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STATEMENT OF LICENSING POLICY

LICENSING ACT 2003

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OVERVIEW OF CASTLE POINT

Castle Point Borough Council

1. The Borough of Castle Point is situated on the coastline of south-east Essex on the northern side of the Thames estuary and has an area of 17.3 square miles and a population of approximately 89,200 people.
2. Through the middle of the Borough runs Benfleet Creek, joining the mainland of Benfleet to the north and Canvey Island to the south. The area is largely urban, with considerable open spaces and green belt.
3. There are few major concentrations of premises in the Borough providing Regulated Entertainment and/ or the retail sale of alcohol. There are few private clubs, several nightclubs and only one cinema. There are no theatres. Local venues such village, community and school halls provide many of the locations for cultural activities.
4. There are several public houses in the Borough, which are part of the focal point for community life. In other cases small stores and shops that sell alcohol may provide this focal point.
5. There are many late night refreshment premises located within the Borough.
6. Because of the nature of the Borough, premises and events that will be licensed under the Licensing Act 2003 provide an essential contribution to the local economy of the Borough, through tourism and cultural development.

1.0 INTRODUCTION

- 1.1 Castle Point Borough Council is the Licensing Authority under the Licensing Act 2003 and is responsible for granting premises licences, club premises certificates, temporary events notices and personal licences in the Borough in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late night refreshment. Hereinafter in this Policy Document, reference to “the Council” shall be taken as reference to “the Licensing Authority”. The Council in carrying out its Licensing duties and responsibilities has to be mindful of the need to provide an efficient and effective service to business seeking licenses, and the need of the community as detailed in this policy.
- 1.2 When assessing applications, the Council must be satisfied that the measures proposed in the applicant’s operating schedule aim to achieve the four licensing objectives. Bold type refers to matters that the Council expects to see addressed in the applicant’s operating schedule, where appropriate. Passages of text that are not in bold are provided to assist applicants to understand what the Council 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.
- 1.3 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. However Appendix “H” provides a guide to best practice.
- 1.4 Nothing in this Statement of Policy should be regarded or interpreted as an indication that any requirement of law may be over-ridden; each application will be considered and treated on its own merits.

The Licensing Objectives

- 1.5 The 2003 Act requires the Council 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

These objectives are the only matters to be taken into account in determining the application and that any conditions to be attached must be necessary to achieve the licensing objectives.

- 1.6 Applicants should consider what measures are required to be implemented and maintain in respect of each of the four licensing objectives that are relevant to the individual style and characteristics of their premises and the types of licensable activities and events that are to be carried out in them. Where appropriate, applicants should consider whether or not any additional measures are required in

respect of occasional or specific events that it is intended or are likely to attract larger audiences.

Statement of Licensing Policy

- 1.7 The 2003 Act further requires that the Council publishes a 'Statement of Licensing Policy' that sets out the policies the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act.
- 1.8 This 'Statement of Licensing Policy' has been prepared and reviewed 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 and Castle Point Community Safety Partnership. These partnerships provide links to the Essex Chief Executives' Association's and the 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 those groups mentioned in paragraph 1.12 below prior to amending any part of the policy and in preparing its Statement of Licensing Policy for each future 5 year period.
- 1.10 This Statement of Licensing Policy was reviewed in November 2012, circulated for consultation between November 2012 to February 2013, before being ratified by Full Council on 27th March 2013. It has effect until 6th January 2017.
- 1.11 When making and publishing its policy, the Licensing Authority must have regard to the Secretary of State's Guidance. The Licensing Authority may depart from this Licensing Policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the Licensing Objectives, and if this situation arises the Licensing Authority will give full reasons for doing so.

It is possible that, during a consultation period the Guidance issued by the Secretary of State may be subject to revision leading to some temporary inconsistencies between the two documents. In such circumstances, the Licensing Authority will have regard to the revised Guidance as well as its Licensing Policy.

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 Council consulted widely. Along with the statutory consultees (the Chief Police Officer for the District the Essex County Fire and Rescue Service and persons/bodies representative of existing licence holders), the views of the Town Council, those bodies/persons responding to

previous consultation and bodies representing ethnic minority groups and disabled people were also sought. Due consideration was given to the views of all those who responded to the consultation.

Links to other Bodies

- 1.14 In preparing this statement of licensing policy, the Council has had regard to and consulted those involved in its local strategies on crime prevention, planning, transport, culture, tourism and economic development, to ensure the proper co-ordination and integration of the aims and actions of these policies. Review and amendment of these strategies will be considered for their impact on this statement of licensing policy. See appendix “M” and “N”.
- 1.15 Further, arrangements will be made for the Licensing Committee to receive reports, when appropriate, on the needs of the local tourist economy to ensure that these are reflected in their considerations. The Licensing Committee will also be appraised 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 will provide reports to the Planning Committee, where appropriate, on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder, to enable the planning committee to have regard to such matters when making its decisions.
- 1.17 The Council recognises its responsibilities under the Race Relations Act, 1976, as amended by the Race Relations (Amendment) Act, 2000. The Equality Act 2006, the Disability Discrimination Act 2005 and other related legislation. The impact of this policy on race relations, equality issues and disabled people will be monitored through the Council’s equality and diversity policies and strategies and the Licensing Authority will take these responsibilities into account when dealing with applications.

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. The Council will monitor the licensing of regulated entertainment, especially with regard to live music and dancing, theatrical performances, circuses, etc. to ensure that such events are promoted without unreasonable restrictions being imposed, which would discourage such events. The Council 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 Head of Partnership or other appointed officer.

Applications

- 1.19 When considering applications, the Council will have regard to:-
 - the Licensing Act 2003 and the licensing objectives,

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

- 1.20 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.
- 1.21 The Licensing Authority recognises that, in some circumstances, longer licensing hours for the sale of alcohol may help to avoid concentrations of customers leaving premises simultaneously and to reduce the potential for disorder. It also recognises that overly restrictive hours may inhibit the development of night-time economies that are important for investment, employment and tourism.
- 1.22 When determining applications before a Licensing Sub-Committee, the authority will seek to balance those factors against their duty to promote the four licensing objectives and the rights of residents to peace and quiet.
- 1.23 When the Council 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, its licensing functions will be discharged separately from its functions as the local planning authority.
- However, applications for premises licences for permanent commercial premises should normally 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.)
- 1.24 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, for example, by local residents or the police, they will be considered fairly by the committee. Those making representations genuinely aggrieved by a positive decision in favour of a local authority application by the licensing authority may appeal to the magistrates' court and thereby receive an independent review of any decision made.
- 1.25 In all cases, applicants and those making representation in respect of applications to the Council have a right of appeal to the Magistrates' Court against the decisions of the Council.
- 1.26 Appendix "P" provides applicants with the details of the application process, having regard to the Licensing Act 2003, the regulations, statutory guidance and local practice and procedures. It should be noted that incomplete applications will not be accepted but will be returned with an explanation of why it is incomplete.

Representations

- 1.27 Any Responsible Authority or any other person may make relevant representations on applications for the grant of a premises licence, a provisional statement in respect of a premises licence or club premises certificate. However, only the Chief Officer of Essex Police may make representations in respect of the grant or renewal of a personal licence, the transfer of a premises licence or the variations of a premises supervisor. Both the Chief Officer of Essex Police and Head of Environmental Health (in respect of pollution, environment and harm to human health matters and health and safety at work). can make representations to the issue of a temporary event notice if it would undermine any of the Licensing objectives.
- 1.28 A representation will only be relevant if it relates to the likely effect of the grant of the licence, provisional statement or certificate on the promotion of at least one of the four licensing objectives and is not frivolous or vexatious.
- 1.43 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 decision of the Committee.
- 1.29 Where no representations are received, the application must be granted on the terms sought by the applicant.

Conditions

- 1.30 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. In order to minimise problems and the necessity for hearings, it would be sensible for applicants and clubs to consult with Responsible Authorities when operating schedules are being prepared to allow for proper liaison before representations prove necessary.
- 1.31 Where relevant representations are made, the Council 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.
- 1.32 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.
- 1.33 The Council 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 consumers when beyond the control of the individual, club or

business holding the licence, certificate or authorisation concerned. These include:

- planning controls
- positive measures to create a safe and clean town environment in partnership with local businesses, transport operators and other departments of the local authority
- 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
- the confiscation of alcohol from children and adults in designated areas
- police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices
- 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 licence or certificate in question

1.34 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.

1.35 The Council 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, in order to avoid the imposition of disproportionate and other burdensome conditions on those premises. Standard conditions, other than mandatory conditions, will therefore be avoided and no condition will be imposed that cannot be shown to be necessary for the promotion of the licensing objectives. Mandatory conditions are listed in appendix "E".

Delegation of Functions

1.36 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. A table setting out how the licensing authority intends to approach its various functions is attached at Appendix "B". 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.

The Need for Licensed Premises

- 1.37 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

- 1.38 “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.
- 1.39 The Council 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.
- 1.40 The Council 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.
- 1.41 The Council, having regard to the evidence currently available, considers that there is no particular part of the Borough causing a cumulative impact on any of the licensing objectives.
- 1.42 However, the cumulative impact of licensed premises in a particular area may, at a future time, on representation from residents or businesses or a responsible authority, trigger the consideration of whether any additional licences or substantial variations to existing licences, to increase such aspects as capacity or operating hours, would lead to an unacceptable saturation in an area. The onus will be on the objector to provide evidence that additional licences or the variation of existing licences will produce the cumulative impact claimed.

Advice and Guidance

- 1.43 The Council 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 Council, Essex Police and/or Essex County Fire and Rescue Service will offer as much advice and guidance to applicants, as resources permit.
- 1.44 The Council 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 department/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.

1.45 The Live Music Act 2012 came into effect on 1st October 2012. The Act dis-applies live music related conditions if the following criteria are satisfied:

- There is a Premises licence or club premises certificate in place permitting “on sales”.
- The premises are open for the sale or supply of alcohol for consumption on the premises.
- Live music is taking place between 08:00hrs to 23:00hrs.
- If the live music is amplified, the audience consists of no more than 200 people.

Live amplified music also ceases to be classed as regulated entertainment if the above criteria are satisfied.

