

LICENSING COMMITTEE
30 September 2014 at 6.00 pm
Conference Room, Argyle Road, Sevenoaks

AGENDA

Membership:

Chairman: Cllr. Mrs. Morris Vice-Chairman: Cllr. Clark
Cllrs. Abraham, Ayres, Mrs. Ayres, Bosley, Cooke, Mrs. George, Orridge, Mrs. Parkin, Pett,
Raikes and Walshe

	<u>Pages</u>	<u>Contact</u>
Apologies for Absence		
1. Minutes To agree the Minutes of the meeting of the Licensing Committee held on 26 June 2014, and Licensing Hearings held on 23 June, 11 August and 1 September 2014, as a correct record.	(Pages 1 - 16)	
2. Declarations of interest Any interests not already registered		
3. Actions from the previous meeting	(Pages 17 - 18)	
4. Licensing Partnership Update Report	(Pages 19 - 24)	Claire Perry Tel: 01732 227325
5. Statement of Licensing Policy Consultation Report	(Pages 25 - 100)	Claire Perry Tel: 01732 227325

EXEMPT ITEMS

(At the time of preparing this agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public.)

To assist in the speedy and efficient despatch of business, Members wishing to obtain factual information on items included on the Agenda are asked to enquire of the appropriate Contact Officer named on a report prior to the day of the meeting.

Should you require a copy of this agenda or any of the reports listed on it in another format please do not hesitate to contact the Democratic Services Team as set out below.

For any other queries concerning this agenda or the meeting please contact:

The Democratic Services Team (01732 227241)

LICENSING COMMITTEE

Minutes of the meeting held on 26 June 2014 commencing at 6.00 pm

Present: Cllr. Mrs. Morris (Chairman)

Cllr. Clark (Vice Chairman)

Cllrs. Abraham, Bosley, Mrs. George, Mrs. Parkin and Pett

Apologies for absence were received from Cllrs. Ayres, Mrs. Ayres, Orridge, Raikes and Walshe

Cllr. Fittock was also present.

1. Minutes

Resolved: That the Minutes of the meeting of the Licensing Committee held on 18 March 2014 and of the Sub-Committees held on 9 May 2014, 12 May 2014, 30 May 2013 and 4 June 2014 be approved and signed by the Chairman as a correct record.

2. Declarations of interest

No additional declarations of interest were made.

3. Actions from the previous meeting

There were none.

4. Appointments to Licensing Hearing Sub Committees

The Committee considered a report setting out the proposed memberships for the Sub-Committees for Licensing Hearings. Members were advised that there was an error in Membership for Sub-Committee B and it should be Councillor Pett rather than Councillor Davison and that the recommendation should read paragraph 5 instead of 6.

Resolved: That the membership of the Licensing Sub-Committees, as set out in the report, subject to the amendment of Sub Committee B, be approved.

The Licensing Partnership Manager advised the new Member of the Committee that prior to sitting on a Sub-Committee training would be provided. She advised that all Members of the Committee were welcome to attend the training for a refresher. Members were also recommended to observe a sub-committee hearing prior to sitting on one.

5. Expedited/Summary Review Process And Recent Application

The Licensing Partnership Manager advised the Committee of the procedure for Expedited and Summary Review Applications and the recent application received. She

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advised that a Local Chief Officer of Police may apply for an expedited review of a premise where it was considered that the premises were associated with serious crime, serious disorder or both.

Initial hearings were usually held within 48 hours to consider whether it was necessary to take interim steps pending determination of the full review of the premises licence. Unless the interim steps were appealed those steps were in place for a 28 day period while a public consultation took place. If the steps were appealed then another hearing would be held. A consultation for 28 days would then take place again before the full review hearing.

In response to questions the Licensing Partnership Manager advised that after the full review hearing the Premises Licence Holder could appeal to the Magistrates courts within 21 days of the hearing if they were not in agreement with the conclusion of the full review hearing.

Resolved: That the report be noted.

6. Lullingstone Castle

The Licensing Partnership Manager informed Members of the recent horse trading issues surrounding Lullingstone Castle. She advised that the premises had stated this was not a pre-arrange event and they did not condone the activities. The Licensing Partnership Manager advised that the activities that took place were not licensable activities. She advised that the Police had met with the Designated Premises Supervisor and Area Manager and plans have been discussed to move forward. A barrier would be installed to prevent access to the land of the pub and the sale of alcohol would stop if a similar incident were to happen again. The Police were reviewing appropriate responses for the future.

The Licensing Partnership Manager advised that the date of the horse trading changes every year and informed Members that she would contact the Police to see if they have received any intelligence regarding a pattern of when previous events had taken place and would follow up on the installation of the barrier..

Action 1: For the Licensing Partnership Manager to contact the Police regarding establishing any intelligence or a pattern regarding previous events and to follow up on the installation of the barrier.

THE MEETING WAS CONCLUDED AT 6.30 PM

CHAIRMAN

LICENSING HEARING

Minutes of the meeting held on 23 June 2014 commencing at 11.15am

Present: Cllrs. Mrs. George, Pett and Walshe

Also present	PC9923 M Beresford	-	Kent Police Representative
	Mr. M. Phipps	-	Premises Licence Legal Representative
	Ms. Y. Gell	-	For Premises Licence
	Mrs. C. Powell	-	Premises Licence Holder
	Mr. S. Powell	-	For Premises Licence Mrs. L. Leeds
		-	Licensing Officer
	Mr. L. Roberts	-	Legal Advisor
	Ms. V. Etheridge	-	Acting Democratic Services Manager

An apology for absence were received from Cllr. Cooke

The meeting commenced at 11.15 am to facilitate on-going discussion between the Premises Licence Holder and the representatives from Kent Police.

1. Appointment of Chairman

Resolved: That Cllr. Walshe be appointed Chairman of the meeting.

2. Declarations of Interest

There were none.

3. Exclusion of Press and Public

Resolved: That, under section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting when considering Appendix A of the following report, on the grounds that likely disclosure of exempt information is involved as defined by Schedule 12A, paragraph 7 (Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime).

4. The Portobello Inn, London Road, West Kingsdown, TN15 6JB

(Exempt Information Schedule 12A paragraph 7 Local Government Act 1972)

The Hearing gave consideration to a report by the Chief Officer Environmental and Operational Services giving details of an application under Section 53A of the Licensing Act 2003 for a summary review of the premises licence. On 30 May 2014 a meeting of the Licensing Sub-Committee had taken the interim step to suspend the premises licence pending the full review. On 2 June 2014 Sevenoaks District Council received a representation against the interim steps taken by the Council as the Licensing Authority and within 48 hours of receipt of the representations being received, a hearing was held to consider whether the interim steps were appropriate for the promotion of the licensing objectives and to determine whether to withdraw or modify the steps taken. The interim

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steps were modified. The hearing now held was to consider the application for summary review in full.

The Hearing heard from the representative from Kent Police and asked questions. The Hearing heard from the legal representative for the Premises Licence Holder and asked questions.

An amended version of the interim steps was tabled for the consideration of the Hearing.

At 12.04 the Hearing Members, withdrew to consider the issues raised. The Council's Legal Advisor and Democratic Services Officer were present to give legal advice and to minute the decision.

At 12.45 the Hearing Members, Council's Legal Advisor and Democratic Services Officer returned to the Council Chamber.

The Chairman advised the Hearing that the Sub-Committee had had regard to the Licensing Objectives, to the guidance issued under section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy. He summarised the reasoning behind the conditions.

It was therefore unanimously,

Resolved: That the amended conditions as set out in the Notice of Determination attached as an appendix to these minutes be added to the premises licence.

THE MEETING WAS CONCLUDED AT 12.50 pm

Chairman

LICENSING ACT 2003 – Section 52 (10)

Notice of determination of application for a review of premises licence

To: Chief Officer of Police for the Kent Police area
Of: Maidstone Police Station, Palace Avenue, Maidstone Kent
Ref: 11/00696/LAPRE

Sevenoaks District Council being the licensing authority, on 28 May 2014 received an application for the summary review of a premises licence in respect of premises known as The Portobello Inn, London Road, West Kingsdown, TN15 6JB.

On 30 May 2014, within 48 hours of receipt of the Chief Officer's application, a hearing was held to consider whether it was necessary to take interim steps and a Notice of Determination was issued.

On 2 June 2014 Sevenoaks District Council received a representation against the interim steps taken by the Council as the Licensing Authority. Within 48 hours of receipt of the representations being received, a hearing was held to consider whether the interim steps were appropriate for the promotion of the licensing objectives and to determine whether to withdraw or modify the steps taken. The interim steps were modified.

On the 23 June 2014, within 28 days of receipt, the full review hearing was held and there being valid representations which were received had not been withdrawn, a hearing was held to consider these representations, and having considered them the Licensing Sub-Committee determined as follows:

To modify the conditions of the licence in the following respects, namely

To add conditions to the Licence as follows:

Prevention of Crime and Disorder

A CCTV system is to be installed to an appropriate standard as agreed with the police. The premises licence will remain suspended until the system becomes fully operational.

The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place and recordings shall be kept for a period of 28 days.

The correct time and date will be generated onto both the recording and the real time image screen.

If the CCTV equipment breaks down the designated premises supervisor shall ensure the licensing authority and the police are informed as soon as is reasonably practicable. This information shall be contemporaneously recorded in the incident book and shall include the time, date and means by which this was done and to whom the information was reported. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The licensing authority and the police shall be

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informed when faults are rectified.

The designated premises supervisor shall ensure that there are trained members of staff available during licensable hours to be able to reproduce and download CCTV images into a removable format at the request of the licensing authority or responsible authorities.

There shall be clear signage indicating that CCTV equipment is in use and recording at the premises during.

CCTV cameras shall monitor all areas used by premise patrons including any external smoking area and the car park to monitor numbers and prevent crime and disorder.

Signage must be displayed indicating that CCTV equipment is in use and recording at the premises.

An incident logbook/refusals register will be kept by the designated premises supervisor. This will be in a bound book in which full details of all incidents are recorded. This shall include details of any refused sales and shall give details of the persons involved, incident description, time and date, actions taken and final outcome of the situation. This shall be completed as soon as possible and in any case no later than the close of business on the day of the incident. The time and date when the report was completed, and by whom, is to form part of the entry. The logbook is to be kept on the premises at all times and shall be produced to a responsible authority upon request.

A written procedure will be produced and promulgated to staff to ensure the police will be called in the event that any criminal incident takes place or appears to be imminently likely to take place at the premises and staff will co-operate in any police investigation.

Public Safety

The designated premises supervisor shall provide training for all staff to ensure that they are familiar with the premises licence, the Licensing Act 2003 and the appropriate procedures in case of an emergency. A record of the training shall be maintained, signed by the staff receiving training and shall be available upon request by the licensing authority or responsible authorities.

Prevention of Public Nuisance

The external area shall only be open to customers until 11pm unless otherwise agreed with the Licensing Authority. Adequate notices will be displayed to inform patrons of this requirement. After this time smoking only will be permitted.

The designated premises supervisor shall take all reasonable steps to ensure that patrons using the outside areas do so in a quiet and orderly fashion.

Protection of Children from Harm

A challenge 21 policy will be used whereby any person who appears to be under 21 years of age and is attempting to purchase alcohol will be asked to provide identification. The only acceptable proof of age identification will be a passport, a photo driving licence, an EU identity card, military identification or a PASS approved proof of age card. Staff will be

trained in this policy and records of the training will be kept.

The reasons for the decision are:

The additional conditions are considered appropriate to further the licensing objectives.

The determination will not have effect (a) until the end of the period given for appealing against the decision, or (b) if the decision is appealed against, until the appeal is disposed of. *

Dated: 23 June 2014

Signed

Chair – Licensing Hearing

Signed

Designation –Licensing Officer

Please address any communications to:

Licensing Regime
Community and Planning Services
Council Offices
PO Box 182
Argyle Road
Sevenoaks
Kent TN13 1GP

***Note:** Pursuant to Part 1 of Schedule 5 of the Licensing Act 2003 as amended, any party eligible to appeal must appeal to a magistrates' court within 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

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LICENSING HEARING

Minutes of the meeting held on 11 August 2014 commencing at 10.30 am

Present: Cllrs. Abraham (Substitute), Mrs. George and Orridge

Also present	Mr. J. Wallsgrove	-	Solicitor for Marks and Spencer
	Ms. J. Milner	-	Marks and Spencer Representative
	Mr. A. Milana	-	Objector
	Mrs. L. Leeds	-	Licensing Officer
	Ms. S. Lee	-	Licensing Officer
	Mr. D. Lagzdins	-	Legal Advisor
	Mrs. C. Sinclair	-	Acting Democratic Services Officer

1. Appointment of Chairman

Resolved: That Cllr. Orridge be appointed as the Chairman of the meeting.

2. Declarations of Interest

There were no additional declarations of interest.

3. Application For A Premises Licence From Marks And Spencer Plc, 35 North Wharf Road, Paddington, London. W2 1NW For A New Premises Licence Under The Licensing Act 2003

The Hearing gave consideration to a report by the Chief Officer Environmental and Operational Services giving details of an application for a new Premises Licence under the Licensing Act 2003. The application was made by Marks and Spencer Plc for the premises of 66 London Road, Sevenoaks, TN13 1AU. It was noted that objections had been received and that accordingly the application had been referred to the Sub Committee for determination.

The Hearing heard from Mr. Wallsgrove the applicants Solicitor and from Mr. Milana who was an objector to the application.

Mr. Wallsgrove advised the Hearing that the hours that had been applied for were not the likely trading hours and that it was likely that the trading hours would be same as those for the Marks and Spencer Simply Food store currently in Blighs Meadow. The hours had been applied for to allow flexibility for extended hours during seasonable times in the year, particularly during the Christmas season, rather than applying for variations to the licence or for Temporary Event Notices. He advised that all new applications for premises licences made by Marks and Spencer Plc were from 6 a.m. to 12.00 a.m.

In order to promote the licensing objectives CCTV would be installed and a Challenge 25 policy would be in place. Staff were trained before they were allowed to work at a point of sale and staff in the restaurant area would have enhanced training.

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Licensing Hearing - Monday, 11 August 2014

Members asked questions of clarification of the Applicants and were advised that due to Sunday trading hours they traded for 6 hours, however the hours applied for gave flexibility should there be a change in law.

The Hearing heard from Mr. Milana who was speaking on behalf of the residents of Pembroke Road. They objected to the application on the grounds that the supply of late night alcohol would result in crime and disorder and public nuisance to residents and children being disturbed by loitering after the closing of bars.

The Hearing was advised that the existing Marks and Spencer Simply Food store, Unit SU2 Blighs Meadow London Road Sevenoaks Kent. TN13 1DA opening hours were from 12 a.m. to 12 a.m. and the licensable hours were from 8 a.m. to 11 p.m. Monday to Saturday and on Sundays 9a.m. to 10.30 p.m.

At 11:08 a.m. the Hearing Members withdrew to consider the issues raised accompanied by the Council's Legal Advisor and the Clerk to the Hearing for the purpose of providing advice only.

At 11:40 a.m. the Hearing Members Council's Legal Advisor and the Clerk to the Hearing returned to the Council Chamber.

The Chairman advised the Hearing that the Sub-Committee had had regard to the Licensing Objectives, to the guidance issued under section 182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy. He advised that the licence was to be granted subject to conditions. The licensing hours for sale of alcohol for consumption off the premises would be from 6a.m. to 11p.m. rather than until 12a.m. as was applied for. This was in the interests of the prevention of crime and disorder and the prevention of public nuisance.

