



**Rochford District
Council**

ROCHFORD DISTRICT COUNCIL

STATEMENT OF LICENSING POLICY

For the period

7 JANUARY 2005 – 6 JANUARY 2008

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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 79000 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 District currently has 113 premises licensed for the sale of alcohol of which 45 are public houses; 37 are off-licences; 19 are restaurants; 12 are licensed clubs. In addition there are 34 premises licensed for public entertainment and 27 premises with a Club Registration Certificate.

The majority of premises are spread throughout the district with the main concentrations being in Rayleigh and Rochford. There are few premises that provide late-night entertainment of which the main concentration is situated adjacent to the airport's boundary at Aviation Way.

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 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 11pm and 5am. The effect is that potentially a larger number of premises will require licences including, for the first time, mobile burger-vans and take away restaurants that trade after 11pm.

It is anticipated that approximately 200 premises in the Rochford District will need to be licensed and 296 people will need to be issued with personal licences authorising them to sell or supply alcohol. It is also expected that of the existing 134 premises licensed for the sale of alcohol, about 100 will apply for variation to their hours and type of trading.

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 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.

1.0 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 When assessing applications, the Licensing Authority must be satisfied that the measures proposed in the applicant's operating schedule aim to achieve the four licensing objectives. In this policy, bold type refers to matters that the Licensing Authority expects to see addressed in the applicant's operating schedule, where appropriate. 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 11p.m. 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:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 1.6 **Applicants will need to provide evidence to the Licensing Authority that suitable and sufficient measures, relevant to the individual style and characteristics of their premises and events, are detailed in their operating schedule and will be implemented and maintained in respect of each of the four licensing objectives. Reference will need**

to be made as to whether additional measures will be taken on an occasional or specific basis, such as when a special event or promotion is planned, which is intended to or 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 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 Crime and Disorder Reduction Partnership and the Rochford Drug and Alcohol Reference Group. These 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-year period.
- 1.10 This 'Statement of Licensing Policy' takes effect on January 7, 2005.

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 constituting 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 Rayleigh Police Division, Essex County Fire and Rescue Service, existing licence holders, businesses, voluntary groups and residents were taken into account. Due

consideration has also been given to the views of all those who responded to the consultation process.

Links to other Strategies

- 1.14 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 Crime & Disorder Reduction Strategy, the Council's Cultural Strategy, its Local Development Plan and Economic Review 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.
- 1.15 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.
- 1.16 To ensure proper integration with the Council's planning policies, the Licensing Committee, when appropriate, will provide reports to the Environmental Services Committee 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 Planning Services Committee to have regard to such matters when making its decisions.
- 1.17 The Licensing Authority recognises its responsibilities under the Race Relations Act, 1976, as amended. The impact of this policy on race relations will be monitored through the Council's race equality scheme.

Regulated Entertainment

- 1.18 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.
- 1.19 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.
- 1.20 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. Advice and guidance on this matter will be sought from the Council's Contracted Services Department.
- 1.21 Appendices A and B provide definitions of legal terms used within the Act and exemptions to the need for licensing.

Applications

1.22 When considering applications, the Licensing Authority will have regard to:

- the Licensing Act 2003 and the licensing objectives,
- guidance issued under Section 182 of the Licensing Act 2003,
- any supporting regulations,
- this statement of licensing policy.

1.23 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.

1.24 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.

1.25 **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.)

1.26 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.

1.27 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: -

- By post/personal service to The Licensing Unit, Rochford District Council, South Street, Rochford, Essex, SS4 1BW
- By e-mail to licensing@rochford.gov.uk
- On-line (when the facility becomes available)

- 1.28 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. However, in respect of the initial grant of a personal licence, the Licensing Authority requires applicants to collect them personally and provide evidence of identity, date of birth and address.
- 1.29 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.

Transitional Period and 'Grandfather Rights'

- 1.30 During the transitional period, there are special arrangements for holders of existing licences to convert those licences, on the same terms, conditions and restrictions (known as 'grandfather rights'). In these circumstances, only the Police may raise a representation and only in respect of the crime and disorder objective.
- 1.31 Appendices C and D provide applicants with advice and guidance on the application process and the scale of licensing fees.

Representations

- 1.32 Any Responsible Authority or Interested Party 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 Rayleigh Police Division may make representations in respect of the grant of a personal licence or the issue of a temporary event notice.
- 1.33 A representation will only be 'relevant' if it relates to the likely 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.
- 1.34 Where the Responsible Authorities or Interested Parties 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.
- 1.35 Appendices E and F provide applicants with contact details of Responsible Authorities and information concerning Representations, Reviews, Hearings and Appeals.

Conditions

- 1.36 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.

- 1.37 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.
- 1.38 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.
- 1.39 The Licensing Authority may not, therefore, 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 to promote the licensing objectives arising out of the consideration of the representations.
- 1.40 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 presentations prove necessary.
- 1.41 The Licensing Authority acknowledges that the licensing function cannot be used for the general control of the anti-social behaviour of individuals once they are beyond the direct control of the licensee of any premises concerned. However, 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: -
- planning controls,
 - positive measures by the Council to create a safe and clean town environment in partnership with local businesses, transport operators, etc.,
 - the provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols,
 - powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly, e.g. in Rochford High Street,
 - police enforcement of the general law concerning disorder and anti-social behaviour, including issuing fixed penalty notices for disorder, making dispersal orders, etc. ,

- the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk,
 - the confiscation of alcohol from children and adults in designated areas,
 - police and/or local authority powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance,
 - 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.
- 1.42 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.
- 1.43 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

- 1.44 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

- 1.45 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.
- 1.46 Appendix H contains a table setting out how the licensing authority intends to approach its various functions.