The Act also creates a general exemption that live unamplified music provided anywhere shall not be regarded as the provision of regulated entertainment if it takes place between 08:00hrs and 23:00hrs, regardless of the number of people in the audience.

There are a number of mechanisms for the protection of residents and these are:

- Upon review of the premises licence the Licensing Authority can determine that conditions on the premises licence relating to live music will apply even between 08:00hrs and 23:00hrs.
- If the licence doesn't presently authorise live music the Licensing Authority can add conditions to the Premises Licence as though the live music were regulated entertainment authorised by that licence, again to apply between 08:00hrs to 23:00hrs.
- The Licensing Authority can determine that live music at the premises is a licensable activity and live music can no longer be provided without permission on the Premises Licence or a Temporary Event Notice.
- Other noise legislation, for example in the Environmental Protection Act 1990, will continue to apply. The Live Music Act does not all licensed premises to cause a noise nuisance.

The Act removes the need to licence entertainment facilities. This means that dance floors, microphone stands, pianos made available for use by the public etc. will not be licensable. Health and safety law will of course continue to apply.

1.46 Appendix “M” provides details of various organisations, trade associations and reference literature that an applicant may find useful in preparing an operating schedule and running a safe premises/event.

Reviews

1.47 Any Responsible Authority or any other person may apply for a review of a

Premises licence or a club premises certificate by serving a notice containing details of the application on the holder of the licence or certificate and to each of the Responsible Authorities.

- 1.48 An application for review will only be relevant if the grounds upon which it is made relate to the promotion of at least one of the four licensing objectives and is not frivolous, vexatious or repetitive. An evidentiary basis will be required to be presented to the Licensing Authority.
- 1.49 Where possible and appropriate the Council, Essex Police and/or Essex Fire Service will give early warning to licence holders of any concerns about problems identified at premises and of the need for improvement.
- 1.50 Responsible authorities and/or persons who live or are involved in a business in the relevant Licensing area can trigger a review of a premises licence but an evidentiary basis would be required to be presented to the Council.
- 1.51 No more than one review from persons who live or are involved in a business in the relevant Licensing area will normally be permitted within any 12 month period on similar grounds, except in exceptional and compelling circumstances. However, each application will be treated on its own individual merit. See appendix "J".

Enforcement

- 1.52 The Council delivers a wide range of enforcement services aimed at safeguarding the environment and the community and at providing a 'level playing field' on which businesses can fairly trade. The administration and enforcement of the licensing regime is one of these services. The Authority has adopted the Government's Enforcement Concordat designed to ensure effective and efficient public protection services. Specifically, the Council is committed to accord with the principles of good enforcement practice by carrying out its regulatory functions in a fair, open and consistent manner.
- 1.53 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

A copy of the Enforcement Concordat is available on request.

- 1.54 The Council recognises the interests of citizens and businesses alike 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. The Council has set clear standards of service and performance that the public and businesses can expect. In particular, a licensing enforcement policy has been created that explains how the Council will undertake its role as Licensing Authority and how the principles of effective enforcement will be achieved. This policy is freely available from the Licensing Department, as are

details of the Council's corporate complaints procedures. These documents can also be viewed on the Council's website: www.castlepoint.gov.uk

- 1.55 The Council has established an enforcement protocol with Essex Police, Essex County Fire and Rescue Service and (Essex County Council) Trading Standards on enforcement issues. 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 Council's Policy relating specifically to the four licensing objectives:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

- 2.2 In each section relating to the objectives, the Council has defined its intended outcome (in bold type). Each section then lists the influencing factors on the achievement of that objective but, because of the wide variety of premises and activities to which this policy applies, the lists provided are not exhaustive.

- 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 2.3 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 Whilst the Council cannot require such risk assessments to be documented, (other than where required by other legislation), the Council suggests that such risk assessments should be documented as it considers such documentation to be good practice and a useful tool in the instruction and training of staff, as well as a sound basis for review by the licence holder, in the event of requiring to make application for variation or in response to changing circumstances/conditions at the premises.

- 2.7 Additional measures may be necessary on an occasional or specific basis such as when a special event (e.g. popular live band) or promotion (e.g. during major sporting occasions) is planned, which is intended to, or likely to attract larger audiences and/or audiences of a different nature, and which can have a significant impact on the achievement of the licensing objectives.

- 2.8 **Reference should be made in an applicant's operating schedule, where applicable, to such occasions and the additional measures that are planned in order to achieve the licensing objectives.**
- 2.9 The Council 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 Having regard to the sale of alcohol, the Licensing Act 2003 requires each sale to be made or authorised by a personal licence holder. Whilst there is no requirement for every sale to be made by a personal licence holder or for them to be personally present at every transaction, in determining whether real authorisation was given, the Guidance issued by the Secretary of State encourages the practice by personal licence holders of giving written authorisation to persons not holding a personal licence.
- 2.11 The Licensing Authority therefore strongly encourages all holders of premises licences to ensure that these elements are considered and undertaken, where appropriate.
- 2.12 In addition, the occupancy capacity for premises, and events as appropriate, is also considered to be an essential 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).
- 2.13 **The Licensing Authority suggests that the issue of occupancy capacity should be considered and addressed, where necessary, within the applicant's operating schedule.**
- 2.14 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
- 2.15 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 Council recognises that the person in charge at the premises can often readily assess the occupancy level of the premises without resort to such measures.

- 2.16 **However, 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 applicant will be expected to detail the additional arrangements that will be put in place to ensure that the capacity of the premises is not exceeded.**
- 2.17 The Council will consider applications for Minor Variations provided that it is satisfied that the application, which meets the criteria to be considered as a Minor Variation will not impact adversely on the Licensing Objective. The Council will consult with the Responsible Authority's who they deem necessary to assist with the determination of the application.

3.0 PREVENTION OF CRIME AND DISORDER

- 3.1 Castle Point Borough Council is committed to further improving the quality of life for the people of the Borough of Castle Point by continuing to reduce crime and the fear of crime, as follows:
- a. To achieve sustainable crime reduction by identifying, and tackling, the causes of crime within the Borough.
 - b. To ensure crime and disorder does not have a disproportionate impact on vulnerable groups.
 - c. To tackle specific crime and disorder problems and areas. (This would include alcohol-related matters).
 - d. To additionally focus on miscellaneous issues that can adversely affect one's quality of life.
- 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 Castle Point Borough Council, Essex Police, Essex County Council and others to consider crime and disorder reduction in the exercise of all their duties. The Licensing Act 2003 reinforces this duty for local authorities.
- 3.3 The promotion of the licensing objective, to prevent crime and disorder, places a responsibility on licence holders to become key partners in achieving this objective.
- 3.4 When preparing an application for grant or variation of a premises licence or club premises certificate, applicants should consider if there are any particular issues effecting crime and disorder, having regard to their particular type of premises and/or activities proposed. Where an applicant identifies such issues they should include such steps as are considered appropriate to deal with them within the operating schedule.

Examples of some of the factors that impact on crime and disorder include:

- Underage drinking
- Drunkenness on premises

- Public drunkenness
- Drugs
- Violent behaviour
- Anti-social behaviour

3.5 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)
- Challenge 25, an approved ID must be produced to prove that they are over 18 years of age
- 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 in accordance with the Councils approved model conditions of management for places of entertainment.
- 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, other environmental measures and other security measures, such as lighting outside premises.
- Membership of local 'Pubwatch' schemes or similar organisations

3.6 Within the operating schedule for premises from which alcohol will be sold, with the exception of qualifying community premises, a Premises Supervisor must be designated ('Designated Premises Supervisor' DPS). The Council will normally expect the 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 regular basis. In addition to the DPS holding a personal licence, the Council would strongly encourage the DPS to undergo additional training, and to have experience commensurate with the nature and style of entertainment provided and the capacity of the premises.

The Act does not require a DPS or any other Personal Licence Holder to be present on the premises at all times when alcohol is sold. However, the DPS and the Premises Licence Holder remain responsible for the premises at all times and have a duty to comply with the terms of the Licensing Act and any conditions, including the matters set out in the premises' Operating Schedule, in order to promote the Licensing Objectives. To that end, the Council will be mindful of the Guidance issued by the Secretary of State, which recommends that a Personal Licence Holder/DPS gives specific written authorisations to those individuals they are authorising to retail alcohol. Although written authorisation is not a requirement of the Act and the DPS/Personal Licence Holder remain ultimately responsible for ensuring compliance with the Act and licensing conditions, this action could assist in demonstrating due diligence

should any issues arise with regard to enforcement. The Council will therefore expect that where the Personal Licence Holder/DPS does not have the premises under their immediate day to day control written authorisations will be issued to staff acting on their behalf, such authorisations being made available for inspection by a responsible officer of the Licensing Authority or the Police upon request.

- 3.7 Certain temporary events are not required to be licensed but can be notified to the Licensing Authority, Environmental Health Services and Essex Police using the Temporary Event Notice procedure. However, depending on the nature and location of such events, these can have serious implications on all four of the licensing objectives. Organisers of these events are encouraged to submit their notification as soon as reasonably practicable to enable the police, the Environmental Health Services and the Local Authority to work with them to identify and reduce the risk of the Licensing objectives, (see appendix "D" for details regarding the application process and timescales for the submission of Temporary Event Notices).