It was therefore,

Resolved: That a Premises License in respect of Marks and Spencer PLC, 66 London Road, Sevenoaks, TN13 1AU subject to the conditions contained in the licence attached as an appendix to these minutes be granted.

THE MEETING WAS CONCLUDED AT 11.44 am

Chairman

Notice of determination for application premises licence

To: Marks And Spencer PLC

of: 35 North Wharf Road, Paddington, London, W2 1NW

Ref: 14/01862/LAPRE

Sevenoaks District Council being the licensing authority, on the 17 June 2014 received an application for a premises licence in respect of premises known as Marks and Spencer PLC, 66 London Road, Sevenoaks, TN13 1AU

On the 11 August 2014 there being valid representations which were received and had not been withdrawn, a hearing was held to consider these representations, and having considered them the Licensing Sub-Committee determined as follows:

To grant the Premises Licence:

Section J: To allow sale of alcohol for consumption off the premises everyday from 06:00 hours until 23:00 hours.

Sale of alcohol for consumption on the premises in the café for the following hours through the year Mondays to Sundays 08:00 to 23:00

Section L: Hours premises are open to the public every day from 06:00 until 00:00 hours.

To add the conditions on the Licence as follows:

The supply of alcohol

Where a premises licence authorises the supply of alcohol, the licence must include the following conditions:-

No supply of alcohol may be made under the premises licence -

- (a) at a time where 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.

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

Mandatory Conditions in force from 6 April 2010

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.

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

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risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
 - (i) Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) Drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
- (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on -
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
- (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

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

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

4. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that -

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
 - (i) beer or cider: ½ pint;

- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and
- (b) customers are made aware of the availability of these measures.

Mandatory conditions in force from 28 May 2014

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

For the purposes of the condition set out in paragraph 1-

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

(b) "permitted price" is the price found by applying the formula — $P = D + (D \times V)$

where -

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence –
 - (i) the holder of the premises licence
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the value added tax act 1994.

The reason for changes are for the prevention of Crime and Disorder, Prevention of Public Nuisance, and having had regard to the Statutory Guidance and the Sevenoaks District Council Statement of Licensing Policy.

This licence granted at the Hearing is effective from the 11 August 2014

Dated: 11 August 2014

Signed

Chair – Licensing Hearing

Signed

Designation – Licensing Officer

Please address any communications to:

Licensing Partnership

Sevenoaks District Council

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Council Offices
PO Box 182
Argyle Road
Sevenoaks
Kent TN13 1GP

Note: Pursuant to Part 1 of Schedule 5 of the Licensing Act 2003 as amended, any party eligible to appeal must appeal to a magistrates' court within 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

LICENSING HEARING

Minutes of the meeting held on 1 September 2014 commencing at 10.30 am

Present: Cllrs. Mrs. Parkin, Pett and Raikes

Also present	Ms.L. James	-	Complainant
	Mrs. L. Leeds	-	Licensing Officer
	Mr. D. Lagzdins	-	Legal Advisor
	Mrs. C. Sinclair	-	Acting Democratic Services Officer

1. Appointment of Chairman

Resolved: That Cllr. Pett be appointed as Chairman of the meeting.

2. Declarations of Interest

There were no additional declarations of interest.

3. Review of Hackney Carriage Driver's Licence

The Hearing gave consideration to a report by the Chief Officer Environmental & Operational Services giving details of a complaint received regarding the Licensee's driving on 24 April 2014. The complaint was that the driver of the taxi began to drive away when one of the complainant's children was not fully in the car.

The report requested that the Committee consider the complaint and consider the appropriate action to take, including its powers under section 61 of the Local Government (Miscellaneous Provisions) Act 1976 to suspend his licence.

The Hearing noted that the Licensee was not in attendance but had submitted a statement. The Hearing was shown CCTV footage of the incident which the Licensee had seen previously. The Hearing heard from the Complainant. She explained that the Licensee had driven the family on other occasions. At the time of the incident the children had not been arguing or climbing over the seats. She added that if she had not been holding on to her youngest child's hand when the vehicle began to move then the outcome would have been different.

Members asked questions of clarification of the Complainant and were advised that a security guard had watched the incident from the CCTV room. A police report had been made but it had not been followed up. The Complainant had requested her eldest child to move from the back seat to the front seat. She could not remember what was said in the conversation after the incident between herself and the Licensee.

The Complainant summarised that the incident had affected her children and that her youngest would not now go into taxis which had caused problems with getting the children to school and nursery. Her youngest child was under assessment for the impact the incident had on existing medical conditions.

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Licensing Hearing - Monday, 1 September 2014

At 10:55 a.m. the Hearing Members withdrew to consider the issues raised accompanied by the Council's Legal Advisor and the Clerk to the Hearing for the purpose of providing advice only.

At 11:43 a.m. the Hearing Members Council's Legal Advisor and the Clerk to the Hearing returned to the Council Chamber.

The Chairman advised the Hearing that the Sub-Committee had had regard to the evidence provided by the Complainant and the CCTV footage which showed that the Licensee had driven off with the door wide open. He advised that they were not persuaded by the written evidence of the Licensee, in particular with regard to the alleged unruly behaviour of the children and the CCTV footage showed them being children. As a taxi driver there must be an expectation that there could be young children. It was regrettable that the Licensee had not attended the hearing, sent a representative or requested an alternative date or time. Full regard had been given to the evidence in the Licensee's statement and supporting testimonials.

The Licensee had not conducted himself in a way that met the standards expected of a holder of a Sevenoaks District Council Hackney Carriage Drivers Licence. The Sub-Committee had considered the incident and what may have resulted, and that the Licensee relied on his job for his family's income.

It was therefore resolved that

- (a) the Licensee's licence be suspended for three months, to take effect from 21 days from notice of the decision, to enable him to reflect upon the incident and its actual and possible consequences to enable him to become a fit and proper person to hold a licence again; and
- (b) the Licensee retake the Driving and Vehicle Standards Agency taxi assessment before his licence be restored.

THE MEETING WAS CONCLUDED AT 11.47 am

Chairman

ACTIONS FROM THE MEETING HELD ON 26 JUNE 2014			
Action	Description	Status and last updated	Contact Officer
ACTION 1	For the Licensing Partnership Manager to contact the Police regarding establishing any intelligence or a pattern regarding previous events and to follow up on the installation of the barrier. (Minute Item 6)	To be updated at the meeting.	Claire Perry

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LICENSING PARTNERSHIP UPDATE REPORT

Licensing Committee – 30 September 2014

Report of Chief Officer Environmental and Operational Services

Status: For Information

Key Decision: No

Executive Summary:

The Council is a member of a licensing partnership with Maidstone and Tunbridge Wells Borough Councils which provides line management responsibilities to their respective licensing enforcement teams and an administration team at Sevenoaks to carry out the processing of licence applications and representations.

This arrangement provides each council with sovereignty over its policies and decision making processes whilst operating within a partnership that gives service resilience and capacity to deal with the fluctuating demands on the service through the year.

This report is a follow up to the report that was presented to the Licensing Committee on 4 April 2013.

This report supports the Key Aim of safe communities and effective management of Council Resources.

Portfolio Holder Cllr. Ms Lowe

Contact Officer(s) Mrs. Claire Perry Ext. 7325 / 07970 731616

Recommendation to Licensing Committee: That the report be noted.

Introduction and Background

- 1 In 2009 it was agreed that both the line management and administration of the Council's licensing processes would be undertaken in partnership with Sevenoaks District Council (SDC) and Maidstone Borough Council (MBC). It was agreed that the administrative team processing licensing applications would be based at the offices of SDC with Licensing Officers continuing to be based at each council.
- 2 Each council retained responsibility for setting its licensing policies, enforcement strategies and decision making at Sub and Full Licensing committees. Claire Perry, the shared Licensing Partnership Manager, has line management responsibility for the operation of the administration team and the licensing officers of the three councils.

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- 3 In January 2010 the new Licensing Partnership took effect and the back office functions started to be transferred to the administration hub based at SDC. The administration hub uses a single database to maintain the licensing records for the three authorities. The database structure enables reporting to be carried out on an individual authority basis and allows for the variances that still exist in the policies and procedures of the three authorities.
- 4 The Partnership is governed by an agreement made between the three councils and the Chief Officer/Heads of Service responsible for licensing at their respective authorities meet regularly as a Licensing Partnership Board to oversee performance and the direction of the Partnership. Gary Stevenson, Head of Environment and Street Scene at Tunbridge Wells is currently the chair of the Licensing Partnership Board.

2013 - 2014 Performance Outturn

- 5 All the performance indicators bar one were achieved last year. The Licensing Partnership's performance indicators for 2013 – 2014 are as follows:-

- a. Number of licensed premises enforcement visits in the year – (risk assessed) undertaken each month – **289**

Target for the year was 288.

Licensing Officers have carried out a risk assessment of the premises following a visit. This sets a frequency for the next visit being due based on the type of premises, activities carried out at the premises, an assessment of the management of the premises and whether the premises has been the subject of recent complaints.

- b. Number of taxi checks undertaken each month – **90 for the year**

Target for the year was 84.

Licensing Officers have carried out vehicle checks around the District to ensure compliance with the Council's Policy.

- c. Percentage of valid personal licence applications to be processed within two weeks – **98.59% (70 out of 71 applications)**

Target for the year was 95%.

- d. Percentage of temporary event notices processed within 72 hours – **99.30% (423 out of 426 notices)**

Target for the year was 90%.

- e. The number of Hackney Carriage Vehicle licences issued within 5 working days – **98.71% (229 out of 232 applications)**

Target for the year was 75%.

- f. The number of Private Hire Vehicle licences issued within 5 working days – **98.95% (94 out of 95 applications)**

Target for the year was 75%.

- g. The number of Hackney Carriage Driver licences issued within 30 working days – **100% (120 out of 120 applications)**

Target for the year was 75%

- h. The number of Private Hire Driver licences issued within 30 working days – **95% (38 out of 40 applications)**

Target for the year was 75%

- i. The number of Private Hire Operator licences issued within 30 working days – **100% (20 out of 20 applications)**

Target for the year was 75%

- j. Length of time to process an application from date of validation to issue date for new and variation of premises (not DPS) applications for Licensing Act 2003 – **88% (22 out of 25 applications)**

Target for the year was 95%

Those where the target was missed was as a result of hearings.

- k. Percentage of applications outstanding for more than one month – **4.92%**

Target for the year <10%

- 6 As a result of the excellent performance of the team last year and to improve our customer service, we have tightened the targets for next year. All those that were 75% have been increased to 90% for 2014 / 2015.
- 7 In addition to this we have also reduced the processing target time for drivers and operator licences from 30 working days to 10 working days to speed up delivery of the service to the customer.

Key activities in the last six months and innovation for the future

- 8 In addition to the day to day work processing 3,850 applications under the various licensing regimes, carrying out enforcement actions and presenting cases to Licensing and Licensing Sub Committees, officers across the Partnership have also:

8.1 Implemented the ability for customers to use our own bespoke online forms for submitting Temporary Event Notices.

- In April 2014 106 TENs were received - 59 of these were online - 55.7%
- In August 2014 85 TENs were received - 57 of these were online - 67.1%

We have set up survey forms which continually provide us with feedback from customers regarding their experience of our online forms. We use this information to drive improvements to the service.

Agenda Item 4

- 8.2 Continuing with the actions identified in the Customer Insight toolkit action plan (developed with the assistance of the Business Delivery Unit from Tunbridge Wells Borough Council) we now have taxi driver, vehicle and operator online forms are now available on the website. We also have the personal licence application available on the website. We are in the process of testing further forms which will be implemented within the next few weeks. This will enable our customers to be able to make applications to the Licensing Authority 24 hours a day, 7 days a week.
- 8.3 The forms have been designed so that the information input by the applicant will be inserted into our back office database system which we use to process applications. Under the current online form system, operated by Central Government, the Licensing Authority is sent a pdf form via email and the Administrative Officers still have to input this information onto the database system.
- 8.4 We anticipate that over the next 6 months at least a further 20 application forms will be introduced to enable customers to make an online application. Each one of these forms will require a considerable amount of testing and then we will then need to amend the web page for each of the applications.
- 8.5 By continuing to review our processes and procedures we have reduced the cost of the Licensing Partnership Administration team and the cost of shared management to the three authorities by £30,000 for the 2014/15 budget. This means that in 2013/14 SDC paid £137,104 to the Licensing Partnership which has reduced to £114,753 for 2014/15.
- 8.6 Every year we issue 1,476 invoices for payments due to the Licensing Partnership. We have carried out a large project in recovery of outstanding annual fees and issued suspension notices for those payments that have not been paid.
- 8.7 We have adopted a Document Retention Policy for the Licensing Partnership to assist us in moving towards a 'paper-less' office environment.
- 8.8 Sevenoaks responded to the Government's consultation on Personal Licences and Locally Set Fees for the Licensing Act 2003.
- 8.9 The Administration Team working on behalf of the three authority partners processed 6,035 tasks which included the processing and issuing of licences.
- 8.10 We continue to provide 4 weeks of valuable work experience at the Hub for nine people through the Job Centre placement scheme and considering the introduction of a licensing administration apprenticeship.
- 8.11 The Licensing Officers and Administration Team have provided invaluable cover for absences at the other authorities.
- 8.12 The performance indicators for 2014/2015 are on track to meet the targets.

Key Implications

Financial

Financial implications have been dealt with in the body of the report.

Legal Implications and Risk Assessment Statement.

The report is for information only.

Equality Impacts

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community?	No	This is a report for information only to update on the progress of the Licensing Partnership.
b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?	No	Not applicable
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		Not applicable

Conclusions

There are always many challenges for partnership and for the staff working within the Licensing Partnership. However, the operation of the partnership is progressing, developing and improving embracing innovative techniques to seek efficiency savings.

Appendices

None

Background Papers:

Licensing Partnership Revenue tracker
<http://pa.sevenoaks.gov.uk/online-licensing>

Richard Wilson
Chief Officer Environmental and Operational Services

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STATEMENT OF LICENSING POLICY CONSULTATION REPORT

Licensing Committee – 30 September 2014

Report of Chief Officer Environmental and Operational Services

Status: For Decision

Key Decision: No

Executive Summary: The Licensing Act 2003 requires that the Council publish 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.

The Council's current Policy Statement took effect from 7th January 2011 and at that time the legislation required the Statement of Licensing Policy to be published every three years. Section 122 of the Police Reform and Social Responsibility Act 2011 changed this from every 3 years to every 5 years.

This report provides members with information and guidance on a brand new Statement of Licensing Policy required under the Licensing Act 2003 which requires approval for public consultation.

This report supports the Key Aim of safer communities

Portfolio Holder Cllr. Ms Lowe

Contact Officer(s) Mrs. Claire Perry Ext. 7325

Recommendation to Licensing Committee:

It is recommended that Members approve the draft Statement of Licensing Policy for public consultation.

Reason for recommendation:

To enable the Council to make decisions for licensing premises applications with an up to date Statement of Licensing Policy.

Introduction and Background

- 1 In its role as the licensing authority under the Licensing Act 2003 the Council has a duty to prepare, and keep under review its Statement of Licensing Policy. This sets out how the authority approaches its responsibilities under the Act. There has been a range of legislative and other changes that have prompted an early review of this policy, which must be publicly consulted upon before it can be adopted.

