

# **Uttlesford District Council**

## **Statement of Licensing Policy 2022-2027**

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## **Foreword**

This Policy supports Uttlesford's Vision and Corporate Priorities.

Our vision: Making Uttlesford the best place to live, work and play.

Our vision is supported by four priorities.

- Putting Residents First
- Active Place-Maker for our towns and villages
- Progressive Custodian of our rural environment
- Champion of our district

Our vision for licensing is to support responsible premises and to encourage the development of a diverse and varied licensed and late-night offering across the district.

We recognise the many positive impacts that licensed premises provide, especially our public houses which play a key role in improving the quality of people's lives and preserving all that is best in Uttlesford.

Uttlesford is a very low crime and disorder area, frequently featuring as one of the best rural places to live in the whole of the UK. However, this is no reason to be complacent and Uttlesford is surrounded by areas which regularly suffer much higher crime levels. This Policy takes a safeguarding approach to prevent crime and disorder escalating.

We want our licensed establishments to contribute to the district remaining a safe and low crime area to live, work and visit. We are committed to ensuring that the district and in particular the town centres and areas of entertainment remain safe, vibrant, diverse and family-friendly.

Uttlesford enjoys a widespread and diverse selection of licensed premises and venues. More than 200 premises are currently licensed for either the sale or supply of alcohol; the provision of regulated entertainment; and / or the provision of late-night refreshment. These range from off-licences, shops and supermarkets; restaurants, cafes and take-away establishments; to pubs, bars, members clubs, night clubs, theatres, cinemas and indoor sports facilities. Together they combine to provide a wide range of leisure and cultural opportunities; support tourism; provide employment; and make a significant economic contribution to the local community.

As long as premises management strive to act responsibly; run safe, well managed venues and facilities; and work together with the local community, they can make a positive contribution toward building community cohesion and cultural development.

Of course, negative impacts can also occur if good management practices are not followed. Potential negative impacts may arise in the form of noise, nuisance, disturbance and crime and disorder problems. We recognise that the misuse of alcohol does negatively impact upon both public health and well-being. Whilst outside of the scope of this Policy we recognise the impact upon the public purse through the demands made upon A&E; additional policing; additional street cleaning; and the criminal justice system.

Our policy, therefore, seeks to provide a necessary balance between providing a platform upon which responsible business operators may contribute towards a thriving business and entertainment economy while ensuring that the quality of life of those who live and work in the district is protected and enhanced through the licensing system. We believe these aims are achievable if all parties concerned work together.

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# 1 About Uttlesford

Uttlesford is the largest of the 14 districts in Essex. It covers about 247 square miles, around a third of Essex, and offers a blend of rural and town living. The benefits of this mixture are greatly appreciated by the 91,300 people who live in the district.

The district has Chelmsford, Harlow and Epping Forest councils to the south, Braintree to the east, and Cambridgeshire lies on its northern boundary. To the west, the district borders onto the county of Hertfordshire.

Located to the West of the district at the junction of the A120 and M11 is the UK's third largest international airport – London Stansted.

Uttlesford's population in 2022 is now estimated to be 91300<sup>1</sup>. Over the last ten years the district has seen a 14.9% increase in its population. This is the largest percentage increase in the whole of Essex and significantly higher than the average in the England, which is 8.3%<sup>1</sup>.

Over the last ten years Uttlesford has had significant increases in its population particularly among those over 50, the biggest increase being in the 70-74 age group which rose by 63%<sup>1</sup>

The district is mainly comprised of farmland, hamlets and villages which surround two towns where the majority of the population live. These are Saffron Walden which has the largest population at 16,000 followed by Great Dunmow.

Uttlesford is regarded as an attractive rural location for those moving out from (and commuting into) London because of its transport links.

The people of Uttlesford are predominantly employed and enjoy higher than average earnings of £728.30 gross weekly pay for full-time workers compared £613.10 for the whole of the country. Unemployment is very low (2.5%<sup>2</sup>).

According to the latest [2011 Census](#), the population in Uttlesford is predominantly white (96.6%), with non-white minorities representing the remaining 3.4% of the population.

Asian people were the largest minority group in Uttlesford accounting for 1.4% of the population. 417 or 1% of the Uttlesford population are black according to the latest 2011 census.

In England more broadly the portion of the population that is white is 85.4%. 7.8% are Asian and 3.5% are Black.

Population by race in Uttlesford, 2011 census

- **White** - 76,639 people or 96.6%
- **Asian** - 1,122 people or 1.4%
- **Mixed** - 977 people or 1.2%
- **Black** - 417 people or 0.5%
- **Other** - 166 people or 0.2%

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<sup>1</sup> <https://www.ons.gov.uk/visualisations/censuspopulationchange/E07000077/>

<sup>2</sup> [Labour Market Profile - Nomis - Official Census and Labour Market Statistics \(nomisweb.co.uk\)](https://www.nomisweb.co.uk/labour-market-profile)

## 2 About this document

- 2.1 This document is Uttlesford Council's statement of licensing policy in respect of the regulation of alcohol supplies, regulated entertainment and late-night refreshment, and the publication of it fulfils the authority's statutory obligation under section 5 of the Licensing Act 2003 ("the Act"). It sets out the policies and principles that we will follow when exercising our powers under that Act, particularly in respect of considering applications in respect of licences and other authorizations. It also gives details of our expectations of applicants and licence-holders. This statement must be published on at least one occasion in each five-year period. The statement must also be kept under review during its validity period, and revised if required, with any revisions published prior to taking effect.
- 2.2 This Statement of Licensing Policy was adopted by the Council on 24 August 2023 and was published via our website. The statement will have effect from December 2022 to December 2027.
- 2.3 This revised Policy has been reviewed and updated to reflect the authority's experiences in exercising its powers that have taken place in the intervening period.
- 2.4 We are required to exercise our licensing functions under the Act with a view to promoting the licensing objectives, which are:
- **The prevention of crime and disorder**
  - **Public safety**
  - **The prevention of public nuisance, and**
  - **The protection of children from harm**
- 2.5 Each objective has equal importance, and they are explained in greater details in later chapters.
- 2.6 We must also have regard to our published Statement of Licensing Policy, and to the Guidance for licensing authorities published by the Secretary of State under section 182 of the Act.
- 2.7 The purpose of this statement is to provide guidance to committees and officers determining matters under delegated authority, to provide consistency to our decision-making. However, where the circumstances justify doing so, we may depart from any provision of this statement, or of the Government's Guidance, to make an appropriate decision based upon the individual circumstances of a particular case. In any such case we will give a clear explanation and reasons as to why we have done so.
- 2.8 This policy statement reflects the wide range of competing, and sometimes conflicting, considerations which we must take into account when exercising our powers and aims to balance these insofar as is possible.

### **3 Who is affected by this policy?**

3.1 This document applies to all places selling or providing:

- Alcohol
- Regulated Entertainment
- Late Night Refreshment

Including

- Pubs and night-clubs
- Off-licences
- Restaurants serving alcohol and take-aways open between 11.00pm and 5.00am, serving hot food and drink
- Hotels, guest house
- Private members' clubs and social clubs
- Theatre and amateur dramatic groups
- Cinema operators
- Organisers of temporary events
- Festivals and other outdoor events
- Some community events and village halls

It is also recognised that how the Policy is applied can influence:

- The lives of Uttlesford residents
- Visitors of Uttlesford
- Businesses not directly involved with the licensed trade
- The local economy and prosperity of Uttlesford

### **4 Consideration of this Policy**

Each application must and will be considered on its individual merits and must be granted in the absence of any relevant representations; where representations are made regard, as required by law, will be had to our Statement of Licensing Policy. It will be expected that applicants are able to demonstrate that they have read, considered, and responded, where relevant, to this Statement of Licensing Policy in their applications. Equally responsible authorities and other persons will also be expected to have read, considered and, where relevant, address this Statement of Licensing Policy in their representations.

Protecting local residents and avoiding nuisance from disturbance and anti-social behaviour caused by the conduct of inconsiderate people visiting places of entertainment, is central to our Licensing Policy. This focus aims to address concerns about the impact of trading hours on behaviour and disturbance at night.

## 5 Policy Objectives

The aims of the policy are to pursue the four licensing objectives by:

Helping to build and maintain a prosperous society that balances the rights of individuals with needs of businesses.

Integrating the policy and objectives with other initiatives, policies and strategies including culture, planning, transport, employment and crime and disorder reduction.

Working to:

- Protect the well-being of local residents
- Encourage young people to enjoy and take part in cultural activities
- Maintain a safe and family friendly environment in the licensing authority's administrative area
- Reduce crime and disorder
- To reduce instances of sexual harassment and discrimination and ensure the licensed premises tackle inappropriate behaviour
- Prevent anti-social behaviour
- Manage nuisance, e.g. noise
- Encourage and promote good neighbourliness
- Encourage tourism
- Encourage and advise on an early evening and nighttime economy which is viable, sustainable and manageable
- Reduce alcohol misuse
- Encourage employment
- Encourage the self-sufficiency of local communities
- Reduce the burden of unnecessary regulation on business

- 5.1 The Council hopes that this Policy will help ensure that local people and visitors are able to enjoy their leisure time safely without fear of violence, intimidation, or disorder while on, arriving at or leaving licensed premises. The Council must balance protecting the amenity of its local population with the expectations of commercial occupiers to have an environment that is attractive and sustainable for their business.
- 5.2 An effective Licensing Policy, with other initiatives, can help promote improvements (increasing the leisure industry provision for the community and encouraging regeneration of town centres), as well as reducing the negative impacts (noise, nuisance, anti-social behaviour and crime and disorder).
- 5.3 Our aim is to have a lighter touch for most businesses and community activities, which enhance peoples' lives by providing worthwhile opportunities for the enjoyment of leisure time without having a negative impact. Premises which cause problems within our

communities, allow disorder, threaten public safety, cause public nuisance, or threaten the wellbeing of children, will be targeted for enforcement action.

- 5.4 This Policy is designed to build upon the work presently carried out by the Council to maintain a dynamic, innovative and attractive place to live, work and relax. The Council has several strategies in place that contain the visions, aims and objectives to promote, improve and protect the area. This Licensing Policy has been prepared to promote the four licensing objectives, and the Council has had regard to the local strategies which have been developed for the district, its residents, businesses, workers and visitors. The Council is working to secure the proper integration with local crime prevention, planning, transport, tourism, cultural strategies, race equality schemes and disability and gender discrimination strategies, by ensuring the Licensing Policy is consistent with the aims and objectives of these strategies.
- 5.5 The council also recognises the importance of ensuring the licensed premises within the district are free from gender-based violence, and misconduct and that customers and the licensed trade promote the reporting of cases of sexual harassment, misconduct and gender – based violence<sup>1</sup>. This is particularly important if a case of spiking occurs within the district. The council will support premises to make improvements to prevent further spiking offences.
- 5.6 The Council also recognises that the legislation supports a number of other key aims and purposes and that these too are vitally important and should be principal aims for everyone involved in licensing work.

They include:

Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises.

Giving the police and licensing authorities the powers, they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;

Recognising the important role which pubs and other licensed premises play in our local communities by minimizing the regulatory burden on business, encouraging innovation and supporting responsible premises;

Providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them;

Joining and supporting the districts pub watch schemes and the promotion of 'Ask Angela' within in the district.

<sup>1</sup> <https://www.local.gov.uk/publications/lga-guidance-note-drink-spiking-prevention>

## **6 Licensing Act 2003**

- 6.1 The Act has been in operation since 24 November 2005, and is administered by local authorities. The central purpose of the Licensing Act is to promote the four licensing objectives, and the Licensing Authority will use its powers working with the Police and other agencies to achieve this.
- 6.2 The Act aims to provide the entertainment/leisure industry with freedom and flexibility over provision of licensable activities and opening hours.
- 6.3 The Act specifies a set of licensable activities, which may only be provided under an authorisation issued by the relevant local Licensing Authority (Uttlesford Council for all premises within the District of Uttlesford). The licensable activities, which are covered in greater detail within this section, include supplying alcohol, providing regulated entertainment, and providing late night refreshment.
- 6.4 The types of authorisation which Licensing Authorities may issue to permit licensable activities include premises licences, club premises certificates, temporary event notices, and personal licences.
- 6.5 In exercising its licensing functions under the Act, the Licensing Authority shall:
- Aim to promote the licensing objectives
  - Have regard to this statement of licensing policy, and
  - Have regard to the Government's Guidance
- 6.6 The Licensing Authority may not reject an application nor revoke a licence in response to representations concerning general moral or ethical objections to the carrying on of licensable activities, unless a direct link to one or more of the licensing objectives can be established. In particular, the supply of alcohol is expressly permitted under UK legislation, and the Licensing Authority has a duty to act fairly and in accordance with the legislation.
- 6.7 Every matter considered by the Council, in its role as a Licensing Authority, will be considered on its own merits and in accordance with the statutory requirements of the Act. Nothing in this Statement of Licensing Policy shall:
- a) prevent any person from making an application for authorisation or giving a notice under the Act;
  - b) prevent any person from making representation in respect of an application of a type where the Act provides for them to do so;
  - c) prevent any person from making an application for the review of a premises licence; or
  - d) restrict or fetter the Council's discretion to consider and determine applications, or to initiate legal proceedings or other enforcement action, based upon the individual circumstances and merits of a particular case.
- 6.8 Typically, the Licensing Authority's discretion over whether to refuse applications, to issue counter-notices or to impose additional licence conditions is only engaged if relevant representations or objection notices have been given to the authority within a prescribed period. For many of the application processes under the Act (with a small

number of key exceptions), if no relevant representations or objection notices are received within the prescribed period, the Licensing Authority will be obliged to grant the application, subject only to any statutory conditions and conditions consistent with measures proposed by the applicant in their operating schedule.

6.9 The Licensing Authority has a general duty under the Crime and Disorder Act 1998 *‘to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area’*.

#### 6.10 Licensable activities

The Act regulates a set of broad ‘licensable activities’ relating to the leisure and retail industries, as follows:

- Supplies of alcohol, including:
  - Sale by retail of alcohol,
  - Supply of alcohol by or on behalf of a club to, or the order of, a member of the club.
  
- The provision of regulated entertainment, comprising:
  - Performance of plays
  - Exhibitions of films
  - Indoor sporting events
  - Boxing and wrestling entertainments
  - Performances of live music
  - Playing of recorded music
  - Performances of dance
  - Entertainment which is similar to music or dance
  
- The provision of late-night refreshment

6.11 To be considered licensable, entertainment must be provided in the presence of an audience (which may consist of a single person), and either be open to the public or a section thereof, or provided for a consideration (e.g. admission fee, tickets) and with a view to profit. The definitions of these activities were left deliberately wide so as to account for future developments in the industries carrying on those activities – for example in recent years there has been an increase in the number of ‘silent discos’, which are considered to be regulated entertainment as they consist of recorded music, but which may not have been captured under a narrower definition.

6.12 The Government has pursued a deregulatory agenda in respect of entertainment licensing for community events and lower-impact entertainments by introducing new exemptions. As a result, many smaller-scale entertainments now fall outside of licensing requirements. Where this is the case, it should be noted that we may be unable to use our licensing powers to regulate these events, although other regulatory

schemes may be utilized to remedy any issues that arise. Schedule 1 to the Act details the exemptions that apply to entertainment licensing requirements.

- 6.13 Late night refreshment is defined as the sale of hot food or hot drinks, between the hours of 11 p.m. and 5 a.m. Exemptions applying to late night refreshment are set out in schedule 2 to the Act.
- 6.14 Although the Act has wide application, it does not control every activity which may be carried out in licensed premises, and some premises which are authorized under this Act may also need separate licences and authorisations for other activities carried out at those premises. Where the Licensing Authority is responsible for issuing such authorisations (for example, for gaming machines or prize gaming in licensed premises), we have published separate licensing policies to give details of how applications for those alternate licence types will be considered.

## **7 Pre-application advice and engagement**

- 7.1 The Council's Licensing Team are available to assist with what is known as pre-application advice. This is predominantly meant for smaller businesses and individuals who may not be familiar with the licensing process rather than national operators.
- 7.2 As applications for licences can be quite complex, and have a wide variety of requirements, it may be beneficial to applicants to seek advice prior to submitting an application. One example highlighting the importance of getting the process right is the requirement to use a newspaper advertisement to alert people to your application. Getting this wrong could lead to the application being invalid, and the loss of the money spent on that publication; obtaining advice from the Council is an effective way to avoid this sort of mistake, which is easily made.
- 7.3 As well as ensuring the legal requirements are met, the Licensing Team can assist you in drafting a valid application, which ensures that you apply for the full extent of the activities that you are likely to require for your business, whilst avoiding inadvertently including or omitting information that increases the likelihood of objections being received.
- 7.4 Objections to applications can lead to delays in licences being granted, and can take considerable time away from your business to resolve any issues arising, so it is best that applicants do all that they can to ensure that any unnecessary objections are avoided.
- 7.5 We may limit the amount of time we spend on pre-application advice particularly for large organisations or those planning large events, who should seek independent advice.
- 7.6 As part of the advice, we may recommend that an applicant contacts some or all of the responsible authorities, the Safety Advisory Group (SAG) or other appropriate individuals or organisations.
- 7.7 Engagement is crucial element of the licensing process. Applicants are expected to have considered the location and community they are proposing to operate in. An

understanding of the concerns to be addressed can be obtained by early engagement with a variety of bodies and individuals including:

- Statutory authorities, eg the Police, Environmental Health, the Fire Service
- Ward councilors
- Town councils
- Parish councils
- Residents Associations
- Businesses and residents in the vicinity of the proposed premises.