The Need for Licensed Premises

- 1.47 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

- 1.48 “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.
- 1.49 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.
- 1.50 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.
- 1.51 **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.**
- 1.52 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.
- 1.53 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) Licensing Act 2003.
- 1.54 Following a successful representation in such matters, the Licensing Authority’s Statement of Licensing Policy will be reviewed and amended.

Advice and Guidance

- 1.55 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.

- 1.56 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.
- 1.57 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

- 1.58 Where possible and appropriate the Licensing Authority, Essex Police and/or Essex County Fire and Rescue Service will give early warning to licence holders of any concerns about problems identified at premises and of the need for improvement.
- 1.59 Responsible authorities and/or interested parties living in the vicinity can trigger a review of a premises licence but an evidentiary basis would be required to be presented to the Licensing Authority.
- 1.60 No more than one review from interested parties will be normally permitted within any 12-month period on similar grounds except in exceptional and compelling circumstances.

Enforcement

- 1.61 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.
- 1.62 The Enforcement Concordat is based on the principles that businesses should: -
- receive clear explanations from enforcers of what they need to do and by when,
 - have opportunities to resolve differences before enforcement action is taken - unless immediate action is needed,
 - receive an explanation of their rights of appeal.

- 1.63 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.
- 1.64 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-council.gov.uk
- 1.65 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.

2.0 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 expects that such risk assessments would 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 must be made in an applicant's operating schedule, where applicable, to such occasions and the additional measures that are planned 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 will expect the issue of occupancy capacity to be considered and addressed, where necessary, within an applicant's operating schedule and, in appropriate instances, will agree a maximum occupancy capacity, based on the applicant's assessment within their 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: -
- the nature of the premises or event,
 - the nature of the licensable activities being provided,
 - the provision or removal of such items as temporary structures, such as a stage, or furniture,
 - the number of staff available to supervise customers both ordinarily and in the event of an emergency,
 - the age of the customers,
 - the attendance by customers with disabilities, or whose first language is not English,
 - availability of suitable and sufficient sanitary accommodation,
 - 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 doorstaff, 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, the Licensing Authority expects an applicant to detail the additional arrangements that will be put in place to ensure that the capacity of the premises is not exceeded.**

3.0 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 addressing crime and disorder the applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities) that are likely to adversely affect the promotion of the crime and disorder objective. Such steps as are required to deal with these identified issues should be included within the applicant's operating schedule.**
- 3.5 Applicants should demonstrate that they have considered those factors that impact on crime and disorder. These may include: -
- underage drinking,
 - drunkenness on premises,
 - public drunkenness,
 - drugs,
 - violent behaviour,
 - anti-social behaviour.
- 3.6 Applicants may wish to consider the following examples of control measures that might be included in their operating schedule, having regard to their particular type of premises and/or activities: -
- effective and responsible management of premises,
 - training and supervision of staff,
 - adoption of best practice guidance, e.g. 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),

- 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,
 - provision of effective CCTV in and around premises,
 - employment of Security Industry Authority licensed doorstaff,
 - provision of toughened or plastic drinking vessels,
 - provision of secure, deposit boxes for confiscated items ('sin bins'),
 - provision of litterbins and other security measures, such as lighting, outside premises,
 - membership of local 'Pubwatch' schemes or similar organisations.
- 3.7 Within the operating schedule for premises from which alcohol will be sold, 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 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.

4.0 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 **Where an applicant identifies an issue in regard to public safety (including fire safety) which is not covered by existing legislation, the applicant should identify in their operating schedule the steps which will be taken to ensure public safety, relevant to the individual style and characteristics of their premises and events.**

4.3 Applicants should demonstrate that they have considered those factors that may impact on public safety. These may include: -

- the occupancy capacity of the premises,
- the age, design and layout of the premises, including means of escape in the event of fire,
- 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,
- the hours of operation (differentiating the hours of opening from the hours when licensable activities are provided, if different),
- customer profile (e.g. age, disability),
- 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, having regard to their particular type of premises and/or activities: -

- suitable and sufficient risk assessments,
- effective and responsible management of premises,
- Provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons,
- appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and patrons,
- 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),
- provision of effective CCTV in and around premises,

- provision of toughened or plastic drinking vessels,
- implementation of crowd management measures,
- proof of regular testing (and certification where appropriate) of procedures, appliances, systems etc. pertinent to safety.

5.0 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 potential 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 addressing public nuisance the applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities) that are likely to adversely affect the promotion of the objective to prevent public nuisance. Such steps as are required to deal with these identified issues should be included within the applicant's operating schedule**
- 5.6 Applicants should demonstrate that they have considered those factors that may impact public nuisance. These may include: -
- the location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices and places of worship,
 - the hours of opening, particularly between 23.00 and 07.00,
 - 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,
 - the design and layout of premises and in particular the presence of noise limiting features,
 - the occupancy capacity of the premises,
 - the availability of public transport,

- 'wind down period' between the end of the licensable activities and closure of the premises,
- last admission time.

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

- effective and responsible management of premises,
- appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance, e.g. to ensure customers leave quietly,
- control of operating hours for all or parts (e.g. garden areas) of premises, including such matters as deliveries,
- 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),
- installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices,
- management of people, including staff, and traffic (and resulting queues) arriving and leaving premises,
- liaison with public transport providers,
- siting of external lighting, including security lighting,
- management arrangements for collection and disposal of litter,
- effective ventilation systems to prevent nuisance from odour.

