each meeting during the municipal year.

11 **Exclusion of the Public (not Scrutiny or Executive)**

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

Part B

(not open to the public including the press)

Licensing Committee

Wednesday, 11 August 2020

Present: Councillor Barton, Councillor Buston, Councillor Chuah, Councillor Elliott, Councillor Harris, Councillor Hogg, Councillor B. Oxford, Councillor Wood, Councillor T. Young.

Substitutes: Councillor J Mclean for Councillor Moore

106. Minutes of previous meeting

RESOLVED that the minutes of the meeting held on 10 June 2020 were confirmed as a correct record.

107. CCTV Consultation update

Sarah White, Senior Licensing Officer attended to present the report and assist the Committee with their enquiries. Sarah explained that the intention was to bring a full consultation response back to the Committee at the next meeting on 30 September 2020. She reminded the Committee that the consultation in relation to the proposed policy had been run earlier in the year, and had been extended until 12 July 2020 in recognition of the difficulties posed by the Covid-19 crisis. The Committee were advised that there had been a good response to the consultation in terms of the number of responses received, and these would all be placed before the Committee for their consideration.

RESOLVED: That the contents of the report be noted.

108. Changes to the Hackney Carriage and Private Hire Licensing Policy

Sarah White, Senior Licensing Officer attended to present the report and assist the Committee with their enquiries. The Committee were reminded that they had approved changes to the Councils Hackney Carriage and Private Hire Licensing Policy, subject to a consultation, which had been carried out between 18 May 2020 and 31 July. No responses had been received to this consultation, and the Committee were therefore requested to approve the changes and recommend that these be presented to Full Council for adoption. The key changes that had been made to the policy were highlighted, including a new requirement that hackney carriage proprietors obtain a Disclosure and Barring Service (DBS) certificate in line with new guidance from the Department for Transport. A requirement had also been introduced to ensure that the Council was notified when a licensed vehicle was sold to another proprietor for continued use as a licensed vehicle. In addition to these changes, non-British drivers

now had to obtain a counterpart licence from the Driver and Vehicle Licensing Agency (DVLA) to enable driving convictions obtained in the United Kingdom to be checked.

In response to an enquiry from Councillor Maclean, Sarah White confirmed that the change made that required hackney carriage proprietors have to obtain a DBS certificate now meant that the policy was uniform in this regard and that proprietors, private hire operators and drivers now all had to produce this document.

The Committee registered their approval of the proposed changes, which they considered to be reasonable and sensible, allowing a greater level of checks to be carried out on licence holders.

RESOLVED: that the following amendments be made to the Council's Hackney Carriage and Private Hire Licensing Policy and the amended Policy be proposed to Council for formal adoption;

Hackney Carriage Proprietors' Suitability

5.3 The application process to be amended to require hackney carriage proprietors, including joint owners, to provide the following information, in addition to the information already provided in relation to the vehicle being licensed –

- A current Passport or Birth Certificate
- Evidence that they may legally work in the UK*
 - * Please note - If circumstances come to light during the lifetime of the licence that they no longer have a right to work in the UK, the licence will be revoked.
- A basic Disclosure and Barring Service Check accompanied by a list of all previous convictions and any other relevant material information. The disclosure must be less than three months old when the application is made. Thereafter a DBS must be submitted every year. If they are also a licensed driver with the Council this requirement would not apply.
- Proof of completion of safeguarding training.

5.4 The following test be included at Paragraph 2.3 of the Policy and used when deciding the suitability of an individual –

“Would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arising suspicion and be satisfied that he/she would not allow it to be used for criminal or other unacceptable purposes and be confident that he/she would maintain it to an acceptable standard throughout the period of the licence.”

5.5 The minimum age for vehicle proprietors be set at 18 years or over.

Use of Meters

5.6 To add to Paragraph 8 of the Annex on hackney carriage vehicles and Paragraph 8 on the Annex on private hire vehicles that the meter must be turned on at the start of every journey.

Driver Conditions – Pre-licensing Standards

- 5.7 That Annex 1 of the Policy relating to Driver Conditions be amended to add an additional requirement to the pre-licensing standards that applicants holding an EU country driving licence must obtain a UK counterpart licence from the DVLA before they can be considered for a hackney carriage/private hire driver's licence and the details must be disclosed to the Council. Applicants from all other countries must apply for a full UK DVLA licence before being considered.

Selling a Vehicle

- 5.8 To add to the hackney and private hire conditions the following –

If the vehicle is sold to someone else who is going to use it for hackney/private hire work the Council must be informed, in writing within 14 days, of the name and address of the new owner. If this is not done the existing owner will remain responsible for the hackney carriage or private vehicle licence. A fee will be charged to transfer the licence to the new owner

108. Report of Urgent Action Taken / Hackney Carriage and Private Hire Licensing Policy

Sarah White, Senior Licensing Officer attended to present the report and assist the Committee with their enquiries. The Committee heard that urgent action had required to be taken to get the taxi licensing function up and running following the shut down of service provision caused by the Covid-19 emergency. Existing licenses had been extended and action had been taken to allow the full range of services to be provided to licence holders remotely in a new and safe way, and procedures had needed to be altered to allow for this. The changes required had been approved by the Chair of Scrutiny Panel

RESOLVED: that the changes made to the Council's Hackney Carriage and Private Hire Licensing Policy pursuant to the provisions of Rule 18 of the Council Procedure Rules be noted.

109. Licensing Committee Work Programme 2020-2021

Matthew Evans, Democratic Services Officer, introduced the work programme 2020-2021.

RESOLVED that the contents of the work programme be noted.

30 September 2020

Report of	Assistant Director (Communities)	Author	Jon Ruder ☎ 282840
Title	Changes to the Hackney Carriage and Private Hire Licensing Policy		
Wards affected	Not applicable		

1. Executive Summary

- 1.1 To notify the Committee of a representation received in relation to the consultation carried out from 18 May to 31 July 2020 on proposed changes to the Suitability requirements for hackney carriage vehicle proprietors.

2. Recommended Decisions

- 2.1 It is recommended that the Committee give full consideration to the points raised in the representation and determine whether it wishes to recommend the changes set out in Paragraphs 5.2 to 5.4 below.

3. Reason for Recommended Decision

- 3.1 The Council has committed to keeping the Hackney Carriage and Private Hire Licensing Policy under review to ensure that it remains fit for purpose and is responsive to the changing licensing environment. The Policy has been in operation since January 2019 and the proposed changes are in line with the new requirements under the Statutory Taxi & Private Hire Vehicle Standards.

4. Alternative Options

- 4.1 To leave the Policy unaltered which would fail to address the recent issues identified.

5. Changes to the Policy

- 5.1 The outcome of the consultation with the Trade on proposed changes to the Hackney Carriage and Private Hire Policy was considered by the Licensing Committee on 10 August 2020. It has now come to light that a representation was received in respect of the suitability requirements for hackney carriage proprietors. This representation is attached at Annex 1. The matter is therefore brought before the Committee for its consideration.

Proposed Changes - Hackney Carriage Proprietors' Suitability

- 5.2 The application process to be amended to require hackney carriage proprietors, including joint owners, to provide the following information, in addition to the information already provided in relation to the vehicle being licensed –

- A current Passport or Birth Certificate
- Evidence that they may legally work in the UK
 - Please note - If circumstances come to light during the lifetime of the licence that they no longer have a right to work in the UK, the licence will be revoked.
- A basic Disclosure and Barring Service Check accompanied by a list of all previous convictions and any other relevant material information. The disclosure must be less than three months old when the application is made. Thereafter a DBS must be submitted every year. If they are also a licensed driver with the Council this requirement would not apply.
- Proof of completion of safeguarding training.

- 5.3 The following test be included at Paragraph 2.3 of the Policy and used when deciding the suitability of an individual –

Would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arising suspicion and be satisfied that he/she would not allow it to be used for criminal or other unacceptable purposes and be confident that he/she would maintain it to an acceptable standard throughout the period of the licence.

- 5.4 The minimum age for vehicle proprietors be set at 18 years or over.
- 5.5 The requirements in relation to a basic DBS from all vehicle proprietors is contained within the Department of Transport's Statutory Taxi & Private Vehicle Standards which was published on 22 July 2020. These Standards require the annual production of a Basic DBS by hackney carriage proprietors and therefore it is recommended that the Policy be amended in line with this requirement.

6. Strategic Plan References

- 6.1 The Policy aims to contribute to the Council's vision of the Borough by ensuring that the licensed trade plays a significant role not only in the Borough's transport strategy but also in helping to promote Colchester and thereby enhancing our reputation as a destination and encouraging further investment.

7. Consultation

- 7.1 The changes have been the subject of consultation and therefore no further consultation is required.

8. Publicity Considerations

- 8.1 The new revised Policy will be available for all on the Council's website.

9. Financial Implications

- 9.1 There may be costs incurred in defending any action brought against the Council which seeks to judicially review the policy.

10. Equality, Diversity and Human Rights Implications

- 10.1 The draft Policy has been developed in accordance with, and taken account of, all relevant legislation and national and local strategies.

11. Risk Management Implications

- 11.1 A flexible yet robust revised Policy will continue to provide the Council with a sound basis for decision making.

12. Health & Safety and Community Safety Implications

- 12.1 There are no known direct health & safety or community safety issues which might arise from the adoption of the revised Policy.

13. Environmental and Sustainability Implications

- 13.1 There are no known environmental or sustainability implications.

