

Document Control Sheet

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MALDON DISTRICT
COUNCIL

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Licensing Act 2003

Statement of Licensing Policy

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Introduction: the Maldon District

- 1 The Maldon District has a population of approximately ~~63,350~~^{64,720} and is mainly rural in character with a coastline of some 96 kilometres and a total area of 360 square kilometres.
- 2 The two main towns of Maldon and Burnham-on-Crouch are surrounded by numerous villages, each with their own individual character.
- 3 There are few major concentrations of premises in the District providing regulated entertainment and / or the retail sale of alcohol. There are also few private clubs; no dedicated theatres and one cinema. Local venues such as village, community and school halls provide many of the locations for cultural activities.
- 4 ~~Several open air concerts provide for the larger cultural events.~~
- 5 There are a number of public houses in the District outside of the main towns, serving the small, rural villages, providing the focal point for community life and supporting the visitor economy. In other cases, this focal point may be provided by small stores and shops that often sell alcohol.
- 6 The main late night refreshment premises are located in the two main towns.
- 7 Due to the rural nature of the District, premises and events that will be licensed under the Licensing Act 2003 (as amended) will often provide an essential contribution to the local economy of the District through tourism and cultural development.

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Statutory Powers

- 8 Maldon District Council (the Council) is the Licensing Authority under the Licensing Act 2003 (as amended), (the Act). It is responsible for granting Premises Licences, Club Premises Certificates and Personal Licences and for receiving Temporary Event Notices in the Maldon District in respect of the retail sale and / or supply of alcohol, the provision of regulated entertainment and late night refreshment.
- 9 The Act requires the Licensing Authority to carry out its various licensing functions to promote the following 4 licensing objectives:-
 - prevention of crime and disorder;
 - public safety;
 - prevention of public nuisance; and the
 - protection of children from harm.
- 10 The licensing objectives are the only matters the Licensing Authority can take into account in determining any application for, or imposing any conditions on, a Licence or Certificate under the Act.
- 11 The Act requires the Licensing Authority to publish a Statement of Licensing Policy (the Policy) that sets out the policies the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act. The Policy takes effect on 01 January 201~~9~~⁴ and will remain in force for a period of not more than five years. It will be subject to regular review and further consultation prior to 31 December 20~~23~~¹⁹.

Policy Development

~~12~~ The Policy has been prepared in accordance with the provisions of the Act and having regard to the Guidance issued under Section 182 of the Act. ~~It has been developed from the first statements that were drafted in partnership with the Essex Joint Licensing Officers Forum, the Maldon Community Safety Partnership and the Maldon Drug and Alcohol Reference Group. These partnerships provide links to the Essex Chief Executives' Association's Crime and Disorder Steering Group and will maintain a strategic overview of issues associated with licences issued under the Act.~~

How to Read this Policy

~~13~~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. Bold type refers to matters that, where appropriate, the Licensing Authority expects to see in an applicant's operating schedule. Passages of text that are not in bold are provided to assist applicants to understand what the Licensing Authority is seeking to achieve, the factors that influence the achievement of those outcomes and the control measures that could be implemented by an applicant to achieve those outcomes.

~~14~~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.

~~15~~14 The Licensing Policy is contained within paragraphs **8 to 104** 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 paragraphs 8 to 104 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.

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Extent of Policy

~~16~~15 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 premises and vehicles selling hot food or hot drink after 11.00 pm.

~~17~~16 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 event 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

18 **In respect of each of the 4 licensing objectives, applicants should consider what measures are required to be implemented and maintained in respect of each of the licensing objectives that are relevant to the individual style and characteristics of their premises and the types of licensable activities and events. Where appropriate, applicants should consider whether or not any additional measures are required in respect of occasional or specific events intended to, or are likely to, attract larger audiences. These measures should be reflected in the applicant's operating schedule.**

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- 19 **When considering applications, the Licensing Authority will have regard to the Policy, the Act, statutory guidance issued under section 182 of the Act and the licensing objectives together with all supporting Regulations.**

Links to Other Strategies

- 20 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.
- 21 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 Planning and Licensing Committee and any other Committee of the Council having responsibility for those areas which may lead to a review of the Policy.
- 22 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.
- 23 The Licensing Authority recognises its responsibilities under the Equality Act 2010 ~~and will adhere to both the Act and the Council's equality policies~~. 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

- 24 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. 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.
- 25 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

- 26 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.