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

Examples of some of the factors that impact on public safety, that impact on the standards of public safety 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.
- 4.3 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 in accordance with the Councils approved model conditions of management for places of entertainment.
- 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 Council 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 Council 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 Council 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 for which it can be demonstrated have effective measures planned to prevent public nuisance, may be suitable for 24-hour opening.
- 5.4 In the case of shops, stores and supermarkets selling alcohol, the Council will normally permit the hours during which alcohol is sold to match the normal trading hours during which other sales take place, unless there are exceptional reasons relating to disturbance or disorder.
- 5.5 When preparing an application for grant or variation of a premises licence or club premises certificate, applicants should consider if there are any particular issues effecting public nuisance, having regard to their particular type of premises and/or activities proposed. Where an applicant identifies such issues they should include such steps as are considered appropriate to deal with them within the operating schedule.
- 5.6 Examples of some of the factors that impact on the likelihood of public nuisance 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, in particular between 23:00hrs and 07:00hrs

- 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 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 Licensing 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 Council considers that, on the one hand, there should be no presumption of giving children access or, on the other hand, no presumption of preventing their access to licensed premises. The Council has no intention of imposing conditions requiring the admission of children and where no licensing restriction is necessary, admission of children will remain entirely a matter for the discretion of the individual licensee or club, or person who has given a temporary event notice.
- 6.5 When preparing an application for grant or variation of a premises licence or club premises certificate, applicants should consider if there are any particular issues effecting safeguarding children from harm, having regard to their particular type of premises and/or activities proposes. Where an applicant identifies such issues they should include such steps as are considered appropriate to deal with them within the operating schedule.
- 6.6 Whilst children may be adequately protected from harm by the action taken to protect adults, they may also need special consideration and no policy can anticipate every situation. Examples of some of the factors that impact on children include:-
- where entertainment or services of an adult or sexual nature are commonly provided
 - where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking
 - with a known association with drug taking or dealing
 - where there is a strong element of gambling on the premises, and
 - where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- 6.7 Applicants may wish to consider the following examples of control measures 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 produced by the British Board of Film Classification.
- 6.10 In the case of a film exhibition applicants should consider appropriate measures that may be implemented for restricting children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification, or exceptionally, those made by the Licensing Authority and where appropriate such measures should be included within the operating schedule.
- 6.11 The Licensing Authority will require, as a condition of the premises licence, that adult supervisors be vetted to ensure their suitability to work with children and young persons.
- 6.12 The licensing authority expects that when a licensable activity is held exclusively for children and young persons, that there will be sufficient numbers of staff available who have undertaken an enhanced disclosure check with the C.R.B to ensure the safety of those children. This does not require each member of staff to have undergone this level of check but the Licensing Authority expects that there should be sufficient members that have who are then able to supervise others e.g. there will be one person at the main entrance to the premises who has been subject to advanced disclosure responsible for supervision the searching and checking of children by those who have not.
- 6.13 Any searching of children or young persons, other than of outer clothing that can firstly be removed, must always be conducted by someone of the same sex as the child.
- 6.14 The Council will rarely impose complete bans on access to children. In exceptional circumstances, conditions restricting access or excluding children completely may be considered necessary.

Designated Premises Supervisor

- Are defined as:
 - i) a person (who must be a Personal Licence holder), in the case of premises selling alcohol, 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 holder themselves (who must also be a Personal Licence holder).

Licensable Activities and Qualifying Club Activities

- Are defined in the Licensing Act as:
 - i) the sale by retail of alcohol;
 - ii) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
 - iii) the provision of regulated entertainment;
 - iv) the provision of late night refreshment
- **For those purposes the following licensable activities are also qualifying club activities:**
 - i) 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;
 - ii) the sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place;
 - iii) the provision of regulated entertainment where that provision is by or on behalf of a club for members of the club or members of the club and their guests.

Regulated Entertainment

- Is defined as:
 - a) A performance of a play
 - b) An exhibition of film
 - c) An indoor sporting event
 - d) A boxing or wrestling entertainment
 - e) A performance of live music
 - f) Any playing of recorded music
 - g) A performance of dance
 - h) Entertainment of a similar description to that falling within paragraph e), f) or g) 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. Any reference to an audience includes a reference to spectators. This definition is subject to Part 3 of Schedule 1 to the Licensing Act 2003 (interpretation)

Operating Schedules'

➤ Is defined as:

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

- a) the relevant Licensable Activities conducted on the premises;
- b) 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);
- c) any other times when the premises are to be open to the public;
- d) where the licence is required only for a limited period, that period
- e) where the licensable activities include the supply of alcohol, the name and address of the individual to be specified as the designated premises supervisor;
- f) where the licensable activities include the supply of alcohol, whether the alcohol will be supplied for consumption on or off the premises or both;
- g) the steps which the applicant proposes to take to promote the licensing objectives;
- h) control measures based upon any risk assessment for the premises

Responsible Authority

➤ Is defined as:

- i) the Chief Officer of Police for any Police area in which the premises are situated;
- ii) the Fire Authority for any area in which the premises are situated;
- iii) the enforcing authority within the meaning given by section 18 of the Health and Safety at Work etc. Act 1974 for any area in which the premises are situated;
- iv) the local planning authority within the meaning given by the Town and Country Planning Act 1990 (c.8) for any area in which the premises are situated;

- v) the local authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health;
- vi) Health Bodies (Primary Care Trusts)
- vii) Licensing Authorities
- viii) a body which:
 - a) represents those who, in relation to any such area, are responsible for, or interested in, matters relating to the protection of children from harm, and
 - b) is recognised by the licensing authority for that area for the purposes of this section as being competent to advise it on such matters.
- ix) the local weights and measures authority (trading standards);
- x) any licensing authority (other than the relevant licensing authority) in whose area part of the premises is situated;
- xi) in relation to a vessel:
 - a) a navigation authority (within the meaning of section 221(1) of the Water Resources Act 1991 (c.57) having functions in relation to the water where the vessel is usually moored or berthed or any waters where it is, or is proposed to be, navigated at a time when it is used for licensable activities
 - b) the Environment Agency
 - c) the British Waterways Board, or
 - d) the Secretary of State
 - e) a person prescribed for the purpose of this subsection.

Temporary Event

- Is defined as:

The use of premise for one or more of the licensable activities during a period not exceeding 168 hours usually where a premises licence covering the licensable activity is not in place. Limited to events involving less than 500 people.

Provision of Late Night Refreshment

- Is defined as:

The provision of hot food refreshment or hot drink to members of the public, or a section of the public, on or from 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 any 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

➤ Is defined as:

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

- i) before it is supplied is heated on the premises or elsewhere for the purposes 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
- ii) 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.

Premises

Is defined as:

Any place including a vehicle, vessel or moveable structure or any place or a part of any premises, for licensable activities.

Licensed Premises

Is defined as:

Premises in respect of which a premises licence has effect.

Premise’s Licence

Is defined as:

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.

Personal Licence

Is defined as:

A licence which –

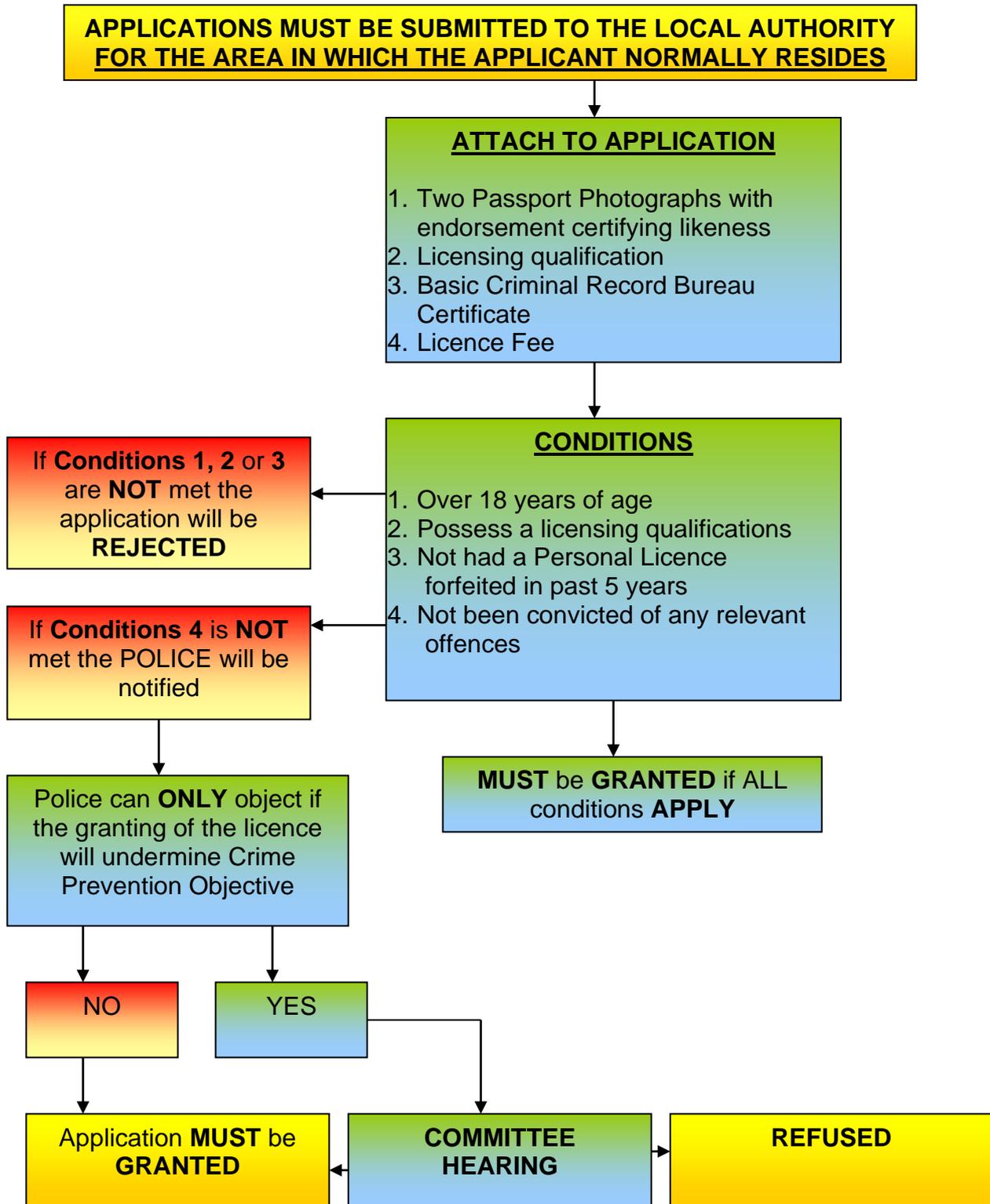
- Is granted by a licensing authority to an individual, and
- Authorises that individual to supply alcohol, or authorise the supply of alcohol, in accordance with a premises licence.

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

- 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.