6.0 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 addressing the protection of children, the applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities) that are likely to cause concern in relation to children. Such steps as are required to deal with these identified concerns should be included within the applicant's 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. Applicants should demonstrate that they have considered those factors that impact on harm to children. Areas that will require particular consideration in respect of children include: -
- premises where entertainment or services of an adult or sexual nature are commonly provided,

- 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,
- premises with a known association with drug taking or dealing,
- premises where there is a strong element of gambling on the premises,
- 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, having regard to their particular type of premises and/or activities: -

- effective and responsible management of premises,
- provision of a sufficient number of people employed or engaged to secure the protection of children from harm,
- appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm,
- adoption of best practice guidance (Public Places Charter, The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks),
- limitations on the hours when children may be present, in all or parts of the premises,
- limitations or exclusions by age when certain activities are taking place,
- imposition of requirements for children to be accompanied by an adult,
- acceptance of accredited 'proof of age' cards and/or 'new type' driving licences with photographs,
- measures to ensure children do not purchase, acquire or consume alcohol,
- measures to ensure children are not exposed to incidences of violence or disorder.

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, the Licensing Authority will expect licence and certificate holders and those who have given notice of a 'permitted temporary activity' to include in their operating schedules those measures that will be implemented for restricting children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or, exceptionally, those made by the Licensing Authority.**
- 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.
- 6.12 The Licensing Authority expects that when a licensable activity is held exclusively for children under 18yrs, that there will be sufficient numbers of staff available to ensure the safety of those children by having undertaken an enhanced disclosure check with the CRB. This does not require each member of staff have undergone this level of check but to enable others to be supervised by those who have, i.e. there will be one person at the main entrance to the premises who has been subject of advanced disclosure and supervising the searching and checking of children by those who have not.
- 6.13 Any searching of children other than of outer clothing that can firstly be removed, must always be conducted by someone of the same sex as the child and that attendance of the child at the event assumes knowledge and consent of the search by the parent or guardian, otherwise the consent to search cannot be given by a child and would therefore be unlawful.
- 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.

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.

Entertainment Facilities means: -

Facilities for enabling persons to take part in entertainment of a description falling within those mentioned above for the purpose, or for purposes that include the purpose of being entertained. The descriptions of entertainment are making music, dancing, and entertainment of a similar description to that falling within those mentioned above. This definition is subject to Part 3 of Schedule 1 to 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 hours, that includes details of: -

- the propose licensable activities
- the period (not exceeding 96 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 12 occasions in a calendar year, but are subject to the overall aggregate of 15 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 in one year for a Personal Licence holder and 5 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.

Transitional Period means the period from the first appointed day set as 7th February 2005 until the second appointed day, which is expected to be in November 2005.

‘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

Interested Party means: -

- a person living in the vicinity of the premises;
- a body representing persons living in that vicinity;
- a person involved in a business in that vicinity;

- a body representing persons involved in such businesses.

Responsible Authority means: -

- the Chief Officer of Police for any area in which the premises are situated (Divisional Commander of Rayleigh Police Division)
- 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
- 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

If the entertainment is incidental to some other activity which is not itself within the description of Regulated Entertainment or the provision of entertainment facilities.

Television or Radio Receivers

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

Small Venues Providing Dancing and Amplified or Unamplified Music

Where,

- a premises licence or club premises certificate authorises the supply of alcohol for consumption on the premises and the provision of music entertainment (live music and dancing),
- the relevant premises are used primarily for the consumption of alcohol on those premises, and
- the premises have a capacity not exceeding 200,

any conditions relating to the provision of music entertainment imposed on the licence by the Licensing Authority, other than those set out by the licence or certificate which are consistent with the operating schedule, will be suspended except where they were imposed as being necessary for public safety or the prevention of crime and disorder.

In addition, where

- a premises licence or club premises certificate authorises the provision of music entertainment (live music and dancing), and
- the premises have a capacity limit of up to 200

then, between the hours of 8am and midnight, if the premises are being used for the provision of unamplified live music but no other description of regulated entertainment, any conditions imposed on the licence by the Licensing Authority, other than those set out by the licence or certificate which are consistent with the operating schedule, will be suspended except where they were imposed as being necessary for public safety or the prevention of crime and disorder.

APPLICATION PROCESS

Personal Licence

(a) Transitional Provisions

Where a Justices Licence is in force on February 7, 2005 in respect of any premises, any person holding that licence between that date and August 6, 2005 may apply within those dates for the grant of a Personal Licence, under the transitional provisions. Such an application may only be made between February 7, 2005 and August 6, 2005.

To apply for the issue of a licence, applicants will need to complete an application form and send it to the Licensing Authority together with the Justice's licence (or a certified copy of it), two passport photographs (one of which must be certified as a true likeness), a statement detailing any relevant offences and the licence fee of £37.00.

A copy of the application and accompanying documents must also be sent to the Police within 48 hours of submitting the application to the Licensing Authority.

(b) New Application

Where a Justices Licence was not in force on February 7, 2005 in respect of any premises, or where an application is made after August 6, 2005 then the transitional provisions do not apply.

To apply for a new Personal Licence, applicants must be over 18 years of age and will need to complete an application form and send it to the Licensing Authority together with two passport photographs (one of which must be certified as a true likeness), a copy of the applicant's licensing qualification, a [Standard Disclosure criminal conviction certificate issued under Part V of the Police Act 1997][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 and date of the conviction and any sentence imposed on him in respect of it] and the licence fee of £37.00.

A copy of the application and accompanying documents must also be sent to the Police within 48 hours of submitting the application to the Licensing Authority.

Premises Licence

(a) Transitional Provisions – Grant of Premises Licence

Where a Justice's Licence, Public Entertainment Licence, Late Night Refreshment Licence, Theatre or Cinema Licence is in force on February 7,

2005 in respect of any premises, any *person holding that licence between that date and August 6, 2005 may apply within those dates for it to be converted to a new Premises Licence. (** Or any person having the consent of the holder of that licence*)

It should be noted that conversion of any of the above licences to a Premises Licence will authorise only those activities previously licensed on a like-for-like basis. Any conditions attached to the existing licence will be transferred to the Premises Licence.