Agenda Item 5

- 2 Section 5 of the Licensing Act 2003 (the Act) states that –

“5 (1) each Licensing Authority must in respect of each 5 year period
 - (a) determine its policy with respect to the exercise of its licensing functions and;
 - (b) publish a statement of that policy before the beginning of that period.”
- 3 Underpinning that obligation are the four Licensing Objectives which are
 - The Prevention of Crime and Disorder
 - Public Safety
 - Prevention of Public Nuisance
 - Protection of Children from Harm
- 4 Equal weight is given to all four licensing objectives and the policy must seek to secure the promotion of those licensing objectives throughout the licensing process.
- 5 The current statement of Licensing Policy was published by the Licensing Authority in January 2011. At that time the statutory maximum review period was 3 years. That has now changed to 5 years. The current policy has not had a major review since 2003 and the previous 3 yearly reviews have resulted in minor changes only.
- 6 The existing policy has been reviewed in regard to its application, suitability and effectiveness since the implementation of the Act in 2003. The current policy had worked reasonably well in the past and had provided a basis for the consideration and determination of less contentious applications and enforcement activity.
- 7 Since the current policy was approved there has been a range of amendments to the Licensing Act 2003 including Early Morning Alcohol Restriction Orders (EMARO's) which allow Licensing Authorities to set an end time for the sale of alcohol between midnight and 6am at all or specific locations within the district. The new Police Reform and Social Responsibility Act 2011 implemented some new initiatives such as the Late Night Levy (LNL). This allows Licensing Authorities to charge an additional levy to all alcohol licensed premises who wish to open after midnight with 70% of that income which is collected by the Licensing Authority going to the police authority to spend as they wish. As detailed at paras 3.17 to 3.19 of the policy there is currently no evidence to support the implementation of either of these schemes in the District.
- 8 Also the Live Music Act was introduced in 2012 which resulted in the deregulation of some elements of live music up to 11pm. We are still awaiting the details of further deregulation of schedule 1 of the Licensing Act in respect of regulated entertainment and introduction of setting fees locally rather than centrally.
- 9 The policy in its current format does not reflect the Licensing Authority's approach to the new initiatives or legislative changes for example the new Temporary Events

processes or relaxation of the DPS requirement in community premises. It therefore provides limited direction to support decisions on contentious applications heard by a licensing sub-committee relevant to the aforementioned changes. It also includes no direction towards a long term licensing vision for the district.

- 10 The policy should provide greater clarity to applicants and other parties to enhance the application process, to create efficiencies and manage and demonstrate expectations. It should ensure that applicants have a clear understanding of the impacts of their licensed business or proposed activities on others and what they must do to enhance the positive impacts and mitigate any detrimental impacts through their operating schedules and self-imposed licence conditions.

How the draft new policy has been formulated

- 11 The Licensing Authority must have regard to the statutory guidance issued under section 182 of the Licensing Act 2003 when drafting its policy. The latest version which was issued by the Home office in June 2013 has been referred to during the drafting of this policy.
- 12 In preparing this draft policy it was determined that in view of changes and current shortfalls mentioned above, the policy needed to be a brand new document rather than an amendment to the existing. Further, that recent court decisions have provided clarity on some grey areas of the Licensing Act.
- 13 Whilst the Licensing Act 2003 now requires a statutory review after 5 years, this does not prevent the Authority from carrying out an earlier review.

A summary of the new draft policy

- 14 Signposting improved advice to the licensed businesses and the public to improve knowledge and understanding of the Act and the options available to businesses and residents in relation to applications for licences.
- 15 A more detailed summary of the Authority's approach and positive aspirations for licensing in respect of how this district should look and feel when residents, visitors and businesses are making use of the area to ensure applicants work with the Authority through the application process to achieve this.
- 16 More detail on what the Licensing Authority expects from the different types of licensed trades on managing their business activities, licence applications, operating schedules and suggested licence conditions to promote the licensing objectives.
- 17 Recognising the introduction of the Live Music Act 2012 and how this can promote an increase in live music venues whilst at the same time maintaining a balance to protect residents.
- 18 Detailing the Authority's stance on Late Night Levy's, Early Morning Alcohol Restriction Orders (EMARO's) and Cumulative Impact whilst allowing flexibility in that approach should those matters need consideration for implementation in the future.

Agenda Item 5

- 19 Greater clarity on the special position for members clubs in relation to licensing following some enforcement and non compliance issues in relation to access by non members to club facilities and concerns over club status where this occurs.
- 20 Clarity on the application process for all licence types including the Authority's approach to suspension of licences/certificates for non payment of annual fees.
- 21 Clarity on the reviews process following a rise in applications in order to support validation of review applications and the decision making process to prevent frivolous applications. Also to ensure those premises causing harm and failing to promote the licensing objectives are dealt with appropriately.
- 22 Clarity on the Authority's stance in relation to applications to remove a Designated Premises Supervisor (DPS) from community premises licensed for alcohol sales to allow the sales to be authorised by a management committee. This is to ensure that alcohol sales are responsibly managed in community premises following a relaxation of the requirement to have a DPS.
- 23 Clarity and advice on the role, purpose and requirements for clear licence conditions to promote all of the licensing objectives. This will ensure licensees better understand the restrictions on their licences. It will aid residents affected by licensed premises activities to identify and report if breaches and to allow for effective enforcement by the Licensing Authority to ensure promotion of the licensing objectives.
- 24 Changes to the process for submitting temporary event Notices (TENS) and the inclusion of Environmental Health as a statutory consultee to improve the knowledge of persons submitting TENS and the authority's expectations of them to promote the Licensing objectives at their temporary event.
- 25 Clarity the rules around the provision of adult entertainment including exempt sexual entertainment and the relationship between the Licensing Act 2003 and the Local Government (Miscellaneous Provisions) Act 1982. This is to ensure that exempt entertainment (under the LG(MP) Act is properly regulated under the LA2003 where licences permit it and to ensure the protection of children from harm.
- 26 The provision of Gambling machines and gaming in licensed premises to ensure that licensees understand the rules and restrictions on gambling and gaming in alcohol licensed premises
- 27 The provision of outdoor seating at licensed premises including smoking areas to ensure such areas are properly designed and regulated and also to ensure that customers are protected from harm by the effects of smoking.

Other Options Considered and/or Rejected

- 28 The options are to retain the current policy which does not adequately support the licensing decision making process or reflect the impacts of the new legislation.
- 29 The benefits of approving the draft new policy are that the Licensing Authority will have a secure foundation on which to determine applications in a way that clearly

promotes the licensing objectives, protects residents and allows the vision for the district to be achieved through a clear, fair and robust licensing process underpinned by the policy.

Key Implications

Financial

- 29 There are no financial implications arising from this report other than the cost of defending a Judicial Review should the Authority fail to mitigate the risks identified at paragraph 32 below.

Legal Implications and Risk Assessment Statement.

- 30 The Authority's licensing policy provided the framework on which the Licensing Service under the Licensing Act 2003 is administered. This policy is not only important in setting out the licensing authority's approach to the Licensing Act; it will also be considered and referred to by the Magistrates' Court on appeal. The Magistrates' Court may decide to depart from the policy if they have good reason for doing so.
- 31 The Magistrates' Court may also decide that an appealed decision of the Authority was not reflective of the policy and that no good reason was given by the authority to depart from the policy when making that decision. In that case the appealed decision may be referred back to the local Authority to reconsider in line with its policy.
- 32 The Licensing Act is clear that each application must be considered on its individual merit and certain matters cannot be considered when making a decision on an application. Therefore the policy must be clear in its aims but if the policy provides a rigid or unlawful approach to licensing it will be subject to challenge in the High Court by way of a Judicial Review.
- 33 There are no legal implications other than those implicit in the subject matter of the report.

Equality Impacts

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community?	No	The equality impact assessment is attached as appendix C.
b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?	No	

Agenda Item 5

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		Include steps that could be taken for all decision options being presented.

Any Other Implications

- 34 The objective is to clearly 'set out the Authority's stall' to assist it in achieving its aims and vision for the district. At the same time the Authority must comply with the Licensing Act 2003, promote vitality and diversity, support businesses across the District, protect residents and employees and above all promote the licensing objectives through the robust administration of the licensing function.

Communication and Consultation

- 35 The Act sets out a list of statutory consultees and also makes provision for other persons/bodies to be consulted as necessary and as requested.

The statutory consultees are:-

- The chief officer of police for the Licensing Authority's area,
 - The fire and rescue authority,
 - Such persons as the Licensing Authority considers to be representative of holders of premises licences issued by the Authority
 - Such persons as the Licensing Authority considers to be representative of holders of club premises certificates issued by the Authority
 - Such persons as the Licensing Authority considers to be representative of holders of personal licences issued by the Authority
 - Such persons as the Licensing Authority consider being representative of businesses and residents in its area.
- 36 The Draft Policy will be placed on the council website and any other person who wishes to be consulted will be provided with a link to the documents or sent hard copies where that is preferred.
- 37 In line with the Revised Code of Practice and the Cabinet Office Guidance on consultations by the public sector the public consultation will take place for a period of 3 months following approval by the Licensing Committee for consultation to be commenced. At the end of that consultation period the responses will be considered and the policy amended where necessary to reflect those responses. The revised policy will then be considered by the Licensing Committee for approval and referral for adoption by full council.

Conclusions

- 38 The draft new policy should be fit for purpose in enabling it to complement the relevant council strategies, provide a sound foundation to support the Licensing Authority decision making.

Appendices Appendix A - Current Licensing Policy 2011-2014 for consideration and approval for public consultation

Appendix B - Draft new Statement of Licensing Policy for approval for public consultation

Appendix C – Equality Impact Assessment for the draft Statement of Licensing Policy

Background Papers: Section 182 Guidance - https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/209526/1167-A_Licensing_Act_2003_2_.pdf.

Richard Wilson
Chief Officer Environmental and Operational Services

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Sevenoaks District Council

STATEMENT OF LICENSING POLICY



7th January 2011 – 6th January 2014

Licensing Act 2003

ALL applications will be considered on their merits, as well as against the relevant policy and statutory framework

CONTENTS

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Sevenoaks District Council

STATEMENT OF LICENSING POLICY

1.0 INTRODUCTION

- 1.1 Sevenoaks District Council is a Licensing Authority under the Licensing Act 2003 and is responsible for granting Premises Licences, Club Premises Certificates, Temporary Event Notices and Personal Licences in the District in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late night refreshment.



- 1.2 The 2003 Act requires the Council to carry out its various licensing functions so as to promote the following four licensing objectives:

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

- 1.3 The 2003 Act further requires that the Council publish 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.

- 1.4 In reviewing this Policy Statement, the Council will consult widely with:

- the chief officer of police for the area;
- the fire and rescue authority for the area;
- persons/bodies representative of local holders of premises licences;
- persons/bodies representative of local holders of club premises certificates;
- persons/bodies representative of local holders of personal licences; and
- persons/bodies representative of businesses and residents in its area.
- along with the responsible authorities

Due consideration will be given to the views of all those who respond to the consultation process.

This Policy Statement will be presented to Full Council on the 9th November 2010, and takes effect from 7th January 2011 remaining in force for a period of 3 years.

The Statement of Licensing Policy is reviewed and published every three years.

1.5 The aims of this Statement of Licensing Policy, in line with the four licensing objectives, are to:

- minimise nuisance and disturbance to the public through the licensing process;
- help build a fair and prosperous society that properly balances the rights of people and their communities;
- integrate its aims and objectives with other initiatives, policies plus strategies that will:

- (1) reduce crime and disorder;
- (2) encourage tourism;
- (3) encourage an early evening and night time economy which is viable, sustainable and socially responsible;
- (4) reduce alcohol misuse;
- (5) encourage employment;
- (6) encourage the self sufficiency of local communities;
- (7) reduce the burden of unnecessary regulation on business;
- (8) encourage and promote live music, dancing and theatre for the wider cultural benefit of communities generally.



1.6 This 'Statement of Licensing Policy' has been prepared in accordance with the provisions of the 2003 Act and having regard to the Guidance issued under Section 182 of the Act (as revised). The Council will endeavour to work with other Local Authorities to ensure that a consistent approach is taken in licensing matters, whilst respecting the differing needs of individual communities throughout the local authority area.

1.7 The bold sections of this Policy indicate the outcomes the Council is seeking to achieve. When considering applications at a hearing following the receipt of relevant representations, the Council will consider whether the measures proposed in the applicant's operating schedule aim to achieve that outcome;

Passages of text that are not in bold are provided to assist applicants in understanding what the Council is seeking to achieve.

1.8 This policy covers a wide variety of premises and activities carried on within them including theatres, cinemas, restaurants, pubs, nightclubs, private members' clubs, village halls and community centres, as well as off-licences, fast food outlets, late night cafes etc. 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, there will be zero tolerance of dealing in or using controlled drugs (as defined by the Misuse of Drugs Act 1971) on licensed premises.

HOW THIS POLICY WILL WORK

- 1.9 All applications for new premises licences or variations need to be supported by an operating schedule. The schedule must specify (among other things) the steps which the applicant proposes to promote each of the licensing objectives.

A premises licence or club premises certificate application received by the licensing authority is available to view and a copy is available on request in paper format or PDF with sensitive personal information blacked out.



- 1.10 If no responsible authority or interested party lodges an objection (known as a 'relevant representation') to the application, the Council must grant the application as set out in the operating schedule, subject only to mandatory conditions under the Act. The steps proposed by the applicant will become conditions of the licence. The Council will have no discretion to refuse the application or to alter or add to the conditions arising from the operating schedule.
- 1.11 However, where there are relevant representations, then a hearing of the opposed application before the licensing sub-committee will normally follow. After the hearing, the sub-committee must, having regard to the representations take such steps, as it considers necessary to promote the licensing objectives. These may include refusing the application, or adding or modifying the conditions proposed in the operating schedule.
- 1.12 In exercising its discretion, the licensing sub-committee will have regard (among other things*) to this licensing policy. Therefore, in drawing up their operating schedule, applicants are advised to read this policy carefully. Where an operating schedule complies with this policy, it is generally less likely that an interested party or responsible authority will object to it, or that any objection will succeed. Therefore, compliance with this policy is likely to assist the applicant to avoid the delay and expense of a contested licensing hearing, and the risk of a refusal or the addition of unwanted licence conditions. *please see paragraph 1.19
- 1.13 This is not to say that an opposed application which complies with the policy will necessarily be granted or that an opposed application which does not comply with it will necessarily be refused. Where there have been relevant representations, the licensing authority will always consider the merits of the case and interfere with the operating schedule only when, and to the extent, necessary to promote the licensing objectives. Nor will blanket or standard conditions be applied without regard to the merits of the individual case. So, for example, the Council will not interfere with an operating schedule which does not comply with this policy where the steps proposed are sufficient to meet the licensing objectives in the individual circumstances of the case.
- 1.14 However, the policy represents the Council's view of the best means of securing the licensing objectives in most normal cases. It has been drawn up in consultation with other expert bodies and responsible authorities, together with community stakeholders. While the contents of the operating schedule are a matter for the applicant, where there is objection to a schedule which departs from the policy, the licensing sub-committee hearing an opposed application will normally expect to be given a good reason for the departure if it is asked to make an exception to the policy.