Representation received

Good morning

Please find below my objections to the proposed changes to licensing:

DBS for Joint Owners

I think it is unreasonable for a non driving joint owner to be required to have a DBS. My partner has been joint owner for many, many years, purely to ensure that should I get seriously ill, or die, she has the authority to sell my vehicle as she sees fit, rather than have the plate returned to the Council. She is 70 years old next year, has never and will never drive a taxi. It is another unnecessary expense we do not need, especially at this difficult time.

I am all for improving the standard of vehicles/drivers, especially as the standards have dropped so much out on the street over the last 10 years or so, some of who can't even drive properly, or communicate properly.

Thanks

Dave Daniel
Plate 1

30 September 2020

Report of	Assistant Director (Communities)	Author	Jon Ruder
Title	Film Classification Policy		☎ 282840
Wards affected	Not applicable		

1. Executive Summary

- 1.1 To consider a report on the classification of films and to recommend the adoption of a Policy and procedure to be followed to ensure the proper discharge of the Council's responsibilities under the Licensing Act 2003.

2. Recommended Decisions

- 2.1 That the Policy and procedure, attached at Appendix A, be adopted.

3. Reason for Recommended Decision

- 3.1 To enable the Council to exercise its functions under the Licensing Act 2003 to determine within its area the classification of previously unclassified films; the amendment of classifications and the consideration of appeals by distributors against the British Board of Film Classification's decisions; and requests to reclassify films.

4. Alternative Options

- 4.1 Not to adopt the Policy and procedure; the Council would as a result be unable to discharge its obligations under the Act.

5. The legislation

- 5.1 Section 20 of the Licensing Act 2003 (the Act) provides that where a premises licence or club premises certificate authorises the exhibition of a film(s), the licence must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence, currently only the British Board of Film Classification (BBFC), or by the Licensing Authority itself.
- 5.2 The public exhibition of films on licensed premises must therefore either be classified by the BBFC or authorised by the Licensing Authority using its powers under the Licensing Act 2003.
- 5.3 The Licensing Authority may be requested to authorise the showing of an unclassified film(s) within the area of Colchester Borough. Typically this will be for:
- A film festival covering a specific period of time
 - A one off screening of a film(s)
 - A trailer for a film
- 5.4 The Licensing Authority may also be requested to authorise a film that has already been classified by the BBFC when –
- A distributor of a film wishes to appeal against the decision of the BBFC and request that the Licensing Authority re-classifies/authorises the film for local screening with recommendations on age restrictions) or
 - An independent party may request that the Licensing Authority reclassifies/authorises the film for local screening (with recommendations on age restrictions).
- 5.5 The attached policy sets out how the Council intends to discharge its duties under Section 20 of the Act.
- 5.6 There is no fee currently for this process but this position will be reviewed in the setting of the 2021/22 fees

6. Consultation

- 6.1 No consultation on the policy is considered necessary as the Policy proposes the use of the BBFC guidelines for the classification of films which are a well used and respected basis for the classification of films.

7. Standard references Health & Safety and Community Safety Implications

- 7.1 There are no known health & safety, community safety, environmental and sustainability, risk management, equality diversity and human rights, financial or publicity considerations arising from the adoption of the revised Policy.

Colchester Borough Council

Policy for Determining Film Classification

Appendix A

1. INTRODUCTION

1.1 Section 20 of the Licensing Act 2003 (the Act) provides that where a Premises Licence or Club Premises Certificate authorises the exhibition of a film(s), the licence must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence, currently only the British Board of Film Classification (BBFC), or by the Licensing Authority itself.

1.2 The public exhibition of films on licensed premises must therefore either be classified by the BBFC or authorised by the Licensing Authority under the powers given to it by the Licensing Act 2003.

1.3 This Policy sets out the formal procedure for Colchester Borough Council (the Licensing Authority) to determine within its area –

- the classification of previously unclassified films
- the amendment of classifications and the consideration of appeals by distributors against the BBFC's decisions
- requests to reclassify films.

1.4 Section 26 of the Counter Terrorism and Security Act 2015 places a duty on Colchester Borough Council to have 'due regard to the need to prevent people from being drawn into terrorism'.

1.5 Where a premises seeks or intends to exhibit film(s), the venue must be covered by a Premises Licence, Club Premises Certificate or Temporary Event Notice under the Licensing Act 2003, apart from the limited exemptions detailed at Section 8 of this Policy. In the case of a Temporary Event Notice, the Licensing Act 2003 mandatory condition relating to films does not apply, but applicants may still request the assistance of the Council in determining the classification of a film(s).

1.6 The Act defines children as 'any person under the age of 18' and the exhibition of film as 'the exhibition of moving pictures'.

2. BACKGROUND

2.1 The Licensing Authority may be requested to authorise the showing of an unclassified film(s) within the area of Colchester Borough. Typically this will be for:

- A film festival covering a specific period of time

September 2020

Colchester Borough Council

Policy for Determining Film Classification

- A one off screening of a film(s)
- A trailer for a film

2.2 The Licensing Authority may also be requested to authorise a film that has already been classified by the BBFC when –

- A distributor of a film wishes to appeal against the decision of the BBFC and request that the Licensing Authority re-classifies/authorises the film for local screening with recommendations on age restrictions) or
- An independent party may request that the Licensing Authority reclassifies/authorises the film for local screening (with recommendations on age restrictions).

3. PROCEDURE FOR SUBMISSION OF FILM(S)

3.1 Applications for authorisation of film(s) must be made to the Licensing, Food & Safety Manager and will be determined by the Licensing Committee.

3.2 Applications should be submitted to the Licensing Authority at least 28 days before the proposed screening.

3.3 An application for authorisation needs to be in a form that can be viewed, read and understood, should state detailed reasons for the request and include the following information:

- the date(s), time(s) and proposed venue for the exhibition of the film(s)
- the name of the film maker
- a brief synopsis of the film(s)
- any recommendation that may have been made by the film maker regarding an age limit for the intended audience for exhibition of the film
- any existing classification issues by an existing classification body, whether within or outside the UK
- if the film has previously been classified by another Licensing Authority
- details of the classification awarded by that authority, together with the date and venue at which it was shown
- information identifying the material within the film considered by the exhibitor to be likely to have a bearing on the age limit for the audience for exhibition of the film
- the language spoken in the film and whether there are subtitles in English
- details of how any age restrictions will be enforced.

Colchester Borough Council

Policy for Determining Film Classification

3.4 All requests shall be accompanied by the film(s), where possible in DVD format to avoid delays, the cost to be borne by the applicant. If DVD format is not possible, then arrangements will be made for a suitable venue to view the film(s).

3.5 If the film contains dialogue in a language other than English, an interpreter, approved by the Licensing Authority may be required for the classification, the cost to be borne by the applicant.

3.6 Applicants must ensure all material subject of the application complies with the current interpretation of the Obscene Publications Act 1959, the Copyright Design and Patents Act 1988, the Counter Terrorism and Security Act 2015 or any other relevant legislation and has not been created through the commission of a criminal offence.

4. PROCESS

4.1 Requests will be dealt with as expeditiously as possible as it is appreciated that films are generally only shown in cinemas for a relatively short period.

4.2 A Licensing Officer will view the film and prepare a brief report outlining any areas of concern or note in accordance with the BBFC guidelines, and the Licensing Committee will view the film and assess it against the BBFC guidelines and Government Guidance. At least one of the Chair or Vice Chair will be present at the viewing.

4.3 The Chair will have the final decision on the classification to be applied to the film. In the absence of the Chair, the decision will be made by the Vice Chair.

4.4 A notice of determination will be issued within 5 working days of the viewing.

4.5 The Licensing Authority will formally advise the applicant and the licence holder of any recommendation(s) restricting the admission of children to the film(s).

4.6 Where the Licensing Authority has determined to refuse the authorisation of a film, reasons for the decision shall be given.

5. CLASSIFICATION

5.1 The BBFC classifies film in accordance with published guidelines that are based on extensive research into public opinion and professional advice, generally reflecting public sensibilities and expectations as they change over time.

Colchester Borough Council

Policy for Determining Film Classification

5.2 The Licensing Authority considers the classification system used by the BBFC to be nationally understood and accepted and will use this system together with any future amendments that may apply, as a reference point for determining its recommendation(s) on the restriction of access of children to the film(s). The Licensing Authority, however, is not obliged to follow these guidelines.

5.3 Where a licensed premises within the Borough of Colchester seeks to exhibit a film(s) that has not been classified by the BBFC, then it will be the responsibility of the Licensing Authority to authorise that film(s).

5.4 The Licensing Authority recognises the principle within the Human Rights Act 1998 that adults should be free to choose their own entertainment. However material should not be in breach of the criminal law, including material judged to be obscene under the current interpretation of the Obscene Publications Act 1959, or in breach of the Copyright Design and Patents Act 1988, or the Counter Terrorism and Security Act 2015; nor created through the commission of a criminal offence.

5.5 The Licensing Authority shall concern itself primarily with the protection of children from harm and will not use its powers to censor films unless there is a clear reason to believe that this is required to promote the licensing objectives.

6. PROTECTION OF CHILDREN FROM HARM

6.1 The protection of children from harm is a licensing objective under the Act. Section 182 Government Guidance to Licensing Authorities under the Act states: It includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives that may be contained within films or adult entertainment. Licensing Authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.

6.2 In line with the Government Guidance, where a film(s) is recommended by the Licensing Authority as falling into an age restrictive category, no person under the age specified shall be admitted.

6.3 Where a film(s) is recommended by the Licensing Authority as falling into a category requiring any person under a specified age to be accompanied by an adult,

Colchester Borough Council

Policy for Determining Film Classification

no person under the age specified shall be admitted unless accompanied by an adult.