7.8 Experience shows that early engagement allows concerns to be addressed in the timeliest and most cost effective way for all parties. Where concerns cannot be addressed before an application is made resulting in formal representations the expectation is that the dialogue between the parties continues to try and find common ground and very often this can be done.

7.9 If a Licensing Sub-Committee has been scheduled the parties have up until 24 hours before the hearing starts to reach an agreement and dispense with the hearing. Where necessary the Licensing Authority can facilitate these discussions.

## **8 Licensing Objectives**

8.1 The Licensing Authority must carry out its functions with a view to promoting the four licensing objectives, each of which has equal importance:

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

8.2 It is recognised that the licensing function is only one means of securing the delivery of the above objectives and should not therefore be seen as a means of solving all local problems. The Licensing Authority will therefore continue to work in partnership with all stakeholders and partners towards the promotion of the licensing objectives.

8.3 The Licensing Authority expects applicants to address the licensing objectives within their operating schedules, having regard to the nature of the premises, the licensable activities to be provided, operational procedures, and the nature of the location and the needs of local communities. The operating schedule should contain sufficient information to enable the Licensing Authority, responsible authorities and other persons who may be affected by the operation of the licensed premises to assess whether the steps which will be taken to promote the licensing objectives are sufficient to mitigate any potential adverse impact.

8.4 The Licensing Authority is committed to empowering local community action and meeting the needs of its communities through close partnership working with others. The Licensing Authority recognises that licensed entertainment can provide a valuable contribution

towards the economy of the district and seeks to balance the needs of the local businesses and licence holders, whilst protecting those of local residents.

- 8.5 Further policy considerations in respect of each of the objectives are set out below.
- 8.6 Good practice control measures on all four licensing objectives premises are available in Appendix 5.

## **9 Prevention of Crime and Disorder**

9.1 The Authority will endeavour to reduce crime and disorder throughout the district, in accordance with its statutory duty under section 17 of the Crime and Disorder Act 1998.

9.2 The Authority will expect applicants to take appropriate and proportionate measures to promote the crime and disorder objective. Examples of the sources of crime and disorder which the Authority would require applicants to take into consideration may include, but are not limited to:

- Underage drinking
- Drunkenness on the premises
- Public drunkenness
- Drugs
- Violent behaviour
- Overcrowding/occupancy capacity
- Anti-social behaviour

9.3 When determining licence applications and reviews the Licensing Authority will give consideration to:

- Whether the premises make or will make a significant contribution to levels of crime and disorder in the local area, and
- Whether the operating schedule demonstrates that an adequate risk assessment of the likelihood of crime and disorder occurring as the result of the issue of an authorisation has been carried out by the applicant.
- The ability and competency of the person in charge of the premises to monitor the premises at all times while they are open.
- The training given to staff in how to defuse or manage conflict amongst patrons and crime prevention measures appropriate to those premises.
- The physical security features installed in the premises. This may include matters such as the position of cash registers, and the security of cash boxes in gaming machines on the premises; where alcohol is stored in 'off-licences;' the standard of CCTV that is installed; adequate lighting; metal detection and search facilities; the use of toughened drinking glasses in pubs and clubs; the removal of glasses or glass bottles used or discarded outside of the applicants' premises.
- Risk assessment in respect of drinks promotions which may contribute to the impact on crime and disorder (e.g. 'happy hours'), and plans for minimising those risks.
- Measure to prevent the consumption or supply of illegal drugs, including any search procedures and entry policies. On licensed hotel or B&B premises, this should extend to keeping proper registrations of guests, with proof of identification, and records of car registration numbers. Where applicable, applicants are encouraged to show that they

can comply with the Home Office guidance “Safer Clubbing” in relation to the control of illegal drugs on their premises, and they should agree a protocol with the police on the handling of illegal drugs found on their premises.

- Where premises are subject to age-restrictions, the procedures in place to conduct age verification checks.
- The likelihood of any violence, public disorder or policing problem if the licence is granted.
- Whether design of the premises has been considered having regard to reducing conflict and minimizing opportunities for crime.
- The measures taken to control admission to, and dispersal from, the premises, including the use of registered door supervisors.
- Any other such measures as may be appropriate, such as participation in a local pub watch scheme or other body designed to ensure effective liaison with the local community, ‘music wind-down policies’, restrictions on ‘happy hours’, and other examples of industry best practice.
- The arrangements for delegating and accounting for responsibility for the supply of alcohol on community premises operated without a DPS.

9.4 This list is not exhaustive and the Licensing Authority remains aware of its obligation to consider each case on its merits.

9.5 The authority will work closely with Essex Police and the other members of the Community Safety Partnership (CSP), both to monitor and investigate incidents of crime or disorder associated with licensable activities, at and around licensed premises, and to identify emerging trends and patterns in such incidents.

9.6 To achieve the best results, the prevention of crime and disorder requires partnership working between statutory bodies and licensed premises. While there are a number of measures which licence-holders can, and will be expected to, implement in order to promote this objective within their premises, the Council also expects licence-holders to understand which issues they will not be able to resolve themselves, and to liaise and co-operate with the Licensing Authority, Police, and other bodies when appropriate. In particular, incidents occurring outside of but in the vicinity of licensed premises, which do not involve the customers or staff from that premises, are likely to be outside of the direct control of licence-holders, but they may be able to provide evidence or intelligence allowing statutory bodies to investigate the incident in question.

9.7 It is recommended that applicants discuss the crime prevention procedures and management arrangements for their premises with the Licensing Authority and the Police before making a formal application.

## **10 Public Safety**

10.1 When considering this objective, the Licensing Authority will concern itself with the physical safety and wellbeing of the people who use licensed premises, and those who may be affected by the use of licensed premises (e.g. non-customers who happen to be

in the immediate vicinity of the premises). This will include measures that seek to prevent accidents, injuries and short- or long-term illnesses to staff, customers, or other persons.

- 10.2 The Licensing Authority will have regard to the measures to be taken by applicants to ensure that the physical safety of any person visiting or working in licensed premises is not compromised. This should be demonstrated in an applicant's operating schedule. Factors that may be considered include, but are not limited to:
- The total occupancy capacity (staff, customers, others) of the premises
  - Physical environment of the premises
  - Customer profile
  - Traffic management including access for emergency vehicles
  - Crowd management
  - Special arrangements for large events
  - Use of special effects
  - Lighting – emergency and general
  - Temporary electrical installations
- 10.3 There are several regulatory regimes concerned with public safety, and the Licensing Authority will seek to avoid duplication as much as possible. In particular, the Licensing Authority recognises that the Regulatory Reform (Fire Safety) Order 2005 replaced the previous fire safety legislation. Accordingly, the Authority will not seek to impose the fire safety conditions on a licence/certificate where the Order applies.
- 10.4 However, where representations are made by responsible authorities responsible for enforcing these regimes concerning the failure of a licence-holder to adhere to or comply with another regime, then the Licensing Authority may consider whether this is indicative of a wider systemic failure on the part of the licence-holder to promote the licensing objectives.
- 10.5 It is recognised that special issues may arise in connection with outdoor and large-scale events. Risk assessments must be used to assess whether any measures are necessary in the individual circumstances of any premises.

## **11 Prevention of Public Nuisance**

- 11.1 The Licensing Authority will interpret the term 'public nuisance' widely as advised in the Secretary of State's guidance. When considering this objective, the Authority will consider issues relating to noise, vibration, light, litter, offensive odours and anti-social behaviour arising from or in connection with the provision of licensable activities. Public nuisance can be at a low level only affecting a few people locally, as well as a major disturbance affecting the wider community.
- 11.2 This objective does not mean the complete prevention of all the above issues, but rather the prevention of such unreasonable levels of these as would constitute a nuisance to the public or a section thereof. A degree of noise, for example, is an inevitable consequence of the provision of most forms of regulated entertainment. The Licensing Authority will therefore seek to exercise its powers in a way which promotes the licensing objective, to

discourage and eliminate the carrying on of licensable activities in a way that causes unreasonable inconvenience, upset or distress to others.

- 11.3 The Authority would expect applicants to have demonstrated in their operating schedule that public nuisance concerns have been identified, with suitable control measures implemented and maintained. Factors that may be considered include, but are not limited to:
- The location of the premises and proximity to residential and other noise sensitive premises.
  - The hours of opening, including times when licensable activities may not be taking place, last admission time and 'wind down period'
  - Nature of activities provided
  - Supervision of customers including managing dispersal
  - Odour and light nuisance
  - Litter and waste disposal
  - The location of delivery and collection areas and delivery/collection times
  - Noise management plan (where appropriate)
- 11.4 Steps that can be taken to minimize public nuisance include those to:
- Prevent noise and vibration escaping from the premises, including music, noise from ventilation equipment, and human voices. This may include the installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices;
  - Prevent disturbance by customers and staff arriving at or leaving the premises;
  - Prevent queuing (either by pedestrian or vehicular traffic);
  - Help ensure patrons and staff leave the premises quietly;
  - Minimise the effect of parking by patrons on local residents;
  - Minimise noise from the use of smoking shelters, gardens, and other open-air areas.
- 11.5 The lists above are not exhaustive and the Licensing Authority remains aware of its obligation to consider each case on its merits.
- 11.6 The Authority notes that, as with other licensing objectives, other regulatory regimes exist which may be used to control nuisance. The Environmental Protection Act 1990 in particular allows Environmental Health officers to require the abatement of a statutory nuisance, and this would be considered the primary control for such issues. However, the Licensing Authority notes that this regime is largely reactive, whereas licensing may be used to establish proactive controls, preventing a nuisance from reaching a statutory level in the first instance. Applicants should also note Environmental Health is one of those bodies that may apply for a review of an existing licence.
- 11.7 Nuisance may arise directly because of licensable activities (for example, noise from music), or indirectly (noise from customers at the premises). Applicants and licence-holders are strongly encouraged to consider all sources of nuisance when compiling operating schedules, and to implement appropriate measures for the promotion of this objective. For many types of nuisance, this process will begin in the initial design stages prior to the construction or redevelopment of premises. The Council's Environmental Health officers may be consulted for informal advice, prior to the making of a licence application, on

proposed measures likely to reduce or prevent the likelihood of public nuisance arising from the operation of licensed premises.

- 11.8 The Licensing Authority will have regard to best practice guidance when considering this licensing objective, including but not limited to<sup>7</sup>:
- Guidelines on Community Noise (World Health Organisation)
  - Effective Management of Noise from Licensed Premises (British Beer and Pub Association)
  - Code of Practice on Environmental Noise Control at Concerts (Noise Council)
- 11.9 Where premises which are the subject of licensing applications involving amplified musical entertainment beyond 11pm are near residential properties, the Licensing Authority will require a comprehensive operating schedule listing measures that the applicant intends to implement to ensure the promotion of this licensing objective.
- 11.10 The Licensing Authority will also pay close regard to premises near to residential property proposing or permitted to trade after 11pm, where the premises includes one or more external areas for use by customers (for example, beer gardens, external dining areas, or smoking areas), as use of such areas by customers has the potential to lead to a public nuisance if not tightly controlled. Applicants are required to include measures within their operating schedule setting out how they intend to control the use of such areas, in order to promote this licensing objective.

## **12 Protection of children from harm**

- 12.1 The Licensing Authority is aware that this objective relates primarily to preventing children from being exposed to or permitted to access age- restricted products, such as alcohol; or age-restricted services, such as films with content deemed suitable only for adults or relevant entertainment of a sexual nature. Considerations relating to the physical safety and welfare of children will also be considered as part of any action the Authority takes to promote the public safety objective.
- 12.2 The Authority recognises the great variety of premises for which licences may be sought and the benefits and risks these may bring. The Authority will only restrict access by children to any premises where it considers it appropriate to do so in order to protect them from harm.

<sup>7</sup> See Appendix 3 – Useful resources

- 12.3 There is no reason children should not be admitted to responsibly- run, family-oriented licensed premises (for example, restaurants, theatres, cinemas (showing age-appropriate films), supermarkets, community premises, etc.), when accompanied by a suitable adult, such as a parent or guardian, and the Act allows for this. However, it is an offence under the Act:
- To admit children to exhibitions of films where a premises holds a licence permitting such regulated entertainment, if they are below the minimum age recommended by the Licensing Authority or a film classification body,

- To allow unaccompanied children under the age of 16 to be present at premises being used exclusively or primarily for the supply of alcohol for consumption on those premises, or
- To allow unaccompanied children under 16 to be present between midnight and 5 a.m. at licensed premises supplying alcohol for consumption on the premises.

12.4 When deciding whether to limit the access of children, the Licensing Authority will judge each application on its individual merits. Examples which may give rise to concern in respect of children would include premises:

- Where entertainment or services of an adult or sexual nature are commonly provided.
- Where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking.
- Where there is a strong element of gambling on the premises (but not, for example the simple presence of a small number of gaming machines).
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- Where other concerns relating to this objective have arisen.

12.5 Where possible the Authority will avoid completely prohibiting access by children but that can be a choice for the licensee. Alternative options include:

- Limits on the hours when children may be present.
- Limits or exclusions on children when particular activities are taking place.
- Limited access to parts of premises.
- Full exclusion of under-18s from the premises when any licensable activities are taking place.

12.6 Where a large number of children are likely to be present at licensed premises, the Licensing Authority will expect an appropriate number of suitably trained adult staff to be present, to control access and egress of children, and ensure their safety and protection from harm.

12.7 Even if the age restrictions mentioned above do not apply and the Licensing Authority has not attached conditions restricting access by children, there is still no obligation for licence-holders to admit children to their premises. Ultimately access to premises will remain at the discretion of the licence-holder, who may choose to adopt any reasonable admission policy. On that point a licensee is within their rights to have a no under 18 policy and this would not be seen as age discrimination.

12.8 Child sexual exploitation is a significant concern for licensing authorities nationwide, as reflected by several high-profile reported cases which directly involved licensed premises. Where the operation of licensed premises is causally or demonstrably linked to child sexual exploitation, the Licensing Authority will not hesitate to use the full range of powers at its disposal to promote this licensing objective and mitigate risk.

## 13 Stakeholder Engagement and Representations

### 13.1 The basis of decision making.

13.1.1 The process for making decisions on licensed premises applications is governed by the Licensing Act 2003 and associated regulations. Unlike other ways in which the Local Authority determines applications, for example planning applications, there is a presumption in licensing law that if:

- the licensing authority receives a valid application *and*
- the application is properly advertised *and*
- there is no objection raised by any responsible authority within the statutory consultation period *and*
- there is no objection raised by any responsible authority within the statutory consultation period *and*
- on the first day after the statutory consultation closed, the licence is **automatically** granted as applied for, that is, without any variation or condition

It is within this context that the Council will do its utmost to facilitate those wishing to make representations to do so in the most effective way and within the statutory consultation period. In addition to the legal responsibilities, we will notify any town and or parish council and our respective councillors.

### 13.2 How responsible authorities can make their views known

13.2.1 The Council strongly encourages the responsible authorities listed in table below to engage in the consultation process regarding applications (for new, and variations to existing, premises licences a club premises certificates) and raise any points as representations to the Licensing Authority. This may include submitting an objection.

Responsible authorities	Made aware by
<ul style="list-style-type: none"> <li>• Licensing Authority – Uttlesford Council</li> <li>• Essex Police</li> <li>• Environmental Health – Uttlesford Council</li> <li>• Planning Service – Uttlesford Council</li> <li>• Fire Authority – Essex Fire &amp; Rescue Service</li> <li>• Essex Safeguarding Children Board</li> <li>• Trading Standards – Essex County Council</li> <li>• Home Office – Alcohol Licensing Team</li> <li>• Public Health – Essex County Council</li> <li>• Health and Safety Executive</li> </ul> <p><i>(only need to be consulted if they are the enforcing authority for Health and Safety at the premises)</i></p>	<ul style="list-style-type: none"> <li>• Applicant will submit copies of application documents directly to them at the same time as the documents are sent to the licensing authority; or</li> <li>• In the case of applications made online through the licensing portal, the council’s licensing team will send the application documents electronically to the responsible authorities upon receipt</li> </ul>

13.2.2 Evidence-based representations provide the Council, when acting as the Licensing Authority deciding on applications, with the best means of assessing the merits, or otherwise, of applications under consideration.

13.2.3 While the type of representation and level of evidence will vary on a case- by-case basis, best practice would suggest representations should include wherever possible:

- Whether the representation is for or against the application.
- Reference to concerns over the undermining or potential undermining of the Licensing Objectives (as determined by legislation as listed in this document).
- Evidence to support the above.

13.2.4 The Council encourages all responsible authorities to engage with applicants at the pre-application stage and give advice to assist applicants to amend their proposals to accommodate the issues raised and thus avoid the responsible authority needing to make an objection. Whether the responsible authority engages or not, and whether the applicant works with the responsible authority, does not fetter the responsible authority's discretion over whether to object to an application. If an objection has been received, the Licensing Authority will wish to see efforts or continued efforts on the part of both the applicant and the responsible authority to accommodate the concerns raised.

### 13.3 Temporary Event Notice (TEN)

13.3.1 The Police and the Council's Environmental Health team are the only responsible authorities the law requires to be notified of and have the right to object to Temporary Event Notices (TENs). They have an ability to assist the Licensing Authority by making appropriate objections during the consultation period following submission of a TEN.

