

APOLOGIES Committee Services  
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DIRECTOR OF STRATEGY AND  
RESOURCES  
Paul Dodson

08 July 2024

Dear Councillor

You are summoned to attend the meeting of the;

**LICENSING COMMITTEE**

on **TUESDAY 16 JULY 2024** at **7.30 pm**

in the **Council Chamber, Maldon District Council Offices, Princes Road, Maldon.**

Please Note: All meetings will continue to be live streamed on the [Council's YouTube channel](#) for those wishing to observe remotely. Public participants wishing to speak remotely at a meeting can continue to do so via Microsoft Teams.

To register your request to speak / attend in person please complete a [Public Access form](#) (to be submitted by 12noon on the working day before the Committee meeting). All requests will be considered on a first-come, first-served basis.

A copy of the agenda is attached.

Yours faithfully



Director of Strategy and Resources

**COMMITTEE MEMBERSHIP:**

|                  |   |
|------------------|---|
| CHAIRPERSON      | Councillor M F L Durham, CC   |
| VICE-CHAIRPERSON | Councillor S J N Morgan   |
| COUNCILLORS      | M G Bassenger<br>S J Burwood<br>L J Haywood<br>A M Lay<br>N D Spenceley<br>E L Stephens<br>J C Stilts<br>M E Thompson |





**AGENDA  
LICENSING COMMITTEE**

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**TUESDAY 16 JULY 2024**

1. **Chairperson's Notices**

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 5 - 6)

To confirm the Minutes of the meeting of the Committee held on 28 November 2023, (copy enclosed).

4. **Disclosure of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, Other Registrable interests and Non-Registrable Interests relating to items of business on the agenda having regard to paragraph 9 and Appendix B of the Code of Conduct for Members.

(Members are reminded that they are also required to disclose any such interests as soon as they become aware should the need arise throughout the meeting).

5. **Public Participation**

To receive the views of members of the public, of which prior notification in writing has been received (no later than noon on the working day before the day of the meeting).

Should you wish to submit a question please complete the online form at: [www.maldon.gov.uk/publicparticipation](http://www.maldon.gov.uk/publicparticipation).

6. **Statement of Licensing Policy 2024 To 2029** (Pages 7 - 96)

To consider the report of the Director of Service Delivery (copy enclosed).

7. **Street Collections Policy** (Pages 97 - 118)

To consider the report of the Director of Service Delivery (copy enclosed).

8. **Any other items of business that the Chairperson of the Committee decides are urgent**

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## **NOTICES**

### **Recording of Meeting**

Please note that the Council will be recording and publishing on the Council's website any part of this meeting held in open session.

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### **Health and Safety**

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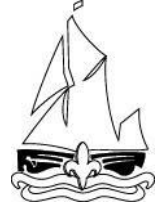
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### **Lift**

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**MINUTES of  
LICENSING COMMITTEE  
28 NOVEMBER 2023**

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**PRESENT**

|                  |  |
|------------------|--|
| Chairperson      | Councillor M F L Durham, CC  |
| Vice-Chairperson | Councillor M E Thompson  |
| Councillors      | L J Haywood, A M Lay, S J N Morgan, N D Spenceley,<br>E L Stephens, J C Stilts and N J Swindle |

**348. CHAIRPERSON'S NOTICES**

The Chairperson welcomed everyone to the meeting and went through some general housekeeping arrangements for the meeting.

**349. APOLOGIES FOR ABSENCE**

There were none.

**350. TERMS OF REFERENCE**

The Terms of Reference for the Licensing Committee were noted.

**351. DISCLOSURE OF INTEREST**

There were none.

**352. PUBLIC PARTICIPATION**

There was none.

**353. GAMBLING ACT 2005 - REVIEW OF DRAFT GAMBLING POLICY**

The Committee considered the report of the Director of Service Delivery that Highlighted the need for an immediate review of the Council's Statement of Gambling Policy in respect of the Gambling Act 2005 (as amended). The existing policy had become outdated, posing significant implications for the Council's local jurisdiction. It was important to emphasize that this review was not a comprehensive appraisal but a necessary interim measure to ensure compliance with the law until a thorough review can be undertaken.

The Chairperson introduced the report and deferred to the Assistant Director, Service Delivery to present the detail. She took the Committee through the report advising that the Gambling Act 2005 (the Act) required each licensing authority to publish a Statement of Gambling Policy and to review that policy at least once every three years. The policy set out the principles that the Council will apply in exercising its licensing functions under the Act. The White Paper published In April this year set out plans for reviewing and modernising the regulation of gambling in Great Britain. This included a

number of measures to adjust outdated regulatory restrictions applying to the land-based gambling sector. Given the Council's existing policy expired in June 2021 urgent action was required to ensure the Council remained in compliance with existing laws and regulations while preventing any legal complications. It should be noted that currently there were no material changes to the policy apart from minor changes to text highlighted in the draft renewal in Appendix 1.

The Chairperson then moved the recommendations in the report and opened the debate.

In response to issues raised Officers provided the following information:

- That the delay in updating the policy was due to the adverse impact of covid and other competing demands. However going forwards all policies were now linked to Service Plans which would ensure timely updates take place.
- That amendments to the Policy at section 3.2 together with the headers at sections 27 and 28 respectively would be addressed outside of the meeting.
- That in accordance with Councillor Stephens amendment Gamblers' Anonymous would be included in the list of consultees.
- That this was a light touch review through Essex Police to ensure compliance and a full review will take place next year to include all consultees.

There being no further discussion the Chairperson put the recommendations, to include the aforementioned amendment by Councillor Stephens. to the Committee and they were agreed by assent.

#### **RESOLVED**

- (i) That the Committee agreed the reviewed and updated Statement of Gambling Policy as a consultation draft as set out in Appendix 1 of this report;
- (ii) That Officers proceed with a low-key consultation as described in the report and include Gamblers' Anonymous in the list of consultees.

#### **354. ANY OTHER ITEMS OF BUSINESS THAT THE CHAIRPERSON OF THE COMMITTEE DECIDES ARE URGENT**

In response to queries raised on other Licensing issues Officers responded as follows:

- That there was a list of licensees of licensed premises published on the website. Currently there was no requirement to publish details of street collection licenses.
- That permits were issued for all licenses. including street collection and house to house. therefore collectors should be able to produce their permit on request.

There being no other items of business the Chairperson closed the meeting at 3.30 pm.

M F L DURHAM, CC  
CHAIRPERSON



## REPORT of DIRECTOR OF SERVICE DELIVERY

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to  
LICENSING COMMITTEE  
16 JULY 2024

### STATEMENT OF LICENSING POLICY 2024 TO 2029

#### 1. PURPOSE OF THE REPORT

- 1.1 Maldon District Council (the Council) as a Licensing Authority under the Licensing Act 2003 (as amended) (the Act) is required to publish a Statement of Licensing Policy (the Policy). This document outlines the Council's general approach to upholding the licensing objectives when making decisions on applications under the Act. The Council's existing Policy was published in January 2019 with an intended operational lifespan of five years. Consequently, the Policy is now outdated and requires review and renewal.
- 1.2 Officers have undertaken a comprehensive review of the existing Policy and made appropriate changes to ensure that it takes account of current best practice and updated statutory guidance. A draft version of this new Policy is set out in **APPENDIX A** of this report.
- 1.3 The Committee is asked to consider the draft policy and agree the method of consultation with the public and relevant stakeholders.

#### 2. RECOMMENDATIONS

- (i) That the Committee agrees the revised Statement of Licensing Policy as set out in **APPENDIX A** as a 'consultation draft';
- (ii) That the Committee agrees for Officers to commence consultation with the public and key stakeholders for a period of 6 weeks (as outlined in this report);
- (iii) That the Committee agree that subject to only minor or inconsequential amendments/ changes arising from comments or feedback received during the consultation process, that the Head of Environmental Health, Waste and Climate Action in consultation with the Chairperson of the Committee, be authorised to make such changes to the Policy draft in **APPENDIX A**;
- (iv) That subject to (i) – (iii) above the revised Statement of Licensing Policy be presented to the Council for adoption.

#### 3. SUMMARY OF KEY ISSUES

- 3.1 The Licensing Act 2003 (the Act) requires that each licensing authority publish a Statement of Licensing Policy. The Policy may remain in force for up to five years.

- 3.2 The Policy outlines the Council's general approach to upholding the four key licensing objectives of:
- Prevention of Crime and Disorder
  - Public Safety
  - Prevention of Public Nuisance
  - Protection of Children from Harm
- 3.2.1 These objectives guide the Council in determining applications or imposing conditions on licences or certificates issued under the Act.
- 3.3 The Council's existing Policy was published in January 2019 and therefore had an effective operational end date of January 2024. Consequently, the Policy is now out of date and urgent action is required to ensure the Council remains compliant with existing laws and regulations whilst preventing / mitigating any legal complications.
- 3.4 Officers have conducted a comprehensive review of the Policy to ensure it meets current guidance and best practice. Whilst officers have made numerous minor changes to the previous version of the Policy, it remains substantially the same in context, scope, and remit.
- 3.5 For the Committee's awareness changes have been made in the following areas of the Policy:
- 3.5.1 **Section 16** has been added to allow the Licensing Committee to depart from the Policy where there is considered sufficient reason to do so for the purposes of achieving the licensing objectives.
- 3.5.2 **Section 53** has been updated to clarify that where a representation from the Police or Environmental Health is received to a late Temporary Event Notification, that a counter notice will be issued and the event cannot take place.
- 3.5.3 In response to changes in the statutory guidance, Officers have added a section titled 'Counter Terrorism and Public Safety'. This new section outlines an applicant's duties in relation to high profile, large premises or large events.
- 3.5.4 **Section 104** of the Policy has been updated to include an expanded list of potential controls for the prevention of public nuisance.
- 3.6 The Committee is invited to review the revised Policy in **APPENDIX A** and agree for Officers to undertake a 6-week consultation to include the following statutory stakeholders:
- The Chief Officer for Essex Police
  - Essex County Fire and Rescue Authority
  - Representatives of holders of premises licences issued by the Council.
  - Representatives of holders of club premises certificates issued by the Council.
  - Representatives of holders of personal licences issued by the Council.
  - Representatives of businesses and residents
- 3.7 Additionally, officers intend to consult:
- Maldon District Councillors



- All Parish and Town Councils
- Relevant Essex County Councillors
- Relevant Members of Parliament
- Citizens Advice Bureau
- Essex Chamber of Commerce
- Essex County Council
  - Trading Standards
  - Social Services
  - Public Health
- Departments at Maldon District Council:
  - Environmental Health
  - Planning Services
  - Economic Development
  - Communications Team
  - Community Safety
- Association of Licenced Multiple Retailers
- British Amusement & Catering Trades Association
- British Beer and Pub Association
- British Institute of Innkeeping
- Federation of Licensed Victuallers
- Security Industry Authority

3.8 Consultation will be undertaken by a combination of direct mail/ emails to stakeholders and by placing details on the Council's website.

3.9 After the 6-week period, officers will review consultation responses. If comments received are inconsequential in their nature (i.e. do not materially change the meaning or scope of the draft policy) then officers would request that the Head of Service for Environmental Health Waste and Climate Action be authorised to make any necessary changes and that the Assistant Director for Service Delivery (Place & Community) be given delegated authority to progress the amended draft Policy to Council for decision.

3.10 Should the Council receive comments of a material nature, a further report will be made to this committee with an updated draft of the policy for consideration and to recommend adoption of the Policy to the Council.

## 4. CONCLUSION

4.1 The Council's Statement of Licensing Policy has expired and requires urgent renewal. Officers have conducted an in-depth and systematic review of the existing policy, making appropriate changes to ensure that the draft Policy (in **APPENDIX A**) reflects changes to guidance and current best practice. Officers are requesting permission to undertake a consultation involving a wide range of stakeholders (outlined in paragraphs 3.6 and 3.7) for a period of 6-weeks. Subject to minor / inconsequential comments resulting from the consultation, officers are seeking delegated authority to progress the draft to the Council for consideration, and if

agreed, adoption. Should material changes arise from the consultation period a further report will be made to the Licensing Committee.

## **5. IMPACT ON PRIORITIES AS SET OUT IN THE CORPORATE PLAN 2023 - 2027**

### **5.1 Supporting our communities**

- 5.1.1 The Statement of Licensing Policy provides transparency of process to both applicants and stakeholders. It sets out our commitments to achieving the 4 licensing objectives of; prevention of crime and disorder, public safety, prevention of public nuisance, protection of children from harm.

### **5.2 Enhancing and connecting our place**

- 5.2.1 Well managed licensed premises can help support this ambition by providing opportunities for people to come together and socialise.

### **5.3 Helping the economy to thrive**

- 5.3.1 Licensed Premises are a key feature in a thriving local economy. This policy helps promote diversity in licenced premises and ensures that decisions are made on a clear and consistent basis.

### **5.4 Smarter finances**

- 5.4.1 A sound Statement of Licensing Policy helps ensure that decision making is robust and consistent. This in turn helps mitigate the risks associated with legal challenges and associated costs.

### **5.5 A greener future**

- 5.5.1 Whilst environmental concerns are not one of the four licensing objectives it can be linked to public nuisance. Consequently, this policy enables the Council to address concerns with litter, artificial light or noise associated with licensed premises.

### **5.6 Provide good quality services.**

- 5.6.1 The Council is legally required to maintain an up-to-date Statement of Licensing Policy.

## **6. IMPLICATIONS**

- (i) **Impact on Customers** – The Policy provides transparency of process to both applicants and stakeholders.
- (ii) **Impact on Equalities** – The revised Policy ensures that all stakeholders are treated consistently and equitably. It ensures that information provided to applicants is clear and accurate.
- (iii) **Impact on Risk (including Fraud implications)** – It is important that the Council periodically review its Statement of Licensing Policy to ensure that it is compliant with relevant legislation. This policy provides clarity to all stakeholders of the requirements placed upon applicants and the decision-

making processes that will be followed when determining a licence reducing the risk to the Council of challenge and/ or appeal.

- (iv) **Impact on Resources (financial)** – A sound and compliant Policy helps protect the Council from the costs associated with challenge and appeal. There is no budgetary impact to this policy.
- (v) **Impact on Resources (human)** – There is limited/ minimal impact.

Background Papers:

- **APPENDIX A** - Maldon District Council's Statement of Licensing Policy 2024-2029 (DRAFT)
- [Licensing Act 2003 \(As amended\)](#)
- [Licensing Act 2003: statutory guidance](#)

Enquiries to:

Nick Chapman. Head of Environmental Health, Waste and Climate Action  
Daniel Winter, Chelmsford City Council Licensing, Lead Officer, Public Health and Protection Services, Chelmsford City Council and Maldon District Council

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|                                    |   |
|------------------------------------|---|
| Document Title                     | <b>Licensing Act 2003: Statement of Licensing Policy</b>  |
| Summary of purpose                 | Legal requirement: to provide transparency and consistency of approach when determining licensing decisions |
| Prepared by                        |   |
|                                    |   |
| Status                             | Final   |
| Version Number                     | 3   |
| Approved by                        | Licensing Committee and Council   |
| Approval Date                      | TBC   |
|                                    |   |
| Date of implementation             | TBC   |
| Review frequency                   | 5 Years   |
| Next Review Date                   | January 2029  |
| Circulation                        | Public Document   |
| Published on the Council's website | Yes   |

### Validity Statement

This document is due for review by the date shown above, after which it may become invalid. Users of the strategy or policy should ensure that they are consulting the currently valid version of the document.



MALDON DISTRICT COUNCIL

# **Licensing Act 2003**

## **Statement of Licensing Policy**

June 2024

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## **Introduction: Maldon District**

1. The Maldon District, encompassing a population of approximately 66,000, predominantly retains a rural character, boasting a coastline spanning approximately 96 kilometres and covering a total area of 360 square kilometres.
2. The principal towns within the district, namely Maldon and Burnham-on-Crouch, are surrounded by a myriad of villages, each characterized by its distinct individuality.
3. There are few major concentrations of premises in the District providing regulated entertainment and/or the retail of alcohol. There are also few private clubs, no dedicated theatres and one cinema. Cultural activities often find venues in village, community, and school halls.
4. Public houses in the district, located outside the main towns, serve the small rural villages, acting as central hubs for community life and contributing to the visitor economy. Alternatively, small stores and shops, frequently retailing alcohol, may serve as focal points in other cases.
5. Late-night refreshment premises primarily reside in the two main towns.
6. Given the district's rural nature, premises, and events subject to licensing under the Licensing Act 2003 (as amended) can play a significant role in contributing to the local economy through tourism and cultural development.

## **Statutory Powers**

7. Statutorily, Maldon District Council (the Council) functions as the Licensing Authority under the Licensing Act 2003 (as amended). The Council holds responsibility for the issuance of Premises Licences, Club Premises Certificates, and Personal Licences. Additionally, it receives Temporary Event Notices within the Maldon District, pertaining to the retail sale and/or supply of alcohol, the provision of regulated entertainment, and late-night refreshment.
8. The Licensing Act 2003 (as amended) ('The Act') mandates the Licensing Authority to fulfil its various licensing functions, with a primary focus on promoting four key licensing objectives:
  - Prevention of Crime and Disorder: Ensuring licensed activities do not contribute to criminal activities or disorderly conduct.
  - Public Safety: Safeguarding the well-being and safety of the public in areas impacted by licensed activities.
  - Prevention of Public Nuisance: Mitigating any disturbances or inconveniences caused by licensed activities to the public.
  - Protection of Children from Harm: Safeguarding minors from any potential harm arising from licensed activities.

9. These objectives exclusively guide the Licensing Authority in determining applications or imposing conditions on Licences or Certificates under The Act. They are the only matters the Licensing Authority can take into account in determining any application or imposing any condition on a licence or certificate issued under The Act.
10. In adherence to The Act, the Licensing Authority must publish a Statement of Licensing Policy (the Policy). The Policy outlines the Council's general approach to uphold the licensing objectives when making decisions on applications made under The Act. This Policy will remain in force for up to five years. It may be subject to periodic review and will be subject to further consultation when it is replaced. This Policy will come into effect on XXXXX and remain in force up to XXXXXX + 5

## Policy Development

11. The Policy has been prepared in accordance with the provisions of the Act and having regard to the Statutory Guidance issued under Section 182 of The Act.

## How to Read this Policy

12. When assessing applications, the Licensing Authority must be satisfied that the measures proposed in an applicant's operating schedule aim to achieve the 4 licensing objectives.
13. The term licence in this Policy is used as a general term to refer to the range of licences, certificates, notices and permissions under The Act.
14. The Licensing Policy is contained within paragraphs 17 to 117 of this document and is supported by other sections that provide important information aimed at helping those reading or referring to it. The information provided outside these paragraphs and the appendices may be subject to change from time to time, but any such changes will not invoke the procedures for revisions of the Licensing Policy referred to in Section 5 of the Act.
15. The Licensing Authority is obliged to have regard to the statutory guidance issued under section 182 of The Act that is in effect at the time an application is received. Therefore, any revised guidance issued during the life of this policy may impact on how an application is determined. Applicants and their representatives are therefore also advised to consider the most recent guidance when making their application.
16. The Council, as Licensing Authority may depart from this policy if the individual circumstances of any case merit such a decision in the interests of the promotion

of the licensing objectives. Where there is a deviation from this policy, the reasons for that decision will be recorded.

## **Extent of Policy**

17. This Policy cannot detail all the factors that influence the achievement of the licensing objectives, nor can it detail all the control measures that may be appropriate. It should be recognised that this Policy covers a broad variety of premises and associated activities including theatres, cinemas, restaurants, public houses, nightclubs, private members' clubs, village halls and community centres, as well as some shops, stores and supermarkets, off-licences, and the provision of late refreshment (premises and vehicles selling hot food or hot drink after 11.00 pm).

## **Activities on Council Land**

18. The Council is aware that its own land and premises provide the venues for some types of regulated entertainment. In these cases, it will consider seeking Premises Licences for these public places to support the provision of cultural and other events in the district and encourage a broad range of entertainment, particularly live music, dance and theatre for the wider benefit of the community.

## **Licensing Objectives**

19. In respect of each of the 4 licensing objectives, applicants must consider what measures need to be implemented and maintained in respect of each of the licensing objectives – taking into account the individual style and characteristics of their premises and the types of licensable activities and events they are applying for.

