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## CONSULTATION ON LICENSING ACT DRAFT STATEMENT OF LICENSING POLICY

### 1 PURPOSE OF REPORT

- 1.1 This report details proposed amendments to the draft Statement of Licensing Policy that was approved for consultation by the Licensing Committee on 13 July 2015.
- 1.2 It proposes no changes to the original draft and seeks Members' approval for placing before Council on 15 December 2015.

### 2 INTRODUCTION

- 2.1 Section 5 (1) of the Licensing Act 2003 requires the Council to determine and to publish its licensing policy every 5 years. The Council's current policy for the period ending 6 January 2016 was reviewed, revised and approved for consultation between 17 August and 6 November 2015.
- 2.2 The Act requires the Council to keep the policy under review throughout each period and to revise it as necessary. Prior to making any changes, or in advance of a new 5 year period, the Council must carry out a consultative process with Responsible Authorities defined by the Act and others who the Authority considers would have an interest in the policy.
- 2.3 The draft policy was circulated for consultation to those identified in the report and the draft policy was displayed at the Council offices and on the Council's website.
- 2.4 A copy of the draft policy consulted upon is attached.

### 3 RESPONSE TO CONSULTATION

- 3.1 One response has been received from Mrs Faulkner regarding typing errors.
- 3.2 Appendix A is a copy of the response.

### 4 RISK IMPLICATIONS

- 4.1 There is a statutory obligation for the statement of licensing policy to be published by 6 January 2016. The draft policy has to be implemented for consideration and ratification by Council on 15 December 2015.
- 4.2 The Committee is bound by the provisions of the Act, the statutory guidance issued by the Home Office and its own statement of licensing policy in the administration of the licensing regime and in determining licensing issues.

**5 LEGAL IMPLICATIONS**

- 5.1 There may be a potential for decisions made in determining licensing applications to become subject to an appeal if an up to date statement of licensing policy has not been approved by Full Council and published by 6 January 2016, or the policy itself subject to legal challenge.

**6 RECOMMENDATION**

- 6.1 It is proposed that the Committee **RECOMMENDS TO COUNCIL** that the amended statement of licensing policy (Licensing Act 2003) be approved.



Angela Law

Assistant Director, Legal Services

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**Background Papers:-**

None.

For further information please contact Jan Fowler (Senior Licensing Officer) on:-

Phone: 01702 318358

Email: [jan.fowler@rochford.gov.uk](mailto:jan.fowler@rochford.gov.uk)

If you would like this report in large print, Braille or another language please contact 01702 318111.

# Statement of Licensing Policy

## Preface

This Statement of Licensing Policy is the ~~fourth~~ **fifth** that has been approved by the Licensing Authority in accordance with the Licensing Act 2003.

Since the adoption of the ~~third~~ **fourth** statement the Act has been amended. The amendments allow the imposition of additional mandatory conditions, ~~remove the requirements for certain community premises to have a designated premises supervisor; provide a simpler procedure for minor variations to a licence or certificate; provide summary review procedure in cases of serious crime or disorder; provide new offences and powers in relation to underage sales and empower local authorities to make early morning alcohol restriction orders~~ **and provide for certain licensable activities to be deregulated; procedure for annual fee late payment suspension, introduction of the Public Health Authority as a responsible authority, provide procedure for late temporary event notices and the Safety Advisory Group, expand temporary, event and interim authority notices limitations; remove the vicinity test for representations and introduce other persons and the new closure powers.** References in this statement to the Licensing Act 2003 are references to the Act as amended.

In reviewing this Statement of Licensing Policy, the Licensing Authority took account of the revised guidance issued by the Secretary of State for the Department of Culture, Media & Sport under section 182 of the Licensing Act 2003 approved in ~~March 2010~~ **March 2015**.

The revised policy was offered for consultation between **17 August 2015 – 6 November 2015** ~~to which there were no responses.~~

The policy was approved by the Licensing Authority on 15 December 2015 and has effect from ~~7 January 2011 to 6 January 2016~~ **7 January 2016 to 6 January 2021** unless reviewed and revised during that period.

Any comments on the contents of this policy should be sent to:-

Rochford District Council  
Licensing Unit  
3–19 South Street  
Rochford, Essex  
SS4 1BW

or by e-mail to [licensing@rochford.gov.uk](mailto:licensing@rochford.gov.uk)

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## Foreword

Rochford District covers an area of 65 square miles within an area bounded by the River Crouch in the north, the A127 Arterial Road in the south, the North Sea in the east and the A130 route in the west.

The area is predominantly rural in character with many smaller towns and villages and two main urban centres at Rochford and Rayleigh. It has a population of approximately 79,000 people.

The District offers a wide and developing variety of culture, history, recreation and dwellings with transport infrastructure provided by the mainline railway, to London and Southend, and local bus services.

The Licensing Act 2003 affects all premises that are used to supply alcohol, to carry on permitted club activities, to provide regulated entertainment or to provide hot food and drink between 2300hrs and 0500hrs. The effect is that potentially a larger number of premises will require licences including itinerant and take-away food businesses that trade after 2300hrs. The majority of premises are spread throughout the District with the main concentrations being in Rayleigh and Rochford.

In the more rural areas, public houses, village halls and community centres form focal points for the community and local convenience stores, off-licences, garages and take-away restaurants make an important contribution to local communities by providing outlets to buy food and drink.

The Council will monitor the continuing expansion of the leisure industry, which provides an essential contribution to the local economy in jobs and revenue in the District, in order to maintain a balance between those interests and the interests of preserving the heritage of the area and protecting the interests of residents.

This 'Statement of Licensing Policy' sets out the policies the Council will generally apply to promote the licensing objectives when making decisions on applications. It also sets out information about the application process, what is expected of applicants and how people can make representation about applications. It also sets out the types of controls that are available to the Council when decisions are made about licence applications and explains what action can be taken if complaints are received.

There are specific sections of the 'Statement of Licensing Policy' that deal with each of the four 'licensing objectives'.

The Licensing Act 2003, as amended, provides the means for leisure and recreational activity to increase within a more liberal regime of licensing that has, nevertheless, the ability to safeguard local amenity.

# 1 Introduction

- 1.1 Under the Licensing Act 2003, Rochford District Council is the Licensing Authority for the Rochford District and, in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late night refreshment, is responsible for granting premises licences, club premises certificates and personal licences and for administering the system of temporary events notices.
- 1.2 The Licensing Authority is required to discharge its licensing function through a committee of between 10 and 15 members – the Licensing Committee.
- 1.3 In this policy, bold type refers to matters that the Licensing Authority considers to be of particular importance for applicants to consider in preparing an application. Passages of text that are not in bold type are provided to assist applicants to understand what the Licensing Authority is seeking to achieve, the factors that influence the achievement of that outcome and the control measures that could be implemented by the applicant to achieve that outcome.
- 1.4 However, it should be recognised that this policy covers a wide variety of premises and activities carried on in them including theatres, cinemas, restaurants, pubs, nightclubs, private members' clubs, village halls and community centres, as well as off-licences and late night food premises and vehicles selling hot food or hot drink after 11.00 pm. For this reason, this policy cannot detail all the factors that influence the achievement of the licensing objectives nor can this policy detail all the control measures that may be appropriate.

## The Licensing Objectives

- 1.5 The 2003 Act requires the Licensing Authority to carry out its various licensing functions so as to promote the four licensing objectives. These are:-
  - (a) the prevention of crime and disorder;
  - (b) public safety;
  - (c) the prevention of public nuisance;
  - (d) the protection of children from harm.
- 1.6 **Applicants should consider what measures are required to be implemented and maintained in respect of each of the four licensing objectives that are relevant to the individual style and characteristics of their premises and the types of licensable activities and events that are to be carried out in them. Where appropriate, applicants should consider whether or not any additional measures are required in respect of occasional or specific events that it is intended or are likely to attract larger audiences.**

## Statement of Licensing Policy

- 1.7 The 2003 Act requires the Licensing Authority to publish a 'Statement of Licensing Policy' for each ~~3~~ 5 year period that sets out the policies the Licensing Authority will generally apply to promote the licensing objectives when making decisions on applications made under the Act.
- 1.8 This 'Statement of Licensing Policy' has been prepared in accordance with the provisions of the 2003 Act and having regard to the guidance issued under Section 182 of the Act. It has been drafted in partnership with the Essex Joint Licensing Officers' Forum, the Rochford Community Safety Partnership ~~and the Rochford Drug and Alcohol Reference Group~~. This partnerships provide links to the Essex Chief Executives' Association's Crime and Disorder Steering Group, who will maintain a strategic overview of issues associated with permissions issued under the Licensing Act 2003.
- 1.9 The 2003 Act further requires the Licensing Authority to monitor, review and, where appropriate, amend its Statement of Licensing Policy. The Licensing Authority will consult with those groups mentioned in paragraph 1.13 below, prior to amending any part of the policy and in preparing its Statement of Licensing Policy for each future ~~3~~ 5-year period.
- 1.10 This 'Statement of Licensing Policy' was reviewed in ~~June 2010~~, in May 2015 circulated for consultation between ~~19 July 2010 and 18 October 2010~~ 17 August 2015 – 6 November 2015, before being ratified by Full Council on ~~14 December 2010~~ 15 December 2015. It has effect until ~~6 January 2016~~, 6 January 2021

### Disclaimer

- 1.11 The advice and guidance contained in the appendices attached to this Statement of Licensing Policy is intended only to assist readers in consulting the policy and should not be interpreted as legal advice or as constituent of Rochford District Council's Statement of Licensing Policy. Readers are strongly advised to seek their own legal advice if they are unsure of the requirements of the Licensing Act 2003, or of the Guidance or Regulations issued under the Act.

## Consultation

- 1.12 There are a number of groups who have a stake in the leisure industry, including providers, customers, residents and enforcers, all of whom have views and concerns that require consideration as part of the licensing function and promotion of the licensing objectives.
- 1.13 In developing this Policy Statement, the Licensing Authority consulted widely. The views of the Divisional Commander of South-Eastern Police Division, Essex County Fire and Rescue Service, representatives of existing licence holders, businesses, voluntary groups and residents were taken into account.

Due consideration was also given to the views of all those who responded to the consultation process.

### **Responsible Authorities**

- 1.14 The Licensing Act 2003, as amended, prescribes the Responsible Authorities that have statutory functions or are considered to be consultees under the Act.
- 1.15 In addition, paragraph 13.52 of the guidance issued by the Secretary of State under section 182 of the Act recommends that the Licensing Authority should indicate the body that is competent to advise it about the protection of children from harm.
- 1.16 The Authority has applied the following considerations in discharging this responsibility:-
  - (a) the competency of the body to advise the Licensing Authority;
  - (b) the need for the body to be responsible for an area covering the whole of the Licensing Authority's area;
  - (c) the need for the body to be answerable to persons who are duly elected through a statutory process rather than any particular invested interest group etc.
- 1.17 The Licensing Authority designates the Essex Safeguarding Children's Board for this purpose.

### **Links to other Strategies**

- 1.18 In preparing this statement of licensing policy, the Licensing Authority has taken into account other relevant strategic documents, e.g. the Council's Corporate Plan, the local Community Safety Partnership plan, the Council's Cultural Strategy, its Local Development Plan and Economic Development Strategy to ensure proper co-ordination and integration of aims and actions. Review and amendment of these strategies will be considered for their impact on this statement of licensing policy.
- 1.19 Further, arrangements will be made for the Licensing Committee to receive reports, when appropriate, on the needs of local tourism to ensure that these are reflected in their considerations. The Licensing Committee will also be apprised of the local employment situation and the need for new investment and employment, where appropriate.
- 1.20 To ensure proper integration with the Council's planning policies, the Licensing Committee, when appropriate, will provide reports to the Executive on the situation regarding licensed premises in the area, including the general impact of alcohol-related crime and disorder, to inform policy making and so enable the



Development Control Committee to have regard to such matters when making its decisions.

- 1.21 The Licensing Authority recognises its responsibilities under the ~~Race Relations Act, 1976, as amended.~~ **Equality Act 2010** The impact of this policy on those matters will be monitored through the Council's Race Equality Scheme.

### **Regulated Entertainment**

- 1.22 Having regard to the Council's Cultural Strategy and the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified in 1976, a diverse provision of cultural activities is welcomed for the benefit of communities.
- 1.23 The Licensing Authority will monitor the licensing of regulated entertainment, especially with regard to live music and dancing, theatrical performances, circuses, etc. to ensure that such events are promoted without unreasonable restrictions being imposed, which would discourage such events.
- 1.24 The Licensing Authority will need to balance the natural concern to prevent disturbance in neighbourhoods with the wider cultural benefits, particularly the cultural benefits for children.
- 1.25 Appendices A and B provide definitions of legal terms used within the Act and exemptions to the need for licensing.

### **Applications**

- 1.26 When considering applications, the Licensing Authority will have regard to:
- (a) the Licensing Act 2003, as amended and the licensing objectives;
  - (b) guidance issued under Section 182 of the Licensing Act 2003, as amended;
  - (c) any supporting regulations;
  - (d) this Statement of Licensing Policy.
- 1.27 This does not, however, undermine the rights of any person to apply under the 2003 Act for a variety of permissions and have the application considered on its individual merits, nor does it override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the 2003 Act.
- 1.28 The Licensing Authority recognises that, in some circumstances, longer licensing hours for the sale of alcohol may help to avoid concentrations of customers leaving premises simultaneously and to reduce the potential for disorder. It also recognises that overly restrictive hours may inhibit the

development of night-time economies that are important for investment, employment and tourism.

- 1.29 When determining applications before a Licensing Sub-Committee, the Authority will seek to balance those factors against their duty to promote the 4 licensing objectives and the rights of residents to peace and quiet.
- 1.30 When the Licensing Authority is considering any application, it will avoid duplication with other regulatory regimes, so far as possible, and does not intend to use the licensing regime to achieve outcomes that can be achieved by other legislation. In particular, the Council's licensing functions will be discharged separately from its functions as the local planning authority.
- 1.31 **The Licensing Authority would normally expect that applications for premises licences for permanent commercial premises should be from businesses with planning consent for the property concerned.**  
(Other permissions may be applicable to licensed premises and applicants are expected to ensure that such permissions are obtained where necessary.)
- 1.32 When one part of the Council seeks a premises licence from the Licensing Authority, the Licensing Committee and its officers will consider the matter from an entirely neutral standpoint. If relevant representations are made, e.g. by local residents or the police, they will be considered fairly by the Committee.

## Cumulative Impact Policy

- 1.33 Cumulative impact is the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area e.g. the potential impact on crime and disorder or public nuisance.
- 1.34 The cumulative impact of licensed premises on the promotion of the licensing objectives is a matter that the Licensing Authority can take into account. This should not, however, be confused with 'need' which concerns the commercial demand for a particular type of premises e.g., a pub, restaurant or hotel. The issue of 'need' is therefore primarily a matter for the market to decide and does not form part of this licensing policy statement.
- 1.35 The Licensing Authority can only adopt a policy on cumulative impact if there is evidence that a significant number of licensed premises concentrated in one area is causing a cumulative impact on one or more of the licensing objectives.
- 1.36 The absence of a policy does not prevent any responsible authority or other person making representations on a new application

for the grant or variation of a licence on the grounds that the premises will give rise to a detrimental cumulative impact on one or more of the licensing objectives in a particular area.