13.3.2 The format and content of objections are not defined in legislation or guidance. It would assist the Licensing Authority in their decision making if responsible authorities could include in their submissions as much of the following information as possible in support of their position:

- A commentary on past events at the venue / event.
- Any evidence of breaches of relevant statutory requirements.
- A summary of complaints, if any, from the public concerning the premises.

### 13.4 How members of the public can make their views known

13.4.1 In order to make informed decisions, the Council is keen to hear from those with a view on a particular application (for new, and variations to existing, premises licences or a club premises certificates).

<b>“Other persons” includes</b>	<b>Made aware by</b>
<ul style="list-style-type: none"> <li>• People who live or work near licensed premises.</li> <li>• Any company, charity, community organisation or similar body.</li> <li>• Any other person regardless of whether they live or work in the vicinity.</li> </ul>	<ul style="list-style-type: none"> <li>• Written notices will be put up by the applicant (in a statutorily prescribed format), attached to or near the premises concerned and displayed for not less than 28 days and visible 24 hours per day<sup>8</sup></li> <li>• A public notice (in a statutorily prescribed format) submitted by the applicant will be published in a locally circulated newspaper</li> <li>• A public notice of application will be displayed on the Council’s website<sup>9</sup></li> </ul>

13.4.2 As noted in the table above, the legislation and guidance dictate that members of the public have a specific time period during which to raise issues. This will be strictly observed.

13.4.3 Of note, the Licensing Act 2003 established a very prescriptive procedure for the way in which applications are made and determined:

- The requirements concerning advertising of applications are set out in the Licensing Act 2003 (Premises Licences and Club Premises Certificates Regulations) 2005.
- Regulation 25 provides that the applicant shall advertise the application (new application or variation of an existing licence) for a period of no less than 28 consecutive days starting on the day after the day on which the application was given to the relevant licensing authority by displaying a notice that complies with prescribed requirements.
- The applicant must also publish at least once, within 10 working days of making the application, a notice in a local newsletter or similar document circulating in the vicinity of the premises.
- These Regulations dictate the consultation period during which members of the public can raise issues or concerns.
- The Regulations oblige the Council, as the Licensing Authority, to also advertise the application on its website for a period of no less than 28 consecutive days starting on the day after the day on which the application was given. The content of the notice is like that of the notice posted upon the premises.

13.4.4 The Council will do its utmost to ensure anyone wishing to make a representation is aware of the 28-day window for responding and the vital importance of this given that, unfortunately, the Council cannot vary this time period.

<sup>7</sup> Applications for minor variations only require a notice at the premises and it only needs to be displayed for 14 days.

<sup>8</sup> [Licensing consultations - Uttlesford District Council](#)

13.4.5 Within the relevant legislation, regulations and case law discussed above, the Council will strive to facilitate resident engagement, including emphasizing the consultation window. The Council will:

- Encourage applicants to hold informal discussions with local residents and businesses, the responsible authorities, Town Councils, Parish Councils and others prior to submitting formal licence applications.
- ensure applicants meet their statutory obligations to publicise their applications; advertising in a local newspaper and posting a notice at or near the premises – when such notices are not visible 24 hours per day, are removed or become defaced the Council will require them to be replaced and if appropriate the consultation time period to be restarted.
- Advertise applications for new or variation to existing licences or certificates on the Council's website.
- Alert ward members and parish/town councils of applications in their areas to enable them to discuss matters with residents should they wish.

13.4.6 When deciding on applications, it would be particularly helpful if members of the public making representations could provide the following information:

- Whether the representation is for or against the application.
- Specific reference to concerns over the undermining or potential undermining of the Licensing Objectives (as determined by legislation and listed in the Council's Statement Licensing Policy).
- Evidence to support the above.

13.5 How comments made by members of the public affect the decision making process.

13.5.1 Providing that any comments made by from members of the public are relevant (this term is explained below) and are received by the Council within the consultation period, they will be included in the decision-making process. Thus, comments from members of the public have a significant role to play. The Council will share comments with other responsible authorities where the comments relate to that authority's remit. This will:

- Provide information which the responsible authority can draw on when considering what representations, if any, it wishes to make.
- Assist the responsible authority in determining what conditions, if any, it would wish to see attached to a grant approval.
- Enable the responsible authority to assess whether it needs to make and further determination. Carry out any further investigations itself.

13.5.2 The Council will share comments with the applicant as required by law. This will:

- Assist the applicant to better understand how the proposal could impact on local people.
- Enable the applicant to make amendments to, or withdraw, the application to mitigate or allay concerns raised.
- Provide the applicant with the opportunity to better explain what is proposed and/or address any misunderstandings; which may mitigate or allay the concerns.

- 13.5.3 To be a valid representation then the person making the representation must be clearly identifiable and give their address. The representation must be 'relevant' and must not be 'vexatious' or 'frivolous'.
- 13.5.4 A representation is 'relevant' if it is argued that the granting of the licence would be likely to have a negative impact on at least one of the licensing objectives:
- **The prevention of crime and disorder**
  - **Public Safety**
  - **The prevention of public nuisance**
  - **The protection of children from harm**
- 13.5.5 So, for example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant as prevention of a detrimental impact on other commercial premises is not one of the four licensing objectives.
- 13.5.6 The Council has a policy that deals with abusive, persistent or vexatious complaints<sup>1</sup>.
- 13.5.7 A representation may be considered 'vexatious' if it appears intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses. 'Frivolous' representations are essentially those lacking seriousness. Frivolous representations could concern issues which are, at most, minor and/or for which no remedial steps would be warranted or proportionate.
- 13.5.8 Any person who is aggrieved by a rejection of their representations as either vexatious or frivolous may lodge a complaint through the Council's corporate complaints procedure<sup>2</sup>. A person may also challenge the Authority's decision by way of appeal to the magistrates Court or judicial review.
- 13.5.9 Where at all possible, the Council will assist in enabling the applicant and those making representations to find common ground thus mitigating or removing the concerns raised. As stated above, however, the timescale for this is extremely tight. If the issues raised by members of the public cannot be mitigated by the applicant through informal discussion, nor allayed to the satisfaction of the responsible authorities, then the Council will, within 20 working days of the close of the consultation, hold a public hearing of the Licensing Committee, or a Sub-Committee, to consider and determine the contested application. This also applies to contested applications for variations to a licence or a review of a licence.
- 13.5.10 At the hearing, all responsible authorities and other persons who have made valid representations will be entitled to attend and make their representations in person. Those who have made representation do not have to attend and all valid representations whether made in person or in writing will be considered.
- 13.5.11 The Council's Licensing Committee, or a Sub-Committee of this Committee, will consider the oral and written evidence before them.

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<sup>1</sup><https://www.uttlesford.gov.uk/article/6312/Abusive-persistent-or-vexatious-complaints-policy>

<sup>2</sup>[Compliments, suggestions and complaints frequently asked questions - Uttlesford District Council](#)

13.5.12 In determining the weight to place on the evidence before the members of the Committee will consider how the application supports or otherwise affects the licensing objectives engaged by the representations.

13.5.13 These four objectives underpin the Council's Statement of Licensing Policy.

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

13.5.14 The Licensing Committee, or Sub-Committee, will generally give its determination on the day of the hearing. However, regulations allow the authority to make its determination within a maximum period of five working days beginning on the last day on which the hearing was held.

## **14 Monitoring of the licensing function**

14.1 The Police, Fire Authority and other responsible authorities will be encouraged to report to the Council annually on the operation of the licensing function.

14.2 Once a licence is granted, the Council will send out an invoice each subsequent anniversary for the payment of the annual licensing fee. Those premises that do not pay this fee may have their licence suspended.

## **15 Administration, exercise and delegation of power**

15.1 The Licensing and Environmental Health Committee will consist of between ten and fifteen Councillors that will usually meet three times per year, but at least annually. The Council will review this Policy at least every 5 years. Any substantive changes to the Policy will include a full consultation.

15.2 Panels(s) of three Councillors will determine applications where representations have been received from responsible authorities or other parties. Ward Councillors will not serve on a Panel involving an application within their own ward.

15.3 The Licensing and Environmental Health Committee also deals with other licensing matters not associated with the Licensing Act 2003.

15.4 Where a Councillor has had direct involvement in the affairs of premises before them, in the interests of good governance they will disqualify themselves from any involvement in the decision-making process for that application.

15.5 A Panel may refer any matter it is unable to deal with, because of the number of its members who are unable to take part in the consideration or discussion or vote on any question, to the full Licensing and Environmental Health Committee.

- 15.6 Each decision of the Licensing and Environmental Health Committee or its Panels(s) shall be accompanied with clear reasons for the decision. A summary of the decision will be sent to the applicant and all other parties.
- 15.7 The Licensing and Environmental Health Committee takes seriously its obligations under other legislation for example the Equalities Act 2010 and the Human Rights Act 1998. However, this is without prejudice to the right of premises to operate a strict no under 18s rule should they so choose.
- 15.8 The Council's authorised officers will deal with all other licence applications where either no representation has been received, or where representations have been received and it is agreed by all the parties that a hearing is not necessary.
- 15.9 Council officers will make the decisions on whether representations or applications for licence reviews should be referred to Members for a decision(s) and whether representations are frivolous, vexatious, or repetitious. Where representations are rejected, the person making that representation will be given written reasons why that is the case.
- 15.10 The Council will seek to integrate the Licensing function with its various other strategies and policies to promote the licensing objectives through utilizing the collaborative and partnership working arrangements and networks that engage with responsible authorities, other parties, and other key stakeholders.
- 15.11 A table explaining delegation for the Council is available in Appendix 6.

## **16 Enforcement and Inspection**

- 16.1 Licensing Authorities are required to state the principles to be applied by the Authority in exercising enforcement functions under the Act, both in terms of the inspection of premises and in instituting criminal proceedings in respect of specified offences.
- 16.2 The Licensing Authority will be led by the Statutory Guidance in respect of the inspection of premises and the powers to institute criminal proceedings, and will endeavour to ensure that enforcement and compliance actions are:
- **Proportionate:** regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
  - **Accountable:** regulators must be able to justify decisions, and be subject to public scrutiny;
  - **Consistent:** rules and standards must be joined up and implemented fairly;
  - **Transparent:** regulators should be open, and keep regulations simple and user friendly;
  - **Targeted:** regulation should be focused on the problem and minimize side effects.
- 16.3 The Council's enforcement action needs to be targeted. Decisions about which premises to investigate will be:
- Reactive – based on a specific complaint or resulting from intelligence from partner

organisations that strongly suggests a breach of the licence has occurred/is ongoing; and/or

- Proactive – this may take the form of one-off or periodic inspections based on previous complaints or intelligence.

16.4 The Licensing Authority may arrange for the inspection of premises, both licensed and otherwise, in response to specific complaints about those premises and the provision of unauthorized licensable activities therein. The Licensing Authority may also, from time to time, arrange a programme of risk-based inspections of licensed premises, consistent with the principles expressed throughout this document. Should officers witness offences or breaches of an authorization during an inspection, appropriate action will be taken.

During its inspections, the Licensing Authority may refer to any other agency any evidence or intelligence gathered that appears to it to be contravention of the legislation enforced by that agency. Equally, where a premises user appears unaware of a requirement that is outside of the Licensing Authority's remit officers will do their best to signpost them to the appropriate authority.

16.5 Where possible a graduated response will be taken where contraventions of legislation are found or where conditions have been contravened. For instance, an isolated administrative offence, such as failing to maintain records, may be dealt with by a written warning whilst a more serious offence, which has either been committed over a period of time or which jeopardizes public safety, may result in a referral for prosecution.

16.6 The Licensing Authority will keep itself informed of developments as regards the work of the Better Regulation Delivery Office (BRDO) in its consideration of the regulatory functions of Local Authorities.

16.7 The Licensing Authority shall also have regard to any corporate enforcement policy published by Uttlesford District Council.

16.8 Where the power to make representations or initiate reviews on behalf of the Licensing Authority is utilized, proper separation of functions will be ensured by having different officers conduct the distinct functions (for example, if a licensing enforcement officer makes a representation, they will not be involved in the administration of the application itself).

16.9 Several licence-holders with multiple outlets have formed primary authority partnerships, under which they receive 'assured advice' from a single local authority in respect of one or more regulated aspects of their business – for example, preventing underage sales of age-restricted products. Where we have concerns around a premises whose operator has formed a primary authority partnership relevant to the issue in question, we will consult with the primary authority prior to taking any formal action.

- 16.10 Results of enforcement or investigation will be made available to responsible authorities who may wish to include this evidence in a Review of a premises licence or club premises certificate.
- 16.11 When applications are received that have a statutory requirement for consultation, officers will check that notices are correctly displayed in compliance with the requirements of the legislation.

## **17 Raising concerns about licensed premises**

- 17.1 Given the Council's desire to be as responsive as possible to concerns, it is likely that most enforcement action will be reactive. It is therefore paramount that individuals, organisations, and other authorities report incidents and concerns about specific licensed premises when they arise so that timely investigation and intelligence gathering can take place.
- 17.2 Wherever possible, the Council would expect such concerns to be raised with the Premises Licence Holder or Designated Premises Supervisor in the first instance. Often, the business may not have realized that its operation is causing nuisance or problems and raising the issue is sufficient to ensure a prompt and adequate remedy.
- 17.3 Complaints can be made directly to Licensing Enforcement Officers at: [licensingenforcement@uttlesford.gov.uk](mailto:licensingenforcement@uttlesford.gov.uk)

## **18 Dealing with Complaints**

- 18.1 In all instances, complaints received about licensed premises, events and activities will be recorded.
- 18.2 If raising concerns directly with a premises does not remedy the situation or is not appropriate, the Council may become involved. In such circumstances, the Council may:
- Arrange meetings between various parties, including members of the public if appropriate, to jointly explore how best to remedy the situation.
  - Direct the Premises Licence Holder or Designated Premises Supervisor, business owner or occupier, as appropriate, to take action. This could take the form of issuing advice and guidance or may be more directive, for example, though not limited to, requiring specific remedies for noise nuisance or imposing variations to the conditions of the licence via a review.
  - Visit the premises in an attempt to witness the problem directly.
- 18.3 Sometimes, issues may arise within an area or on a particular street where it is not clear which establishment(s) is causing the issues. It can be the case that an issue arises from the interaction of venues and patrons purely because of the geographical proximity, for

example, a pub or club, late night food take-away and/or taxi ranks all located in close proximity may encourage concentrations of noise and/or other nuisance.

- 18.4 In the short-to-medium term, in such circumstances Council officers will seek to identify which establishment(s) is/are causing the issues and then make appropriate interventions.
- 18.5 In the longer term, the Council, in its wider capacity recognises it has a role to play with partners in identifying, addressing, mitigating and if at all possible designing-out the types of nuisance that can arise from the night time economy.

## 19 Partners' roles in enforcement activities

- 19.1 Enforcement activity may be undertaken by one or more of the responsible authorities acting independently, depending upon the extent to which the issue in question relates to their jurisdiction.
- 19.2 The statutory guidance issued to Licensing Authorities by the Home Office under section 182 of the Licensing Act 2003 (last amended in 2022) states at para 9.15:  
*"It is also reasonable for licensing authorities to expect that other responsible authorities should intervene where the basis for the intervention falls within the remit of that other responsible authority. For example, the police should make representations where the representations are based on concerns about crime and disorder. Likewise, it is reasonable to expect the local authority exercising environmental health functions to make representations where there are concerns about noise nuisance. Each responsible authority has equal standing under the 2003 Act and may act independently without waiting for representations from any other responsible authority".*
- 19.3 On that basis the lead authorities would be:
- **Crime and disorder** – Essex Police
  - **Noise and other nuisance** – Uttlesford Council as Environmental Health
  - **Public safety issues** – Uttlesford Council as Environmental Health; Essex County Council as Fire Authority
  - **Prevention of children from harm** - Essex Police; Essex County Council as Social Services and Education Authority.
- 19.4 Where the issues are wider, enforcement may be taken by the responsible authorities working together in partnership. The Council is committed to partnership working. This could involve, for example:
- Sharing intelligence, joint monitoring visits and intervention meetings with licence holders.
  - Bringing forward a review of the licence for an individual licensed premises.
  - Seeking changes to the Uttlesford Council's Statement of Licensing Policy based on the evidence for, and articulation of, particular amendments.