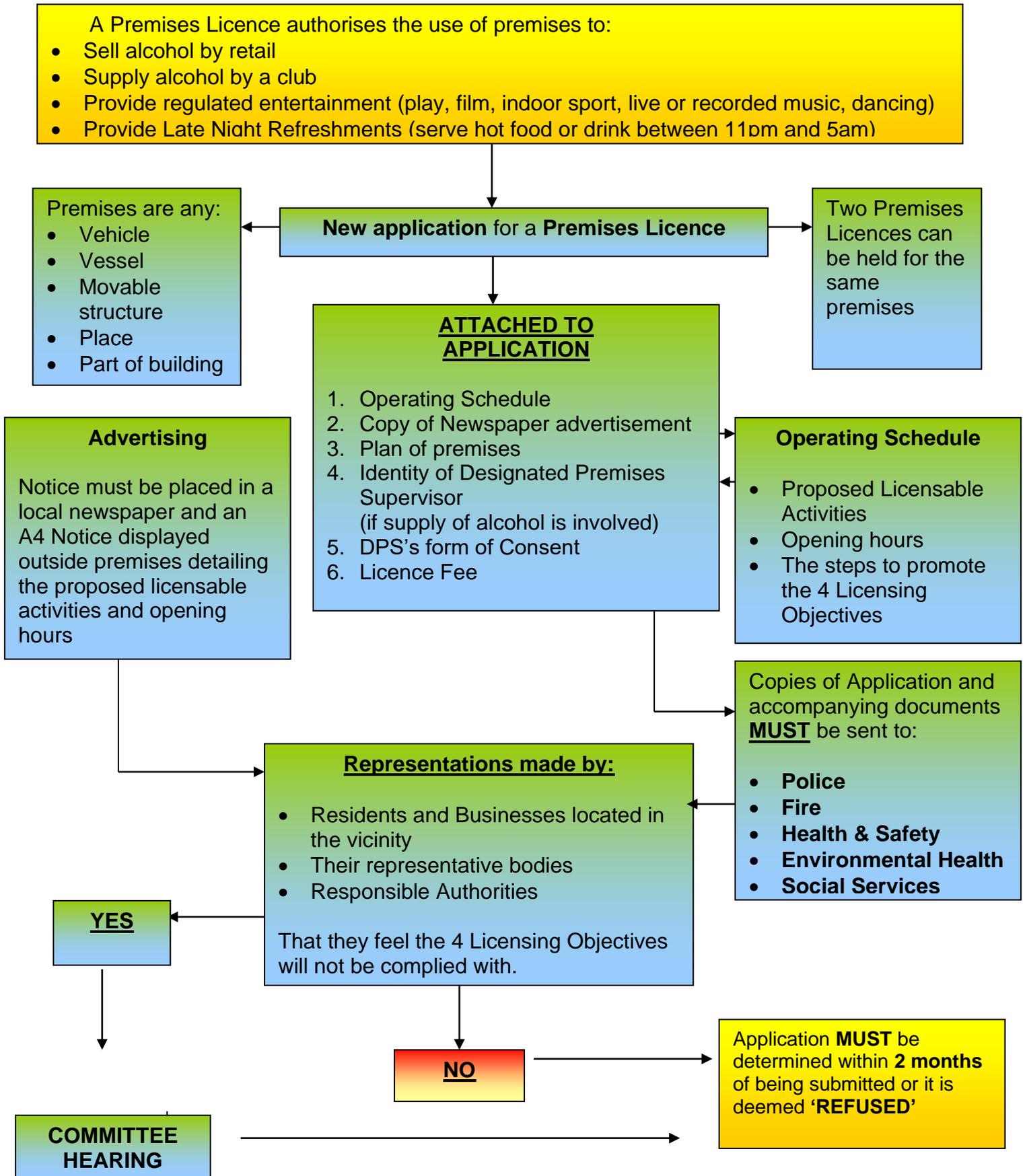
Matter to be dealt with	Sub Committee	Officers
Application for personal licence	If a police objection	If no objection made
Application for personal licence with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	If a police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a police objection	All other cases
Applications for interim Authorities	If a police objection	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of a police objection to a temporary event notice	All cases	

APPLICATION PROCESS FOR A NEW PERSONAL LICENCE

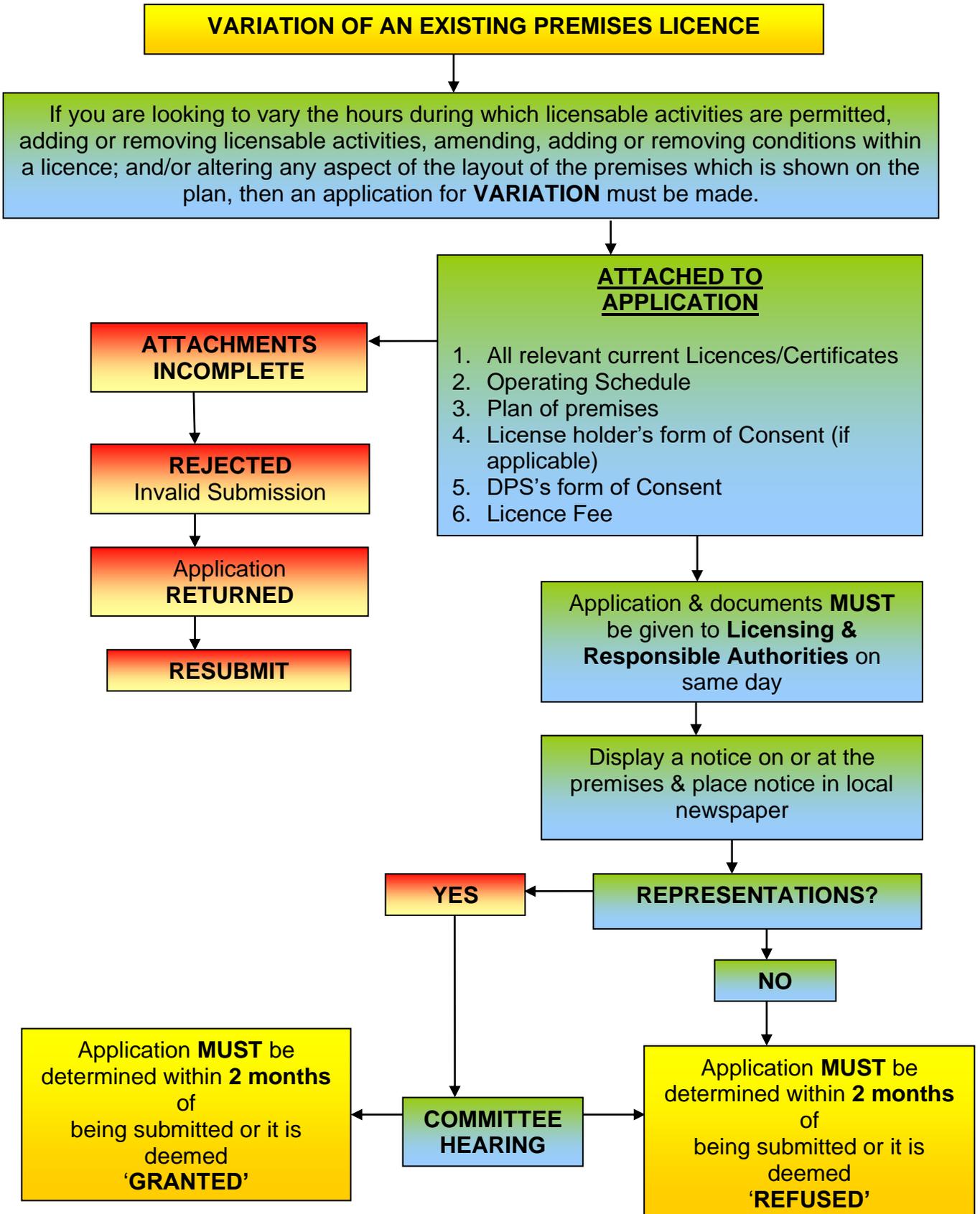


Note: If police think granting the licence would undermine the crime prevention objective, they must give notice to the authority within 14 days. If not, the licence must be granted. If it is rejected, the authority must give applicant and police a statement for why it is rejected.