- 1.15 In this policy, there are a number of references to the Council's expectations of applicants. As explained above, the policy is only engaged where the Council has a discretion following the receipt of relevant representations. In such cases, the Council will not apply the policy rigidly, but will always have regard to the merits of the case with a view to promoting the licensing objectives.
- 1.16 Further, the Council may use this policy when exercising other licensing functions. For example, when considering an application for a review of a licence, the Council is likely to view with concern premises which are being operated in clear breach of the terms of this policy.
- 1.17 In respect of each of the four licensing objectives:**
- **applicants will need to ensure that suitable and sufficient measures, as detailed in their operating schedule, will be implemented and maintained, relevant to the individual style and characteristics of their premises and events;**
 - **reference will need to be made as to whether additional measures will be taken on a permanent basis or a specific occasion such as when a special event or promotion is planned, which is intended to, or likely to attract, larger audiences.**
- 1.18 When considering applications at a hearing following the receipt of relevant representations, the Council will have regard to:**
- **the licensing objectives;**
 - **this Policy;**
 - **Central Government Guidance issued under Section 182 of the Licensing Act 2003 (as revised);**
 - **the Licensing Act 2003 generally;**
 - **any supporting regulations;**
 - **proper integration with the Sevenoaks District Community Plan, local crime prevention, planning, transport, employment and cultural strategies;**
 - **representations from responsible authorities/ interested parties.**
- 1.19 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.
- In formulating this policy the Council has had regard to the provisions of the Human Rights Act 1998. This Act places a duty on public authorities to protect the rights of individuals in a variety of circumstances;
 - The Council has also had regard to the Race Relations Act 1976 as amended by The Race Relations (Amendment) Act 2000.

Appendix A

- 1.20 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.



- 1.21 **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.**



Where relevant representations are made the Council will, where relevant to the premises licence or club premises certificate and to the licensable activities to be provided, seek to make objective judgements as to whether conditions may need to be attached to secure achievement of the licensing objectives.



Any such conditions 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.

- 1.22 When considering any conditions, the Licensing Authority acknowledges that the licensing function is not the only mechanism for the general control of the anti-social behaviour of individuals once they are outside the vicinity of licensed premises and beyond the control of the licensee of any premises concerned. Therefore, other mechanisms may be utilised, where appropriate, to tackle unruly or unlawful behaviour of patrons when beyond the control of premises. These include:

- partnership working with the Kent Police (and other agencies as appropriate) to promote enforcement of the law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- powers to designate parts of the area as places where alcohol may not be consumed publicly;
- partnership working with businesses, transport operators and other parts of the Council to create a safe and clean environment.

As a matter of policy the Council expects every holder of a licence or Temporary Event Notice to be responsible for minimising the impact of their activities and anti-social behaviour by their patrons within the immediate vicinity of their premises.

A key aim of the licensing policy is to create a safe and family friendly environment within the Local Authority Area, particularly within town centres.

Licences and planning permission

- 1.23 The use of any licensed premises or places may also be subject to planning controls. Licensing and planning control are different jurisdictions, but work in parallel.

Licensing committees are not bound by decisions made by a planning committee, and vice versa. The granting by the licensing committee of a premises licence/club premises certificate (or a variation of a licence/certificate) will not relieve the applicant of the need to apply for planning permission or building control approval where appropriate.

Accordingly, applicants should ensure that the proposed activity will constitute a lawful planning use and the hours sought do not exceed those authorised by any planning permission. However, applications for licences can be sought before any relevant planning permission has been sought or granted by the planning authority. Where the hours authorised by the relevant planning permission are different to the licensing hours for those premises, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.

Cumulative impact of a concentration of licensed premises

- 1.24 The Council will be mindful of the cumulative impact of licensed premises on the promotion of the licensing objectives.

“Cumulative Impact” means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.

- 1.25 Sevenoaks District Council does not currently have a Special Saturation Policy. Prior to the introduction of any such special policy the Council will consider the available evidence and consult the persons/bodies listed in section 5(3) of the 2003 Act together with any other appropriate parties. If the Council is satisfied that it is appropriate and necessary to include an approach to cumulative impact in this licensing policy statement, it will indicate in the policy that it is adopting a special policy of refusing new premises licences/club premises certificates or variations that are likely to add to the existing cumulative impact whenever it receives relevant representations about the cumulative impact on the licensing objectives from responsible authorities and interested parties, which it concludes after hearing those representations, should lead to refusal.
- 1.26 The Council will take the following matters into consideration when deciding whether to adopt a Special Saturation Policy:
- identification of concern about public nuisance or crime and disorder;
 - consideration of whether there is good evidence that crime and disorder or public nuisance are happening and are caused by the customers of licensed premises, or that the risk of cumulative impact is imminent;
 - identification of the boundaries of the area where the problems are occurring;
 - consultation with those specified by section 5(3) of the 2003 Act, and subject to the outcome of the consultation;
 - adopting and publishing a policy about future licence applications from that area.
- 1.27 The effect of adopting a special policy would be to create a rebuttable presumption that applications for new premises licences/club premises certificates or variations that are likely to add to the existing cumulative impact will normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

Appendix A

- 1.28 Where a special policy exists applications for a new premises licence or club premises certificate must therefore address the special policy issues in their operating schedules.
- 1.29 If adopted, special policies will be reviewed regularly to assess whether they are needed any longer or need expanding. While a special policy is in existence, applicants will need to demonstrate why the operation of the premises would not add to the cumulative impact being experienced.
- 1.30 The absence of a special policy does not prevent any responsible authority or interested party making representations on a new application for the grant, or variation of a licence/club premises certificate on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.
- 1.31 The Council recognises that the diversity of premises selling alcohol, serving food and providing entertainment covers a wide range of contrasting styles and characteristics and will have full regard to those differences and the differing impact these will have on the local community.
- 1.32 It therefore also recognises that, within any special policy, it may be able to approve applications that are unlikely to add significantly to the saturation, and will consider the circumstances of each individual application.

Advice and guidance

- 1.33 The Council recognises the vitality and viability of town centres and 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, Kent Police, and Kent Fire and Rescue Service will offer as much advice and guidance to applicants as resources permit.

You may also wish to consult with the Parish or Town Council for the area, whose local knowledge may be beneficial.

- 1.34 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 Council and those from whom they think representations are likely prior to submitting their application.

Once an application has been lodged, there are statutory timescales imposed upon the application and determination process, which restrict the opportunity for such discussions, liaison and mediation.

Gaming Machines

- 1.35 The Gambling Act 2005 gives an automatic entitlement to two gaming machines for category C or D to the holders of a premises that are licensed for the sale of alcohol for consumption on the premises at a bar. The automatic entitlement may be rescinded under certain circumstances. Notification must be given to the Licensing Authority together with

the appropriate fee. This notification will fail when the premises is transferred to another person or ceases to have effect. Under these circumstances a new notification must be given to the Licensing Authority and a fee paid.

- 1.36 Where the intention is to make more than 2 machines available for use application must be made to the Licensing Authority. The Licensing Authority may restrict the number of machines on a premises if it appears that the licensing objectives under the Licensing Act 2003 or Gambling Act 2005 are not being promoted. An application fee and annual fee will need to be paid. However, this permit may be transferred with the premises licence.

Members' Clubs and Miners' Welfare Institutes may apply for Club Gaming and Club Gaming Machine permits. Commercial Clubs e.g. snooker clubs and night clubs cannot avail themselves of these permits.

Minor Variations

- 1.37 In July 2009 further Regulations were passed to allow holders of Premises Licences and Club Premises Certificates to make variations to licences and certificates.

A minor variation may be appropriate to:

- **Make minor changes to the structure or layout of a premises;**
- **Make small adjustments to the licensing hours;**
- **Remove out of date, irrelevant or unenforceable conditions or the addition of volunteered conditions;**
- **Add certain licensable activities; and**
- **Reduce the licensing hours for the sale/supply of alcohol or to move (without increasing) the licensed hours between 07:00 and 23:00 hours.**

The impact of the minor variation application must not impact adversely on the licensing objectives.

Minor variations are not permitted if the hours for the sale or supply of alcohol are increased or if the effect of the variation is to move the hours for the sale or supply of alcohol between the hours of 23:00 and 07:00 on any day (notwithstanding that there is no increase in hours).

The Licensing Authority may consult with such responsible authorities as it thinks appropriate and must consider any representation made by an interested party.

Valid representations from interested parties must be made within 10 days of the application. The Authority must make its determination within 15 days of the application. Should the Authority fail to determine the application within this time it is deemed to have been rejected. The decision as to whether to allow a minor variation rests with the Licensing Authority and may only be challenged by way of judicial review.

Removal of the requirement for a Designated Premises Supervisor in a Community Premises

- 1.38 In July 2009 further Regulations were passed to allow the removal of the requirement for a Designated Premises Supervisor in a Community Premises. The Management Committee of a Community Premises such as a church hall, chapel hall, village hall, parish hall, community hall or other similar building can now 'opt out' of the requirement to have a Designated Premises Supervisor when they either apply for a new Premises Licence or for

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the variation of an existing Premises Licence to include the sale/supply of alcohol. Also a Management Committee of a Community Premises with an existing Premises Licence that already includes the sale/supply of alcohol can apply to vary the Premises Licence to remove the requirement for a Designated Premises Supervisor without altering anything else.

- 1.39 There is the need to complete an additional form as well as the application form for a new or variation of a Premises licence, requesting that instead of a Designated Premises Supervisor 'the alternative licence condition' is granted. There is no additional fee for this.
- 1.40 Where a Community Premises already has a Premises Licence that includes the supply/sale of alcohol and the Management Committee only wants to remove the requirement for a Designated Premises Supervisor and no other changes, only the new form needs to be completed to vary the Licence to have 'the alternative licence condition' granted. The appropriate fee must accompany the form.

Mandatory Conditions

- 1.41 Alcohol-related violent crime, nuisance and disorder remain a serious problem in many areas in England and Wales. Those who retail or supply alcohol also have a responsibility to protect their customers, members, the public and communities.

The Policing and Crime Act 2009 allowed the Government to impose mandatory conditions with regard to the responsible retailing of alcohol. These conditions must be intended to support and actively promote the licensing objectives. The aim of the mandatory conditions is to ensure that those businesses, both small and large, who are selling alcohol irresponsibly, act more responsibly to help tackle alcohol-related crime and disorder.

The mandatory licensing conditions apply to all existing or future relevant premises where the licence authorises the sale/supply of alcohol.

The conditions do not apply where the licence or certificate authorises the sale by retail or supply of alcohol only for consumption *off the premises*.

Many of the conditions involve restrictions on irresponsible practices or promotions and hence will not have any impact on those businesses that do not currently operate these types of practices or promotions. There are also some conditions which require premises to adhere to particular good practice and these will also have an impact on some small businesses. of alcohol by members The supply to clubs and miners welfare institutes is also included in the conditions.

- 1.42 A responsible person will be considered to be:
 - Premises licence holder
 - Designated premises supervisor
 - A person aged 18 or over who is authorised to allow the sale or supply of alcohol by an under 18
 - A member or officer of a club present on the club premises who can oversee the supply of alcohol
- 1.43 In particular the conditions require that the responsible person shall :
 - make free tap water available to customers on request where it is reasonably available

- ensure that a proof of age policy is in place and operated in respect of persons who appear to be under the age of 18 years that includes a photograph, date of birth and holographic mark where alcoholic drinks are sold for consumption on the premises (other than those sold in sealed containers)
- make such alcohol available 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
- and is required to inform customers of the availability of such measures.

1.44 The definition as to what is an irresponsible drinks promotion is given within the mandatory conditions as:

Any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children

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

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

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

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

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

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

(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

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).

Whilst any prosecution will be assessed on its individual merit and in light of the Statutory Code of Practice for Regulators, breaches of the mandatory code will always be viewed as serious and likely to be subject to enforcement action.

Adult Entertainment

- 1.45 Premises that wish to provide adult entertainment by way of lap dancing, pole dancing or other types of activities involving nudity (relevant entertainment) are required to be licensed under the Local Government (Miscellaneous Provisions) Act 1982 unless such entertainment has been provided less than 12 times in any 12 month period, there has been at least one calendar month between performances, and the entertainment has lasted no longer than 24 hours on any one occasion. Where this exemption applies the premises will still require an authorisation under the Licensing Act e.g. for the performance of dance, and holders of such authorisations will be expected to implement measures to actively promote the four licensing objectives. In particular the Licensing Authority encourages measures that will protect children from moral, physical or mental harm.
- 1.46 Such measures may include the following, however this list should not be seen as being exhaustive or exclusive:
- Measures to ensure that any adult entertainment cannot be viewed from the public highway or from any part of the premises not being used for adult entertainment. Such measures may include the screening of doors and windows or the screening of the stage area to reduce the field of vision in respect of the performance
 - A proof of age scheme where persons who appear to be under the age of 18 years are required to provide photographic means of identification
 - The provision of door supervisors registered by the Security Industry Authority for the purposes of ensuring good behaviour during any performance and to ensure that age restrictions are complied with.
 - Measures to ensure that members of the audience are not permitted to be in physical contact with the performer. This may included a barrier or enforced sterile area immediately in front of the stage at a distance that will prevent contact.

Reviews and Expedited Reviews

- 1.47 Where possible and appropriate through consultation the Council, Kent Police and/or Kent Fire & Rescue Service will give early warning to licence holders of any concerns about problems identified at premises and of the need for improvement.

The Licensing Act 2003 allows the Licensing Authority to reject any application for a review that appears to be malicious, vexatious or repetitive. With this in mind no more than one review will normally be permitted within any 12 month period on substantially similar grounds except in exceptional and compelling circumstances or where it arises following a closure order.

Responsible authorities and/or interested parties can apply for a review of a premises licence but evidence to justify such consideration would be required to be presented to the Council. Interested parties are therefore advised to keep records of incidents in relation to licensed premises in order to support the application for review.

Enforcement

- 1.48 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 Council has adopted and fully supports the principles of the Government's Statutory Code of Practice for Regulators 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.

- 1.49 The Statutory Code of Practice for Regulators is based on the principles that businesses should:

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

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

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 are available on the Council's website: www.sevenoaks.gov.uk

- 1.51 The Council has a protocol with Kent Police 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.

All public comments made to the Licensing team are recorded against each premises case record. Whilst the licensing team may receive complaints, and we will do all we can to ensure the licensee operates within the terms of their licence, the licensing team cannot apply for a review. However, interested parties can.

- 1.52 The principle of using a scoring scheme based on risk factors will normally prevail and proactive inspections will usually be undertaken in accordance with a priority inspection scheme. This should ensure that resources are more effectively allocated to higher risk or 'problem premises'. Monitoring visits will also take place in and around premises.

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:

[illegible]

- public safety;
- the prevention of public nuisance;
- the protection of children from harm.

Following a hearing, the Council will only attach conditions to licences where considered necessary and proportionate for the promotion of the licensing objectives.

They will be tailored to the individual style and characteristics of the particular premises and events concerned.

These conditions will normally be drawn from the relevant Model Pools of Conditions set out in Annex D of the Guidance issued under S182 of the Licensing Act 2003 (as revised).

It may be necessary to impose conditions not in the Model Pool when appropriate. Each case will be considered on its merits.

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. Applicants know their premises best and will be expected to address all aspects relevant to the individual style and characteristics of their premises and events.

2.3 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.

2.4 The Council will expect the selection of control measures, referred to in 2.3 above, to be based upon a risk assessment of the premises, events, activities and the customers expected to attend (e.g. their age, number, etc.).

Whilst the Council may not require such risk assessments to be documented, (other than where required by other legislation), it considers such documentation to be good practice and a useful tool in the instruction and training of staff.