## 20 Reviews

- 20.1 A Responsible Authority or any other person can, at any time following the grant of a premises licence or club premises certificate, apply to the Licensing Authority to review the licence/certificate because of concerns arising out of activities at the premises which may have an adverse impact on any of the licensing objectives. The Authority regards this as a valuable protection for residents and businesses. Applications for a review must be made in writing and will be considered by a Licensing Panel at a hearing.
- 20.2 It is important to recognise that the promotion of the licensing objectives relies heavily on a partnership between licence holders, authorised persons, local residents or businesses and responsible authorities in pursuit of common aims. It is therefore equally important that reviews are not used to drive a wedge between these groups in a way that would undermine the benefits of co-operation.
- 20.3 Responsible authorities are encouraged to give an early warning of concerns about problems identified at the premises concerned and of the need for improvement to the operators, although it is recognised this is not always practicable or desirable. It is expected that a failure to respond to such warnings would lead to a decision to request a review.
- 20.4 Similarly, those persons other than responsible authorities who are seeking a review are encouraged to take initial steps such as:
- Asking the Licensing Authority to liaise with the licence/certificate holder on their behalf.
  - Asking their local MP or Councillor to speak to the licence/certificate holder on their behalf.
  - Talking to the relevant responsible authority to establish whether there is other action that can be taken to resolve the problem.
- 20.5 The law expects that any party making an application for a licence to be reviewed will prove the facts that they are relying on to support their allegations on the balance of probabilities, that it is more likely than not that the circumstances being complained of did occur. Because of the potentially serious consequences to a licence holder following a licence review, anecdotal or hearsay evidence will **not** be sufficient.
- 20.6 Any application for review submitted by a person other than a responsible authority must be relevant to one or more of the four licensing objectives, and must not be considered frivolous, vexatious or repetitious. The Council will generally not permit more than one review originating from a person other than a responsible authority in relation to a particular premises within a 12 month period on the grounds of repetitiveness save in compelling circumstances or where it arises following a closure order or illegal working compliance order. Following a review, the Authority will focus any remedial action directly on the concerns identified in the representations. In all cases, action will be appropriate, reasonable, and proportionate to the nature of the problems giving rise to the review. Options available are:
- To modify the conditions of the premises licence
  - To exclude a licensable activity from the scope of the licence
  - To remove the designated premises supervisor

- Suspend the licence for a period not exceeding three months
- Revoke the licence
- Take no action

- 20.7 The Licensing Authority we will offer the same level of support and guidance to those wishing to apply for the review of a licence as we would to those seeking to apply for a new licence.
- 20.8 Officers providing such support will have no involvement in the review process.

## 21 Appeals

- 21.1 Where the Licensing Authority's discretion has been engaged and a decision reached on a particular application, any party to the proceedings (including residents) aggrieved by a licensing decision is (in most cases) entitled to appeal to the Magistrates Court within 21 days of the receiving the decision notice. There is no power to extend this period by agreement.
- 21.2 Where there is a right of appeal the relevant parties will be notified of this right when they are issued with the decision notice. The Council has the right to defend its decision, as do other interested parties, and its normal approach is to fully recover its costs of so doing from an unsuccessful applicant.

## 22 Operating Schedules

- 22.1 Steps to promote the licensing objectives<sup>10</sup>

*'In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Licensing authorities and responsible authorities are expected to publish information about what is meant by the promotion of the licensing objectives and to ensure that applicants can readily access advice about these matters. However, applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application.*

*Applicants are expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives.*

<sup>10</sup> Revised guidance under s 182 Licensing Act 2003 issued Dec 2022, 8.41 – 8.45, [Revised Guidance issued under section 182 of the Licensing Act 2003 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1064442/Revised-Guidance-issued-under-section-182-of-the-Licensing-Act-2003.pdf)

*That they understand:*

- *the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;*
- *any risk posed to the local area by the applicants' proposed licensable activities; and any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.*

*Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy. It should be noted that the Council does not currently have a cumulative impact policy.*

*It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application.*

*The majority of the information which applicants will require should be available in the licensing policy statement in the area. Other publicly available sources which may be of use to applicants include:*

- *the Crime Mapping website;*
- *Neighbourhood Statistics websites;*
- *websites or publications by local responsible authorities;*
- *websites or publications by local voluntary schemes and initiatives; and*
- *on-line mapping tools. ‘*

22.2 Applicants are expected to write an operating schedule that shows how they will promote the licensing objectives. The operating schedule will be used as a basis for licence conditions for the individual premises.

## 23 Conditions

- 23.1 Licensing is about the regulation of licensed premises, qualifying members' clubs, and temporary events. We may only impose conditions on premises licences and club premises certificates in two circumstances:
- (1) Where the applicant volunteers them as part of their operating schedule; and/or
  - (2) On receipt of relevant representations from potentially affected parties, or responsible authorities.
- 23.2 Where applicants volunteer conditions as part of their operating schedule our officers will draft appropriate conditions for premises licence and club registration certificates which reflect the intention of the applicant. This will be completed in line with the requirements at 23.5.
- 23.3 We have produced a pool of model conditions for premises licences and club premises certificates which are available at Appendix 5 of this document. Applicants are under no obligation to use these when preparing their operating schedules, but doing so may reduce the likelihood of representations being made about the application. Should relevant representations be received, we may use conditions from the pool to address the concerns raised.
- 23.4 Conditions attached to premises licences or club premises certificates will be appropriate, reasonable, proportionate, and relevant and will be focused on matters within the control of the individual licence-holders and others granted relevant permissions. Conditions will be tailored to the style and characteristics of the individual premises. These matters will centre on the premises and places being used for licensable activities and have regard to the vicinity of those premises or places.
- 23.5 Conditions attached to licences and certificates should:
- be appropriate for the promotion of the licensing objectives;
  - be precise and enforceable;
  - be unambiguous and clear in what they intend to achieve;
  - not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
  - be tailored to the individual type, location and characteristics of the premises and events concerned;
  - not be standardized, as it may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
  - not replicate offences set out in the 2003 Act or other legislation;
  - be proportionate, justifiable and be capable of being met, (for example, whilst beer glasses may be available in toughened glass, wine glasses may not);
  - not seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and be written in a prescriptive format.

23.6 Where we have discretion because relevant representations have been made about licensing applications, we may also consider the following factors to fulfil our vision:

- (1) what contribution the application can make to creating a diverse offering, specifically in terms of offer to a wide-range of customers; family-friendly policies and facilities; operating hours; and pricing;
- (2) entertainment aimed at different age groups;
- (3) links with other activities in the town, to encourage day-time users to stay in the evening;
- (4) provision of a full food menu and not only alcohol;
- (5) transport/dispersal provision, particularly during periods when public transport is unavailable;
- (6) style and type of venue. The licensing authority wants to attract only high-quality operators who can provide a safe and professional environment, characterised by a range of activities, and offers that would appeal to individuals of all backgrounds. This type of offering may (but need not) be characterised by:
  - a range of alcoholic and soft drinks suitable for all ages;
  - a food menu, including healthy options which caters for different tastes and needs, available throughout the duration of the premises' operating times;
  - facilities suitable for assisting customers with young children, such as high-chairs and baby-changing facilities, and facilities for family groups such as suitably laid-out seating/table areas;
  - a range of activities or entertainment that appeals to a range of age groups, whether provided at the same time or at separate times.
- (7) involvement in local community events and organisations
- (8) commitment to involvement in Community Safety Partnership (CSP) initiatives
- (9) use of pavement licences for outdoor table areas

23.7 Licence holders must ensure that they and their premises comply with any conditions attached to a licence while licensable activities are taking place, otherwise they commit an offence and risk review of their licence and/or prosecute if appropriate.

## **24 Special Licensing Policies**

24.1 There are several types of special licensing policy which a Licensing Authority is entitled to adopt, to help it regulate the provision of licensable activities within its area.

24.2 Cumulative Impact

24.2.1 Cumulative impact is the term used to describe the impact, potential or actual, of a large number of licensed premises concentrated in a single locality. In terms of the licensing objectives, this may be evidenced by an

increase in incidents of crime, disorder, or public nuisance, over and above the impact of the individual premises themselves.

- 24.2.2 The cumulative impact of licensed premises on the promotion of any of the licensing objectives is a matter that the Licensing Authority can consider in determining its Licensing Policy. This should not, however, be confused with any question of 'need' which relates to the commercial demand for a particular type of premises (for example, a pub, restaurant, or hotel). The issue of 'need' is a matter for market forces to influence and for the planning authority to regulate, and if appropriate for magistrates to give weight and so does not form part of this Policy statement.
- 24.2.3 The Licensing Authority will, where appropriate, and having received relevant representations, consider the cumulative effect that the existence of a concentration of premises in one area may have. A concentration of licensed premises can attract customers to the area to such a degree that it has an adverse impact on the surrounding area beyond the control of individual licence holders.
- 24.2.4 The Licensing Authority notes that, in accordance with the Guidance, it may adopt a special policy in response to a cumulative impact issue in a defined area. Consideration of such a policy may be prompted by submissions from responsible authorities or other persons, evidenced appropriately and linked to one or more of the licensing objectives. Where such a policy has been adopted, the issue of cumulative impact can be taken into account when considering the individual merits of any application within the area defined within that policy.
- 24.2.5 Where the cumulative effect of many licensed premises within an area gives rise to problems of public disorder and nuisance in the surrounding area the Licensing Authority may consider it inappropriate for any further licensed premises to be established in the area and/or capacities to be increased. In these circumstances, and where suitable and sufficient evidence is provided, the Licensing Authority will consider declaring a cumulative impact area.
- 24.2.6 Whilst the Licensing Authority does not believe it is necessary to implement a Cumulative Impact Policy for the period of 2023-28 there is an obligation to keep it under review during that period and make revisions where we consider it appropriate. If during the life of this document there is evidence and need to support a special policy anywhere within the district we will not hesitate to act.
- 24.2.7 If such a policy were adopted, it would not override the duty on the Licensing Authority to consider each application on its own merits. Such a policy would introduce a presumption of refusal of applications for new premises licences or variations of existing premises licences within a defined area except where the applicant can demonstrate that the grant would not negatively impact on the relevant licensing objectives (normally the Prevention of Crime and Disorder and Prevention of Public Nuisance).
- 24.2.8 The absence of a special policy does not prevent any responsible authority or other party making representations on an application for the grant of a licence

on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.

24.2.9 In coming to any decision about cumulative impact the Licensing Authority will have regard to other mechanisms outside of the licensing regime which may be available to address this issue.

24.2.10 When dealing with cumulative impact issues, the Licensing Authority recognises that, as well as licensing functions, there are a number of other mechanisms for addressing issues of nuisance, disorder and anti-social behaviour occurring away from licensed premises. These may include:

- Planning controls;
- measures to provide a safer and cleaner environment in partnership with local businesses, transport operators and other departments of the Council;
- the provision of CCTV surveillance in town centres, taxi ranks, street cleaning and litter patrols;
- powers for a local authority to protect public spaces from the effects of anti-social consumption of alcohol, enabling police and accredited persons to confiscate alcohol;
- enforcement of the law relating to disorder and anti-social behaviour, including the issue of fixed penalty notices or other sanctions under the Anti-Social Behaviour, Crime and Policing Act 2014;
- the prosecution of any personal licence holder or member of staff at licensed premises who is selling alcohol to children or people who are drunk;
- powers to close down instantly any premises or temporary event on grounds of disorder, the likelihood of disorder or noise emanating from premises causing a nuisance;
- the power for responsible authorities or other persons to apply for a review of a premises licence or club premises certificate; or
- other local initiatives that similarly address these problems.

### 24.3 Early morning alcohol restriction orders (EMARO's)

24.3.1 To promote the licensing objectives, a Licensing Authority may utilise powers under the Act to pass an early morning alcohol restriction order. Such an order would prohibit the sale of alcohol from any premises within an area defined in the order between specified times (which may extend from midnight until 6 a.m.) on specified days.

24.3.2 It is envisaged that this power will only be used in response to severe and recurring issues arising from the supply of alcohol in the night-time economy, such as high levels of alcohol-related crime and disorder in specific areas at specific times, which cannot be attributed to an individual premises. The Licensing Authority views this as a 'last resort' option, for use after other tools have been unsuccessful in remedying the issue.

24.3.3 At the present time, Uttlesford has not utilised the provisions of the Act to pass an early morning alcohol restriction order and has no current plans to do so.

Should this position change, full details will be published on our website and notified to all licensed premises that would be affected.

#### 24.4 Late night levy

24.4.1 Part 2 of the Police Reform and Social Responsibility Act 2011 introduced a new power for Licensing Authorities to establish a 'late night levy'. Licensed premises within the area of a Licensing Authority which has adopted such a requirement will be required to pay an additional annual fee if they are licensed to supply alcohol within a late-night period set by the Authority (generally between midnight and 6 a.m., although shorter periods are permissible).

24.4.2 Where a levy requirement has been adopted, the Licensing Authority will be responsible for the collection of the appropriate amounts from licence- holders. After deduction of administration costs, not less than 70% of the net proceeds of the levy must be paid by the Licensing Authority to the local Police force, which may be used (but is not required to be) to offset the costs incurred in policing the nighttime economy arising from the alcohol supplies permitted from affected licensed premises. The remaining amount may only be applied on purposes prescribed in Regulations, namely arrangements connected with the late-night supply of alcohol for one or more of the following functions:

- The reduction or prevention of crime and disorder
- The promotion of public safety
- The reduction or prevention of public nuisance
- The cleaning of any relevant highway or relevant land in its area.

24.4.3 At the time of writing, Uttlesford has not adopted the provisions of the 2011 Act relating to a late-night levy, nor is it currently intended to do so.

## 25 Public Health and Well-being

25.1 Uttlesford Council's Environmental Health services and the Licensing team already work closely together. The alignment of these different service areas, with appropriate policies and partnership support, work well for the benefits for residents.

25.2 The Police Reform and Social Responsibility Act 2011 made primary care trust's (PCT) or local health board's (LHB) a responsible authority under the Licensing Act 2003. Therefore, they can make representations against licence applications. Currently, unlike in Scotland, England does not have a fifth licensing objective relating to Public Health.

25.3 The Council has considered the potential role of Public Health within licensing and this Policy has considered the revised s.182 Guidance at length.

25.4 Uttlesford Council has taken the decision, with the full understanding and knowledge of the section 182 Revised Guidance and relevant legislation, to engage with Public Health as a central consideration in its decision-making process. As a result, where a relevant representation is made regarding the undermining of the licensing objectives, and that representation relates to public

health and well-being and is supported by evidence, that representation will be considered during the decision-making process.

- 25.5 This includes considering information about the impact of alcohol abuse upon wider Public Health issues, such as alcohol related illness and harms, and not just immediate impacts such as slips trips and falls from intoxication. The purpose of this is not to attempt to make Public Health the fifth licensing objective, rather using the ordinary definition of the licensing objectives to help address evidence-based alcohol related harms within our communities.
- 25.6 While recognising that evidence-based alcohol related harms are a key concern, the Licensing Authority also recognises that alcohol is just one, albeit significant, component of the recreational and late night economy with which the licensing regime is addressed. The Licensing Authority will approach any Public Health representation within the wide framework of the regime and not exclusively on health and well- being considerations.

## **26 Planning Permission**

- 26.1 While the development control and planning consent processes are separate jurisdictions to licensing decision making, there are notwithstanding links between them. The Council as a Planning Authority is a responsible authority under the Licensing Act 2003. Intelligence sharing and representations are routinely made between officers involved in processing applications under the two decision making regimes. The decision-making processes and enforcement criteria under each regime, however, are different so that action taken in response to particular circumstances involving a given venue may not be the same under both regimes.
- 26.2 As a named Responsible Authority under the Licensing Act 2003, the Planning Authority receives copies of premises licence applications. Where there is no planning consent for the use for which the licence is sought, Planning will be responsible for raising this with the applicant outside of the remit of this Policy, and ultimately for enforcement should the licence be granted. Where representations have been made by the Planning Authority on grounds that in order to promote the licensing objectives, some restriction in accordance with planning considerations might be needed on opening hours, the Licensing Authority will have regard to the need, to accord with planning control, for there to be restrictions on hours.
- 26.3 Any conflicts between a proposed premises licence operating schedule with existing planning conditions and permissions will in itself not prevent the grant of a licence. Whilst there will be an expectation from the Licensing Authority for the applicant to comply with any relevant planning conditions, any such breaches will be solely a matter for the Planning Authority to enforce under its separate system of regulatory control.
- 26.4 In many cases where an application is made for a new licence or variation, the planning use will already be authorised by a previous planning permission or

because the premises has a long-standing lawful use. Therefore, a new application for planning permission is often not required.

- 26.5 Another key route by which stakeholders can express their views is through the planning process, either when neighbourhood plans are being developed or when particular planning applications are considered. The mechanisms and procedures governing how interested parties can input to planning decisions is covered in the Council's planning policies: [www.uttlesford.gov.uk/planning](http://www.uttlesford.gov.uk/planning)

## **27 Festivals and Outdoor Events**

- 27.1 The Licensing Authority recognises the contribution that well-run outdoor events bring to local communities and is pleased to support events which are run in a manner that will promote the licensing objectives.
- 27.2 The organisation of outdoor events of any size is a significant undertaking, with a multitude of issues which must be taken into account. Licensing is only one aspect of the regulation and control of such events.
- 27.3 Generally, we would expect the organisers of all outdoor events to follow the advice contained in the "Purple Guide"<sup>1</sup> when planning their event. This document contains guidance written by and for the events industry in respect of safety and welfare aspects of event management, and replaced earlier guidance issued by the Health and Safety Executive.
- 27.4 For larger events taking place under the authority of premises licences, it is recommended that organisers consider engaging professional advice and assistance, particularly with regards to issues which may affect public safety.
- 27.5 The Authority will expect the organisers of any large events (taking place under the authority of a premises licence) or events which include special risk factors to consult the Uttlesford Safety Advisory Group (SAG) as part of the early stages of planning their event, and to implement any reasonable recommendations made by the group. The SAG is a multi-agency body, which includes representatives of the Licensing Authority, responsible authorities and other statutory bodies who are involved in the organisation and safe running of events. Whilst this is not mandatory the Council considers consultation with SAG as best practice for any large scale event.
- 28 Prior to applying for a licence, event organisers will need to secure permission from the appropriate landowner for the site on which they intend to hold their event. In the case of public land which the Council is responsible for managing, including parks and common land, approaches should be made to the Assets & Estates team within the Strategic Finance & Property service.