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- 27 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

- 28 Licensing is about the appropriate control of licensed premises, qualifying clubs, temporary events and the people who manage them or hold Personal Licences. Where relevant representations are made, 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. Further, where a Temporary Event Notice (TEN) has been given, no conditions can be imposed unless the Police or the Responsible Authority for Environmental Health have objected to the TEN, ~~in which case the Licensing Authority may impose one or more conditions from an existing Premises Licence or Club Premises Certificate.~~
- 29 Any conditions arising from an operating schedule or from representations 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 cover matters that are within the control of individual licensees.
- 30 When considering any conditions, the Licensing Authority acknowledges that the licensing function cannot be used for the general control of anti-social behaviour by individuals once they are beyond the direct control of the licensee of any premises concerned. Other mechanisms, however, may be utilised, where appropriate, to tackle unruly or unlawful behaviour of people attending the premises when beyond the control of the individual, club or business holding the licence. These may include:-
- planning controls;
 - provision of CCTV surveillance in town centres, taxi ranks, public conveniences, street cleaning and litter patrols;
 - powers of the Council to designate parts of its area as places where alcohol may not be consumed in public;
 - police enforcement of the general law concerning disorder and anti-social behaviour including fixed penalty notices;
 - prosecution of any Personal Licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
 - confiscation of alcohol from children and adults in designated areas; and
 - powers of the Police, other responsible authorities or any other person to seek a review of the licence or certificate.
- 31 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 become conditions attached to a licence and will be enforceable as such.
- 32 The Licensing Authority recognises that all applications should be considered on their own merit and any conditions attached to a licence will be tailored to each individual premise in order to avoid the imposition of disproportionate and other burdensome conditions on those premises. 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.

Applications

- 33 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. In particular, its licensing functions will be discharged separately from its 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.
- 34 There are, however, links between the planning and licensing functions that cannot be ignored. For example, **applications for Premises Licences 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.**
- 35 **Other permissions may also be applicable to licensed premises and applicants are expected to ensure that such permissions are obtained where necessary.**
- 36 **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.**
- 37 When one part of the Council seeks a Premises Licence from the Licensing Authority, the Licensing Sub-Committee or relevant officer of the Licensing Authority will consider the matter from an entirely neutral standpoint. If relevant representations are made, for example, by local residents or the Police, 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.
- 38 **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

- 39 The Licensing Authority itself, the Chief Officer of Police, the local Fire and Rescue Authority, the relevant local enforcing authority for the Health and Safety at Work Act 1974, the Local Planning Authority, the Local Authority with responsibility for minimising or preventing pollution to the environment or of harm to health, the Child Protection Authority and the Local Authority responsible for primary health are all known as Responsible Authorities under the Act. 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.
- 40 Any other person is entitled to raise relevant representations. A representation is

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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

- 41 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. 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.
- 42 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.

Delegation of Functions

- 43 With the exception of the approval and review of its Licensing Policy and 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 Planning and Licensing Committee will receive regular reports regarding licences determined by officers and Licensing Sub-Committees under delegated powers in order to maintain an overview of the general licensing situation.

Cumulative Effect and Need

- 44 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.
- 45 Cumulative impact means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for the Licensing Authority to consider in developing the Policy.
- 46 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.
- 47 The Licensing Authority will only consider adopting a policy on cumulative impact or introducing an early morning restriction order if there is evidence that a significant

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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. Likewise, the Licensing Authority will only consider introducing a late night levy across the whole of the District if there is evidence that this is necessary to pay for additional policing of the night time economy. For both purposes the Licensing Authority would wish to review evidence from the Chief Officer of Police before making a decision.

- 48 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.
- 49 This does not exclude the ability to consider introducing a special policy on cumulative impact or late night levy should the need arise. This will be evidence based following representation from persons, businesses or a responsible authority which triggers consideration of whether any additional licences or substantial variations to existing licences, to increase such aspects as capacity or operating hours, would lead to an unacceptable saturation in an area. The onus will be on the person or authority making the representation to provide evidence that additional licences or the variation of existing licences will produce the cumulative impact claimed.