- 1.37 The last three years the Licensing Authority has seen an increase in the intensity of the night time economy in the Rayleigh area, characterised by the increasing concentration of licensed premises. The area now has the highest concentration of late licensed premises in the District. Rayleigh has seen an influx of people at the weekends. Although the premises are managed well there has been an increase of antisocial behaviour in Rayleigh High Street, Rayleigh High Road and Eastwood Road.
- 1.38 The Licensing Authority has seen an increase in concerns raised by residents, Councillors and local businesses about the impact the night economy is having on the local environment in this area. Typical issues of concern include:
- Public urination
  - Litter
  - Noise nuisance from patrons of licensed premises
  - Damage of property and vehicles

In response to these concerns the Licensing Authority has undertaken various initiatives, in partnership with other agencies and the licensed trade, to tackle these issues which involved:

- Introduction of pub Watch and the Behave or Be Banned Schemes
  - Pub watch obtaining funding for a Town Radio Link to improve communication between late night venues
  - Increase in Police presence Friday and Saturday nights
  - Carrying out robust enforcement visits
  - Working with late operating venues to improve management of venues and door staff
- 1.38 While the licensed premises represent some of the best examples of good practice and have not had any increase in incidents within the premises, concerns continue to be raised regarding the volume of people on the streets between the hours of midnight and 04:00 hours. While improvement have been made the Council continues to receive complaints about the negative impacts of the night time economy in Rayleigh.
- 1.39 Having considered all the evidence the Licensing Authority is of the opinion that Rayleigh is now saturated with licensed premises and have adopted a policy relating to cumulative impact in relation to the following areas of the District :
- Rayleigh High Street
  - Rayleigh High Road
  - Eastwood Road Rayleigh

- 1.40 **This policy creates a rebuttable presumption those applications within the areas set out in paragraph 1.39 for new premises licences or club premises certificates or variations that are likely to add to the existing cumulative impact will normally be refused, if relevant representations are received about the cumulative impact on the licensing objectives, unless the applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact already being experienced.**
- 1.41 Despite the presumption against grant, responsible authorities and/or other persons will still need to make a relevant representation before the Licensing Authority may lawfully consider giving effect to its policy i.e. if no representation is received, the application must be granted (subject to such conditions as are consistent with the operating schedule and any mandatory conditions required by the Licensing Act 2003). Responsible authorities and other persons can make a written representation referring to information, which had been before the Licensing Authority when it developed its statement of licensing policy.
- 1.42 The Licensing Authority recognises that a policy should never be absolute. After receiving representations in relation to a new application or for a variation of a licence or certificate, the licensing authority will consider whether it would be justified in departing from its policy in the light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics. If the Licensing Authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of the licensing objectives and that necessary conditions would be ineffective in preventing the problems involved.
- 1.43 This policy will not be used:
- as a ground for revoking an existing licence or certificate when representations are received about problems with those premises
  - ☐ to justify rejecting applications to vary an existing licence or certificate except where those modifications are directly relevant to the policy (as would be the case with an application to vary a licence with a view to increasing the capacity limits of the premises) and are strictly necessary for the promotion of the licensing objectives
  - to include any provisions for a terminal hour in any particular area which might impose a fixed closing time akin to that under the 'permitted hours' provisions of the Licensing Act 1964
  - to impose quotas - based on either the number of premises or the capacity of those premises - that restrict the consideration of any application on its individual merits or which seek to impose

limitations on trading hours in particular areas. Quotas have no regard to individual characteristics of the premises concerned. Proper regard will be given to those differences and the differing impact they will have on the promotion of the licensing objectives

- 1.44 This policy will be reviewed regularly to assess whether it is still needed or should be expanded.

### **Other mechanisms for controlling cumulative impact**

- 1.45 Outside licensed premises, a minority of consumers will sometimes behave badly and unlawfully. However, there are other mechanisms, both within and outside the licensing regime, that are available for addressing such issues. For example:
- planning controls
  - positive measures to create a safe and clean environment in partnership with local businesses, transport operators and others
  - the provision of CCTV and ample taxi ranks
  - powers to designate parts of the Town as places where alcohol may not be consumed publicly
  - confiscation of alcohol from adults and children in designated areas
  - police enforcement of the law with regard to disorder and anti-social behaviour, including the issuing of fixed penalty notices
  - police powers to close some premises for up to 24 hours on the grounds of disorder, the likelihood of disorder or excessive noise
  - the power of police, local businesses or residents to seek a review of the licence or certificate
  - enforcement action against those selling alcohol to people who are drunk.
- 1.46 The above can be supplemented by other local initiatives that similarly address these problems, for example, through the Castle Point and Rochford Community Safety Partnership in line with the strategic objectives for crime and disorder reduction within the District.

### **New and Varied Licences/Certificates**

- 1.47 Where no licence or certificate exists in respect of premises, an application for a new licence or certificate must be made in order to carry out licensable activities.
- 1.48 An application may be made to vary a premises licence or a club premises certificate, or to vary a premises licence to specify an individual as the premises supervisor.

- 1.49 Following amendments to the Act; applications may be made for a 'minor variation' under a less bureaucratic and costly process. The Act prescribes the types of variation that may not be dealt with as 'minor variations' (Appendix C1).
- 1.50 In addition, Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003, as amended, suggests types of variation that might or might not be considered to be minor.
- 1.51 The Act also provides the Licensing Authority with discretion to determine whether a proposed variation is a minor variation.
- 1.52 This Authority considers that the following types of application will not normally fall within the category of being a minor variation:-
- (a) To increase the hours during which licensable activity may be carried on under the licence;
  - (b) To increase the opening hours of the premises:
  - (c) To make a second or subsequent application for structural alterations to be carried out within 12 months of a similar application being made.
- 1.53 In all cases, the Authority reserves the right to consider each application on its own merit. The decision will be taken by officers of the Authority and their decision will be final.
- 1.54 The Licensing Authority will consider applications for minor variations to premises licences or club premises certificates, providing that the Authority is satisfied that the variation will not adversely impact on the licensing objectives and the Licensing Authority will consult with the responsible authorities whom they deem necessary to make assessment.
- 1.55 An application to vary the existing licence or certificate should be made where the proposed variation is in respect of changes to the types of licensable activities that are to be undertaken and / or the hours those activities are to take place, or where structural changes are to be made to the premises.
- 1.56 Where the proposed variation to a licence or certificate is in respect of structural alterations, the application must always be accompanied by a plan of the proposed alterations in addition to the existing licence or certificate and the plan to which it relates.
- 1.57 There is little guidance available as to when a new licence should be applied for rather than a variation to an existing licence in respect of structural alterations. The Licensing Act 2003, as amended, does not allow an application to vary the licence to be made to vary substantially the premises to which it relates. This will be a matter of fact in each case and applicants are advised to discuss the matter with Officers of the Authority before submitting an application.

- 1.58 In addition, when completing section 3 of the application form, it is important that applicants ensure they provide sufficient time for the alterations to be carried out when stating the date upon which the variation is to take effect. This is to ensure that when the licence or certificate comes into force, the plan to which it relates accurately reflects the layout of the building.
- 1.59 If the actual date when the alterations have been completed differs from that requested, applicants must inform the Licensing Authority so that the licence or certificate can be issued correctly. **Failure to do so may result in an offence being committed under section 136 of the Licensing Act 2003, as amended, of carrying on a licensable activity otherwise than under and in accordance with an authorisation.**

### Electronic Applications

- 1.60 In keeping with the Council's policy on the introduction of e-Government, the Licensing Authority consents to applications and other notices being given electronically where the Act and regulations allow. The address at which the Licensing Authority will accept applications and notices is:-
- (a) by post/personal service to The Licensing Unit, Rochford District Council, South Street, Rochford, Essex, SS4 1BW;
  - (b) by e-mail to [licensing@rochford.gov.uk](mailto:licensing@rochford.gov.uk);
  - (c) by facsimile to 01702 545737;
  - (d) on-line at [www.rochford.gov.uk](http://www.rochford.gov.uk)
- 1.61 Where applications for premises licences and club premises certificates have been granted, the Licensing Authority will send the licence or certificate to applicants by post.

Appendices C and D provide applicants with advice and guidance on the application process and the scale of licensing fees.

### Interested Parties

#### Other Persons

- 1.62 As well as responsible authorities, any other person this includes any individual, body or business are entitled to make representations to the licensing authority in relation to applications for the grant, variation, minor variation, or review of a premises licence or club premises certificate. In addition these persons may themselves seek a review of a premises licence.

- ~~1.63 Interested Parties can make representations about licensing applications or apply for a review of an existing licence.~~

- ~~1.64 A person is an Interested Party in relation to an application for or in respect of a Premises Licence or Club Premises Certificate if, in the opinion of the Licensing Authority the person:-~~
- ~~(a) lives in the vicinity of the premises, i.e. lives sufficiently close to the premises that they are likely to be affected by the authorised activities;~~
  - ~~(b) is involved in a business in the vicinity of the premises; or~~
  - ~~(c) represents persons who satisfy paragraphs (a) or (b).~~
  - ~~(d) is a Member of the Licensing Authority~~
- ~~1.65 The principles the licensing authority will apply to determine whether a person is an interested party are that:-~~
- ~~(a) each case will be decided upon its merits;~~
  - ~~(b) the authority will not apply a rigid rule to its decision-making and will consider the examples of considerations provided in the guidance to the Act;~~
  - ~~(c) the authority will also consider the term "involved in any business" in its widest possible context, which might include partnerships, charities, faith-groups and medical practices.~~
- ~~1.66 Interested Parties can also include persons who are duly elected, such as Parish Councillors and MPs, who can make representations in writing and at a hearing in their own right if they live or are involved in a business in the vicinity of the premises in question or on behalf of an interested party such as a resident or local business if specifically asked to do so.~~
- ~~1.67 However, where they have a prejudicial interest in an application, they can only attend a meeting to make representations, answer questions or give evidence (where the public are also allowed to attend for the same purpose) provided that they withdraw from the meeting immediately afterwards.~~
- ~~1.68 The Licensing Authority considers that Trade Associations, Trade Unions and Residents and Tenants Associations qualify as Interested Parties where they can demonstrate that they represent persons in paragraph 1.50 (a) or (b).~~
- ~~1.69 This authority will not however generally view these bodies as Interested Parties unless they have a member who can be classed as an Interested Party.~~
- ~~1.70 This Authority will generally require written evidence that a person is authorised to represent an Interested Party in any case other than that mentioned in paragraph 1.52 above.~~



~~1.71 In determining if a person lives or has business interests sufficiently close to the premises that are likely to be affected by the authorised activities the Licensing Authority will consider the following factors:-~~

~~(a) the size of the premises;~~

~~(b) the nature of the premises;~~

~~(c) the distance of the premises from the location of the person making the representation;~~

~~(d) the potential impact of the premises (e.g. number of customers, routes likely to be taken by those visiting the establishment);~~

~~(e) the nature of the complaint. This does not mean the personal characteristics of the complainant but the interest of the complainant, which may be relevant to the distance from the premises;~~

~~(f) the catchment area of the premises (i.e. how far people travel to visit);~~

## Representations

1.72 Any Responsible Authority or ~~Interested Party~~ **Other person** may make relevant representations on applications for the grant of a premises licence or club premises certificate and request reviews of licences or certificates that have been granted. However, only the Divisional Commander of South-Eastern Police Division may make representations in respect of the grant of a personal licence, transfer of a premises licence or changes to the premises supervisor, ~~or the issue of a Temporary Event Notice.~~ **Divisional Commander of South-Eastern Police Division and the Environmental Heath Authority may make representations in respect of a temporary event notice.**

1.73 A representation will only be 'relevant' if it relates to the effect of the grant of the licence on the promotion of at least one of the four licensing objectives. In addition, the representation must not be frivolous or vexatious or, in the case of reviews, repetitious.

1.74 As the Licensing Authority has to be satisfied that the representation is made by an Interested Party, which can generally only be determined by reference to the name and address of the person making it, this Authority will not consider any representation that fails to provide those details.

1.75 Where relevant representations are made, the Licensing Authority must provide copies of those representations to the applicant. The Licensing Authority accepts that in exceptional circumstances, any ~~Interested Parties~~ **Other Persons** may not wish for his/her personal details to be disclosed to the applicant.

- 1.76 Where the Licensing Authority consider that a relevant representation has been made and that exceptional circumstances exist, details of the name and address may be withheld from the copy of the representation that is provided to the applicant.
- 1.77 In all cases, applicants and those making representations that are genuinely aggrieved by a decision of the Committee are entitled to appeal to the Magistrates' Court against the decisions of the Committee.
- 1.78 Where the Responsible Authorities or ~~Interested Parties~~ **Other Persons** do not raise any relevant representations about the application made to the Licensing Authority, the Licensing Authority will grant the licence or certificate subject only to conditions that are consistent with the operating schedule and any mandatory conditions prescribed by the Licensing Act 2003, as amended.
- 1.79 Appendices E and F provide applicants with contact details of Responsible Authorities and information concerning Representations (and who can make them), Reviews, Hearings and Appeals.

## Conditions

- 1.80 Licensing is about the appropriate control of licensed premises, qualifying clubs, temporary events and the people who manage them or hold personal licences within the terms of the 2003 Act.
- 1.81 The Licensing Authority may not impose any conditions unless its discretion has been engaged following the making of relevant representations and it has been satisfied at a hearing of the necessity to impose conditions due to the representations raised. It may then only impose such conditions as are ~~necessary~~ **appropriate** to promote the licensing objectives arising out of the consideration of the representations.
- 1.82 **In order to minimise problems and the necessity for hearings, it would be sensible for applicants and clubs to consult with Responsible Authorities when operating schedules are being prepared to allow for proper liaison before representations prove necessary.**
- 1.83 Where relevant representations are made, the Licensing Authority will seek to make objective judgements as to whether conditions may need to be attached to various authorisations and others in possession of relevant authorisations, to secure achievement of the licensing objectives.
- 1.84 Any conditions arising from the operating schedule or as a result of representations will primarily focus on the direct impact of the activities taking place at licensed premises, on those attending the premises and members of the public living, working or otherwise engaged in normal activity in the area concerned and will cover matters that are within the control of individual licensees.

- 1.85 The Licensing Authority acknowledges that the licensing function cannot be used for the general control of the anti-social behaviour of individuals. Other mechanisms may be utilised, where appropriate, to tackle unruly or unlawful behaviour of customers when beyond the control of the individual, club or business holding the licence, certificate or authorisation concerned. These may include:-
- (a) planning controls;
  - (b) positive measures by the Council to create a safe and clean town environment in partnership with local businesses, transport operators, etc.;
  - (c) the provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;
  - (d) powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly, e.g. in Rochford Town Centre;
  - (e) police enforcement of the general law concerning disorder and antisocial behaviour, including issuing fixed penalty notices for disorder, making dispersal orders, etc.;
  - (f) the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
  - (g) the confiscation of alcohol from children and adults in designated areas;
  - (h) police and/or local authority powers to close down instantly for up to 24 48 hours **under a closure notice**, any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance. **See page 16**
  - (i) the power of the police, other responsible authorities or a local resident or business to seek a review of the premises licence or club premises certificate in question.
- 1.86 If an applicant volunteers a prohibition or restriction in their operating schedule because their own risk assessment has determined such prohibition or restriction to be appropriate, such volunteered prohibitions or restrictions will become conditions attached to the licence, or certificate and will be enforceable as such.
- 1.87 The Licensing Authority recognises that all applications should be considered on an individual basis and any condition attached to such a licence will be tailored to each individual premises. No condition will be imposed that cannot be shown to be necessary for the promotion of the licensing objectives.

## **Mandatory Conditions**

- 1.88 Appendix G sets out the Mandatory Conditions that are applicable to all premises in respect of the supply of alcohol, exhibition of films and employment of door supervisors.