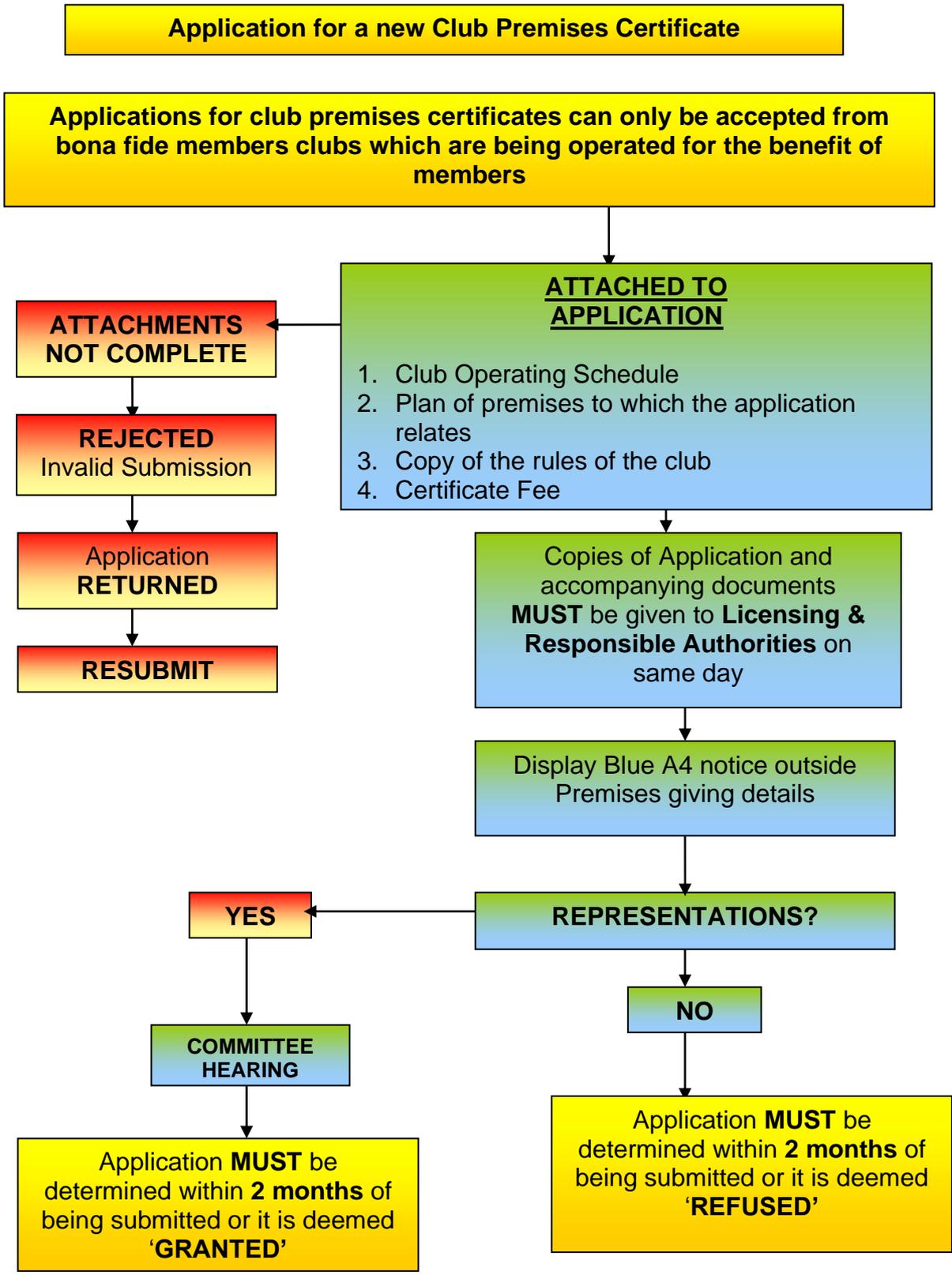
APPLICATION PROCESS FOR A NEW PREMISES LICENCE



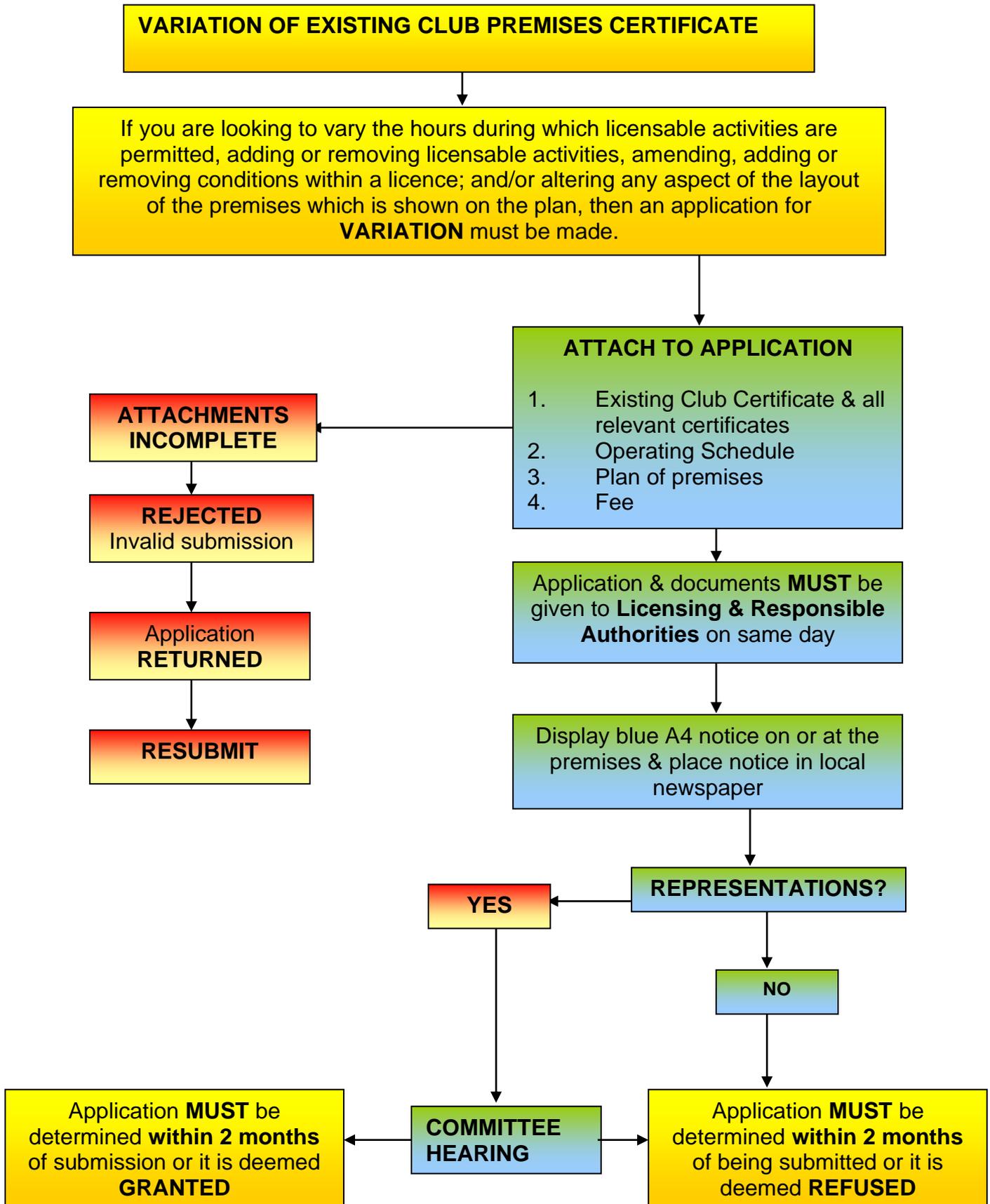
APPLICATION PROCESS FOR A VARIATION OF A PREMISES LICENCE



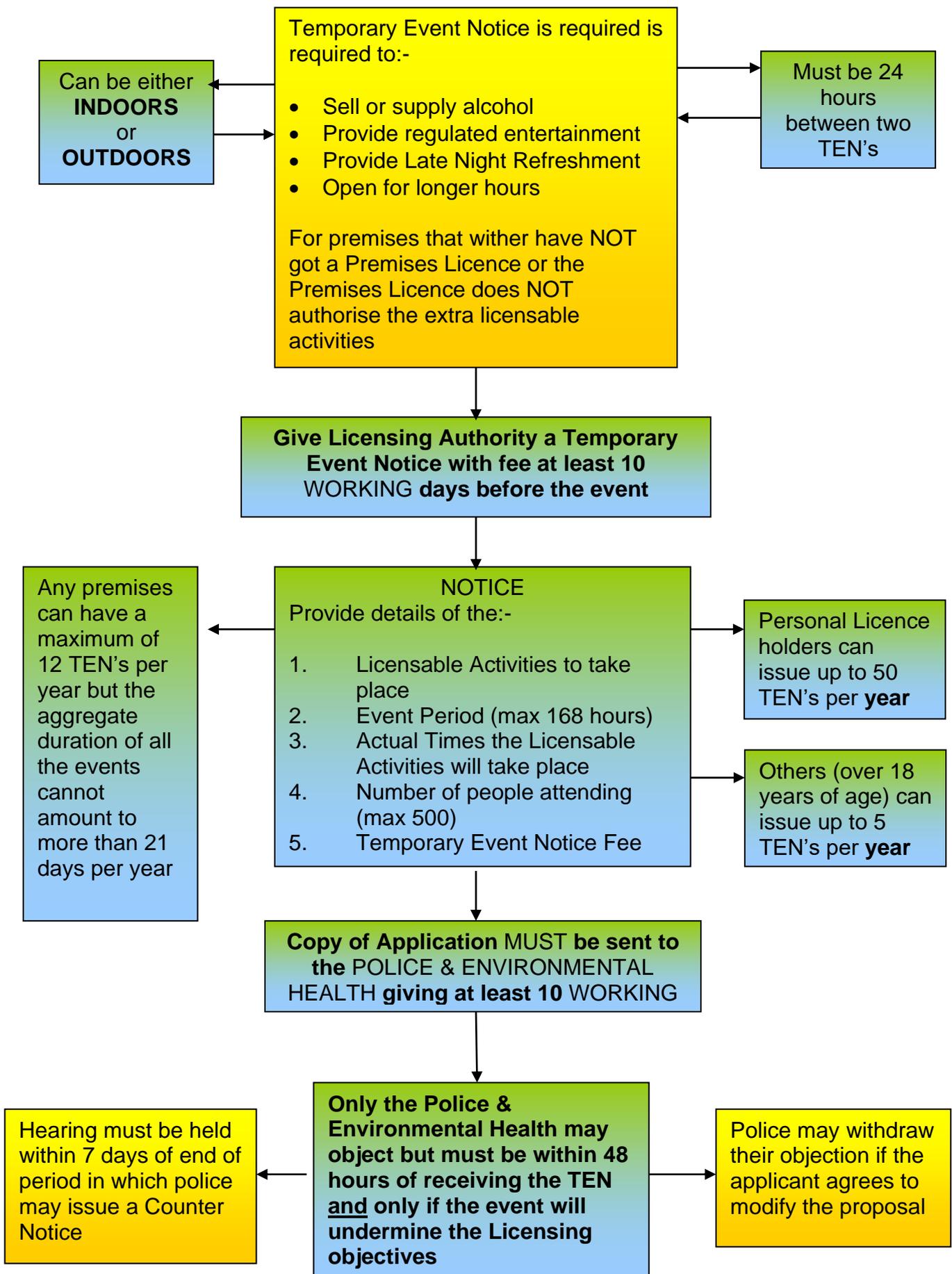
APPLICATION PROCESS FOR A NEW CLUB PREMISES CERTIFICATE



APPLICATION PROCESS FOR A VARIATION OF A CLUB PREMISES CERTIFICATE



APPLICATION PROCESS FOR TEMPORARY EVENT NOTICE



General

The most important aspect of the system of permitted temporary activities is that events do not have to be authorised, as such, by the licensing authority. Instead the premises user notifies the event to the licensing authority and the police and Environmental Health, subject to fulfilling certain conditions.

In general, only the police and Environmental Health may intervene to prevent such an event taking place or to agree a modification of the arrangements. The licensing authority may only ever intervene of its own volition if the statutory limits on the number of temporary event notices that may be given in various circumstances would be exceeded. Otherwise, the licensing authority is only required to issue a timely acknowledgement.