Advice and Guidance

- 50 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 will be encouraged to assist applicants develop their operating schedule.
- 51 The Licensing Authority will also seek to liaise with applicants and/or mediate between applicants and others who may make representations to achieve a satisfactory outcome for all involved, wherever this is possible and where resources permit. **Where an applicant considers that mediation and liaison may be likely or probable, it is recommended that the applicant discusses his proposal with the Licensing Authority and those from whom they think representations are likely prior to submitting their application. Once an application has been lodged, there are statutory timescales imposed upon the application and determination process which may restrict the opportunity for discussion and liaison.**

Consultation

- 52 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.
- 53 In developing this Policy, the Licensing Authority has consulted widely. Along with the statutory consultees (the Chief Police Officer for the District and the Essex County Fire and Rescue Service), the views of existing licence holders, businesses, voluntary groups, residents and a range of other organisations including Parish/Town Councils were sought and considered over a 12 week period. Due consideration was given to the views of all those who responded to that consultation process.

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Enforcement

54 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.

55 ~~The Council has adopted the Government's Enforcement Concordat designed to ensure effective and efficient public protection services. Specifically, t~~The Council is committed to ~~accord with~~ the principles of good enforcement practice by carrying out its regulatory functions in a fair, open and consistent manner and will abide by its own enforcement policy.

56 The ~~Council has adopted Enforcement Concordat is based on~~ the principles of the Enforcement Concordat in that licence holders should:-

- receive clear explanations from regulators of what they need to do and by when;
- have opportunities to resolve differences before enforcement action is taken - unless immediate action is needed;
- receive an explanation of their rights of appeal.

57 ~~A copy of the Enforcement Concordat is available on request and forms part of the Enforcement Protocol referred to below.~~

58 The Council's Enforcement Policy ~~and corporate feedback procedure for complaints~~ is ~~freely available from the Council, as is this procedure and the Council's corporate feedback procedure for complaints. These documents can be viewed~~ on the Council's website: www.maldon.gov.uk

59 ~~The Council has established an Enforcement Protocol with Essex Police, Essex County Fire and Rescue Service and Essex County Council Trading Standards on enforcement issues. These protocols provide for the targeting of resources towards high risk premises and activities that require greater attention. - do these protocols still exist.~~

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60 The principle of using a scoring scheme based on risk factors will normally prevail and proactive inspections will usually be undertaken in accordance with intelligence received and a priority inspection scheme. This should ensure that resources are more effectively allocated to higher risk or problem premises. Reactive visits and inspections will normally be limited to cases where complaints are received or where intelligence suggests the licensing objectives are at risk.

Reviews

61 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.

62 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

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disorder a senior police officer (~~Superintendent or above~~) may apply for a **summary** 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** ~~the sale of alcohol by retail~~ 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 hearing must then take place within 28 days of the **application for summary** review.

- 63 Responsible Authorities ~~and~~ 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

- 64 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 the
- protection of children from harm.

- 65 In each section relating to the Licensing objectives, the Licensing Authority has defined its intended outcome in **bold type**. Each section then 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.**

- 66 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.**

- 67 **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.

- 68 **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.**

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- 69 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.**
- 70 **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.**
- 71 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.
- 72 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.
- 73 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

- 74 The Council is committed to further reducing crime and disorder within the Maldon District and helping people feel safe.
- 75 ~~Section 17 of the Crime and Disorder Act 1998 introduced~~ Legislation provides a wide range of measures for preventing crime and disorder and imposes sd a duty on

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the Council, Essex Police, Essex County Council and others to consider crime and disorder reduction in the exercise of all their duties. ~~The Act reinforces this duty on the Council.~~

76 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.**

77 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.**

78 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;~~
- 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.

79 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

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80 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.**

81 When addressing the issue of public safety, **an applicant should demonstrate that those factors that impact on public safety have been considered. These may 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);**
- **customer profile (age, disability, etc.); and**
- **use of special effects such as lasers, pyrotechnics, smoke machines, foam, etc.**

82 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 ~~of premises;~~
- provision of a sufficient number of people employed or engaged to secure the safety of everyone attending the premises or event;
- 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 arrangements and operation of the vessel.