The application must specify the existing licensable activities under the existing licence or licences and where the existing licence authorised the sale or supply of alcohol, specified information about the person (who must hold a Personal Licence) whom the applicant wishes to be the 'Designated Premises Supervisor'.

The application must be accompanied by the relevant existing licence/s or certified copy; a plan in the specified form of the premises to which the relevant licence/s relate; if any existing licence authorises the supply of alcohol, any children's certificate or certified copy; a specified form of consent from the nominated 'Designated Premises Supervisor; a specified form of consent (where an application is made by a person who is not the holder of the licence/s); the fee.

A copy of the application and accompanying documents must be given to the police within 48 hours of giving the application to the Licensing Authority.

The Department for Culture, Media and Sport have been set fee levels based upon the Non-Domestic Rateable Value of the premises (see Appendix D).

(b) Transitional Provisions – Variation to Premises Licence

Where an application is made to convert a licence under the transitional provisions, an application to vary the premises licence may be made at the same time.

The application must be accompanied by an Operating Schedule, the relevant existing licence/s or certificates (or a certified copy), a plan in the specified form of the premises to which the relevant licence/s relate and the fee.

A copy of the application and all accompanying documents must also be sent to the Responsible Authorities shown on Appendix E.

In addition, the application must be advertised in a local newspaper on at least one occasion not more than 5 working days following the day after giving the application to the Licensing Authority and a notice, in a specified form on A4 sized paper, must be displayed at or on the premises to which the application relates for a period of not less than 20 working days from the day following the day the application was given to the Licensing Authority.

(c) Grant of or variation to Premises Licence (non-transitional period)

The application must be accompanied by an Operating Schedule; a plan in the specified form of the premises to which the application relates; if the licensable activities to which the application relates include the supply of alcohol, by 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.

A copy of the application and all accompanying documents must also be sent to the Responsible Authorities shown on Appendix E.

In addition, the application must be advertised in a local newspaper on at least one occasion not more than 5 working days following the day after giving the application to the Licensing Authority and a notice, in a specified form on A4 sized paper, must be displayed at or on the premises to which the application relates for a period of not less than 20 working days from the day following the day the application was given to the Licensing Authority.

(d) Variation of Premises Licence (Designated Premises Supervisor)

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.

A copy of the application and all accompanying documents must also be sent to the police shown on Appendix E.

Club Premises Certificate

The process of applying to convert a Club Registration to a Club Premises Certificate and / or for variation to that Certificate is similar to that for a Premises Licence except that, because there is no 'sale of alcohol' involved, only a 'supply' that is managed by or on behalf of the club, neither a Designated Premises Supervisor nor a Personal Licence Holder is required.

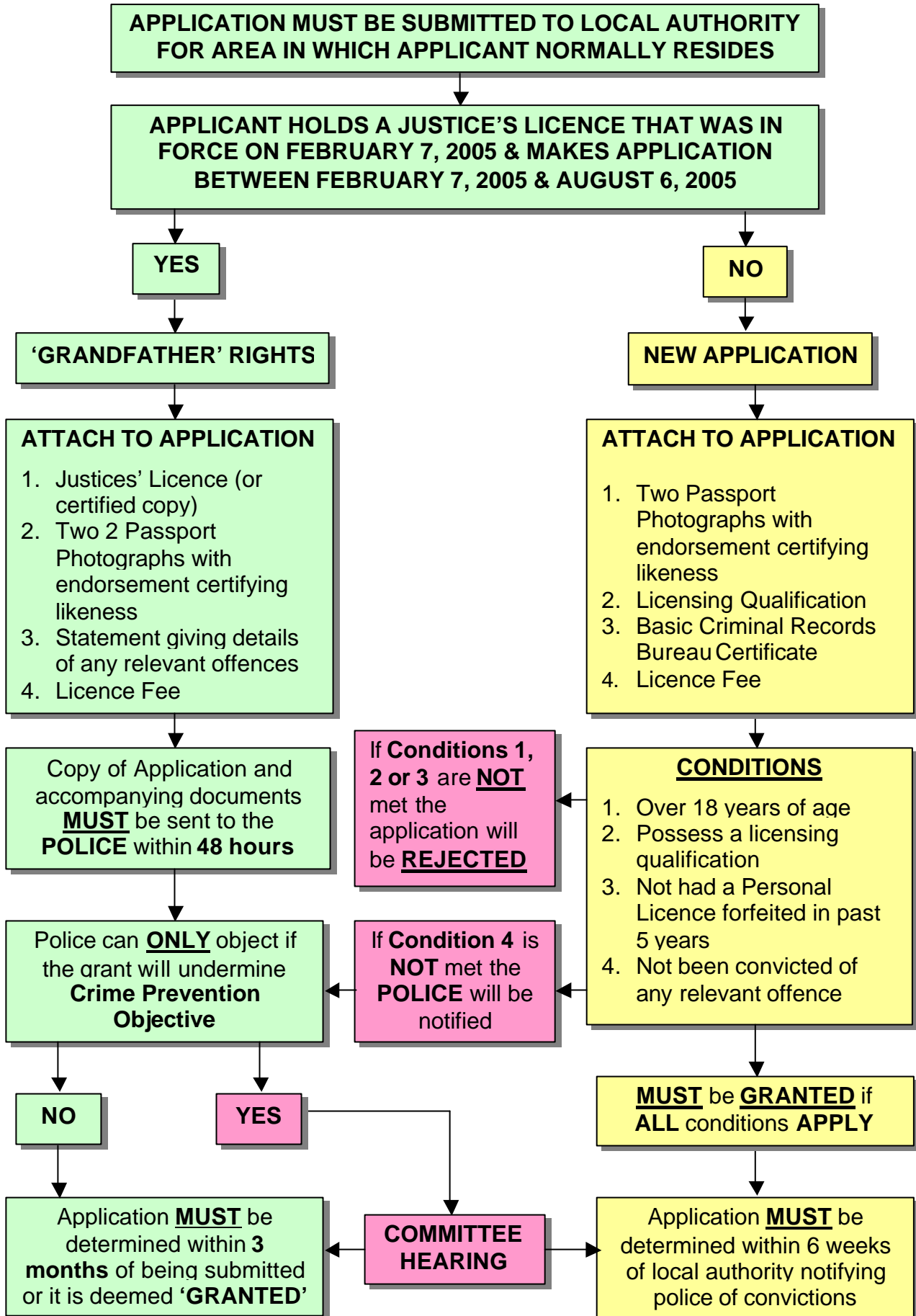
Temporary Event Notice (TEN)

Any person (the 'Premises User') can issue a TEN in respect of any premises or area of land.