20. Applicants must consider whether or not any additional measures are required in respect of any occasional or specific events intended to, or are likely to, attract larger audiences, or planned on open areas to manage or control any adverse impact on the licensing objectives.

21. The measures that the applicant intends to put in place to meet the licensing objectives should be set out in the applicant's operating schedule.

22. If an application for a premises licence or club premises certificate has been lawfully made and no representations are received, the licence or certificate will be issued as requested subject only to mandatory conditions and those that are consistent with the operating schedule provided with the application.

## Links to Other Strategies

23. In preparing the Policy, the Licensing Authority has had regard to and consulted those involved in its local strategies on crime prevention, planning, transport, culture, tourism and economic development to ensure the proper co-ordination and integration of the aims and actions of these policies. The review and development of these various strategies will be considered for their impact on the Policy.
24. The Licensing Authority will, as appropriate, take account of the needs of, and any relevant information in relation to crime prevention, planning, transport, tourism, economic development, and any cultural issues. The Licensing Authority will monitor these areas and ensure that the development or review of any new or existing strategies covering them will reflect the licensing objectives set out in the Policy. Where such monitoring shows that licensed activities are impacting adversely on these areas, it will be reported to the Licensing Committee and any other Committee of the Council having responsibility for those areas which may lead to a review of the Policy.
25. To ensure proper integration with the Council's planning policies, reports will be submitted where appropriate on the situation regarding licensed premises in the district and their general impact on alcohol related crime and disorder to enable informed decisions to be made on planning issues.
26. The Licensing Authority recognises its responsibilities under the Equality Act 2010. This statement of Licensing Policy sets out the principles on which the Council will process and determine applications thereby promoting transparency and fairness. This will include ensuring that Licensing applicants and stakeholders with different protected characteristics can access the licensing process.

## Regulated Entertainment

27. The Licensing Authority welcomes a diverse provision of cultural activities for the benefit of communities. The Licensing Authority will monitor the licensing of regulated entertainment, especially with regard to live music and dancing, theatrical performances, circuses etc. to ensure that such events are promoted without unreasonable restrictions being imposed which would discourage such events.
28. The Licensing Authority recognises the need to balance the natural concern to prevent disturbance in neighbourhoods with the wider cultural benefits, particularly for children. Where conflicts arise, advice and guidance on this matter will be sought from appropriate services within the Council and from the Responsible Authorities.

29. The Licensing Authority will adopt a similar approach to local sports clubs in relation to the premises they use and any events they hold involving the provision of regulated entertainment.

## **Fundamental Rights**

30. The Policy does not seek to undermine the rights of any person to apply under the Act, as amended, for a variety of permissions and to have their application considered on its individual merits, nor does it override the rights of any person to make representations on any application or to seek a review of a licence where they have grounds to do so under the Act.
31. Applicants and those making representations in respect of applications to the Licensing Authority have a right of appeal to the Magistrates' Court against the decisions of the Licensing Authority.

## **Licensing Conditions**

32. Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of The Act. Conditions attached to various authorisations will be focused on matters which are within the control of the individual licence holders and others with relevant authorisations (ie the premises and its vicinity).
33. The Licensing function is not the primary mechanism for the general control of nuisance and anti-social 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 town and city centres.
34. Where relevant representations are received, the Licensing Authority will seek to make objective judgements as to whether conditions need to be attached to a licence which are appropriate to the licensing objectives. Where no relevant representations are made, an application must be granted on the terms sought.
35. Any action or undertaking that an applicant includes in their operating schedule will be translated into a condition attached to the issued licence or certificate. If an applicant volunteers a prohibition or restriction in his operating schedule because their own risk assessment has determined such prohibition or restriction to be appropriate, such volunteered prohibitions or restrictions will also become conditions attached to a licence and will be enforceable as such.
36. Where a standard Temporary Event Notice (TEN) has been given to the Licensing Authority, If a hearing is required following an unwithdrawn objection notice from either the Police or Responsible Authority for Environmental Health,

the authority may impose conditions on the event from a current licence if the proposed activity is taking place in connection with a premises that is already licensed or determine that the event should not take place.

37. Conditions cannot be applied to a Late TEN. If an objection notice is received from the police or responsible authority for environmental health following a Late TEN, the event cannot lawfully take place.
38. Any conditions arising from an operating schedule or from representation made by a Responsible Authority will primarily focus on the direct impact of the activities taking place at the premises on those attending the premises and members of the public living, working or otherwise engaged in normal activity in the area concerned. Conditions will be proportionate, relate to achieving the licence objectives and cover matters that are within the control of the licence holder or their staff.
39. Licence conditions should not reproduce any legal obligation that the licence holder already has under other existing legislation. The licensing authority will avoid attaching conditions that duplicate other regulatory regimes as far as possible.
40. The Licensing Authority recognises that each application should be considered on its own merit. Conditions attached to a licence or certificate will be tailored to reflect the nature of the premises, location and the activity or event so that they are not disproportionate and over-burdensome conditions. Standard conditions, other than the mandatory conditions, will be avoided and no condition will be imposed that cannot be shown to be necessary for the promotion of the licensing objectives.
41. The licensing authority may, provide or publish advice to applicants on how conditions may be constructed and worded on the licence (a 'pool of model conditions')

## **Applications**

42. When considering any application, the Licensing Authority will, wherever possible, avoid duplication with other regulatory regimes and will not use the licensing regime to achieve outcomes that can be achieved by other legislation.
43. The licensing functions are discharged separately from and independent of the Council's functions as the local planning authority. No decision of the Licensing Authority implies that the consent of the Council has been granted under any other statutory powers or as a landowner. The licensing regime cannot be used to consider the need or commercial demand for an activity for which a licence has been applied for.
44. There are, however, links between the planning and licensing functions that cannot be ignored. Where a business has indicated, when applying for a licence

that they are also applying for planning permission, licensing officers or the relevant licensing committee may discuss the application with their planning counterparts opening hours or scheme received prior to determination.

Applications for a licence will be expected to reflect any operating hours that are stipulated as part of a condition of a planning permission. Where they do not, the hours granted in the Premises Licence should not, under planning law, be operated unless and until the conditions of the planning permission have been amended.

45. Other permissions may also be applicable to licensed premises and applicants are expected to ensure that such permissions are obtained where necessary.
46. New businesses and premises involving licensable activities, particularly where they are part of a new development or major alterations to existing premises, provide an opportunity to take early account of meeting the crime and disorder licensing objective. In such cases, the Licensing Authority will expect that the 'secured by design' approach has been taken into consideration.
47. When one part of the Council seeks a Premises Licence from the Licensing Authority, the application will be considered on the same basis as any other application received. If relevant representations are made, they will be considered fairly and impartially by the Licensing Sub-Committee. Those making representations who are genuinely aggrieved by a positive decision in favour of the Council's application by the Licensing Authority are entitled to appeal to the Magistrates' Court and thereby receive an independent hearing of any decision made.
48. Applications for licences made under the Act must be made in a form prescribed by regulations and must be accompanied by all prescribed information and documents, including the relevant fee where required. Applications received by the Licensing Authority will be assessed on receipt for compliance with these regulations and any application found to be incomplete or incorrect will be returned with an explanation.

## Representations

49. The following are responsible authorities who must be notified of applications and are entitled to make representations. The details and contact arrangements for the responsible authorities are appended to this policy:
  - a. The Licensing Authority (Maldon District Council) and any neighbouring licensing authority in whose area part of the premises is situated.
  - b. The Chief Officer of Essex Police,
  - c. Essex County Fire and Rescue Authority,
  - d. The Enforcing Authority for Health and Safety (in most cases this will be Maldon District Council's Environmental Health team but may be the Health and Safety Executive)

- e. The Local Planning Authority (Maldon District Council)
- f. The Local Pollution Authority (Maldon District Council's Environmental health department)
- g. The Child Protection Authority (Essex County Council's Childrens Safeguarding Service);
- h. The Local Authority's Director of Public Health (Essex County Council Public Health Team)
- i. The local weights and measures authority (Essex County Council Trading Standards)
- j. The Home Office (Immigration Enforcement)

As such, these bodies are consulted and may make representations on applications, so far as they relate to the promotion of the 4 licensing objectives and may request reviews once licences have been issued.

- 50. If an application is received in relation to a vessel, the responsible authorities will also include the navigation authority that has a statutory function in relation to the water where the vessel is usually moored or berthed, or any waters where it is proposed to be navigated when being used for licensable activities.
- 51. Any other person (individual, body, or premises) is entitled to raise relevant representations – either in their own right or through a representative making the representation on their behalf. A representation is relevant if it relates to the likely effect of the grant of a licence on the promotion of at least one of the 4 licensing objectives. In addition, the representation must not be frivolous or vexatious and in the case of reviews, not repetitious.

## **Temporary Event Notices**

- 52. Certain temporary events are not required to be licensed but notification must be given to the Licensing Authority, Maldon District Council Environmental Health, and Essex Police in the form of a Temporary Event Notice (TEN). Organisers of these events are encouraged to submit their notification as soon as reasonably practicable to enable the Police, Licensing Authority and Environmental Health to work with them to identify and reduce the impact of the event on the 4 licensing objectives.
- 53. The Act provides for Late Temporary Event Notices to be given up to five working days before the event. The Licensing Authority will process late Temporary Event Notices, but premises users should note that the intention is that they are reserved for circumstances outside the applicant's control where there is a genuine need for a late notice. Any representation from the Police or Pollution team received following a late TEN will result in a counter notice meaning that the event cannot lawfully take place.



## Delegation of Functions

54. With the exception of:

- the approval and review of its Licensing Policy,
- the making of early morning restriction orders,
- late night levies and fee setting,

decisions on licensing matters will be taken in accordance with an approved Scheme of Delegation aimed at underlining the principles of timely, efficient and effective decision-making.

The Licensing Committee may receive reports regarding licences determined by officers and Licensing Sub-Committees under delegated powers in order to maintain an overview of the general licensing situation.

## Consideration of Additional Controls (Cumulative Impact and Early Morning Restrictions)

55. There can be confusion about the difference between need and the cumulative impact of premises on the licensing objectives. Need concerns commercial demand, e.g. for another public house, restaurant or hotel; it is not a matter for the Licensing Authority or for this Policy. Nothing in this Policy will seek to limit the number of licensed premises on the basis that there are already sufficient to satisfy demand. This is a matter for market forces, or in cases where a planning application is required, for the planning process and as such falls outside the scope of this Policy.

56. Cumulative impact is 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 the Licensing Authority to consider in developing the Policy.

57. The Licensing Authority acknowledges that a concentration of licensed premises in a particular area can result in an increased number of people walking through or congregating in streets, with the potential impact of an increase in crime, anti-social behaviour, noise pollution and other disturbance to residents, together with an increase in littering or fouling. In such cases, the amenity of local area can be placed under severe pressure although the impact may not be attributable to any individual premises.

58. The Licensing Authority will only consider adopting a policy on cumulative impact or introducing an early morning restriction order (EMRO) if there is evidence that a significant number of licensed premises concentrated in one area results in unacceptable levels of crime and disorder, public nuisance or otherwise impacts on the licensing objectives.

59. The Licensing Authority, having regard to the evidence currently available, considers that there is no particular part of the Maldon District having such an impact on any of the licensing objectives or giving rise to significant additional policing of the night-time economy that would require the introduction of such additional controls.
60. This does not exclude the ability to consider undertaking a Cumulative Impact Assessment or EMRO should the need arise.
61. Any consideration of introducing additional controls will be evidence based and appropriate for the promotion of the licensing objectives. Evidence may be considered from the Chief Officer of Essex Police, other appropriate regulatory authorities, partners, responsible authorities, community safety partnerships, businesses, and the Licensing Authority's own experience. The onus being on the person or authority making the representation to provide evidence that the relevant control is necessary to promote the licensing objectives. The Licensing Authority will also have due regard to the relevant Government Guidance.
62. Once away from the licensed premises, a minority of consumers will behave badly. There are other mechanisms that are available to Maldon District Council (both within and outside the licensing regime) to help address such issues. Any mechanism will need to consider the relevant published guidance and/or legislation and the relative benefits and drawbacks and may include:
- Planning controls
  - Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority, including best practice schemes e.g. 'Licensing Savi' such as Best Bar None, Pubwatch, Purple Flag or BIDs etc;
  - Public Space Protection Orders
  - Community Protection Orders
  - The provision of CCTV surveillance in town centres, taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols.
  - Powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly.
  - The confiscation of alcohol from adults and children in designated areas.
  - Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices.
  - Prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale).
  - Consideration of contributing to policing the late-night economy through the introduction of a 'Late Night Levy'.

## Advice and Guidance

63. The Licensing Authority recognises the valuable cultural, social and business importance that premises and events requiring a licence under the Act can provide and the diversity of activities that are provided by licence holders. For this reason, pre-application discussions are encouraged to assist applicants develop their operating schedule.
64. The Licensing Authority would encourage applicants to seek the views of responsible authorities and those from whom they think representations are likely, prior to submitting their application (in particular in relation to proposed outdoor events or where the applicant considers that representations may be likely or probable). Where resources permit, the Licensing Authority may also seek to liaise with applicants and/or mediate between applicants and responsible authorities to achieve a satisfactory outcome for all involved.
65. Once an application has been lodged, the statutory timescales imposed upon the application and determination process will restrict the opportunity for discussion and liaison.

## Consultation

66. There are a number of groups who have a stake in the leisure industry, including providers, customers, residents and enforcers, all of whom have views and concerns that require consideration as part of the licensing function and the promotion of the licensing objectives.
67. In developing and reviewing this Policy, the Licensing Authority will consult with the statutory persons and invite views of other bodies or individuals as deemed appropriate. These will be listed in an appendix to the policy or its review. Due consideration will be given to those who respond to the consultation process.

## Enforcement

68. The Council delivers a wide range of enforcement services aimed at safeguarding the environment and the community and at providing a level playing field on which businesses can fairly trade. The administration and enforcement of the licensing regime is one of these services. The Licensing Authority recognises the interests of both citizens and businesses and will work closely with partners to assist licence holders to comply with the law and the 4 licensing objectives it seeks to promote. Proportionate but firm action will be taken against those who commit serious offences or consistently break the law.
69. The Council has regard to the Regulators Code in developing its enforcement approach and will:

- Carry out our activities in a way that supports those they regulate to comply and grow.
- Provide simple and straightforward ways to engage with those we regulate.
- Base our regulatory activity on risk.
- Give clear information, guidance, and advice to help those we regulate to meet their responsibilities to comply.
- Where the law allows, share information about compliance and risk to help target resources and minimise duplication.
- Give clear explanations on what needs to be done and by when;

Businesses will:

- have opportunities to resolve differences before enforcement action is taken unless immediate action is needed.
- receive an explanation of their rights of appeal

70. The Council's Enforcement Policy and corporate feedback procedure for complaints is available on the Council's website: [www.maldon.gov.uk](http://www.maldon.gov.uk).

## **Reviews**

71. Where possible and appropriate, any responsible authority will give early warning to licence holders of any concerns about problems occurring at premises associated with the licensing objectives.

72. The Act provides a mechanism for reviewing Premises Licences where problems associated with achieving the licensing objectives occur. No more than one review will normally be permitted on similar grounds within any 12 month period, except in exceptional and compelling circumstances or where it arises following a Closure Order. In addition, where premises are associated with serious crime or serious disorder a senior police officer may apply for a review of the Premises Licence which may result in:

- the modification of the conditions of the Premises Licence.
- the exclusion of an activity or activities from the scope of the licence.
- the removal of the designated premises supervisor from the licence.
- the suspension or revocation of the licence.

The initial decision may be determined in the absence of the Premises Licence holder. A review must then take place within 28 days of the application for review.

73. Responsible Authorities or any other person can trigger a review of a Premises Licence but must provide evidence to the Licensing Authority to substantiate any allegations.

## Licensing Objectives

74. The following sections set out the Licensing Authority's Policy relating specifically to the 4 licensing objectives:

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

75. Each section lists the influencing factors on the achievement of that objective, but because of the wide variety of premises and activities to which this Policy applies, the lists provided are not exhaustive. Applicants should know their premises best and will be expected to address all aspects relevant to the individual style and characteristics of their premises and events.

76. Further, in each section, a list of possible control measures is provided for the assistance of applicants, but again this is not intended to be an exhaustive list. Many control measures achieve more than one objective but have not necessarily been listed under each objective. Similarly, applicants will not be required to mention a control measure more than once in their operating schedule.

77. The selection of control measures, referred to above, should be based upon a risk assessment of the premises, events, activities and the age, number and characteristics of customers expected to attend. Whilst the Licensing Authority cannot require such risk assessments to be documented (other than where required by other legislation), it considers such documentation to be good practice and a useful tool in the instruction and training of staff as well as a sound basis to enable the licence holder to respond to changing circumstances/conditions at the premises.

78. Additional measures may be necessary on an occasional or specific basis such as when a special event or promotion is planned, which is intended, or likely, to attract larger audiences and/or audiences of a different nature. These can often have a significant impact on the achievement of the licensing objectives. Where applicable, reference should be made in an applicant's operating schedule to such occasions and the additional measures that are planned in order to achieve the licensing objectives.

79. The Licensing Authority considers the effective and responsible management of the premises, instruction, training and supervision of staff and the adoption of best practice to be amongst the most important control measures for the achievement of all the licensing objectives. For this reason, the Licensing Authority would expect these elements to be specifically considered and addressed within an applicant's operating schedule.

80. In addition, the number of people who can be accommodated in the premises (or at specific events as appropriate) is also considered to be an essential factor in the achievement of the 4 licensing objectives. This may not apply in the case of premises licensed for the consumption of food and / or alcohol off the premises. The Licensing Authority would expect the issue of occupancy capacity to be considered and addressed, where necessary, within an applicant's operating schedule and, in most instances, will agree a maximum occupancy capacity based on the applicant's assessment within their operating schedule.

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

- nature of the premises or event;
- nature of the licensable activities being provided;
- provision or removal of items such as temporary structure, including a stage or furniture;
- number of staff available to supervise people attending the premises under normal circumstances and in the event of an emergency;
- age of those people
- people attending the premises with disabilities or special needs, e.g. those whose first language is not English; and
- availability of suitable and sufficient sanitary accommodation.

82. The Licensing Authority will consider applications for minor variations to Premises Licences provided that the Authority is satisfied that the variation will not adversely impact on the licensing objectives. The Licensing Authority will consult with responsible authorities where appropriate to make such an assessment.

83. An agreement of a capacity for premises or events should not necessarily be seen as a requirement to provide permanent monitoring arrangements such as door staff, attendance clickers or maintenance of attendance records in all circumstances. The Licensing Authority recognises that the person in charge of small premises and events with simple layouts can often readily assess the number of people attending those premises or events without resort to such measures. Nevertheless, in larger or more complex premises or special events or promotions where that number cannot readily be assessed or is likely to be approached, an applicant should detail the additional arrangements that should be put in place to ensure that the permitted number of people attending the premises or event is not exceeded.

## Prevention of Crime and Disorder

84. The Council is committed to further reducing crime and disorder within the Maldon District and helping people feel safe.
85. Legislation provides a wide range of measures for preventing crime and disorder and imposes a duty on the Council, Essex Police, Essex County Council and others to consider crime and disorder reduction in the exercise of all their duties.
86. The promotion of the licensing objective to prevent crime and disorder places a responsibility on licence holders to become key partners in achieving this objective. Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to minimise or prevent crime and disorder, relevant to the individual style and characteristics of their premises and events.
87. When addressing the issue of crime and disorder, an applicant should demonstrate that those factors that impact on crime and disorder have been considered. These specifically include:
- underage drinking;
  - drunkenness on premises;
  - public drunkenness;
  - drugs;
  - violent behaviour; and
  - anti-social behaviour.
88. The following examples of control measures are given to assist applicants and are considered to be amongst the most important to be taken into account in an operating schedule, having regard to their particular type of premises and/or activities:
- effective and responsible management;
  - training and supervision of staff;
  - adoption of best practice guidance (e.g. the National Alcohol Harm Reduction Strategy toolkit and other voluntary Codes of Practice, 'Security in Design', 'Drugs and Pubs' which are published by the British Beer and Pub Association (BBPA));
  - acceptance of accredited 'proof of age' cards or approved ID;
  - age challenge schemes such as 'Challenge 25';
  - provision of effective CCTV in and around premises;
  - employment of Security Industry Authority licensed door staff;
  - provision of toughened or plastic drinking vessels;
  - provision of secure deposit boxes for confiscated items;
  - provision of litter bins and other security measures such as lighting; and
  - membership of local 'Pubwatch' schemes or similar organisations.