Prevention of Public Nuisance

83 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,

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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.

- 84 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 ~~or a small group~~.
- 85 **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.**
- 85 The Licensing Authority recognises the intention of the legislation in seeking ~~to achieve~~ a more flexible licensing regime with the concept of wider hours of operation ~~than previously existed before 2003~~. 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.
- 86 ~~The Licensing Authority sees the 24-hour opening of premises selling alcohol for consumption on the premises or providing regulated entertainment in the Maldon District as beyond what could reasonably be expected because of the potential for adversely affecting the local amenity.~~
- 87 Every application will be determined on its merits, but ~~there will be a presumption against granting or the variation of a Premises Licence in the District for any premises selling alcohol on the premises or providing entertainment between midnight and 10.00 am~~. Applicants wishing to ~~operate~~ **operate** between **23:00 and 08:00 hours these times** should demonstrate to the satisfaction of the Licensing Authority in their operating schedule that there will be no disturbance to members of the public living, working or otherwise engaged in normal activity in the vicinity of the premises concerned.
- 88 ~~The Licensing Authority recognises the special position of restaurants or other premises where the sale of alcohol is incidental to the main licensable activities at the premises.~~
- 89 ~~With regard to shops, stores and supermarkets (including off licences) that sell, the presumption should be that the Licensing Authority will allow the sale of alcohol when such premises are open for trading, unless there are good reasons for restricting those hours, e.g. issues relating to disturbance or disorder.~~
- 90 **The Licensing Authority will not support drinks promotions that encourage the irresponsible consumption of alcohol, such as binge drinking.**
- 91 **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;
 - hours of opening, particularly between **23:00 and 08:00 hours midnight and 10.00am**;

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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;
- availability of public transport;
- a wind down period between the end of the licensable activities and closure; and
- last admission time.

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:-

- 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 and sound limitation devices;
- management of people, including staff and traffic (and resulting queues) arriving and leaving premises;
- liaison with public transport providers;
- siting of external lighting, including security lighting;
- management arrangements for collection and disposal of litter; and
- effective ventilation systems to prevent nuisance from odour.

93 The Live Music Act 2012 has deregulated aspects of the performance of live music in premises licensed to sell alcohol for consumption on the premises in many circumstances which previously required licensing as regulated entertainment. The Act still provides licensing controls after 23:00 or when the audience is likely to exceed 500 people. Any existing licence conditions on relevant licensed premises that relate to otherwise exempt live music will be suspended between the hours of 08:00 and 23:00. However, this suspension can be lifted and / or additional restrictions applied on review of the licence.

Protection of Children from Harm

94 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.

~~95 The relaxation in the Act giving accompanied children greater access to licensed premises is seen as a positive step, which may bring about a social change in family friendly leisure. This relaxation places additional responsibilities on licence holders. It is also recognised that parents and others accompanying children also have responsibilities.~~

96 The protection of children from harm includes the protection of children from

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moral, psychological and physical harm and, in relation to the exhibition of films or transmission of programmes or videos, includes the protection of children from exposure to strong language and sexual expletives. In certain circumstances, children are more vulnerable and their needs will require special consideration. **Examples would include topless bar staff, striptease, lap, table or pole dancing, performances involving feigned violence, horrific incidents, feigned or actual sexual acts, fetishism or entertainment involving strong and offensive language. This vulnerability includes their susceptibility to suggestion, peer group influences, inappropriate example, the unpredictability of their age and their lack of understanding of danger.**

97 ~~The Licensing Authority has no intention of imposing conditions requiring the admission of children and where~~ 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.

98 **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.**

99 Whilst children may be adequately protected from harm by the action taken to protect adults, they may also need special consideration and no policy can anticipate every situation. **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;
- 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.

100 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 ~~of premises;~~
- 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. ~~Public Places Charter,~~ 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

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disorder.

- 101 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.
- 102 **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.**
- 103 **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.**
- 104 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.