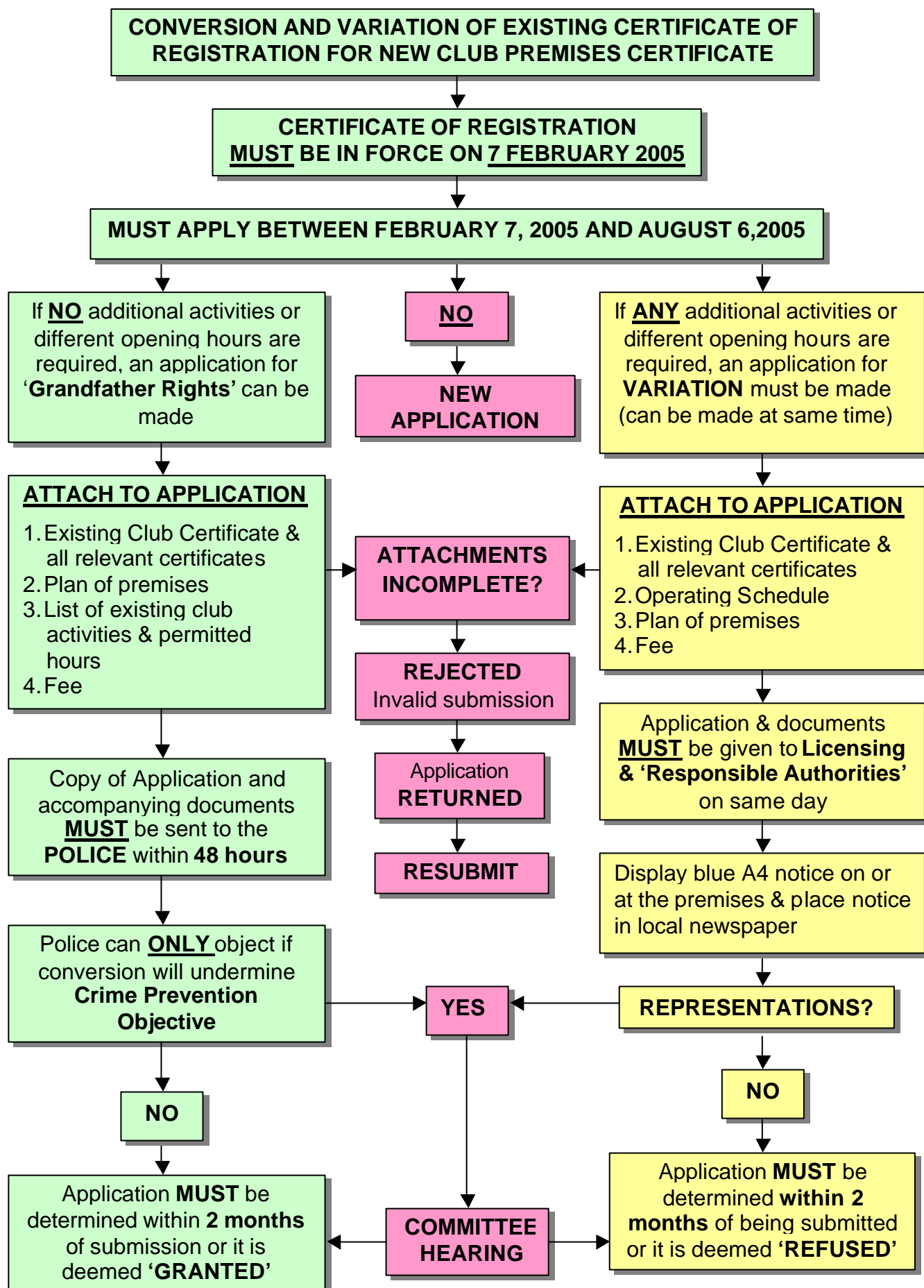
The notice must be given to the Licensing Authority at least 10 working days before the event is held and must contain details of the proposed licensable activities; the period (not exceeding 96 hours) during which it is proposed to use the premises; the times during that period when it is proposed for 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.

A copy of the notice must be also given to the police at the same time.