Note: This Policy applies to a wide range of premises and activities and the above list will not be relevant in all cases.

89. Within the operating schedule for premises from which alcohol will be sold, with the exception of qualifying community premises, a Designated Premises Supervisor (DPS) must be named. The Licensing Authority will normally expect the DPS to have been given the day-to-day responsibility for running the premises by the holder of the Premises Licence and, as such, would normally be present on the premises on a regular basis. In addition to the DPS holding a Personal Licence, the Licensing Authority would strongly encourage him to undergo additional training and to have experience commensurate with the nature and style of the entertainment provided and the capacity of the premises.

## **Public Safety**

90. The Licensing Authority is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. To this end, applicants should demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety, relevant to the individual style and characteristics of their premises and events.

91. The measures appropriate to promote public safety will vary between premises and the licensable activities. Applicants should consider which matters are applicable their application, what steps are appropriate and how they will be implemented. Factors to consider include:

- The number of people attending the premises;
- age, condition, design and layout of the premises, including the means of escape;
- nature of activities, in particular the sale or supply of alcohol and / or the provision of alcohol and / or the provision of music and dancing, including whether these activities are of a temporary or permanent nature;
- hours of operation (differentiating between the hours of opening and the hours when the licensable activities will be provided);
- Fire safety
- Ensuring appropriate access for emergency services
- How communication with local authorities and emergency services may be managed
- First aiders and appropriate available first aid kits
- The safety of people leaving the premises (including where appropriate access to late night transportation/information on local taxi services and the provision of lighting on paths or parking areas)
- Management and disposal of waste (including glass)
- Management of the capacity of the premises
- The use of CCTV
- Customer profile (age, disability, etc.); and
- Use of special effects such as lasers, pyrotechnics, smoke machines, foam, etc.



92. The following examples of control measures are given to assist applicants and are considered to be amongst the most important to be taken into account in an operating schedule, having regard to their particular type of premises and / or activities:

- suitable and sufficient risk assessments;
- effective and responsible management;
- provision of a sufficient number of people employed or engaged to secure the safety of everyone attending the premises or event; Including where appropriate the presence of SIA registered door staff or security teams.
- appropriate instruction, training and supervision of those employed or engaged to secure the safety of everyone attending the premises or event;
- adoption of best practice or guidance (e.g. Guide to Fire Precautions in Existing Places of Entertainment and Like Premises, the Event Safety Guide, and Managing Safety in Pubs published by the BBPA);
- provision of effective CCTV in and around the premises;
- provision of toughened or plastic drinking vessels;
- implementation of crowd management measures; and
- regular testing (and certification where appropriate) of procedures, appliances, systems, etc. pertinent to safety).

Note: This Policy applies to a wide range of premises and activities and the above list will not be relevant in all cases. In particular, in respect of vessels for which a Passenger Ship Certificate is in force, the public safety objective will be considered to be met in respect of layout, structure, access and operation of the vessel.

## Counter Terrorism and Public Safety

93. The Licensing Authority will give due consideration to appropriate counterterrorism measures and advice when considering licence applications at any high profile or large premises or events or where the police have made representations (or expressed concerns in the pre-application stage) that there are factors which may increase attractiveness to attacks, and in particular when in receipt of relevant advice from police counter terrorist staff.

94. The licensing authority will pay particular attention to terrorist threats when making specific licence conditions in relation to security or health care provision at appropriate premises and events applying for a licence.

95. Additional conditions will be appropriate and proportionate to the venue and, depending on the size of an event, may include matters relating to the management of persons, items and vehicles entering and the premises. Additional conditions may also relate to health care provision in this regard.

96. Conditions, where appropriate may also be applied to ensure appropriate access for emergency services and vehicles such as ambulances; good communication with local authorities and emergency services, (including, for example communications networks with the police and signing up for local incident alerts – as referred to in paragraph 2.4 of the Section 182 guidance, and ensuring the presence of sufficient trained first aiders on the premises and appropriate first aid kits.
97. In some instances, depending on the particular nature of the application, the licensing authority may tailor their approach, and go further when addressing concerns around possible terrorist or other such risks. The Licensing Authority will have regard to the Annex provided in the section 182 guidance to help inform and support the decision making with regards to additional licence conditions for premises and events, that may benefit from further security planning and health care provision in the aftermath of a particular type of incident.

## **Prevention of Public Nuisance**

98. Licensed premises have a significant potential to impact adversely on communities through public nuisance which can arise from their operation. The Licensing Authority recognises the need to maintain and protect the amenity of residents, visitors, and other businesses from the potential consequences of the operation of licensed premises, whilst balancing the rights of licensed premises to develop their business potential.
99. The Licensing Authority interprets the term public nuisance in relation to its meaning in common law. This includes issues such as noise nuisance, light pollution, noxious smells, litter, and anti-social behaviour where these interfere with the public as a class of citizens and not merely one person.
100. Applicants should demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained with the intention of preventing public nuisance, relevant to the individual style and characteristics of their premises and events.
101. The Licensing Authority recognises the intention of the legislation in seeking a more flexible licensing regime with the concept of wider hours of operation. Conversely, it must be appreciated that premises seeking to provide late or unrestricted hours of operation can present a greater potential for public nuisance and adverse effect upon residential amenity. There will be occasions when proposals for extended or unrestricted hours of operation may be unsuitable, e.g. in residential areas.
102. Every application will be determined on its merits, but applicants wishing to operate between 23:00 and 08:00 hours should demonstrate to the satisfaction of the Licensing Authority in their operating schedule that there will minimise as far

as reasonably practicable disturbance to members of the public living, working or otherwise engaged in normal activity in the vicinity of the premises concerned.

103. When addressing the issue of prevention of public nuisance, an applicant should demonstrate that those factors that impact on the likelihood of public nuisance have been considered. These may include:

- location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices and places of worship;
- consideration of existing levels of background noise and pervading climatic conditions
- hours of opening, particularly between 23:00 and 08:00 hours;
- nature of activities to be provided, the customer profile, whether the activities are of a temporary or permanent nature and whether they are to be held inside or outside premises;
- design and layout of premises, in particular the presence of noise limiting features;
- number of people attending the premises;
- whether the venue or event is exclusively or primarily for the 'vertical' consumption of alcohol
- availability of public transport;
- a wind down period between the end of the licensable activities and closure; and
- last admission time.

104. The following examples of control measures are given to assist applicants and are considered to be amongst the most important to be taken into account in an operating schedule, having regard to their particular type of premises and / or activities:

- effective and responsible management of premises;
- appropriate instruction, training and supervision of those employed or engaged to prevent incident of public nuisance, (e.g. to ensure customers leave quietly);
- control of opening hours for all or parts (e.g. garden areas) of the premises (including other times where deliveries take place) and the operation of noise generating plant and equipment;
- adoption of best practice or guidance (e.g. Good Practice Guide on the Control of Noise from Pubs and Clubs produced by the Institute of Acoustics, and Licensed Property Noise Control – Guidance document by the BBPA);
- where appropriate, the installation of sound proofing, air conditioning, acoustic lobbies, sound ceilings, directional sound systems and sound limitation devices;
- management of people, including staff and traffic (and resulting queues) arriving and leaving premises;

- the presence of SIA registered door staff/security
- liaison with public transport providers;
- siting of external lighting, including security lighting;
- management arrangements for collection and disposal of litter;
- the location and management of external areas (including smoking areas) and
- effective ventilation systems to prevent nuisance from odour.

105. In many circumstances live and amplified music is deregulated in premises licensed to sell alcohol for consumption on the premises. The Act still requires licensing controls after 23:00 or when the audience is likely to exceed 500 people. However, conditions or restrictions may be applied to control otherwise de-regulated activity by Committee following the review of a licence.

### **Protection of Children from Harm**

106. The protection of children is a most important issue. The Licensing Act allows family friendly premises to thrive, but the risk and the prevention of harm to children remains of paramount importance when determining applications.
107. Dance that is sufficiently sexual in nature may be classed as “relevant entertainment” within the meaning of the Local Government (Miscellaneous Provisions) Act 1982 (“the 1982 Act”) and the premises is likely to require a licence as a sex entertainment venue under stricter licensing regime of the 1982 Act. If, however, the premises does not require a sex entertainment venue licence, an authorisation under the 2003 Act will be required.
108. As well as protecting children from harms directly associated with alcohol consumption and the risk of under-age sales, the protection of children from harm includes the protection of children from moral, psychological, and physical harm and, includes that which can arise from exposure to strong language, actual or feigned violence or sexual acts and sexual or offensive language (including in the context of certain films, performances or adult entertainment). Applicants must consider the impact of all licensable activities on children including the times at which the events would take place to determine what controls (including minimum entry age) are required at what times. The applicant should also consider the proximity of schools and youth venues in the vicinity of the premises and ensure that advertising is appropriate and not displayed at times when children are likely to be near the premises.
109. When preparing an operating schedule, an applicant will need to set out the steps to be taken to protect children from harm, which may include, for example restrictions on the hours when children may be present, restrictions or exclusions when specified activities are taking place, restricting access to parts of the premises, general age restrictions (to exclude persons below the age of 18) requirements for an accompanying adult.

110. Applicants should demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to protect children from harm, relevant to the individual style and characteristics of their premises and events.
111. It is not possible for this policy to anticipate every situation, and the licensing authority will deal with every application on its merits, taking a proportionate response in considering what conditions would be appropriate considering all aspects of the application, the premises concerned and its location. Whilst children may be adequately protected from harm by the action taken to protect adults, when addressing the issue of protecting children from harm, an applicant should demonstrate that those factors that impact on harm to children have been considered. Areas that will give particular concern in respect of children include:
  - where entertainment or services of an adult or sexual nature are provided;
  - where there have been convictions of members of the staff at the premises for serving alcohol to minors or where the premises has a reputation for underage drinking;
  - it is known that unaccompanied children have been allowed access;
  - where there is a known association with drug taking or dealing;
  - where there is a strong element of gambling on the premises; and
  - where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
112. The following examples of control measures are given to assist applicants and are considered to be amongst the most essential that applicants should take account of in their operating schedule, having regard to their particular type of premises and / or activities:
  - effective and responsible management;
  - provision of sufficient number of people employed or engaged to secure the protection of children, including child performers, from harm;
  - adoption of best practice or guidance (e.g. The Portman Group Code of Practice on Naming, Packaging and Promotion of Alcoholic Drinks);
  - limitation on the hours when children may be present in all or parts of the premises;
  - limitation or exclusions by age when certain activities are taking place;
  - measures to ensure children do not purchase, acquire or consume alcohol; and
  - measures to ensure children are not exposed to incidents of violence or disorder.
113. In the case of film exhibitions, the Act requires a mandatory condition to be included in all Premises Licences and Club Premises Certificates for the admission of children to the exhibition of any film to be restricted in accordance with the recommendations of the British Board of Film Classification (BBFC) or

the Licensing Authority itself. The grant of a Licence or Certificate authorising the exhibition of any film will be conditional upon such film having been classified by the BBFC or the Licensing Authority.

114. The Licensing Authority will expect Premises Licence and Club Premises Certificate holders and those who have given notice of a permitted temporary activity under the Act for the exhibition of any film to include in their operating schedule measures that restrict children from viewing age restricted films classified according to the recommendations of the BBFC or by the Licensing Authority.
115. The Licensing Authority expects that when a licensable activity is held mainly or exclusively for children and / or young persons under 18, there will be a sufficient number of staff, including supervisors, to ensure their safety. Every supervisor of those caring for children and young people should have undergone an enhanced disclosure check with the Disclosure and Barring Service (DBS). This does not require each member of staff to have undergone this level of check, but will enable staff to be supervised by those who have. Any searching of children or young people, other than of outer clothing that can firstly be removed, must always be conducted by someone of the same sex as the child or young person being searched. Attendance of the child at the event or premises assumes knowledge and consent of the search by the parent or guardian. Guidance on the appropriate ratio of staff to children at such events is included as an appendix to this policy.
116. The Licensing Authority will rarely impose complete bans on access by children. However, in exceptional circumstances conditions restricting access or excluding children completely may be considered necessary.
117. Where no licensing restriction is necessary, admission of children will remain entirely a matter for the discretion of the individual licensee. This applies to premises licensed under the Act only and not those fully licensed and regulated as sexual encounter venues under the Local Government (Miscellaneous Provisions) Act 1982.

## Appendix 1- Application Process

### Introduction

1. This Appendix is intended to offer advice and guidance to applicants for Premises Licences, Club Premises Certificates and Personal Licences and those giving Temporary Event Notices. It provides the basic information designed to help ensure that a successful application is made and general guidance to keep the operations of businesses, clubs, organisations, or events within the law.
2. The Council, as the Licensing Authority, understands that it has a general duty to provide guidance to applicants, but it is important that this Appendix is not read in isolation and it should be regarded as an extension to, and read in conjunction with, the Council's Licensing Policy.
3. It is important to note that several other authorities play an important role in the licensing processes and applicants are advised to contact those authorities for advice and guidance on their specific area of involvement in the licensing arrangements. The contact details of all responsible authorities can be found in Appendix 2.
4. Information and advice on all the processes explained in this appendix can be obtained from the Council's Licensing Team on 01245 606727 or at [licensing@maldon.gov.uk](mailto:licensing@maldon.gov.uk).
5. All applications made to the Council (acting as the Licensing Authority) must be submitted to the contact address shown in Appendix 2.
6. There are 4 types of formality under the Licensing Act 2003 as amended:
  - premises Licence
  - club premises certificate
  - personal licence
  - temporary event notice (TEN)

### Premises Licence

7. A premises licence is required where any licensable activities are going to take place (see appendix 11). They have no terminal date but can be granted for a specific date or period.
8. Licence holders are able to choose their operating or opening hours as there are no statutory limitations on the hours during which licensable activities can be carried on. These operating or opening hours will have to be agreed by the Council.

## Grant of, or Variation of a Premises Licence

9. An application must be made on a prescribed form and must be accompanied by:

- an operating schedule (see definitions at the end of this document);
- a plan of the premises to which the application relates to a scale of 1:100 and containing prescribed information;
- if the licensable activities include the supply of alcohol, consent (on a prescribed form) given by the individual who the applicant wishes to have specified in the premises licence as the premises supervisor;
- the appropriate fee (see separate section on fees in this appendix); and
- copy(ies) of specified documents which show that the applicant is in the UK lawfully and permitted to carry out work in a licensable activity.

10. If any part of the application is submitted in writing (rather than electronically) the applicant must also copy the application to each of the responsible authorities (details in Appendix 2) on the same day as the application is given to the Council (note the additional responsible authorities that apply when the premises involved are a vessel). If the application is submitted electronically, the Licensing Authority will circulate it to the relevant responsible authorities.

11. Applicants are advised to obtain proof of delivery of their applications to responsible authorities either through the postal service or by way of a receipt if delivered by hand.

12. The requirements governing the grant, variation or review of a premises licence or club certificate are set out in Regulations. Applicants must:

- publish a notice in a local newspaper (or local newsletter if there is no local paper) that circulates in the area in which the premises are situated on at least one occasion during the period of 10 working days following the day on which the application is given to the Council and
- display a notice on A4 (or larger) pale blue on or outside paper containing prescribed information must be displayed in prominent position(s) on or outside the premises for a period of not less than 28 consecutive days from the day after the day on which the application is given to the Council. The notice must be printed legibly in black ink or typed in black in size 16 font or larger. (the notices must be visible to the public and the licensing authority may provide advice to the applicant on where notices should be positioned)

Both the notices must contain:

- the name of the applicant,
- the postal addresses of the premises (or if there is no postal address a description of the premises sufficient to enable the location to be identified),



- the postal address and internet address of where Maldon Council's register is kept and when the record of the application can be inspected
- the date by which any representations need to be made and how they can be made.
- a statement of the relevant licensable activities or relevant qualifying club activities that it is proposed will be carried on at the premises, or in the case of an application to vary a premises licence or a club premises certificate the notices shall briefly describe the proposed variation.

The Council will also place notice of the application on the Council's website [www.maldon.gov.uk](http://www.maldon.gov.uk).

13. A template form of the public advertisement and public notice are available from the Council's website. The form and notice are not prescribed forms, but they must contain the information shown on the examples provided.

### **Applications to Vary a Licence or Certificate**

14. Applicants may contact the licensing authority in advance to determine what process needs to be followed if a licence or certificate needs to be varied. The options being a variation, minor variation or notification of change. Simplified processes are available for minor variations or notifications of change.
15. Variations cannot be made to extend a time-limited licence, make substantial variations to the premises, transfer a licence from one holder to another or from one premises to another.

### **Applications to change the Designated Premises Supervisors**

16. An application to vary the premises licence where there has been a change in the premises supervisor must be made in a prescribed form and be accompanied by:
- the premises licence;
  - a form of consent given by the individual who the applicant wishes to have specified in the premises licence as the premises supervisor; and
  - the appropriate fee (see separate section of fees in this appendix).

A copy of the application must be given by the applicant to the Chief Officer of Essex Police on the same day as the application is given to the Council.

### **Minor Variations**

17. Before making an application for a minor variation, applicants are advised to speak to the Council prior to submission as the application is deemed as rejected if not dealt within a 15-day working period.

18. Minor variations will generally fall into four categories and must not adversely impact on the licensing objectives. The categories being:

- minor changes to the structure or layout of premises;
- small adjustments to licensing hours; (excluding the extension of hours between 2300 and 0700, or increase of hours on any day, for the supply or sale of alcohol)
- the removal of out of date, irrelevant or unenforceable conditions or addition of volunteered conditions;
- the removal of a licensable activity and
- the addition of certain licensable activities (not including the sale or supply of alcohol which must be treated as a full variation)

19. In all cases the overall test is whether the proposed variation could impact adversely on any of the four licensing objectives. If the application is not determined within 15 days, it is deemed refused and a full variation or will be required.

### **Club Premises Certificate**

20. The process for applying for a club premises certificate or a variation of a club premises certificate is similar to that for a premises licence except that because there is no sale of alcohol involved only a supply managed by or on behalf of the club, neither a designated premises supervisor nor a personal licence holder is required.

### **Temporary Event Notice (TEN)**

21. Any person can issue a TEN to the licensing authority in respect of any premises or area of land and for one or more of the licensable activities (see appendix 11 for certain limitations imposed). The Notice must be given to the Council at least 10 working days before an event is held or 5 to 9 working days for a late TEN.

22. Guidance under the Act defines working days as excluding the day on which notice is given and the day on which the event is to start. The notice must contain details of the proposed licensable activities.

23. The Council's preferred notice period is not less than 20 working days and not more than 3 months.

24. The Notice must also contain the:

- period during which it is proposed to use the premises (not exceeding 168 hours);
- times during that period when it is proposed that those licensable activities are to take place;

- maximum number of people (being less than 500 including staff, performers, security etc.) it is proposed will be allowed on the premises during those times;
- fee; and
- where alcohol is to be supplied, whether it is to be for consumption on or off the premises, or both.

25. A copy of the notice must be given by the applicant to the Chief Officer of Police and Environmental Health at the same time unless submitting the Notice electronically.

## **Entitlement to Work in the UK**

26. Personal and Premises licences can only be held by persons who are entitled to live and work in the UK and are not prohibited from holding a licence. This includes EEA citizens and their family members. An EEA passport or national identity card, which only confirms nationality, does not prove a right to work. All foreign nationals are required to provide evidence of lawful immigration status in the UK as part of the application process.

27. Any application made by someone not entitled to work in the UK will be rejected. Any licence issued where an applicant has a time-limited permission to live and work in the UK will become invalid when the immigration permission expires.

28. Applicants must prove their right to live and work in the UK.

## **Personal Licences**

29. Applicants must be over 18 and legally entitled to live and work in the UK and not subject to any immigration condition that prevents them from holding a licence. An application must be made to the Council in whose area the person ordinarily resides on a prescribed form.

30. Applicants must provide evidence of a right to work in the UK and not have forfeited a personal licence within 5 years of the application.