6.4 In these circumstances, the licence holder will be required to display, in a conspicuous position, a notice clearly stating the relevant age restrictions and requirements or non-admittance. E.g. Persons under the age of (insert appropriate age) cannot be admitted to any part of the programme. Persons under the age of (insert appropriate age) cannot only be admitted to the programme unless accompanied by an adult.

7. AUTHORISATION

7.1 Any authorisation(s) for the exhibition of film issued by the Licensing Authority will only apply when the film is exhibited within the area covered by Colchester Borough Council and will not affect the authorisations of any other Authority.

7.2 Once authorised by the Licensing Authority a film(s) will be authorised for a particular showing or festival only and subject to the recommendations imposed by the Licensing Authority.

7.3 The issue of any authorisation by the Licensing Authority is strictly limited to the determination of film classification and it will be assumed that all relevant third party consents and licences in respect of any and all copyright, confidential information, and all other intellectual property rights have been obtained.

7.4 Where the Licensing Authority has authorised unclassified material to be shown, it will require an undertaking from the applicant of that they are satisfied, after making proper enquiry, that no material to be exhibited contravenes the current interpretation of the Obscene Publications Act 1959, the Copyright Design and Patents Act 1988, Counter Terrorism and Security Act 2015 or any other relevant legislation and has not been created through the commission of a criminal offence.

7.5 The Licensing Authority is also not liable for any material that has been created through the commission of a criminal offence. It is the responsibility of the applicant to ensure that no film or trailer contravenes the law.

7.6 Each application will be considered on its individual merits. There is no right of appeal to the classification imposed by the Licensing Authority, save by way of Judicial Review of the decision.

Colchester Borough Council

Policy for Determining Film Classification

7.7 All authorisations issued under a Premises Licence or Club Premises Certificate will be subject to the mandatory conditions contained in the Act relating to the exhibition of film.

8. EXEMPTIONS

8.1 The provision of the exhibition of film is exempt from regulation by the Act if either:

- It consists of or forms part of an exhibit put on show for any purposes of a museum or art gallery, or
- Its sole or main purpose is to: -
 - demonstrate any product,
 - advertise any goods or services,
 - provide information, education or instruction
 - the film is shown on a 'not-for-profit' basis in a community premises between the hours of 08.00 and 23.00 provided that the audience does not exceed 500.


9. REVIEW

9.1 The provisions contained within the Policy will come into immediate effect. The Policy will be monitored and reviewed on a regular basis; the period between each review will be no longer than 5 years.

10. CONTACT DETAILS

10.1 All applications should be sent for the attention of: Licensing, Food & Safety Manager, Rowan House, 33 Sheepen Road, Colchester CO3 3WG or emailed to licensing.team@colchester.gov.uk

30 September 2020

Report of	Assistant Director (Communities)	Author	Jon Ruder
Title	Statement of Licensing Policy // Approval for Consultation Purposes		 282840
Wards affected	Not applicable		

1. Executive Summary

- 1.1 The report seeks the Licensing Committee's approval of the draft Statement of Licensing Policy to enable the formal consultation process to take place.

2. Recommended Decisions

- 2.2 That the draft Statement of Licensing Policy be approved for consultation purposes.

3. Reason for Recommended Decision

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

4. Alternative Options

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

5. Supporting Information

- 5.1 The draft Policy is attached at Appendix 1 and the major revisions are highlighted in bold.

6. The Consultation Process

- 6.1 In drafting this Policy, particular reference has been made to the Section 182 Guidance issued under the Act by the Home Office, as amended.
- 6.2 If Members agree to the draft policy as proposed by this report the Council must consult with the following:
- (a) the chief officer of police for the area,
 - (b) the fire and rescue authority for the area,
 - (c) each local authority's director of public health,
 - (d) persons/bodies representative of local premises licence holders,
 - (e) persons/bodies representative of local club premises certificate holders,
 - (f) persons/bodies representative of local personal licence holders, and
 - (g) persons/bodies representative of businesses and residents in its area.
- 6.3 Invitations to comment on the Policy will also be sent to all other responsible authorities, representatives of businesses, Ward Councillors and Town and Parish Councils. A copy of the Policy will be available for viewing and to download via a link on the Council's web site.
- 6.4 The consultation period will run from 1 October to 31 October 2020. The matter will then be brought back to the Committee before being placed before full Council in December.

7. Strategic Plan References

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

8. Consultation

- 8.1 The consultation will be undertaken in line with the methods and consultees that are detailed in paragraphs 5.2 to 5.5 of this report.

9. Publicity Considerations

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

10. Financial Implications

- 10.1 There may also be costs incurred in defending any action brought against the Council which might seek to challenge the Statement of Licensing Policy by way of a judicial review which is why it is essential that the Policy must be scrutinised by Counsel in order to ensure that it is robust and fully compliant with the law and national Section 182 Guidance as issued by the Home Office.

11. Equality, Diversity and Human Rights Implications

- 11.1 The draft revised Statement of Licensing Policy has been developed in accordance with and taken account of, all relevant legislation and national and local strategies.

12. Community Safety Implications

- 12.1 The Licensing Policy is a key part of the controls on the sale of alcohol and as such it will contribute towards improving overall community safety.

13. Health and Safety Implications

- 13.1 There is no known direct public health and safety issues which might arise from the adoption of the draft revised Licensing Policy. Act 2003.

14. Risk Management Implications

- 14.1 A flexible yet robust revised Statement of Licensing Policy will continue to provide both the Council and the Licensing Authority with a sound basis for decision making in relation to licensed premises and a secure platform from which to promote the four licensing objectives as outlined in the Licensing Act 2003.

15. Environmental and Sustainability References

- 15.1 There are no known environmental and sustainability considerations arising from the adoption of the revised Policy.



Statement of Licensing Policy

2021–2026

Colchester Borough Council

January 2021

Welcome to the latest edition of Colchester's Statement of Licensing Policy.

We are proud of Colchester's continuing reputation as a safe and vibrant, welcoming and prosperous Borough. We want to make sure that Colchester continues to offer a diverse range of high quality and well managed venues and experiences; valued by those who live and work here and those who originate to visit.

The strength of Colchester's night and daytime economy is largely attributable to the variety it offers residents and visitors alike. We recognise that as a result, the Policy must be flexible to respond to the different demands placed upon it to ensure it meets the needs of both large corporate chains and individual tea rooms, live music venues and local shops.

We remain mindful of the balance that has to be struck between the sometimes competing needs of our residents and those of our business community. Residents have a fundamental human right to the peaceful enjoyment of their property and possessions which must be balanced against the legitimate needs of business, encouraging responsible and positive investment and economic growth.

Colchester Borough Council, Essex Police and our partner agencies on the Licensing Enforcement Group are committed to working in partnership to provide a responsive licensing approach. We commend the policy to you and sincerely believe that it will continue to make a positive difference.

Contents

1 Introduction	5
Links to other strategies, policies and initiatives	6
The Strategic Plan	6
Aspirations for the Borough	6
Community Safety Team and the Safer Colchester Partnership	6
SOS Bus	6
Our Colchester Business Improvement District	7
Local Development Framework	7
Contributing to the promotion of Public Health	7
Pubwatch	8
Working to Prevent the Threat of Terrorism	8
Tackling Child Sexual Exploitation	8
Promotion of Equality	9
Consideration of Need	9
Integration with Planning	9
Duplication with other regulatory regimes	10
Responsible Authorities	10
Pavement Permits	10
Protection and Privacy of Data	10
Right to Work	10
Consultation and Implementation of the Policy	11
2 Guide to the Licensing Policy	12
Key Factors	13
Operation of the Policy	13
3 Key factors	15
KF1 – What we aim to encourage	16
KF2 – The location of licensed premises	18
KF3 – Hours for licensed premises	20
KF4 – Standards to promote the licensing objectives	21
KF5 – Off-sales of alcohol	22
4 The Prevention of Crime and Disorder	23
5 Public Safety	28
6 The Prevention of Public Nuisance	31
7 The Protection of Children from Harm	34
8 Off Sales of Alcohol	36

9 Town Centre Zone	37
10 The Cumulative Impact of Concentrations of Licensed Premises	44
11 Designated Premises Supervisors	46
12 Temporary Event Notices	47
13 Premises Licences for Large Scale Events	48
14 Film Classifications	51
15 Adult Entertainment	51
13 Licensing and Enforcement Monitoring	53
Reviews	54
Suspension for non-payment of fees	55
Ability to reinstate conditions upon review	55

Colchester is Britain's oldest recorded town with a unique history and heritage. It is also a vibrant, thriving, prosperous and welcoming town and the existence of a large University and Garrison contribute to its overall diversity. The Borough is home to more than 190,000 residents living in communities based not only in and around the town centre but in the coastal, rural and riverside areas of the Borough. The population will continue to rise with continued development and the regeneration of key areas of the Borough.

The evening and night time economy in the Borough, is predominantly centred in the town of Colchester. The unique geography of the town centre means that the vast majority of licensed venues are located within the area circled by the old roman wall; within this area and close by are a number of residential communities. The number of residents living in the town centre continues to rise with the conversion of former commercial premises to domestic accommodation. The challenge for the Council as the Licensing Authority is to balance the sometimes opposing demands of this sector with those of residents.

Introduction

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

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

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

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

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

for licensed premises, and promote high-quality premises that can contribute positively to their locality.