It should be noted that giving a temporary event notice does not relieve the premises user from any requirement under planning law for appropriate planning permission where it is required. (Please contact the Planning Department to seek further guidance).

Limitations

Limitations apply to:

- a) the number of times a person (“the premises user”) may give a temporary event notice (50 times per year for a personal licence holder (standard) and up to 10 of which can be late notices and 5 times (standard) and up to 2 which can be late notices per year for other people);
- b) the number of times a temporary event notice may be given for any particular premises (12 times in a calendar year);
- c) the length of time a temporary event may last (168 hours);
- d) the maximum total duration of the periods covered by temporary event notices at any individual premises (21 days); and
- e) the scale of the event in terms of the maximum number of people attending at any one time (less than 500).

In any other circumstances, a full premises licence or club premises certificate would be required for the period of the event involved. A person may also choose to apply for a premises licence or club premises certificate if they do not wish to take advantage of the light touch arrangements.

In determining whether the maximum total duration of the periods covered by temporary event notices at any individual premises has exceeded 21 days, the licensing authority will calculate that any event beginning before midnight and continuing into the next day would count as two days towards the 21 day limitation.

Notified Premises

A temporary event notice may be given for part of a building, such as a single room within a village hall, a plot within a larger area of land, or a discrete area within a marquee as long as it includes a clear description of the area where the licensable activities will take place and the premises user intends to restrict the number of people present in the notified area at any one time to less than 500. If the premises user fails to restrict the numbers to a maximum of 499, they would be liable to prosecution for carrying on unauthorised licensable activities.

Notification Arrangements

Premises users are required to send a temporary event notice, in the form prescribed by the Secretary of State, to the licensing authority the Police and Environmental Health Services at least 10 working days before the event (applications can be obtained from the Licensing Services Unit at Castle Point Borough Council).

There is nothing to prevent notification of multiple events at the same time so long as the first event is at least 10 working days away. Section 193 of the Licensing Act 2003 defines “working day” as any day other than a Saturday, Sunday, Christmas Day, Good Friday or a day which is a bank holiday. Ten working days notice means ten working days exclusive of the day on which the event is to start, and exclusive of the day on which the notice is given.

Police Intervention

The Police and Environmental Health Services may only object to a temporary event notice if they consider it to undermine any of the Licensing objectives. Such cases might arise because of concerns about the scale, location or timing of the event. If the police do not intervene at this point, they will still be able to rely on their powers of closure under Part 8 of the Licensing Act 2003 should disorder or noise nuisance arise subsequently.

The Police and Environmental Health Services may issue an objection notice within 72 hours of being notified. This 72 hour period includes weekends and other non “working days” such as bank holidays. If an objection notice is issued, the licensing authority must consider the objection at a hearing before a counter notice can be issued, but it must restrict its consideration to the Licensing objectives. At a hearing, the Police, Environmental Health Services and the premises user may be heard by the relevant licensing committee. A hearing is not necessary if the objection notice is withdrawn by the police.

The Police and Environmental Health Services may withdraw their objection notice at any stage if the proposed premises user agrees to modify the proposal to meet their concerns. The licensing authority will then be sent or delivered a copy of the modified notice by the police as proof of their agreement, but they can subsequently withdraw it.

Late TENS

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event in relation to which the notice is given.

The number of late notices that can be given per holder in any one calendar year is limited to 5 for personal licence holders and 2 for non-personal licence holders

Where a premises licence authorises the supply of alcohol:

1.—(1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(a) Section 19(4) was inserted by paragraph 1 of Schedule 4 to the Policing and Crime Act 2009.

(b) Section 73A was inserted by paragraph 3 of Schedule 4 to the Policing and Crime Act 2009.

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—

- (i) the outcome of a race, competition or other event or process, or
- (ii) the likelihood of anything occurring or not occurring;

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

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

4.

(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

5.

The responsible person shall ensure that-

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

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

6. 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.

7. 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 years, 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.

Planning Legislation and Building Regulations

The statement of licensing policy should indicate that planning permission, building control approval and licensing regimes will be properly separated to avoid duplication and inefficiency. The planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa.

There are circumstances when as a condition of planning permission; a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing times. Premises operating in breach of their planning permission would be liable to prosecution under planning law. Proper integration should be assured by licensing committees, where appropriate, providing regular reports to the planning committee.

Health and Safety at Work Act 1974 and associated legislation

1. The Council is the authority for this legislation for almost all premises in the Borough.

Human Rights Act 1998

2. The Council has a duty under the European Convention on Human Rights to protect both the rights of a resident to privacy and family life (Article 8) and the rights of a licensee to operate his business without undue interference (Article 1 of the First Protocol). These policies are intended to reflect the balance to be struck between these interests where they conflict.

Disability Discrimination Act 1995

3. The Disability Discrimination Act introduced measures to tackle discrimination encountered by disabled people. It is recommended that licensees make themselves familiar with the requirements of this Act for the access and provision of services to disabled people.

Crime and Disorder Act 1998 Section 17

4. This Act requires local authorities and others to consider crime and disorder reduction while exercising all of their duties. It states

“Without prejudice to any other obligation imposed upon it, it shall be the duty of each authority, to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that is reasonable can to prevent, crime and disorder in its area.”

5. Therefore, this Act requires local authorities and others to consider crime and disorder reduction while exercising all of their duties. This reflects the reality that there are crime and/or disorder implications in decisions made across the full range of local authority services. The consideration of the specific licensing

objective of the prevention of crime and disorder fulfils the requirement under this Act.

Environmental Protection Act 1990

6. This covers a wide range of types of pollution including noise pollution.

Fire Safety Legislation

7. The Essex Fire and Rescue enforces fire safety legislation. This currently includes the Fire Precautions (Workplace) Regulations and the Fire Precautions Act.

Race Relations Act 1976 (as amended 2002)

9. Local authorities have a legal obligation to have regard to the elimination of unlawful discrimination; promote equality of opportunity and good relations between persons of different racial groups.

Alcohol Harm Reduction Strategy

10. The Government has recently issued details of the next stage of its strategy following on from the National Alcohol Harm Reduction Strategy, produced in 2004. The Council through the Crime and Disorder Reduction Partnership and the Drugs and Alcohol Reference Group will be working on a local which ties in with the national overview.

The Anti-Social Behaviour Act 2003

11. Local authorities have a legal obligation to have regard to the powers given to environmental health officers to issue a closure order which is effective for up to 24 hours to licensed premises that are causing a public nuisance. This compliments the police powers under Part 8 of the Licensing Act 2003 to close licensed premises for temporary periods.

Violent Crime Reduction Act 2006

12. Local authorities have a legal obligation to have regard to the Violent Crime Reduction Act 2006 which received royal assent on 8 November 2006. The act introduces new measures to ensure that police and local communities have the powers they need to tackle various issues, however in this instance to alcohol-related violence (please see appendix G)

The Health Act 2006 – workplace smoking ban

13. Local authorities have a legal obligation to have regard to the elimination of smoking in all enclosed workplaces and public spaces which came into force on 1st July 2007. The ban includes smoking in pubs, restaurants and members' clubs where bar or other staff are employed. In this context "enclosed" will mean anywhere with more than 50% of wall and ceiling space in-filled.

The Clean Neighbourhoods and Environment Act 2005

14. Local authorities have a legal obligation to have regard to powers issued to them to issue a fixed penalty notice to any licensed premises emitting noise that exceeds the permitted level between the hours of 11.00pm and 7.00am.

Combating alcohol-related crime and disorder

The powers in the Licensing Act 2003 have been complimented by a range of additional measures introduced in the Violent Crime Reduction Act 2006 which received Royal Assent on 8th November 2006. The Violent Crime Reduction Act 2006 contains a variety of measures designed to combat alcohol related violence and disorder, including new drinking banning orders and alcohol disorder zones. It also amends the Licensing Act to promote the Licensing objectives of crime prevention and child welfare. The powers include:-

a) Alcohol disorder zones – as a last resort for Police and Local Authorities to charge some licensed premises for the cost of additional enforcement activity.

The introduction of an Alcohol Disorder Zone will give local authorities and police powers to designate areas blighted by serious alcohol-related crime and disorder. The local authority may by order designate a locality in their area as an alcohol disorder zone if they are satisfied –

- a) that there has been nuisance or annoyance to members of the public, or disorder, in or near the locality;
- b) that the nuisance, annoyance or disorder is associated with the consumption of alcohol;
- c) that there is likely to be a repetition of nuisance, annoyance and disorder

Before designating a locality as an alcohol disorder zone, the local authority must publish a notice setting out their proposal to designate the locality and inviting interested parties to make representations.

As soon as reasonably practicable after the end of the period of making representations the local authority and the local chief officer of police must prepare a document (“the action plan”) setting out the steps in their opinion to tackle the problems.

Licensed premises will have a period of eight weeks in which to do this. As part of the action plan, licensed premises may be asked to fund extra service provisions. Examples could include extra late-night transport, street cleaning and extra security patrols.

If premises fail to implement the action plan then charges would be levied at a nationally set rate, reflecting the cost of a typical basket of initiatives, which could be used by local authorities and other public authorities to tackle the problem.

b) Direction to leave – which enable the Police to ban a person from a locality for a maximum of 48 hours**c) Enabling Police and/or Trading Standards Officers to ban the sale of alcohol for up to 48 hours – at premises that are persistently selling alcohol to under 18's;**

This part of the Act inserts a new offence into the Licensing Act 2003 which will be committed if, on three or more different occasions in a period of three consecutive months, alcohol is unlawfully sold on the premises to a person under 18 years of age.

The penalty for the new offence on summary conviction will be a fine, not exceeding £10,000 and where the offender is a premises licence holder, the premises licence could be suspended for up to three months insofar as it authorises the sale of alcohol.

A Senior Police Officer or Trading Standards Inspector may issue a closure notice where there is evidence that a person has committed the new offence of persistently selling to children. A closure notice prohibits the sale of alcohol from premises for up to 48 hours.

d) Expedited licence reviews – which enable the Police to apply for a fast-track review of a licence of premises associated with serious crime and disorder.

This section inserts a new procedure into the Licensing Act 2003 to allow the police to require a review of licensed premises by a licensing authority if they have reasons to believe it is subject to serious crime or disorder.