## **Delegation of Functions**

- 1.89 With the exception of the approval and review of its Licensing Policy, decisions on licensing matters will be taken in accordance with an approved scheme of delegation aimed at underlining the principles of timely, efficient and effective decision-making. The Licensing Committee will receive regular reports regarding licences determined by officers under delegated powers, in order to maintain an overview of the general situation.
- 1.90 Appendix H contains a table setting out how the licensing authority intends to approach its various functions.

## **The Need for Licensed Premises**

- 1.91 There can be confusion about the difference between “need” and the “cumulative impact” of premises on the licensing objectives. “Need” concerns the commercial demand for another pub or restaurant or hotel. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy.

## **~~Cumulative Impact of a Concentration of Licensed Premises~~**

- ~~1.92 “Cumulative impact” means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a licensing authority to consider in developing its licensing policy statement.~~
- ~~1.93 The Licensing Authority acknowledges that a concentration of licensed premises in a particular area can result in an increased number of people walking through or congregating in streets during the night with the potential impact of an increase in crime, anti-social behaviour, noise pollution and other disturbance to residents, together with an increase in littering or fouling. In such cases the amenity of local residents can be placed under severe pressure but may not be attributable to any individual premises.~~
- ~~1.94 The Licensing Authority should only adopt a special policy on cumulative impact if there is evidence that a significant number of licensed premises concentrated in one area are resulting in unacceptable levels of crime and disorder or public nuisance.~~

- ~~1.95 The Licensing Authority, having regard to the evidence currently available, considers that there is no particular part of the District causing a cumulative impact on any of the licensing objectives.~~
- ~~1.96 However, the question of the cumulative impact of licensed premises in a particular area may, at a future time, be triggered for consideration on representation from residents or businesses or a responsible authority. The onus will rest on those persons or groups to provide evidence that additional licences or the variation of existing licences (e.g. to increase such aspects as capacity or operating hours) will produce the cumulative impact claimed.~~
- ~~1.97 In any future consideration of the question of a special policy regarding “cumulative impact” the Licensing Authority will consult the persons listed in section 5 (3) of the Licensing Act 2003, as amended.~~
- ~~1.98 Following a successful representation in such matters, the Licensing Authority’s Statement of Licensing Policy will be reviewed and amended.~~

## **Advice and Guidance**

- 1.99 The Licensing Authority recognises the valuable cultural, social and business importance that premises and events requiring a licence under the Licensing Act provide and welcomes the diversity of activities that are provided by licence holders. For this reason, pre-application discussions will be encouraged to assist applicants to develop their operating schedule. The Licensing Authority, Essex Police and/or Essex County Fire and Rescue Service will offer as much advice and guidance to applicants, as resources permit.
- 1.100 The Licensing Authority will also seek to liaise with applicants and/or mediate between applicants and others who may make representations, to achieve a satisfactory outcome for all involved, wherever possible and where resources permit. Where an applicant considers that mediation and liaison may be likely or probable, it is recommended that the applicant discuss his proposal with the licensing section and those from who they think representations are likely prior to submitting their application. Once an application has been lodged, there are statutory timescales imposed upon the application and determination process, which restrict the opportunity for such discussions, liaison and mediation.
- 1.101 Appendices J and K provide a list of references to ‘best practice’ and details of various organisations and trade associations that an applicant may find useful in preparing an operating schedule and running a safe premises/event.

## **Reviews of Licences**

- 1.102 Where possible and appropriate the Licensing Authority will give early warning to licence holders of any concerns about problems identified at premises and of the need for improvement.

- 1.103 Any Responsible Authority or ~~Interested Party~~ **other persons** may apply for a review of a premise's licence or a club premise's certificate by serving a notice containing details of the application on the holder of the licence or certificate and to each of the Responsible Authorities.
- 1.104 An application for review will only be 'relevant' if the grounds upon which it is made relate to the promotion of at least one of the four licensing objectives and is not frivolous, vexatious or repetitive. An evidentiary basis will be required to be presented to the Licensing Authority.
- ~~1.105 Where an Interested Party a person applies for a review, the Licensing Authority has to be satisfied that the person making it qualifies as an Interested Party and that it is relevant. There is no appeal to the decision of the Authority other than by way of judicial review.~~
- 1.92 **Where representations are made by other persons the Licensing Authority has to be satisfied the representation is relevant. There is no appeal to the decision of the Authority other than by way of judicial review.**
- ~~1.106 As the Licensing Authority can generally only determine whether a person is an Interested Party by reference to the name and address of the person making the application, this Authority will not consider any application that fails to provide those details.~~
- 1.107 No more than one review from ~~interested parties~~ **other persons** will be normally permitted within any 12-month period on similar grounds except in exceptional and compelling circumstances.
- 1.108 Appendices E and F provide applicants with contact details of Responsible Authorities and information concerning Reviews (and who can make them), Hearings and Appeals.

### **Summary Reviews (Violent Crime Reduction Act 2006)**

- 1.109 Where premises are associated with serious crime or serious disorder a senior police officer (Superintendent or above) may apply for a summary review of a premises licence.
- 1.110 If a summary review is applied for, the Licensing Authority must consider the application within 48 hours (time that is not on a working day is disregarded) and determine what interim steps to take, if any, of those listed below:-
- (a) the modification of the conditions of the premises licence;
  - (b) the exclusion of the sale of alcohol by retail from the scope of the licence;
  - (c) the removal of the designated premises supervisor from the licence;
  - (d) the suspension of the licence.

- 1.111 Although the law allows the decision to be determined in the absence of the premises licence holder, the Licensing Authority will endeavour to always notify the licence holder of the application having been made and of the time, date and place that it will be determined, in order to afford the licence holder or representative the opportunity to attend.
- 1.112 Where the Licensing Authority decide to take any of the interim steps, its decision has immediate effect and an immediate notice of the decision must be given to the licence holder.
- 1.113 Where the licence holder makes representation in respect of the decision, the Licensing Authority must hold a hearing within 48 hours (time that is not on a working day is disregarded) of receipt of the representations and, unless they are withdrawn, consider those representations and any made by the police; consider whether the interim steps are necessary for the promotion of the licensing objectives; determine whether to withdraw or modify the steps taken.
- 1.114 The Licensing Authority must also hold a review hearing within 28 days.
- 1.115 **Closure of premises**

Under the Anti social Behaviour, Crime and Policing Act 2014, Closure Notices can be issued by the police or local authority for 24 hours (and up to 72 hours where necessary) when satisfied there are reasonable grounds:

- that the use of particular premises has resulted or is likely soon to result in nuisance to members of the public, or
- that there has been or is likely soon to be disorder near those premises associated with the use of those premises.

Closure Orders up to a period of 3 months can be sought from a Magistrates Court by police and local authorities once a Closure Notice has been issued. The court may make a Closure Order if it is satisfied:

- that a person has engaged, or is likely to engage, in disorderly, offensive or criminal behavior on the premises, or
- that the use of the premises has resulted, or is likely to result, in serious nuisance to members of the public, or
- that there has been, or is likely to be, disorder near those premises associated with the use of the premises
- and that the order is necessary to prevent the behavior, nuisance or disorder from continuing, recurring or occurring.

Breach is a criminal offence.

- Notice: Up to three months in prison;
- Order: Up to six months in prison;
- Both: Up to an unlimited fine for residential and non-residential premises.

#### Who Can Appeal

- Any person who the closure notice was served on;
- 
- Any person who had not been served the closure notice but has an interest in the premises;
- The council (where closure order was not made and they issued the notice);
- The police (where closure order was not made and they issued the notice).

### Enforcement

1.116 The Licensing Authority is responsible for the administration and enforcement of the licensing regime and has adopted the Government's Enforcement Concordat designed to ensure effective and efficient public protection services. Specifically, the Licensing Authority is committed to accord with the principles of good enforcement practice by carrying out its regulatory functions in a fair, open and consistent manner.

1.117 The Enforcement Concordat is based on the principles that businesses should:-

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

1.118 The Licensing Authority recognises the interests of both citizens and businesses and will work closely, with partners, to assist licence holders to comply with the law and the four licensing objectives it seeks to promote. However, proportionate but firm action will be taken against those who commit serious offences or consistently break the law.



- 1.119 The Licensing Authority has set clear standards of service and performance that the public and businesses can expect. In particular, an enforcement policy has been created that explains how the Licensing Authority will undertake its role and how the principles of effective enforcement will be achieved. This policy is freely available from the licensing section, as are details of the corporate complaints procedures, both of which can also be viewed on the Council's website: [www.rochford.gov.uk](http://www.rochford.gov.uk)
- 1.120 The Licensing Authority has established an enforcement protocol with Essex Police, Essex County Fire and Rescue Service and Essex County Council Trading Standards on enforcement issues. This protocol provides for the targeting of resources towards high-risk premises and activities that require greater attention, while providing a lighter touch in respect of low risk premises that are well operated.

### **1.121 Safety Advisory Group**

The role of the Rochford District Safety Advisory Group (SAG) is to promote good standards of safety at all public events in the district and to ensure best practice is followed.

The key objectives of the group are to:

- Ensure as far as possible that risk to public safety is minimized for all public events
- Maintain an overview of forthcoming events within the Rochford & Rayleigh District area
- Act in an advisory capacity to both the organiser of an event and other agencies/individuals involved
- Provide a forum within which the Local Authority and other agencies may develop a coordinated approach to spectator safety
- Advise and develop generic risk assessments/best practice where appropriate
- Ensure that there are in existence agreed contingency plans for dealing with major incidents

The Rochford District SAG is chaired by Rochford District Council and the core members will include officers from:

- Essex Police
- Essex County Fire & Rescue Service
- East of England Ambulance NHS Trust
- Rochford District Council

The core SAG will invite representatives from other organisations as required including (but not exclusively):

- Essex County Council
- Town / Parish Councils
- Promoter / Organiser
- Security companies
- Specialist contractors
- Public Health bodies
- Other RDC Officers as required.

## 2. Licensing Objectives

- 2.1 The following sections set out the Licensing Authority's Policy relating specifically to the four licensing objectives (paragraph 1.5 above).
- 2.2 In each of the following sections the Licensing Authority has defined its intended outcome (in bold type) in respect of the objectives. Each section then lists the influencing factors on the achievement of that objective but, because of the wide variety of premises and activities to which this policy applies, the lists provided are not exhaustive.
- 2.3 **Applicants should know their premises best and will be expected to address all aspects relevant to the individual style and characteristics of their premises and events.**
- 2.4 Further, in each section, a list of possible control measures is provided, to be of assistance to applicants, but again is not intended to be an exhaustive list. Many control measures achieve more than one objective but have not necessarily been listed under each objective. Similarly, applicants will not be required to mention a control measure more than once in their operating schedule.
- 2.5 **The selection of control measures, referred to in 2.4 above, should be based upon a risk assessment of the premises, events, activities and the customers expected to attend (e.g. their age, number, etc.).**
- 2.6 The Licensing Authority suggests that such risk assessments should be documented as it considers such documentation to be good practice and a useful tool in the instruction and training of staff, as well as a sound basis for review by the licence holder, in the event of requiring to make application for variation or in response to changing circumstances/conditions at the premises.
- 2.7 Additional measures may be necessary on an occasional or specific basis such as when a special event (e.g. popular live band) or promotion (e.g. during major sporting occasions) is planned, which is intended to, or likely to attract larger

audiences and/or audiences of a different nature, and which can have a significant impact on the achievement of the licensing objectives.

**2.8 Reference should be made in an applicant's operating schedule, where applicable, to such occasions and the additional measures that are considered necessary in order to achieve the licensing objectives.**

2.9 The Licensing Authority considers the effective and responsible management of the premises, instruction, training and supervision of staff and the adoption of best practice to be amongst the most essential control measures for the achievement of all the licensing objectives.

**2.10 The Licensing Authority therefore strongly encourages all holders of premises licences to ensure that these elements are considered and undertaken.**

2.11 In addition, the occupancy capacity for premises and events, as appropriate, is also considered to be an important factor in the achievement of the four licensing objectives (except in respect of premises licensed for the consumption of food and/or alcohol off the premises).

**2.12 The Licensing Authority suggests that the issue of occupancy capacity should be considered and addressed, where necessary, within an applicant's operating schedule.**

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

- (a) the nature of the premises or event;
- (b) the nature of the licensable activities being provided;
- (c) the provision or removal of such items as temporary structures, such as a stage, or furniture;
- (d) the number of staff available to supervise customers both ordinarily and in the event of an emergency;
- (e) the age of the customers;
- (f) the attendance by customers with disabilities, or whose first language is not English;
- (g) availability of suitable and sufficient sanitary accommodation;
- (h) nature and provision of facilities for ventilation.

- 2.14 The agreement to a capacity for premises or events should not be interpreted as a requirement to also provide permanent monitoring arrangements such as door staff, attendance clickers or maintenance of attendance records. The Licensing Authority recognises that the person in charge at the premises can often readily assess the capacity of premises without resort to such measures.
- 2.15 Where the capacity is likely to be reached (such as on known busy evenings) and particularly where a special event or promotion is planned, applicants must take such measures as they consider appropriate to ensure that the capacity of the premises is not exceeded.**

### **3 Prevention of Crime and Disorder**

- 3.1 Rochford District Council is committed to further improving the quality of life for the people of the District by continuing to reduce crime and the fear of crime.
- 3.2 Section 17 of the Crime and Disorder Act 1998 introduced a wide range of measures for preventing crime and disorder and imposed a duty on Rochford District Council, Essex Police, Essex County Council and others to consider crime and disorder reduction in the exercise of all their duties. The Licensing Act 2003 reinforces this duty for local authorities.
- 3.3 The promotion of the licensing objective, to prevent crime and disorder, places a responsibility on licence holders to become key partners in achieving this objective.
- 3.4 When preparing an application for grant or variation of a premises licence or club premises certificate, applicants should consider if there are any particular issues effecting crime and disorder, having regard to their particular type of premises and/or activities proposed. Where an applicant identifies such issues they should include such steps as are considered appropriate to deal with them within the operating schedule.**
- 3.5 Examples of some of the issues that impact on crime and disorder are:-
- (a) underage drinking;
  - (b) drunkenness on premises;
  - (c) public drunkenness;
  - (d) drugs;
  - (e) violent behaviour;
  - (f) anti-social behaviour.

3.6 Applicants may wish to consider the following examples of control measures that might be included in their operating schedule, where appropriate, having regard to their particular type of premises and/or activities:-

- (a) effective and responsible management of premises;
- (b) training and supervision of staff;
- (c) adoption of best practice guidance, e.g. Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit and other voluntary codes of practice, including those relating to drinks promotions (e.g. The Point of Sale Promotions published by BBPA, Security in Design published by BBPA and Drugs and Pubs, published by BBPA);
- (d) acceptance of accredited 'proof of age' cards e.g. PASS, locally approved 'proof of age' cards e.g. 'Prove It' and/or 'new type' driving licences with photographs;
- (e) **Adoption of the Trading Standards "Challenge 25" scheme**
- (f) provision of effective CCTV in and around premises;
- (g) employment of Security Industry Authority licensed door staff;
- (h) provision of toughened or plastic drinking vessels;
- (i) provision of secure, deposit boxes for confiscated items ('sin bins');
- (j) provision of litterbins and other security measures, such as lighting, outside premises;
- (k) membership of local 'Pubwatch' schemes or similar organisations.

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

**3.8 Whilst the Licensing Act 2003, as amended requires each sale of alcohol to be made or authorised by a personal licence-holder, there is no requirement for every sale to be made by a personal licence-holder or for them to be personally present at every transaction. Every sale by a person**

**under the age of 18 years must be approved by an authorised person over 18 years. In determining whether real authorisation was given, the Guidance issued by the Secretary of State encourages the practice by personal licence-holders of giving a written authorisation to persons not holding a personal licence.**

- 3.9 Certain temporary events are not required to be licensed but can be notified to the Licensing Authority using the Temporary Event Notice procedure. However, depending on the nature and location of such events, these can have serious crime and disorder implications. Organisers of these events are encouraged to submit their notification as soon as reasonably practicable to enable the police and the Licensing Authority to work with them to identify and reduce the risk of crime and disorder.