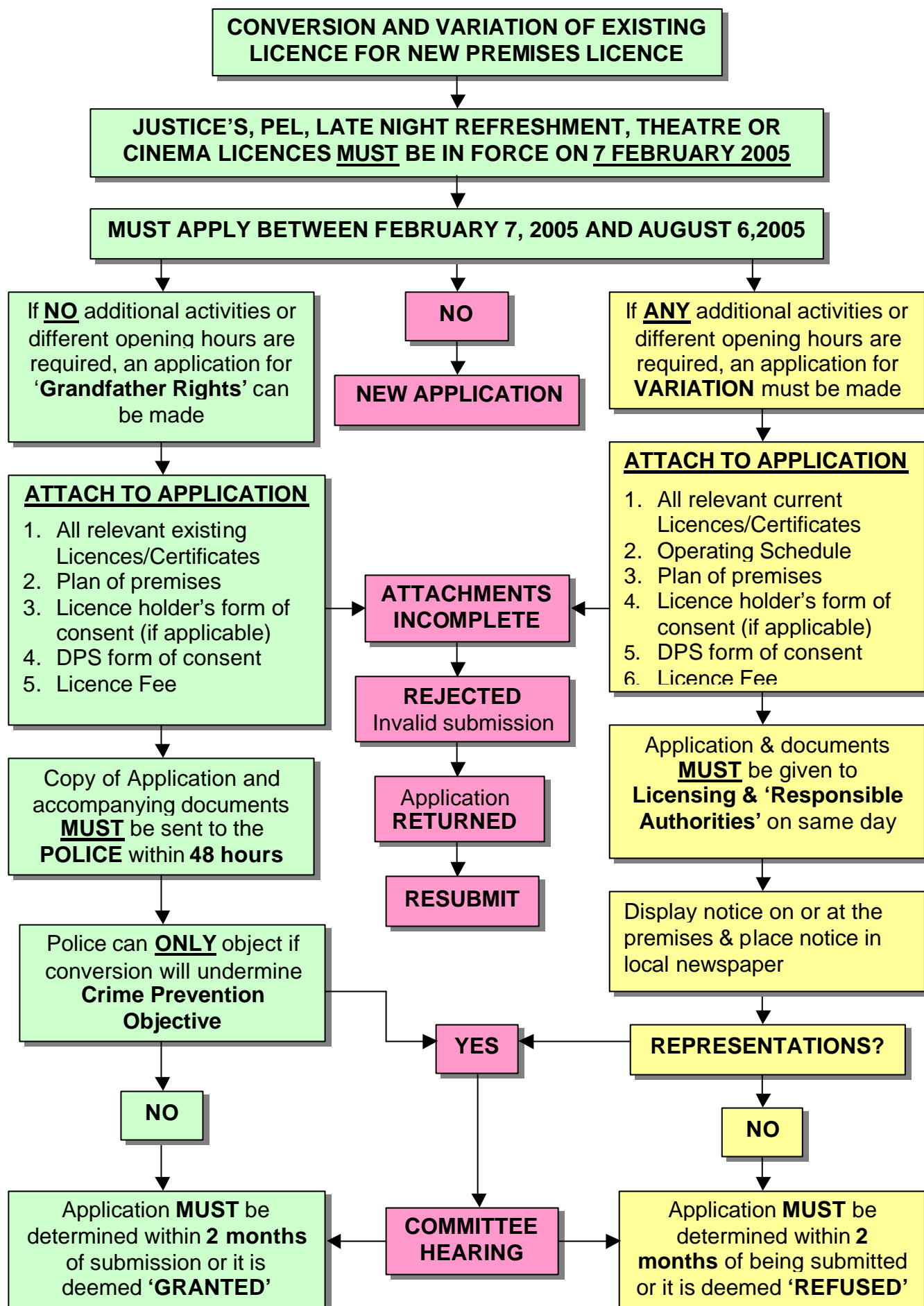
PERSONAL LICENCE



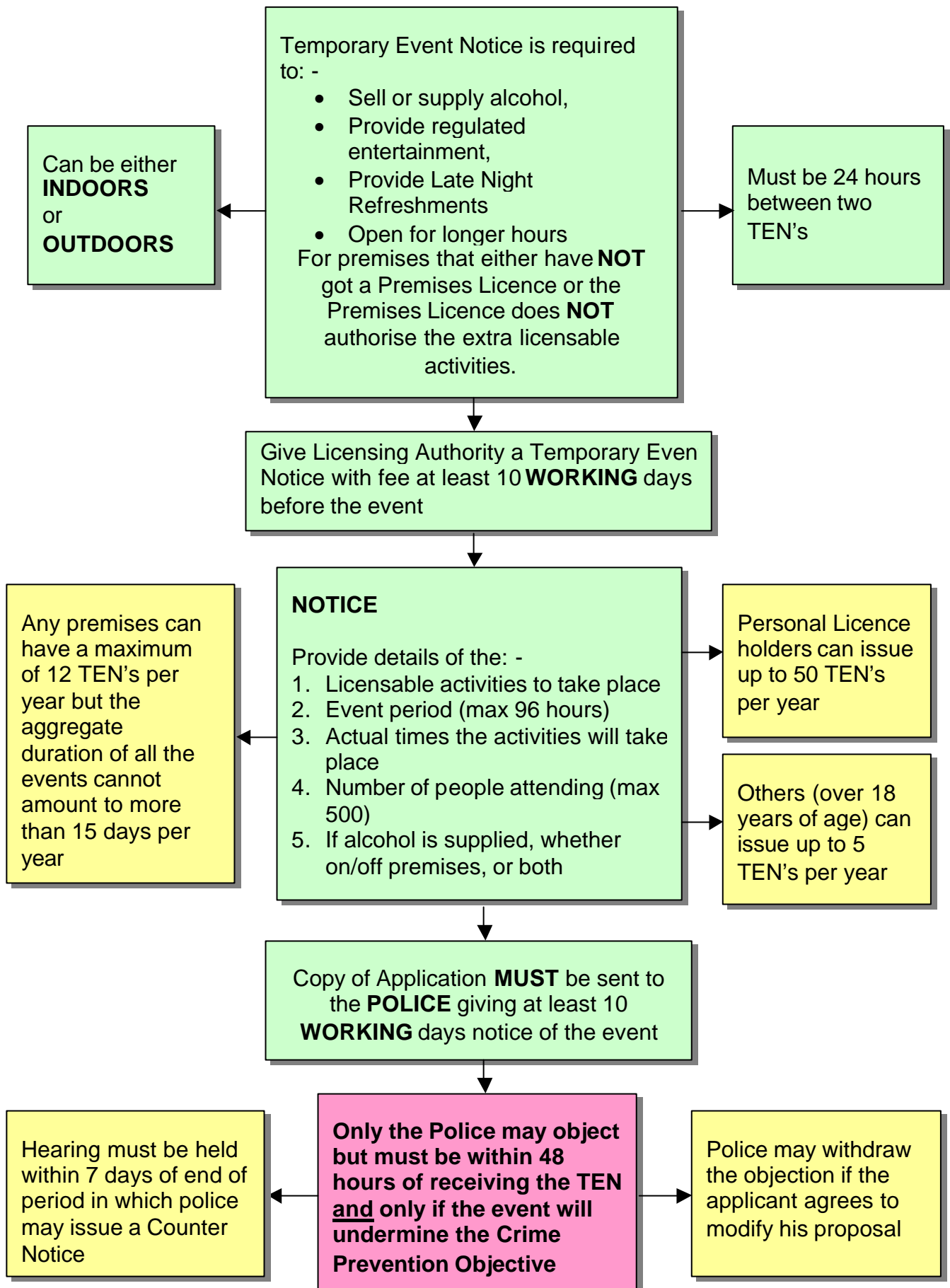
CLUB PREMISES CERTIFICATE



PREMISES LICENCE



TEMPORARY EVENT NOTICE



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 (but excluding changes of name and address or change of Designated Premises Supervisor), conversion of existing licences and conversion/variations during the transitional period will be calculated within fee bands depending on the non-domestic rateable value of the premises as follows: -

Non-domestic rateable value band £	Initial grant of licence £	Annual charge £
Band A: 0 - 4300	80	40
Band B: 4,301 - 33,000	150	125
Band C: 33,001 - 87,000	250	175
Band D: 87,001 - 125,000	350	200
Band E: 125,001 and over	500	250

There are lists of fees for other applications.

Supply of copies of information contained in register	Set by relevant local authority
Application for copy of licence or summary on theft, loss etc of premises licence or summary	£10.50 in all cases
Notification of change of name or address (holder of premises licence)	£10.50 in all cases
Application to vary to specify individual as premises supervisor	£23.00
Application to transfer premises licence	£23.00
Interim authority notice	£23.00
Application for making of a provisional statement	£195.00
Application for copy of certificate or summary on theft, loss etc of certificate or summary	£10.50 in all cases

Notification of change of name or alteration of club rules	£10.50 in all cases
Change of relevant registered address of club	£10.50 in all cases
Temporary event notices	£21.00
Application for copy of notice on theft, loss etc of temporary event notice	£10.50
Application for copy of licence on theft, loss etc. of personal licence	£10.50
Notification of change of name or address (personal licence)	£10.50
Notice of interest in any premises	£21.00

Certain premises will be exempt from fees and annual charges when they are applying purely for regulated entertainment, i.e. no sale/supply of alcohol, these being church halls, chapels, parish and community halls or other premises of a similar nature. No fees would be 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., will pay a fee based on the lowest band, i.e. Band A.

Finally, there will be additional fees for exceptionally large events of a temporary nature that will require a premises licence, as follows: -

Number of people	Additional fee
6000 – 9999	5000
10000 – 19999	7500
20000 – 29999	10000
30000 – 39999	15000
40000 – 49999	20000
50000 – 74999	30000
75000 and over	50000

RESPONSIBLE AUTHORITIES

Essex Police	Rayleigh Police Licensing Unit 19 High Street Rayleigh SS6 7QB Telephone: 01268 775533
Essex County Fire & Rescue Service	Southend & Rochford Community Command Team R/o Fire Station Sutton Road Southend on Sea SS2 5PX Telephone: 01702 614433
Head of Planning Services	Rochford District Council South Street Rochford SS4 1BW Telephone: 01702 546366