Licensing authorities notified by the police are required to hold an emergency meeting within 48 hours to consider temporary variation to the premises licence. These could include a prohibition on the sale of alcohol, the removal of the Designated Premises Supervisor or suspension of the licence. A full review, under the terms of the Licensing Act, must occur within 28 days.

e) Drinking banning orders – where individuals could be banned from named premises for criminal disorderly conduct for between two months and two years

The Act introduces a Drinking Banning Order, which establishes powers to allow those aged 16 and over who are responsible for alcohol related disorder to be excluded from licensed premises in a defined geographic area for a given length of time between 2 months and 2 years.

Provision is also made for the duration of an order to be reduced if an individual satisfactorily completes an approved course to address their alcohol misuse behaviour.

Such an order is made on application to a magistrate's court against an individual by a relevant authority if-

- a) that (the) individual has engaged in criminal or disorderly conduct while under the influence of alcohol; and
- b) that such an order is necessary to protect other persons from further conduct by him/her of that kind under the influence of alcohol.

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) ISBN 0 7176 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 Borough Council Local Alcohol Harm Reduction Strategy (to be developed).

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.

➤ **Who can object (make representations) about an application for a premises licence or ask for a review of the licence?**

Members of the Public and Responsible Authorities can make 'relevant representations' in respect of applications made for the grant or variation of a Premises Licence or Club Premises Certificate and may seek a review of licences and certificates granted.

'Responsible authorities' is defined as any of the following:

- ◆ the chief officer of police for the area in which the premises are situated;
 - ◆ the fire authority for the area in which the premises are situated;
 - ◆ the health and safety authority for the area in which the premises are situated;
 - ◆ the local planning authority for the area in which the premises are situated;
 - ◆ the environmental health authority for the area in which the premises are situated;
 - ◆ the body recognised as being responsible for protection of children from harm for the area in which the premises are situated; and
 - ◆ the relevant navigation authority, the Environment Agency, British Waterways Board or the Secretary of State in relation to a vessel.
- ◆ Health Bodies (Primary Care Trusts)
 - ◆ Licensing Authorities
 - ◆

➤ **Who can object to a temporary event notice application?**

Only the Police and Environmental Health are able to object.

➤ **Can the licensing authority object (make representations) to a licence application or ask for a review of a licence?**

Yes as a Responsible Authority

➤ **What are relevant representations?**

"relevant representations" is the expression used for comments including objections on application etc.

For a representation to be relevant it must:

- ◆ relate to the effect of the grant of the licence on the promotion of the licensing objectives;
- ◆ be 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 not be 'frivolous or vexatious' or, in the case of a review, 'repetitious' if made by an 'interested party'; or
- ◆ if they relate to the identity of the proposed premises supervisor, are made by a chief officer of police and include a statement explaining that his/her designation would undermine the crime prevention objective.

➤ **What does frivolous, vexatious or repetitious mean?**

Frivolous or vexatious will bear their ordinary meaning. The licensing authority must form a view as to whether a reasonable person would consider the observations frivolous or vexatious.

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 in respect of other licensing matters**

a) Transfer of Premises Licence

Only the police may make representations and then only if its grant would undermine the crime prevention objective and the objection is made within 14 days of receipt of the application.

b) Notice of Interim Authority

Only the police may make representations and then only if its grant would undermine the crime prevention objective and the objection is made within 48 hours of receipt of the notice.

c) Grant of New Personal Licence

Licensing authorities are required to notify the police when an applicant is found to have an unspent conviction for a relevant offence under the Licensing Act 2003 or for a foreign offence. The police have no involvement in such applications until notified by the licensing authority. Only then may the police make representations if its grant would undermine the crime prevention objective and the objection is made within 28 days of receipt of the application.

d) Nomination as Premises Supervisor

Only the police may make representations and then only if its grant would undermine the crime prevention objective and the objection is made within 28 days of receipt of the application.

e) Temporary Event Notice

Only the police and Environmental Health make representations and then only if its grant would undermine the crime prevention objective and the objection is made within 3 working days of receipt of the Temporary Event Notice.

The licensing authority must issue a counter notice where the Temporary Event Notice exceeds the permitted limits, which are:-

- ◆ 50 per year up to 10 of which can be Late notices if the premises user is the holder of a Personal Licence,
- ◆ 5 per year up to 2 of which can be Late notices 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 21 days in total.

➤ **If a local venue is causing a disturbance is it possible to request a review of the licence?**

Yes. At any stage, following the grant of a premises licence, a 'responsible authority' such as the police or the fire authority, or an 'interested party', such as a resident in the vicinity of the premises, may apply to the licensing authority review the licence if there are grounds relating to the licensing objectives.

If any 'interested party', for example, a local resident, residents' association, or local business applies for a review of the licence, the licensing authority must first consider whether the grounds they have put forward are relevant to the licensing objectives and that they are not vexatious, frivolous or repetitious. If the grounds comply with these tests, the licensing authority must arrange a hearing to consider them and any relevant representations made.

➤ **Appeals against decisions**

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

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

Exhibition of a Film

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

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

Live Music or Playing Recorded Music

The Live Music Act removes the need to licence entertainment facilities completely, providing the live music is taking place between 08:00hrs to 23:00hrs and the audience consists of no more than 200 people. This means that dance floors, microphone stands, pianos made available for use by the public etc. will not be licensable.

Television or Radio receivers

If the entertainment consist 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.

Contact Details of Relevant Responsible Authorities

Appendix L

- Essex Police
South East Licensing
Southend Police Station
Victoria Avenue
Southend on Sea,
Essex SS2 6ES
southendlicensing@essex.pnn.police.uk
Telephone: 01702 423118

- Essex County Fire and Rescue Service
Essex County Fire and Rescue Service
Rayleigh Weir Community Fire Station
500 Rayleigh Road
Benfleet
Essex
SS73TR
Bc.command@essex-fire.gov.uk
01376 576500

- Chief Development Control Officer
(in respect of Planning)
Castle Point Borough Council
Council Offices
Kiln Road
Benfleet
Essex SS7 1TF
planning@castlepoint.gov.uk
Telephone: 01268 882200

- Head of Environmental Health
(in respect of pollution, environment and
harm to human health matters and health
and safety at work).
Castle Point Borough Council
Council Offices
Kiln Road
Benfleet
Essex SS7 1TF
Telephone: 01268 882200

- The Health and Safety Executive
(FOR SCHOOL APPLICATIONS ONLY)
Health and Safety Executive
Wren House
Hedgerows Business Park
Colchester Road
Springfield
Chelmsford Essex CM2 5PF

- Head of Child Protection (Licensing
Applications)
Essex County Council
Children's Safeguarding Service
70 Duke Street
County Hall
Chelmsford
Essex
CM1 1JP

- Trading Standards
Information and Business Support Team
Essex Trading Standards
New Dukes Way Office
Beaufort Road
Dukes Park Industrial Estate
Chelmsford
Essex
CM2 6PS

- Public Health
Licensing Administration
Public Health Team
A1 Block
Market Road
Chelmsford
Essex
CM1 1QH

- Licensing Department
Licensing Department
Castle point Borough Council#
Kiln Road
Thundersley, Benfleet
Essex
SS7 1TF
Telephone 01268 882416

Contact Details and Useful Address

Appendix M

- Arts Council England
14 Great Peter Street
London SW1P 3NQ
Tel: 0845 300 6200
Email: enquiries@artscouncil.org.uk
Web: www.artscouncil.org.uk

- Association of Licensed Multiple Retailers
3rd Floor International House
Ealing
London W5 5DB
Tel: 020 8579 2080
Email: info@almr.org.uk
Web:

- British Beer & Pub Association
Market Towers
1 Nine Elms Lane
London SW8 5NQ
Tel: 020 7627 9191
Email: web@beerandpub.com
Web: www.beerandpub.com

- British Board of Film Classification
3 Soho Square
London W1D 3HD
Tel: 020 7440 1570
Email: helpline@bbfc.co.uk
Web: www.bbfc.co.uk

- British Institute of Innkeeping
Wessex House
80 Park Street
Camberley
Surrey GU15 3PT
Tel: 01276 684449
Email: reception@bii.org
Web: www.bii.org

- Business Link for Essex
Alexandra House
36a Church Street
Chelmsford
Essex CM2 7HY
Tel: 01245 717 1615
Email: info@bl4e.co.uk
Web: www.bl4e.co.uk

- Disability Rights Commission
DRC Helpline
Freepost MID01264
Stratford Upon Avon
CV37 9BR
Tel: 08457 622633
Email:
Web: www.drc-gb.org

- Department of Media Culture & Sport 2-4 Cockspur Street
London SW1Y 5DH
Tel: 020 7211 6200
Email: enquiries@culture.gov.uk
Web: www.culture.gov.uk

- Essex Chamber of Commerce Mid Essex Office
75 Springfield Road
Chelmsford
Essex CM2 6JB
Tel: 01245 500464
Email: info@essexchambers.co.uk
Web: www.essexchambers.co.uk

- Essex Race Equality Council Floor 3 – Civic Centre
Victoria Street
Southend on Sea
Essex SS2 6EP
Tel: 01702 333351
Email: Erec.Southend@btconnect.com
Web:

- Essex Trading Standards Beehive Lane
Chelmsford
Essex CM2 9SY
Tel: 01245 341888
Email: Advice.unit@essexcc.gov.uk
Web: www.tradingstandards.gov.uk/essex

- Equity Guild House
Upper Martins Lane
London WC2H 9EG
Tel: 020 7379 6000
Email: info@equity.org.uk
Web: www.equity.org.uk

- Health & Safety Executive Wren House
Hedgerows business Park
Colchester Road
Springfield
Chelmsford
Essex CM2 5PF
Tel: 01245 706200
Email:
Web; www.hse.gov.uk

- Institute of Acoustics 77a St. Peters Street
St. Albans
Herts. AL1 3BN
Tel: 01727 848195
Email: ioa@ioa.org.uk

Web: www.ioa.org.uk

➤ Musicians Union

60-62 Clapham Road

London SW9 0JJ

Tel: 020 7840 5537

Email: eastsouth@musiciansunion.org.uk

Web: www.musiciansunion.org.uk

➤ Security Industry Authority

P O Box

Newcastle Upon Tyne

NE82 6YX

Tel: 08702 430100

Email: info@the-sia.org.uk

Web: www.the-sia.org.uk

➤ The Portman Group

7-10 Chandos Street

Cavendish Square

London W1G 9DG

Tel: 020 7907 3700

Email: info@portmangroup.co.uk

Web: www.portmangroup.org

Lists of persons/bodies consulted in preparation of this Policy

In accordance with Section 5(3) of the Licensing Act 2003, Castle Point Borough Council consulted with the following during the course of the preparation of this Statement of Licensing Policy:

1. The Chief Officer of Police for Castle Point;
2. The Essex Fire and Rescue Service;
3. persons/bodies representative of local holders of premises licences;
4. persons/bodies representative of local holders of club premises certificates;
5. persons/bodies representative of local holders of personal licences; and
6. persons/bodies representative of businesses and residents in the Castle Point Borough.