## **4 Public Safety**

- 4.1 The Licensing Authority is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised.
- 4.2 **When preparing an application for grant or variation of a premises licence or club premises certificate, applicants should consider if there are any particular issues effecting public safety (including fire safety), having regard to their particular type of premises and/or activities proposed. Where an applicant identifies such issues they should include such steps as are considered appropriate to deal with them within the operating schedule.**
- 4.3 Examples of some of the issues that impact on public safety are:-
- (a) the occupancy capacity of the premises;
  - (b) the age, design and layout of the premises, including means of escape in the event of fire;
  - (c) the nature of the licensable activities to be provided, in particular the sale or supply of alcohol, and/or the provision of music and dancing and including whether those activities are of a temporary or permanent nature;
  - (d) the hours of operation (differentiating the hours of opening from the hours when licensable activities are provided, if different);
  - (e) customer profile (e.g. age, disability);
  - (f) the use of special effects such as lasers, pyrotechnics, smoke machines, foam machines, etc.

4.4 Applicants may wish to consider the following examples of control measures that might be included in their operating schedule, where appropriate, having regard to their particular type of premises and/or activities:-

- (a) suitable and sufficient risk assessments;
- (b) effective and responsible management of premises;
- (c) provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons;
- (d) appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and patrons;
- (e) adoption of best practice guidance (e.g. Guide to Fire Precautions in Existing Places of Entertainment and Like Premises, The Event Safety Guide, Safety in Pubs published by the BBPA);
- (f) provision of effective CCTV in and around premises;
- (g) provision of toughened or plastic drinking vessels;
- (h) implementation of crowd management measures.

## **5. Prevention of Public Nuisance**

- 5.1 Licensed premises have a significant potential to adversely impact on communities through public nuisances that arise from their operation. The Licensing Authority wishes to maintain and protect the amenity of residents and other businesses from the consequence of the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.
- 5.2 The Licensing Authority intends to interpret “public nuisance” in its widest sense, and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.
- 5.3 Applicants need to be clear that the Licensing Authority will normally apply stricter conditions, including controls on licensing hours, where licensed premises are in residential areas and where relevant representations have been received. Conversely, premises may be suitable for extended hours of opening where it can be demonstrated that effective measures have been planned to prevent public nuisance, etc.
- 5.4 In the case of shops, stores and supermarkets selling alcohol, unless there are exceptional reasons relating to disturbance or disorder, the Licensing Authority

will normally permit the hours during which alcohol is sold to match the normal trading hours during which other sales take place.

**5.5 When preparing an application for grant or variation of a premises licence or club premises certificate, applicants should consider if there are any particular issues effecting public nuisance, having regard to their particular type of premises and/or activities proposed. Where an applicant identifies such issues they should include such steps as are considered appropriate to deal with them within the operating schedule.**

5.6 Examples of some of the issues that impact on public nuisance are:-

- (a) the location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices and places of worship;
- (b) the hours of opening, particularly between 23.00 and 07.00;
- (c) the nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises;
- (d) the design and layout of premises and in particular the presence of noise limiting features;
- (e) the occupancy capacity of the premises;
- (f) the availability of public transport;
- (g) 'wind down period' between the end of the licensable activities and closure of the premises;
- (h) last admission time.

5.7 Applicants may wish to consider the following examples of control measures that might be included in their operating schedule, where appropriate, having regard to their particular type of premises and/or activities: -

- (a) effective and responsible management of premises;
- (b) appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance, e.g. to ensure customers leave quietly;
- (c) control of operating hours for all or parts (e.g. garden areas) of premises, including such matters as deliveries;



- (d) adoption of best practice guidance (e.g. Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by Institute of Acoustics, Licensed Property: Noise, published by BBPA);
- (e) installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices;
- (f) management of people, including staff, and traffic (and resulting queues) arriving and leaving premises;
- (g) liaison with public transport providers;
- (h) siting of external lighting, including security lighting;
- (i) management arrangements for collection and disposal of litter;
- (j) effective ventilation systems to prevent nuisance from odour.

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

- 6.1 The protection of children from harm is a most important issue. It is hoped that family friendly premises will thrive, but the risk of harm to children remains a paramount consideration when determining applications.
- 6.2 The general relaxation in the 2003 Act giving accompanied children greater access to licensed premises is a positive step, aimed at bringing about a social change in family friendly leisure. Clearly this relaxation places additional responsibilities upon licence holders. However, it is also recognised that parents and others accompanying children also have responsibilities.
- 6.3 The protection of children from harm includes the protection of children from moral, psychological and physical harm and in relation to the exhibition of films, or transmission of programmes or videos, this includes the protection of children from exposure to strong language and sexual expletives. In certain circumstances children are more vulnerable and their needs will require special consideration. Examples would include topless bar staff, striptease, lap, table or pole dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language. This vulnerability includes their susceptibility to suggestion, peer group influences, inappropriate example, the unpredictability of their age and the lack of understanding of danger.
- 6.4 The Licensing Authority considers that, on the one hand, there should be no presumption of either giving children access or, on the other hand, of preventing their access to licensed premises. The Licensing Authority has no intention of imposing conditions requiring the admission of children and where no licensing restriction is necessary, admission of children will remain entirely a matter for the

discretion of the individual licensee or club, or person who has given a temporary event notice.

- 6.5 When preparing an application for grant or variation of a premises licence or club premises certificate, applicants should consider if there are any particular issues effecting safeguarding children from harm, having regard to their particular type of premises and/or activities proposed. Where an applicant identifies such issues they should include such steps as are considered appropriate to deal with them within the operating schedule.**
- 6.6 Whilst children may be adequately protected from harm by the action taken to protect adults, they may also need special consideration and no policy can anticipate every situation. Examples of some of the issues that impact on protecting children from harm are:-
- (a) premises where entertainment or services of an adult or sexual nature are commonly provided;
  - (b) premises 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;
  - (c) premises with a known association with drug taking or dealing;
  - (d) premises where there is a strong element of gambling on the premises;
  - (e) premises where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- 6.7 Applicants may wish to consider the following examples of control measures that might be included in their operating schedule, where appropriate, having regard to their particular type of premises and/or activities:-
- (a) effective and responsible management of premises;
  - (b) provision of a sufficient number of people employed or engaged to secure the protection of children from harm;
  - (c) appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm;
  - (d) adoption of best practice guidance (Public Places Charter, The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks);
  - (e) limitations on the hours when children may be present, in all or parts of the premises;

- (f) limitations or exclusions by age when certain activities are taking place;
- (g) imposition of requirements for children to be accompanied by an adult;
- (h) acceptance of accredited 'proof of age' cards and/or 'new type' driving licences with photographs;
- (i) measures to ensure children do not purchase, acquire or consume alcohol;
- (j) measures to ensure children are not exposed to incidences of violence or disorder.
- (k) **adoption of Trading Standards "Challenge 25 Scheme";**

These examples can be adopted in any combination.

- 6.8 In the case of film exhibitions, the 2003 Act requires a condition to be included in all premises licences and club premises certificates for the admission of children to the exhibition of any film to be restricted in accordance with the recommendations of, currently, the British Board of Film Classification or the Licensing Authority itself.
- 6.9 It is this Licensing Authority's policy that the grant of a licence authorising the exhibition of any film will be conditional upon such film/s having been classified by the British Board of Film Classification or, exceptionally in the case of an unclassified film, by the Licensing Authority. Where the Licensing Authority decides to impose its own classification on a film, it will do so using the guidelines shown at Appendix L.
- 6.10 In the case of film exhibitions applicants should consider appropriate measures that may be implemented for restricting children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classifications, or exceptionally, those made by the Licensing Authority and where appropriate such measures should be included within the operating schedule.**
- 6.11 The Licensing Authority will require, as a condition of the premises licence, that adult supervisors be vetted to ensure their suitability to work with children and young persons.
- 6.12 The Licensing Authority expects that when a licensable activity is held exclusively for children and young persons, that there will be sufficient numbers of staff available who have undertaken an enhanced disclosure check with the ~~CRB~~ **Disclosure and Barring Service**, to ensure the safety of those children. This does not require each member of staff to have undergone this level of check but the Licensing Authority expects that there should be sufficient members that have, who are then able to supervise others, e.g. there will be one person at the

main entrance to the premises who has been subject of advanced disclosure responsible for supervising the searching and checking of children by those who have not.

- 6.13 Any searching of children or young persons, other than of outer clothing that can firstly be removed, must always be conducted by someone of the same sex as the child, to be accompanied by one other responsible adult **and be a holder of a Security Industry Authority (SIA) licence.**
- 6.14 The Licensing Authority will rarely impose complete bans on access to children. In exceptional circumstances, conditions restricting access or excluding children completely may be considered necessary.



**Rochford District Council**

Council Offices South Street  
Rochford Essex SS4 1BW

Telephone: 01702 546366

Facsimile: 01702 545737

Website: <http://www.rochford.gov.uk>



## GLOSSARY OF TERMS

**‘Licensable Activity’ and Qualifying Club Activities** means: --

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

**The following licensable activities are also qualifying club activities: -**

- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club for consumption on the premises where the supply takes place;
- the sale by retail of alcohol by or behalf of the club to a guest of a member of the club for consumption on the premises where the sale takes place;
- the provision of regulated entertainment where that provision is by or on behalf of a club for members of the club or members of their club and guests.

**Regulated Entertainment** means: -

- a performance of a play
- an exhibition of a film
- an indoor sporting event
- a boxing or wrestling entertainment indoor and outdoor
- a performance of live music
- any play of recorded music
- a performance of dance
- entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance but only where the entertainment takes place in the presence of an audience and is provided for the purpose (or for purposes which include the purpose) of entertaining that audience.

This definition is subject to Part 3 of Schedule 1 of the Licensing Act 2003.

**Late Night Refreshment** means: -

The provision of hot food or hot drink to members of the public, or a section of the public, on or from any premises, whether for consumption on or off the premises between 11.00 p.m. and 5.00 am, or

At any time between those hours when members of the public, or a section of the public, are admitted to the premises, a person supplies, or holds himself willing to supply, hot food or hot drink to any persons, or to persons of a particular description, on or from those premises, whether for consumption on or off the premises.

**Hot Food or Hot Drink** means: -

Food or drink supplied on or from any premises is 'hot' for the purposes of Schedule 2 of the Act if the food or drink, or any part of it:

- before it is supplied, is heated on the premises or elsewhere for the purpose of enabling it to be consumed at a temperature above the ambient air temperature and, at the time of supply, is above that temperature, or
- after it is supplied, may be heated on the premises for the purpose of enabling it to be consumed at a temperature above the ambient air temperature.

**Permitted Temporary Activity** means: -

One or more licensable activities that is carried on in accordance with a Temporary Event Notice.

**Premises** means:

Any place including a vehicle, vessel or moveable structure.

**Licensed Premises** means: -

Premises in respect of which a premises licence has effect.

**Premise's Licence** means: -

The licence that, having regard to the operating schedule, has been granted in respect of specified premises authorising the type and duration of licensable activity permitted.

**Temporary Event Notice** means: -

A notice, issued by the 'premises user' where it is proposed to use premises for Permitted Temporary Activity during a period not exceeding 96 **168 hours (7 days)**, that includes details of: -

- the propose licensable activities
- the period (not exceeding 168 hours) during which it is proposed to use the premises
- the times during that period when it is proposed for those licensable activities to take place
- the maximum number of persons (being less than 500) it is proposed will be allowed on the premises during those times
- where alcohol is to be supplied, whether it is for consumption on or off the premises, or both.



It should be noted that: -

- the same premises cannot be used on more than ~~42~~**15** occasions in a calendar year, but are subject to the overall aggregate of ~~45~~ **21** days irrespective of the number of occasions on which they have been used, and
- the number of notices that may be given are limited to 50 (**10 of these can be late TENS**) in one year for a Personal Licence holder and 5 (**2 of these can be late TENS**) times in one year for any other person.

**Personal Licence** means: -

A licence which –

- Is granted by a licensing authority to an individual, and
- authorises that individual to supply alcohol, or authorise the supply of alcohol, in accordance with a premises licence.

For the purposes of the Act an individual is supplying alcohol if he is:

- selling alcohol by retail, or
- supplying alcohol by or on behalf of a club to, or to the order of, a member of the club.

**Designated Premises Supervisor** means: -

In the case of premises selling alcohol, the person (who must be a Personal Licence holder) who will normally have been given the day-to-day responsibility for running the premises by the holder of the Premises Licence or will be the Premises Licence holders themselves.

**‘Operating Schedule’** means: -

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

- the relevant Licensable Activities conducted on the premises
- the times during which it is proposed that the relevant licensable activities are to take place (including the times during each day of the week, during particular holiday periods and during particular seasons, if it is likely that the times would be different during different parts of the year)
- any other times when the premises are to be open to the public
- where the licence is required only for a limited period, that period
- where the licensable activities include the supply of alcohol, the name and address of the individual to be specified as the designated premises supervisor
- where the licensable activities include the supply of alcohol, whether the alcohol will be supplied for consumption on or off the premises or both
- the steps which the applicant proposes to take to promote the licensing objectives

**Responsible Authority** (for Rochford District) means: -

- the Chief Officer of Police (Divisional Commander of South-eastern Police Division)
- Essex County Fire & Rescue Service
- Environmental Health (responsible for Health and Safety at work and for minimising or preventing the risk of pollution of the environment or of harm to human health)
- Planning & Transportation (the local planning authority)
- Health Bodies (Primary Care Trust)
- Essex Safeguarding Children Board (the body representing matters relating to the protection of children from harm)
- Licensing Authority
- in relation to a vessel, a navigation authority, the Environment Agency, or the British Waterways Board.

## EXEMPTIONS

The following activities are not regarded as Regulated Entertainment and are exempt for the purposes of the Act: -

### **Exhibition of a Film**

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

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

### **Live Music or Playing Recorded Music**

~~The Live Music Act 2012 amends the Licensing Act 2003 and removes the need to licence entertainment facilities completely providing the live music is taking place between 08.00hrs to 23.00hrs and the audience consist of no more than 200 people. This means that dance floors, microphone stands, pianos etc. made available for use will not be licensable.~~

### **Television or Radio Receivers**

~~If the entertainment consists of the simultaneous reception and playing of a programme included in a programme service within the meaning of the Broadcasting Act 1990.~~

### **Religious Services & Places of Worship**

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

### **Garden Fetes**

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

### **Morris Dancing etc.**

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

### **Vehicles in Motion**

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

- **Incidental Music** - the performance of live music or the playing of recorded music if it is incidental to some other activity,
- **Incidental film** – an exhibition of moving pictures if it is incidental to some other activity,

- A spontaneous performance of music, singing or dancing,
- **Garden fetes** – or similar if not being promoted or held for purpose of private gain,
- Films for advertisement, information, education or in museums or art galleries,
- Television or radio broadcasts – as long as the programme is live and simultaneous,
- **Vehicle in motion** – at a time when the vehicle is not permanently or temporarily parked,
- Games played in pubs, youth clubs etc ( e.g. pool, darts and table tennis);
- Stand up comedy; and
- Provision of entertainment facilities (e.g. dance floors)

As a result of deregulatory changes that have amended the Licensing Act 2003, no licence is required for the following:

- **Plays:** performances between 08:00 – 23:00 on any day provided the audience does not exceed 500.
- **Dance:** performances between 08:00 – 23:00 on any day provided the audience does not exceed 500. Any dance that is adult entertainment remains licensable.
- **Films:** “not for profit” film exhibition held in community premises between 08:00 – 23:00 on any day provided the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises and (b) ensures that each such screening abides by age classification rating.
- **Indoor sporting event:** an event between 08:00 – 23:00 on any day, providing that those present does not exceed 1000.
- **Boxing and Wrestling Entertainment:** a contest, exhibition or display of Greco – Roman wrestling or freestyle wrestling between 08:00 – 23:00 on any day, providing the audience does not exceed 1000.