<sup>1</sup><https://www.thepurpleguide.co.uk/>

- 28.1 One of the major concerns arising from outdoor events is disturbance to local residents from noise associated with music entertainment at the event, or other noisy equipment such as generators, public announcement systems, fireworks, and so on. The Licensing Authority will expect to receive a comprehensive operating schedule from applicants, containing appropriate proposals to control such issues and promote the prevention of public nuisance licensing objective. Depending on the size and nature of the event it is likely this will need to include a comprehensive Event Management Plan (EMP) integrating a specific Noise Management Plan.
- 28.2 To mitigate these concerns as far as possible early engagement with those likely to be affected by an event is expected. Simply fulfilling the statutory obligation to advertise is likely to trigger representations and raise concerns more than if there has been early engagement. Please refer to the section of this Policy that deals with “Pre-application advice & engagement” for further details.
- 28.3 It is particularly important for organisers of festivals to consider the demographics of their clients. Safe spaces for the public to go to and the promotion of national campaigns such as ‘Ask Angela’ are important mechanisms to promote public safety.
- 28.4 Use of multiple Temporary Event Notices for a single event
- 28.4.1 It has become increasingly common for larger scale events where licensable activities are taking place to be covered by multiple Temporary Event Notices (TEN’s).
- 28.4.2 Whilst, this will often be perfectly legal, it is important that sufficient formal planning is carried out for such events in order to reassure the Police and Environmental Health that the event can take place in such a way that the licensing objectives are promoted.
- 28.4.3 It is also important that organisers take suitable steps to ensure that they can be confident that they will not be inadvertently breaching licensing laws when running events in this way.
- 28.4.4 Organisers should consider using the Uttlesford Safety Advisory Group and whether seeking pre-application advice would be worthwhile.

## 29 Circuses

- 29.1 Authorisation is needed under the Licensing Act should a circus sell alcohol or provide late night refreshment.
- 29.2 The position is less clear in terms of regulated entertainment, and we are aware of extremes in approaches by Licensing Authorities across the country. It is this Authority's opinion that the incidental music to a circus performance is not licensable, clowns may not necessarily be playing a dramatic role qualifying as a theatrical performance, trapeze artistes are not engaged in indoor sports, and film performances are rarely included.
- 29.3 The Legislative Reform (Entertainment Licensing) Order 2014 deregulated entertainment in travelling circuses provided that the following qualifying conditions are met:
- the entertainment is not an exhibition of a film or a boxing or wrestling entertainment;
  - the entertainment takes place between 08.00 and 23.00 on the same day;
  - the entertainment takes place wholly within a moveable structure and the audience present is accommodated wholly inside that moveable structure; and
  - the travelling circus has not been located on the same site for more than 28 consecutive days.
- 29.4 The position is less clear in terms of regulated entertainment, and we are aware of extremes in approaches by Licensing Authorities across the country. It is this Authority's opinion that the incidental music to a circus performance is not licensable, clowns may not necessarily be playing a dramatic role qualifying as a theatrical performance, trapeze artistes are not engaged in indoor sports and film performances are rarely included.
- 29.5 Evidence nationally indicates that circuses, pose no significant risk to the licensing objectives, add value to the cultural activities of a town, and are regulated by other means including compliance with the Health and Safety at Work etc. Act 1974.
- 29.6 It should be noted that while a subject of considerable public concern, the question of whether or not there are animal acts at a circus is not a matter for the Licensing Authority.

## 30 Garages and Motorway Service Areas

- 30.1 Section 176 of the 2003 Act prohibits the sale or supply of alcohol from premises which are used primarily as a garage or are part of premises used primarily as a garage. Premises are used primarily as a garage (i.e. the sale of fuel) if they are used for one or more of the following:
- The retailing of petrol;
  - The retailing of diesel (derv);
  - The sale of motor vehicles; and
  - The maintenance of motor vehicles.
- 30.2 If premises that are primarily used as a garage are granted a licence, that licence is “of no effect” and alcohol may not be lawfully sold.
- 30.3 Although there is no requirement in the legislation for an applicant for a licence to provide proof of primary use it is considered useful for this information to be included so that it is clear to all parties if the licence has affect or not. Applications that do not include this information will still be processed and determined as required by the Licensing Act 2003.
- 30.4 Where there is a question around the primary use of premises, we may request that an applicant or licence holder demonstrate that their premises are not primarily used as a garage based on intensity of use. The Licensing Authority requests that evidence be based on **income** (from retailing petrol and derv and vehicles sales/maintenance versus other items) and **the numbers of individual sales** (of petrol, derv and vehicles sales/maintenance versus other items) over the previous two years to show that petrol and derv sales, and vehicle maintenance and sales, are not the premises main feature.
- 30.5 Where insufficient evidence exists to establish primary use, we will decide whether or not grant a licence and deal with any subsequent issues using our enforcement powers in conjunction with other responsible authorities.
- 30.6 Where such information is not available (because for example the premises have only just started trading), we will consider imposing a condition requiring this information to be provided to the licensing authority on a regular basis for the following two years to ensure the premises are not primarily a garage.
- 30.7 Where relevant representations have been made and a Panel will be the determining the application we shall treat it as an off-licence, as defined in this Policy.
- 30.8 Paragraph 5.23 of the statutory guidance issued under the Act makes it clear that the Licensing Authority must decide whether or not any premises is used primarily as a garage. We are aware that different authorities take a number of different approaches to this question. However, we hope that the proceeding paragraphs will guide applicants and licence holders as to the information we would like them to provide if this question arises.

## **31 Security and CCTV**

- 31.1 Under a mandatory licence condition, any person engaged to work at licensed premises who is carrying out a prescribed security activity, as specified under the Private Security Industry Act 2001, must be correctly licensed to carry out that function by the Security Industry Authority, or otherwise authorised under an approved contractor scheme or similar.
- 31.2 The Licensing Authority will expect applicants for licences to consider whether they may need to employ security personnel when compiling their operating schedules. This expectation will not just apply to premises licensed for the supply and consumption of alcohol, but any premises which may potentially experience disorder.
- 31.3 Premises which are licensed for the supply of late night refreshment, located either in town centre locations or on primary dispersal routes from such locations, and which cater primarily for the night-time economy may in particular need to consider whether security personnel will be necessary, both to safeguard their premises against damage, and to prevent outbreaks of disorder among customers who may be intoxicated.
- 31.4 Where premises experience regular incidents of disorder and does not employ security personnel to guard against this, the Licensing Authority may consider the imposition of licence conditions mandating their provision, on receipt of an application to review a licence.
- 31.5 Where a premises has a policy of searching patrons prior to entry, searches should only be carried out by security personnel of the same gender as the customer who is being searched. This will mean that such premises will need to employ a minimum of one male and one female door supervisor.
- 31.6 CCTV
- 31.6.1 The Licensing Authority will have regard to GDPR and the Surveillance Camera Code of Practice<sup>12</sup>, in particular paragraph 1.15, which highlights that the blanket imposition of licence conditions requiring CCTV systems to be operated in licensed premises without strong justification would be contrary to the first principle of the code. The imposition of CCTV conditions will, like all other matters relating to authorisations under the Act, be considered on a case-by-case basis, taking into account the circumstances and individual merits of the case in question. The Licensing Authority may still impose conditions requiring the operation of CCTV, if it is considered necessary to meet an identified pressing need and for a specified purpose, in addition to being appropriate for the promotion of one or more of the licensing objectives.
- 31.6.2 In the absence of a condition requiring it, it will be for the licence-holder to decide whether to operate a CCTV system in their premises. The Code of Practice, while binding on public authorities, is voluntary for private operators, although adherence to the principles therein is encouraged.

<sup>12</sup><https://www.gov.uk/government/publications/surveillance-camera-code-of-practice>

31.6.3 Where CCTV is in use in licensed premises, the Licensing Authority will expect its use to comply with the provisions of the Data Protection Act. This will mean that:

- The licence-holder must register with the Information Commissioner as a Data Controller.
- Clear signage is displayed advising of the usage of CCTV.
- The CCTV is under the control of and accessible only by management and supervisory staff, who are conversant in its usage.
- The licence-holder has a clear policy on the retention of recorded images, and disposes of them after a set period (typically around 28 days) unless an incident is reported.

31.6.4 To ensure the most effective use of CCTV, it is also encouraged that:

- The date and time on the system is correctly set.
- The system is kept operational at all times while the premises are open to the public.
- There is camera coverage of the key parts of the premises, including all entrances/exits, bars, checkouts and dancefloors.
- Where recordings are required by police to assist in an investigation, that these can be accessed and supplied within a reasonable period – a maximum of 24 hours from receipt of a request is suggested.

31.6.5 Essex Police's crime prevention officers can offer advice on the installation and setup of CCTV systems to ensure best evidential quality.

## **32 Drugs and New Psychoactive Substances**

32.1 The Licensing Authority expects all licensed premises to adopt suitable measures to detect and discourage persons from using controlled drugs (which for the purposes of this section means substances which are proscribed under the Misuse of Drugs Act 1971) while on those premises. Examples of such measures may include, but are not limited to, the following:

- Ensuring a highly visible staff presence throughout the premises.
- Regular checks by staff of ancillary areas such as lobbies, toilets, cloakrooms, and corridors.
- Redesigning toilet facilities to remove horizontal surfaces, and niches and other areas where illicit items could be concealed.
- Ensuring that all staff, and door staff in particular, are trained to recognise visible signs that a person is under the influence of an illegal substance, and to refuse such persons entry to the premises.
- Operating robust 'search on entry' policies, with procedures in place to confiscate controlled drugs found during searches and hand these to police at the earliest opportunity.
- Carrying out testing on surfaces within the premises to detect the presence of traces of controlled drugs.
- Enforcing a zero-tolerance policy to the use or supply of controlled drugs within the premises, ejecting or refusing entry to persons known to be linked to the use or supply of controlled drugs, and reporting to the police any person suspected of supplying controlled drugs.

- 32.2 Where a licence holder believes that there may be an issue with the illegal use or supply of controlled drugs within their premises, they are strongly encouraged to contact Essex Police for advice and assistance in remedying that issue. This may involve a degree of ‘target hardening’ – redesigning parts of the premises or operating procedures to more easily detect and discourage such practices. Where premises are co- operating with the Police to deal with such issues, the Licensing Authority is less likely to take action to remove or restrict the licence, than it would with premises which do not offer co-operation.
- 32.3 For the purposes of this part of the Policy, the Licensing Authority will regard new psychoactive substances (widely referred to as ‘legal highs’) in the same way as it does controlled drugs, and will expect that the measures taken in licensed premises to detect and discourage the use of controlled drugs will also extend to these substances, which generally mimic the effect of a controlled drug.
- 32.4 The Licensing Authority expects that licensed premises will not engage in, sanction nor condone the sale or supply of new psychoactive substances in or from their premises, and may seek to take enforcement action against premises that are found to be doing so.
- 32.5 The Licensing Authority recognises that Government has committed to strengthening the legislation around the supply and use of new psychoactive substances and welcomes such moves.

### **33 Modern Slavery**

- 33.1 Modern slavery is a crime. The UK Modern Slavery Act 2015 includes the following under the offence of modern slavery:
- Slavery, where ownership is exercised over a person.
  - Servitude, where a person is obliged to provide services imposed by coercion.
  - Forced or compulsory labour, which involves work extracted under the menace of penalty and for which the person has not offered himself voluntarily.
  - Human trafficking, which involves the movement of people by means such as force, fraud, coercion or deception with the aim of exploiting them.
- 33.2 In the UK, estimates go as high as 136,000 when quantifying the number of hidden victims living in conditions of slavery. In the European hospitality sector, which includes bars and restaurants, a recent study found 110,000 victims of exploitation annually. Government agencies in the UK have specifically identified hospitality as a high-risk area for modern slavery.

#### **Licensed premises might be unwitting hosts to modern slavery in two ways:**

- (1) Victims and their traffickers visiting the establishment. Sexual exploitation and forced criminality would be the most common forms identified in this way.

- (2) Staff being recruited through unscrupulous means, leaving them trapped and/or indebted to a trafficker.

### 33.3 Identification and reporting

33.3.1 Staff at licensed premises can have the power to identify and report any exploitation they encounter. A licence holder may ensure awareness of modern slavery by:

- **Identifying any risks** at the premises and working with relevant business partners and suppliers (i.e. recruitment agencies) to mitigate such risk.
- **Actively informing those working on the premises** of their rights and how they can confidentially seek help or advice on modern slavery if required.
- Provide **regular training** to all staff on the indicators of modern slavery and how to report concerns.
- Establishing **strong relationships with local police and victims service providers**, such as the national Modern Slavery Helpline (0800 0121 700), in advance of any incident.

### 33.4 Reporting protocols

33.4.1 Having **clear and straightforward protocols** for when an incident is discovered is crucial to ensure that victims get appropriate support. Where employees identify a potential victim, they can follow a specific internal procedure in order to protect the safety of that individual.

33.4.2 The procedure should **1) not be overly complex, 2) should involve senior level staff and 3) should account for when reporting should go immediately to the police** (i.e. if certain indicators are met, if the potential victim is in immediate danger, if the potential victim is a child).

**The Modern Slavery Helpline (0800 0121 700) can provide support to anyone who has a suspicion and would like some guidance on next steps, 24 hours a day.**

## 34 Child Sexual Exploitation (CSE)

34.1 High-profile cases around the UK have acted to highlight the potential links between victims of child sexual exploitation and licensed premises. As Licensing Authorities have a statutory duty to ensure the protection of children from harm through the exercise of their licensing functions, it is important that licence-holders are aware of the potential for premises to be used by persons who are exploiting children for sexual purposes and take appropriate measures to detect and discourage this.

34.2 Child sexual exploitation generally involves a young person being encouraged, coerced or forced into participating in a sexual relationship or activity by an adult. It frequently involves the victim being offered something in exchange for this, such as money, gifts, food, alcohol, cigarettes, drugs, involvement in adult situations, or

sometimes just attention. Victims may have been subject to a grooming process lasting for weeks, months or years.

- 34.3 There is no single model of sexual exploitation – different cases will all have different circumstances. Similarly, victims can be quite different. While some victims may have had troubled backgrounds, others may come from prosperous and loving families.
- 34.4 There are a number of indicators which may indicate child sexual exploitation. These include, but are not limited to:
- Relationships which develop between a child and an adult;
  - Children accompanied by a group of unrelated adults;
  - Children regularly attending premises and meeting with a number of different adults, particularly if alcohol is being purchased for the child;
  - Children outside of licensed premises who develop relationships with adults, particularly if alcohol is being purchased for the child;
  - Children leaving the premises with unrelated adults, particularly with a group of adults;
  - Children looking uncomfortable in the company of or leaving the premises with adults, or groups of adults.
- 34.5 It must be stated that not every instance of the behaviours listed above will indicate exploitation, and many interactions between children and adults will be perfectly innocent. However, if staff at licensed premises have reasonable grounds for suspicion (for example, if the child does not appear to know the adults they are with or appears distressed) then they should be urged to report this.
- 34.6 The Licensing Authority expects licence-holders and applicants for new licences to be aware of the possibility of child sexual exploitation taking place in or around licensed premises, and to adopt suitable protective measures to assist in the detection and reporting of incidents of this. These may include:
- Inclusion of child sexual exploitation issues within training programs for new and existing staff,
  - Written management procedures for identifying and reporting suspicious behaviour to police,
  - Frequent monitoring of all areas of the premises and immediate vicinity, including external areas, to detect behaviours of the types listed above.

## **35 Film Classification**

- 35.1 Premises which are licensed for the exhibition of films are required by a mandatory licence condition to restrict admission to screenings in accordance with any age recommendation made by a film classification body, or by the Licensing Authority. Where recommendations have been made by both bodies, and the Licensing

Authority has notified licence- holders of this, the Licensing Authority's recommendation will take precedence.

- 35.2 For the purposes of sections 20 and 74 of the Act, the Licensing Authority recognises the British Board of Film Classification (BBFC) as the film classification body and will specify this body within the licences and certificates it issues.
- 35.3 The Licensing Authority views as good practice the inclusion within publicity materials of age-related admission restrictions arising from recommendations made by the BBFC or Licensing Authority. In any event, licence-holders must take appropriate measures to verify the age of persons being admitted to films which are subjected to age restrictions.
- 35.4 Details of the applicable recommendation in respect of a particular film should be exhibited prior to the commencement of that film. In the case of a BBFC recommendation this may be displayed on screen for at least 5 seconds prior to the feature. Details of a Licensing Authority recommendation should be displayed at or near the entrance to the screening.
- 35.5 The Licensing Authority anticipates that the BBFC's recommendations will apply to most films shown at licensed premises within the district. However, in a small number of cases, the Licensing Authority may be called upon to exercise its powers and issue an overriding recommendation, which would only apply to licensed premises within the district. Such situations can be approximately characterised in one of three groups:
- In cases where the Licensing Authority has concerns about a particular film, and has of its own volition made an alternate recommendation. This may allow admission of persons of a higher or lower age than the recommendation made by the BBFC, or in extreme circumstances may prevent the showing of a particular film. This power will be rarely, if ever, utilised.
  - In cases where a film has not been classified by the BBFC. This is likely to be the case with small, local, independent films, or foreign films, where a wider UK release is not intended.
  - In cases where the Licensing Authority is approached by a third party, asking the authority to override a recommendation made by the BBFC.
- 35.6 The third of these groups may include films intended to be shown at 'parent and baby' screenings, which have increased in popularity in recent years. The Act and Guidance are silent on the admission of babies to a film which is subject to an age-related recommendation – therefore on a strict interpretation of the Act, babies must be excluded from such screenings. The Licensing Authority is aware that some cinemas across the country have agreed schemes whereby the applicable Licensing Authority makes an alternate recommendation in respect of a specified film, expressly permitting the admission of babies and young children to special screenings of that film with only parents of such children in attendance.