Links to Other Strategies, Policies and Initiatives

1.5 The key aim of the Licensing Policy is to promote the licensing objectives. However, it is recognised that there are a number of other policies which are helping to shape the Borough and this Policy integrates, as far as is reasonably practicable, with other key Council policies to ensure the promotion of the Council's strategic plan.

The Strategic Plan

1.6 The Council's strategic plan is the overarching strategy for the Borough setting out the direction and potential for the Borough and integrating social, economic and environmental strategies. It sets out the Council's role in making Colchester a place where people want to live, learn, work and visit. The priorities are -

Growth – ensuring all residents benefit from the growth of the borough
Responsibility – encouraging everyone to do their bit to making our borough even better
Opportunity – promoting and improving Colchester and its environment
Wellbeing – making Colchester an even better place to live and supporting those who need most help

1.7 The Council is committed to achieving the goals set out in its Strategic Plan to create a vibrant, prosperous, thriving and welcoming town. This Policy aims to contribute to this vision through the promotion of a wider range of high-quality attractions that encourage an increased range of customers in order to lead to longer term economic viability and growth. Licensed premises have a key role to play in the economy of Colchester as an employer, in regeneration, and in attracting people to the Borough. Additionally, effective regulation plays an essential role in enabling businesses to thrive and contribute to the Borough's economy.

Community Safety Team and the Safer Colchester Partnership

1.8 This policy is closely aligned with the work of the Safer Colchester Partnership enhancing and supporting its work. There is a significant degree of overlap in the work of Community Safety and Licensing around the areas of alcohol and public safety and in particular addressing antisocial behavior, alcohol and drug related crime, and identifying hidden harms. The standards set out within the Policy are designed to address these priorities and by their application to licensed venues the Policy will contribute to the overall aims of the Safer Colchester Partnership.

SOS Bus

1.9 The Town Centre benefits from the operation of the SOS bus and support mini bus which operates in Colchester High Street every Friday and Saturday night. The

bus at provides a safe haven at the centre of the night time economy for any vulnerable person or anyone who is at risk. The bus could not operate without a team of trained volunteers. . Its operation demonstrably reduces demand for accident and emergency attendances and helps reduce the negative impact of the night time economy on business, residents and the town in general. This Policy supports the work of the SOS staff and recognizes the essential role it plays in making the Borough vibrant, prosperous, thriving and welcoming. The SOS bus relies on voluntary contributions to fund its operation. The Council welcomes the financial contributions made and support given by members of the licensed trade which help to ensure the continued operation of the SOS bus and therefore its mitigation of the problems that can occur in the night time economy.

Our Colchester Business Improvement District

1.10 Our Colchester Business Improvement District (BID) represents more than 400 businesses in the town centre and aims to make Colchester a better place to live, work and visit. The BID promotes collaborative working for the benefit of Colchester and its businesses. It has worked to identify and address the concerns of local business and has carried out proactive work such as the provision of the DISC system and targeted campaigns aimed at the night time economy.

Local Development Framework

1.11 The Council's adopted Local Plan emphasizes the importance of the Town Centre and regeneration. Planning policies direct development towards the most accessible and sustainable locations and plans for the provision of transport, employment and community facilities to support the growth areas of the Borough. This Policy supports these development aims; it recognizes the need to ensure that licensed premises are suitable for the area in which they are situated and encourages a diverse range of entertainment facilities to meet the needs of growing communities.

Contributing to the promotion of Public Health

1.12 The Council recognizes there is no public health licensing objective and therefore cannot conduct its licensing function in order to promote public health. However, it also recognizes the impact of alcohol misuse in the Borough, and it is hoped that through the implementation of this Policy the promotion of the four licensing objectives will in turn have a positive effect on preventing alcohol misuse. For example, by ensuring licensed premises refuse sales of alcohol to children, or those attempting to purchase it on behalf of children, this will impact positively on a reduction in child alcohol-related health problems. Additionally, by preventing the use of illegal drugs on licensed premises, it is hoped this might reducedrug related harm. Through ensuring the responsible selling of alcohol, this may impact on reducing a person's drinking at harmful or hazardous levels. The Council, through its Licensing Enforcement Group (LEG), receives information on admissions to A&E and ambulance call outs and this information is used in profiling premises and areas of the borough. However, it is accepted that any such positive impact will be as a

coincidence of the Licensing Authority conducting its licensing function under the Act to promote the licensing objectives.

Pubwatch

1.13 The Council encourages participation in the town centre Pubwatch scheme. The Council encourages licensees to participate in Pubwatch, or for them to seek to establish new ones where none currently exist, and endeavours to provide as much support as possible to any members of the trade looking to work together with neighbouring residents and businesses to ensure the promotion of the licensing objectives. By acting together Pubwatch can be a powerful group to affect change in the night time economy addressing not only issues of concern but also acting together raise the profile of the town as a vibrant, prosperous, thriving, and welcoming night time destination.

1.14 Pubwatch operates the Disc system, funded by the Colchester BID to boost the town's night-time economy and make the town safer place for visitors. Members of Pubwatch are able to publish news, documents, alerts and events. Essex Police allows information on individuals who have been banned from businesses to be shared with other Disc members. The Licensing Authority recommends the adoption of the Disc system to those wishing to operate a late night venue in the town centre

Working to Prevent the Threat of Terrorism

1.15 Terror attacks have previously been targeted at bars, pubs and nightclubs in the UK. All premises are expected to have regard to the National Counter Terrorism Security Office (NaCTSO) publication 'Counter Terrorism Protective Security Advice for Bars, Pubs and Nightclubs'.

Tackling Child Sexual Exploitation

1.16 The Licensing Authority acknowledges that is the view of the Government that the use of licensed premises by children should be encouraged where appropriate. Therefore this Policy seeks to rebalance and diversify licensed premises away from those premises concentrating solely or largely on the sale of alcohol, to premises that provide a range of offerings to encourage a wide variety of users.

1.17 The Licensing Authority is committed to protecting children from harm and the Council recognises that the misuse of alcohol often contributes to the parental neglect of children and domestic abuse and violence within families and is a key factor in the criminal and sexual exploitation of children.

1.18 The Council seeks to proactively work through the Licensing Enforcement Group and PubWatch to share intelligence and encourages premises to do all they can to ensure they and their staff recognise the signs of

child exploitations and provide intelligence for the appropriate authorities about concerns, including perpetrators who may be operating in their areas.

Promotion of equality

1.19 When drafting this Policy, the Equality Act 2010 (the Act) has been considered and applied. The Act protects people from discrimination, harassment and victimisation on the basis of their ‘protected characteristics’. These are sex (gender), gender reassignment, race, disability, sexual orientation, age, religion or belief (or lack of religion or belief), pregnancy and maternity, and marriage or civil partnership.

1.20 Section 149 of the Act, ‘the Public Sector Equality Duty’, requires the Council to have ‘due regard’ in everything they do to the need to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; advance equality of opportunity between people who share a protected characteristic and those who do not; and foster good relations between people who share a protected characteristic and those who do not. The Licensing Authority will therefore ensure that premises are licensed in a manner consistent with the responsibilities under the Act to deliver the best equality outcomes for the Borough.

Consideration of need

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

Integration with Planning

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

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

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

premises and so ensure that in operating the premises planning and licensing requirements are compatible.

Duplication with other Regulatory Regimes

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

Responsible Authorities

1.26 **Responsible authorities are public bodies that must be fully notified of applications and that are entitled to make representations to the Licensing Authority in relation to the application for the grant, variation or review of a premises licence /club premises certificate. The responsible authorities and their contact details are set out on the Council's website.**

1.27 **The Licensing Authority recognises the Quality Assurance and Safeguarding Service, Children and Families at Essex County Council as the body competent to advise it on the protection of children from harm.**

Pavement Permits

1.28 **If you wish to provide tables and chairs on the public highway you must hold a pavement permits issued by Colchester Borough Council; details of how to apply and the limitations on hours and other restrictions that might be imposed can be found on the Council's website.**

1.29 **If you wish to carry out any licensable activities in this area, including the sale of alcohol where a temporary bar is provided in the area, it must be included in the plan attached to the Premises Licence or Club Premises Certificate. You are expected to have specific regard to the impact upon the licensing objectives that the operation of an area licensed under a Pavement Permit will have.**

Protection of Privacy and Data

1.30 **The information provided as part of licence applications will be processed and held in accordance with the Licensing, Food and Safety Team Privacy Policy which can be found at <https://www.colchester.gov.uk/privacy-policy/licensing-food-safety-team-privacy-policy/>**

Right to Work

1.31 **Applicants for premises licences, transfer of premises and personal**

licences must demonstrate that they have the right to work in the United Kingdom and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. This applies for individual applicants and applications from partnerships which are not limited liability partnerships.

Consultation and Implementation of the Policy

1.31 In accordance with Section 5(3) of the Act, the Licensing Authority carried out consultation on the proposed Policy between 1 October and 31 October 2020.

1.32 This Statement of Licensing Policy will take effect on 1 January 2021 and will remain in force for a period of not more than five years from this date. The Policy will be monitored and reviewed on a regular basis. Any proposed significant changes will be subject to full consultation in accordance with the Act. Minor amendments which do not affect the substance of the policy may be made without consultation.

2. Guide to the Licensing Policy

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

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 support the aspirations 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.

2.4 This Policy is a key tool in ensuring the different circumstances of our identified areas are taken into account when considering licence applications. After careful consideration and having regard to evidential data, the Council has set out additional measures that it wishes to see considered by applicants when making applications in the Town Centre Zone and also its expectations in relation to the management of premises.

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 to be considered by licensees when identifying the steps they intend to take to promote the licensing objectives in respect of 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.