31. The application must include:

- Evidence or right to work in the UK.
- 2 passport photographs: they must be 45mm by 35mm, on photographic paper and be taken against a light background and show the full face uncovered and without sunglasses and, except on religious grounds, without a head covering.
- 1 of the photographs must be endorsed on the back with a statement verifying the likeness of the photograph to the applicant by a solicitor, notary, bank or building society official, police officer, civil servant, minister of religion or an individual with a professional qualification\* (see below).
- A copy of the applicant's licensing qualification: Details of accredited personal licence qualifications can be found on the Home Office website; <https://www.gov.uk/government/publications/accredited-personal-licence-qualification-providers>
- A criminal conviction certificate (basic DBS check) issued by the DBS (Disclosure and Barring Service) under Section 112 of the Police Act 1997 issued within 1 calendar month the application for the Licence; <https://www.gov.uk/request-copy-criminal-record>
- A declaration by the applicant that either he has not been convicted of a relevant offence or a foreign offence, including immigration offences or a civil immigration penalty, accompanied by details of the nature, date of conviction and any sentence imposed on him; and <https://www.gov.uk/government/publications/disclosure-of-convictions-and-declaration>
- The correct application fee.

*\*There is no definition provided in the Act or the Regulations as to what constitutes a professional qualification. The Council considers that any person who has passed an examination(s) and is a member of a registered professional body (e.g. doctor, teacher, accountant, architect, surveyor, etc.) would be an appropriate person to validate a photograph. Should applicants have any doubts, they should contact the Council for advice as to who could be regarded as a person holding such qualification.*

32. If there are any convictions for a relevant National or a foreign offence, the application must be referred by the Council to the Chief Officer of Police. If the applicant has been required to pay an immigration penalty or convicted of an immigration offence or a foreign offence comparable to an immigration offence, the application must also be referred by the Council to the Home Office (Immigration Enforcement). Criminal record checks can be obtained from Disclosure Scotland, forms are also available from the Licensing Team or from [www.disclosurescotland.co.uk](http://www.disclosurescotland.co.uk).

## Fees

33. Fees are set by Government and may therefore change during the life of this policy. If that is the case, applicants will be informed if their fee needs to be amended after their application has been received.

34. Application fees are non-refundable.

## Fees- Premises Licence and Club Premises Certificates

35. Fees are based on the non-domestic rateable value of the premises at the date a valid application is made to the Council. If you are not sure of what your current rateable value is, you can check it on the Valuation Office's website at [www.voa.gov.uk](http://www.voa.gov.uk) or by telephoning the Valuation Office on: 03000 501501.

36. Application fees are non-refundable. The fee accompanying a minor variation may be offset against an application fee if the minor variation is not determined (i.e. refused).

37. The annual charge is payable each year on the anniversary of the date of the grant of the premises licence or club premises certificate. Certain premises will be exempt from fees and annual charges when they are applying purely for regulated entertainment (i.e. no sale / supply of alcohol or provision of late-night refreshment) these being church halls, chapels, parish and community halls or other premises of a similar nature.

38. Premises licences and club premises certificates will be suspended if the annual fee is not paid.

## Statutory Fees

39. Premises Licence and Club Premises Certificate:

| Rateable Bands                               | A            | B                 | C                  | D                   | E                  | D x 2   | E x 3 |
|--|--------------|-------------------|--------------------|---------------------|--------------------|---|-------|
| Rateable Value                               | £0 to £4,300 | £4,301 to £33,000 | £33,001 to £87,000 | £87,001 to £125,000 | £125,001 and above | A multiplier applied to premises in bands D and E where they are exclusively and primarily in the business of selling alcohol |       |
| Premises Licence / Club Premises Certificate | £100         | £190              | £315               | £450                | £635               | £900  | £1905 |
| Annual Renewal Fee                           | £70          | £180              | £295               | £320                | £350               | £640  | £1050 |

40. No fees are payable by schools providing education for pupils up to year 13 or for a 6th form college where, in both cases, the regulated entertainment (i.e. no sale / supply of alcohol or provision of late night refreshment) is carried on at the school or college and for school / college purposes.
41. Premises that have no non-domestic rateable value such as floating vessels, mobile food vehicles (e.g. burger vans), public areas, parks etc. will pay a fee based on the lowest band.
42. Additional fees and annual charges are payable for premises licences for exceptionally large premises, i.e. those premises or events where the number of persons allowed is 5,000 or more, as follows:

| Number of people | Additional fee | Annual charge |
|------------------|----------------|---------------|
| 5,000 to 9,999   | £1,000         | £500          |
| 10,000 to 14,999 | £2,000         | £1,000        |
| 15,000 to 19,999 | £4,000         | £2,000        |
| 20,000 to 29,999 | £8,000         | £4,000        |
| 30,000 to 39,999 | £16,000        | £8,000        |
| 40,000 to 49,999 | £24,000        | £12,000       |
| 50,000 to 59,999 | £32,000        | £16,000       |
| 60,000 to 69,999 | £40,000        | £20,000       |
| 70,000 to 79,999 | £48,000        | £24,000       |
| 80,000 to 89,999 | £56,000        | £28,000       |
| 90,000 and over  | £64,000        | £32,000       |

### Miscellaneous Fees

| Application or Notice  | Fee     |
|--|---------|
| (section 25)<br>Application for copy of premises licence or summary on theft, loss etc.          | £10.50  |
| (section 29)<br>Application for a provisional statement – where premises under construction etc. | £315.00 |
| (section 33)<br>Notification of change of name or address (holder of premises licence)           | £10.50  |
| (section 37)<br>Application to vary licence to specify individual as premises supervisor         | £23.00  |
| (section 42)<br>Application to transfer premises licence   | £23.00  |
| (section 47)<br>Interim authority licence – following death etc of licence holder                | £23.00  |
| (section 79)<br>Application for copy of club premises certificate or summary on theft, loss etc. | £10.50  |
| (section 82)<br>Notification of change of name or alteration of club rules                       | £10.50  |
| (section 83(1) or (2))   | £10.50  |

| Application or Notice   | Fee    |
|---|--------|
| Change of relevant registered address of club<br>(section 100)                        | £21.00 |
| Temporary event notice<br>(section 110)   | £10.50 |
| Application for copy of temporary event notice on theft, loss etc.<br>(section 117)   | £37.00 |
| Application for grant of personal licence<br>(section 126)                            | £10.50 |
| Application for copy of personal licence on theft, loss etc.<br>(section 127)         | £10.50 |
| Notification of change of name or address of personal licence holder<br>(section 178) | £21.00 |
| Request by freeholder etc. to be notified of licensing matters relating to a premises | £89.00 |
| Fee to accompany minor variation  |        |

## Plans

43. The scale and contents of plans to be accepted by the Council have been prescribed by The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 (as amended).
44. Regulation 23(2) states that unless the relevant licensing authority has previously agreed in writing with the applicant following a request by the applicant that an alternative scale plan is acceptable to it, in which case the plan shall be drawn in that alternative scale, the plan shall be drawn in standard scale.
45. The standard scale required by the Regulations is 1 millimetre represents 100 millimetres (i.e. 1:100).
46. Regulation 23(3) requires plans to show:
- the extent of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises;
  - the location of points of access to and egress from the premises;
  - if different from (b) above, the location of escape routes from the premises;
  - in a case where the premises is to be used for more than one licensable activity, the area within the premises used for each activity;
  - fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment;
  - in a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor;

- g) in a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts;
- h) the location and type of any fire and any other safety equipment including, if applicable, marine safety equipment; and
- i) the location of a kitchen, if any, on the premises.

Plans may include a legend through which the matters mentioned above are sufficiently illustrated by the use of symbols on the plan.

N.B. There is no requirement for plans to be professionally drawn as long as they clearly show all the prescribed information listed above.



## Appendix 2- Contact Details

The following table shows the appropriate contact details for the various responsible authorities designated under the Licensing Act 2003 as amended. Applicants should use these addresses as the address to which any correspondence to any of the responsible authorities should be sent: the appropriate point of contact for the Council as the Licensing Authority is also given.

|                              |  |
|------------------------------|--|
| <b>responsible authority</b> | <b>Licensing Authority</b>   |
| <b>name</b>                  | Maldon District Council  |
| <b>address</b>               | Council Offices<br>Princes Road<br>Maldon<br>CM9 5DL                 |
| <b>telephone number</b>      | 01621 854477   |
| <b>e-mail address</b>        | <a href="mailto:licensing@maldon.gov.uk">licensing@maldon.gov.uk</a> |
| <b>normal office hours</b>   | 0830 to 1700 hours (Mon to Thurs), 0830 to 1630 hours (Friday)       |

|                               |   |
|-------------------------------|---|
| <b>responsible authority</b>  | <b>The Chief Officer of Police</b>  |
| <b>name</b>                   | Essex Police  |
| <b>address</b>                | Licensing Department (Alcohol & Gambling)<br>Blyth's Meadow<br>Braintree<br>CM7 3DJ   |
| <b>telephone number</b>       | 01245 452035  |
| <b>e-mail address</b>         | <a href="mailto:licensing.applications@essex.police.uk">licensing.applications@essex.police.uk</a>  |
| <b>normal office hours</b>    | 0800 to 1600 hours (Mon to Thurs), 0800 to 1530 hours (Friday)  |
| <b>additional information</b> | <b>TEMPORARY EVENT NOTICES</b><br>Notices should be served in order to reach the Police Licensing Officer within the prescribed timescales: either at the same time or as soon as possible after the Notice is given to the Council (but at least ten working days before the event) if submitted in hard copy, please clearly mark the envelope "TEMPORARY EVENT NOTICE" |

|                              |  |
|------------------------------|--|
| <b>responsible authority</b> | <b>Home Office (Immigration Enforcement)</b>                             |
| <b>name</b>                  | Alcohol Licensing Team   |
| <b>address</b>               | Lunar House<br>40 Wellesley Road<br>Croydon<br>CR9 2BY                   |
| <b>e-mail address</b>        | <a href="mailto:alcohol@homeoffice.gov.uk">alcohol@homeoffice.gov.uk</a> |

|                              |  |
|------------------------------|--|
| <b>responsible authority</b> | <b>Fire and Rescue Authority</b>   |
| <b>name</b>                  | Essex County Fire and Rescue Service   |
| <b>address</b>               | North East Group Service Delivery Point<br>Fire Station<br>Cowdray Avenue<br>Colchester<br>CO1 1XT |
| <b>telephone number</b>      | 01376 576625   |
| <b>e-mail address</b>        | <a href="mailto:NorthEastGroupSDP@essex-fire.gov.uk">NorthEastGroupSDP@essex-fire.gov.uk</a>       |
| <b>normal office hours</b>   | 0830 to 1700 (Monday to Thursday), 0830 to 1630 (Friday)   |

|                               |  |
|-------------------------------|--|
| <b>responsible authority</b>  | <b>The Enforcing Authority for Health and Safety</b>                             |
| <b>name</b>                   | Maldon District Council  |
| <b>address</b>                | Environmental Health<br>Council Offices<br><br>Princes Road<br>Maldon<br>CM9 5DL |
| <b>telephone number</b>       | 01621 875813   |
| <b>e-mail address</b>         | <a href="mailto:commercial@maldon.gov.uk">commercial@maldon.gov.uk</a>           |
| <b>normal office hours</b>    | 0830 to 1700 hours (Mon to Thurs), 0830 to 1630 hours (Friday)                   |
| <b>additional information</b> | See Health and Safety Executive below  |

|                               |   |
|-------------------------------|---|
| <b>responsible authority</b>  | <b>The Enforcing Authority for Health and Safety</b>  |
| <b>name</b>                   | Health and Safety Executive   |
| <b>address</b>                | Redwing House<br>Hedgerow Business Park<br>Colchester Road<br>Chelmsford<br>CM2 5PB   |
| <b>telephone number</b>       | 01245 706200  |
| <b>e-mail address</b>         |   |
| <b>normal office hours</b>    |   |
| <b>additional information</b> | The HSE is the enforcing authority in certain types of premises, e.g. Council property, fairgrounds, hospitals and schools. In most other cases the enforcing authority for licensed premises and places of entertainment is normally the Health and Safety at Maldon District Council as detailed above. |

|                              |  |
|------------------------------|--|
| <b>responsible authority</b> | <b>Local Planning Authority</b>                                    |
| <b>name</b>                  | Maldon District Council  |
| <b>address</b>               | Planning<br>Council Offices<br>Princes Road<br>Maldon<br>CM9 5DL   |
| <b>telephone number</b>      | 01621 875870   |
| <b>e-mail address</b>        | <a href="mailto:planning@maldon.gov.uk">planning@maldon.gov.uk</a> |
| <b>normal office hours</b>   | 0830 to 1700 hours (Mon to Thurs), 0830 to 1630 hours (Friday)     |

|                              |  |
|------------------------------|--|
| <b>responsible authority</b> | <b>Local Pollution Authority</b>   |
| <b>name</b>                  | Maldon District Council  |
| <b>address</b>               | Environmental Health<br>Council Offices<br>Princes Road<br>Maldon<br>CM9 5DL                             |
| <b>telephone number</b>      | 01621 875819   |
| <b>e-mail address</b>        | <a href="mailto:environmentservices.request@maldon.gov.uk">environmentservices.request@maldon.gov.uk</a> |
| <b>normal office hours</b>   | 0830 to 1700 hours (Mon to Thurs), 0830 to 1630 hours (Friday)   |

|                              |  |
|------------------------------|--|
| <b>responsible authority</b> | <b>Protection of Children from Harm</b>  |
| <b>name</b>                  | Essex County Council   |
| <b>address</b>               | Childrens Safeguarding Service<br>70 Duke Street<br>Chelmsford<br>CM1 1JP              |
| <b>telephone number</b>      | 03330 139797   |
| <b>e-mail address</b>        | <a href="mailto:LicenceApplications@essex.gov.uk">LicenceApplications@essex.gov.uk</a> |
| <b>normal office hours</b>   |  |

|                              |   |
|------------------------------|---|
| <b>responsible authority</b> | <b>Local Health Board</b>   |
| <b>name</b>                  | Essex County Council  |
| <b>address</b>               | Public Health Team<br>Essex County Council<br>A1<br>County Hall<br>Market Road<br>Chelmsford<br>CM1 1LX |
| <b>telephone number</b>      |   |
| <b>e-mail address</b>        |   |

|                              |  |
|------------------------------|--|
| <b>responsible authority</b> | <b>The local weights and measures authority (trading standards)</b>  |
| <b>name</b>                  | Essex County Council   |
| <b>address</b>               | Essex Trading Standards<br>Information and Business Support Team<br>County Hall, Room CG32<br>Market Road<br>Chelmsford<br>CM1 1QH |
| <b>telephone number</b>      | 03330 139887   |
| <b>e-mail address</b>        | <a href="mailto:BusinessSupport-TradingStandards@essex.gov.uk">BusinessSupport-TradingStandards@essex.gov.uk</a>                   |
| <b>normal office hours</b>   |  |

- In addition to the above, further responsible authorities apply where the premises are a vessel

|                              |  |
|------------------------------|--|
| <b>responsible authority</b> | <b>Crouch Harbour Authority</b>  |
| <b>name</b>                  | The Harbour Master   |
| <b>address</b>               | Crouch Harbour Authority<br>The Quay<br>Burnham-on-Crouch<br>CM0 7NT     |
| <b>telephone number</b>      | 01621 783602   |
| <b>e-mail address</b>        | <a href="mailto:info@crouchharbour.org.uk">info@crouchharbour.org.uk</a> |
| <b>normal office hours</b>   | 0900 to 1600 hours (Monday to Friday)                                    |

|                              |  |
|------------------------------|--|
| <b>responsible authority</b> | <b>Maldon Harbour Improvement Commissioners</b>                                  |
| <b>name</b>                  | Clerk to the Commissioners   |
| <b>address</b>               | Maldon Harbour Improvement Commissioners<br>5 Fir Tree Walk<br>Maldon<br>CM9 4NS |
| <b>telephone number</b>      | 01621 853253   |
| <b>e-mail address</b>        | <a href="mailto:john.hughes11@tesco.net">john.hughes11@tesco.net</a>             |
| <b>normal office hours</b>   |  |

|                              |  |
|------------------------------|--|
| <b>responsible authority</b> | <b>Environment Agency</b>  |
| <b>name</b>                  |  |
| <b>address</b>               | National Customer Contact Centre<br>Quadrant Two<br>99 Parkway Avenue<br>Sheffield<br>S9 4WF |
| <b>telephone number</b>      | 03708 506506   |
| <b>e-mail address</b>        | <a href="mailto:enquiries@environment-agency.gov.uk">enquiries@environment-agency.gov.uk</a> |
| <b>normal office hours</b>   | 0900 to 1700 hours (Monday to Friday)  |

|                              |  |
|------------------------------|--|
| <b>responsible authority</b> | <b>British Waterways Board</b>   |
| <b>name</b>                  |  |
| <b>address</b>               | South East Office<br>Ground Floor<br><br>500-600 Witan Gate House<br>Milton Keynes<br>MK9 1BW              |
| <b>telephone number</b>      | 01908 302500   |
| <b>e-mail address</b>        | <a href="mailto:enquiries.southeast@britishwaterways.co.uk">enquiries.southeast@britishwaterways.co.uk</a> |
| <b>normal office hours</b>   |  |

|                              |  |
|------------------------------|--|
| <b>responsible authority</b> | <b>The Secretary of State for Transport (through the Maritime and Coastguard Agency)</b>                       |
| <b>name</b>                  | Surveyor in Charge   |
| <b>address</b>               | Harwich Marine Office<br>Maritime and Coastguard Agency (Thames)<br>East Terrace<br>Walton-on-Naze<br>CO14 8PY |
| <b>telephone number</b>      | 01255 682107   |
| <b>e-mail address</b>        | <a href="mailto:harwich.mo@mcga.gov.uk">harwich.mo@mcga.gov.uk</a>   |
| <b>normal office hours</b>   | 0830 to 1700 hours   |

## **Appendix 3- Exemptions**

Certain activities are either exempt under the Licensing Act from the requirement to have an entertainment licence or by virtue of the deregulation.

### **Exhibition of a Film**

If the sole or main purpose of the entertainment is to demonstrate any product, advertise any goods or services, or provide information, education or instruction.

If the entertainment consists of or forms part of an exhibit put on show for any purposes of a museum or gallery.

### **Live Music or the Playing of Recorded Music**

If the entertainment is live music and subject to the exemptions provided by the Live Music Act 2012 or if the entertainment is incidental to some other activity which is not within the description of regulated entertainment or the provision of entertainment facilities.

### **Television or Radio Broadcast**

If the entertainment if the broadcast is live and simultaneous

### **Religious Services and Places of Worship etc**

Activities involving participation as acts of worship in a religious context and other activities in places of religious worship.

### **Garden Fetes, Etc**

If the entertainment is at a garden fete or at a function or event of a similar character, where it is not being held or promoted for purposes of private gain.

### **Morris Dancing etc**

If the entertainment is a performance of Morris dancing or any dancing of a similar nature or a performance of unamplified, live music as an integral part of such a performance, or facilities for enabling persons to take part in such activities.

### **Vehicles in Motion**

If the entertainment is on premises consisting of or forming part of a vehicle and at a time when the vehicle is not permanently or temporarily parked.

## Performance of Plays

Performance of plays and exhibition of dance to an audience limit of 500 people taking place between 0800 and 2300

## Films

Films for advertisement, information or education or in museums or art galleries

## Indoor Sport

Indoor sport between 0800 and 2300 to an audience limit of 1000 people but excluding boxing, wrestling and mixed martial arts.

## Exemptions Resulting from The Live Music Act 2012

- The Live Music Act 2012 deregulates the performance of certain live music and the provision of facilities for making music in the following circumstances:
- Live or Recorded Music
- A performance of unamplified Live music between 0800 and 2300: no licence required on any day in any premises,
- A performance of amplified live or playing of recorded music between 0800 and 2300: no licence required on any day on premises that is authorised to sell alcohol for consumption on those premises where the audience does not exceed 500
- A performance of amplified live music or playing of recorded music between 0800 and 2300 on any premises in any community premises that is not licensed to sell alcohol where the audience does not exceed 500 and where the consent of the person responsible for the premises is given.
- A performance of amplified live music or playing of recorded music between 0800 and 2300 on any day at the non-residential premises of a local authority, school or hospital, not licensed to sell alcohol, where the audience does not exceed 500, with the consent of the person responsible for the premises concerned,

Any live music integral to a performance of Morris dancing or dancing of a similar type, so that the exemption applies to live or recorded music instead of unamplified live music.

Conditions may be applied which relate to the control, or provision of, entertainment, (including music even if exempt from a licence in its own right) where a premises is licensed for the sale or supply of alcohol as a result of a review of the premises licence.