- **Live music:**

- A performance of unamplified live music between 08:00 – 23:00 on any day, at any premises.
- A performance of amplified live music between 08:00 – 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500. Provided that a number of other conditions are satisfied (see paragraphs 15.38 – 15.43 of the Home Office guidance 182 Licensing Act 2003).
- A performance of amplified live music between 08:00 - 23:00 on any day, in a workplace (The Live Music Act 2012 provides that if premises are licensed under the 2003 Act, they cannot also be treated as a workplace for the purpose of the 2012 Act) that is not licensed to sell alcohol on those premises, provided the audience does not exceed 500.
- A performance of amplified live music between 08:00 – 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed to sell alcohol. Provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
- A performance of amplified live music between 08:00 – 23:00 on any day, at the non – residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school, or (iii) the health care provider for the hospital.

- **Recorded Music:**

- Any playing of recorded music between 08:00 – 23:00 on any day on any premises authorised to sell alcohol for consumption on those premises, providing the audience does not exceed 500. (Provided that a number of other conditions are satisfied (see paragraphs 15.38 – 15.43 of the Home Office guidance 182 Licensing Act 2003).
- Any playing of recorded music between 08:00 – 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.

- Any playing of recorded music between 08:00 – 23:00 on any day at the non – residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor, or (iii) the health care provider for the hospital.
- **Cross activity exemptions:** between 08:00 – 23:00 on any day , with no limit on audience size for:
  - Any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - Any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - Any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and;
  - Any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a movable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

## **Appendix C**

### **APPLICATION PROCESS**

1. All applications and notices under the Licensing Act 2003 for the Rochford district must be sent or given to The Licensing Unit, Rochford District Council, Council Offices, 3 – 19 South Street, Rochford, Essex, SS4 1BW and to the appropriate Responsible Authorities (contact details of whom can be found in Appendix E).

### **Personal Licence**

1. To apply for a new Personal Licence, applicants must: be over 18 years of age and complete an approved application form and send it to the Licensing Authority together with: -
  - 2 passport photographs (one of which must be certified as a true likeness);
  - a copy of the applicant's licensing qualification;
  - either a **basic** Criminal Record Check **from the Disclosure and Barring Service** or a Criminal Record Certificate\* issued under section 112 or section 113 of the Police Act 1997 respectively, or the result of a subject access search of the Police National Computer by the National Identification Service (all of which must have been issued within one calendar month of submitting it with the licence application);
  - a declaration by the applicant that either he has not been convicted of a relevant offence or a foreign relevant offence or that he has been convicted of a relevant offence or a foreign offence accompanied by details of the nature, date of the conviction and any sentence imposed on him;
  - the licence fee of ~~£37.00.00~~ (see the current fees on the Council web site [www.rochford.gov.uk](http://www.rochford.gov.uk) ).

\* A certificate may be obtained from the Disclosure and Barring Service on-line at: [www.disclosurescotland.co.uk](http://www.disclosurescotland.co.uk)
2. The Licensing Authority must reject the application where the applicant is under 18 years of age, does not possess the prescribed licensing qualification or has had a personal licence forfeited within the preceding 5 years.
3. Where an applicant has been convicted of a relevant offence or foreign offence the Licensing Authority must give notice to that effect to the police who may object to the application. The police objection has to be made within 14 days of receiving the notice from the Licensing Authority, following which a hearing must be held to determine the application.

### **Premises Licensing**

1. Copies of the application form or notice and other documents prescribed for each type of application must be given to the Licensing Authority and appropriate Responsible Authority indicated on the application form.
2. For applications submitted electronically the Licensing Authority will forward copies of the complete application to the Responsible Authorities.

3. In order to lessen the potential for representations being made, applicants are advised to discuss their proposed application with the relevant Responsible Authorities.
4. The process of applying for the grant or variation of a Premises Licence or Club Premises Certificate is similar in all respects except that an application for grant of a Club Premises Certificate must be accompanied by a declaration for qualifying club status and, because the 'supply' of alcohol that is managed by or on behalf of the club is not regarded as a 'sale' of alcohol, there is no requirement for a Designated Premises Supervisor.
5. To apply for the grant, applicants must be over 18 years of age and complete an approved application form, which must be sent to the Licensing Authority together with: -
  - a detailed plan of the premises ~~drawn to the scale of 1:100,~~
  - a form of consent in the prescribed form given by the individual whom the applicant wishes to have specified in the premises licence as the premises supervisor, if the licensable activities to which the application relates include the supply of alcohol, but certain community premises can apply to disapply the need for a premises supervisor,
  - the relevant fee (see the current fees on the Council web site [www.rochford.gov.uk](http://www.rochford.gov.uk) ).
6. The plan shall show: -
  - the extent of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises;
  - the location of points of access to and egress from the premises;
  - if different from sub-paragraph (3)(b), the location of escape routes from the premises;
  - in a case where the premises is to be used for more than one licensable activity, the area within the premises used for each activity;
  - fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment;
  - in a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor;
  - in a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts;
  - in the case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms;
  - the location and type of any fire safety and any other safety equipment including, if applicable, marine safety equipment; and
  - the location of a kitchen, if any, on the premises.



7. The plan may include a legend through which the matters mentioned or referred to in paragraph (2) above are sufficiently illustrated by the use of symbols on the plan.
8. A notice, on blue paper sized A4 or larger, must also be prominently displayed at or on the premises to which the application relates, where it can be conveniently read from the exterior of the premises, for a period of not less than 28 consecutive days from the day following the day the application was given to the Licensing Authority.
9. Where the premises cover an area of more than 50 square meters, a further identical notice must be displayed every 50 metres along the external perimeter of the premises abutting any highway.
10. The notice must state: -
  - details of the relevant licensable activities that it is proposed will be carried on or from the premises, or in the case of an application to vary the licence, a brief description of the proposed variation,
  - the name of the applicant,
  - the postal address of the premises, or in the case where there is no postal address, a description of the premises sufficient to enable the location and extent of the premises to be identified,
  - the postal address and (where applicable) the worldwide web address where the register of the relevant licensing authority is kept and where and when the record of the application may be inspected,
  - the date by which representations from responsible authorities or other persons should be received in writing,
  - that it is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence.
  - the notice, containing the same details, must be published in a local newspaper or similar document on at least one occasion during the period of 10 working days following the day after giving the application to the Licensing Authority,
  - the licensing authority must also place a similar notice on its website during the representation period.

### **Variation of Premises Licence**

11. To apply for a variation, the same procedure must be adopted as for the original application plus parts A and B of the original licence or certificate must be returned to the Licensing Authority, or the application must include an explanation why it has not been returned.
12. An application may not be made to extend the period for which a licence has effect, e.g. a seasonal licence or one that is limited to certain days/dates.,
13. Applications may be made to affect the licensable activities provided, the times during which they may be provided or where the premises are to undergo structural alterations.

14. However an application may not be made to vary substantially the premises to which it relates. As this is a matter of degree, applicants are advised to contact the Licensing Unit to discuss the extent of the alterations to decide if an application for a new licence must be made.
15. Where the application arises from structural alterations, a new plan showing the proposed alterations must also be submitted.
16. The fee for a variation is the same as for grant and is set in accordance with the Non-domestic Rateable Value of the premises.

### **Variation of Premises Licence (Designated Premises Supervisor)**

1. An application to vary a premises licence, where there has been a change of the designated premises supervisor, must be in the prescribed form and accompanied by: -
  - the premises licence,
  - a form of consent in the prescribed form given by the individual whom the applicant wishes to have specified in the premises licence as the premises supervisor,
  - the fee ~~£23.00~~ (see the current fees on the Council web site [www.rochford.gov.uk](http://www.rochford.gov.uk) ).
2. A copy of the application and all accompanying documents must also be sent to the police but if the application is made electronically the Licensing Authority will forward copies to the police.

### **Provisional Statement**

1. Where premises are being, or are about to be constructed for the purpose of being used for one or more of those activities, or are being or about to be extended or otherwise altered for that purpose (whether or not they are already being used for that purpose) an application may be made by any person for the grant of a Provisional Statement.  
 'Person' in this instance also includes a business (e.g. the applicant could be a firm or architects, or a construction firm or even a financier).
2. To apply for a Provisional Statement, the same procedure must be adopted as that described above for the grant of a premises licence.
3. A provisional statement does not have a limited duration. However with the potential for there to be a material change over time, the longer the delay before a premises licence is applied for the greater the potential that representations, at the later application, may be allowed.
4. Responsible authorities and ~~interested parties~~ **any other persons** will be able to make representations against the application. If there are no representations the application will be granted. If there are representations a hearing will be held before the Licensing Sub Committee.
5. The Licensing Act 2003 does not empower a licensing authority to refuse a provisional statement. Following consideration of relevant representations the

Licensing Committee may only indicate (as part of the issued statement) that it would consider certain steps to be necessary for the promotion of the licensing objectives when, and if, an application was made for a premises licence or club premises certificate following the issue of the provisional statement.

### **Cumulative Impact Policy**

The Council has adopted a Cumulative Impact Policy for Rayleigh High Street, Rayleigh High Road and Eastwood Road Rayleigh.

This policy creates a rebuttable presumption those applications within these areas for new premises licences or club premises certificates or variations that are likely to add to the existing cumulative impact will normally be refused, if relevant representations are received about the cumulative impact on the licensing objectives, unless the applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact already being experienced

### **Late Night Levy & Early Morning Alcohol Restriction Order**

1. On 27 November 2012 Rochford District Council agreed, at this stage, not to adopt either the Late Night Levy or Early Morning Alcohol Restriction Order made available to local authorities by the Police Reform and Social Responsibility Act 2011.

### **Advertisement of Application by the Licensing Authority**

1. The Licensing Act 2003 (Premises Licences and Club Premises Certificates) (Amendment) Regulations, which came into effect on 25 April 2012, introduced a new requirement for a Licensing Authority to advertise by way of a notice on its website all applications for provisional statement, grant or variation of a premises licence and grant and variation of a club premises certificate.

### **Temporary Event Notices**

1. Temporary Event Notices (TENs) do not have to be applied for, they are issued by the 'Premises User'. Any person can be a 'Premises User' and can issue a TEN in respect of any premises or area of land. A 'Premises User' does not have to hold a Personal Licence to authorise the supply of alcohol in conjunction with a TEN.
2. However, it should be noted that:-
  - the same premises cannot be used on more than ~~42~~ 15 occasions in a calendar year, but are subject to the overall aggregate of 21 days irrespective of the number of occasions on which they have been used, an event beginning before midnight and continuing into the next day would count as 2 days toward the 21 day limit.

- a Personal Licence holder is limited to giving 50 notices in one year, of which 10 may be late notices and any other person may give 5 notices in one year for, of which 2 may be late notices.
  - A TEN which is given then subsequently withdrawn by the TEN user can be included with the limits of numbers of TENs allowed in a given calendar year.
  - The maximum number of people attending at any one time must be fewer than 500: and
  - The minimum period between events authorised under separate TENs in relation to the same premises, by the same user is 24 hours.
3. The notice, together with the fee, must be given to the Licensing Authority at least 10 working days before the event is held, with copies given at the same time to the police and environmental health. A late notice is explained below.
  4. The notice must contain details of:-
    - the premises to be used
    - the proposed licensable activities,
    - the period (not exceeding 168 hours) during which it is proposed to use the premises,
    - the times during that period when it is proposed for those licensable activities to take place,
    - the maximum number of persons (being less than 500) it is proposed will be allowed on the premises during those times,
    - where alcohol is to be supplied, whether it is for consumption on or off the premises, or both,
    - the fee of ~~£21.00~~. (See the current fees on the Council web site [www.rochford.gov.uk](http://www.rochford.gov.uk) ).
  5. If the application is made electronically it is only necessary for it to be given to the Licensing Authority.
  6. For notices given for events within the Rochford District Council's area they should be given to:
    - Senior Licensing Officer, Rochford District Council, Council Offices, South Street, Rochford, Essex, SS4 1BW.
    - Licensing Unit, Police Station, Victoria Avenue, Southend on Sea, Essex, SS2 6ES.
    - Environmental Health Manager, Rochford District Council, Council Offices, South Street, Rochford, Essex, SS4 1BW.
  7. A late TEN is one that is given to the Licensing Authority or other relevant

persons no later than 5 working days but no earlier than 9 working days before the date of the event or to at least one of those persons no earlier than 9 working days. If it is an electronic application it is late if given no later than 5 working days. Any notice given less than 5 days before the date of the event will be refused.

8. An Objection Notice may be issued by the police or environmental health where they are satisfied that the proposed use of the premises would undermine one of the four licensing objectives, prevention of crime and disorder, public safety, prevention of public nuisance or the protection of children from harm. The objection notice must be given to the Licensing Authority, the applicant and other relevant person by the end of the 3<sup>rd</sup> day after receiving the TEN, giving their reasons for doing so.
9. Where an Objection Notice is given, the Licensing Authority must hold a hearing to consider the objection, unless it is agreed that it is unnecessary.
10. Where a hearing is held, it must be at least 24hrs before the start of the event.
11. If an Objection Notice is given to a late TEN the Licensing Authority must serve a Counter Notice at least 24hrs before the start of the event.
12. The Licensing Authority must issue a Counter Notice where the limits mentioned in paragraph 2 are exceeded.



### **Minor Variations to Premises Licences & Club Premises Certificates**

~~The Licensing Act 2003 has been amended by the insertion of sections 41A to 41C relating to minor variations. These sections were commenced on 29 July 2009~~ Small variations that will not impact adversely on the licensing objectives are subject to a simplified 'minor variations' process. Under this process, the applicant is not required to advertise the variation in a newspaper or circular or copy it to responsible authorities. However, they must display it on a white notice (to distinguish it from the blue notice used for full variations and new applications). The notice must be displayed for a period of ten working days starting on the working day after the minor variation application was given to the licensing authority.

On receipt of an application for a minor variation, the licensing officer for the licensing authority will consider whether the variation could impact adversely on the licensing objectives.

In considering the application, the licensing authority must consult relevant responsible authorities if there is any doubt about the impact of the variation on the licensing objectives and they need specialist advice, and take their views into account in reaching a decision. For instance, they may need to consult the environmental health officer on an application with possible public nuisance implications. But there is no requirement to consult all responsible authorities on each application and in many cases the licensing authority may be able to make a decision without consultation.

The licensing authority will also consider any relevant representations received from interested parties within the time limit referred to below. Representations are only relevant if they clearly relate to the likely effect of the grant of the variation on the promotion of at least one of the licensing objectives. For minor variations, there is no right to a hearing (as for a full variation or new application), but the licensing authority will take any representations into account in arriving at a decision.

Interested parties have ten working days from the 'initial day', i.e., the day after the application is received by the licensing authority, to submit representations. The licensing authority must therefore wait until this period has elapsed before determining the application, but must do so at the latest within 15 working days, beginning on the first working day after the authority received the application, with effect either that:

- the minor variation is granted; or,
- the application is refused.

If the licensing authority fails to respond to the applicant within 15 working days the application will be treated as refused and the authority must return the fee to the applicant forthwith. However, the licensing authority and the applicant may agree instead that the undetermined application should be treated as a new application and that the fee originally submitted will be treated as a fee for the new application.