- 35.7 It is recommended that any premises considering the provision of such screenings contact the Licensing Authority to discuss the proposals first. The authority will typically expect special provisions to be made for such screenings, including higher light levels and reduced sound levels, in order that parents can better ensure the safety of their children.
- 35.8 Issue of recommendations by the authority
- 35.8.1 When exercising powers under section 20 to issue an admission recommendation for a previously-unclassified film, it is proposed that the authority will adhere to the BBFC's Classification Guidelines ([Age ratings and film classification | BBFC](#)), and where possible will issue a recommendation which is in accordance with one of the standard classification bands. This approach is preferred as audiences will be familiar with this particular classification scheme and the meaning of the 'certificates'.
- 35.8.2 In such circumstances, the authority will require the organiser of the exhibition to provide a copy of the film for classification purposes, or to arrange a viewing for representatives of the Licensing Authority.
- 35.9 Alternate recommendations for parent and baby screening.
- 35.9.1 Where the Licensing Authority receives a request to override an existing recommendation made by the BBFC, or has concerns of its own in respect of a particular film, in the first instance the authority shall have regard to the BBFC's original classification decision, and the BBFC Insight record which describes the content of the film that led to the classification decision. If satisfied that the content will not present any issues if viewed by children under 24 months of age, then the authority may agree to issue an alternate recommendation, consistent with the BBFC's original classification but including a specific exemption for accompanied children below 24 months of age, at screenings advertised and restricted to 'parent and baby' only. Issues will be assessed on a film-by-film basis, but it is anticipated that scenes of strong violence and gore, sex and strong threat will lead to greater concern around viewing by children of that age than strong language, mild nudity and discriminatory content will.
- 35.9.2 Where concerns exist based on the BBFC Insight record that a film may not be suitable for viewing by young children below 24 months of age, the authority may request that the cinema facilitates a viewing of the film in question to make a full assessment of this. No alternate recommendation would be issued unless the authority is satisfied that allowing young children below 24 months of age to be admitted will not lead to the child protection licensing objective being undermined.

## **36 Promotion of Quality**

- 36.1 The Licensing Authority recognises that the Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, and to promote equality of opportunity and good relations between persons of different characteristics. The 2010 Act provides for a number of protected characteristics, as follows:
- Age
  - Disability
  - Gender reassignment
  - Marriage and civil partnership
  - Pregnancy and maternity
  - Race
  - Religion and belief
  - Sex
  - Sexual orientation
- 36.2 The Licensing Authority expects that licensed premises will not discriminate against any person based solely on any of these characteristics – for example, refusing a person entry to a licensed premises based on their race, gender or age unless it is a legal requirement or within their premises policy to not admit persons of a certain age i.e. no under 21s.
- 36.3 The sole exception to this will be where such action is necessary to comply with legal requirements or licence conditions, particularly in respect of ensuring an individual's age in situations where licence-holders must restrict access to age-restricted goods or services to any person who is below the legal age for that good or service – for example, the sale of alcohol to under-18's, or admission of under 15's or under 18's to a film with a '15' or '18' certificate.
- 36.4 The Licensing Authority will also expect members clubs to ensure that their membership rules do not result in discrimination against a person because of a protected characteristic – for example, maintaining different membership classes for persons of different genders.

## **37 Other Considerations**

- 37.1 Licensed premises are subject to many statutory requirements including fire safety, trading standards, food hygiene, health and safety, and planning. These different regulatory systems will be properly separated as described in the Guidance.
- 37.2 In addition, section 17 of the Crime and Disorder Act 1998 requires the Council when exercising its functions to do all it reasonably can to prevent crime and disorder.

- 37.3 By consulting widely prior to this policy statement being published the Licensing Authority will endeavour to secure proper integration with local crime prevention, planning, transport, tourism and cultural strategies
- 37.4 Applicants are encouraged to make themselves aware of any relevant planning and transportation policies, tourism and cultural strategies or local crime prevention strategies and to have taken these into account, where appropriate, when formulating their operating schedule.
- 37.5 There are a number of wider issues which may need to be given due consideration when dealing with applications. The Licensing Authority may, when appropriate, receive reports on:
- The needs of the local tourist economy;
  - The cultural strategy for the area;
  - The employment situation in the area and the need for new investment and employment opportunities where appropriate;
  - Planning considerations which might affect licensed premises.
- 37.6 Live music, dance and theatre
- 37.6.1 The Licensing Authority will monitor the impact of its licensing decisions on the provision of regulated entertainment within the district, and particularly live music, dancing and plays.
- 37.6.2 Many events which consist solely of these activities will now fall outside of licensing requirements, following deregulation.

The Licensing Authority is aware of the Covenant on Economic, Social and Cultural Rights and the requirements of Article 15 of the International Convent on Economic, Social and Cultural Rights<sup>1</sup> which require that progressive measures be taken to ensure that everyone can participate in the cultural life of the community and enjoy the arts. Care will be taken to ensure that only appropriate, proportionate and reasonable licensing conditions are imposed on these events.

- 37.6.3 Account will be taken of the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community. If representations are made concerning the potential for limited disturbance in a particular neighbourhood, the Licensing Authority's consideration will be balanced against the wider benefits to the community of these activities.
- 37.6.4 When attaching conditions the Licensing Authority will generally seek to avoid measures which might deter live music, dancing or theatre by imposing indirect costs of a substantial nature. However, the Licensing Authority notes that on occasion it may have no choice but to impose such requirements in order to safeguard the licensing objectives – for example, requiring the installation of safety equipment to ensure the safety of persons attending an entertainment performance.

## Appendix 1 - Consultation

The consultation on this Statement of Licensing Policy was open to the public and has been widely publicised. Anyone who wanted to make comment was welcome to do so during the 4-week consultation. Below is a list of individuals, organisations and / or representatives directly consulted in the preparation of the Licensing Policy. The list is not exhaustive but gives a good indication of the scope of the consultation exercise.

- The responsible authorities designated under the Licensing Act 2003
- Holders of existing premises licences and club premises certificates issued by the Licensing Authority
- Representatives of residents' associations in the area
- Uttlesford Councillors
- Town Councils
- Parish Councils
- Town Centre Management Boards
- Community Voice
- Youth Council
- Essex County Council
- British transport police
- Public transport providers
- Neighbouring Local Authorities
- Licensed Victuallers Association
- Chamber of Commerce
- Local Pubwatch groups
- Essex Environmental Forum
- Essex Local Enterprise Partnership (LEP)
- Federation of Small Businesses
- Solicitors and agents that have previously submitted applications
- Spectrum Drug & Alcohol Services
- Uttlesford Licensed Taxi Trade
- Community Safety Partnership (CSP)
- Safety Advisory Group (SAG)

## Appendix 2 – Glossary of Terms

These definitions are provided to aid understanding of the policy by residents and applicants. They do not replace the meaning given to the terms in the Act or the statutory guidance. Reference should therefore be made to these publications to clarify any of these terms for legal purposes.

Alcohol includes spirits, wine, beer, cider, or any other fermented, distilled, or spirituous liquor of or exceeding 0.5% alcoholic strength at the time of sale.

Club Premises or Qualifying Clubs can supply alcohol to members or guests and can provide regulated entertainment. These clubs must comply with general and specific conditions in relation to size, membership and the nature of their operations.

Designated Premises Supervisor (DPS) is a personal licence holder who is specified on the premises licence so that it can authorise the sale of alcohol. This may be any person with a personal licence.

Guidance means the guidance to Licensing authorities published by the Secretary of state under section 182 of the Licensing Act 2003.

Licensing Authority means Uttlesford Council.

Licensing Committee is a committee of 10 to 15 councillors, appointed by the Council.

Licensing Sub-Committee/Panel is a committee of at least two but usually three councillors, appointed from the licensing committee to whom the functions of the licensing committee can be delegate under the Act.

Personal Licence - permits individuals to supply, or to authorise the supply of alcohol. The licensing of individuals separately from the licensing of premises allows the movement of personal licence holders from one premise to another, allowing greater flexibility. It ends the outdated regime where publicans are tied by licence to the premises they manage.

Regulated Entertainment is entertainment that is provided to the public, or exclusively to members of a qualifying club and their guests, or entertainment provided for profit/personal gain.

Representations are objections or comments, against an application and can be made by responsible authorities (e.g. police) or other persons (e.g. residents). They must be made in writing and will only be relevant if they relate to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. Representations by other parties will not be relevant if they are considered by the licensing authority to be frivolous (i.e. not serious) or vexatious (i.e. arising out of unrelated disputes).

Temporary Events Notice, used for small-scale events held in or on any premises involving licensable activity and no more than 499 people at any one time (including staff & performers).

“The Act” means the Licensing Act 2003.

## Appendix 3 – Useful Resources

The links below were accurate at the time of publication of the Policy

Age verification

No ID No Sale campaign - [www.noidnosale.org](http://www.noidnosale.org)

Alcohol awareness

Drinkaware - [www.drinkaware.co.uk](http://www.drinkaware.co.uk)

Alcohol promotions

Code of Practice of the Naming, Packaging and Promotion of Alcoholic Drinks (Portman Group) - » [25 Years of Responsible Alcohol Regulation: A Spotlight on 2021 \(portmangroup.org.uk\)](http://25.Years.of.Responsible.Alcohol.Regulation.A.Spotlight.on.2021.portmangroup.org.uk)

Child sexual exploitation

Operation HALO (Essex Police) - [Child sexual exploitation | Essex Police](#)

Say Something If You See Something resources (Essex Safeguarding Children's Board) - [Home \(escb.co.uk\)](http://Home.escb.co.uk)

Counter-terrorism

Protecting Crowded Places from Terrorism (National Counter-Terrorism Security Office) - [www.gov.uk/government/collections/crowded-places](http://www.gov.uk/government/collections/crowded-places)

Crowd safety

Managing Crowds Safely: a guide for organisers at events and venues (HSE Publications) - [Event safety - Crowd management \(hse.gov.uk\)](http://Event.safety.Crowd.management.hse.gov.uk)

Film classification

Classification guidelines (British Board of Film Classification) - [Home | BBFC](#)

Fire safety

Fire safety advice documents (Department for Communities and Local Government) - [www.gov.uk/workplace-fire-safety-your-responsibilities/fire-safety-advice-documents](http://www.gov.uk/workplace-fire-safety-your-responsibilities/fire-safety-advice-documents)

Essex Fire & Rescue Service - [Welcome to Essex County Fire & Rescue Service \(essex-fire.gov.uk\)](http://Welcome.to.Essex.County.Fire.&.Rescue.Service.essex-fire.gov.uk)

## Modern Slavery

The Modern Slavery Helpline (0800 0121 700) can provide support to anyone who has a suspicion and would like some guidance on next steps, 24 hours a day.

Blueprint training ([You searched for blue print - Shiva Foundation](#))

Indicator list (<http://www.shivafoundation.org.uk/>)

Example policies ([Policy Archives - Shiva Foundation](#))

## Noise control

Guidelines on Community Noise (World Health Organisation) - [Guidelines for community noise \(who.int\)](#) Effective Management of Noise from Licensed Premises (British Beer and Pub Association) – [Home | BBPA \(beerandpub.com\)](#)

Code of Practice on Environmental Noise Control at Concerts (Noise Council) – [www.cieh.org](http://www.cieh.org)

## Outdoor events

The Purple Guide to Health, Safety and Welfare at music and other events - [www.thepurpleguide.co.uk](http://www.thepurpleguide.co.uk) (subscription required)

The 'Can Do' guide to Organising a Voluntary Event (Cabinet Office) - [www.gov.uk/government/publications/can-do-guide-for-organisers-of-voluntary-events](http://www.gov.uk/government/publications/can-do-guide-for-organisers-of-voluntary-events)

Uttlesford Safety Advisory Group (SAG) - [Health and safety Uttlesford District Council](#)

**Revised guidance issued under section 182 of the Licensing Act 2003 v Dec 2022** – [Revised Guidance issued under section 182 of the Licensing Act 2003 \(publishing.service.gov.uk\)](#)

## Security and CCTV

**Security Industry Authority website** - [www.sia.homeoffice.gov.uk](http://www.sia.homeoffice.gov.uk)

**Surveillance Camera Code of Practice (Surveillance Camera Commissioner)** - [www.gov.uk/government/publications/surveillance-camera-code-of-practice](http://www.gov.uk/government/publications/surveillance-camera-code-of-practice)

## **Appendix 4 – Contact Details**

Licensing  
Uttlesford Council  
London Road  
Saffron Walden  
Essex CB11 4ER

Phone: 01799 510510

Emails:

(General enquiry): [licensing@uttlesford.gov.uk](mailto:licensing@uttlesford.gov.uk)

(Complaint): [licensingenforcement@uttlesford.gov.uk](mailto:licensingenforcement@uttlesford.gov.uk)

Website: [www.uttlesford.gov.uk/licensing](http://www.uttlesford.gov.uk/licensing)

Most applications can be made online by following the links from the above page.

Please note that, due to the complexity of the legislation that governs these activities, we can only give basic advice about which activities do and do not require authorisation, and about application processes.

If you are unsure as to the legality of a particular activity, or require more detailed information or advice than we are able to offer, we recommend that you consult an independent specialist advisor or a legal representative.

### **Responsible authority contact details:**

[Licensing Act 2003 statutory consultees - Uttlesford District Council](#)

## Appendix 5 – General

### General – all four licensing objectives

This section provides guidance on good practice for the general promotion of all four licensing objectives at licensed premises. It is intended to help those applying for new licences or variations to existing licences in completing their operating schedules. It is also designed to guide licensees on the general promotion of the licensing objectives after a licence has been granted.

Licensees and their staff have responsibility for the effective and safe management of their premises and the promotion of the four licensing objectives. Training is the key to giving licence holders, premises managers and staff the knowledge and skills to deal with and manage risks associated with licensed premises. Training should be provided to all staff and should be about both preventing and managing problems occurring at premises. Training should be regularly updated.

Risk		Good Practice Measure
<p><b>Lack of knowledge or understanding of the Licensing Act 2003</b></p>	<p><b>G1</b></p>	<p>(a) Well trained staff will contribute to well-run premises and a responsible approach to the sale of alcohol, provision of entertainment and late night refreshment. Formal qualifications for your staff, either to personal licence level or to another appropriate standard recognised by bodies such as the British Institute of Innkeepers (BII) would be preferential.</p> <p>(b) All staff should be advised of licensing law in writing before they are allowed to serve alcohol.</p> <p>(c) Training should also be provided on premises' specific policies relevant to the operation of the business.</p> <p>(d) A record should be kept of the date and name of person trained or advised and be made available for inspection by the police or licensing authority.</p>

### Prevention of crime and disorder

This section provides guidance on good practice for the prevention of crime and disorder from licensed premises. It is intended to help those applying for new licences or variations to existing licences in completing their operating schedules. It is also designed to guide licensees on the prevention and management of crime and disorder from their premises after a licence has been granted.

The main causes of crime and disorder in licensed premises arise from inadequate security provisions, poor design and layout, the type of event being promoted, overcrowding and customers being drunk or under the influence of drugs. This can result in theft, conflict, violence and anti-social behaviour. It is therefore recommended that applicants and licensees take a proactive approach to preventing and managing crime and disorder from their premises.

All applications for new licences and variations should address the steps proposed to prevent crime and disorder and this is best achieved through a premises risk

assessment. Alcohol can be a significant contributory factor to levels of crime and disorder in an area. Good management and good practice along with adequate physical controls can make a significant difference to the level of alcohol related crime at premises. Such measures should be reflected in the operating schedule.

For new premises or the refurbishment of existing premises, preventative measures should be factored in during the planning and design stage. Consideration should be given to the design and layout of the premises to minimise the potential for crime and disorder.

Licence holders should have clearly documented policies and procedures in place which identify all crime and disorder risks associated with their premises and the measures implemented to prevent, manage and respond to those risks.