APPENDIX A Appendix 1

Application Process

Introduction

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 ~~under the Licensing Act 2003 as amended~~. 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.

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 should be read in conjunction with the Council's Licensing Policy.

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. ~~The processes described in this appendix cover applications for new Premises Licences, Club Premises Certificates and Personal Licences and Temporary Event Notices and include the fees that are applicable.~~

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.

All applications made to the Council (acting as the Licensing Authority) must be submitted to the contact address shown in Appendix 2 ~~to the Licensing Policy~~.

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

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.

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

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

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- 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.

All submitting a hard copy of the application, and all accompanying documents copies must also be given by the applicant to the responsible authorities included in Appendix 2 to the Policy 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 submitting an application electronically, the Licensing Authority will circulate to the relevant responsible authorities.

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.

In addition, the application must be advertised in a local newspaper on at least one occasion during the period of 10 working days following the day on which the application is given to the Council. A further notice containing prescribed information on at least A4 sized light blue coloured paper must also be displayed by the applicant at or on the premises for a period of not less than 28 consecutive days from the day following the day on which the application is given to the Council. The Council will also publicise the application by publishing details on the Council's website www.maldon.gov.uk.

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

Variation of Premises Licence

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 Police on the same day as the application is given to the Council.

If it is an application for a minor variation, applicants are advised to speak to the Council in the first instance for advice prior to submission as the application is deemed as rejected if not dealt within a 15 day working period.

Club Premises Certificate

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)

Any person can issue a TEN 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. 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. The Council's preferred

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notice period is not less than 20 working days and not more than 3 months.

The Notice must also contain:-

- the period during which it is proposed to use the premises (not exceeding 168 hours);
- the times during that period when it is proposed that those licensable activities are to take place;
- the 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;
- where alcohol is to be supplied, whether it is to be for consumption on or off the premises, or both; and
- the fee ~~(as prescribed by the Secretary of State).~~

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.

Personal Licences

A personal licence will be required for any sale of alcohol.

To apply, an application must be made to the Council in whose area he / she ordinarily resides on a prescribed form and applicants must be over 18 years of age. The application must contain:-

- 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: the Personal Licence Qualifications accredited by the Secretary of State to date are:-
 - a) **BIIAB Level 2 National Certificate for Personal Licence Holders.** For further information visit www.bii.org;
 - b) **GOAL Level 2 Certificate for Personal Licence Holders.** For further information e-mail customerservice@ediplc.com;
- either a criminal conviction certificate or a criminal record certificate issued under Section 112 or Section 113 of the Police Act 1997 respectively, or the result of a subject access search of the police national computer by the National Identification Service (all of which must have been issued within 1 calendar month of submitting it with the application for the Licence);
- 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
- the licence fee.

If there are any convictions for a relevant 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. There is no definition provided in the Act or the Regulations as to what constitutes a professional qualification. The Council believes this can be

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interpreted as those people who have passed an examination(s) and are members of an institute that controls its members (e.g. doctors, teachers, accountants, architects, surveyors, etc.). Should applicants have any doubts, they should contact the Council for advice as to who could be regarded as a person holding such qualification.

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Fees - Premises Licences and Club Premises Certificates

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 or by telephoning the Valuation Office on :03000 501501.

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. Premises licences and club premises certificates will be suspended if for non-payment of the fee.

Statutory Fees - 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

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.

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.

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	9,999	£1,000	£500
10,000	14,999	£2,000	£1,000
15,000	19,999	£4,000	£2,000
20,000	29,999	£8,000	£4,000
30,000	39,999	£16,000	£8,000
40,000	49,999	£24,000	£12,000
50,000	59,999	£32,000	£16,000
60,000	69,999	£40,000	£20,000
70,000	79,999	£48,000	£24,000
80,000	89,999	£56,000	£28,000