2.11 Where there is no relevant representation, the licence must be granted as applied for subject to the mandatory conditions and those specified in the operating schedule.

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.

2.13 There is a greater chance of a representation being made (and therefore a hearing) where the Key Factors contained in this Policy are not addressed.

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

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 recognized 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.

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

3.7 Failure to address the Key Factors contained within the Policy may increase the possibility of representations being made against applications, particularly by Responsible Authorities.

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. In particular 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.

3.9 The Licensing Authority expects licensees to have due consideration to the Standards to Promote the licensing objectives (Key Factor 4) when determining how they operate their premises. However, it is a matter for them to propose the measures they consider appropriate with respect to their individual circumstances.

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

3.11 The Licensing Authority expects licence holders to operate their premises in accordance with the application and commitments made to the Committee in order to obtain the grant of the licence. Where evidence indicates that this is not the case premises licence holders may expect an application will be made to Review the licence. Applicants wishing to operate a restaurant will be expected to provide evidence of the premises operation as such when requested by the Licensing Authority; such evidence to include, but not limited to, wet and dry and door entry figures.

3.12 The Council will actively support and encourage premises that seek to meet the harmonization of the day and nighttime economy.

KF1 - 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.

Please note

- **The times given in the Matrix above are for licensable activities.**
- **In the case of premises which encompass two or more uses it is incumbent on the applicant to state the primary use of the premises; this use must be supported by the management plan/operating schedule.**
- **Any applicant who wishes to operate outside the times given in the Matrix will need to demonstrate that its operation supports the Key Factors without undermining the Licensing Objectives. This must be shown in the operating schedule and must demonstrate that there will be no derogation in the licensing objectives, including from departing customers. Reliance on continuing good practice is unlikely to be sufficient where such applications for new or material variations are sought.**

Primary Function	Residential	Mixed Commercial and Residential	Commercial
Nightclub	No	No	No
Restaurant	Yes until midnight	Yes until 00.30	Yes until 01.00
Late Night Takeaways *	Yes until 22.00	Yes until midnight	Yes until 01.00
Pub ** Bar	Yes until 23.00, midnight Friday and Saturday	Yes until midnight	Yes until 02.00
Non-Alcohol Led – e.g.Theatres etc.	Yes until 23.00	Yes until midnight	Yes until 01.00
Off-licence	Yes until 22.00	Yes until midnight	Yes until midnight
Members' Club	Yes until 23.00	Yes until midnight	Yes until 02.00
Village and Community Halls	Yes until 23.00, midnight Friday and Saturday	Yes until midnight	Yes until 02.00
Wine Bars **	Yes until 23.00 midnight Friday and Saturday	Yes until midnight	Yes until 02.00
Sports Clubs	Yes until 23.00	Yes until 00.30	Yes until 01.00
Coffee Shops	Yes until 23.00	Yes until midnight	Yes until 02.00
Caravan/Camping/Holiday Parks	Consideration will be given to the licensable activities to be provided when determining an appropriate time		
Garages/Service Stations	Consideration will be given to the licensable activities to be provided when determining an appropriate time		

*premises with limited or no seating and primarily focused on the sale of hot food to take away including delivery

** premises where customers are generally seated, the density of the premises is lower and the age spread of the customer base is wider

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.

3.26 Where the Licensing Authority's discretion is engaged, premises applying for early morning daytime hours to sell alcohol will be given particular consideration in relation to their proximity to schools, play areas, nurseries, children's centres and other youth amenities to protect children from harm, as well as groups (such as persons who are alcohol-dependent) who could become more vulnerable or present a greater risk of crime, disorder and public safety issues as a result of excessive alcohol consumption or who may be drawn to particular premises if they are licensed to sell alcohol at earlier times. Where its discretion is engaged, the licensing authority may give consideration to the general demand for alcohol treatment in an area as a proxy indicator of problems.

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.

KF5 Off-sales of alcohol

3.34 The Council has a Public Space Protection Orders (PSPO) in place for the Town Centre to help address and prevent numerous problems caused by public consumption of alcohol which are having a detrimental impact on the quality of life of those in the locality. Street drinking can be a major cause of antisocial behaviour, often involving underage persons, which gives rise to disorder, concerns over public safety and harm to children. Additionally, it is widely reported that consumption of alcohol by persons on the way to on-licensed premises gives rise to problems of drunken and disorderly behaviour. Licensees should ensure all staff are aware of the PSPO when situated within the designated area and reinforce the No Street Drinking warning at point of sale

3.35 In the light of the above therefore applicants are expected to demonstrate that there will be no derogation in the licensing objectives and that the operation of the premises will support the Key Factors. The Licensing Authority will give particular consideration to the hours requested for sales of alcohol. Persons who are alcohol-dependent may be drawn to particular premises if there are licensed to sell alcohol at earlier times than other premises. Additionally, if there are issues related to late night disorder, the hours for alcohol sales from the premises may be restricted.

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

3.37 There has in recent years been a significant rise in applications to the Licensing Authority seeking to permit off sales from the premises before 08.00. In light of the factors set out in 3.35 above the Licensing Authority does not wish to see the sale of alcohol before 08.00 and therefore **where the licensing authority's discretion is engaged, premises applying for early morning daytime hours to sell alcohol will be given particular consideration in relation to their proximity to schools, play areas, nurseries, children's centres and other youth amenities to protect children from harm, as well as groups (such as persons who are alcohol-dependent) who could become more vulnerable or present a greater risk of crime, disorder and public safety issues as a result of excessive alcohol consumption or who may be drawn to particular premises if they are licensed to sell alcohol at earlier times. Where its discretion is engaged, the licensing authority may give consideration to the general demand for alcohol treatment in an area as a proxy indicator of problems.**

4 The Prevention of Crime and Disorder

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

CD1 Implementation of effective security measures at the premises

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

CD2 The effective management of queues outside the premises

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

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

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

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

- High-visibility identification – It is expected that door supervisors shall be easily identifiable by wearing high-visibility clothing.
- Appropriate number of staff – Door supervisors should be employed at specified times with regard to the individual circumstances of the premises. The need for door staff should also be regularly reviewed and risk-assessed and appropriate security employed.
- The role of door supervisors in ensuring effective dispersal of patrons from the premises at the end of the night – Door supervisors should be instructed to encourage persons leaving the premises do so without causing

disturbance and in an orderly fashion.

- Consideration of SIA-approved contractor scheme companies – The objective of the SIA's Approved Contractor scheme is to raise performance standards. Approved contractors are demonstrably committed to customer service and the compulsory licensing of their staff, ensuring that every private security operative deployed on a premises will be working within the law.
- Holding security briefings at the start and end of duty.
- Maintaining a register of door supervisors on duty.

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

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

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

- Records maintained of searches and seized items – Records should be maintained of any searches where prohibited items are seized and removed. Records should be made available to the Police.
- Circumstances under which searches will be conducted – Risk assessments should be conducted to consider when searches are appropriate.
- Location of where searches will take place – Areas should be covered by CCTV and not in isolated areas.
- Use of detection devices to detect weapons and drugs and when and where they will be used – Consideration for appropriate detection devices should be risk- assessed and employed as appropriate.
- Putting procedures in place for the seizure and retention of recovered drugs and other prohibited items – Items recovered should be kept in a secure location and the Police notified.

CD5 Designing out crime in the layout of the premises

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

CD6 Comprehensive risk assessments for activities at the premises

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

CD7 Use of town link radio service at the premises and the Disc system

Late-night premises in the town centre are expected to consider subscribing to the

town link radio service which enables the rapid dissemination of information on criminal activity throughout the town centre and the Disc system which enables members of Pubwatch to publish news, documents, alerts and events.

CD8 Implementation of documented reporting procedures at the premises

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

Recordable incidents could include:

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

CD9 Ensuring responsible management of externally promoted events at the premises

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

CD10 Provision of comprehensive documented staff training

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

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

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

CD11 Implementation of effective measures to prevent and deal with drunkenness at the premises

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

sales, identifying drunkenness and preventing alcohol sales to them.

Consideration should also be given to:

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

CD12 Ensuring only responsible drinks promotions are operated at the premises

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

CD13 Effective monitoring of the premises (both interior and exterior) including the use of CCTV

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

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

CD14 Ensuring all alcohol sales are properly authorised

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

CD15 Prevention of illegal drug use and anti-spiking at the premises

A zero-tolerance policy should be implemented regarding the use of illegal drugs on the premises. A drugs policy should be in writing and include how drugs will be prevented from being brought into the premises, what action the venue will take should anyone be caught with drugs on the premises, and how the drugs will be disposed of. The use of toilet attendants, regular documented toilet checks and searches of the premises could be conducted. Licensees for on-licensed premises should also consider what action will be taken to prevent the spiking of drinks at the

premises. This could include encouraging customers to ensure that drinks are not left unattended, and the use of publicity material to ensure customers remain vigilant.

CD16 Operation of a documented glass policy for the premises

Glass injuries are a serious problem in the UK, with approximately 5,500 glassings reported each year, and glasses or bottles being used in 5% of all violent crime. A documented risk assessment should be conducted for the use of glassware on the premises and safer drinking vessels, such as toughened glass or polycarbonate, should be used when appropriate. Risk assessments should also include the use of glass in external areas (if appropriate) as well as how glass collections will be managed throughout the premises, including the frequency of such collections.

CD17 Support for the SOS bus and other mitigation measures

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

CD18 The operation of the premises

The Licensing Authority expects licence holders to operate their premises in accordance with the application and commitments made in order to obtain the licence. Applicants should demonstrate their commitment to the proposed use of the premises by the inclusion of such conditions that support this use of the premise and to limit the operation of the premises to the use applied for.