Where an application is refused and is then re-submitted through the full variation process, the full 28 days notification period will apply from the date the new application is

received and applicants should advertise the application and copy it to all responsible authorities (in accordance with the regulations applicable to full variations).

Minor variations will generally fall into four categories: minor changes to the structure or layout of a premises; small adjustments to licensing hours; the removal of out of date, irrelevant or unenforceable conditions or addition of volunteered conditions; and the addition of certain licensable activities. **In all cases the overall test is whether the proposed variation could impact adversely on any of the four licensing objectives.**

### **Changes to structure/layout**

Many small variations to layout will have no adverse impact on the licensing objectives. However, changes to layout should be referred to the full variation process if they could potentially have an adverse impact on the promotion of the licensing objectives, for example by:

- increasing the capacity for drinking on the premises ;
- affecting access between the public part of the premises and the rest of the premises or the street or public way, e.g. block emergency exits or routes to emergency exits;
- impeding the effective operation of a noise reduction measure such as an acoustic lobby;

An application to remove a licensable activity should normally be approved as a minor variation.

**Variations to add the sale by retail or supply of alcohol to a licence are excluded from the minor variations process and must be treated as full variations in all cases.**

The Act covers a wide range of other licensable activities and this authority will consider each application on a case by case basis and in light of any licence conditions put forward by the applicant.

For example, the addition of live or recorded music to a licence may impact on the public nuisance objective, but this will depend on many factors. The licensing authority will consider factors such as proximity to residential areas and any noise reduction conditions volunteered by the applicant. It is very much the Government's and this authority's intention that applications to vary a licence for live music should benefit from the minor variations process unless there is likely to be an adverse impact on the licensing objectives.

Similarly, in some circumstances, the addition of other types of regulated entertainment, such as the performance of plays or exhibition of films, to a licence may have no adverse impact on the licensing objectives.

In considering applications to add licensable activities, licensing authorities and officers may find it helpful to consider the following factors:

- the nature of the licensable activity;
- proximity of the premises to residential areas;



- any licence conditions volunteered by the applicant to mitigate the impact of the activity;
- whether alcohol is sold at the premises when the licensable activity is taking place; and whether it will continue to be sold during the extended period. For example, a pub that applies to stay open an extra hour after the sale of alcohol has ended to sell hot drink and food could be considered to benefit the promotion of the licensing objectives;
- track record of the premises – whether positive or negative. For example, any complaints or enforcement action related to the licensing objectives, or conversely any evidence of good practice in carrying on the licensable activity, e.g. under temporary event notices;
- proximity and density of public houses, nightclubs, etc. if customers from these premises are likely to be attracted to the proposed licensable activity in large numbers. For example, people visiting a takeaway after leaving a public house.

This is not an exhaustive list and licensing officer will bring their own experience and knowledge of licensing to bear when considering applications.

### Licensing hours

Variations to:

- extend licensing hours for the sale or supply of alcohol for consumption on or off the premises between the hours of 23.00 and 07.00; or
- to increase the amount of time on any day during which alcohol may be sold or supplied for consumption on or off the premises

are **excluded** from the minor variations process and must be treated as full variations in all cases. Applications to reduce licensing hours for the sale or supply of alcohol or to or move (without increasing) the licensed hours between 07.00 and 23.00 will normally be processed as minor variations.

Applications to vary the time during which other licensable activities take place will be considered on a case by case basis with reference to the likely impact on the licensing objectives. In arriving at a decision, the licensing authority will consider the following factors:

- the nature of the licensable activity;
- the extent of additional hours sought and whether it will involve later opening or opening between 23.00 and 07.00;
- proximity of the premises to residential areas;
- any licence conditions already in place to mitigate the impact of the activity; any additional conditions volunteered by the applicant;
- arrangements for dispersal, i.e. when people leave the premises is there potential for noise and disturbance near the venue? Is the only means of dispersal a single route through residential areas?
- whether the proposed extension applies only on the weekend or also during week days;
- whether there will be new admittances during that period;
- track record of the establishment whether positive or negative, e.g. complaints related to the licensing objectives, any enforcement action or conversely any

- evidence of good practice in carrying on the licensable activity, e.g. under temporary event notices;
- whether the premises is already open during the extended period for other licensable activities;
- proximity and density of public houses, nightclubs, etc. if customers from these premises are likely to be attracted to the proposed licensable activity in large numbers. For example, people visiting a takeaway after leaving a public house.

These factors are not an exhaustive list and the authority and officers will bring their own experience and knowledge of licensing to bear when considering applications.

### **Licensing conditions**

#### **a) Imposed conditions**

The authority cannot impose its own conditions on the licence through the minor variations process. If the licensing officer considers that the proposed variation would impact adversely on the licensing objectives unless conditions are imposed, they will refuse it.

#### **b) Volunteered conditions**

Applicants may volunteer conditions as part of the minor application process. These conditions may arise from their own risk assessment of the variation, or from informal discussions with responsible authorities or the licensing authority.

For instance, there may be circumstances when the licence holder and a responsible authority such as the police or environmental health authority, agree that a new condition should be added to the licence. For example, that a nightclub adds the provision of late night refreshment to its licence to ensure a longer period of dispersal. Such a change would not normally impact adversely on the licensing objectives and could be expected to promote them by preventing crime and disorder or public nuisance. In these circumstances, the minor variation process may provide a less costly and onerous means of amending the licence than a review, with no risk to the licensing objectives. However, this route should only be used where the agreed variations are minor and the licensee and the responsible authority have come to a genuine agreement. The authority will be alive to any attempts to pressure licensees into agreeing to new conditions where there is no evidence of a problem at the premises and, if there is any doubt, will discuss this with the relevant parties.

#### **c) Amending or removing existing conditions**

Licence or club certificate conditions will normally have been volunteered or imposed to mitigate any possible adverse impact on the licensing objectives. In most cases therefore, any application to remove or change the wording of a condition will be treated as a full variation.

However, there may be some circumstances when the minor variation process is appropriate. Premises may change over time and the circumstances that originally led to the condition being attached or volunteered may no longer apply. For example, there may be no need for door supervision if a bar has been converted into a restaurant. Equally some embedded conditions may no longer apply.

Changes in legislation may invalidate certain conditions. For instance, the recent Regulatory Reform (Fire Safety) Order 2005 annulled all fire safety related conditions

imposed on licences purely for fire safety reasons. Although the conditions do not have to be removed from the licence, licensees and the authority may agree that this is desirable to clarify the licensee's legal obligations.

There may also be cases where it is necessary to revise the wording of a condition that is unclear and/or unenforceable. This would be acceptable as a minor variation as long as the purpose of the condition and its intended effect remain unchanged. Such a change could be expected to promote the licensing objectives by making it easier for the licensee to understand and comply with the condition and easier for the authority to enforce it.

### **Club Premises Certificates**

The arrangements for applying for or seeking to vary club premises certificates are the same as those for a premises licence. Clubs may also use the minor variation process to make small changes to their certificates as long as these will have no adverse impact on the licensing objectives.



## FEES

**Personal Licence** - £37.00 for the initial grant, valid for 10 years.

**Premises Licence** – Fees for applications for premises licences, club premises certificates, variations (excluding changes of name and address or change of Premises Supervisor) are calculated within fee bands based upon the non-domestic rateable value of the premises, as shown in **table A**.

The Licensing Act 2003 was amended on 25 April 2012 by the Police Reform and Social Responsibility Act 2011 and now requires a licensing authority to suspend a premises licence or club premises certificate if the annual fee is not paid by the due date. The licence or certificate remains suspended until all outstanding annual fees are paid. However, the immediate suspension does not apply if the payment was not made because of an administrative error or because the holder of the licence or certificate disputes liability before the due date. In either case there is a grace period of 21 days during which the error or dispute may be resolved. If there is no resolution within the 21 days the licence or certificate will be suspended.

**Table A.**

Non-domestic rateable value band £	Grant/variation of licence £	Annual charge £
Band A: 0 - 4300	100	70
Band B: 4,301 - 33,000	190	180
Band C: 33,001 - 87,000	315	295
Band D: 87,001 – 125,000	450	320
Band E: 125,001 and over	635	350

Certain premises are exempt from fees and annual charges where they are providing regulated entertainment, i.e. no sale/supply of alcohol, these being church halls, chapels, parish and community halls or other premises of a similar nature.

No fees are payable by schools providing education for pupils up to Year 13 or for a sixth form college where, in both cases, the regulated entertainment is carried on at the school or college and for school/college purposes. The fees for such licences will be met out of central funds.

Premises without a non-domestic rating, such as floating vessels, burger vans, public areas, parks etc., pay a fee based on the lowest band, i.e. Band A.

There are higher fees for premises licences for premises falling within bands D and E, where the use of the premises is exclusively or primarily for the supply and consumption of alcohol on the premises, as shown in table B.

Table B.

Non-domestic rateable value band £	Grant/variation of licence £	Annual charge £
Band D: 87,001 – 125,000	900	640
Band E: 125,001 & over	1905	1050

There will be additional fees for premises licences for exceptionally large premises, i.e. those where the number of persons allowed on the premises is 5000 or more, as shown in table C.

Table C.

Number of people	Additional fee £	Annual charge £
5000 – 9999	1000	500
10000 – 14999	2000	1000
15000 - 19999	4000	2000
20000 – 29999	8000	4000
30000 – 39999	16000	8000
40000 – 49999	24000	12000
50000 – 59999	32000	16000
60000 - 69999	40000	20000
70000 - 79999	48000	24000
80000 - 89999	56000	28000
90000 and over	64000	32000

Shown below are examples of fees for a premises falling into Band E, using the tables above: -

- a) If the premises has a capacity less than 5000, the fee for a premise licence would be £635 with an annual charge of £350.

- b) If the primary use of those premises is for the supply and consumption of alcohol, the fee would be £1905 with an annual charge of £1050.
- c) The fee to vary the licence other than for change of premises supervisor would be the same as the fee for the original grant.
- d) If the premises has a capacity of between 5000 and 9999, there would be an additional fee of £1000 to the fees for grant of the licence and an additional annual fee of £500 to the annual charge.

Fees for other applications under the Licensing Act 2003 are shown below: -

<b>Application or notice</b>	<b>Fee £</b>
Licensing Register, Statement of Licensing Policy or Appendices	£0.10 per A4 sheet
Application for a provisional statement	£315.00
Application for minor variation to premises licence	£89.00
Application for minor variation to club premises certificate	£89.00
Application for copy of licence or summary on theft, loss etc of premises licence or summary	£10.50
Notification of change of name or address (holder of premises licence)	£10.50
Application to vary licence to specify individual as premises supervisor	£23.00
Application to transfer premises licence	£23.00
Interim authority notice	£23.00
Application for copy of certificate or summary on theft, loss etc of certificate or summary	£10.50
Notification of change of name or alteration of club rules	£10.50
Change of relevant registered address of club	£10.50
Temporary event notices	£21.00
Application for copy of notice on theft, loss etc of temporary event notice	£10.50
Application for grant or renewal of personal licence	£37.00

Application for copy of licence on theft, loss etc. of personal licence	£10.50
Notification of change of name or address of personal licence holder	£10.50
Notice of interest in any premises	£21.00



**RESPONSIBLE AUTHORITIES**

Rochford District Council:  
Licensing Authority

Licensing Department  
Rochford District Council  
3 – 19 South Street  
Rochford  
Essex SS4 1BW

Telephone: 01702 318058  
Email: [licensing@rochford.gov.uk](mailto:licensing@rochford.gov.uk)

Planning

Head of Planning & Transportation  
Rochford District Council  
3 – 19 South Street  
Rochford  
Essex  
SS4 1BW  
Telephone: 01702 546316  
Email: [planning@rochford.gov.uk](mailto:planning@rochford.gov.uk)

Environmental Health

Environmental Health Manager  
Rochford District Council  
3 – 19 South Street  
Rochford  
Essex  
SS4 1BW  
  
Telephone: 01702 318053  
Email: [environmentalhealth@rochford.gov.uk](mailto:environmentalhealth@rochford.gov.uk)

Police

Chief Officer of Police  
Licensing Unit  
Police Station  
Victoria Avenue  
Southend on Sea  
Essex  
SS2 6ES  
  
Telephone 01702 423118  
Email: [southendlicensing@essex.pnn.police.uk](mailto:southendlicensing@essex.pnn.police.uk)

Fire	<p>Chief Fire Officer  Southend &amp; Rochford Community Command Team  R/o Fire Station  Sutton Road  Southend on Sea  Essex  SS2 5PX</p> <p>Telephone: 01702 614433  Email: <a href="mailto:sr.command@essex-fire.gov.uk">sr.command@essex-fire.gov.uk</a></p>
Health & Safety Executive	<p>Wren House  Hedgerows Business Park  Colchester Road  Chelmsford  Essex  CM2 5PF</p> <p>Fax: 01245 706222</p>
Child Protection	<p>Premises Licence Applications  Children's Safeguarding Service  70 Duke Street  County Hall  Chelmsford  CM1 1JP</p> <p>Email: <a href="mailto:licenceapplications@essexcc.gov.uk">licenceapplications@essexcc.gov.uk</a></p>
Weights & Measures	<p>Information &amp; Business Support Team  Essex Trading Standards  New Dukes Way Office  2 Beaufort Road  Dukes Park Industrial Estate  Chelmsford  Essex  CM2 6PS</p> <p>Email: <a href="mailto:Peter.stratton@essexcc.gov.uk">Peter.stratton@essexcc.gov.uk</a></p>
<del>Primary Care Trust</del>	<p><del>Licensing Administration  Public Health Team  A1 Block  Market Road  Chelmsford  CM1 1QH</del></p> <p>Email: <del><a href="mailto:Alison.springett@see-pct.nhs.uk">Alison.springett@see-pct.nhs.uk</a></del></p>

Public Health Team

Licensing Officer  
Public Health  
E2 County Hall  
Chelmsford  
Essex  
CM1 1LX  
E-mail: [melissa.rawlinson@essex.gov.uk](mailto:melissa.rawlinson@essex.gov.uk)



## **REPRESENTATIONS / REVIEWS / HEARINGS / APPEALS**

### **Who can make representations or seek reviews?**

‘Responsible Authorities’ and other persons may make ‘relevant representations’ in respect of applications made for the grant or variation of a Premises Licence or Club Premises Certificate and may seek a review of licences and certificates granted.

‘Responsible Authority’ is defined as any of the following: -

- the Chief Officer of Police for the area
- the Fire Authority
- the enforcing authority for Health and Safety at Work
- the local planning authority
- the local authority responsible for minimising or preventing the risk of pollution of the environment or of harm to human health
- the body representing matters relating to the protection of children from harm
- the local primary care trust or health board
- **Licensing Authority**
- a navigation authority, the Environment Agency, or the British Waterways Board in relation to a vessel
- the weights and measures authority

(for a list of Responsible Authorities in Rochford District, see [Appendix E](#))

### **What are relevant representations?**

‘Relevant representations’ is the term used for comments and objections that:-

- are about the likely effect of the grant of the premises licence or premises certificate on the promotion of the licensing objectives,
- are made by ‘Responsible Authority’ or other persons within the prescribed period and have not been withdrawn,
- in the opinion of the Licensing Authority, are not frivolous or vexatious,

The terms ‘frivolous’ and ‘vexatious’ have their normal meanings.

The table below lists those provisions about which representations may be made, the timescales within which and by whom they may be made.