There are no restrictions on numbers of persons in an audience attending any entertainment taking place on local authority, hospital or school premises where that entertainment is being provided on or on behalf of that local authority, health care or school.

No licence is required for entertainment (excluding films, boxing or wrestling entertainment) taking place at a travelling circus within a movable structure that also accommodates the audience where the circus is located on the same site for no more than 28 consecutive days



## Appendix 4- Mandatory Conditions

1. Mandatory conditions are issued by order and must be applied to every relevant licence (or other authority) that is issued. These may change during the life of this policy and applicants should make themselves aware of the current mandatory conditions that will be applied to their licence or certificate.

### Mandatory Conditions relating to the Sale or Supply of Alcohol

2. Guidance on Mandatory Licence Conditions can be found via the Government's website: <https://www.gov.uk/government/publications/guidance-on-mandatory-licensing-conditions>

[https://assets.publishing.service.gov.uk/media/5a7dbccde5274a5eaea66081/2014-08-29\\_MC\\_Guidance\\_v1\\_0.pdf](https://assets.publishing.service.gov.uk/media/5a7dbccde5274a5eaea66081/2014-08-29_MC_Guidance_v1_0.pdf)

3. A "responsible person" must ensure compliance with the mandatory conditions. In relation to licensed premises this means:
  - the holder of a premises licence in respect of the premises;
  - the designated premises supervisor (if any) under such a licence; or
  - any individual aged 18 or over who is authorised for the purposes of section 153(4) of the Licensing Act 2003 by such a holder or supervisor.
4. Where a club premises certificate is in force, a "responsible person" means a member or officer of a club who is present and able to prevent the supply of alcohol. In relation to age verification, the premises licence/club certificate holder and the DPS have specific duties.

### Conditions relating to the Sale or Supply of Alcohol

#### Condition 1

No supply of alcohol may be made under the premises licence:

- a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

#### Condition 2

The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

**In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.**

- Games or other activities that require or encourage, or are designed to require or encourage, individuals to
  - drink a quantity of alcohol within a time limit, (This does not include “drinking up time) or
  - to drink as much as possible.(whether within a time limit or otherwise).
- provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective.
- provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective.
- selling or supplying alcohol in association with promotional material on, or in the vicinity of, the premises which can be reasonably considered to condone, encourage or glamorise antisocial behaviour or refer to drunkenness favourably.
- dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

#### Condition 3

Free potable drinking water must be provided on request where it is reasonably available.

#### Condition 4

The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

The policy must require individuals who appear to the person serving alcohol to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:

- a) a holographic mark, or
- b) an ultraviolet feature

## Condition 5

The responsible person must ensure that the following drinks, if sold or supplied for consumption on the premises, (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) are available in the following measures:

- beer or cider - half pint.
- gin, rum, vodka or whisky - 25ml or 35ml.
- still wine in a glass - 125ml

The measures must be displayed in a menu, price list, or other printed material.

Where a customer doesn't specify a measure, they must be made aware of the range of measures available, either verbally or by ensuring that they have seen the printed material.

## Condition 6

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purpose of this condition:

- "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
- "permitted price" is the price found by applying the formula:-  $P = D + (D \times V)$  where:- (i) P is the permitted price, (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol
- "relevant person" means, in relation to premises in respect of which there is in force a premises licence:- (i) the holder of the premises licence (ii) the designated premises supervisor (if any) in respect of such a licence, or (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence
- "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question
- "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994
- Where the permitted price calculated in accordance with this condition, would not be a whole number of pennies, the price given shall be taken to be the price calculated, rounded up to the nearest penny

Where the permitted price given as calculation in accordance with this condition, on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day

### **Mandatory conditions relating to the provision of entertainment.**

#### **Exhibition of Films**

**Condition 7-** (Where a premises licence or club premises certificate authorises the exhibition of a film)

The admission of children under the age of 18 to the exhibition of any film must be restricted in accordance with any recommendation made by:

- a) The British Board of Film Classification (BBFC) where the film has been classified by that board or
- b) The Licensing Authority where no classification certificate has been granted by the BBFC, or where the licensing authority has notified the holder of the licence that admission to the film in question must be made in accordance with any recommendation made by the Licensing Authority.

Films that have not been classified by the BBFC may only be shown after they have been classified by the Council and admission of children must be restricted in accordance with any recommendation by the licensing authority

For the purpose of this condition, Children means any person under 18 years.

### **Door Supervision**

#### **Condition 8**

Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Security Industry Authority and

- a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
- b) be entitled to carry out that activity by virtue of section 4 of that Act.

But nothing in the above section requires such a condition to be imposed—

- a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c. 12) (premises with premises licences authorising plays or films), or
- b) in respect of premises in relation to
  - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
  - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

**Mandatory Conditions relating to Club Premises Certificate for Supply of Alcohol for Consumption Off the Premises**

A club premises certificate which authorises the supply of alcohol for consumption off the premises must include the following conditions:

**First Condition**

The supply must be made at a time when the premises are open for the purposes of supplying alcohol, in accordance with the club premises certificate, to members of the club for consumption on the premises.

(Note: This condition means that if the club is open for the supply of alcohol to its members, i.e. during its normal licensable hours, then a supply of alcohol can be made for consumption off the premises.)

**Second Condition**

Any alcohol supplied for consumption off the premises must be in a sealed container.

(Note: this means that opened bottles or cans of alcohol can be supplied for consumption off the premises).

**Third Condition**

Any supply of alcohol for consumption off the premises must be made to a member of the club in person.

(Note: a supply of alcohol for consumption off the premises can only be made to a member of the club in person and not a guest).

## Appendix 5- Non-Mandatory Conditions

1. Conditions may be applied to a licence that are proportionate to and appropriate to promote the licensing objectives. These will generally reflect and be consistent with the proposals presented by the applicant in their operating schedule. The licensing authority will add conditions that interpret the applicant's intention but will not necessarily replicate the operating schedule word for word. If no representations are received, the licence will be granted subject only to mandatory conditions and those that are consistent with the operating schedule.
2. Conditions may also result from ones that are agreed between the applicant and a responsible authority following a representation or be imposed by the licensing authority following a hearing.
3. Failure to comply with any condition attached to a licence is an offence that could give rise to prosecution, it is therefore important that conditions are under the control of the person responsible for running the premises and that they are clear, practicable and enforceable.
4. The Licensing Authority may make available Pool of conditions, published separately from this policy with and suggestions to help applicants think about the licensing objectives and, if necessary assist with the preparation of an operating schedule. These will not be standard conditions and will not be automatically applied to a licence. Each licence application is considered on its merits and conditions will at all times be appropriate to the premises and licensable activities – they may however be used to reflect the operating schedule provided by the applicant.
5. This Pool of conditions does not form part of the Licensing Policy and may be revised or updated if deemed necessary.
6. It should be noted in particular that it is unlawful under the 2003 Act:
  - to knowingly to sell or supply or attempt to sell or supply alcohol to a person who is drunk;
  - to knowingly to allow disorderly conduct on licensed premises;
  - for the holder of a premises licence or a designated premises supervisor knowingly to keep or to allow to be kept on licensed premises any goods that have been imported without payment of duty or which have otherwise been unlawfully imported;
  - to allow the presence of children under 16 who are not accompanied by an adult between midnight and 5am at any premises licensed for the sale of alcohol for consumption on the premises, and at any time in premises used exclusively or primarily for the sale and consumption of alcohol.

Conditions enforcing these arrangements are therefore unnecessary.

## **Pool of Conditions: Prevention of Crime and Disorder**

### **General**

7. When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, when responsible authorities are considering such applications and the Council is considering applications following the receipt of any relevant representations from a responsible authority or interested party, the following options should be considered as measures which, if necessary, would promote the prevention of crime and disorder.
8. Whether or not any risk assessment shows these options to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved. It should also be borne in mind that club premises operate under codes of discipline to ensure the good order and behaviour of members.
9. Necessary conditions for the licence or certificate will also depend on local knowledge of the premises.
10. Under no circumstances should the following measures be regarded as standard conditions to be automatically imposed in all cases. They are designed to provide a range of possible conditions drawn from experience relating to differing situations and to offer guidance.
11. Any individual preparing an operating schedule is at liberty to volunteer any measure, such as those described below, as a step he or she intends to take to promote the licensing objectives. When incorporated into the licence or certificate as a condition, they become enforceable under the law and a breach of such a condition could give rise to prosecution.

### **Text / Radio Pagers**

12. Text and radio pagers connecting premises licence holders, designated premises supervisors, managers of premises and clubs to the local police can provide for rapid response by the police to situations of disorder which may be endangering the customers and staff on the premises.
13. Such pagers provide two-way communication, enabling licence holders, managers, designated premises supervisors and clubs to report incidents to the police, and enabling the police to warn those operating a large number of other premises of potential trouble-makers or individuals suspected of criminal behaviour that are about in a particular area. Pager systems can also be used by licence holders, door supervisors, managers, designated premises supervisors and clubs to warn each other of the presence in an area of such people.

14. The Secretary of State recommends that text or radio pagers should be considered appropriate necessary conditions for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. Following individual consideration of the particular circumstances of the venue, such conditions may also be appropriate and necessary in other areas for the prevention of crime and disorder.
15. It is recommended that a condition requiring the text / radio pager links to the police should include the following elements:
- the text / radio pager equipment is kept in working order at all times;
  - the pager be activated, made available to and monitored by the designated premises supervisor or a responsible member of staff at all times that the premises are open to the public;
  - any police instructions / directions are complied with whenever given; and
  - all instances of crime and disorder are reported via the text / radio pager link by the designated premises supervisor or a responsible member of staff to an agreed police contact point.

### **Door Supervisors**

16. Conditions relating to the provision of door supervisors and security teams may be valuable in:
- preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder;
  - keeping out excluded individuals (subject to court bans or imposed by the licence holder);
  - searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons; and
  - maintaining orderly queuing outside of venues prone to such queuing.
17. Where door supervisors conducting security activities are to be a condition of a licence, which means that they would have to be registered with the Security Industry Authority, conditions may also need to deal with the number of such supervisors, the displaying of name badges, the carrying of proof of registration, where and at what times they should be stationed on the premises, and whether at least one female supervisor should be available (for example, if female customers are to be the subject of body searches). Door supervisors also have a role to play in ensuring public safety.

### **Bottle Bans**

18. Glass bottles may be used as weapons inflicting more serious harm during incidents of disorder. A condition can prevent sales of drinks in glass bottles for consumption on the premises. It is recommended that a condition requiring that no sales of beverages in glass bottles for consumption on the premises should be expressed in clear terms and includes the following elements:



- no bottles containing beverages of any kind, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff service away from the bar; and
- no customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public (note: this needs to be carefully worded where off- sales also take place).

19. In appropriate circumstances, the condition could include exceptions, for example, as follows:

- bottles containing wine may be sold for consumption with a table meal by customers who are seated in an area set aside from the main bar area for the consumption of food.

### **Plastic Containers and Toughened Glass**

20. Glasses containing drinks may be used as weapons during incidents of disorder and if not toughened, can cause very serious injuries. Consideration could therefore be given to conditions requiring either the use of plastic containers or toughened glass which inflicts less severe injuries where considered necessary. Location and style of the venue and the activities carried on there would be particularly important in assessing whether a condition is necessary. For example, the use of glass containers on the terraces of some outdoor sports grounds may obviously be of concern, and similar concerns may also apply to indoor sports events such as boxing matches. Similarly, the use of such plastic containers or toughened glass during the televising of live sporting events, such as international football matches, when high states of excitement and emotion fuelled by alcohol might arise, may be a necessary condition.

21. It should be noted that the use of plastic or paper drinks containers and toughened glass may also be relevant as measures necessary to promote public safety.

### **CCTV**

22. The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Conditions should not just consider a requirement to have CCTV on the premises, but also the precise siting of each camera, the requirement to maintain cameras in working order, and to retain recordings for an appropriate period of time. The police should provide individuals conducting risk assessments when preparing operating schedules with advice on the use of CCTV to prevent crime.

### **Open Containers Not to be Taken from the Premises**

23. Drinks purchased in licensed premises or clubs may be taken from those premises for consumption elsewhere. Where premises are licensed for the sale of alcohol for consumption off the premises, which would be entirely lawful. Consideration should be given, however, to a condition preventing the taking of alcoholic and other drinks from the premises in open containers (e.g. glasses and open bottles). This may again be necessary to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises.

### **Restrictions on Drinking Areas**

24. It may be necessary to restrict the areas where alcoholic drinks may be consumed in premises after they have been purchased from the bar. An example would be at a sports ground where the police consider it necessary to prevent the consumption of alcohol on the terracing of sports grounds during particular sports events. Such conditions should not only specify these areas, but indicate the circumstances in which the ban would apply and times at which it should be enforced.

### **Capacity Limits**

25. Consideration should also be given to conditions which set capacity limits for licensed premises or clubs where it may be necessary to prevent overcrowding which can lead to disorder and violence. Where such a condition is considered necessary, consideration should also be given to whether door supervisors would be needed to ensure that the numbers are appropriately controlled.

### **Proof of Age Cards**

26. It is unlawful for children under 18 to attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them. To prevent such crimes, it may be necessary to require a policy to be applied at certain licensed premises requiring the production of proof of age before such sales are made. This should not be limited to recognised proof of age cards, but allow for the production of other proof, such as photo-driving licences, student cards (supported by the PASS accreditation i.e. Essex County Bite Cards); passports or Military ID. The Secretary of State strongly supports the PASS accreditation system which aims to approve and accredit various proof of age schemes that are in existence. This ensures that such schemes maintain high standards, particularly in the area of integrity and security, and where appropriate and necessary, conditions may refer directly to PASS accredited proof of age cards, photo-driving licences and passports. It should be noted that many adults in England and Wales do not currently carry any proof of age. This means that the wording of any condition will require careful thought. For example, the requirement might be to ensure sight of evidence of age from any person appearing to those selling or supplying alcohol to be under the age of 18 and who is attempting to buy alcohol. This would ensure most

minors, even those looking older, would need to produce proof of age before making such a purchase. Under such an arrangement only a minority of adults might be affected, but for the majority there would be no disruption to their normal activity.

### **Crime Prevention Notices**

27. It may be necessary at some premises for notices to be displayed which warn customers of the prevalence of crime which may target them. Some premises may be reluctant to volunteer the display of such notices for commercial reasons. For example, in certain areas, a condition attached to a premises licence or club premises certificate might require the displaying of notices at the premises which warn customers about the need to be aware of pickpockets or bag snatchers and to guard their property. Similarly, it may be necessary for notices to be displayed which advise customers not to leave bags unattended because of concerns about terrorism. Consideration could be given to a condition requiring a notice to display the name of a contact for customers if they wish to report concerns.

### **Drinks Promotions**

28. Standardised conditions should not be attached to premises licences or club premises certificates which promote fixed prices for alcoholic drinks. It is also likely to be unlawful for licensing authorities or police officers to promote voluntary arrangements of this kind. This can risk creating cartels. Using conditions to control the prices of alcoholic drinks in an area may also breach competition law. Conditions tailored to the individual circumstances of particular premises which address irresponsible drinks promotions may be permissible provided they are necessary for the promotion of the licensing objectives, but licensing authorities should take their own legal advice before a licence or certificate is granted in that form. Judgements may be subjective and on occasions, there will be a very fine line between responsible and irresponsible promotions but an even greater distinction to whether the promotion in question can be subject to the imposition of a condition. It is therefore vital that such matters are considered objectively in the context of the licensing objectives and with the benefit of appropriate legal advice.

29. In addition, when considering any relevant representations which demonstrate a clear causal link between sales promotions or discounting and levels of crime and disorder on or in the vicinity of the premises, it would be appropriate for the Council to consider whether the imposition of a new condition prohibiting irresponsible sales promotions or discounting of prices of alcoholic beverages is necessary at those premises. Before pursuing any form of restrictions, however, licensing authorities should take their own legal advice.

## Signage

30. It may be necessary for the normal hours under the terms of the premises licence or club premises certificate at which licensable activities are permitted to take place to be displayed on or immediately outside the premises so that it is clear if breaches of the terms of the licence or certificate are taking place.
31. Similarly, it may be necessary for any restrictions on the admission of children to be displayed on or immediately outside the premises so that the consequences of breaches of these conditions would also be clear and to deter those who might seek admission in breach of those conditions.

## Large Capacity Venues used Primarily for the Vertical Consumption of Alcohol

32. Large capacity vertical drinking premises, sometimes called High Volume Vertical Drinking establishments (HVVDs), are premises with exceptionally high capacities, used primarily or exclusively for the sale and consumption of alcohol and have little or no seating for patrons. Where necessary and appropriate, conditions can be attached to premises licences for the promotion of the prevention of crime and disorder at such premises (if not volunteered by the venue operator and following representations on such grounds) which require adherence to:
  - a prescribed capacity;
  - an appropriate ratio of tables and chairs to customers based on the capacity; and
  - the presence of SIA registered security teams to control entry for the purposes of compliance with the capacity limit.

## Appendix 6- Pool of Conditions: Public Safety

1. It should be noted that conditions relating to public safety should be those which are necessary in the particular circumstances of any individual premises or club premises and should not duplicate other requirements of the law. Equally, the attachment of conditions to a premises licence or club premises certificate will not in any way relieve employers of the statutory duty to comply with the requirements of other legislation including the Health and Safety at Work etc. Act 1974, associated regulations and especially the requirements under the Management of Health and Safety at Work Regulations 1999 and the Regulatory Reform (Fire Safety) Order 2005 to undertake risk assessments. Employers should assess the risks, including risks from fire, and take measures necessary to avoid and control those risks. Conditions enforcing those requirements would therefore be unnecessary.

### General

2. When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, responsible authorities are considering such applications and the Council is considering applications following the receipt of relevant representations from a responsible authority or interested party, the following options should be considered as measures that, if necessary, would promote public safety. Additional matters relating to cinemas and theatres are considered in Appendix 7. It should also be recognised that special issues may arise in connection with outdoor and large scale events.
3. Whether or not any risk assessment shows any of the measures to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.
4. Necessary conditions for the licence or certificate will also depend on local knowledge of the premises. In addition to considering the points made in this Appendix, those preparing operating schedules or club operating schedules, licensing authorities and responsible authorities should consider:
  - Model National and Standard Conditions for Places of Public Entertainment and Associated Guidance (Entertainment Technology Press – ABTT Publications)
  - Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999) (the purple book)
  - Managing Crowds Safety (HSE 2000)
  - 5 Steps to Risk Assessments: Case Studies (HSE 1998)
  - Guide to Safety at Sports Grounds (Stationery Officer 1997)(the green guide)

- Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances (Independent Street Arts Network)
- London District Surveyors' Association's Technical Standards for Places of Public Entertainment.

5. The following British Standards should also be considered:

- BS 5588 Part 6 (regarding places of assembly)
- BS 5588 Part 9 (regarding ventilation and air conditioning systems)
- BS 5588 Part 9 (regarding means of escape for disabled people)
- BS 5839 (fire detection, fire alarm systems and buildings)
- BS 5266 (emergency lighting systems)

6. The Council and responsible authorities should note that under no circumstances should any conditions be regarded as standard for all premises.

7. Any individual preparing an operating schedule or club operating schedule is at liberty to volunteer any measure, such as those described below, as a step he or she intends to take to promote the licensing objectives. When incorporated into the licence or certificate as a condition, they become enforceable under the law and a breach of such a condition could give rise to prosecution.

### **Disabled People**

8. In certain premises where existing legislation does not provide adequately for the safety of the public, consideration might also be given to conditions that ensure that:

- when disabled people are present, adequate arrangements exist to enable their safe evacuation in the event of an emergency; and
- disabled people on the premises are made aware of those arrangements.

### **Escape Routes**

9. It may be necessary to include conditions relating to the maintenance of all escape routes and exits including external exits. These might be expressed in terms of the need to ensure that such exits are kept unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified. In restaurants and other premises where chairs and tables are provided this might also include ensuring that internal gangways are kept unobstructed.

10. In certain premises where existing legislation does not provide adequately for the safety of the public, consideration might also be given to conditions that ensure that:

- all exits doors are easily openable without the use of a key, card, code or similar means; doors at such exits are regularly checked to ensure that they function satisfactorily and a record of the check kept;
- any removable security fastenings are removed whenever the premises are open.
- all fire doors are maintained effectively self-closing and shall not be held open other than by approved devices (for example, electromagnetic release operated by smoke detectors);
- fire resisting doors to ducts, service shafts and cupboards shall be kept locked shut; and the edges of the treads of steps and stairways are maintained so as to be conspicuous.