5 Public Safety

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

PS1 Maintaining a safe capacity and recording customer numbers

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

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

Licensed premises should:

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

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

PS3 Use of a daily pre-opening and closing checklist

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

PS4 Provision of comprehensive documented staff training

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

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

PS5 Implementation of appropriate anti-terrorism measures

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

PS6 Operation of a documented glass collection and spillage policy

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

PS7 The Use of Special Effects

Premises intending to use any form of special effects should carry out an appropriate and documented risk assessment and notify the Licensing Authority of their intended use.

PS8 Hypnotism, mesmerism or similar acts

Premises intending to provide, as part of their entertainment an exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process should carry out an appropriate and documented risk assessment and notify the Licensing Authority of their intended use. This does not absolve the premises licence holder from applying for and gaining any other necessary permissions

PS9 Large Scale Events

Premises holding large scale events are expected to have regard to the management standards set out in the policy and have in place an Event Management Plan that addresses , but is not limited to, the following –

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

PS10 Care and Safety of Persons, including vulnerable persons, leaving the premises

A vulnerable person is one who for a variety of reasons may be unable to look after themselves and protect themselves from harm or exploitation. People may be vulnerable for a variety of reasons including but not restricted to – intoxication levels, substance misuse, illness or medical conditions, mental health issues, age, gender/risk of sexual predator or exploitation, and social impact factors.

Premises are expected to have in place a policy in relation to the care of vulnerable persons which should consider but is not limited to the following –

- Identifying whether the person is alone or with friends.
- Assigning a member of staff to keep an eye on them.
- Making contact with a relative or friend to ensure the person is taken home safely.
- Caring for the person in a safe place within the premises and away from the general public area.
- Contacting the SOS bus, Street Pastors and/or Police/Ambulance Service to provide care/assistance.
- In the event the person wanders away from the premises, notify CCTV and asking them to keep a watch on the individual and communicate with other premises via the town link service
- Assisting the person and/or friends in finding a route home.
- Recording the incident in the premises log book.

Premises are also expected to give consideration to implementing measures designed to encourage safe journeys home including (but not limited to) -

- Discouraging drink driving by promoting schemes such as designated driver, with notices clearly displayed throughout the premises.
- Displaying information to customers with regard to safe options for travelling home such as Cabwise. Information should include access to licensed taxi cabs or licensed private hire vehicles, the location of taxi ranks and public transport facilities including night bus options. Providing a free taxi phone service and a safe waiting area for customers inside the premises

6 The Prevention of Public Nuisance

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

PN1 Prevention of noise breakout from the premises

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

PN2 Use of a last entry time for the premises

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

PN3 Communication and integration with local residents and businesses

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

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

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

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

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

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

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

Where the licensable activities could give rise to litter being dropped in the vicinity of the premises, the measures in place to prevent this occurring and/or tidy it up should be demonstrated.

The licensing authority will expect operators to cleanse outside their premises, particularly at the close of business. Further, where its discretion is engaged, the licensing authority will take account of the potential impact of the premises upon litter problems in the area and take such steps that are deemed appropriate and proportionate to address such issues. Such measures could include regular litter inspections during the hours of operation and at the close of business, the placing of litter bins in prominent areas of the premises, reducing packaging, and the use of branded packaging.

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

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

PN7 Ensuring adequate arrangements for secure and responsible storage of refuse

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

PN8 Appropriate arrangements for deliveries and collections

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

PN9 Prevention of customers causing disturbance when leaving the premises

Licensed premises need to ensure the orderly exit and dispersal of customers from

the premises. Relevant considerations could include:

- Prominent display of notices requiring courtesy for neighbours
- Preventing customers from congregating outside
- Providing advice and directions to available public transport
- Providing contact details for taxi/private hire firms and provision of a call-back service
- Use of a dedicated taxi/private hire service
- Implementing a dispersal policy based upon good practice
- Use of a winding-down period
- The role of door supervisors in managing persons leaving.

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

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

7 The Protection of Children from Harm

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

CH1 Risk assessment for when children are on the premises

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

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

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

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

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

CH3 Ensuring entertainment at the premises is age-appropriate

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

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

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

- Regular checks around and/or outside the premises for underage persons

- encouraging adults to purchase alcohol for them
- Use of CCTV, particularly in external areas
- Displaying prominent notices in the premises explaining the law in relation to purchasing alcohol on behalf of persons under 18 and the penalties involved.

CH5 Proper management of any child performers

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

CH6 Ensuring age restrictions are enforced effectively when showing films

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

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

Effective and appropriate measures must be taken to ensure age restrictions are enforced at the premises. Relevant considerations include:

- Implementation of Challenge 25
- Details of what forms of ID are acceptable
- The use of till prompts
- The maintenance of refusal logs
- Staff training.

CH8 Provision of comprehensive documented staff training

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

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

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

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

CH10 Operation of under 18 events at premises

Where under 18 events take place, premises are expected to put in place appropriate measures to ensure the safety and welfare of those attending the event.

8 Off-sales of Alcohol

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

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

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

- No alcohol purchased from sellers calling at the shop
- Reporting to Trading Standards any caller to the shop attempting to sell alcohol
- Keeping invoices (or copies) on the premises for all alcoholic goods purchased for inspection by authorised officers
- Operation of a stock control system
- Use of an ultraviolet pen or light to check the UK Duty Stamp on spirits

OF2 To control the sale of alcohol for delivery

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

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

9. Town Centre Zone

9.1 In the town centre restaurants and takeaways account for over half of the premises in the night time economy and pubs, bars and inns account over a third of all premises.

There is evidence that within this area (shown on the plan at Appendix 1), the promotion of the licensing objectives is being undermined, in particular in the early hours of the morning, as a consequence of the operation of licensed premises in the area; having regard to the levels of crime and disorder and public nuisance experienced within it and the complaints received from local residents.

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

9.3 There is evidence of problems associated with operation of licensed premises in the Town Centre Zone and the Licensing Authority wishes to see a decrease in the levels of crime and disorder and public nuisance already being experienced in the area. However, the authority does wish to diversify the evening and night time economy in in this area.

9.5 With this in mind, and **subject to compliance with the other requirements of the policy (in particular paragraph 3.14)**, the following guidance for new licences and material variations, where relevant representations have been made, is offered:-

- a. The following venue types are strongly encouraged provided they do not undermine the licensing objectives and therefore the licensing policy:
 - Restaurant
 - Non-alcohol led premises
 - Live entertainment venue
 - Coffee shops
- b. There is a strong presumption against the following venue types because of their potential to undermine the licensing objectives and therefore the licensing policy.
 - Late night takeaway
 - Nightclub
 - High Volume Vertical Drinking establishment
 - Pub/Bar
 - Off licences

Please note

- In the case of premises which encompass two or more uses it is incumbent on the applicant to state the primary use of the premises; this use must be supported by the management plan/operating schedule.
- Any applicant who wishes to operate a premises for which there is a strong presumption against within the Policy must demonstrate in its application that there will be no derogation in the licensing objectives, including from departing customers, and that its operation actively supports the Key Factors. Reliance on continuing good practice is unlikely to be sufficient where such applications for new or material variations are sought. Neither should reliance be placed on the size of the venue.

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

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

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

9.9 The measures are set out as follows:

Please note – the references below refer to the standards under the licensing objectives
(See pages 22 to 34)

Ref	Matter to be addressed	Measure to be adopted
CD2	Effective management of queues outside the premises	A documented policy addressing how queues outside of the premises will be managed to prevent any nuisance or disorderly behavior
CD3	The control of entry to and exit from the premises, including assessing the need for door supervisors	A documented risk assessment assessing the need for door supervisors at the premises. Where employed, door supervisors shall be easily identifiable (through high-visibility uniform) and employed in appropriate numbers and during appropriate times. Written records to be kept of any door supervisors on duty.
CD5	Designing out crime in the layout of the premises	Positive consideration will be given to the commissioning a Licensing Impact Statement (by Design for Security) and operation of the premises in line with the recommendations of that report.
CD8	Implementation of documented reporting procedures at the premises	Documented records to be kept in respect of: Lost and found property Refused sales of alcohol Thefts Banned and ejected persons Injuries Complaints and any remedial action taken.
CD10	Provision of comprehensive documented staff training	Documented staff training conducted in respect of: Preventing underage sales Preventing drunkenness Managing and resolving conflict Emergency procedures

		<p>Compliance with the licence conditions</p> <p>Relevant obligations and offences under the Licensing Act, particularly those associated with the sale of alcohol</p> <p>Identification and refusal of underage sales</p> <p>Positive consideration will be given to the use of accredited training course and recognized industry qualifications (e.g. BII)</p>
CD11	Implementation of effective measures to prevent and deal with drunkenness at the premises	<p>A documented policy in relation to preventing and managing drunkenness on the premises.</p> <p>Access to the premises should not be permitted to any person who is visibly intoxicated.</p> <p>Positive consideration will be given to:</p> <p>The sale of alcohol being subject to the use of waiter/waitress service for consumption by persons seated at tables</p> <p>Substantial food being available at all times</p> <p>Use of the Responsible Alcohol Service Guide</p> <p>Displaying responsible drinking information and posters throughout the premises</p> <p>Ensuring alcohol-free options are readily available</p> <p>Making appropriate arrangements to ensure the safe transport home of vulnerable customers</p> <p>Training of staff in the Responsible Alcohol Service award</p> <p>No promotional activity resulting in a minimum unit price of less than 50p.</p> <p>In relation to off sales - positive consideration will be given to:</p> <p>Voluntary restriction of high strength alcohol (i.e. high ABV beers and cider)</p>