Head of Housing, Health & Community Care	Rochford District Council South Street Rochford SS4 1BW Telephone: 01702 546366
Health & Safety Executive	Wren House Hedgerows Business Park Colchester Road Springfield Chelmsford CM2 5PF
Essex Child Protection Committee	County Hall Market Road Chelmsford CM1 1LX

REPRESENTATIONS / REVIEWS / HEARINGS / APPEALS

Who can make representations or seek reviews?

‘Interested Parties’ and ‘Responsible Authorities’ 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.

‘Interested Parties’ are defined as: -

- a person living in the vicinity of the premises;
- a body representing persons living in that vicinity;
- a person involved in a business in that vicinity;
- a body representing persons involved in such businesses.

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

- the Divisional Commander of Rayleigh Police Division
- 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
- a navigation authority, the Environment Agency, or the British Waterways Board in relation to a vessel.

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 an ‘Interested Party’ or ‘Responsible Authority’ within the prescribed period and have not have been withdrawn,
- in the opinion of the Licensing Authority, are not frivolous or vexatious,

- if they relate to the identity of the proposed premises supervisor, are made by the Divisional Commander of Rayleigh Police Division and include a statement that his/her designation would undermine the crime prevention objective.

The terms 'frivolous' and 'vexatious' have their normal meanings.

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.

Representations during the transitional period

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

Provision under which hearing is held.	Period of time within which representations must be made.	Persons who may make representations.
Application for premises licence	Within 20 working days of application being made.	Responsible authorities Interested parties
Application for a provisional statement	Within 20 working days of application being made.	Responsible authorities Interested parties
Application to vary premises licence	Within 20 working days of application being made.	Responsible authorities Interested parties
Application to vary premises licence to change DPS	Within 14 days of receipt of application.	Responsible authorities Interested parties
Application for transfer of premises licence	Within 14 days of receipt of application.	Chief of police
Cancellation of interim authority notice	Within 48 hours of receipt of application.	Chief of police
Application for review of premises licence	Within 20 working days of application being made.	Responsible authorities Interested parties
Application for club premises certificate	Within 20 working days of application being made.	Responsible authorities Interested parties