90,000 and over

£64,000

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£32,000

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Miscellaneous Fees

Further miscellaneous fees are shown in the following table:-

Application or Notice	Fee
Application for copy of premises licence or Summary on theft, loss etc. (section 25)	£10.50
Application for a provisional statement (section 29)	£315.00
Notification of change of name or address (holder of premises licence) (section 33)	£10.50
Application to vary licence to specify individual as premises supervisor (section 37) application to transfer premises licence (section 42)	£23.00
Interim authority licence (section 47) application for copy of club premises certificate or summary on theft, loss etc. (section 79)	£23.00
Notification of change of name or alteration of club rules (section 82)	£10.50
Change or relevant registered address of club (section 83)	£10.50
Temporary event notice (section 100)	£10.50
Application for copy of temporary event notice on theft, loss etc. (section 110)	£21.00
Application for grant of personal licence (section 117)	£10.50
Application for copy of personal licence on theft, loss etc. (section 126)	£37.00
Notification of change of name or address of personal licence holder (section 127)	£10.50
Notice of interest in any premises (section 178)	£10.50
	£21.00

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Plans

The scale and contents of plans to be accepted by the Council have been prescribed by The Licensing Act 2003 as amended (Premises Licences and Club Premises Certificates) Regulations 2005

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.

The standard scale required by the Regulations is 1 millimetre represents 100 millimetres (i.e. 1:100).

Regulation 23(3) requires plans to show:-

- a) 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;
- b) the location of points of access to and egress from the premises;
- c) if different from (b) above, the location of escape routes from the premises;
- d) 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;
- e) 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;
- f) 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.

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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.

responsible authority	Maldon District Council Licensing Authority
name	Licensing
address	Maldon District Council Council Offices Princes Road Maldon Essex CM9 5DL
telephone number	01621 854477
e-mail address	licensing@maldon.gov.uk
normal office hours	0830 to 1700 hours (Mon to Thurs), 0830 to 1630 hours (Friday)

responsible authority	The Chief Officer of Police
name	Licensing Department (Alcohol)
address	Essex Police Braintree Essex CM7 3DJ
telephone number	01245 452035
e-mail address	licensing.applications@essex.pnn.police.uk
normal office hours	0800 to 1600 hours daily (15.30 on Fridays)
additional information	TEMPORARY EVENT NOTICES 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, with the envelope clearly marked "TEMPORARY EVENT NOTICE"

responsible authority	Home Office (Immigration Enforcement)
name	Alcohol Licensing Team
address	Lunar House 40 Wellesley Road Croydon CR9 2BY
e-mail address	alcohol@homeoffice.gsi.gov.uk

responsible authority	Essex County Fire and Rescue
name	Chelmsford & Maldon Community Command
address	South Woodham Ferrers Fire Station Ferrers Road South Woodham Ferrers Chelmsford Essex CM3 5XH
telephone number	01245 328388
e-mail address	cm.command@essex-fire.gov.uk
normal office hours	0900 to 1700 (Monday to Friday)

responsible authority	Maldon District Council Health and Safety
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name	Environmental Health (Commercial)
address	Maldon District Council Council Offices Princes Road Maldon Essex CM9 5DL
telephone number	01621 875813
e-mail address	commercial@maldon.gov.uk
normal office hours	0830 to 1700 hours (Mon to Thurs), 0830 to 1630 hours (Friday)
additional information	See Health and Safety Executive below

responsible authority	Health and Safety Executive
name	
address	Redwing House Hedgerow Business Park Colchester Road Chelmsford Essex CM2 5PB
telephone number	01245 706200
e-mail address	
normal office hours	
additional information	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.

responsible authority	Maldon District Council Planning Authority
name	Planning Services
address	Maldon District Council Council Offices Princes Road Maldon Essex CM9 5DL
telephone number	01621 875870
e-mail address	planning@maldon.gov.uk
normal office hours	0830 to 1700 hours (Mon to Thurs), 0830 to 1630 hours (Friday)

responsible authority	Maldon District Council Environmental Health
name	Environmental Health (Environmental Protection)
address	Maldon District Council Council Offices Princes Road Maldon Essex CM9 5DL
telephone number	01621 875819
e-mail address	environmentservices.request@maldon.gov.uk
normal office hours	0830 to 1700 hours (Mon to Thurs), 0830 to 1630 hours (Friday)

responsible authority	The Child Protection Authority
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name	Local Authority Designated Officer (LADO)
address	F.A.O. Licensing Quality Assurance and Safeguarding Service Family Operations Essex County Council 70 Duke Street Chelmsford Essex CM1 1JP
telephone number	01245 706200
e-mail address	licenceapplications@essexcc.gov.uk
normal office hours	