Risk		Good Practice Measure
<b>Security in and around the premises</b>	<b>CD1</b>	<ul style="list-style-type: none"> <li>(a) <b>An alarm or other security measure</b> should be installed at the premises to protect it when closed or empty.</li> <li>(b) Emergency exits should be alarmed when the premises are open to the public so that staff are immediately notified of unauthorised opening or tampering.</li> <li>(c) Any staff or private areas and cellars should be kept locked and secured whilst the premises are open to the public.</li> </ul>
	<b>CD2</b>	<ul style="list-style-type: none"> <li>(a) <b>CCTV</b> should be installed inside and outside the premises. The cameras should cover all internal areas accessible to the public and areas immediately outside the premises. The date and time settings on the system must be correct.</li> <li>(b) The recordings should be in real time and on hard drive with the availability to copy disks for other agencies such as the police.</li> <li>(c) For analogue systems, tapes should be changed daily and used no more than 12 times.</li> <li>(d) Recordings should be kept for a minimum period of 28 days.</li> <li>(e) Staff should be trained in the maintenance and operation of such systems with a record kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority.</li> <li>(f) A trained member of staff should be on duty to operate the system whenever the premises are open.</li> </ul>

	<b>CD3</b>	<b>External lighting</b> provides an obvious means of crime deterrence. Care should be taken so that lighting does not impact on neighbours.
	<b>CD4</b>	(a) <b>Security systems should be integrated</b> so that the alarm, CCTV and lighting work together in an effective manner.  (b) The alarm should be linked to a system that will notify the police if it is activated.
	<b>CD5</b>	(a) <b>Door staff and / or stewards</b> should be employed at the venue supervise admissions and customers inside the venue.  (b) Any person performing the role of a door supervisor must be licensed with the Security Industry Authority (SIA) and SIA badges must be clearly displayed whilst working.  (c) Door staff should be easily identifiable by wearing a uniform, high visibility jackets or arm bands.

		(d) Door staff should sign into a register detailing their full SIA licence number, their name, contact details and the time and date their duty commenced and concluded.  (e) Stewards and other staff at the premises should also be easily identifiable. Stewards must not be used for supervision of the door.
	<b>CD6</b>	(a) <b>Effective security policies</b> , based on risk assessments, can protect your premises, staff and customers from threats, conflict or violence.  (b) Security policies should be formulated in consultation with a police crime prevention officer.  (c) All staff must be aware of a premises security policy with a record kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority.  (d) Premises should be searched inside and out for suspect packages before, during and after opening hours. Staff should be trained to remain vigilant during opening hours and report any suspicious activity to the police.
	<b>CD7</b>	<b>Security reviews</b> should be held regularly and at least every three months with minutes kept.

	<b>CD8</b>	<p>(a) <b>Daily staff briefing and debriefing</b> will enable licensees to improve working practices in their premises.</p> <p>(b) Briefings can be informal but any problems identified and remedial action taken should be recorded with records kept in the main office.</p>
<b>Crime and disorder in and around the premises</b>	<b>CD9</b>	<p>(a) <b>Promoted events</b> may attract larger than usual crowds.</p> <p>(b) Such events must have a comprehensive risk assessment undertaken by the licence holder and submitted to the Uttlesford District Council.</p> <p>(c) It is expected that promoters should have obtained the BIIAB level 2 for large scale music events for over 1500 people.</p> <p>(d) If a problem should arise during a promoted event, this should be documented by the licence holder and it is expected that a written debrief will be provided to the Uttlesford District Council licensing officer and the police licensing officer within 48 hours of the event.</p>
<b>Crime including conflict, violence or</b>	<b>CD10</b>	<p>(a) <b>Proper management of the door</b> will depend on the size and type of venue. The number of door supervisors should be determined by a risk assessment considering the size of venue and the type of crowd the entertainment is likely to</p>

<b>aggression in and around the premises</b>		<p>attract, but at the very least on a ratio of 1 door supervisor per 50 customers.</p> <p>(b) Consideration should be given to a sufficient provision of male and female door supervisors, but at least one female door supervisor should be used.</p>
	<b>CD11</b>	<p><b>A door admissions policy</b> including any age restrictions, expected dress standards or the screening of handbags should be widely publicised on any promotional material or website and clearly displayed at the entrance to the premises.</p>
	<b>CD12</b>	<p>(a) <b>Ejecting or refusing entry to persons</b> from the premises if they do not meet your admissions standards or they are known to be violent or aggressive.</p> <p>(b) In such cases, an entry should be made in an incident or logbook.</p> <p>(c) Identification scanners should be considered if this would aide</p> <p>(i) swift entry procedures and (ii) identify customers with a</p>

		history of problems at other venues.
	<b>CD13</b>	<p>(a) <b>A policy to manage capacity</b> should be adopted to prevent overcrowding and patrons possibly becoming aggressive through accidental jostling.</p> <p>(b) For promoted events and large venues, the use of clickers is essential to record the number of patrons inside the premises.</p> <p>(c) For other events or smaller venues, ticket sales or head counts may be appropriate.</p> <p>(d) Consideration should be given to deliberately running below capacity to afford a comfort factor to your patrons and avoid conflict, violence or aggression within the premises.</p> <p>(e) Where a premises holds a special event which is expected to attract a greater than usual number of patrons more than 1500 people, the premises licence holder will be expected to notify the Council's licensing officer and the police licensing officer licensing team at least 14 days in advance of the event.</p>
	<b>CD14</b>	<p>(a) <b>Alternatives to glass drinking vessels</b> should be considered to prevent glassware being used as an assault weapon, particularly during promoted events.</p> <p>(b) Drinking vessels made from plastic or polycarbonate would be preferential particularly in outside areas.</p> <p>(c) Where alternatives are not used, there should be a robust glass collection policy in place. This should include regular collection of glassware by staff and prevention of glassware being removed from the premises.</p>

	<b>CD15</b>	<p>(a) <b>Measures to preserve a crime scene</b> until police arrival, following the outbreak of disorder or any other crime should be clearly documented in a policy.</p> <p>(b) Such a policy should be formulated in consultation with a police crime prevention officer.</p> <p>(c) All staff must receive training on the policy with a record kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority.</p>
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	<b>CD16</b>	<p>(a) <b>Staff training</b> in conflict management should be provided to give them the knowledge and confidence to deal with demanding situations and reduce crime and disorder at the premises.</p> <p>(b) Training should also cover dealing with, logging and reporting incidents if they occur.</p> <p>(c) A record should be kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority.</p>
	<b>CD17</b>	<p><b>Sharing of information</b> with others in the industry. Regular meetings, the use of local radio networks or membership of a local pub / club watch scheme will enable information to be passed on about troublemakers and common problems in the area.</p>
<b>Drugs and weapons being brought into the premises</b>	<b>CD18</b>	<p>(a) <b>A zero-tolerance policy</b> to the use of drugs, including 'legal highs' and carrying of weapons in the premises should be adopted with a clear "<i>No search. No entry</i>" message.</p> <p>(b) Posters can be displayed throughout the premises to remind customers of zero tolerance policy.</p>
	<b>CD19</b>	<p>(a) <b>Effective search policies</b> will minimise the opportunity for drugs and weapons to be brought into licensed premises and lead to drug and weapon seizure if attempts are made.</p> <p>(b) The use of search arches and wands may be appropriate in some cases.</p> <p>(c) Search policies should be formulated in consultation with the police licensing officer.</p> <p>(d) Search policies must be advertised widely on tickets, promotional leaflets and on websites and prominently in the premises entrance and queuing area.</p> <p>(e) Searches should always be carried out in public areas and covered by CCTV.</p> <p>(f) All staff must be trained on search policies with a record kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority.</p>

	<b>CD20</b>	<b>Calling the police</b> if customers are suspected of being in possession of drugs or weapons. All staff must be made aware of this requirement.
	<b>CD21</b>	(a) <b>Seizing, retaining and documenting</b> any drugs or weapons found with a clear audit trail and a process for surrendering them to the police.  (b) A search policy should clearly set out procedures that must be followed by staff should they find drugs or weapons during a search including circumstances when the police should be called; the use of tamper proof bags and safe storage of seized items in a lockable box; details that need to be recorded and how / when seized items should be surrendered to the police.
	<b>CD22</b>	(a) <b>Supervising toilet areas</b> can be effective in discouraging drug selling or use.  (b) A toilet attendant may be appropriate for promoted events or on busy nights such as Friday and Saturday.  (c) Regular toilet checks such as swabbing should be considered and where conducted, these should be documented with date, time and finding recorded.  (d) Removal of flat surfaces in toilet areas can reduce the likelihood of drug misuse.
	<b>CD23</b>	<b>Drug awareness training</b> should be provided for all staff. A record should be kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority.
<b>Theft from premises or lost property</b>	<b>CD24</b>	<b>Bag hooks (Chelsea clips) and bag bells</b> should be provided to prevent bag snatching.
	<b>CD25</b>	<b>Clear signage</b> should be displayed throughout the premises about crime prevention and to warn customers of the potential for pickpockets and bag / laptop snatchers.
	<b>CD26</b>	<b>Property patrols, managed cloakrooms</b> and toilet attendants can be employed to prevent theft from patrons or the premises.
	<b>CD27</b>	<b>Premises layout and lighting</b> should be considered. Secluded or dimly lit parts of the premises should be avoided as they can encourage crime.

	<b>CD28</b>	<b>Mirrors</b> used throughout the premises can aid supervision and act as deterrents to thieves.
	<b>CD29</b>	<b>A lost and found policy</b> should be in place in relation to lost / found property at the premises. The policy should include procedures regarding the logging and disposal of property and in particular any valuable property. Passports and any other ID found should be handed in to any police station.
	<b>CD30</b>	(a) <b>Carefully positioning alcohol</b> in retail premises can reduce theft from the premises. Alcohol is a key target for shop thieves so it is best not to place alcoholic beverages within the first few metres near the door as this allows thieves to 'grab and run'.  (b) It may be helpful for alcohol display areas to be covered by CCTV if possible.
	<b>CD31</b>	<b>Security tagging</b> any items considered a specific target for theft, particularly alcoholic drinks over a certain price level will deter thieves.
<b>Disorder from customers queuing to enter the premises or when leaving the premises</b>	<b>CD32</b>	(a) <b>Reduce the potential for excessive queue lines</b> with a well-managed and efficient door policy. Long queuing times can cause people to become agitated or aggressive. Searches should therefore be conducted as quickly and effectively as possible.  (b) Door staff will be required to refuse entry to premises to customers who do wait outside premises in a quiet and orderly fashion.
	<b>CD33</b>	(a) <b>A customer dispersal policy</b> can minimise the potential for disorder from customers leaving the premises. A policy should clearly set out measures to avoid a mass exit at the end of the evening such as a gradual change in music style and increasing lighting levels.  (b) Sufficient staff should be available at the end of the evening to manage a controlled shut down of the premises and maintain good order as customers leave.
	<b>CD34</b>	(a) <b>Staff training</b> in preventing disorder should be provided to give them the knowledge and confidence to deal with demanding situations.  (b) A record should be kept of the date and name of person trained. Records should be made available for inspection by the police or Licensing Authority

<p><b>Customers getting drunk and dealing with drunken customers</b></p>	<p><b>CD35</b></p>	<p>(a) <b>Drinks promotions</b> should be socially responsible and not encourage excessive drinking.</p> <p>(b) A documented policy on responsible drinks promotions should be in place at the premises and should adhere to industry codes such as those recommended by the British Beer and Pub Association (BBPA) and The Portman Group. This is in addition to adherence with the mandatory licensing condition regarding irresponsible promotions.</p> <p>(c) Any drinks promotion should market the availability of soft drinks.</p>
	<p><b>CD36</b></p>	<p>(a) <b>Staff training</b> on the effects of alcohol and how to spot early signs of customers becoming drunk should be provided to give them the knowledge and confidence to deal with drunken patrons.</p> <p>(b) Staff should be aware of their responsibilities under the Licensing Act 2003 and be able to recognise appropriate 'cut off' points for serving drunken customers, to reduce the likelihood of fights or aggressive behaviour.</p> <p>(c) When staff are collecting glasses, they can interact with customers and assess the levels of drunkenness. Any concerns should be reported back to a manager.</p> <p>(d) A record should be kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority.</p>
	<p><b>CD37</b></p>	<p><b>A duty of care policy</b> regarding persons suffering adversely from the effects of drink should be in place at the premises. The policy should clearly express that every effort will be made by staff to prevent patrons from deteriorating to an uncontrolled intoxicated extent. All staff must be briefed on the policy.</p>
	<p><b>CD38</b></p>	<p><b>Drink-aware posters</b> can be displayed in the premises to remind customers of the unit content in alcoholic drinks and the safe alcohol consumption limits.</p>
<p><b>Consumption of alcohol on the street and street drinkers</b></p>	<p><b>CD39</b></p>	<p><b>Restrict the sale</b> of strong beer and cider above 5.5% ABV (alcohol by volume) and the sale of single cans or bottles of beer and cider. Such sales can contribute to anti-social behaviour and disorder through the consumption of alcohol on the street and in open spaces by street drinkers or persons who are already drunk.</p>

<b>Sale of alcohol outside permitted hours</b>	<b>CD40</b>	<b>Lockable shutters</b> can be fitted on display units for alcohol in retail premises, which can be closed and locked at the end of permitted hours.
<b>Tackling sexual harassment and discrimination</b>	<b>CD41</b>	<b>Staff and SIA operatives training</b> in a zero-tolerance policy to sexual harassment and discrimination to deal with: (a) unwelcome sexual gestures and sexual innuendos confidence to deal with drunken patrons. (b) groping, pinching or smacking someone's body without consent (c) exposing sexual organs to someone (d) entering the opposite sexes toilet derogatory comments or gestures based on someone's age, gender, race orientation or ability.
<b>Reporting criminal offences</b>	<b>CD42</b>	<b>Premises licence holders are requested to report all criminal allegations to the police</b> , eg theft, drug possession, fraudulent documentation. It is then a matter for the police as to what is the appropriate action to take.

## Public Safety

This section provides guidance on good practice for the promotion of public safety at licensed premises. It is intended to help those applying for new licences or variations to existing licences in completing their operating schedules. It is also designed to guide licensees on the promotion and management of public safety at their premises after a licence has been granted.

The carrying on of licensable activities in particular the provision of alcohol and some types of entertainment can increase risks to the safety of the public (including performers) attending licensed premises. It is therefore recommended that applicants and licensees take a proactive approach to protecting and managing public safety at their premises.

All applications for new licences and variations should address the steps proposed to promote public safety and this is best achieved through a premises risk assessment.

For new premises or the refurbishment of existing premises, preventative measures should be factored in during the planning and design stage. Consideration should be given to the design and layout of the premises to achieve the highest possible standard of safety.

Licence holders should have clearly documented policies and procedures in place which identify all public safety risks associated with their premises and measures implemented to prevent, manage and respond to those risks.

Risk		Good Practice Measure
<b>General safety of staff and customers</b>	<b>PS1</b>	<p>(a) <b>A full risk assessment</b> considering public safety should be carried out at the premises to identify potential hazards posed to staff or customers and setting out precautions to manage the hazards. A risk assessment should be regularly reviewed, at least once every 12 months.</p> <p>(b) All staff should be made aware of the risk assessment and precautionary measures therein.</p> <p>(c) A copy of the risk assessment should be kept at the premises and made available for inspection.</p>
	<b>PS2</b>	<b>First aid boxes</b> should be available at the premises and maintained with sufficient in-date stock.

	<b>PS3</b>	<p>(a) <b>A recognised qualification in first aid</b> should be held by at least one member of staff who should be always on duty at all times the premises licence is in use.</p> <p>(b) Other staff should be trained to a basic first aid standard with records kept of the date and name of person trained.</p>
	<b>PS4</b>	<b>A first aid room</b> or quiet room should be made available to anyone requiring medical attention.
	<b>PS5</b>	<b>Temperature levels</b> and humidity in venues should be controlled for the comfort and safety of customers. An environment that is too hot or too cold can make customers irritable. Premises should be adequately heated and ventilated to avoid this. This can be achieved through use of air conditioning systems or natural ventilation in non-residential areas. Before installation, please check with the Council's Planning Department for advice as to whether this is permissible.
<b>Overcrowding</b>	<b>PS6</b>	<b>A documented capacity</b> should be set for the premises overall and for individual rooms within the premises. Capacity can be determined by a risk assessment in consultation with the fire safety authority. The risk assessment should consider factors such as floor space, numbers of toilets, potential queuing time and available fire exits.
	<b>PS7</b>	<p>(a) <b>A policy to manage the capacity</b> should be adopted to prevent overcrowding and localised overcrowding.</p> <p>(b) The use of electronic clocking systems, clickers, ticket sales or head counts may be appropriate.</p> <p>(c) Consideration should be given to deliberately running below capacity to afford a comfort factor to your patrons.</p>

<b>Accumulation and disposal of glasses / drinking vessels</b>	<b>PS8</b>	<p>(a) <b>A glass collection policy</b> should include provisions for regular collection of glassware by staff and the prevention of glassware from being taken into external areas. Glassware should not be allowed to accumulate or cause obstruction.</p> <p>(b) Perimeter checks should be made outside the premises for any glasses or bottles.</p> <p>(c) All staff must be made aware of the glass collection policy and their responsibility for the task.</p>
	<b>PS9</b>	<b>Spillages and broken glass</b> should be cleaned up immediately to prevent floors from becoming slippery and unsafe.
	<b>PS10</b>	<b>Bottle bins</b> should be secure at all times and away from public areas.
<b>Accident or other emergency incident on the premises</b>	<b>PS11</b>	<p>(a) <b>A written policy</b> to deal with all types of accidents and emergency incidents should be in place at the premises.</p> <p>(b) The policy should be based on risk assessments and include matters such as emergency management, contingency planning and evacuation procedures in the event of fire, bomb threats or suspect packages and when to contact emergency services.</p> <p>(c) Evacuation responsibilities and roles should be clearly communicated to staff, routes and exits should be well defined and evacuation plans exercised regularly.</p> <p>(d) A copy of the fire risk assessment should be kept at the premises and made available for inspection by the fire authority and licensing authority.</p>

	<b>PS12</b>	<b>A fire detection system</b> should be in place at the premises and should be fully functional at all times. The system should be tested regularly with records kept and made available for inspection.
	<b>PS13</b>	<p>(a) <b>Means of escape</b> in case of any emergency must be clearly visible, unobstructed and well-maintained including areas outside exits leading to a place of ultimate safety such as the street.</p> <p>(b) Checks should be carried out before opening each day to ensure that exits are unlocked and unobstructed.</p>
	<b>PS14</b>	<b>Equipment should be checked and maintained</b> regularly with a record kept of the date and findings of the checks.