CD13	Effective monitoring of the premises (both interior and exterior) including the use of CCTV	A digital CCTV system installed in conjunction with any specification or recommendations of Essex Police.
CD14	Ensuring all alcohol sales are properly authorised	Positive consideration will be given to there being at least one personal licence holder on duty on the premises at all times it is open to the public.
CD16	Operation of a documented glass policy for the premises	A documented risk assessment in respect of the use of glassware on the premises. Where appropriate plastic or polycarbonate drinking vessels.
CD17	Support for the SOS bus and other mitigation measures	Positive consideration will be given to measures to support the SOS bus and other mitigation measures.
PS1	Maintaining a safe capacity and recording customer numbers	The maximum occupancy of the premises should be prominently displayed at the entrance to the premises and appropriate measures put in place to ensure the capacity is not breached.
PS6	Operation of a documented glass collection and spillage policy	A documented policy to ensure that drinking vessels are not left unattended and the efficient collection of glasses and cleaning up at the premises, especially in outdoor areas.
PN1	Prevention of noise breakout from the premises	Systems to ensure that any noise from the premises, especially regulated entertainment, does not cause disturbance to neighbouring properties, particularly local residents.
PN3	Communication and integration with local residents and businesses	Positive consideration will be given to: Participation in any community local initiatives. Communication with local residents and groups. Provision of a mobile contact number for the DPS or nominated person for the immediate resolution of problems.

		Hosting of meetings with local residents to troubleshoot issues associated with the premises.
PN4	Effective management of exterior spaces (e.g. beer gardens, smoking areas)	Policies in place in relation to: Supervision arrangements. How such areas will be kept clean and free of litter, particularly at the end of trading. Avoiding customers causing noise disturbance.
PN5	Cleansing arrangements and ensuring the premises and surrounding area are kept clean and free of litter	Systems in place to ensure the premises and surrounding area are kept clean and free of litter at all times the premises is open to the public, and at the close of trade. Positive consideration will be given to: Contribution (including financial) to any community local initiatives or infrastructure Cleaning initiatives beyond the immediate vicinity of the premises.
PN6	Responsible management of the use of flyers and other promotional material	The distribution of flyers shall only be conducted in accordance with the terms of the requisite permit to distribute free printed material issued by the Council.
PN9	Prevention of customers causing disturbance when leaving the premises	Policies for the dispersal of customers to ensure orderly conduct and minimize disturbance. Positive consideration will be given to: Supervision of customers leaving including preventing customers congregating outside Use of a winding-down period Providing a dedicated taxi/private hire calling service, which operates a call back facility.
PN10	Membership of any local Pub and Club Network/Off Licence Forum or other	Positive consideration will be given to: Participation in the local Pubwatch scheme

	recognized partnership group	Support of any local resident / community schemes including the voluntary hosting of meetings.
CH4	Taking action to prevent proxy sales of alcohol from the premises	Operators should ensure staff are aware of the risks of proxy sales and take appropriate measures to deter offences.
CH7	Prevention of underage sales of age-restricted products and underage persons access	The operation of Challenge 25 with acceptable forms of ID Positive consideration will be given to: The use of till prompts Operation of mystery shopper exercises at own expense.

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

9.10 Each application will be considered on its individual merits.

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

9.13 The Town Centre Zone will be kept under review and where problems of crime and disorder or public nuisance are not improving, or are worsening, the Policy will be reviewed with a view to introducing a cumulative impact area.

10. The Cumulative Impact of Concentrations of Licensed Premises

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

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

10.3 Types of evidence the Licensing Authority will take into consideration when considering whether to implement a cumulative impact policy include:

- Information and intelligence from its own Licensing Enforcement Group
- Alcohol-related crime
- The number and type of licensed premises and the hours and activities for which they are licensed
- Ambulance and A&E data in respect of alcohol-related incidents
- Residential density
- Noise complaints
- The number of consumers attracted to the area and the availability of public transport

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

- Planning controls
- Positive measures to create a safe and clean town environment in partnership with local businesses, transport operators and other Council departments
- The provision of CCTV in the town centre, sufficient taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols
- Police enforcement including the issuing of fixed penalty notices
- Prosecution of personal licence holders or other members of staff who sell alcohol to people who are already drunk
- Confiscation of alcohol from children and adults in designated areas
- Police and Council powers to close down instantly, for 24 hours, a premises or temporary event on the grounds of disorder, the likelihood of disorder or noise

- emanating from the premises causing a nuisance
- The power to seek the review of a licence

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

11 Designated Premises Supervisors

11.1 Under the Licensing Act 2003, all licences that authorise the sale of alcohol must contain details of the Designated Premises Supervisor (DPS).

11.2 It is expected that responsible authorities will as a rule consider developing constructive working relationships with designated premises supervisors, and the Licensing Authority expects this to be reciprocated to promote effective partnership working relations with the trade.

11.3 The Section 182 guidance states: ‘the designated premises supervisor is the key person who will usually be charged with day-to-day management of the premises by the premises licence holder including the prevention of disorder.’ The licensing authority will not normally impose conditions related to the management competency of designated premises supervisors, save where it is considered appropriate that in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder, public safety and public nuisance.

11.4 Where, following an objection by the police, the Licensing Authority is satisfied that the appointment of a person as a DPS would undermine the crime prevention licensing objective, the policy is to refuse the appointment or, if already in post, to remove them as the DPS.

12 Temporary Event Notices

12.1 Temporary Event Notices, TENs, can be used to authorise premises for licensable activities for temporary periods or specific occasions.

12.2 Unlike applications for premises licences and club premises certificates, the licensing authority does not grant temporary event notices. Instead the premises user notifies the licensing authority of their intention to hold an event. Only the police and environmental protection can intervene to prevent it taking place or agree modifications to the event arrangements. However, in the interests of public safety the fire authority are notified by the Licensing Authority of all temporary events notices.

12.3 It is strongly suggested that TENS are lodged well in advance of the event to enable the licensing authority to work with event organisers, where necessary, to resolve any potential issues that may arise as a result of the TEN. This is particularly relevant for organisers of events anticipating maximum attendance and/or involving the sale of alcohol. Organisers should also have regard to the relevant parts of the guidance in this policy on large scale events.

12.4 Events such as village fetes which occur on a temporary basis may not require a licence. However, organisers of such events are requested to notify the Licensing Authority to ensure that, in the event that enquiries/complaints are received from members of the public, they can be effectively dealt with.

12.5 Temporary Event Notices do not override the need to have the necessary planning consent in place for the event to be held.

13 Premises Licences for Large-Scale Public Events

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

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

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

13.3 Relevant details in respect of the above may include:

- The proposed capacity of the event
- The provision of plans to agreed scales detailing exits, entrances, temporary bars, marquees and all facilities to be provided within the premises
- Details of proposals for entertainments, together with information regarding any special effects
- Details of proposals for concessionary activities, including food franchises, bars, restaurants and non-food retail sales
- An alcohol management plan, which will include details of:

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

- A Safety Policy and Risk Assessment for the event
- Details of arrangements for co-ordinating and controlling event safety on the site
- A site safety plan, including site safety rules, requirements for construction and breakdown of site, structural safety calculations, drawings of temporary structures and safety barriers, details of electrical installations and lighting arrangements
- Incident contingency and emergency plans (including a Major Incident Plan)
- A crowd management, stewarding and security plan (taking into account the views of Essex Police)
- A medical ambulance and first aid plan
- A fire safety plan
- A traffic management plan
- A sound assessment with details and proposals for monitoring and controlling sound emission
- Details for the provision of cleaning and maintenance of sanitary accommodation, washing facilities and drinking water
- Details for the reception collection, litter and disposal of other waste
- Details of welfare arrangement facilities and provisions for information on site
- Details of the arrangements and facilities for disabled persons.
- Consideration should not solely focus on the activities taking place within the area of the licensed premises. Appropriate measures to address issues outside the licensable area include:
- Putting in place plans that will assist to minimize disruption to the day-to-day lives of local residents, businesses and existing operations for the period of the event
- Providing a robust traffic and transport plan that takes into account the needs of the local community – and minimizes the impact of visitors to the area for the event – while maintaining a safe and convenient point of access and egress for the attendees within the parameters of existing traffic, transport and parking provision

- Putting in place a strategy to manage the consumption of alcohol by visitors accessing and leaving the event in the public realm and highway
- Putting in place a strategy for the control of access to and egress from the licensed premises for the control of disorderly behaviour.
- Providing facilities external to the licensed area that will assist in the management of the access and egress of visitors to the event – and minimize the impact on the existing public realm – including, but not restricted to, additional toilet facilities and a designated park and ride area
- Putting in place a cleansing strategy beyond the immediate perimeter of the licensed premises in association with the Local Authority
- Providing communication channels for the local community that will enable residents and businesses to access sufficient detailed information prior to the event days
- Providing a hotline and information phone number for residents and local businesses for the duration of the event.

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

14 Film classifications

14.1 Where a Premises Licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to films to be restricted in accordance with either the BBFC classification; or where the film is not classified by the BBFC, any recommendations made by the licensing authority.

14.2 The Council's Policy, attached at Appendix 2 sets out the formal procedure for Colchester Borough Council (the Licensing Authority) to determine within its area –

- the classification of previously unclassified films
- the amendment of classifications and the consideration of appeals by distributors against the BBFC's decisions
- requests to reclassify films.