Application to vary club premises certificate	Within 20 working days of application being made.	Responsible authorities Interested parties
Application for review of club premises certificate	Within 20 working days of application being made.	Responsible authorities Interested parties
Counter notice following police objection to TEN*	Within 48 hours of receipt of TEN.	Chief of police
Application for grant of personal licence	Within 14 days of receipt of notice of convictions from Licensing Authority.	Chief of police
Application for renewal of personal licence	Within 14 days of receipt of notice of convictions from Licensing Authority.	Chief of police
Convictions coming to light after grant/renewal of personal licence	Within 14 days of receipt of notice of convictions from Licensing Authority.	Chief of police
Review of premises licence following closure order	Within 6 days of receipt of notice given by relevant magistrates' court.	Responsible authorities Interested parties
Application for conversion of existing licence	Within 28 days of receipt of application.	Chief of police
Application for conversion of existing club certificate	Within 28 days of receipt of the application.	Chief of police
Application by holder of a justices' licence for grant of personal licence	Within 28 days of receipt of application.	Chief of police

* In addition 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 if the premises user is the holder of a Personal Licence,
- 5 per year if the premises user is not the holder of a Personal Licence, and
- 12 per year in respect of the same premises covering no more than 15 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 Interested Party 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 respect of the licensed premises.

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 and notices must be sent to each party informing them of the date.

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

Provision under which hearing is held.	Period of time in which hearing must be held.	Persons to whom notices must be sent.
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 premises licence. Persons who have made relevant representations.
Application to vary premises licence to change DPS	20 working days beginning with the day after the end of the period for making representations.	Holder of premises licence. Chief of police Proposed Designated 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 premises 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.	Holder of premises licence. Persons who have made relevant representations. Applicant.
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.	The club holding the club premises certificate. Persons who have made relevant representations. Applicant.
Counter notice following police objection to TEN	7 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 personal 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 premises licence. Chief of police
Application for conversion of existing licence	10 working days beginning with the day after the end of the period for making representations.	Applicant. Chief of police
Application for conversion of existing club certificate	10 working days beginning with the day after the end of the period for making representations.	Applicant (the club). Chief of police
Application by holder of a justices' licence for grant of personal licence	10 working days beginning with the day after the end of the period for making representations.	Applicant. 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:-
 - 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. That every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Exhibition of Films

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

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.

DELEGATION OF FUNCTIONS

Matter to be dealt with	Sub-Committee	Head of Housing, Health & Community Care
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 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. Where an application proposes any activity not covered by the above every effort should be made to research current best practice guidance.

1. Model National and Standard Conditions for Places of Public Entertainment and Associated Guidance ISBN 1 904031 11 0 (Entertainment Technology Press – ABTT Publications).
2. The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999) (“The Purple Book”) ISBN 0 7176 2453 6.
3. Guide to Fire Precautions in existing places of entertainment and like premises (The Stationery Office) (“The Primrose Guide”) ISBN 0 1 340907 9.
4. Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X.
5. 5 steps to Risk Assessment: Case Studies (HSE 1998) ISNM 07176 15804.
6. The Guide to Safety at Sports Grounds (The Stationery Office, 1997) (“The Green Guide”) ISBN 0 11 300095 2.
7. Good Practice Guide on the Control of Noise from Pubs and Clubs – The Institute of Acoustics.
8. Licensed Property: Noise Control- British Beer and Pub Association.
9. Safer Clubbing – www.drugs.gov.uk ISBN 184027807.
10. Public Places Charter (available from Licensing Section Castle Point Borough Council).
11. The Portman Group Code of Practice on the naming, packaging and promotion of Alcoholic Drinks.
12. British Board of Film Classification – Classification Guidelines.
13. HSE Guide – The Radiation Safety of lasers used for display purposes [HS(G)95] and BS EN 60825 of Laser products.
14. Alcohol Harm Reduction Strategy for England – www.strategy.gov.uk Castle Point & Rochford Local Alcohol Harm Reduction Strategy (to be developed).

OTHER USEFUL CONTACT DETAILS

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

Telephone: 0845 300 6200
E-mail: enquiries@artscouncil.org
Website: www.artscouncil.org.uk

Association of Licensed Multiple Retailers
3rd Floor International House
Ealing
London
W5 5DB

Telephone: 020 8579 2080
E-mail: 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
Website: www.beerandpub.com

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

Telephone: 020 7440 1570
E-mail: helpline@bbfc.co.uk
Website: 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
Website: 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
Website: www.bl4e.co.uk

Castle Point & Rochford Drug & Alcohol
Reference Group
South Street
Rochford
Essex SS4 1BW

Telephone: 01702 318167
E-mail: roger.hill@rochford.gov.uk
Website:

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

Telephone: 020 7211 6200
E-mail: enquiries@culture.gov.uk
Website: 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

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

Telephone: 01245 500464
E-mail: info@essexchambers.co.uk
Website: 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
Website:

Essex Trading Standards
Beehive Lane
Chelmsford
Essex CM2 9SY

Telephone: 01245 341888
E-mail: Advice.unit@essexcc.gov.uk
Website: www.tradingstandards.gov.uk/essex

Equity
Guild House
Upper Martins Lane
London
WC2H 9EG

Telephone: 020 7379 6000
E-mail: info@equity.org.uk
Website: 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
Website: www.ioa.org.uk

Musicians Union
60 – 62 Clapham Road
London
SW9 0JJ

Telephone: 020 7840 5537
E-mail: eastsoutheast@musiciansunion.org.uk
Website: www.musiciansunion.org.uk

Security Industry Authority
P O Box 8
Newcastle Upon Tyne
NE82 6YX

Telephone: 08702 430100
E-mail: info@the-sia.org.uk
Website: www.the-sia.org.uk

The Portman Group
7 – 10 Chandos Street
Cavendish Square
London
W1G 9DG

Telephone: 020 7907 3700
E-mail: info@portmangroup.co.uk
Website: 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.