	<b>PS15</b>	(a) <b>Staff training in fire safety</b> and any premises safety policy should be provided for all staff to give them the knowledge and confidence to deal with emergency situations, including location of equipment, utilities, services and layout of premises. Training should include how to use fire extinguishers. (b) Records should be kept of the date and name of person trained and made available for inspection.
	<b>PS16</b>	<b>An accident book</b> should be kept to record all accidents or incidents and made available for inspection.
<b>Drug use or drink spiking</b>	<b>PS17</b>	(a) <b>A zero-tolerance policy</b> to the use of drugs in the premises should be adopted. (b) Posters can be displayed throughout the premises to remind customers of the zero-tolerance policy.
	<b>PS18</b>	<b>Refusing entry</b> to anyone who is showing signs of drug use and contacting the emergency services in appropriate circumstances. In such cases, an entry should be made in an incident log-book.

	<b>PS19</b>	(a) <b>A duty of care policy</b> regarding persons suffering adversely from the effects of drugs should be in place at the premises. The policy should include drug awareness training for all staff so that they can recognise the effects of controlled drugs and provide medical attention where necessary. (b) All staff must be briefed on the policy. A record should be kept of the date and name of person trained.
	<b>PS20</b>	(a) <b>Prevent the possibility of drink spiking</b> by offering various anti-drink spiking products to customers. (b) If a customer suspects that their drink has been spiked, you should report it to the police immediately. A process for this should be clearly set out in your duty of care policy.
	<b>PS21</b>	<b>A 'chill out' area</b> should be provided. This should be cooler and quieter than rest of venue.
<b>Smoking on the premises</b>	<b>PS22</b>	<b>Staff should be aware</b> of their responsibilities regarding smoke-free legislation and for monitoring compliance.
<b>Safety of customers when leaving the premises</b>	<b>PS23</b>	<b>Discourage drink driving</b> by promoting schemes such as designated driver, with notices clearly displayed throughout the premises.

	<b>PS24</b>	(a) <b>Display information</b> to customers with regards to safe options for travelling home. Information should include access to licensed taxi cabs or licensed private hire vehicles, the location of taxi ranks and public transport facilities including night bus options. (b) Provide a free taxi phone service and a safe waiting area for customers inside the premises.
	<b>PS25</b>	(a) A <b>'chill out' period at the end of an evening</b> can allow a slow dispersal from the premises allowing door staff to gain a handle on problem individuals, preventing arguing over taxis or congregation at takeaways and clashes with groups from other venues. (b) Provision of food and non-alcoholic drinks during a chill out period can be effective in allowing customers to sober up before leaving the premises.
	<b>PS26</b>	(a) <b>Increased lighting</b> inside the premises should be considered towards the end of an evening to affect the alertness of customers before they leave the premises. (b) <b>Increased external lighting</b> particularly in car parks under the direct control of the licence holder will provide added safety for customers as they leave the premises. Care should be taken so that lighting does not impact on neighbours, particularly in and close to established residential areas.

## Prevention of public nuisance

This section provides guidance on good practice for the prevention and management of public nuisance from licensed premises. It is intended to help those applying for new licences or variations to existing licences in completing their operating schedules. It is also designed to guide licensees on the prevention and management of noise and other public nuisance issues from their premises after a licence has been granted.

Excessive noise and nuisance from licensed premises is a major concern for persons living or working in the area. It is therefore recommended that applicants and licensees take a proactive approach to preventing and managing public nuisance from their premises.

All applications for new licences and variations should address the steps proposed to prevent public nuisance. Where entertainment or other potentially noisy activity is planned, a noise assessment should be carried out. For some premises, the assessment will need to be carried out by a suitably qualified consultant.

For new premises or the refurbishment of existing premises, preventative measures should be factored in during the planning and design stage. Consideration should be given to the structure and layout of the premises and equipment both internally and externally, to ensure that the premises are fit for purpose. Sound attenuation measures can include wall linings, acoustic curtains and acoustic treatment to mechanical ventilation or air conditioning systems. Consideration should also be given to historical noise problems at the premises with measures put in place to prevent them from recurring.

Licence holders should have clearly documented policies and procedures in place which identify all public nuisance risks associated with their premises and measures implemented to prevent, manage and respond to those risks. Licence holders should also engage with local residents and businesses on a regular basis to ensure that they are being good neighbours and dealing with problems as they arise.

Risk		Good Practice Measure
<p><b>Music, singing and speech noise breakout from the premises</b></p>	<p><b>PN1</b></p>	<p>(a) <b>A noise management policy</b> should be in place that sets out sound attenuation measures to prevent or control music, singing and speech noise breakout from the premises.</p> <p>(b) The policy should be based on the findings of an acoustic consultant's assessment.</p> <p>(c) All staff should be trained on the content of the policy to ensure a commitment to good noise management. A record should be kept of the date and name of person trained and made available for inspection by the licensing authority or environmental health responsible authority.</p> <p>(d) DJs, event promoters or other entertainment providers should be made aware of the policy in advance of any performance.</p>
	<p><b>PN2</b></p>	<p>(a) <b>Windows and doors should be kept closed</b> whilst the premises licence is in use to prevent noise breakout. Ventilation should be provided by mechanical means.</p> <p>(b) Windows should be sound insulated.</p> <p>(c) Emergency exits should be sealed acoustic doors.</p> <p>(d) A lobbied area should be provided at the entrance and exit to the premises.</p> <p>(e) Doors should be fitted with self-closing devices.</p>
	<p><b>PN3</b></p>	<p>(a) <b>A sound limiting device</b> should be installed, set and sealed at a level approved by an acoustic consultant.</p> <p>(b) The sound limiting device should be used at all times that relevant regulated entertainment is taking place, including all externally promoted events.</p> <p>(c) Only the premises licence holder or a nominated deputy and the designated premises supervisor should have access to the sound limiting device.</p>

	<b>PN4</b>	<p>(a) <b>Locate entertainment facilities</b> such as DJ booth, stage and loudspeakers away from doors and windows.</p> <p>(b) Rubber speaker mounts can be used to minimise structure borne noise.</p>
	<b>PN5</b>	<p>(a) <b>Methods for monitoring noise</b> should be included in a noise policy. Methods could range from simple perimeter checks and listening tests by the licence holder / staff to a detailed measurement taken by a qualified consultant using sound measuring equipment.</p> <p>(b) Noise monitoring should actively be carried out on a regular basis and when a new form of entertainment is introduced at the premises, when alterations are made to the premises or when a complaint is made directly to the venue.</p>
	<b>PN6</b>	<p>(a) <b>A logbook</b> should be kept of any noise monitoring carried, the findings and any remedial action taken. The log should indicate whether it was routine noise monitoring or the result of a complaint.</p> <p>(b) The logbook should be made available for inspection by the licensing authority or environmental health responsible authority.</p>
	<b>PN7</b>	<b>A contact telephone number</b> should be made available to local residents and businesses which they can use to report noise disturbances to a responsible person at the venue as and when they occur. The telephone line should be available at all times the licence is in use.

<b>Noise and nuisance from customers arriving and leaving the premises</b>	<b>PN8</b>	<p>(a) <b>Reduce the potential for excessive queue lines</b> with a well-managed and efficient door policy.</p> <p>(b) Long queues should be avoided and any queues should be directed away from residential properties.</p> <p>(c) Queues should be actively managed by door staff, especially later in the evening, to keep noise to a minimum. Rowdy behaviour from people queuing to get in should not be tolerated.</p> <p>(d) Door staff should refuse entry to anyone behaving in an anti- social way.</p> <p>(e) Restrict admittance or re-admittance to the premises after 23:00.</p>
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	<b>PN9</b>	<p>(a) <b>A customer dispersal policy</b> can minimise noise disturbance to local residents from customers leaving the premises. A policy should clearly set out measures to avoid a mass exit at the end of the evening.</p> <p>(b) A gradual change in music style and reduction in volume, for example quiet or mellow music towards the end of an evening and increasing lighting levels can help to reduce the potential for rowdy behaviour.</p> <p>(c) Sufficient staff should be available at the end of the evening to manage a controlled shut down of the premises and maintain good order as customers leave.</p>
	<b>PN10</b>	<p>(a) <b>Display prominent notices</b> close to the exit doors, requesting patrons to leave the premises quickly and quietly.</p> <p>(b) Display notices in car parks reminding patrons that they are in a residential area and to leave quickly and quietly and not to slam doors, rev engines, sound horns or play loud music.</p> <p>(c) Make announcements at the end of an evening, requesting patrons to (i) leave the premises and area quickly and quietly; (ii) to use toilet facilities before leaving.</p>
	<b>PN11</b>	<p>(a) <b>Provide a free taxi phone service and an internal waiting area</b> for customers to prevent noise disturbance to neighbours.</p> <p>(b) Steps should be taken to ensure that any taxi operators used and all their drivers are aware that they should arrive and depart as quietly as possible and should not sound their horns or leave engines idling unnecessarily.</p>
<b>Noise and nuisance from customers using external areas such as beer gardens or forecourts</b>	<b>PN12</b>	<b>Display prominent signs</b> in external areas such as beer gardens and forecourts asking customers to keep noise to a minimum.

	<b>PN13</b>	<b>Restrict the use of external areas</b> after 22:00 if premises are in a residential area.
	<b>PN14</b>	<p>(a) <b>Door supervisors or staff</b> should regularly monitor and manage external areas to ensure that customers are not causing a disturbance to local residents.</p> <p>(b) For private forecourts, a physical barrier such as a rope should be used to mark the boundary of the area outside the premises where customers are allowed.</p> <p>(c) Limit the number of smokers permitted outside at any one time after a certain time.</p> <p>(d) Discourage smokers from loitering outside by not permitting them to take their drinks with them and removing external furniture after a certain time.</p> <p>(e) Locate smoking areas away from residential premises.</p> <p>(f) Do not permit customers to congregate on and block the public highway to passersby.</p>
<b>Noise from staff and entertainment providers leaving the premises</b>	<b>PN15</b>	<b>Staff and performers</b> who depart late at night or in the early hours on the morning when the business has ceased trading, should conduct themselves in such a manner as to avoid causing disturbance to nearby residents. This includes the loading and unloading of artists' equipment.
<b>Noise and disturbance caused by deliveries, collections and waste disposal</b>	<b>PN16</b>	<b>Commercial deliveries, collections and storage / disposal of waste</b> , including beer deliveries, refuse collections and storage / disposal of waste and recyclables in external areas should be restricted to normal working hours between 08:00 and 18:00 Monday to Friday.
<b>Litter and waste around the premises</b>	<b>PN17</b>	<p>(a) <b>Flyers should not be distributed outside the premises</b> by the licence holder or any staff employed by the licence holder.</p> <p>(b) Licence holders should ensure that promoters of events at their premises do not distribute flyers outside the premises.</p>
	<b>PN18</b>	(a) <b>Procedures should be in place</b> for the prompt collection of street litter generated by the premises for example flyers,

		<p>cigarette butts or food wrappers.</p> <p>(b) Regular patrols of the area outside the premises should be undertaken by staff to clear any litter attributable to the premises.</p> <p>(c) Use wall or floor mounted cigarette bins in designated smoking areas for customers.</p>
<b>Disturbance from external lighting</b>	<b>PN19</b>	<b>External lighting</b> for the premises should be turned off after the premises are closed to the public.
<b>Noise or odours from plant and machinery</b>	<b>PN20</b>	<b>Plant and machinery should not cause nuisance</b> to local residents by way of noise, odours or vibration. Acoustic measures such as screening, enclosures, anti-vibration mounts, silencers or timing clocks should be used if necessary.

### Protection of children from harm

This section provides guidance on good practice for the protection of children from harm at licensed premises. It is intended to help those applying for new licences or variations to existing licences in completing their operating schedules. It is also designed to guide licensees on the protection and management of children from harm at their premises after a licence has been granted.

The carrying on of licensable activities in particular the provision of alcohol and some types of entertainment can increase risks of harm to children attending licensed premises. It is therefore recommended that applicants and licensees take a proactive approach to protecting and managing the well-being of children at their premises.

All applications for new licences and variations should address the steps proposed to protect children from harm and this is best achieved through a premises risk assessment.

Licence holders should have clearly documented policies and procedures in place which identify all age restricted risks at their premises and measures implemented to prevent, manage and respond to those risks.

<b>Risk</b>		<b>Good Practice Measure</b>
<b>Children accessing licensed premises</b>	<b>CH1</b>	<p>(a) <b>A documented policy</b> setting out measures to protect children from harm should be in place at the premises. The policy should consider all activities associated with the premises including the sale of alcohol and the provision of regulated entertainment and when children should be allowed on or restricted from the premises.</p> <p>(b) All staff including door staff and bar staff should be trained on the policy.</p>

	CH2	<p>(a) <b>Restrict access to children</b> depending on the nature of the business and / or circumstances.</p> <p>(b) The admission of children can be restricted up until a specified time in the evening.</p> <p>(c) The admittance of children can only be permitted if they are accompanied by an adult.</p>
Underage sales of alcohol	CH3	<p>(a) <b>Operate a strict 'No ID, No Sale' policy. 'Challenge 25' scheme</b> serves as a reminder to staff of the need to be vigilant in preventing underage sales and to customers that it is against the law for anyone under 18 to purchase alcohol.</p> <p>(b) A 'Challenge 25' scheme gives staff additional support and encouragement to ask for ID from any person appearing to be under 25 years of age to prove that they are over 18.</p> <p>(c) Only accept photographic driving licences, passports or PASS (Proof of Age Standards Scheme) cards approved as means of ID. If you accept other forms of ID such as EU National ID cards, these must bear a photograph, date of birth and holographic mark.</p> <p>(d) Use till prompts to remind staff to ask for proof of age.</p> <p>(e) Prominently advertise the scheme in your premises so that customers are aware, in particular, display proof of age signs at the point of sale.</p>
	CH4	<b>Display posters at the premises</b> stating that it is an offence to purchase alcohol on behalf of an underage person (proxy sales).
	CH5	<b>Adverts or promotions for alcohol should not</b> appeal to young persons.
	CH6	<p>(a) <b>Keep a refusals book</b> (or refusal button on EPOS – Electronic Point of Sale) on the premises and ensure it is completed whenever a sale is refused to a person who cannot prove they are over the age of 18.</p> <p>(b) The book should contain the date and time of the incident, a description of the customer, the name of the staff member who refused the sale, and the reason the sale was refused.</p> <p>(c) The book should be made available to police and authorised council officers on request.</p>

		(d) The book should be reviewed on a regular basis to see if any patterns emerge.
	CH7	(a) <b>Staff training</b> in the age-related sections of the Licensing Act 2003 should be provided to all door, bar and till staff. This includes the ability to competently check customers' identification where necessary.  (b) A record should be kept of the date and name of person trained.
<b>Access to age restricted films</b>	CH8	(a) <b>Adequate provisions for restricting children</b> from viewing age restricted films should be in place at the premises.  (b) Staff should be trained to check ages at point of sale and prior to entry to a screening room to ensure that admission of children to films is in accordance with the recommendations of the British Board of Film Classifications (BBFC).
<b>Access to age restricted gaming machines</b>	CH9	<b>Age restricted gaming or vending machines</b> should have suitable signage setting out the age restrictions and should be in full view of staff for monitoring.
<b>Access to entertainment of an adult nature</b>	CH10	<b>Children under the age of 18 should be excluded</b> from the premises or part of the premises when specified activities such as adult entertainment are taking place.
	CH11	<b>Adverts for entertainment of an adult nature should not be displayed externally</b> on the premises or in any part of the premises internally where they can be seen by young people.

## Appendix 6 – Exercise and Delegation of Functions

All decisions on decisions on licensing matters under the 2003 Act, except for the approval and review of the statement of licensing policy will be taken in accordance with the following scheme of delegation aimed at underlining the principles of timely efficient and effective decision making.

### Delegation of Functions

Matter to be dealt with	Licensing Committee	Licensing Sub-Committee	Officer
Application for personal licence with no unspent relevant convictions			All cases
Application for personal licence with unspent relevant convictions		If a police objection	If no police objection
Application for premises licence / club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence / club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Application for interim authority		If a police objection	All other cases
Application to review premises licence / club premises certificate		All cases	

Decision on whether a complaint is irrelevant frivolous vexatious etc		Non- straightforward cases that the licensing officer or legal officer consider whether the matter should be referred to the licensing sub-committee.	Straightforward cases in consultation with legal officer
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a police or Environmental Health objection to a Standard temporary event notice		All cases	
Determination of a police or Environmental Health objection to a Late temporary event notice			All cases – automatic refusal
Minor variations			All cases
Amendment to licences when conditions and / or activities are made redundant through legislation		All cases	All cases
More than two amusement with prizes machines on licensed premises		All cases	All cases

This form of delegation is without prejudice to officers referring an application to a licensing sub-committee, or to the full committee, if considered appropriate by the licensing officer or sub-committee in the circumstances of the particular case and where permitted by legislation.