### **Safety Checks**

11. In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- safety checks are carried out before the admission of the public; and
- details of such checks are kept in a log book.

### **Curtains, Hangings, Decorations and Upholstery**

12. In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- hangings, curtains and temporary decorations are maintained in a flame retardant conditions;
- any upholstered seating meets on an on-going bases the pass criteria for smouldering ignition source 0; flaming ignition source 1; and crib ignition source 5 when tested in accordance with section 5 of BS5852:1990;
- curtains, hangings and temporary decorations are arranged so as not to obstruct exits, fire safety signs or firefighting equipment; and
- temporary decorations are not used without prior notification to the Council / Fire Authority.

13. In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- arrangements are made to ensure that any capacity limit imposed under the premises licence or club premises certificate are not exceeded; and

- the licence holder, a club official, manager or designated premises supervisor should be aware of the number of people on the premises and required to inform any authorised person on request.

### **Fire Action Notices**

14. In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- notices detailing the actions to be taken in the event of fire or other emergencies, including how the fire service should be summoned, are prominently displayed and protected from damage and deterioration.

### **Outbreaks of Fire**

15. In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- the fire service must be called at once to any outbreak of fire, however slight, and the details recorded in a fire log book.

### **Loss of Water**

16. In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- the local fire control centre are notified as soon as possible if the water supply to any hydrant, hose reel, sprinkler, drencher or other fire extinguishing installation is cut off or restricted.

### **Access for Emergency Vehicles**

17. In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that access for emergency vehicles is kept clear and free from obstruction.

### **First Aid**

18. In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- adequate and appropriate supply of first aid equipment and materials is available on the premises;
- if necessary, at least one suitably trained first-aider shall be on duty when the public are present; and if more than one suitably trained first-aider that their respective duties are clearly defined.



## Lighting

19. In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- in the absence of adequate daylight, the lighting in any area accessible to the public, members or guests shall be fully in operation when they are present;
- fire safety signs are adequately illuminated; emergency lighting is not altered;
- emergency lighting batteries are fully charged before the admission of the public, members or guests; and
- in the event of the failure of normal lighting, where the emergency lighting battery has a capacity of one hour, arrangements are in place to ensure that the public, members or guests leave the premises within 20 minutes unless within that time normal lighting has been restored and the battery is being re-charged; and, if the emergency lighting battery has a capacity of three hours, the appropriate period by the end of which the public should have left the premises is one hour.

## Temporary Electrical Installations

20. In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- temporary electrical wiring and distribution systems are not provided without [notification to the Council at least 10 days before commencement of the work] [prior inspection by a suitable qualified electrician];
- temporary electrical wiring and distribution systems shall comply with the recommendations of BS 7671 or where applicable BS 7909; and
- where they have not been installed by a competent person, temporary electrical wiring and distribution systems are inspected and certified by a competent person before they are put to use.

21. With regard to the first bullet above, it should be recognised that 10 days' notice may not be possible where performances are supported by outside technical teams. For example, where temporary electrical installations are made in theatres for television show performances, in such circumstances, the key requirement is that conditions where necessary should ensure that temporary electrical installations are only undertaken by competent qualified persons, for example employed by the television company.

## Indoor Sports Entertainments

22. In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- if necessary, an appropriately qualified medical practitioner is present throughout a sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature;
- where a ring is involved, it is constructed and supported by a competent person and inspected by a competent authority and any material used to form the skirt around the ring is flame-retardant;
- at any wrestling or other entertainments of a similar nature members of the public do not occupy any seat within 2.5 metres of the ring; and
- at water sports entertainments, staff adequately trained in rescue and life safety procedures are stationed and remain within the vicinity of the water at all material times (see also Managing Health and Safety in Swimming Pools issued jointly by the Health and Safety Commission and Sport England).

## Alterations to the Premises

23. Premises should not be altered in such a way as to make it impossible to comply with an existing licence condition without first seeking a variation of the premises licence proposing the deletion of the condition relating to public safety in question. The applicant will need to propose in a new operating schedule reflecting the proposed alteration to the premises how he or she intends to take alternative steps to promote the public safety objective. The application for variation will enable the responsible authorities with expertise in safety matters to consider whether the proposal is acceptable.

## Special Effects

24. The use of special effects in venues of all kinds being used for regulated entertainment is increasingly common and can present significant risks. Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff.

25. Special effects which should be considered include:

- dry ice machines and cryogenic fog; smoke machines and fog generators; pyrotechnics, including fireworks;
- real flame;
- firearms;
- motor vehicles; strobe lighting;
- lasers (see HSE Guide The Radiation Safety of lasers used for display purposes [HS(G)95] and BS EN 60825: Safety of laser products);
- explosives and highly flammable substances.

26. In certain circumstances, it may be necessary to require that certain special effects are only used with the prior notification of the Council or [inspection by] the fire service.

## Appendix 7- Pool of Conditions: Theatres, Cinemas, Concert Halls and Similar

1. There are particular matters in the context of public safety and fire safety which should be considered in connection with theatres and cinemas. The principle remains that conditions must be necessary and should be established through risk assessment and standardised conditions should be avoided. The points which follow are for consideration and do not represent a mandatory list.

### Premises Used for Closely Seated Audiences

#### 2. Attendants

- a) The number of attendants on each floor in a closely seated auditorium should be as set out on the table below:

| Number of Members of The Audience Present on A Floor                          | Minimum Number of Attendants Required to Be Present On That Floor |
|---|---|
| 1 – 100   | 1   |
| 101 – 250   | 2   |
| 251 – 500   | 3   |
| 501 – 750   | 4   |
| 751 – 1000  | 5   |
| Plus 1 additional attendant for each additional 250 persons (or part thereof) |   |

- b) Attendants shall not be engaged in any duties that would hinder the prompt discharge of their duties in the event of an emergency or entail their absence from that floor or auditorium where they are on duty.
- c) Any attendant shall be readily identifiable to the audience (but this need not entail the wearing of a uniform).
- d) The premises shall not be used for a closely seated audience except in accordance with seating plan(s), a copy of which is available at the premises and shall be shown to any authorised person on request.
- e) No article shall be attached to the back of any seat which would reduce the clear width of seatways or cause a tripping hazard or obstruction.
- f) A copy of any certificate relating to the design, construction and loading of any temporary seating shall be kept available at the premises and shall be shown to any authorised person on request.

### **Standing and Sitting in Gangways etc.**

- a) Sitting on floors shall not be permitted except where authorised in the premises licence or club premises certificate.
- b) Waiting or standing shall not be permitted except in areas designated in the premises licence or club premises certificate.
- c) In no circumstances shall anyone be permitted to:
  - i. sit in any gangway;
  - ii. stand or sit in front of any exit; or
  - iii. stand or sit on any staircase including any landings.

### **Drinks**

- 3. Unless authorised by the premises licence or club premises certificate, no drinks shall be sold to or be consumed by a closely seated audience except in plastic and paper containers.

### **Balcony Fronts**

- 4. Clothing or other objects shall not be placed over balcony rails or upon balcony fronts.

### **Special Effects**

- 5. Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff. Special effects include:
  - dry ice machines and cryogenic fog; smoke machines and fog generators; pyrotechnics, including fireworks;
  - real flame;
  - firearms;
  - motor vehicles; strobe lighting;
  - lasers (see HSE Guide The Radiation Safety of lasers used for display purposes [HS(G)95] and BS EN 60825: safety of laser products;
  - explosives and highly flammable substances.
- 6. In certain circumstances, it may be necessary to require that certain special effects are only used with the prior notification of the Council or (inspection by) fire authority.

### **Scenery**

- 7. Any scenery should be maintained flame-retardant.

## Safety Curtain

8. Where a safety curtain is provided, it should be arranged so as to protect the audience from the effects of a fire or smoke on stage for sufficient time to enable the safe evacuation of the auditorium. Where a stage with a proscenium arch is not equipped with a safety curtain, any curtains provided between the stage and the auditorium should be heavyweight and be made of non-combustible material or inherently or durably treated flame retardant fabric.

## Ceilings

9. All ceilings in those parts of the premises to which the audience are admitted should be inspected by a suitably qualified person who will decide when a further inspection would be necessary and a certificate concerning the condition of the ceilings forwarded to the Council.

## Seating

10. Where the potential audience exceeds 250 all seats in the auditorium should, except in boxes accommodating not more than 8 persons, be either securely fixed to the floor or battened together in lengths of not fewer than 4 or more than 12.

## Premises Used for Film Exhibitions

### Attendants - premises without a staff alerting system

11. Where the premises are not equipped with a staff alerting system the number of attendants present should be as set out in the table below:

| Number of Members of The Audience Present on The Premises   | Minimum Number of Attendants Required To Be On Duty                     |
|---|---|
| 1 – 250   | Two   |
| Plus 1 additional attendant for each additional 250 members of the audience present (or part thereof) |   |
| Where there are more than 150 members of an audience in any auditorium or on any floor                | At least 1 attendant shall be present in any auditorium or on any floor |

**Attendants - premises with a staff alerting system**

12. Where the premises are equipped with a staff alerting system the number of attendants present should be as set out in the table below:

| Number Of Members of The Audience Present On The Premises | Minimum Number of Attendants Required To Be On Duty                              | Minimum Number of Other Staff On The Premises Who Are Available To Assist In The Event Of An Emergency |
|---|--|--|
| 1 – 500   | 2  | 1  |
| 501 - 1000  | 3  | 2  |
| 1001 - 1500   | 4  | 4  |
| 1501 or more  | Five plus one for every 500 (or part thereof) persons over 2,000 on the premises | Five plus one for every 500 (or part thereof) persons over 2,000 on the premises                       |

13. Staff shall not be considered as being able to assist in an emergency if they are:

- the holder of the premises licence or the manager on duty at the premises; or
- a member of staff whose normal duties or responsibilities are likely to significantly affect or delay his response to an emergency situation; or
- a member of staff whose usual location when on duty is more than 60 metres from the location to which he is required to go on being alerted of an emergency situation.

14. Attendants shall as far as reasonably practicable be evenly distributed throughout all parts of the premises to which the public have access and keep under observation all parts of the premises to which the audience have access.

15. The staff alerting system shall be maintained in working order.

**Minimum Lighting**

16. The level of lighting in the auditorium should be as great as possible consistent with the effective presentation of the film; and the level of illumination maintained in the auditorium during the showing of films would normally be satisfactory if it complies with the standard specified in BS CP 1007 (Maintained Lighting for Cinemas).

**Flammable Films**

17. No flammable films shall be allowed in the premises without the prior notification of the Council and fire authority.

## Appendix 8- Pool of Conditions: Prevention of Public Nuisance

1. It should be noted that provisions of the Environmental Protection Act 1990 and the Noise Act 1996 provide some protection to the general public from the effects of noise nuisance. In addition, the provisions in Part 8 of the Licensing Act 2003 as amended enable a senior police officer to close down instantly for up to 24 hours licensed premises and premises carrying on temporary permitted activities that are causing public nuisance resulting from noise emanating from the premises. These matters should be considered before deciding whether or not conditions are necessary for the prevention of public nuisance.

### General

2. When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, responsible authorities are considering such applications and the Council is considering applications following the receipt of relevant representations from a responsible authority or interested party, the following options should be considered as measures that, if necessary, would promote the prevention of public nuisance.
3. Whether or not any risk assessment shows them to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.
4. Necessary conditions for licences and certificates will also depend on local knowledge of the premises.

### Hours

5. The hours during which the premises are permitted to be open to the public or to members and their guests can be restricted (other than where they are protected by the transitional provisions of the Licensing Act 2003 as amended) by the conditions of a premises licence or a club premises certificate for the prevention of public nuisance. But this must be balanced by the potential impact on disorder which results from artificially early fixed closing times.
6. Restrictions could be necessary on the times when certain licensable activities take place even though the premises may be open to the public at such times. For example, the playing of recorded music after a certain time might be prohibited, even though other licensable activities are permitted to continue.
7. Restrictions might be necessary on the parts of premises that might be used for certain licensable activities at certain times. For example, while the provision of regulated entertainment might be permitted while the premises are open to the public or members and their guests, regulated entertainment might not be permitted in garden areas of the premises after a certain time.



## Noise and Vibration

8. In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that noise or vibration does not emanate from the premises so as to cause a nuisance to occupiers of nearby properties. This might be achieved by 1 or more of the following conditions:

- keep doors and windows at the premises closed;
- limiting live music to a particular area of the building;
- moving the location and direction of speakers away from external walls or walls that abut private premises;
- fitting of rubber seals to doorways;
- installing rubber speaker mounts;
- requiring the licensee to take measures to ensure that music will not be audible above the background level at the nearest noise sensitive location;
- require licenses to undertake routine monitoring to ensure external levels of music are not excessive and take appropriate action where necessary; or
- use noise limiters on amplification equipment used at the premises.

9. In determining which conditions are necessary and appropriate, the Council shall be aware of the need to avoid unnecessary or disproportionate measures that could deter the holding of events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues. Conditions may also include:

- that prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and area quietly;
- the use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas are restricted; and
- the placing of refuse and recycling such as bottles into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.

## Noxious Smells

10. In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:-

- noxious smells from licensed premises are not permitted so as to cause a nuisance to nearby properties and the premises are properly vented.

## **Light Pollution**

11. In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:

- flashing or particularly bright lights on or outside licensed premises do not cause a nuisance to nearby properties. Any such condition needs to be balanced against the benefits to the prevention of crime and disorder of bright lighting in certain places.

## Appendix 9- Pool of Conditions: Protection of Children from Harm

1. It should be noted that it is unlawful under the 2003 Act as amended to permit unaccompanied children under the age of 16 to be present on premises exclusively or primarily used for the supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or a temporary event notice when open for the purposes of being used for the supply of alcohol for consumption there. In addition, it is an offence to permit the presence of children under 16 who are not accompanied by an adult between midnight and 5 am at all premises supplying alcohol for consumption on those premises under the authorisation of any premises licence, club premises certificate or temporary event notice. Conditions duplicating these provisions are, therefore, unnecessary.

### Access for Children to Licensed Premises in General

2. Restrictions on the access of children under 18 to premises where licensable activities are being carried on should be made where it is necessary to protect children from harm. Precise policy and details will be a matter for the Council. Conditions attached to premises licences and club premises certificates may reflect the concerns of responsible authorities and interested parties who have made representations but only where the Council considers it necessary to protect children from harm. Whilst applications in relation to premises licences and club premises certificates must be judged by the Council on their individual merits and characteristics, the Secretary of State recommends (unless there are circumstances justifying the contrary) that:-
  - for any premises with known associations (having been presented with evidence) with or likely to give rise to heavy or binge or underage drinking, drugs, significant gambling, or any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature, there should be a strong presumption against permitting any access at all for children under 18 years: applicants wishing to allow access for children to premises where these associations may be relevant, when preparing operating schedules or club operating schedules or variations of those schedules for the purposes of obtaining or varying a premises licence or club premises certificate should:
    - explain their reasons; and
    - outline in detail the steps that they intend to take to protect children from harm on such premises.
  - for any premises, not serving alcohol for consumption on the premises, but where the public are allowed on the premises after 11.00 pm in the evening, there should be a presumption against the presence of children under the age of 12 unaccompanied by adults after that time. Applicants wishing to allow access when preparing operating schedules or variations of those schedules or club operating schedules for the purposes of obtaining or varying a premises licence or club premises

certificate should:

- explain their reasons; and
  - outline in detail the steps that they intend to take to protect children from harm on such premises.
- in any other case, subject to the premises licence holder's or club's discretion, the expectation would be for unrestricted access for children subject to the terms of the 2003 Act as amended. An operating schedule or club operating schedule should indicate any decision for the premises to exclude children completely, which would mean there would be no need to detail in the operating schedule steps that the applicant proposes to take to promote the protection of children from harm. Otherwise, where entry is to be permitted, the operating schedule should outline the steps to be taken to promote the protection of children from harm while on the premises.

### **Age Restrictions - Specific**

3. Under the 2003 Act as amended, a wide variety of licensable activities could take place at various types of premises and at different times of the day and night. Whilst it may be appropriate to allow children unrestricted access at particular times and when certain activities are not taking place, the Council following relevant representations made by responsible authorities and interested parties will need to consider a range of conditions that are to be tailored to the particular premises and their activities where these are necessary. The Licensing Authorities is expected to consider:

- the hours of day during which age restrictions should and should not apply. For example, the fact that adult entertainment may be presented at premises after 8.00 pm does not mean that it would be necessary to impose age restrictions for earlier parts of the day. Types of event or activity in respect of which no age restrictions may be needed include:
  - Family entertainment; or
  - Non-alcohol events for young age groups such as under 18 dances.
- Similarly, types of event or activity which give rise to a more acute need for age restrictions than normal may include:
  - During Happy Hours or on drinks promotion nights;
  - During activities outlined in the first bullet point in the first paragraph above.

### **Age Restrictions - Cinemas**

4. The Secretary of State considers that, in addition to the mandatory condition imposed by virtue of Section 20, 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 or by the Council

itself, conditions restricting the admission of children to film exhibitions should include:

- A condition that where the Council is to make recommendations on the admission of children to films, the cinema or venue operator must submit any film to the authority that it intends to exhibit 28 days before it is proposed to show it: this is to allow the authority time to classify it so that the premises licence holder is able to adhere to any age restriction then imposed;
  - A condition that when films are classified, by either the film classification body as specified in the licence or the Council, they should be classified in the following way:
    - U = Universal: suitable for audiences aged 4 years and over
    - PG = Parental Guidance: some scenes may be unsuitable for young children
    - 12A = passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult
    - 15 = passed only for viewing by persons aged 15 years or over
    - 18 = passed only for viewing by persons aged 18 years or over
  - That conditions specify that immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium, a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film.
  - A condition that when the Council has made a recommendation on the restriction of admission of children to a film, notices are required to be displayed both inside and outside the premises so that persons entering can readily be made aware of the classification attached to any film or trailer. Such a condition might be expressed in the following terms:
5. "Where a programme includes a film recommended by the Council as falling into the 12A, 15 or 18 category no person appearing to be under the age of 12 and unaccompanied, or under 15 or 18 as appropriate, shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position a notice in the following terms:
- ‘PERSONS UNDER THE AGE OF (insert age) CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME’
6. Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction. This condition does not apply to members

of staff under the relevant age while on-duty, provided that the prior written consent of the person's parent or legal guardian has first been obtained."

## **Theatres**

7. The admission of children to theatres, as with other licensed premises, is not expected to normally be restricted unless it is necessary to promote the licensing objective of the protection of children from harm. However, theatres may be the venue for a wide range of activities. The admission of children to the performance of a play is expected to normally be left to the discretion of the licence holder and no condition restricting the access of children to plays should be attached. However, theatres may also present entertainment including, for example, variety shows, incorporating adult entertainment. A condition restricting the admission of children in such circumstances may be necessary. Entertainment may also be presented at theatres specifically for children (see below).
8. Licensing authorities are also expected to consider whether a condition should be attached to a premises licence which requires the presence of a sufficient number of adult staff on the premises to ensure the well-being of children present on the premises during any emergency (see appendix 7).

## **Performances especially for Children**

9. Where performances are presented especially for unaccompanied children in theatres and cinemas conditions are anticipated to be needed which require:
  - an attendant to be stationed in the area(s) occupied by the children, in the vicinity of each exit, provided that on each level occupied by children the minimum number of attendants on duty should be one attendant per 50 children or part thereof.
10. The Council is expected, having regard to any representations made by responsible authorities on the issue, to also consider whether or not standing should be allowed. For example, there may be a reduced risk for children in the stalls than at other levels or areas in the building.

## **Children in Performances**

11. There are many productions each year that are one-off shows where the cast is made up almost entirely of children. They may be taking part as individuals or as part of a drama club, stage school or school group. The age of those involved may range from 5 to 18. The Children (Performances) Regulations 1968, as amended, set out requirements for children performing in a show. Licensing authorities should familiarise themselves with the requirements of these Regulations and not duplicate any of these requirements. However, if it is necessary to consider imposing conditions, in addition to these requirements, for the promotion of the protection of children from harm then the Council will consider the matters outlined below:

- **venue** - the backstage facilities should be large enough to accommodate safely the number of children taking part in any performance;
- **fire safety** - all chaperones and production crew on the show should receive instruction on the fire procedures applicable to the venue prior to the arrival of the children;
- **special effects** - it may be inappropriate to use certain special effects, including smoke, dry ice, rapid pulsating or flashing lights, which may trigger adverse reactions especially with regard to children;
- **care of children** - theatres, concert halls and similar places are places of work and may contain a lot of potentially dangerous equipment. It is therefore important that children performing at such premises are kept under adult supervision at all times including transfer from stage to dressing room and anywhere else on the premises. It is also important that the children can be accounted for at all times in case of an evacuation or emergency.