It is also a sound basis for review by the licence holder, in the event of an application for variation or a response to changing circumstances/conditions at the premises being required.

2.5 Additional measures may be necessary on a 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.

Reference must be made in an applicant's operating schedule, where applicable, to such occasions and the additional measures that are planned in order to achieve the licensing objectives.



- 2.6 **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. For this reason, the Council will expect these elements to be specifically considered and addressed within an applicant's operating schedule.**
- 2.7 **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). The Council will expect the issue of occupancy capacity to be considered and addressed within an applicant's operating schedule.**
- 2.8 The design and layout of premises are important in determining capacity, as is the availability and size of exits.

Other factors should also be considered when assessing the appropriate capacity for premises or events. These might 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 customer profile (e.g. age, disability);
 - 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.
- 2.9 Although not a requirement the Council will look favourably for permanent monitoring arrangements such as door staff, attendance clickers or maintenance of attendance records, where agreed capacities are in place for a premises or event. Any employed door supervisors conducting security activities shall be registered with the Security Industry Authority (S.I.A.).

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.

3.0 PREVENTION OF CRIME AND DISORDER

For general guidance on how this area of the policy is to apply, please see section 1.

- 3.1 Sevenoaks District Council is committed to further improving the quality of life for the people of the District of Sevenoaks by continuing to reduce crime and the fear of crime. *(The Sevenoaks District Community Safety Partnership 2009 – 2012 Strategy and Action Plan is available to view on the Sevenoaks District Council's web site www.sevenoaks.gov.uk)*

- 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 Sevenoaks District Council, Kent Police,



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Kent 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.**

Applicants will be expected to demonstrate in their operating schedule, that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of their premises, relevant to the individual style and characteristics of their premises and events.

- 3.4 When addressing the issue of crime and disorder, the applicant must demonstrate that those factors that impact on crime and disorder have been considered.

These might include:

- underage drinking;
- drunkenness on premises;
- public drunkenness;
- drugs related activity;
- violent behaviour;
- anti-social behaviour.

- 3.5 The following examples of control measures are given to assist applicants and are considered to be amongst the most essential that applicants should take account of in their operating schedule, having regard to their particular type of premises and/or activities:

- effective and responsible management of premises;
- training and supervision of staff including the maintenance of training records;
- 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);
- acceptance of accredited 'proof of age' cards and/or photo card driving licences and implementation of the 'Challenge 21' or 'Challenge 25' scheme;
- provision of effective CCTV in and around premises;
- employment of Security Industry Authority licensed door staff. If two or more are employed there must be at least one male and one female;
- provision of toughened or polycarbonate drinking glasses;
- provision of secure deposit boxes for confiscated items ('sin bins');
- provision of litterbins and other security measures, such as lighting, outside premises;
- membership of a Pub Watch scheme.

- 3.6 Within the operating schedule for premises from which alcohol will be sold, a Designated Premises Supervisor (DPS) must be identified and named. Examples of best practice would be:

- the DPS to be regularly on the premises;
- the DPS to have been given the day-to-day responsibility for running the premises by the premises licence holder. In addition to the DPS holding a personal licence;
- the DPS to have additional training and experience commensurate with the nature and style of the operation of the premises.

In exceptional circumstances, the police may object to the designation of a new premises supervisor where they believe that such appointment would undermine the prevention of crime and disorder objective.

Where an operating schedule deals with the matters set out in paragraphs 3.4 to 3.6 above (if relevant to the premises in question), it is less likely that an interested party or responsible authority will object to it.

Any steps that are volunteered in the operating schedule will become conditions of the licence (breach of which may result in criminal proceedings), so applicants are encouraged to consider carefully the steps that are necessary for promotion of the licensing objectives at their particular premises.



- 3.7 Certain temporary events are not required to be licensed but must be notified to the Council and Police using the Temporary Event Notice procedure. However, depending on the nature and location of such events, these can have serious crime and disorder implications.



- 3.8 The Council recommends that at least three months notice be given to hold these events, to allow it to help organisers plan their events safely. Any longer period than this may mean that organisers do not have all the details available at the time of submitting the notice, and any lesser time means that planning may be rushed or haphazard. The law states that at least ten clear working days notice must be given (this does not include the day the Notice was given or the day of the event).

- 3.9 Where the Council has given notice in writing to the holder of the premises licence prohibiting the exhibition of a film on the grounds that it contains matter which, if exhibited, would be likely to:

- encourage or incite crime or lead to disorder;
- stir up hatred or incite violence towards any section of the public on grounds of colour, race or ethnic or racial origin, disability, religious beliefs, sexual orientation or gender.

That film shall not be exhibited in the premises except with the consent in writing of the Council and in accordance with any conditions attached to such consent.

The Council will require all films to comply with British Board of Film Classification (BBFC) guidelines.

NB: We have included a summary list of licensing objectives stating the **factors** and **control measures** concisely in Appendix F.

4.0 Public Safety

For general guidance on how this area of the policy is to apply, please see section 1.

- 4.1 The Licensing Authority is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. To this end, applicants will be expected to demonstrate in their operating schedule that suitable and

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sufficient measures have been identified and will be implemented and maintained to ensure public safety, relevant to the individual style and characteristics of their premises and events.

4.2 When addressing the issue of public safety, an applicant must demonstrate that those factors that impact on the standards of public safety have been considered. These may include:

- the occupancy capacity of the premises (notwithstanding the provisions of the Regulatory Reform (Fire Safety) Order 2006);
- fire safety matters such as
 - means of escape in an emergency ;
 - means of giving warning;
 - fire fighting equipment;
 - emergency lighting.
- the age, design and layout of the premises, including means of escape in the event of a fire;
- the nature of the licensable activities to be provided, in particular the sale or supply of alcohol, 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.
- The Regulatory Reform (Fire Safety) Order 2006 places a responsibility on the licence holder to carry out a risk assessment and appoint a competent person. This risk assessment should include a maximum capacity limit taking into account the activities undertaken on those premises and any extenuating circumstances such as special effects, clientele or restricted access.

4.3 The following examples of control measures are given to assist applicants and are considered to be amongst the most essential that applicants should take account of in their operating schedule, having regard to their particular type of premises and/or activities:

- Appropriate control measures arising out of risk assessments you have carried out under other legislation e.g. the Management of Health & Safety at Work Regulations;
- 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;
- provision of effective CCTV in and around premises;
- provision of toughened or polycarbonate drinking glasses;
- implementation of crowd management measures;
- regular testing (and certification where appropriate) of procedures, appliances, systems etc. pertinent to safety.

Where an operating schedule deals with the matters set out in paragraphs 4.2 & 4.3 above (if relevant to the premises in question), it is less likely that an interested party or responsible authority will object to it.

Any steps that are volunteered in the operating schedule will become conditions of the licence (breach of which may result in criminal proceedings), so applicants are encouraged to consider carefully the steps that are necessary for promotion of the licensing objectives at their particular premises.



NB: We have included a summary list of licensing objectives stating the **factors** and **control measures** concisely in Appendix F.

5.0 PREVENTION OF PUBLIC NUISANCE

For general guidance on how this area of the policy is to apply, please see section 1.

- 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 proactively 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 clearly understand that the Council will normally look to impose stricter conditions, including controls on licensing hours, where licensed premises are in residential areas with a view to protecting the quality of life of residential occupiers.
- 5.4 In the case of shops, stores and supermarkets and filling stations 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 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance, relevant to the individual style and characteristics of their premises and events.

Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy in town and city centres

5.6 When addressing the issue of prevention of public nuisance, the applicant must demonstrate that those factors that impact on the likelihood of public nuisance have been considered. These may include:

- the location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices and places of worship;
- the hours of operation, particularly if between 23.00 and 07.00 hours;
- 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;
- the last admission time;
- the steps the applicant has taken or proposes to take to ensure that staff leave the premises quietly;
- the steps the applicant has taken or proposes to take to prevent disturbance by patrons arriving or leaving the premises;
- whether routes to and from the premises, on foot or by car or service/delivery vehicles, pass residential premises;
- whether other measures have been taken or are proposed such as the use of CCTV or the employment of registered door supervisors;
- the arrangements made or proposed for parking by patrons, and the effect of this parking on local residents;
- the likelihood of any violence, disorder or policing problems arising if a licence were granted;
- whether taxis and private hire vehicles serving the premises are likely to disturb local residents;
- the siting of external lighting, including security lighting that is installed inappropriately;
- whether the premises would result in increased refuse storage or disposal problems or additional litter in the vicinity of the premises and any measures or proposed measures to deal with this;
- the history of previous nuisance complaints proved against the premises, particularly where statutory notices have been served on the present licensees.



5.7 The following examples of control measures are given to assist applicants and are considered to be amongst the most essential that applicants should take account of in their operating schedule, having regard to their particular type of premises and/or activities:

- effective and responsible management of premises;
- appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance;
- control of operating hours for all or parts (e.g. garden areas) of premises, including such matters as deliveries;
- adoption of best practice guidance (e.g. Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by Institute of Acoustics);
- installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices;

- management of people, including staff, and traffic (and resulting queues) arriving at and leaving the 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.

NB: We have included a summary list of licensing objectives stating the **factors** and **control measures** concisely in Appendix F.

Where an operating schedule deals with the matters set out in paragraphs 5.6 & 5.7 above (if relevant to the premises in question), it is less likely that an interested party or responsible authority will object to it.

Any steps that are volunteered in the operating schedule will become conditions of the licence (breach of which may result in criminal proceedings), so applicants are encouraged to consider carefully the steps that are necessary for promotion of the licensing objectives at their particular premises.

6.0 PROTECTION OF CHILDREN FROM HARM

For general guidance on how this area of the policy is to apply, please see section 1.

- 6.1 **Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to protect children from harm, relevant to the individual style and characteristics of their premises and events.**

The Local Authority commends the Portman Group Code of Practice on the naming and packaging of alcoholic drinks.

- 6.2 The protection of children from harm is an 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.
- 6.3 The relaxation in the Licensing Act giving accompanied children greater access to licensed premises is seen as a positive step, which may bring about a social change in family friendly leisure. Clearly, this relaxation places additional responsibilities upon licence holders.

However, it is also recognised that parents and others accompanying children also have responsibilities.

- 6.4 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, sexual imagery and sexual expletives.

In certain circumstances children are more vulnerable and their needs will require special consideration. This vulnerability includes their susceptibility to suggestion, peer group influences, inappropriate example, the unpredictability of their age and the lack of understanding of danger.

- 6.5 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

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situation. When addressing the issue of protecting children from harm, the applicant must demonstrate that those factors that impact on harm to children have been considered. These may include the potential for children to:

- purchase, acquire or consume alcohol;
- be exposed to drugs, drug taking or drug dealing;
- be exposed to gambling;
- be exposed to activities of an adult or sexual nature;
- be exposed to incidents of violence or disorder;
- be exposed to environmental pollution such as noise or smoke;
- be exposed to special hazards such as falls from a height.



6.6 The following examples of control measures are given to assist applicants and are considered to be amongst the most essential that applicants should take account of in their operating schedule, having regard to their particular type of premises and/or activities:

- effective and responsible management of premises;
- provision of 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);
- 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;
- photo card driving licences to be used as proof of identification and age ;
- a passport to be used as proof of identification and age;
- an official identity card issued by HM Forces or by a EU country bearing the photograph and date of birth of bearer to be used as proof of identification and age.

Where an operating schedule deals with the matters set out in paragraphs 6.5 & 6.6 above (if relevant to the premises in question), it is less likely that an interested party or responsible authority will object to it.

Any steps that are volunteered in the operating schedule will become conditions of the licence (breach of which may result in criminal proceedings), so applicants are encouraged to consider carefully the steps that are necessary for promotion of the licensing objectives at their particular premises.

6.7 In the case of film exhibitions, the Council will expect licensees to implement measures that restrict children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification (BBFC) or the Council.



In the case of a film exhibition that has not been classified, the Council will expect the licensee to certify to the Council that an assessment of the suitability of the film for exhibition to children in accordance with the BBFC Guidelines has been carried out and that the Council prior to public viewing has confirmed this.



- 6.8 Where regulated entertainment is provided the Council will consider requiring the presence of an adequate number of adult staff to control the access and egress of children and to protect them from harm whilst on the premises. Where children are present as performers, the Council will normally require an adequate number of adult staff to be responsible for the child performers. The staff should be suitably screened to work with children.
- 6.9 The Council will rarely impose complete bans on access by children. In exceptional circumstances conditions restricting access or excluding children completely may be considered necessary. Those conditions may restrict children from entering all or part of licensed premises:
- at certain times of the day or;
 - when certain licensable activities are taking place or;
 - **to which children aged under 16 years should have access only when supervised by an adult or;**
- 6.10 Examples of premises where these conditions may be considered include where:
- there have been convictions for serving alcohol to minors or with a reputation for under-age drinking;
 - there is a known association with drug taking or dealing;
 - there is a strong element of gambling on the premises;
 - entertainment of an adult or sexual nature is commonly provided;
 - there is a presumption that children under 18 should not be allowed (e.g. to nightclubs, except where under 18 discos are being held);
 - licensable activities are taking place during times when children under 16 may be expected to be attending compulsory full-time education.

NB: We have included a summary list of licensing objectives stating the **factors** and **control measures** concisely in Appendix F.

Appendix A



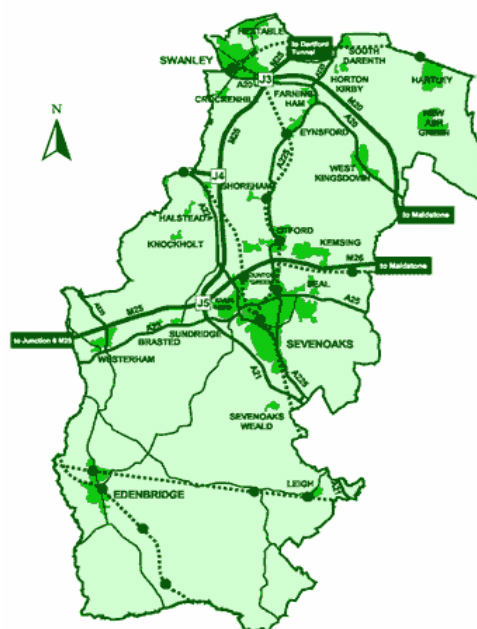
Sevenoaks District is in West Kent, bordering Greater London, Surrey and Sussex and covers an area of 142 square miles.

The main towns are Edenbridge, Sevenoaks and Swanley and there are many other small villages and settlements, of which the largest are Hartley, Hextable, New Ash Green, Westerham and West Kingsdown.

The M25, M20 and M26 motorways are easily accessible as they cross the District. Gatwick and Heathrow airports and the Channel Ports and Channel Tunnel Rail Link are all within easy reach.

All of Sevenoaks District is within the Green Belt. Much of the area is rural in character and it includes many picturesque villages and hamlets and large areas of beautiful countryside.

At the last 2001 census the total population of the District was 109,305 with 85,913 households.



Appendix B

Contact details of Local Authority Licensing Department and relevant authorities

Anthony Garnett Licensing Partnership Manager Telephone: 01732 227339 Email: anthony.garnett@sevenoaks.gov.uk	Claire Perry Assistant Licensing Partnership Manager Telephone: 01732 227325 Email: claire.perry@sevenoaks.gov.uk
Licensing Partnership Sevenoaks District Council Council Offices PO Box 182 Argyle Road Sevenoaks Kent TN13 1GP Telephone: 01732 227004 Fax: 01732 742339 Email: licensing@sevenoaks.gov.uk	

See the Sevenoaks District Council Website www.sevenoaks.gov.uk for details of the Town and Parish Councils within the District. Details of your local Councillors may also be obtained from the website.