Applications for all licences should be made to the following address:

Licensing Services Unit
Castle Point Borough Council
Council Offices
Kiln Road
Benfleet
Essex
SS7 1TF

Tel: 01268 882416
Email: cjacob@castlepoint.gov.uk

PERSONAL LICENCE

New Applications

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, by a solicitor, notary, a person of standing in the community (this includes a bank or building society official, police officer, civil servant or a minister of religion), or any individual with a professional qualification), the original of the applicant's licensing qualification, a criminal conviction certificate, or a criminal record certificate, or the results of subject access search on the police national computer by National Intelligence Service. A declaration by the applicant that either they have not been convicted of a relevant offence or a foreign relevant offence or that they have been convicted of a relevant offence or a foreign offence accompanied by details of the nature of the conviction and any sentence imposed on them in respect of it and the appropriate licence fee. The criminal checks must not be more than 4 weeks old when your application is received.

PREMISES LICENCE/CLUB CERTIFICATE

To apply for a Premises Licence/Club Premises Certificate under the provisions of Section 17/71 of the Licensing Act 2003 you should note that the forms are prescribed forms issued by Government.

The application form must be completed in BLACK INK and in BLOCK CAPITALS. Please read the instructions and guidance notes before completing the form. When submitting your application to the above address, you must also enclose:

- The appropriate application fee, if any, as shown in appendix P
- A plan of the premises at a scale of 1:100 which complies with the Regulations as detailed in the enclosed information sheet
- If alcohol is to be sold, the consent form completed by the proposed Premises Supervisor.

You are required to serve a copy of your complete application on the Responsible Authorities. This must be done on the same day that the application is given to the Licensing Authority. The contact addresses can be found in appendix L.

You are also required to publish a notice in a local newspaper on at least one occasion during the period of ten working days after the day on which the application was given to the Licensing Authority. The published notice must contain the prescribed information as detailed in the enclosed information sheet.

Additionally, you are required to display a notice prominently at or on the premises to which the application relates where it can be conveniently read from the exterior of the premises. This notice must be in the prescribed format on pale blue paper and contain the required information. It must be displayed for a period of no less than 28 consecutive days starting on the day after the day on which the application was given to the Licensing Authority. To assist applicants, a suitable notice will be included in the application pack.

Failure to comply with any of the above requirements will mean that your application is not valid and cannot be considered. The application will be returned to you detailing the information required to complete the process.

VARIATIONS

Applications to vary a premises licence or club premises certificate should be made on the prescribed form and the same process for new applications regarding advertisements and notification of responsible authorities must be completed.

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.

Club Premises Certificate

- The process of applying for a variation of a certificate is similar to that for a premises licences, 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.

As of 27th March 2013 Castle Point Borough Council have not adopted a Late Night Levy or Early Morning Restriction Order (EMRO)

Premises

1. Premises and club application and annual fees – each premises that is licensable will be allocated to a fee band according to rateable value.

RATEABLE VALUE	BAND
No rateable value to £4,300	A
£4,300 to £33,000	B
£33,001 to £87,000	C
£87,001 to £125,000	D
£125,001 and above	E

2. Each band attracts a different level of application fee – payable upon submitting the application to the Licensing Authority.

BAND	FEE
A	£100
B	£190
C	£315
D	£450
E	£635

3. Each band attracts a different level of annual fee – payable one year after the grant of the licence.

BAND	FEE
A	£70
B	£180
C	£295
D	£320
E	£350

4. A general uplift in the level of premises fees.

Rateable value bands	A	B	C	D	E
Main Application Fee	100	190	315	450	635
Main Annual Charge	70	180	295	320	350

4. *A multiplier applied to premises in bands D and E where they are exclusively or primarily in the business of selling alcohol (mainly large town and city centre pubs).*

Band	D (x2)	E (x3)
City / town centre pub application fee	900	1905
City / town centre pub annual charge	640	1050

5 Exceptionally large events

Number in attendance at any one time	Additional fee
5,000 to 9,999	£1,000
10,000 to 14,999	£2,000
15,000 to 19,999	£4,000
20,000 to 29,999	£8,000
30,000 to 39,999	£16,000
40,000 to 49,999	£24,000
50,000 to 59,999	£32,000
60,000 to 69,999	£40,000
70,000 to 79,999	£48,000
80,000 to 89,999	£56,000
90,000 and over	£64,000

6 Personal Licences, Temporary Events and Other Fees

<i>Application for a grant or renewal of personal licence</i>	£37.00
<i>Temporary event notice</i>	£21.00
<i>Theft, loss, etc of premises licence or summary</i>	£10.50
<i>Application for a provisional statement where premises being built, etc</i>	£195.00
<i>Notification of change of name or address</i>	£10.50
<i>Application to vary licence to specify individual as premises supervisor</i>	£23.00
<i>Application for transfer of premises licence</i>	£23.00
<i>Interim authority notice following death etc. of licence holder</i>	£23.00
<i>Theft, loss etc. of certificate or summary</i>	£10.50
<i>Notification of change of name or alteration of rules of club</i>	£10.50
<i>Change of relevant registered address of club</i>	£10.50
<i>Theft, loss etc. of temporary event notice</i>	£10.50
<i>Theft, loss etc. of personal licence</i>	£10.50
<i>Duty to notify change of name or address</i>	£10.50
<i>Right of freeholder etc. to be notified of licensing matters</i>	£21.00
<i>Minor Variations</i>	£89.00
<i>DPS for Village Halls</i>	£23.00

The 2003 Act requires a licensing authority to suspend a premises licence or club premises certificate if the annual fee is not paid when it is due. However, this does not apply immediately if the payment was not made before or at the time of the due date because of an administrative error, or because the holder disputed liability for the fee before or at the time of the due date. In either of these cases, there is a grace period of 21 days. This period is intended to allow the licensing authority and the licence or certificate holder an opportunity to resolve the dispute or error. If the dispute or error is not resolved during this 21 day period, the licence will be suspended.

ALBANIAN	<p>Letrat e bashkangjitura jane shume te rendesishme. Nese keni veshtersi per te lexuar ose kuptuar gjuhen angleze ju lutemi kontaktoni dikend per te ju ndihmuar menjehere.</p>
ARABIC	<p>الصفحات المرفقة مهمة جدا إذا لديك الصعوبة لقراءة أو فهم اللغة الإنجليزية أرجو أن تتصل بأي شخص الذي بإمكانه أن تساعدك فوراً</p>
BENGLALI	<p>এই সঙ্গে দেওয়া কাগজপত্র অত্যন্ত জরুরী। আপনার যদি ইংরেজী ভাষা পড়তে বা বুঝতে সমস্যা হয়, তাহলে এমন কারো সঙ্গে যোগাযোগ করুন যে অবিলম্বে আপনাকে সাহায্য করতে পারবে।</p>
CHINESE	<p>夾附的文件非常重要。 如果你看不懂英文， 請立即與能夠幫助你的人聯絡。</p>
GUJARATI	<p>આ સાથે ખીડલાં કાગળો બહુ જ અગત્યના છે. જો તેની વિગત તમને અંગ્રેજીમાં વાંચવામાં અને સમજવામાં મુશ્કેલી પડતી હોય તો, મહેરબાની કરી કોઈ વ્યક્તિને સંપર્ક કરો જે તમને તુરંત મદદ કરી શકે.</p>
HINDI	<p>साथ दिए गए कागजात बहुत ज़रूरी हैं। यदि आपको अंग्रेज़ी पढ़ने या समझने में मुश्किल आती है तो कृपया किसी से कहें जो तुरंत आपकी मदद कर सके।</p>
KURDISH	<p>ئەم پەرانی هاونیچکراون زۆر گرنگن ئەگەر تۆ گرفتت ههیه ئەگەرل خۆیندنهوه یان تیگه‌یشتنی نوسراوی ئینگلیزی ئەوا تکایه پهبه‌ندی به یه‌کیکه‌وه بکه که بتوانیت به زووترین کات یارمه‌تیت بدات</p>
PUNJABI	<p>ਨਾਲ ਦੇ ਕਾਗਜ਼ਾਤ ਬਹੁਤ ਜ਼ਰੂਰੀ ਕਾਗਜ਼ ਹਨ। ਜੇ ਤੁਹਾਨੂੰ ਅੰਗਰੇਜ਼ੀ ਪੜ੍ਹਨ ਜਾਂ ਸਮਝਣ ਚ ਕੋਈ ਦਿੱਕਤ ਹੁੰਦੀ ਹੋਵੇ, ਤਾਂ ਮਿਹਰਬਾਨੀ ਕਰਕੇ ਕਿਸੇ ਨੂੰ ਆਖੋ, ਜੋ ਤੁਹਾਡੀ ਫ਼ੌਰਨ ਮਦਦ ਕਰ ਸਕਦਾ/ਸਕਦੀ ਹੋਵੇ।</p>

TURKISH	<p>İlişikteki kağıtlar çok önemlidir. İngilizceyi okumakta veya anlamakta zorluk çekiyorsanız size derhal yardım edebilecek birisiyle lütfen temas kurunuz.</p>
URDU	<p>منسلک کئے گئے کاغذات بہت ضروری ہیں۔ اگر آپ کو انگریزی پڑھنے اور سمجھنے میں کسی دشواری کا سامنا ہے، تو براہ کرم کسی سے رابطہ کریں جو فوری طور پر آپ کی مدد کر سکے۔</p>

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