### **The Portman Group CoP on the Naming, Packaging and Promotion of Alcoholic Drinks**

12. The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published on the Portman's Group website, in the trade press and in an annual report. If a product's packaging or point-of-sale advertising is found to be in breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until the decision has been complied with. The Code is an important mechanism in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner which may appeal to or attract minors.

### **Proof of Age Cards**

13. Proof of age cards are discussed under appendix 5 in connection with the prevention of crime and disorder. However, where necessary and appropriate, a requirement for the production of proof of age cards before any sale of alcohol is made could be attached to any premises licence or club premises certificate for the protection of children from harm. Any such requirement should not be limited to recognised proof of age cards, but allow for the production of other proof, such as photo- driving licences and passports. The Secretary of State strongly supports the PASS accreditation system which aims to approve and accredit various proof of age schemes that are in existence. This ensures that such schemes maintain high standards, particularly in the area of integrity and

security, and where appropriate and necessary, conditions may refer directly to PASS accredited proof of age cards, photo-driving licences and passports. As for conditions relating to crime and disorder, it should be noted that many adults in England and Wales do not currently carry any proof of age. This means that the wording of any condition will require careful thought. For example, the requirement might be to ensure sight of evidence of age from any person appearing to those engaged in selling or supplying alcohols to be under the age of 18 and who is attempting to buy alcohol. This would ensure that most minors looking older would need to produce proof of age before making such a purchase. Under such an arrangement, only a minority of adults might be affected, but for the majority there would be no disruption of normal activity.

14. Proof of age cards can also ensure that appropriate checks are made where the presence of children is restricted by age at certain times, such as 16.



## Appendix 10- Terms of Reference and Delegated Powers

Maldon District Council, as Licensing Authority has the following delegations to committees and Officers in respect of its responsibilities under the Licensing Act 2003

### Licensing Committee

To consider and report to the Council on:

1. The approval and adoption of the Council's Licensing Policy under the Licensing Act 2003 as amended.
2. The making of Regulations relating to the licensing functions of the Committee.
3. Setting of all other licensing fees (as appropriate).

To exercise on behalf of the Council the following functions:

1. The discharge of the Council's powers, duties and functions under the Licensing Act 2003, as amended, including the review of, consultation on and publication of the draft revised Council's Licensing Policy.
2. The monitoring of the effects of the Licensing Policy on other related strategies and functions including those relating to crime prevention, planning, transport, tourism, economic development, culture and equality and issues relating to the management of town centres and the night-time economy.
3. The appointment of the relevant Officer of the Council to keep the Licensing Register and any Central Register prescribed by the Secretary of State.
4. The appointment of Authorised Officers for the purposes of the Act.
5. The determination of applications for licences or permits (including the revocation or variation of such licences or permits) in respect of functions of the Committee and those not falling within the power of any other Committee of the Council.
6. The enforcement of licences and permits falling within the purview of the Committee.

**Licensing Sub-Committee**

To exercise on behalf of the Planning and Licensing Committee the following functions:

1. To determine applications for premises licences and club premises certificates where representations are made by an interested party or a responsible authority.
2. To determine applications to vary premises licences and club premises certificates where representations are made by an interested party or a responsible authority.
3. To determine applications to transfer premises licences where the Chief Officer of Police gives notice that granting an application would undermine the crime prevention objective.
4. To determine applications for reviews of premises licences and club premises certificates.
5. To determine reviews of premises licences where a closure order has come into force and where notice has been received of a Magistrates' Court determination.
6. To determine applications for provisional statements where representations are made by an interested party or a responsible authority.
7. To determine applications to vary a designated premises supervisor where the Chief Officer of Police gives notice that granting an application would undermine the crime prevention objective.
8. To determine interim authority notices where the Chief Officer of Police gives notice that failure to cancel any notice will undermine the crime prevention objective.
9. To consider objection notices given by the Chief Officer of Police in respect of temporary event notices and determine if a counter notice is to be issued to the applicant.
10. To determine applications for personal licences where the Chief Officer of Police gives an objection notice that granting an application would undermine the crime prevention objective.
11. To determine objection notices given by the Chief Officer of Police where a personal licence holder has been convicted during the application period of a relevant or foreign offence after the grant of a personal licence.

12. The determination of requests for film exhibitions at a classification that differs from that granted by the British Board of Film Classification (including the viewing of such films).

**To the Head of Environmental Health, Waste and Climate Action:**

1. The grant of a premises licence or club premises certificate where no representations are made by a responsible authority or interested party.
2. In consultation with a legal advisor, a determination that representations made by a responsible authority or interested party regarding an application for the grant of (or a variation of) a premises licence or club premises certificate or for the grant of a provisional statement are frivolous or vexatious.
3. The grant of an application to vary a premises licence or club premises certificate where no representations are made by a responsible authority or interested party, and in the case of an application for a minor variation to determine that application having taken into account any representations received.
4. The grant of an application to transfer a premises licence where no notice has been given by the Chief Officer of Police.
5. The determination of an exemption from the requirement to obtain a personal licence holder's consent for an application to transfer a premises licence.
6. The issue of a notice specifying the date of entry and inspection (or any extension of that date) where a club applies for a club premises certificate, a variation of a certificate or on a review of a certificate.
7. In consultation with a legal advisor, a determination that an application for a review of a premises licence or club premises certificate on the grounds that the ground for review is not relevant to one or more of the licensing objectives or is frivolous, vexatious or repetitious.
8. In consultation with a legal advisor, a determination that a club is not a qualifying club or has ceased to be a qualifying club.
9. The grant of an application for a provisional statement in respect of a premises which are being or are about to be constructed or extended where no representations are made by a responsible authority or interested party.
10. The determination of an application to vary the designated premises supervisor where no notice has been given by the Chief Officer of Police.

11. The issue of a notice granting or rejecting an application to vary the designated premises supervisor.
12. The receipt of a notice requesting the removal of a person as a designated premises supervisor.
13. The determination of whether or not a temporary event notice is void.
14. The acknowledgement of receipt of a temporary event notice.
15. Where appropriate, following consideration of any objection notice to a temporary event notice, the issue of a counter notice where it is considered necessary for the prevention of the crime prevention objective.
16. The issue of a counter notice where any of the permitted limits are exceeded in any temporary event notice.
17. The rejection of applications for personal licences where applicants have failed to meet the statutory conditions.
18. The grant of an application for a personal licence where no objection notice has been given by the Chief Officer of Police.
19. To issue notices to the Chief Officer of Police where a personal licence holder has been convicted during the application period of a relevant or foreign offence after the grant of a personal licence.
20. The issue and certification as a true copy of any premises licence or club premises certificate (or a summary of either) or any temporary event notice or personal licence where it has been lost, stolen, damaged or destroyed.
21. Unless specified to the contrary, the issue of all licences, certificates, notices and any other formal notifications required under the Licensing Act 2003.
22. In consultation with a legal advisor and the Chairman of the Planning and Licensing Committee, the institution of legal proceedings in respect of any of the Council's powers under the Licensing Act 2003.
23. To keep a licensing register and any central register prescribed by the Secretary of State.
24. In consultation with the Assistant Director- Place and Community, to authorise officers and duly appoint contractors who are appropriately qualified and experienced to discharge the powers and duties delegated to the head of Environmental Health, Waste and Climate Action.

25. To determine, as part of applications by a management committee of a community premises for a new premises licence, whether the alternative licence condition in relation to the sale of alcohol should apply instead of the mandatory condition, provided that no representation is received from the Chief Officer of Police.
26. To suspend premises licences and club premises certificates for non-payment of the annual fee.
27. To make representations on behalf of the Licensing Authority in respect of all applications for premises licences or club premises certificates and to apply for reviews of the same.

**To the Group Manager Head of Development Management– Planning Services and the Environmental Health Manager- Protection:**

1. To respond to the Licensing Authority on behalf of the Council (as a responsible authority) to applications for (or variations of or reviews of) premises licences or club premises certificates.
2. To respond to the Licensing Authority on behalf of the Council (as a responsible authority) to applications for provisional statements in respect of premises.
3. To make applications on behalf of the Council (as a responsible authority) to the Licensing Authority for a review of premises licences or club premises certificates.
4. In consultation with a legal advisor and the Chairman of the Planning and Licensing Committee, the institution of legal proceedings in respect of any of the Council's licensing powers.

**To the Assistant Director- Place and Community**

1. In consultation with a legal advisor and the Chairman of the Planning and Licensing Committee, the institution of legal proceedings in respect of any of the Council's licensing powers.
2. To authorise officers and duly appoint contractors who are appropriately qualified and experienced to discharge the powers and duties delegated to the head of paid service.

## Appendix 11- Definitions

**Note:** In this Policy, the following definitions are included to provide an explanation of certain terms included in the Act and, therefore, in the Policy. In some cases, they are an abbreviation of what is stated in the Licensing Act 2003 as amended or an interpretation of those terms. For a full definition of the terms used, the reader must refer to the Licensing Act 2003 as amended, any regulations made under the Act and statutory guidance.

**Designated premises supervisor:** the person, who in the case of premises selling alcohol must be a Personal Licence holder, they will normally have been given the day to day responsibility for running the premises by the holder of the Premises Licence or will be the Premises Licence holder themselves.

**Late night refreshment:** the supply of hot food or hot drink to members of the public (whether for consumption on or off the premises) between the hours of 11 pm and 5 am: self-service vending machines are exempt from the requirement to be licensed for the sale of hot food or drink

### Licensable activities

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

**Licensed premises:** includes club premises and events unless the context otherwise requires.

**Operating schedule:** a document containing a statement of the following matters (and any others that may be prescribed):-

- the relevant licensable activities
- the times at which the licensable activities are to take place and any other times when premises are open to the public
- information regarding the person who will be specified in the licence as the premises supervisor where the licensable activities involve the sale supply alcohol, whether it is for the supply on and/or off the premises
- the steps being taken to promote the licensing objectives

**Premises:** any place and includes a vehicle, vessel or moveable structures

**Regulated entertainment:** includes any of the following:

- a performance of a play
- an exhibition of a film
- an indoor sporting event
- a boxing or wrestling entertainment

- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to the last three categories above

The above list is only regulated where the entertainment takes place in the presence of an audience and is provided, at least partly, to entertain that audience.

**Responsible Authority:** includes any of the following:

- relevant licensing authority and any other licensing authority in whose area part of the premises is situated
- local Chief Officer of Police
- local Fire and Rescue Authority
- enforcing authority for Health and Safety at Work etc. Act 1974
- local authority with responsibility for environmental health
- local planning authority
- body that represents matters relating to the protection of children from harm (safeguarding unit)
- the primary health function of the relevant local authority
- local weights and measures authority (trading standards)
- in relation to a vessel, a navigation authority, the Environment Agency, the British Waterways Board or the Secretary of State for Transport (Maritime and Coastal Agency)
- The Home Office (Immigration Enforcement)

**Temporary Event Notice:** a permitted temporary activity involving one or more licensable activities subject to the following various conditions and limitations:

- duration - they are limited to events lasting for up to 168 hours (7 days) with a minimum period of 24 hours between events authorised under separate s on the same premises;
- scale - they cannot involve the presence of more than 499 people at any one time;
- premises - a particular premises is limited to 15 notices in a calendar year and subject to the overall aggregate of 21 days irrespective of the number of occasions on which they have been used; and
- notice - the number of notices given by an individual within a calendar year is limited: to 50 notices for a personal licence holder and 5 notices for other people.

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## REPORT of DIRECTOR OF SERVICE DELIVERY

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to  
LICENSING COMMITTEE  
16 JULY 2024

### STREET COLLECTIONS POLICY

#### 1. PURPOSE OF THE REPORT

- 1.1 The Council's Street Collections Policy provides guidance relating to charitable street collections on how the Council administers applications for permits, applies the law / regulations and ensures fairness to charities. The Council's existing Policy was published in November 2018 and so is due for review.
- 1.2 Officers have undertaken a comprehensive review of the existing policy and made appropriate changes to ensure that it takes account of current best practice and updated guidance. A draft version of this new policy is set out in **APPENDIX 1**.
- 1.3 The Committee is asked to consider the draft policy and the agree the method of consultation with the public and relevant stakeholders.

#### 2. RECOMMENDATIONS

- (i) That the Committee agrees the revised Street Collections Policy as set out in **APPENDIX 1** as a 'consultation draft';
- (ii) That the Committee agrees for officers to commence consultation with the public and key stakeholders (as outlined in this report);
- (iii) That the Committee agree that subject to only minor or inconsequential amendments / changes arising from comments or feedback received during the consultation process, that the Head of Environmental Health, Waste and Climate Action be authorised to make such changes to the draft Policy at **APPENDIX 1**;
- (iv) That subject to (i) – (iii) above the revised Street Collections Policy be presented to the Council for adoption.

#### 3. SUMMARY OF KEY ISSUES

- 3.1 Maldon District Council (the Council) is responsible for issuing permits for charitable street collections within the district as directed by 'The Police, Factories, etc. (Miscellaneous Provisions) Act 1916 (the Act).
- 3.2 The Act requires that anyone wishing to make a public collection or sell articles for a charitable purpose anywhere in the district of Maldon must have a Street Collection Permit. This enables the Council to regulate the number of collections taking place at

any one time, to regulate the method of collection and to ensure that only legitimate collections are permitted to take place.

3.3 The Street Collections Policy details:

- how street collection permits will be fairly allocated.
- how applications are to be made.
- additional information for charitable bodies who may be seeking a permit for a street collection.

3.4 The Policy affects any person charity, society, committee, or other person responsible for any collection of money or sale of an article for charitable purposes in any street or public place. Permits will be issued in line with this Policy and granted for a specific date and for a specified locality. Operating outside the conditions of the permit or the requirements of the Street Collection Regulations is an offence.

3.5 The Policy does not apply to:

- collections or sale of article(s) for charitable purposes in non-public places (if private land, consent should be obtained from the landowner).
- collections made incidental to meetings in the open air.
- the selling of articles in the ordinary course of trade, for the purpose of earning a livelihood, where no representation is made by or on behalf of the seller that any part of the proceeds of the sale are for charitable purposes.

3.6 The Council's existing Policy was published in November 2018 and had an effective operational end date of June 2023. Consequently, the Policy is now out of date and action is required to ensure it remains relevant.

3.7 Officers have undertaken a comprehensive review of the current Policy and its requirements, and a revised version is included in **APPENDIX 1** for consideration.

3.8 For the Committees awareness, the following changes / amendments have been made to the previous version of the Policy:

3.8.1 **Section 2** - Additional detail has been provided outlining legislative framework for issuing Street Collection Permits including details of the relevant appeal mechanism (review by a sub-committee of the Licensing Committee).

3.8.2 **Paragraph 4.8** - In order to ensure that there is sufficient processing capacity by the Licensing Team and that popular collection periods are allocated fairly, applications for street collections within the first three months of the year must be submitted with a minimum of three months' notice.

3.8.3 **Section 5** - Greater detail is now provided on acceptable behaviour from collectors.

3.8.4 **Section 6** - Outlines the requirement for a registered charity number to be provided on the application form and a letter of authority from the charity to be provided with an application.

3.8.5 **Section 7** - Outlines exemptions to section 6 - notably collections on behalf of the Royal British Legion Poppy Appeal.

3.8.6 **Section 8** - Outlines the Hearings Procedure.

- 3.8.7 **Section 9** - Requires Charity Collectors to produce a Proceeds Statement Form.
- 3.8.8 **Section 10** - Outlines the offences and penalties for not complying with the requirement to obtain a Street Collection Permit.
- 3.9 The Committee is invited to review the revised Policy at **APPENDIX 1** and agree for officers to undertake a 6-week consultation to include the following stakeholders:
- Those that have applied for permits since 2020;
  - Local Charities;
  - Representatives of charitable organisations;
  - Maldon District Councillors;
  - All Parish and Town Councils;
  - Maldon District Council:
    - Economic Development Team
    - Communications Team
    - Community Safety Team
- 3.10 Consultation will be undertaken by a combination of direct mail / emails to stakeholders and by placing details on the Council's website.
- 3.11 After the 6-week period, officers will review consultation responses. If comments received are inconsequential in their nature (i.e. do not materially change the meaning or scope of the draft policy) then officers would request that the Head of Service for Environmental Health Waste and Climate Action be authorised to make any necessary changes and that the Director for Service Delivery be given delegated authority to progress the amended draft Policy to Council for decision.
- 3.12 Should the Council receive comments of a material nature, a further report will be made to this Committee with an updated draft of the Policy for consideration and to recommend adoption of the Policy to the Council.

#### **4. CONCLUSION**

- 4.1 The Council's Street Collection Policy has expired and requires renewal. Officers have conducted a review of the existing policy making appropriate changes to ensure that the draft Policy (in **APPENDIX 1**) reflects changes to guidance and current best practice. Officers are requesting permission to undertake a consultation involving a range of stakeholders (outlined in paragraph 3.9) for a period of six weeks. Subject to minor / inconsequential comments resulting from the consultation, Officers are seeking delegated authority to progress the draft Policy to the Council for consideration and if agreed adoption. Should material changes arise from the consultation period a further report will be made to the Licensing Committee.

## **5. IMPACT ON PRIORITIES AS SET OUT IN THE CORPORATE PLAN 2023 - 2027**

### **5.1 Supporting our communities**

- 5.1.1 The Street Collection Policy outlines how the Council will consider and process applications for charitable street collections within the district. The Policy details how applications can be made and for what purposes.

### **5.2 Enhancing and connecting our place**

- 5.2.1 Charity collections are an important method for local and national charities to bring in donations. The Policy ensures that all charities are provided with an equal opportunity to undertake collections within the district whilst ensuring that the number and frequency are controlled. Further the Policy specifies acceptable behaviour standards for those undertaking street collections so that they do not unreasonably impact upon visitors and residents.

### **5.3 Provide good quality services.**

- 5.3.1 The Street Collections Policy ensures that decisions made by the Licensing Team are consistent and transparent. It ensures that all charities have equal chance to undertake street collections within the Maldon district.

## **6. IMPLICATIONS**

- (i) **Impact on Customers** – The Policy provides transparency of process to both applicants and stakeholders.
- (ii) **Impact on Equalities** – The revised Policy ensures that all stakeholders are treated consistently and equitably. It ensures that information provided to applicants is clear and accurate.
- (iii) **Impact on Risk (including Fraud implications)** – This policy provides clarity to all stakeholders of the requirements placed upon applicants and the decision-making processes that will be followed when determining a licence reducing the risk to the Council of challenge and/or appeal.
- (iv) **Impact on Resources (financial)** – A sound and compliant Policy helps protect the Council from the costs associated with challenge and appeal. There is no budgetary impact to this policy.
- (v) **Impact on Resources (human)** – There is limited / minimal impact.

### Background Papers:

**APPENDIX 1-** Maldon District Council's Statement of Licensing Policy 2024-2029 (DRAFT).  
[Police, Factories, & c. \(Miscellaneous Provisions\) Act 1916](#)

### Enquiries to:

Nick Chapman. Head of Environmental Health, Waste and Climate Action  
Daniel Winter, Chelmsford City Council Licensing, Lead Officer, Public Health and Protection Services, Chelmsford City Council and Maldon District Council



Maldon District Council

# Street collection Policy

2024 - 2029

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## Document Control Sheet

|   |   |
|---|---|
| <b>Document title</b>                     | Street Collections Policy   |
| <b>Summary of purpose</b>                 | To provide transparency and consistency of approach when determining permitting decisions |
| <b>Prepared by</b>                        | Daniel Winter   |
|   |   |
| <b>Status</b>                             | Draft   |
| <b>Version number</b>                     | 1   |
| <b>Approved by</b>                        | Licensing Committee   |
| <b>Approval date</b>                      | To be confirmed   |
|   |   |
| <b>Date of implementation</b>             | Immediately following Member approval   |
| <b>Review frequency</b>                   | 5 years   |
| <b>Next review date</b>                   | June 2028   |
| <b>Circulation</b>                        | Public document   |
| <b>Published on the Council's website</b> | yes   |

## Validity Statement

This document is due for review by the date shown above, after which it may become invalid. Users of the strategy or policy should ensure that they are consulting the currently valid version of the document.