Information on licensing applications being processed is available on the licensing pages of Sevenoaks District Council's website.

Appendix C

References to guides of best practice

Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by Institute of Acoustics

www.ioa.org.uk

Good Practice Guide: Licensing published jointly by the Justices' Clerks' Society and the Magistrates' Association (April 1999)

www.magistrates-association.org.uk

Safer Clubbing Guide

www.drugs.gov.uk/ReportsandPublications/Communities/1034174284

The National Alcohol Harm Reduction Strategy Toolkit

www.alcoholconcern.org.uk

The Point of Sale Promotions published by BBPA

www.beerandpub.com

Public Places Charter

www.ash.org.uk

Appendix D

Contact details and useful addresses (e.g. Chamber of Trade, BBPA, BII, SIA etc.)

<p>Sevenoaks and District Chamber of Commerce The Quadrant, 5 Victoria Road, Sevenoaks, Kent. TN13 1YD Tel: 01732 455188</p>	<p>Swanley & District Chamber of Commerce Imperial House 46 High Street Swanley Kent. BR8 8BQ</p>
<p>Edenbridge Chamber of Commerce c/o 53 High Street Edenbridge, Kent. TN8 5AL</p>	<p>Planning Enquiries Sevenoaks District Council Community and Planning Department Council Offices, Argyle Road Sevenoaks Kent. TN13 1HG Email: planning.comments@sevenoaks.gov.uk Tel: 01732 227135 (Duty officer)</p>
<p>British Beer & Pub Association Market Towers 1 Nine Elms Lane London. SW8 5NQ Tel: 020 7627 9191 Fax: 020 7627 9123 web@beerandpub.com Press Office: 020 7627 9199</p>	<p>British Institute of Inn keeping (BII) Wessex House 80 Park Street Camberley Surrey. GU15 3PT Tel: 01276 684 449 Fax: 01276 23045 www.bii.org Email: reception@bii.org</p>
<p>SIA PO Box 49768 London. WC1 V6WY Website: www.the-sia.org.uk Email: info@the-sia.org.uk Tel: 08702 430 100 Fax: 08702 430 125</p>	<p>West Kent Fire Safety Office 424 Vale Road Tonbridge Kent TN9 1SW Tel: 01732 369429 Fax: 01622 203905</p>
<p>PC Mark Beresford Police Licensing and Drugs Officer Sevenoaks District Council Argyle Road Sevenoaks Kent TN13 1HG Tel: 01732 379375 Mobile: 07980 683610 Email: licensing.officer.sevenoaks@kent.pnn.police.uk</p>	<p>Criminal Records Bureau (CRB) Customer Services CRB PO Box 110 Liverpool. L3 6ZZ Information line: 0870 90 90 811 Website: www.crb.gov.uk</p>
<p>Kent County Council Trading Standards 1st Floor, Invicta House County Hall Maidstone ME14 1XX Tel: 01622 221012 Fax: 01622 221013</p>	<p>Environmental Health Sevenoaks District Council Community and Planning Department Council Offices, Argyle Road Sevenoaks Kent. TN13 1HG Email: environmentalhealth@sevenoaks.gov.uk Tel: 01732 227000</p>

Appendix E - Recommended delegation of functions

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If a police objection	If no objection made
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	If no objection made
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	If no objection made
Applications for interim authorities		If a police objection	If no objection made
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 for a minor variation			All cases

The prevention of crime and disorder

factors that impact on crime and disorder

- Underage drinking
- Drunkenness on premises
- Public drunkenness
- Drugs
- Violent behaviour
- Anti-social behaviour
- Inappropriate drinks promotions

examples of control measures

- Effective and responsible management of premises
- Training and supervision of staff
- Adoption of best practice guidance (e.g. Safer Clubbing)
- Acceptance of accredited 'proof of age' cards and/or 'new type' driving licences
- Provision of effective CCTV
- Employment of Security Industry Authority licensed door staff
- Provision of toughened or plastic glasses
- Provision of secure deposit boxes for confiscated items ('sin bins')
- Provision of litterbins and other security measures, such as outside lighting
- Membership of a pub watch scheme

Public safety

factors that impact on the standards of public safety

- The occupancy capacity of the premises
- The age / design / layout of the premises
- The nature of the licensable activities to be provided
- The hours of operation
- Customer profile (e.g. age, disability)
- The use of special effects such as lasers pyrotechnics, smoke machines, etc.

examples of control measures

- Suitable and sufficient risk assessments
 - Means of escape
 - Means of giving warning
 - Fire fighting equipment
 - Emergency lighting
- 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
- Adoption of best practice guidance
- Provision of effective CCTV in and around premises
- Provision of toughened or plastic glasses
- Implementation of crowd management measures
- Regular testing (and certification) of procedures, appliances, etc.

The prevention of public nuisance

factors that impact on the likelihood of public nuisance

- The location of premises
- The hours of operation
- The nature of activities to be provided
- The design and layout of premises
- Emission of noise/music from the premises
- The occupancy capacity
- The availability of public transport
- Last admission time
- Dispersal of staff from premises
- Dispersal of patrons
- Local residential premises
- CCTV/registered door supervisors
- Parking by patrons
- The likelihood of any violence
- Taxis disturbing local residents
- The position of external lighting
- Problems of litter in the vicinity
- History of previous complaints
- Strong promotional activities/happy hours

examples of control measures

- Responsible management of premises
- Appropriate instruction, training and supervision to prevent incidents of public nuisance
- Control of operating hours
- Adoption of best practice guidance
- Installation of soundproofing, air conditioning, sound limitation devices
- Management of people
- Liaison with public transport providers
- Position of external lighting
- Collection and disposal of litter
- Effective ventilation systems

The protection of children from harm

factors that impact the protection of children from harm

- Purchase, acquire or consume alcohol
- Be exposed to drugs, drug taking or drug dealing
- Be exposed to gambling
- Be exposed to activities of an adult or sexual nature
- Be exposed to incidents of violence or disorder
- Be exposed to environmental pollution
- Be exposed to special hazards such as falls from a height

examples of control measures

- Effective and responsible management of premises
- Provision of a sufficient number of people to secure the protection of children from harm
- Appropriate instruction, training and supervision of those employed
- Adoption of best practice guidance
- Limitations on the hours when children may be present in 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 for example "Connexions Card"
- An official identity card issued by HM Forces or by a EU country bearing the photograph and date of birth of bearer

Appendix B

STATEMENT OF LICENSING POLICY



Add in date from until

Licensing Act 2003

ALL applications will be considered on their merits, as well as against the relevant policy and statutory framework

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STATEMENT OF LICENSING POLICY

INTRODUCTION

Sevenoaks District Council is a Licensing Authority under the Licensing Act 2003 and is responsible for granting Premises Licences, Club Premises Certificates, Temporary Event Notices and Personal Licences in the District in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late night refreshment

The 2003 Act requires the Council to carry out its various licensing functions so as to promote the following four licensing objectives:

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



The aims of this Statement of Licensing Policy, in line with the four licensing objectives, are to:

- minimise nuisance and disturbance to the public through the licensing process;
- help build a fair and prosperous society that properly balances the rights of people and their communities;
- integrate its aims and objectives with other initiatives, policies plus strategies that will:

- (1) reduce crime and disorder;
- (2) encourage tourism;
- (3) encourage an early evening and night time economy which is viable, sustainable and socially responsible;
- (4) reduce alcohol misuse;
- (5) encourage employment;



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- (6) encourage the self sufficiency of local communities;
- (7) reduce the burden of unnecessary regulation on business;
- (8) encourage and promote live music, dancing and theatre for the wider cultural benefit of communities generally.

This 'Statement of Licensing Policy' has been prepared in accordance with the provisions of the 2003 Act and having regard to the Guidance issued under Section 182 of the Act (as revised).

The Council will endeavour to work with other Local Authorities to ensure that a consistent approach is taken in licensing matters, whilst respecting the differing needs of individual communities throughout the local authority area.

The bold sections of this Policy indicate the outcomes the Council is seeking to achieve. When considering applications at a hearing following the receipt of relevant representations, the Council will consider whether the measures proposed in the applicant's operating schedule aim to achieve that outcome;

Passages of text that are not in bold are provided to assist applicants in understanding what the Council is seeking to achieve.

This policy covers a wide variety of premises and activities carried on within them including theatres, cinemas, restaurants, pubs, nightclubs, private members' clubs, village halls and community centres, as well as off-licences, fast food outlets, late night cafes etc. 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, there will be zero tolerance of dealing in or using controlled drugs (as defined by the Misuse of Drugs Act 1971) on licensed premises.

1 CONSULTATION

1.1 The Statement of Licensing Policy will be kept under review and where any significant amendments are considered necessary these will only be made after consultations have taken place in accordance with Section 5 of the Act. Amendments required due to a change in legislation that do not impact on the aims and objectives of the Policy or the promotion of the Licensing Objectives will be made with the approval of the Licensing Manager in order for the policy to remain legislatively current.

1.2 Proper weight, in accordance with the Guidance, has been given to the views of all those consulted. Those consulted in the preparation of this Policy included:

- the Chief Officer of Police for Kent
- the Superintendent of Police for Sevenoaks District Council area
- one or more persons who appear to the authority to represent the interests of persons carrying on licensed businesses in the council area
- one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act
- any other bodies the council deemed appropriate.
- members of the public who requested to be consulted and have responded.

1.3 In accordance with the guidance the following persons have also been consulted on this revised statement:

- all ward members
- all parish councils
- all bordering local authorities
- Kent Police Licensing Team
- all responsible authorities under the Licensing Act 2003
- holders of existing licences and certificates who will be affected by the provisions of the Act
- British Beer & Pub Association

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THE POLICY

2 BACKGROUND

- 2.1 When administering licensing matters the council as the Licensing Authority will have regard to and promote the four Licensing Objectives set out in section 4 of Part 2 of the Licensing Act 2003.

The four licensing objectives are the:

- *Prevention of Crime and Disorder*
- *Prevention of Public Nuisance*
- *Public Safety*
- *Protection of Children from Harm*

The Licensing Authority gives equal weight to each of these objectives.

- 2.2 The 2003 Act requires Licensing Authorities to publish a 'Statement of Licensing Policy' (the Policy) that sets out the approach the Licensing Authority will take when administering applications and other processes under the Licensing Act 2003 to ensure the promotion of the licensing objectives.

- 2.3 This Statement of Licensing Policy has been prepared in accordance with the provisions of the 2003 Act having regard to the revised guidance issued under section 182 of the Act (October 2012), the Police Reform and Social Responsibility Act 2012 and the Live Music Act 2012.

- 2.4 The 2003 Act further requires the Licensing Authority to monitor, review and where appropriate, amend its Statement of Licensing Policy. Where significant changes or a review of this Policy is undertaken, the Licensing Authority will consult with those parties listed at paragraphs 1.2 and 1.3 above and others prior to amending the Policy and also in preparing each statement of Licensing Policy in the future. Minor amendments reflecting legislative changes will be undertaken by officers to maintain accuracy

- 2.5 Sevenoaks District Council is the Licensing Authority pursuant to the Licensing Act 2003 (the Act) and is responsible for considering a range of licence applications and amendments to licences for a number of activities detailed below. The purpose of licensing is to regulate the carrying on of licensable activities on licensed premises, at qualifying clubs and under temporary event notices. The activities as defined by the Act include:

- Sale and/or supply of alcohol
- The provision of regulated entertainment which includes:
 - the performance of a play
 - an exhibition of a film
 - an indoor sporting event
 - boxing or wrestling entertainment
 - a performance of live music (subject to some exemptions)
 - playing of recorded music
- Provision of late night refreshment

2.6 The types of premises likely to be included within the licensing regime include:

- Pubs and night clubs
- Off licences (includes supermarkets/shops selling alcohol)
- Restaurants serving alcohol
- Restaurants serving hot food and drink after 11pm
- Private members clubs/social clubs
- Hotels/guest houses selling alcohol
- Cinemas/theatres
- Community premises and village halls
- Providers of temporary events involving licensable activities

and any other premises at which licensable activities are to be provided.

2.7 The Policy will apply across a range of applications which include the following:

- New Premises Licences and Club Premises Certificates
- Variations to Premises Licences and Club Premises Certificates
- Provisional Statements for proposed premises yet to be built
- Transfer of Premises Licences
- Disapplication of mandatory condition in respect of alcohol sales at village halls and community premises
- Variations of licences to change the Designated Premises Supervisor
- Reviews of Premises Licences and Club Premises Certificates
- Personal Licences
- Temporary Events Notices

2.8 The Licensing Authority also regulates other activities at licensed premises which include pavement cafes, sexual entertainment events and gambling

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3 LICENSING AUTHORITY GENERAL POLICY CONSIDERATIONS

- 3.1 The Licensing Authority encourages the development of premises which are not alcohol-led and which are aimed at different sectors of the population, including age and gender. Premises that promote the arts, a food offer, or other cultural activities are particularly encouraged.
- 3.2 Where premises such as pubs are alcohol-based, they are encouraged to consider diversifying their provisions so as to encourage a mixed customer-base and wider attractions, including community uses, soft refreshments, snacks and live entertainment. Diversification is important in the promotion of the licensing objectives as well as ensuring a sustainable economic future for premises
- 3.3 The Licensing Authority recognises the need to promote and encourage live and recorded music, dancing, theatre and other forms of entertainment for the wider cultural benefit of communities generally. The potential for limited disturbance in neighbourhoods will be carefully balanced with the wider benefits.
- 3.4 Pre application advice is available from licensing officers upon request and where appropriate. The Licensing Authority expects that applicants will have in advance researched and understood the relevant Law in relation to their application and their particular business plans as well as this Policy. It is not for licensing officers to determine the business needs and capabilities of an applicant but advice can be offered in relation to the licensing objectives. In addition guidance notes are available on the licensing pages of Council's website at Application Guidance
- 3.5 Licensing officers will also provide advice to other parties on the licensing process where needed in relation to objecting to or supporting applications that may affect them
- 3.6 Supermarkets and other 'off' licensed premises selling alcohol. The Licensing Authority will generally consider licensing shops, stores and supermarkets to sell alcohol for consumption off the premises throughout opening times. However where there are reasons for restricting or amending hours, for example, where premises become the focus of disorder and disturbance, such restrictions or amendments will be considered where relevant representations have been made.
- 3.7 All 'off' licensed premises must comply with the Licensing Act 2003 Mandatory Conditions Order in relation to age related sales. The Licensing Authority also expects such premises to implement additional measures to prevent and deter proxy sales on behalf of under 18's.
- 3.8 Licensees should also carefully consider alcohol sales to customers who have or appear to have alcohol related health issues, and whether those customers are already appear under the influence of alcohol when attempting to make purchases.
- 3.9 The Licensing Authority expects adequate checks to be made and all reasonable steps taken to ensure alcohol delivered by way of online shopping services (as provided by most large supermarket chains) is not delivered to minors to prevent a risk of underage consumption.
- 3.10 Where self-pay till points are made available in stores selling alcohol, provision must be included for alcohol sales to be identified and approved prior to completion of the purchase.