responsible authority	Essex County Council Health Board
name	Licensing Officer
address	Public Health Team Essex County Council A1 County Hall Market Road Chelmsford Essex CM1 1LX
telephone number	
e-mail address	jackie.renn@essex.gov.uk

responsible authority	Essex Trading Standards
name	Information and Business Support Team
address	Essex Trading Standards Essex County Council County Hall, Room CG32 Market Road Chelmsford Essex CM1 1QH
telephone number	01245 341902
e-mail address	trading.standards@essex.gov.uk
normal office hours	

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

responsible authority	Crouch Harbour Authority
name	The Harbour Master
address	Crouch Harbour Authority The Quay Burnham-on-Crouch Essex CM0 7NT
telephone number	01621 783602
e-mail address	info@crouchharbour.org.uk
normal office hours	0900 to 1600 hours (Monday to Friday)

responsible authority	Maldon Harbour Improvement Commissioners
name	Clerk to the Commissioners
address	Maldon Harbour Improvement Commissioners 5 Fir Tree Walk Maldon Essex CM9 4NS
telephone number	01621 853253
e-mail address	john.hughes11@tesco.net
normal office hours	

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responsible authority	Environment Agency
name	
address	National Customer Contact Centre Quadrant Two 99 Parkway Avenue Sheffield South Yorkshire S9 4WF
telephone number	03708 506506
e-mail address	enquiries@environment-agency.gov.uk
normal office hours	0900 to 1700 hours (Monday to Friday)

responsible authority	British Waterways Board
name	
address	South East Office Ground Floor 500-600 Witan Gate House Milton Keynes MK9 1BW
telephone number	01908 302500
e-mail address	enquiries.southeast@britishwaterways.co.uk
normal office hours	

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

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Appendix 3

Exemptions

The following activities are not regarded as regulated entertainment and are therefore exempt for the purposes of the Act:-

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 Receivers

If the entertainment consists of the simultaneous reception and playing of a programme included in a programme service within.

Religious Services and Places of Worship, etc.

If the entertainment is for the purposes of, or for the purposes incidental to, a religious meeting or service or at a place of public religious worship.

Garden Fetes, etc.

If the entertainment is at a garden fete or at a function or event of a similar character, unless the fete, function or event is promoted with a view to applying the whole or part of its proceeds for purposes of private gain (as defined in the Lotteries and Amusements Act 1976).

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.

Indoor Sport

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

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Venues Providing Amplified or Unamplified Music

The Live Music Act 2012 deregulates the performance of certain live music and the provision of facilities for making music in the following circumstances, it:

- removes the licensing requirement for unamplified live music taking place between 8am and 11pm in all venues, subject to the right of the Council to impose conditions about live music following a review of a premises licence or club premises certificate relating to premises authorised to supply alcohol for consumption on the premises
- removes the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons on premises authorised to supply alcohol for consumption on the premises, subject to the right of the Council to impose conditions about live music following a review of a premises licence or club premises certificate
- removes the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment)
- removes the licensing requirement for the provision of entertainment facilities
- widens the licensing exemption for 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 on an existing licence relating to the performance of live music do not have effect between 08.00 and 23.00. Any conditions imposed following a review of the premises licence, however, will take effect irrespective of the provisions of this Act.

Appendix 4

Mandatory Conditions

Where a Premises Licence Authorises the Supply of Alcohol

That 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.

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

Exhibition of Films

Where a premises licence or club premises certificate authorises the exhibition of films, the licence or certificate must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with these paragraphs.

Where the film classification body is specified in the Licence or Certificate, unless paragraph 3(b) below applies, admission of children must be restricted in accordance with any recommendation by that body.

Where,

- a. the film classification body is not specified in the Licence or Certificate, or
- b. the Licensing Authority has notified the holder of the Licence or the Club which holds the Certificate that this paragraph applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by the Council.

In these paragraphs, children means persons aged under 18, and film classification body means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984 (authority to determine suitability of video works for classification).

Door Supervision

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.