<b>Provision under which hearing is held.</b>	<b>Period of time within which representations must be made.</b>	<b>Persons who may make representations.</b>
Application for premises licence	28 days beginning with the day after the day on which application was given to	Responsible authorities Other persons

	licensing authority.	
Application for a provisional statement	28 days beginning with the day after the day on which application was given to licensing authority.	Responsible authorities Other persons
Application to vary premises licence	28 days beginning with the day after the day on which application was given to licensing authority.	Responsible authorities Other persons
Application to vary premises supervisor (DPS)	14 days of receipt of application.	Chief of Police
Application for transfer of premises licence	14 days of receipt of application.	Chief of police
Cancellation of interim authority notice	48 hours of receipt of application.	Chief of police
Application for review of premises licence	28 days beginning with the day after the day on which application was given to licensing authority.	Responsible authorities Other persons
Application for club premises certificate	28 days beginning with the day after the day on which application was given to licensing authority.	Responsible authorities Other persons
Application to vary club premises certificate	28 days beginning with the day after the day on which application was given to licensing authority.	Responsible authorities Other persons
Application for review of club premises certificate	28 days beginning with the day after the day on which application was given to licensing authority.	Responsible authorities Other persons
Counter notice following police objection to temporary event notice*	2 <del>3</del> working days of receipt of temporary event notice.	Chief of police
Application for grant of personal licence	14 days of receipt of notice of convictions from Licensing Authority.	Chief of police
Application for renewal of personal licence	<del>14 days of receipt of notice of convictions from Licensing Authority.</del>	Chief of police
Convictions coming to light after grant/renewal	14 days of receipt of notice of convictions from	Chief of police

of personal licence	Licensing Authority.	
Review of premises licence following closure order	7 days beginning on the day after the day the licensing authority receives notice given by relevant magistrates' court	Responsible authorities Other persons
Application for conversion of existing licence	28 days beginning with the day after the day on which application was given to licensing authority.	Chief of police
Application for conversion of existing club certificate	28 days beginning with the day after the day on which application was given to licensing authority.	Chief of police
Application by holder of a justices' licence for grant of personal licence	<del>28 days beginning with the day after the day on which application was given to licensing authority.</del>	Chief of police

\* It should be noted that the Licensing Authority must issue a counter notice where the Temporary Event Notice exceeds the permitted limits, which are: -

- 50 per year, inclusive of 10 late, if the premises user is the holder of a Personal Licence,
- 5 per year, inclusive of 2 late, if the premises user is not the holder of a Personal Licence, and
- ~~42~~ 15 per year in respect of the same premises covering no more than 21 days in total.

### Reviews

The Licensing Authority must hold a hearing to review a premises licence or club premises certificate where either: -

- representations are made in the prescribed form by a Responsible Authority or other persons seeking a review of the licence or certificate on one or more of the licensing objectives, or
- a Magistrate's Court issues a notice under section 165 (4) of the Act, following consideration of a Closure Order issued by the police.

In the case of a review of a premises licence or certificate, a representation will be repetitious if: -

- (a) it is identical or substantially similar to: -
  - grounds in an earlier application for review made in respect of the same premises and already determined, or
  - representations considered by the Licensing Authority in granting the premises licence or certificate, or

- representations which would have been considered except they were excluded representations following a provisional statement, and

(b) a reasonable interval has not elapsed since the earlier application for review or grant of the licence or certificate.

### Hearings

A hearing must be held within a prescribed period of time where relevant representations are made in respect of any licensing application or issue of a Temporary Event Notice or in respect of an application for review of a premises licence or club premises certificate.

Notices must be sent to each party informing them of the date of hearing: -

- at least 2 working days before the day of the hearing for cancellation of an interim authority notice and counter notice to a temporary event notice following police objection;
- at least 5 working days before the day of the hearing for review of a premises licence following a closure order;
- at least 10 working days before the day of the hearing in respect of all other applications.

Copies of the representations must also be given to the applicant, the holder of the premises licence or the club, as appropriate.

The table below lists the provisions, the timescales within which hearings have to be held and the persons to whom notices must be given.

<b>Provision under which hearing is held.</b>	<b>Period of time in which hearing must be held.</b>	<b>Persons to whom notices must be sent.</b>
Application for premises licence	20 working days beginning with the day after the end of the period for making representations.	Applicant. Persons who have made relevant representations.
Application for a provisional statement	20 working days beginning with the day after the end of the period for making representations.	Applicant. Persons who have made relevant representations.



Application to vary premises licence	20 working days beginning with the day after the end of the period for making representations.	Holder of licence. Persons who have made relevant representations.
Application to vary premises licence to change the premises supervisor	20 working days beginning with the day after the end of the period for making representations.	Holder of licence. Chief of police Proposed premises supervisor
Application for transfer of premises licence	20 working days beginning with the day after the end of the period for making representations.	Applicant. Chief of police Holder of licence.
Cancellation of interim authority notice	5 working days beginning with the day after the end of the period for making representations.	Applicant. Chief of police
Application for review of premises licence	20 working days beginning with the day after the end of the period for making representations.	Applicant. Holder of premises licence. Persons who have made relevant representations.
Application for club premises certificate	20 working days beginning with the day after the end of the period for making representations.	Applicant (the club). Persons who have made relevant representations.
Application to vary club premises certificate	20 working days beginning with the day after the end of the period for making representations.	Applicant (the club). Persons who have made relevant representations.
Application for review of club premises certificate	20 working days beginning with the day after the end of the period for making representations.	Applicant. The club. Persons who have made relevant representations.
Counter notice following police objection to temporary event notice	7 working days beginning with the day after the end of the period for making representations.	The premises user. Chief of police
Application for grant of personal licence	20 working days beginning with the day after the end of the period for making representations.	Applicant. Chief of police

Application for renewal of personal licence	20 working days beginning with the day after the end of the period for making representations.	Applicant. Chief of police
Convictions coming to light after grant or renewal of personal licence	20 working days beginning with the day after the end of the period for making representations.	Holder of licence. Chief of police
Review of premises licence following closure order	10 working days beginning with the day after the day the licensing authority receives the court notice.	Holder of licence. Chief of police

#### Appeals Against Decisions

Any person aggrieved by the decision of the Licensing Committee can appeal to the Magistrates' Court.

## MANDATORY CONDITIONS

### **~~Where a premises licence authorises the supply of alcohol:~~**

- ~~1. That no supply of alcohol may be made under the premises licence:-  
(i) at a time when there is no designated premises supervisor in respect of the premises licence, or  
(ii) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.~~
- ~~2. That every supply of alcohol under the premises licence must be made  
— or authorised by a person who holds a personal licence.~~
- ~~3. Ban irresponsible drink promotions.~~
- ~~4. Ban the dispensing of alcohol directly into the mouth.~~
- ~~5. Ensure that customers have access to free tap water so that they can  
— space out their drinks and not get too intoxicated too quickly.~~
- ~~6. An age verification policy is to be in place to prevent under age sales.~~
- ~~7. Ensure that customers have the opportunity to choose small measures  
— of beers, ciders, spirits and wine.~~

**~~In respect of the age verification policy, it is the recommendation of this Licensing Authority that all premises licence holders should adopt the 'Challenge 25' policy. Whereby if a person appears to be under the age of 25 years that person should be required to produce approved photographic identification to prove that they are over 18 years of age.~~**

### **~~Exhibition of Films~~**

- ~~1. Where a premises licence or club premises certificate authorises the exhibition of films, the licence or certificate must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with these paragraphs.~~
- ~~2. Where the film classification body is specified in the licence or certificate, unless paragraph 3(b) below applies, admission of children must be restricted in accordance with any recommendation by that body.~~
- ~~3. Where,  
a) the film classification is not specified in the licence or certificate, or  
b) the Licensing Authority has notified the holder of the licence or the club which holds the certificate that this paragraph applies to the film in question,  
admission of children must be restricted in accordance with any recommendation made by the Licensing Authority.~~

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

### **Door Supervision**

~~1. Where a premises licence includes a condition that at specified times one  
or more individuals must be at the premises to carry out security activity,  
the licence must include a condition that each such individual must be  
licensed by the Security Industry Authority.~~

### **On Sales**

1. No supply of alcohol may be made under the Premises Licence –
  - (a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
  - (b) At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.
2. Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.
    - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined

by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

- c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
- e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

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

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

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

- (a) a holographic mark or
- (b) an ultraviolet feature.

6. The responsible person shall ensure that –

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –

- (i) beer or cider: ½ pint;

- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml; and
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

### **Minimum Drinks Pricing**

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1 –
  - a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
  - b) “permitted price” is the price found by applying the formula –

$$P = D + (D \times V)$$

Where –

- (i) P is the permitted price
  - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
    - (i) The holder of the premises licence
    - (ii) The designated premises supervisor (if any) in respect of such a licence, or
    - (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

#### **If the Premises Licence allows Exhibition of Films**

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.

3. Where

(a) The film classification body is not specified in the licence, or

(b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

4. In this section “children” means any person aged under 18; and “film classification body” means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984(c39) (authority to determine suitability of video works for classification).

**If the Premises Licence has conditions in respect of Door Supervision  
except theatres, cinemas, bingo halls and casinos**

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:
  - (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
  - (b) be entitled to carry out that activity by virtue of section 4 of the Act.
2. But nothing in subsection (1) requires such a condition to be imposed:
  - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or
  - (b) in respect of premises in relation to:
    - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
    - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
3. For the purposes of this section:
  - (a) “security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and
  - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

**Off Sales**

No sale of alcohol may be made under the Premises Licence:

- (a) at a time when there is no Designated Premises Supervisor in respect of the premises licence; or
  - (b) at a time when the Designated Premises Supervisor does not hold a personal licence or his personal licence is suspended.
1. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
2. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.



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

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

- a holographic mark, or
- an ultraviolet feature.

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

For the purposes of the condition set out in paragraph 4:

“duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6); “permitted price” is the price found by applying the formula where:

- P** is the permitted price;
- D** is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol; and
- V** is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

“relevant person” means, in relation to premises in respect of which there is in force a premises licence:

the holder of the premises licence;

the designated premises supervisor (if any) in respect of such a licence; or

the personal licence holder who makes or authorises a supply of alcohol under such a licence;

“relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

“value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994(7).

### **Club Premises Certificate**

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

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

- f) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - g) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - h) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - i) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
  - j) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
6. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

7.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
  - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
    - (a) a holographic mark or
    - (b) an ultraviolet feature.
4. The responsible person shall ensure that –
  - (d) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml; and
  - (e) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (f) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
8. Minimum Drinks Pricing
  1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
  2. For the purposes of the condition set out in paragraph 1 –

a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

b) “permitted price” is the price found by applying the formula –

$$P = D + (D \times V)$$

Where –

(i) P is the permitted price

D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(ii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –

(i) The holder of the premises licence

(ii) The designated premises supervisor (if any) in respect of such a licence, or

(iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;

d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

5. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

6. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.



**Appendix H****DELEGATION OF FUNCTIONS**

<b>Matter to be dealt with</b>	<b>Sub-Committee</b>	<b>Head of Environmental Assistant Director of Legal Services</b>
Personal licence	If a police objection	If no objection made
Personal licence with unspent convictions	All cases	
Premises licence/Club premises certificate	If a relevant representation made	If no relevant representation made
Provisional statement	If a relevant representation made	If no relevant representation made
Variation of a premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Variation of designated premises supervisor	If a police objection	All other cases
Transfer of premises licence	If a police objection made	All other cases
Interim authority	If a police objection made	All other cases
Review premises licence/club premises certificate	All cases	
Decision as to whether a representation is relevant		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of Police <b>or</b> <b>Environmental Health</b> objection to temporary event notice	All cases	





## REFERENCES TO GUIDES & BEST PRACTICE

This is not intended to be an exhaustive list of reference guides but is offered for guidance and may be revised. The Department for Culture, Media & Sport provides guidance on various aspects of the Licensing Act 2003 on the 'alcohol and entertainment' pages of their website at [www.culture.gov.uk](http://www.culture.gov.uk) <https://www.gov.uk/government/organisations/department-for-culture-media-sport>

- ~~1. Model National and Standard Conditions for Places of Public Entertainment and Associated Guidance ISBN 1 904031 11 0 (Entertainment Technology Press – ABTT Publications).~~
1. The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999) ("The Purple Book **Guide**") ISBN ~~0 7176 2453 6~~ **978 – 0 – 7176 – 2453 - 9**
2. Guide to Fire Precautions in existing places of entertainment and like premises (The Stationery Office) ("The Primrose Guide") ISBN 0 1 340907 9.
3. Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X.
4. 5 steps to Risk Assessment: Case Studies (HSE 1998) ISNM 07176 ~~45804~~ **440 - 5**
5. The Guide to Safety at Sports Grounds (The Stationery Office, 1997 **DCMS 2007**) ("The Green Guide") ISBN ~~0 11 300095 2~~ **978 – 0 – 11702 - 07400**
6. Good Practice Guide on the Control of Noise from Pubs and Clubs – The Institute of Acoustics. <http://www.ioa.org.uk/publications/ioa-guide>
- ~~7. Licensed Property: Noise Control – British Beer and Pub Association.~~
- 7.** Safer Clubbing – [www.drugs.gov.uk](http://www.drugs.gov.uk)  
[http://www.csdp.org/research/safer\\_clubbing\\_txt.pdf](http://www.csdp.org/research/safer_clubbing_txt.pdf)
- ~~8. Public Places Charter (available from Licensing Section Castle Point Borough Council).~~
8. The Portman Group Code of Practice on the naming, packaging and promotion of Alcoholic Drinks.  
<http://www.portmangroup.org.uk/codes/alcohol-marketing/code-of-practice/code-of-practice>
9. British Board of Film Classification – Classification Guidelines.  
<http://www.bbfc.co.uk/what-classification/guidelines>
10. HSE Guide – The Radiation Safety of lasers used for display purposes [HS(G)95] and BS EN 60825 of Laser products.  
<http://www.hse.gov.uk/pubns/books/hsg95.pdf>

11. ~~Alcohol Harm Reduction Strategy for England~~ [www.strategy.gov.uk](http://www.strategy.gov.uk)  
~~Castle Point & Rochford Local Alcohol Harm Reduction Strategy (to be developed).~~
11. Community Safety Partnership Castle Point Council  
[www.castlepoint.gov.uk](http://www.castlepoint.gov.uk)
12. Sound Advice at events ISBN 978 – 0 – 71766 – 307 – 1
13. Home Office Guidance 182 of the Licensing Act 2003
14. Fire Risk Assessments for open air events and venues , small and medium places of assembly can be found at  
<https://www.gov.uk/government/collections/fire-safety-law-and-guidance-documents-for-business>

## APPENDIX K

### OTHER USEFUL CONTACT DETAILS

Arts Council for England  
14 Great Peter Street  
London  
SW1P 3NQ

Telephone: 0845 300 6200  
E-mail: [enquiries@artscouncil.org](mailto:enquiries@artscouncil.org)  
Website: [www.artscouncil.org.uk](http://www.artscouncil.org.uk)

Association of Licensed Multiple Retailers  
3<sup>rd</sup> Floor International House  
Ealing  
London  
W5 5DB

Telephone: 020 8579 2080  
E-mail: [infor@almr.org.uk](mailto:infor@almr.org.uk)

British Beer & Pub Association  
Market Towers  
1 Nine Elms Lane  
London  
SW8 5NQ

Telephone: 020 7627 9191  
E-mail: [web@beerandpub.com](mailto:web@beerandpub.com)  
Website: [www.beerandpub.com](http://www.beerandpub.com)

British Board of Film Classification  
3 Soho Square  
London  
W1D 3HD

Telephone: 020 7440 1570  
E-mail: [helpline@bbfc.co.uk](mailto:helpline@bbfc.co.uk)  
Website: [www.bbfc.co.uk](http://www.bbfc.co.uk)