15 Adult Entertainment

15.1 Where its discretion is engaged, the Licensing Authority will have regard to the following additional matters in respect of applications to provide adult entertainment, including entertainment of a sexual nature, eg. nudity, striptease and lap dancing.

15.2 For premises that wish to provide such entertainment, the authority will also take into account the location of the premises in relation to their proximity to the following sensitive uses –

- residential accommodation;
- schools, nurseries and other premises used by children and vulnerable persons;
- parks or other recreational areas used by children and other vulnerable persons;
- religious centres and places of religious worship;
- youth, community and leisure centres;
- access routes to and from premises listed above;
- historic buildings or visitor attractions;
- an area designated either as an area under regeneration, or due to be regenerated.

15.3 The licensing authority expects licensees to consider the following additional measures when applying to provide adult entertainment and, if considered

appropriate for the promotion of the licensing objectives, include relevant steps in their operating schedule:

- The exclusion of under-18s from the premises
- A code of conduct for customers
- A code of conduct for dancers and performers
- Documentary checks for dancers and performers, including proof of age, identity and (where appropriate) proof of permission to work
- how the entertainment will be advertised and promoted at the premises

15.4 It is expected that any codes of conduct would be developed in consultation with the Licensing Authority having regard to the Council's Sex Establishment Policy.

16 Licensing Enforcement and Monitoring

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

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

16.3 The Licensing Authority is the lead authority on the Council's Licensing Enforcement Group which comprises representatives from all the responsible authorities and the Garrison. The Group meets monthly to share information on licensed venues and agree any resultant enforcement action.

The Terms of Reference of the Group are to:

- Work together to share knowledge and deal effectively with premises licensed under the Licensing Act 2003 that have been subject to complaints or raised concerns.
- Identify and discuss at an early stage those premises which may be called for review.
- Establish agreed means by which an intervention by the Group rather than by a single responsible authority could be achieved.
- To consider matters of potential serious or escalating concern that may fall outside the Licensing Act 2003 (e.g. taxi problems or disturbance that may be related to the management of one or more licensed premises).
- The aims and responsibilities of the Group are to:
- Improve the local and immediate neighbourhood that is affected by poorly managed premises.
- Raise the levels of compliance and standards of management in licensed premises.
- Prevent a possible escalation of problems with early and coordinated intervention.
- Enable the Licensing Authority to optimise its role as responsible authority under the Licensing Act.

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

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

16.5 Failure to promote the licensing objectives may result in licence review and the possible implementation of sanctions by the Licensing Committee, including removal of licensable activities, reductions in hours or, ultimately, revocation of the licence. Additionally, where offences are committed and/or licence conditions are not adhered to, prosecution will be considered.

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

16.7 The principles of enforcement for Licensing Authority focus are:

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

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

Reviews

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

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

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

16.11 The Licensing Authority will not normally engage its role as a responsible authority by calling reviews on behalf of other persons, such as local residents or community groups. These individuals are entitled to do so in their own right where there are sufficient grounds to do so.

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

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

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

Suspension for Non Payment of Fees

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

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

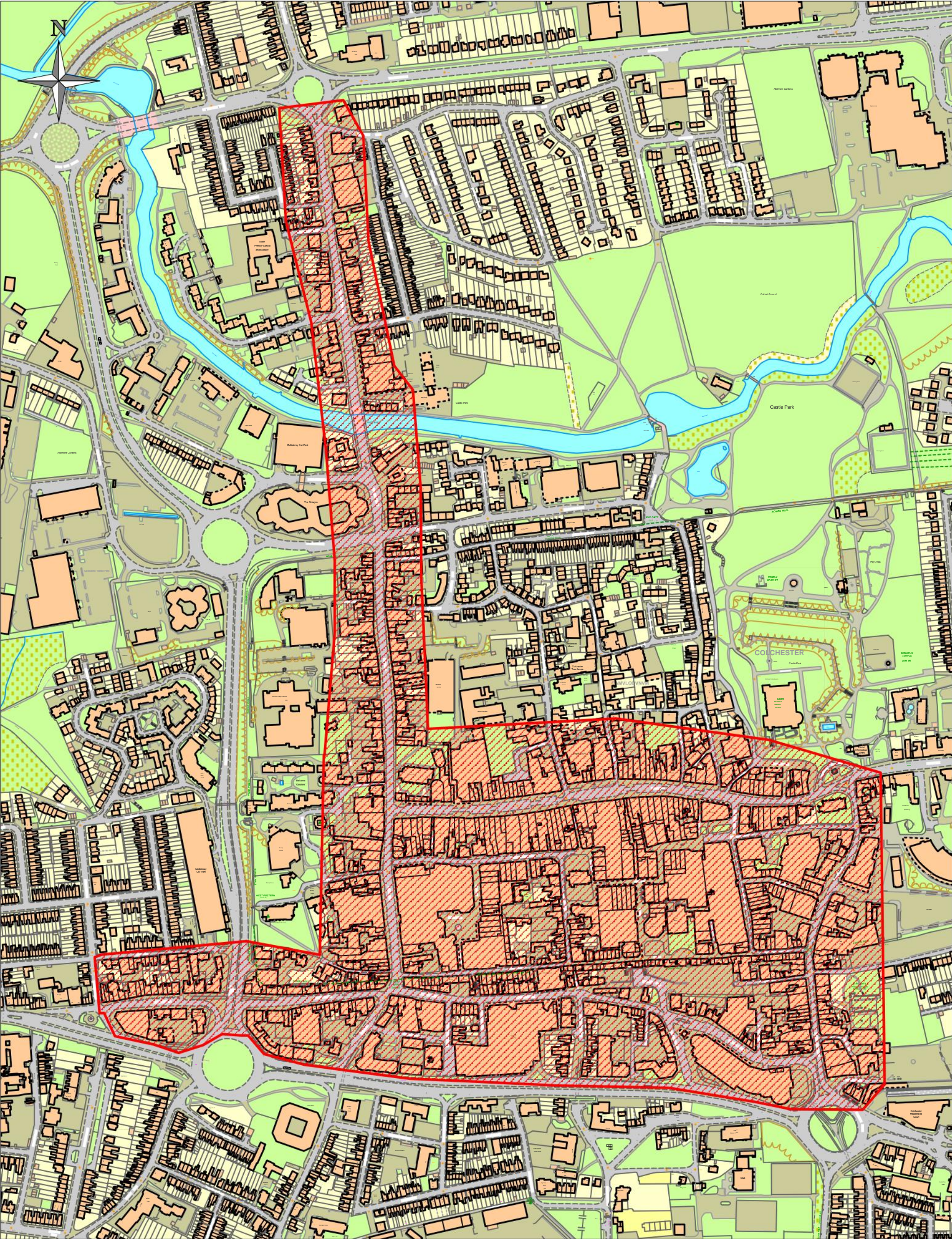
16.17 Where payment has not been made by the due date as a result of a genuine administrative error, or because the licence holder disputed liability for the fee before or at the time of the due date, there shall be a grace period of 21 days to resolve the matter before the licence is suspended.

Ability to re-instate conditions upon Review

16.18 Where entertainments authorised under the Licensing Act 2003 have been deregulated and the conditions in relation to those matters no longer apply, the Licensing Authority may reinstate or impose conditions following a review of a premises licence or

club premises certificate. The reinstatement or imposition of conditions will be considered where it can be demonstrated that the promotion of the licensing objectives is being undermined and such action is considered to be appropriate.

Town Centre Zone



30 September 2020

Report of	Assistant Director of Corporate and Improvement Services	Author	Matthew Evans
Title	Licensing Committee Work Programme 2020-2021		☎ 8006
Wards affected	Not applicable		

1. Executive Summary

- 1.1 This report sets out the current Work Programme 2020-2021 for the Licensing Committee. This provides details of the reports that are scheduled for each meeting during the municipal year.

2. Recommended Decision

- 2.1 The Committee is asked to note the contents Committee's Work Programme for 2020-2021, including the changes that have been made to the work programme for this meeting, and for the following meeting scheduled for 11 November 2020.

3. Alternative Options

- 3.1 This function forms part of the Committee's Terms of Reference and, as such, no alternative options are presented.

4. Background Information

- 4.1 The Committee's work programme will evolve as the Municipal Year progresses and items of business are commenced and concluded.

5. Standard References

- 5.1 There are no particular references to publicity or consultation considerations; or financial; equality, diversity and human rights; community safety; health and safety, environmental and sustainability implications or risk management implications

6. Strategic Plan References

- 6.1 The Policy aims to contribute to the Council's priorities for the Borough and in particular to support the Growth, Wellbeing and Opportunity priorities by working with the licensed trade to promote the town and make it a safer place.

Licensing Work Plan May 2020 – April 2021

10 June 2020	Responses to scrap metal dealer policy consultation CCTV in Licensed Vehicles Policy consultation period - extension
11 August 2020	Responses to CCTV in licensed vehicles policy consultation – update report for noting Responses to the Hackney Carriage and Private Hire Policy amendments in relation to policy changes Amendments made to the administrative process for Hackney Carriage and Private Hire under urgency powers – for noting
30 September 2020	Responses to the Hackney Carriage and Private Hire Policy amendments in relation to policy changes Film classification policy Licensing Act 2003 policy review
11 November 2020	Caravans and Park Homes update CCTV implementation update/policy revisions Street Collections policy review
20 January 2021	Revised Hackney Carriage and Private Hire Policy – card machines
24 March 2021	Caravans and Park Homes update Sex establishment policy review