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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:-

The **first condition** is that 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.)

The **second condition** is that 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).

The **third condition** is that 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.)

The Licensing Act 2003 (Mandatory Conditions) Order 2010 introduced additional mandatory conditions as follows:-

1. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children:-
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol); or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) 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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) 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;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on:
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;

APPENDIX A

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
4. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. The policy must require individuals who appear to the responsible person 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 a holographic mark.
5. The responsible person shall ensure that:-
 - (a) where any of the following alcoholic drinks is 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) it is available to customers in the following measures:
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.

Appendix 5

Pool of Conditions: Prevention of Crime and Disorder

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.

General

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 when licensing authorities are 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.

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.

Necessary conditions for the licence or certificate will also depend on local knowledge of the premises.

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.

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

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.

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 who 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.

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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.

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

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.

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

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).

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.

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Plastic Containers and Toughened Glass

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.

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

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

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

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

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

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

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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

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

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.

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

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.

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.

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Large Capacity Venues used Primarily for the Vertical Consumption of Alcohol

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.

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Appendix 6

Pool of Conditions: Public Safety

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

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.

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.

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.

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)

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

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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

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

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.

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

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

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 fire fighting equipment; and
- temporary decorations are not used without prior notification to the Council / Fire Authority.
-

In certain premises where existing legislation does not provide adequately for the safety of the

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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

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

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

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

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

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.

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Lighting

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

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.

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

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).

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Alterations to the Premises

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

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.

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.

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.

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Appendix 7

Pool of Conditions: Theatres, Cinemas, Concert Halls and Similar

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

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:-

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- (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

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

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

Special Effects

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.

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

Any scenery should be maintained flame-retardant.

Safety Curtain

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

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

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.

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PREMISES USED FOR FILM EXHIBITIONS

Attendants - premises without a staff alerting system

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

a. 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

b. 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.

c. 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.

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

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Minimum Lighting

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

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

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Appendix 8

Pool of Conditions: Prevention of Public Nuisance

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

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.

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.

Necessary conditions for licences and certificates will also depend on local knowledge of the premises.

Hours

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.

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.

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

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

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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.

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

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

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

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

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.

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Age Restrictions - Specific

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

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:

"Where a programme includes a film recommended by the Council as falling into the 12A,

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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'

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

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).

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

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.

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

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

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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

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 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.

Where appropriate and necessary, consideration can be given to attaching conditions to premises licences and club premises certificates that require compliance with the Portman Group's Retailer Alert Bulletins.

Proof of Age Cards

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.

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

Planning and 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.

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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).

Revised Scheme of Delegation

To the Director of Planning and Regulatory Services

1. To make representations on behalf of the Council in respect of all applications for premises licenses or club premises certificates and to apply for reviews of the same.
2. In consultation with a Legal Advisor employed by Essex County Council and the Chairman of the Planning and Licensing Committee, the institution of legal proceedings in respect of any of the Council's licensing powers.
3. To authorise Officers and duly appoint Contractors who are appropriately qualified and experienced to discharge the powers and duties delegated to the Strategic Director

To the Service Manager – Environmental Health and Licensing Manager:-

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.


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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 ~~the a Legal advisor and Democratic Services Manager~~, 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.

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24. To authorise officers and duly appoint contractors who are appropriately qualified and experienced to discharge the powers and duties delegated to the Service Manager - Environmental Health and Licensing Manager.
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.

To the Head Director of Planning and Regulatory Services / Group Manager – Planning Services and the Service Manager - Environmental Health and Licensing Manager:-

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)  ing Authority for a review of premises licences or club premises certificates.
4. To authorise officers and duly appoint contractors who are appropriately qualified and experienced to discharge the powers and duties delegated to the Chief Executive Head of Planning Services and Service Manager - Environmental Health and Licensing Manager.

To the Director of Planning and Regulatory Services:-

1. To make representations on behalf of the Licensing Authority on respect of all applications for premises licences or club premises certificates and to apply for reviews of the same.

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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

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

Licensed premises: 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 (but note the changes brought about by the Live Music Act 2012)
- 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.

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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)
- ~~primary care trusts (or from April 2013~~ 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)

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 TENs 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.