- 3.11 Designated Premises Supervisor (DPS) at alcohol licensed premises. Whilst this role has a limited definition under the Licensing Act 2003, it is expected that this person nominated on a licence will have overall responsibility for the day to day management and control of the licensed premises and in particular be responsible for the safe receipt, storage and sale of alcohol.
- 3.12 The Licensing Authority would expect the DPS to be onsite at the licensed premises for the majority of time when alcohol is being sold subject to working hours' legislation and absence for sickness and holidays. The Licensing Authority expects the DPS to provide training to staff in relation to alcohol sales and to authorise the employees the DPS considers competent to sell alcohol on their behalf in writing.
- 3.13 The Licensing Authority expects that a DPS should have responsibility for only one licensed premises at a time to ensure good management of the premises and the licensable activities. Where the same person is a nominated DPS on more than one premises licence and representations are made, the Licensing Authority will wish to satisfy itself that the premises in question can properly be managed by that person whilst responsibly promoting the licensing objectives.
- 3.14 Live Music - It is acknowledged the implementation of the Live Music Act in 2012 has resulted in a lighter touch regulation of live music up to 11pm on alcohol licensed premises, and this is seen as a positive approach for premises wishing to provide live music. However, the Licensing Authority does not see this as an opportunity for licensees to provide live music events that cause nuisance and disturbance to local residents or businesses.
- 3.15 The Licensing Authority expects that where unregulated live music is proposed at licensed premises, all due care and consideration is taken to prevent disturbance. The council will consider using its powers under the Environmental Protection Act 1990 to prevent and control public nuisance caused by poorly managed live music at licensed premises.
- 3.16 Deregulated Entertainment. Where the further deregulation of schedule 1 of the Licensing Act has reduced the regulatory controls on some regulated entertainment activities, the Licensing Authority will expect licensees to ensure that no nuisance or disturbance is caused to local residents and businesses when providing the deregulated activities. The Licensing Authority will consider using alternative powers as per para 6.14. (Awaiting final confirmation of the deregulation plans)
- 3.17 Late Night Levy (LNL). Whilst it is acknowledged that the provisions for implementing a late night levy arise from the Police Reform and Social Responsibility Act 2011, any levy will potentially have a direct impact on all licensed premises within the borough. The Licensing Authority has considered the options around the imposition of a LNL and has no plans at the time of drafting this policy to consider an imposition of the levy. Should evidence arise to support implementing a levy the statutory consultation process will be followed and the authority will very carefully use its discretion in relation to design and impact of a levy.
- 3.18 In advance of any decision to implement a LNL, this authority will enter into discussions with the Police to agree the allocation of the Police share of the levy to support the policing of the night time economy within this district .
- 3.19 Early Morning Alcohol Restriction Order (EMARO). The Licensing Authority has considered the options around the imposition of an early morning alcohol restriction order and has no plans at the time of developing this policy to consider an imposition

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of this Order. There is currently evidence of low levels of alcohol related crime and disorder, nuisance and anti-social behaviour within the borough which is decreasing. Should evidence arise to support implementing an EMARO, the statutory consultation process will be followed and the matter referred to the Full Council for determination.

- 3.20 Licensing and planning permission. The use of a licensed premises or place may be subject to planning controls. This is a separate regulatory regime outside the scope of the Licensing Act 2003. The Licensing Authority recognises that there is no legal basis for refusing a licence application in the absence of any planning permission for the business to which the licence application relates. However, all applicants will be expected to be in possession of the necessary planning authorisation.
- 3.21 Need for licensed premises and Cumulative Impact. 'Need' concerns the commercial demand for particular licensed premises such as a pub, club or hotel. This is a 'market forces' matter and is not of concern to the Licensing Authority. 'Cumulative Impact' means the potential impact on the promotion of the licensing objectives by a significant or excessive number of licensed premises concentrated in one locality. This is a matter for consideration by the Licensing Authority.
- 3.22 The Licensing Authority acknowledges that a concentration of some types of licensed premises in a locality can result in increased footfall, congregation of the public in the streets and potential for increased crime and disorder, litter and anti-social behaviour, as well as noise nuisance to local residents. This would be a result of the presence of the number of premises and not attributable to individual businesses.
- 3.23 The Licensing Authority, having regard to the evidence available, considers that currently there is no particular part of the borough where there is a cumulative impact of licensed premises on any of the licensing objectives. If residents or a Responsible Authority (in particular the Police) provide relevant evidence through a representation in the future that support the imposition of a Policy that restricts the number of new and/or later opening premises, this will be considered and consulted on.
- 3.24 The absence of an existing cumulative impact or saturation policy does not, however, prevent any responsible authority or other person making representations on a new application for the grant of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. The Licensing Authority will also take into account the effect on resources, including police resources, to cope with any influx of visitors to an area, particularly late at night.

4 RESPONSIBLE AUTHORITIES AND OTHER PERSONS

- 4.1 Responsible authorities are public bodies that are statutory consultees that must be notified of applications by the applicant. The full list and contact details can be found at Appendix A and are contained on the Sevenoaks District Council web-site at Responsible Authorities
- 4.2 When dealing with applications for licences and reviews of premises licenses, the Licensing Authority is obliged to consider representations from two categories of persons, referred to as 'Responsible Authorities' and 'Other Persons'. This allows for a broad range of persons to comment both for and against applications for premises licences and club premises certificates and for reviews.
- 4.3 The Licensing Authority may only consider representations that are relevant. In that they relate to the promotion of the licensing objectives, or that they raise issues in relation to this Statement of Licensing Policy or Home Office Guidance.

- 4.4 The Licensing Authority will take care to ensure that concerns raised by Responsible Authorities in relation to their own legislative functions are not taken into account if they are not relevant to the application for a premises licence under the Act, or the promotion of the licensing objectives. It would expect those authorities to use their powers and duties within their statutory roles to control such matters. Any representation made by a Responsible Authority that relates to the promotion of the licensing objectives will be accepted.
- 4.5 The Licensing Authority must give the appropriate amount of weight to representations made by the Police on crime and disorder matters. The Police are the Licensing Authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. The Licensing Authority will accept representations made by the Police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives.
- 4.6 Where an 'Other Person or Persons' request to be represented when seeking to make a representation, the Licensing Authority will require written evidence from the person/s being represented that they have authorised a third party to speak or write on their behalf.
- 4.7 The Licensing Authority will examine closely all representations to ensure that they are not frivolous, repetitive or vexatious. Matters that this authority will look at are likely to include:
- who is making the representation, and whether there is a history of making representations that are not relevant or which have been previously considered vexatious or frivolous
 - whether the representation raises a 'relevant' issue
 - whether the representation raises issues specifically to do with the premises and/or the licensable activities that are the subject of the application.
- 4.8 The above considerations are not exhaustive, and the Licensing Authority will have regard to anything a person making a representation, or persons representing them, say about his or her status to make representations. Nothing in this Policy should be taken to undermine the right of any person to make a representation on an application or to seek a review of a licence where provision to do so exists.
- 4.9 The Health Authority is now included on the list of Responsible Authorities. It is acknowledged that they may be useful in providing evidence of alcohol related health harms that are directly linked to premises or a cluster of premises. It may also be able to provide relevant information on alcohol related admissions and sickness that relate to specific licensed premises.
- 4.10 The Licensing Authority as a Responsible Authority. The Licensing Authority has carefully considered its role as a Responsible Authority under the Act. It will achieve a separation of responsibilities through procedures and approved delegations within the authority to ensure procedural fairness and eliminate conflicts of interest. A separation is achieved by allocating distinct functions (i.e. those of Licensing Authority and Responsible Authority) to different officers within the licensing team.
- 4.11 The Licensing Authority does not expect to act as a Responsible Authority on behalf of third parties but accepts that there may be rare circumstances where

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this approach may be required. An example may be where matters arise at premises of which the licensing authority is aware that impact negatively on the promotion of the licensing objectives and residents, and other third parties are unwilling or unable to either request a review or make a representation.

5 EXCHANGE OF INFORMATION

- 5.1 The Licensing Authority will act in accordance with the provisions of the Licensing Act 2003 and the Data Protection Act 1998 in its exchange of information. Where a protocol is established to set out the mechanism for exchange of information with other regulatory bodies, any such protocol will be made publicly available.

6 HUMAN RIGHTS AND EQUAL OPPORTUNITIES

- 6.1 The Human Rights Act 1998 makes it unlawful for a local authority to act in a way which is incompatible with the European Convention on Human Rights. In making decisions and determining appropriate action the council will have due regard to the Convention. The Licensing Authority will interpret the LA2003 in a manner consistent with the Human Rights Act 1998.
- 6.2 The Licensing Authority will consider the effect upon people's human rights and adopt a principle of proportionality and the need to balance the rights of the individual with the rights of the community as a whole. Action taken by the council which affects another's rights must be no more onerous than is necessary in a democratic society.
- 6.3 The Equality Act 2010 requires public bodies to consider all individuals when carrying out their day to day work – in shaping Policy, in delivering services and in relation to their own employees. It requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people when carrying out their activities.
- 6.4 The Equality Duty supports good decision making – it encourages public bodies to understand how different people will be affected by their activities, so that their policies and services are appropriate and accessible to all and meet different people's needs. By understanding the effect of their activities on different people, and how inclusive public services can support and open up people's opportunities, public bodies can be more efficient and effective. The Equality Duty therefore helps public bodies to deliver the Government's overall objectives for public services.

7 COMPLIANCE AND ENFORCEMENT

- 7.1 There are a range of other offences detailed under Part 7 of the Licensing Act 2003. The Licensing Authority will liaise with the Responsible Authorities to determine enforcement of specific offences on a case by case basis. Offences related to sales of alcohol to minors will be enforced by the Police or Trading Standards Authority unless they form part of a range of offences identified by the Licensing Authority.
- 7.2 The Licensing Authority has an approved Licensing Enforcement Policy which complies with the Regulatory Compliance Code
- 7.3 A risk-based inspection programme is in place, which includes the targeting of high risk premises which require greater attention, whilst operating a lighter touch in respect of low risk and well managed premises. The risk-based approach is based

on Home Office Guidance; the activities authorised and premises compliance history.

- 7.4 The authority acknowledges that where annual fee payments for premises licences and club premises certificates are not made it must serve 2 working days' notice on the licensee to suspend the licence or certificate and inform the Police Authority of the suspension.
- 7.5 Where licences are suspended, the premises or club will be visited and enforcement action taken where licensable activities are being provided unlawfully while a licence is suspended.

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CONSIDERATION OF APPLICATIONS

8 NEW PREMISES LICENCES

- 8.1 This Licensing Authority is aware that in making decisions about applications for licences it will have regard to:
- its Statement of Licensing Policy made under section 5 of the Licensing Act 2003
 - the Statutory Guidance issued under section 182 of the Licensing Act 2003, and that decisions made are reasonably consistent with the four licensing objectives.
- 8.2 Where elements of applications are unclear or unspecific, particularly in relation to operating schedules and trading hours, the Licensing Authority will expect the applicants to provide additional clarity on a request from the licensing team.
- 8.3 Licensing officers will routinely check that the Public Notices at the premises and the Public Notices in newspapers are displayed in accordance with the regulations as part of the validation process.
- 8.4 Licensing officers will also notify ward councillors to whose ward the application relates, and the parish council for the relevant parish.
- 8.5 Where there are no representations about an application the licence will be automatically granted after 28 days under the terms and conditions applied for. Licensing officers will interpret the detail of the operating schedule and convert that into licence conditions.
- 8.6 Where relevant representations are received the application will be referred to the Licensing Sub-committee for determination at hearing, unless all parties agree that a hearing is not necessary. Where applications result in the need for a hearing the process at section 22 of this policy will apply.
- 8.7 Annual fees and suspension of licences for non-payment.- The Licensing Authority is required under section 55A of the Licensing Act to suspend premises licenses where the annual fee has not been paid. The Licensing Authority will invoice each licensee during the month before the annual fee is due setting out the fee that is due and the consequences for non-payment. Where the fee has not been paid or there has been no claim of administrative error by the end of 21 days of the due date, the Licensing Authority will serve the required 2 working day notice to suspend the licence.
- 8.8 Where a licence is suspended this means that no licensable activities will be authorised to be provided at the premises until the suspension is lifted on receipt of payment of the overdue fee. Officers will conduct enforcement visits to premises where a licence has been suspended and will take the appropriate action in accordance with the council's enforcement policy.
- 8.9 Each case will be determined on its individual merits and depending upon the circumstances and where appropriate in accordance with the Licensing Act, the Licensing Authority may decide not to suspend a licence or carry out enforcement pending payment of the overdue fee.

9 VARIATIONS TO LICENCES

- 9.1 From time to time licensees may wish to change the nature of the business and vary the trading hours or the licensable activities on offer. These can range from minor changes having little or no impact such as minor changes to the premises plan to more significant changes that will affect the promotion of the licensing objectives. These could include for example; the provision of additional activities, increasing capacities or longer and later trading hours. However where a variation is so substantial that it significantly changes the nature of the business and layout of the premises it is likely that a new premises licence application will be required rather than a variation.
- 9.2 The relevant parts of this Policy to be applied to significant variation applications is the same as for new premises licence applications at section 15 above.
- 9.3 Where applications are made for minor variations officers will consider whether there are any impacts on any of the Licensing Objectives. Where the variation proposed creates a significant impact on any of the Licensing Objectives the application will be rejected and the applicant advised to seek a standard variation.
- 9.4 Where minor impact or no impact is considered Officers will consult with the relevant (if any) responsible authorities.

10 VARIATIONS TO SPECIFY A NEW DESIGNATED PREMISES SUPERVISOR (DPS)

- 10.1 The Licensing Authority expects the nominated DPS on a licence to be involved in and supervising the day to day operation of licensed premises that sell alcohol. Where the person nominated as DPS ceases to undertake that role the Licensing Authority would expect the licensee to replace that person as soon as is reasonably practicable to maintain adequate control of the premises.
- 10.2 Where a DPS notifies the Licensing Authority that he or she has resigned, the licensing officers will enter into immediate discussion with the licensee in relation to the mandatory conditions concerning the sale of alcohol, and provide appropriate advice to prevent unauthorised alcohol sales.
- 10.3 All applications to specify a new DPS must be made by the licence holder or by a person/body authorised in writing to act on the licensee's behalf.
- 10.4 Where there are no representations the default position is to grant the variation.
- 10.5 The Licensing Authority will add the appropriate weight to relevant representations received from the Police about a proposed DPS. Applications that receive relevant representations will be referred for a hearing at which point the Sub Committee may approve or reject the application.

11 TRANSFERS OF PREMISES LICENCES

- 11.1 Before a licence transfer can be administered, the Licensing Authority expects consent to have been obtained from the previous premises licence holder. If this is not possible the applicant will be expected to demonstrate that he or she has taken all reasonable steps to secure consent to transfer the licence.
- 11.2 It is acknowledged that in some cases licensees leave premises and do not provide any forwarding contact details, or there has been a death or incapacity of the

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licence holder. In such cases where a licensee cannot be contacted to give approval, a licence will be transferred in accordance with the requirements of the Act.

- 11.3 Where a relevant Police objection to the transfer is received the application will be determined through the hearings process.