# Street Collections Policy

## MALDON DISTRICT COUNCIL

Princes Road  
Maldon  
Essex CM9 5DL



### 1. Aim

- 1.1 The aim of this policy is to set out the principles that will be applied in dealing with applications received for charitable collections under the 'Street Collection Regulations' in order to ensure fairness, to prevent nuisance caused by frequent or intrusive collections and to protect the public from unscrupulous collecting activities.
- 1.2 This policy sets out:-
  - (i) how applications for street collection permits will be fairly allocated;
  - (ii) how applications are to be made; and
  - (iii) additional information for charitable bodies who may be seeking a permit for a street collection.

### 2. The Law

- 2.1 Maldon District Council operates under the regulatory framework established by the Police, Factories etc. (Miscellaneous Provisions) Act 1916, as amended by section 251, schedule 29 of the Local Government Act 1972, to oversee street collections. This policy should be read in conjunction with the regulations, a copy of which is attached at **Appendix C**
- 2.2 These Street Collection Regulations require that anyone wishing to make a public collection or sell articles for a charitable purpose must have a Street Collection Permit from the Council if collecting anywhere in the district of Maldon (see map, **Appendix D**). This enables the Council to regulate the number of collections taking place at any one time, to regulate the method of collection and to ensure that only legitimate collections are permitted to take place.
- 2.3 Applicants dissatisfied with the rejection of their permit application have the option to formally request a review by a sub-committee of the Licensing Committee. Such requests must be submitted in writing within 21 days of receiving the refusal letter, specifying the grounds for review.
- 2.4 While avenues for legal appeals against the Council's decisions regarding permit refusals are not provided by the Act, individuals or organizations may pursue a Judicial Review if deemed necessary.
- 2.5 Maldon District Council mandates the submission of a comprehensive statement form, as outlined in **Appendix B**, detailing the collected amount and other relevant information. Failure to comply will result in referral to legal services.



### 3. Definition of a Street Collection

- 3.1 A street collection is defined as a collection of monies that takes place on “street” this includes any highway and any public bridge, road, lane, footway, square, court, alley, or passage, whether a thoroughfare or not. A permit is also required if collections are made in car parks or shop doorways.
- 3.2 For those wishing to collect on private property i.e., within a store/supermarket etc. a permit is not required by the local authority. Permission should be sought from the landowner/store proprietor before commencement of a collection.

### 3. Scope of Policy

- 3.1 This policy affects any person, charity, society, committee, or other person responsible for any collection of money or sale of an article for charitable purposes in any street or public place. Permits will be issued in line with this policy and granted for a specific date and for a specified locality. Operating outside the conditions of the permit or the requirements of the Street Collection Regulations is an offence.
- 3.2 The Regulations and this policy do not extend to: -
  - collections or sale of article(s) for charitable purposes in non-public places (if private land, consent should be obtained from the landowner).
  - collections made incidental to meetings in the open air; and
  - the selling of articles in the ordinary course of trade, for the purpose of earning a livelihood, where no representation is made by or on behalf of the seller that any part of the proceeds of the sale is for charitable purposes.
- 3.3 All permit holders should be aware that they have responsibilities to the public in the course of their collection activities. Applicants should have adequate insurance cover, including public liability.
- 3.4 The grant of a permit does not allow the placement of any vehicle, stand, chair, items of equipment or display material, and applicants should be aware that the placing of these on the highway may constitute an obstruction.

### 4. Permit Requirements

- 4.1 Applications submitted must comply with the following requirements.
- 4.2 All applications for a permit to be made in writing on the specified form (available on the Council’s website). A copy of the application form is attached as **Appendix A**
- 4.3 Only applications that are fully completed will be processed. Those that are incomplete will be returned to the sender.
- 4.4 Permits will only normally be granted to charities registered with the Charities Commission. An application, however, will be considered from an organisation or activity, which although not charitable by strict definition, is charitable or non-profit making in character. Proof of charitable status or of the charitable nature of the organisation is required to be submitted with the application.

- 4.5 Any application that is received less than one calendar month before the date the permit is requested shall be refused except in exceptional circumstances and this shall be at the discretion of the Council. No application, however, shall be considered if submitted less than three weeks prior to the requested date except in the case of an application in response to a significant international, national, or local disaster, in which case the Licensing Manager, using discretion, can waive these requirements and the restrictions on the number of permits that can be issued for any one day.
- 4.6 Applications received for the following calendar year shall be considered on the first working day of the year in which the collection will take place unless the collection date requested occurs in the first three months of that year.
- 4.7 Applications received for the following calendar year shall be considered on the first working day of the year in which the collection will take place unless the collection date requested occurs in the first three months of that year.
- 4.8 Where the requested collection date falls within the first three months of that year, applications must be submitted a minimum of three months in advance of the intended collection date (i.e. an event on 20<sup>th</sup> February must be applied for on or before 20<sup>th</sup> November the preceding year). This prevents collectors from booking too far in advance at peak times of the year.
- 4.9 The Council will not permit anyone to assist or take part in any collection without the written authority of society, committee, or other body to whom a permit has been granted.
- 4.10 The Council will only permit a maximum number of 4 collectors for any collection unless exceptional circumstances apply. If more than 4 are required, prior approval from the landowner must be approved. All collectors must be over the age of 16 or supervised by an adult if under the age of 16.

In respect of processing applications.

- 4.11 Applications will be dealt with on a 'first come, first served' basis, but, when applications are considered simultaneously at the start of the calendar year, officers will seek to ensure that one-off bookings are not disadvantaged as a consequence of block / regular bookings.
- 4.12 Only two street collections permits will be granted within the district on any one day: collections granted will be in separate locations within the district. The exception to this is set out below.
- 4.13 More than two Street Collection Permits for any one day may be granted within the district in respect of any significant community type event. The maximum number and locations of permits shall be set individually for each such event, and prior to each event, by the Council.
- 4.14 A permit will not be granted to any organisation or body which failed in the previous year to make an adequate statement setting out the required financial information (as required in clause 16 of the Street Collection Regulations) to the Council.
- 4.15 The Council does not make a charge for the issue of a Street Collection Permit.

## **5. Collectors Behaviour**

- 5.1 No collector should approach, bother, or beg any person in a manner that constitutes a nuisance. Failure to comply could result in the refusal of further permits issued by Maldon District Council.
- 5.2 Collectors shall not cause obstruction, congestion, or nuisance to the public, and must not

block pathways.

- 5.3 Collectors shall avoid approaching seated individuals or those in unrelated queues unless authorized by private site agreements.
- 5.4 Collectors shall refrain from approaching individuals engaged in official duties or working.
- 5.5 Collectors shall not interfere with, or disrespect, staff from local businesses.
- 5.6 Collectors shall not mislead the public by suggesting conversations are not about fundraising.
- 5.7 Collectors shall not hand out or distribute printed material, leaflets or similar .
- 5.8 Where a collection box is being carried it must not be shaken.
- 5.9 All collecting boxes, receptacles or trays must prominently display the name of the charity/fund for which they are collecting for.
- 5.10 Collectors must not position themselves within three meters of:
- a pedestrian crossing;
  - a cashpoint machine;
- 5.11 No payment or reward shall be made or given to any collector directly or indirectly, or to any person connected with the promotion or conduct of a collection, 100% of the monies collected must be given to the society/charity for which the collection was obtained for.
- 5.12 Collectors who are also members of the Public Fundraising Regulatory Association (PFRA) must adhere to the Activity Code of Fundraising Practice on face-to-face fundraising.
- 5.13 Members of the public who have experienced any behaviour that contravenes the guidelines outlined in sections 5.1 to 5.6 are encouraged to lodge a complaint. Complaints should be submitted through our online complaints form, which can be accessed on our website.

## **6 Registered Charities and Charitable Organisations**

- 6.1 Maldon District Council will consider applications from registered charities and a registered charity number will need to be provided on the application form.
- 6.1. Should the collection be on behalf of a registered charity then a letter of authority will be required which must accompany the application from the organisation.

## **7 Exemptions**

- 7.1 Maldon District Council reserves the right to deviate from this policy where it is satisfied that there is sufficient cause for doing so.
- 7.2 A general exception to this policy is applied in respect of:
- Royal British Legion Poppy Appeal. No permit is required.

- 7.3 Other exceptions to the policy may be made in the following circumstances and will require a written request to the Head of Environmental Health, Waste and Climate Action.
- 7.4 Response to natural disasters (e.g. earthquakes/tsunamis– an application may be made outside the normally required time.

## **8 Hearing Procedure**

- 8.1 Where Licensing Services are unable to issue a permit to an applicant, for example if the applicant has a conviction of dishonesty, then the application would need to be determined by the Licensing Sub-committee.
- 8.2 The Licensing Sub-committee will communicate their decision to the legal and democratic team after the hearing. All parties will receive written confirmation of the decision within 7 days.

## **9 Proceeds Statement Form**

- 9.1 Within one month after the date of any collection or sale the person, society, committee, or other body of persons responsible for the collection shall forward to Maldon District Council Licensing Authority a statement in the form set out in the Schedule to the Regulations. Unless there are multiple collections in the same month, in which case the return must be submitted to the Licensing Authority within one month of the final collection. This form will be attached to the permit when it is granted an example is attached as **Appendix B**

## **10 Offences & Penalties**

- 10.1 This document should not be relied upon as an accurate statement of the law, only indicative of the general offences and penalties. You should seek independent legal advice if you are unsure of any information in this document.
- 10.2 Any person who acts in contravention of any of the foregoing Regulations will be liable on summary conviction to a fine not exceeding Level 1 on the Standard Scale. (currently £200).  
– Anyone who violates these regulations may be fined up to £200 upon summary conviction.

## **11. Review and Representations**

- 11.1 This policy will be reviewed at 5 yearly intervals, unless there is a change in the legislative requirements relating to charitable collections before that time.
- 11.2 Anyone wishing to comment on this policy may do so at any time via the Council's 'Contact Us' page on the Council's website at [www.maldon.gov.uk](http://www.maldon.gov.uk).
- 11.3 Complaints relating to the services provided may be made via the Council's website, [www.maldon.gov.uk](http://www.maldon.gov.uk), 'How to make a complaint'.

## 12 Appendices

Appendix A: Copy of application form

Appendix B: Street Collection Regulations

Appendix C: Copy of form required for the statement of amount received.

Appendix D: Map to show zones for street collection within Chelmsford City Centre

### DEFINITIONS

|                     |   |
|---------------------|---|
| Collection          | means a collection of money or a sale of articles for the benefit of a charity or other purposes and the word “collector” shall be interpreted accordingly. |
| Promoter            | means a person who causes others to act as collectors.  |
| Licensing Authority | means Chelmsford City Council.  |
| We                  | means Chelmsford City Council.  |
| Permit              | means a permit for a collection.  |

## Appendix A

MALDON DISTRICT  
COUNCILPrinces Road  
Maldon  
Essex CM9 5DLApplication for a  
Street Collection Permit

|                                 |            |
|---------------------------------|------------|
| Applicant's Surname:            |            |
| First Name(s):                  |            |
| Title: Miss, Mrs, Ms, Mr, Other |            |
| Address:                        |            |
| Postcode:                       |            |
| Email address:                  |            |
| Tel. No:                        | Mobile No: |

1. Name and address of society, committee, or other body responsible for the collection:

---



---

2. Name and address of secretary of the society, committee, or other body:

---



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3. Name and address of the charity or fund to benefit from the collection:

---



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4. Date of collection to commence: \_\_/\_\_/\_\_

5. Date of collection to end: \_\_/\_\_/\_\_

6. Alternative date(s): \_

7. Collection to be between the following hours: \_\_:\_\_am \_\_:\_\_pm

8. Area or areas within the Maldon district where the proposed collection will take place:

---



---

9. Method of collection (such as sale of flags, emblems, etc. or collection of money):

---

10. Approximately how many people will be authorised as collectors: .

11. Is application being made for collections for the same purpose in other districts? Yes / No If yes, please list which Council(s): \_\_\_\_\_

---

12. Will remuneration be paid out of the proceeds of the collection? Yes / No

(a) Amount to collectors: £ \_\_\_\_\_

(b) Amount to other persons: £ \_\_\_\_\_

13. Has anyone associated with the promotion of the collection been refused or had a licence or permit revoked? Yes / No

If yes, give particulars:

---



---



---

Applicant's Signature: \_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

### Data Protection

The data submitted with this form is processed by Maldon District Council (the Data Controller) for the administration of this application. Our lawful basis for collecting this data is complying with a legal obligation (GDPR Article 6.1(c)).

We only share your data for the purposes of processing this application, the prevention or detection of fraud or where we have a legal requirement to do so. We do not pass on your data to any marketing companies.

Further details about how we protect your data can be found in our Terms & Conditions on the Council's website [www.maldon.gov.uk/terms](http://www.maldon.gov.uk/terms). For more information, please contact our Data Protection Officer (DPO) on 01621 876224 or [dpo@maldon.gov.uk](mailto:dpo@maldon.gov.uk)

If you have any queries or wish to make a complaint about how we have handled your data, please contact the DPO above, or the Information Commissioner's Office at [www.ico.org.uk](http://www.ico.org.uk) or 0303 123 1113.

**Please return this form to:** Maldon District Council, Princes Road, Maldon CM9 5DL.

If you have any enquiries, contact Licensing, telephone 01621 854477 or email [licensing@maldon.gov.uk](mailto:licensing@maldon.gov.uk).



## APPENDIX B

## CHARITY COLLECTION FORM OF STATEMENT

Name of the person whom the permit was granted: \_\_\_\_\_

Address of the person whom the permit was granted: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date of Collection: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Name of charity or fund which is to benefit: \_\_\_\_\_

### Show nil entries

| Proceeds of Collection  | Amount | Total | Expenses and Application of Proceeds          | Amount | Total |
|---|--------|-------|---|--------|-------|
| From collecting boxes as per list of collectors and amounts attached hereto |        |       | Printing and Stationery                       |        |       |
|   |        |       | Postage                                       |        |       |
|   |        |       | Advertising                                   |        |       |
| Interest on proceeds  |        |       | Collecting boxes                              |        |       |
|   |        |       | Badges  |        |       |
|   |        |       | Emblems                                       |        |       |
| Other items:-   |        |       | Other items:-                                 |        |       |
|   |        |       | Payments approved under Regulation of balance |        |       |
|   |        |       | Disposal of balance (insert particulars)      |        |       |
| <b>TOTAL £</b>  |        |       | <b>TOTAL £</b>                                |        |       |

**Certificate of the person to whom the permit was granted**

I certify that to the best of my knowledge and belief this is a true account of the proceeds, expenses and application of the proceeds of the collection.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

**Certificate of Accountant**

I certify that I have obtained all the information and explanations and that this is in my opinion a true account of the proceeds, expenses and application of the proceeds of the collection.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

Qualifications (see Regulation 16) \_\_\_\_\_

Please return this form to: Maldon District Council, F.A.O. Licensing, Princes Road, Maldon, Essex CM9 5DL.

[www.maldon.gov.uk](http://www.maldon.gov.uk)

Telephone: 01621 854477

## Appendix C

**Street Collection Regulations**

1. In these Regulations, unless the context otherwise requires:-

“collection” means a collection of money or a sale of articles for the benefit of charitable or other purposes and the word “collector” shall be construed accordingly;

“promoter” means a person who causes others to act as collectors;

“the licensing authority” means “the Maldon District Council”;

“permit” means a permit for a collection;

“contributor” means a person who contributes to a collection and includes a purchaser of articles for sale for the benefit of charitable or other purposes;

“collecting box” means a box or other receptacle for the reception of money from contributors.

2. No collection, other than a collection taken at a meeting in the open air, shall be made in any street or public place within the area administered by the Maldon District Council unless a promoter shall have first obtained from the licensing authority a permit.
3. Application for a permit shall be made in writing in a form prescribed by the licensing authority not later than one month before the date on which it is proposed to make the collection.  
Provided that the licensing authority may reduce the period of one month if satisfied that there are special reasons for so doing.
4. No collection shall be made except upon the day and between the hours stated in the permit.
5. The licensing authority may, in granting a permit, limit the collection to such streets or public places or such parts thereof as it thinks fit.
6. (a) No person may assist or take part in any collection without the written authority of a promoter.  
  
(b) Any person authorised under paragraph (a) above shall produce such written authority forthwith for inspection on being requested to do so by a duly authorised officer of the licensing authority or any constable.
7. No collection shall be made in any part of the carriageway of any street which has a footway.  
Provided that the licensing authority may, if it thinks fit, allow a collection to take place on the said carriageway where such collection has been authorised to be held in connection with a procession.
8. No collection shall be made in a manner likely to inconvenience or annoy any person.
9. No collector shall importune any person to the annoyance of that person.
10. While collecting:-

- (a) a collector shall remain stationary; and
- (b) a collector or two collectors together shall not be nearer to another collector than 25 meters.

Provided that the licensing authority may, if it thinks fit, waive the requirements of this Regulation in respect of a collection which has been authorised to be held in connection with a procession.

11. No promoter, collector or other person who is otherwise connected with a collection shall permit a person under the age of sixteen years to act as a collector. Provided that this Regulation shall not apply to persons being cadets, boy scouts, girl guides or members of such other similar organisations as the licensing authority shall approve for the purpose, where such persons are collecting or selling under the direct supervision of responsible officers and are dressed in the uniform of their particular organisation.
12. (a) Every collector shall carry a collecting box.
- (b) All collecting boxes shall be numbered consecutively and shall be securely closed and sealed in such a way as to prevent them being opened without the seal being broken.
- (c) All money received by a collector from contributors shall immediately be placed in a collecting box.
- (d) Every collector shall deliver, unopened, all collecting boxes in his possession to a promoter.
13. A collector shall not carry or use any collecting box, receptacle or tray which does not bear displayed prominently thereon the name of the charity or fund which is to benefit nor any collecting box which is not duly numbered.
14. (a) Subject to subparagraph (b) below, a collecting box shall be opened in the presence of a promoter and another responsible adult.
- (b) Where a collecting box is delivered, unopened, to a bank, it may be opened by an official of the bank.
- (c) As soon as a collecting box has been opened, the person opening it shall count the contents and shall enter the amount with the number of the collecting box on a list which shall be certified by that person.
15. (a) No payment shall be made to any collector.
- (b) No payment shall be made out of the proceeds of a collection, either directly or indirectly, to any person connected with the promotion or conduct of such a collection for, or in respect of, services connected therewith, except such payments as may have been approved by the licensing authority.
16. (1) Within one month after the date of any collection, the person to whom a permit has been granted shall forward to the licensing authority:-
  1. a statement in the form set out in the Schedule to these Regulations, or in a form to the like effect, showing the amount received and expenses and

payments incurred in connection with such collection, and certified by that person and a qualified accountant;

2. a list of the collectors;
3. a list of the amounts contained in each collecting box;

and shall, if required by the licensing authority, satisfy it as to the proper application of the proceeds of the collection.

- (2) The said person shall also, within the same period, at the expense of that person and after a qualified accountant has given his certificate under paragraph (1)1. above, publish in such newspaper or newspapers as the licensing authority may direct a statement showing the name of the person to whom the permit has been granted, the area to which the permit relates, the name of the charity or fund to benefit, the date of the collection, the amount collected and the amount of the expenses and payments incurred in connection with such collection.
- (3) The licensing authority may, if satisfied there are special reasons for so doing, extend the period of one month referred to in paragraph (1) above.
- (4) For the purposes of this Regulation, "a qualified accountant" means a member of one or more of the following bodies:-

the Institute of Chartered Accountants in England and Wales;  
the Institute of Chartered Accountants in Scotland;  
the Association of Certified Accountants;  
the Institute of Chartered Accountants in Ireland.

17. These Regulations shall not apply:-

1. in respect of a collection taken at a meeting in the open air; or
2. to the selling of articles in any street or public place when the articles are sold in the ordinary course of trade.

18. By virtue of the Criminal Justice Acts 1982 and 1991, any person who acts in contravention of any of the foregoing Regulations shall be liable on summary conviction to a fine not exceeding the level 1 on the standard scale.

## Map of the Maldon District