British Institute of Innkeeping  
Wessex House  
80 Park Street  
Camberley  
Surrey GU15 3PT

Telephone: 01276 684449  
E-mail: [reception@bii.org](mailto:reception@bii.org)  
Website: [www.bii.org](http://www.bii.org)

Business Link for Essex  
Alexandra House  
36a Church Street  
Chelmsford  
Essex CM2 7HY

Telephone: 01245 717615  
E-mail: [info@bl4e.co.uk](mailto:info@bl4e.co.uk)  
Website: [www.bl4e.co.uk](http://www.bl4e.co.uk)

~~Castle Point & Rochford Drug & Alcohol~~  
~~Reference Group~~  
**Community Safety Partnership**  
Council Offices  
Kiln Road  
Benfleet  
Essex  
SS7 1TF

Telephone: 01268 - **882461** 882328  
E-mail:  
[communitysafety@castlepoint.gov.uk](mailto:communitysafety@castlepoint.gov.uk)  
[rhill@castlepoint.gov.uk](mailto:rhill@castlepoint.gov.uk)  
Website: [www.castlepoint.gov.uk](http://www.castlepoint.gov.uk)

Department for Media Culture & Sport  
2-4 Cockspur Street  
London  
SW1Y 5DH

Telephone: 020 7211 6200  
E-mail: [enquiries@culture.gov.uk](mailto:enquiries@culture.gov.uk)  
Website: [www.culture.gov.uk](http://www.culture.gov.uk)

Disability Rights Commission  
DRC Helpline  
Freepost MID01264  
Stratford Upon Avon  
CV37 9BR

Telephone: 08457 622633  
E-mail:  
Website: [www.drc-gb.org](http://www.drc-gb.org)

Essex Chamber of Commerce  
Mid Essex Office  
75 Springfield Road  
Chelmsford  
Essex CM2 6JB

Telephone: 01245 500464  
E-mail: [info@essexchambers.co.uk](mailto:info@essexchambers.co.uk)  
Website: [www.essexchambers.co.uk](http://www.essexchambers.co.uk)

Essex Race Equality Council  
Floor 3 Civic Centre  
Victoria Street  
Southend on Sea  
Essex SS2 6EP

Telephone: 01702 333351  
E-mail: [Erec.Southend@btconnect.com](mailto:Erec.Southend@btconnect.com)  
Website:

Essex Trading Standards  
New Dukes Way Office  
2 Beaufort Road  
Dukes Park Industrial Estate  
Chelmsford  
Essex  
CM2 6PS

Telephone: 01245 341888 0845 603 7626  
E-mail: [Advice.unit@essexcc.gov.uk](mailto:Advice.unit@essexcc.gov.uk)  
[standards@essex.gov.uk](mailto:standards@essex.gov.uk)  
Website:  
[www.tradingstandards.gov.uk/essex](http://www.tradingstandards.gov.uk/essex)

Equity  
Guild House  
Upper Martins Lane  
London  
WC2H 9EG

Telephone: 020 7379 6000  
E-mail: [info@equity.org.uk](mailto:info@equity.org.uk)  
Website: [www.equity.org.uk](http://www.equity.org.uk)

Institute of Acoustics  
77a St Peters Street  
St Albans  
Herts. AL1 3BN

Telephone: 01727 848195  
E-mail: [ioa@ioa.org.uk](mailto:ioa@ioa.org.uk)  
Website: [www.ioa.org.uk](http://www.ioa.org.uk)

Musicians Union  
60 – 62 Clapham Road  
London  
SW9 0JJ

Telephone: 020 7840 5537  
E-mail:  
[eastsoutheast@musiciansunion.org.uk](mailto:eastsoutheast@musiciansunion.org.uk)  
Website: [www.musiciansunion.org.uk](http://www.musiciansunion.org.uk)

Security Industry Authority  
P O Box 1293  
Liverpool  
L69 1AX

Telephone: 0844 892 0975  
E-mail: [info@the-sia.org.uk](mailto:info@the-sia.org.uk)  
Website: [www.the-sia.org.uk](http://www.the-sia.org.uk)

The Portman Group  
4th Floor,  
20 Conduit Street,  
London,  
W1S 2XW

Telephone: 020 7290 1460  
E-mail: [info@portmangroup.co.uk](mailto:info@portmangroup.co.uk)  
Website: [www.portmangroup.org](http://www.portmangroup.org)



## GUIDANCE ON CLASSIFICATION OF FILMS

(Courtesy of British Board of Film Classification)

### Universal Category

It is impossible to predict what might upset any particular child. But a 'U' film should be suitable for audiences aged four years and over. Works aimed at children should be set within a positive moral framework and should offer reassuring counterbalances to any violence, threat or horror.

#### *Theme*

Treatment of problematic themes must be sensitive and appropriate to a younger audience.

#### *Language*

Infrequent use only of very mild bad language.

#### *Nudity*

Occasional natural nudity, with no sexual context.

#### *Sex*

Mild sexual behaviour (e.g., kissing) and references only (e.g., to 'making love').

#### *Violence*

Mild violence only.

Occasional mild threat or menace only.

#### *Imitable techniques*

No emphasis on realistic weapons.

#### *Horror*

Horror effects should be mild and brief and should take account of the presence of very young viewers. The outcome should be reassuring.

#### *Drugs*

No references to illegal drugs or drug use.

Videos classified UC are particularly suitable for pre-school children.

### Parental Guidance Category

General viewing, but some scenes may be unsuitable for some children. Unaccompanied children of any age may watch. A 'PG' film should not disturb a child aged around eight or older. However, parents are advised to consider whether the content may upset younger or more sensitive children.

#### *Theme*

More serious issues may be featured, e.g. crime, domestic violence, racism (providing nothing in their treatment condones them).

#### *Language*

Mild bad language only.

#### *Nudity*

Natural nudity, with no sexual context.

### *Sex*

Sexual activity may be implied, but should be discreet and infrequent. Mild sexual references and innuendo only.

### *Violence*

Moderate violence, without detail, may be allowed - if justified by its setting (e.g. historic, comedy or fantasy).

### *Imitable techniques*

No glamorisation of realistic, contemporary weapons. No detail of fighting or other dangerous techniques.

### *Horror*

Frightening sequences should not be prolonged or intense. Fantasy settings may be a mitigating factor.

### *Drugs*

No references to illegal drugs or drug use unless entirely innocuous.

### 12/12A Category

No-one younger than 12 may see a '12A' film in a cinema unless accompanied by an adult. No-one younger than 12 may rent or buy a '12' rated video.

### *Theme*

Mature themes are acceptable, but their treatment must be suitable for young teenagers.

### *Language*

The use of strong language (e.g. 'fuck') should be rare and must be justified by context.

### *Nudity*

Nudity is allowed, but in a sexual context will be brief and discreet.

### *Sex*

Sexual activity may be implied. Sexual references may reflect the familiarity of most adolescents today with sex education through school.

### *Violence*

Violence must not dwell on detail. There should be no emphasis on injuries or blood. Sexual violence may only be implied or briefly indicated and without physical detail. Imitable techniques. Dangerous techniques (examples include: combat, hanging, suicides) should contain no imitable detail. Realistic and contemporary weapons should not be glamorised.

### *Horror*

Sustained threat and menace is permitted. Occasional gory moments only.

### *Drugs*

Brief and occasional references to, and sight of, 'soft' drug-taking (e.g. cannabis) are allowed, but must be justified by context and should indicate the dangers. No instructional elements are permitted.

### 15 Category

No-one younger than 15 may see a '15' film in a cinema. No-one younger than 15 may rent or buy a '15' rated video.



### *Theme*

No theme is prohibited, provided the treatment is appropriate to 15 year olds.

### *Language*

There may be frequent use of strong language; the strongest terms (e.g. 'cant') are only rarely acceptable. Continued aggressive use of strong language and sexual abuse is unacceptable.

### *Nudity*

There are no constraints on nudity in a non-sexual or educational context.

### *Sex*

Sexual activity and nudity may be portrayed but without strong detail. The depiction of casual sex should be handled responsibly. There may be occasional strong verbal references to sexual behaviour.

### *Violence*

Violence may be strong but may not dwell on the infliction of pain, and of injuries. Scenes of sexual violence must be discreet and brief.

### *Imitable techniques*

Dangerous combat techniques such as ear claps, head-butts and blows to the neck are unlikely to be acceptable. There may be no emphasis on the use of easily accessible lethal weapons (in particular, knives).

### *Horror*

Sustained or detailed infliction of pain or injury is unacceptable.

### *Drugs*

Drug taking may be shown but clear instructive detail is unacceptable. The film as a whole must not promote or encourage drug use.

### 18 Category

No-one younger than 18 may see an '18' film in a cinema. No-one younger than 18 may rent or buy an '18' rated video.

The BBFC respects the right of adults to choose their own entertainment, within the law. It will therefore expect to intervene only rarely in relation to '18' rated cinema films. In the case of videos, which are more accessible to younger viewers, intervention may be more frequent.

There are no constraints at this level on theme, language, nudity or horror. The Board may, however, cut or reject the following content

- any detailed portrayal of violent or dangerous acts which is likely to promote the activity. This includes also instructive detail of illegal drug use
- the more explicit images of sexual activity - unless they can be exceptionally justified by context

### *Sex Education at '18'*

Where sex material genuinely seeks to inform and educate in matters such as human sexuality, safe sex and health, exceptions to the normal constraints on explicit images may be made in the public interest. Such explicit detail must be kept to the minimum necessary to illustrate the educational or instructional points being made.

### *Sex Works at '18'*

Material which appears to be simulated is generally passed '18', while images of real sex are confined to the 'R18' category.

### R18 Category

To be supplied only in licensed sex shops to adults of not less than 18 years. The 'R18' category is a special and legally restricted classification primarily for explicit videos of consenting sex between adults. Such videos may be supplied to adults only in licensed sex shops, of which there are currently about 90 in the UK. 'R18' videos may not be supplied by mail order.

The following content is not acceptable

- any material which is in breach of the criminal law.
- material (including dialogue) likely to encourage an interest in abusive sexual activity (e.g., paedophilia, incest) which may include depictions involving adults role-playing as non-adults.
- the portrayal of any sexual activity, whether real or simulated, which involves lack of consent.
- the infliction of pain or physical harm, real or (in a sexual context) simulated.
- some allowance may be made for mild consensual activity.
- any sexual threats or humiliation which do not form part of a clearly consenting role-playing game.
- the use of any form of physical restraint which prevents participants from withdrawing consent, for example, ball gags.
- penetration by any object likely to cause actual harm or associated with violence.
- activity which is degrading or dehumanising (examples include the portrayal of bestiality, necrophilia, defecation, urolagnia).

The following content, subject to the above, may be permitted

- aroused genitalia
- masturbation
- oral-genital contact including kissing, licking and sucking
- penetration by finger, penis, tongue, vibrator or dildo
- non-harmful fetish material
- group sexual activity
- ejaculation and semen

These guidelines make no distinction between heterosexual and homosexual activity.

**THE ENCLOSED PAPERS ARE VERY IMPORTANT.  
IF YOU HAVE DIFFICULTY READING OR UNDERSTANDING ENGLISH,  
PLEASE CONTACT SOMEONE WHO CAN HELP YOU IMMEDIATELY.**

ALBANIAN	<p><b>Letrat e bashkangjitura jane shume te rendesishme. Nese keni veshtersi per te lexuar ose kuptuar gjuhen angleze ju lutemi kontaktoni dikend per te ju ndihmuar menjehere.</b></p>
ARABIC	<p><b>الصفحات المرفقة مهمة جدا إذا لديك الصعوبة لقراءة أو فهم اللغة الإنجليزية أرجو أن تتصل بأي شخص الذي بإمكانه أن تساعدك فوراً</b></p>
BENGALI	<p><b>এই সঙ্গে দেওয়া কাগজপত্র অত্যন্ত জরুরী। আপনার যদি ইংরেজী ভাষা পড়তে বা বুঝতে সমস্যা হয়, তাহলে এমন কারো সঙ্গে যোগাযোগ করুন যে অবিলম্বে আপনাকে সাহায্য করতে পারবে।</b></p>
CHINESE	<p><b>夾附的文件非常重要。 如果你看不懂英文， 請立即與能夠幫助你的人聯絡。</b></p>
GUJARATI	<p><b>આ સાથે બીડેલાં કાગળો બહુ જ અગત્યના છે. જો તેની વિગત તમને અંગ્રેજીમાં વાંચવામાં અને સમજવામાં મુશ્કેલી પડતી હોય તો, મહેરબાની કરી કોઈ વ્યક્તિને સંપર્ક કરો જે તમને તુરત મદદ કરી શકે.</b></p>

HINDI	<p>साथ दिए गए कागज़ात बहुत ज़रूरी हैं। यदि आपको अंग्रेज़ी पढ़ने या समझने में मुश्किल आती है तो कृपया किसी से कहें जो तुरंत आपकी मदद कर सके।</p>
KURDISH	<p>ئەم پەڕانەى ھاوئێچکراون زۆر گرنگن ئەگەر تۆ گرفتت ھەيە ئەگەن خۆندنەو ھەيە تێگەشتنى نوسراوى ئینگىزى ئەوا تەکايە پەيوەندى بە يەکیکەو ھەيە بکە کە بتوانیت بە زووترين کات يارمەتیت بدات</p>
PUNJABI	<p>ਨਾਲ ਦੇ ਕਾਗਜ਼ਾਤ ਬਹੁਤ ਜ਼ਰੂਰੀ ਕਾਗਜ਼ ਹਨ। ਜੇ ਤੁਹਾਨੂੰ ਅੰਗਰੇਜ਼ੀ ਪੜ੍ਹਨ ਜਾਂ ਸਮਝਣ ਚ ਕੋਈ ਦਿੱਕਤ ਹੁੰਦੀ ਹੋਵੇ, ਤਾਂ ਮਿਹਰਬਾਨੀ ਕਰਕੇ ਕਿਸੇ ਨੂੰ ਆਖੋ, ਜੋ ਤੁਹਾਡੀ ਫ਼ੌਰਨ ਮਦਦ ਕਰ ਸਕਦਾ/ਸਕਦੀ ਹੋਵੇ।</p>
TURKISH	<p>İlişikteki kağıtlar çok önemlidir. İngilizceyi okumakta veya anlamakta zorluk çekiyorsanız size derhal yardım edebilecek birisiyle lütfen temas kurunuz.</p>
URDU	<p>منسلک کئے گئے کاغذات بہت ضروری ہیں۔ اگر آپ کو انگریزی پڑھنے اور سمجھنے میں کسی دشواری کا سامنا ہے، تو براہ کرم کسی سے رابطہ کریں جو فوری طور پر آپ کی مدد کر سکے۔</p>

the date today

Reference: contact124297  
19 Aug 2015**Contact the Council**

Department (hidden)

Licensing and permits

**Licensing and Permits****Contact Details**

First Name

Sally

Surname

Faulkner

Title

Mrs

How would you like us to get back to you?

No response necessary

**In case Customer Services needs to contact you about this issue, please provide either a contact number or email address:**

Telephone number or email address

faulkners85@hotmail.com

May we use your e-mail address to contact you about other Council Services or surveys? (Rochford District Council will NOT pass your details on to any third parties.)

Yes

Where do you live?

I live in the District

Address:

House Number

85

Post Code

ss4 1tf

Address

85 Oxford Road, Rochford, Essex, SS4 1TF

**If the house does not have a number, or the address is not found, please enter just your postcode and select from the list of properties.**

Your comments\*

I have read the consultation documents for the Licensing policy and gambling, which i have no comments to the content of the document there are a number of spelling errors and additional words. Please ensure these are amended prior to adoption.