12 PROVISIONAL STATEMENTS FOR PREMISES

- 12.1 A provisional statement may be applied for where a proposed licensed premises has yet to be built or altered for the purpose of becoming a licensed premises. This option allows potential applicants advance notice of whether a premises licence is likely to be granted on completion of its construction or conversion.
- 12.2 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and other parties may make representations and there are rights of appeal.
- 12.3 The holder of a provisional statement may apply for a premises licence once the premises are constructed, altered or acquired. The Licensing Authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances.
- 12.4 In addition, this authority may refuse the premises licence application (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- which could not have been raised by way of representations at the provisional statement stage,
 - which, in this authority's opinion, reflect a change in the operator's circumstances, or
 - where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application. This must be a substantial change to the plan and this authority will discuss any concerns with the applicant before making a decision.

13 CLUB PREMISES CERTIFICATES

- 13.1 The Licensing Authority acknowledges the importance and history of members clubs and the privileged position held by clubs historically in relation to alcohol licensing.
- 13.2 Members clubs are able to obtain a club premises certificate to authorise licensable activities for their members and their guests. There is no requirement for any members to hold a personal licence under the Licensing Act 2003, and there is no requirement to specify a designated premises supervisor. It is acknowledged that alcohol is supplied by and for the members through their membership of the club.

- 13.3 In order to apply for a club premises certificate the Licensing Authority must satisfy itself that the club is a bona fide club and satisfies the legal conditions set out in the Act. Applicants for a club premises certificate will be required to complete a club declaration form setting out how the club will meet the conditions and definitions stated in the Act. Licensing officers will have delegated authority to make additional enquiries where appropriate in order to satisfy that a proposed club meets the criteria laid out in the Act.
- 13.4 The fundamental principles for premises licence applications set out at section 15 of this Policy will apply to applications for club premises certificates subject to exemptions in respect of the DPS and the requirement for evidence of the club's status.
- 13.5 Any qualifying club wishing to offer licensable activities at events to which non-members will attend will be required to authorise such activities by way of a Temporary Event Notice or by ensuring compliance with the club rules to allow the public to enjoy the clubs facilities and activities without jeopardising the validity of the club premises certificate.
- 13.6 The Licensing Authority expects 'public' events on club premises to be authorised by a Temporary Event Notice. It is expected that club committee members will seek advice from the Licensing Authority prior to providing such activities for non-members to prevent any unauthorised activities.
- 13.7 Where the Licensing Authority identifies that a club no longer meets the conditions set out in section 62 of the Licensing Act 2003 or where the Licensing Authority obtains evidence to demonstrate that a club no longer acts in good faith as a qualifying club, it will give the club a notice withdrawing the club premises certificate.
- 20.9 Suspension of Club Premises Certificates may also occur under section 92A of the LA2003.

14 REVIEW OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE

- 14.1 The Licensing Authority acknowledges that matters can arise at premises that raise concern as to the continued promotion of the licensing objectives at licensed premises.
- 14.2 The Act allows a licence to be **reviewed** where such matters arise. It is expected that most reviews will be applied for by Responsible Authorities.
- 14.3 Although this Licensing Authority is also a Responsible Authority and entitled to bring about a review application, it is not expected that it will act as a Responsible Authority on behalf of other parties (for example, local residents, local councillors or community groups).
- 14.4 Such parties can make relevant representations to the Licensing Authority in their own right, and it is reasonable for the Licensing Authority to expect them to make representations themselves where they are reasonably able to do so. However, if these parties have failed to take action and the Licensing Authority is aware of relevant grounds to make a representation, it may consider acting in its capacity as Responsible Authority.
- 14.5 The Licensing Authority will determine whether a review application is relevant and the validity of a review application will be determined by a licensing officer. This

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will be on the basis of whether the request for the review is relevant to the matters listed below:

- in accordance with the Guidance issued by the Home office
- relevant to the non-promotion of the licensing objectives

- 14.6 The request for the review will also be subject to the consideration by the licensing officer as to whether the request is frivolous, vexatious, or repetitious
- 14.7 The Licensing Authority would expect grounds for a review to be evidence based but will consider each application on its merits and allow the benefit of doubt where necessary.
- 14.8 Where a review application is accepted the Licensing Authority will encourage the parties to enter into mediation during the consultation period to help resolve issues arising. Such mediation would usually be chaired by the Licensing Manager or a licensing officer, but all parties may choose to have a different third party as a mediation chairperson.
- 14.9 All representations received in support of or against a review application will be considered by the licensing officers as to whether such representations are relevant to the application. Where appropriate the benefit of doubt will be given and representations accepted.
- 14.10 All reviews will lead to a hearing before a sub-committee. This may be a full hearing or a condensed hearing to consider the outcome of mediation. However other parties who have made representation but not been involved in mediation will be permitted to voice their representations at the hearing in accordance with the Hearings Regulations. The Policy applied to hearings can be found at section 23.
- 14.11 The authority considers that where reviews are raised as a result of serious crime and disorder causing that licensing objective to be undermined, then it is likely that the a revocation of the licence will be considered.
- 15 APPLICATION TO VARY PREMISES LICENCE AT COMMUNITY PREMISES TO REMOVE THE MANDATORY REQUIREMENT FOR A DPS.**
- 15.1 The Licensing Authority acknowledges the value that local community premises bring to their localities and that most are operated and managed by volunteers. The mandatory requirement for a nominated DPS to be in place at alcohol licensed community premises can be burdensome and difficult for an individual to manage at such premises.
- 15.2 The Act allows management committees at community premises to take over the responsibility of the alcohol sales by applying to the Licensing Authority to remove the requirement to have a nominated DPS at the premises to authorise sales of alcohol. The Licensing Authority will, subject to strong evidence that a community premises is well managed by an experienced committee, support applications to remove the mandatory condition requiring all alcohol sales to be authorised by a personal licence holder
- 15.3 Before considering an application the Licensing Authority will satisfy itself that a premise meets the definition of a community premises. Enquiries will be made as

to the regular use of the premises and whether it is in the main 'community' based. Where there is a regular 'commercial' or 'non-community based' use or a membership requirement to use the premises it is unlikely that such a premises would meet the definition of a community premises and permission to remove the requirement for a DPS is likely to be refused.

- 15.4 In general it is expected that premises that form part of a church hall or chapel hall or are a village or community hall would in most cases meet the definition of a community premises, although each will be considered on its individual merits and the evidence provided or obtained.
- 15.5 The licensing officers will consider on a case by case basis all applications to remove the mandatory condition and will ask such questions or seek the necessary evidence to confirm the suitability of the management committee to collectively authorise the alcohol sales.
- 15.6 Committees that make an application will be expected to have members who are aware of the Law relating to the sale of alcohol, contain steps within their operating schedule to prevent offences relating to alcohol sales and also to include appropriate rules in hiring agreements where the premises is hired out to the public for events that will involve the sale of alcohol.

16 HEARINGS

- 16.1 Any application that has resulted in the submission of relevant representations from any party will be referred to the Licensing Sub-Committee for a hearing and determination in accordance with the 2003 Act and the Licensing Act 2003 (Hearings) Regulations 2005.
- 16.2 A sub-committee will consist of 3 suitably trained members of the Licensing Committee. No members will serve on a sub-committee involving an application for a licence within their own ward. The subcommittee will be advised on the law by a member of the Council's Legal Services Team. That legal team member will not be involved in the application process to prevent a conflict of interest by ensuring a clear separation of roles.
- 16.3 This Policy will play a key role in achieving consistency in decision.
- 16.4 Where representations are made only by Responsible Authorities, the Licensing Authority would expect applicants and Responsible Authorities to enter into negotiation or mediation prior to a hearing in an attempt to resolve issues before attending the licensing hearing.
- 16.5 Where mediation is successful and a hearing is deemed unnecessary by all parties the mediation outcome will be presented to the licensing sub-committee in writing and signed by all parties for ratification and determination¹. The sub-committee may still determine that the addition of appropriate licence conditions at the determination stage.
- 16.6 Parties will be advised of the hearing date and procedure in advance and in accordance with the statutory process. At all hearings the sub-committee will have regard to the Guidance issued under section 182 of the Act. This authority may use its discretion where there are strong and defensible reasons for

¹ Not applicable to applications for a review of a Premises Licence or a Club Premises Certificate

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departing from the Guidance and where it considers it right to do so. In any such case this authority will clearly express and explain its reasons for doing so.

- 16.7 The Licensing Authority must give the appropriate amount of weight to representations made by the Police on crime and disorder matters. It will give appropriate weight to all representations made by all parties based on the content and relevance to the promotion of all licensing objectives.
- 16.8 All decision notices will be in writing and will include clearly stated reasons to explain a decision on an application.

17 LICENCE CONDITIONS

- 17.1 A key concept in the Licensing Act is that conditions that are attached to licences or certificates are tailored to suit the individual style and characteristics of the premises and its activities and the impact of those activities. Those conditions will be deemed appropriate and proportionate in order to promote the licensing objectives at that premises.
- 17.2 All licences that authorise the sale of alcohol will be subject to the mandatory conditions set out in the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.
- 17.3 Applicants will be expected to include appropriate steps within their operating schedule which will be converted to conditions on a premises licence or club premises certificate. Those steps will be expected to be achievable and relevant to the business in question and will ensure the promotion of each of the four licensing objectives.
- 17.4 Where applications receive valid representations and are subject to a hearing, the sub-committee will consider the evidence provided within representations, the detail of the application, the nature of the premises and business and only where appropriate will attach conditions to a licence to secure the promotion of the licensing objectives in light of the evidence provided.
- 17.5 Decisions on individual licence conditions will be made on a case by case basis, and where there are concerns over the effective promotion of the licensing objectives, the applicant will be expected to offer suggestions on how the objectives can be met. This authority will work closely with all parties and the applicant in establishing workable and reasonable conditions for new and variation applications.
- 17.6 In all cases the Licensing Authority will have regard to the Guidance when considering the implementation of licence conditions.
- 17.7 In all cases conditions will aim to promote the licensing objectives, be unambiguous and enforceable, appropriate to the activities and the business, achievable and applicable to the premises itself and the areas around the premises which is within the licensees control.
- 17.8 The Licensing Authority recognises the need to avoid, so far as possible, duplication with other regulatory systems including Health and Safety at Work, Fire Safety, Food Hygiene and Nuisance Control. However these regulations may not cover the unique circumstances of some activities and entertainment. In these

circumstances, the council may therefore, where necessary, attach conditions to premises licenses for the promotion of the licensing objectives.

17.9 Conditions to promote the Prevention of Crime and Disorder.

Under the Act the Licensing Authority has a duty to promote the licensing objectives, and, a further duty under the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the borough.

17.10 The applicant will be expected to detail in their operating schedule how they will prevent crime and disorder on and close to the premises. Such detail should reflect the licensable activities on offer, location and character of the area, the nature of the premises use and the range of customers likely to use the premises.

These may include, but are not limited to, the following:

- Prevention of disorderly conduct and anti-social behaviour
- Prevention of underage drinking
- Prevention of sales of alcohol to intoxicated customers
- Prevention of drunkenness both on and in the vicinity of the premises
- Prevention of drug use and drug dealing
- Restriction of drinks promotions
- Use of safety glass
- Inclusion of a wind-down time following alcohol sales period
- Adequate seating to discourage “vertical drinking”
- The offer of food and snacks or other entertainment or occupation to discourage persistent drinking

17.11 In busier premises the Licensing Authority would expect to see a short (say 30mins) ‘wind down’ or ‘drinking up’ period allowed for after the cessation time of entertainment and alcohol sales as this is effective in assisting in a reduction in noise and exuberance of customers before leaving the premises.

17.12 Where the Licensing Authority determines after consultation with the police that a premise is one that warrants additional security and monitoring it would expect applicants to include the provision of SIA approved door staff at the premises at appropriate times. Relevant premises are usually those used mainly for drinking alcohol, have later opening hours and are situated within the Town Centre night time economy area. Applicants will be expected to seek advice from the Police and the Licensing Authority will give appropriate weight to requests by the Police for premises to be protected by SIA registered door staff subject to the provision of relevant evidence.

17.13 Where appropriate, applicants for licences in the Town Centre areas providing mainly alcohol, music and dancing would be expected to include a provision of safety glasses to prevent a risk of injury on the rare occasion that a glass may be used as a weapon.

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- 17.14 The use of CCTV should be considered where appropriate or on the advice and recommendations of the Police and to a quality and standard approved by the Police for evidence purposes. Licensees will be expected to fully comply with the requirements of the Information Commissioners Office and the Data Protection Act 1998 in respect of any surveillance equipment installed at a premises.
- 17.15 In any application the sub-committee will consider each application on its individual merits and determine the imposition of conditions that are appropriate to the objectives.
- 17.16 **Conditions to promote Public Safety.**
The applicant will be expected to show that the physical safety of persons attending the premises will be protected and will offer relevant steps in the operating schedule to promote this.
- 17.17 Such steps will not replace the statutory obligation on the applicant to comply with all relevant legislation under the Health and Safety at Work etc. Act 1973 or under the Regulatory Reform (Fire Safety) Order 2004.
- 17.18 Applicants will be expected to have carried out the necessary risk assessments to ensure safe occupancy levels for the premises. Where a representation from the Fire Authority suggests that for the promotion of the Public Safety objective a maximum occupancy should be applied, the Licensing Authority will consider adding such a limit as a licence condition.

It is expected that an operating schedule will specify occupancy limits for the following types of licensed premises:

- (i) High Volume Vertical Drinking e.g. premises that provide mainly stand up drinking facilities with limited seating/table space and the prime activity is the sale of alcohol
 - (ii) Nightclubs
 - (iii) Cinemas
 - (iv) Theatres
 - (v) Other premises where regulated entertainment is likely to attract a large number of people.
- 17.19 **Conditions to promote the Prevention of Public Nuisance.** The applicant will be expected to detail steps to prevent nuisance and disturbance arising from the licensable activities at the premises and from the customers using the premises.
- 17.20 The applicant will be expected to demonstrate that they have considered the following and included steps to prevent public nuisance:
- (i) Proximity of local residents to the premises
 - (ii) Licensable activities proposed and customer base
 - (iii) Hours and nature of operation
 - (iv) Risk and Prevention of noise leakage from the premises from equipment, customers and machinery

- (v) Prevention of noise from customers leaving the premises and customer pick up points outside premises and from the Car Park.
- (vi) Availability of public transport to and from the premises
- (vii) Noise from use of the garden/outside space including smoking shelters.
- (viii) Delivery and collection times and locations.
- (ix) Impact of external security or general lighting on residents.
- (x) History of management of and complaints about the premises.
- (xi) Applicant's previous success in preventing Public Nuisance.
- (xii) Outcomes of discussions with the relevant Responsible Authorities.
- (xiii) Impact of location, noise and contamination from outside smoking areas on neighbours and other customers
- (xiv) Collection of litter arising from the premises

17.21 Steps to prevent public nuisance may include a range of options including noise limiting devices, sound insulation, wind down periods, acoustic lobbies, management of smoking areas etc.

17.22 Steps will differ depending on the individual premises and activities and it is for the applicant to ensure that reasonable, effective and appropriate steps are included within the operating schedule.

17.23 Conditions to promote The Protection of Children from Harm.

Applicants will be expected to detail steps to protect children at the premises from any harm. The Licensing Authority recognises the right of licensees (serving alcohol) to allow accompanied children into their premises. The Licensing Authority would not seek to restrict access by children (above that specified in the Act) unless it is necessary for the prevention of physical, moral or psychological harm.

17.24 Steps to prevent children from harm must be included where:

- (i) There is entertainment or services of an adult nature provided.
- (ii) There have been previous convictions for under age sales of alcohol.
- (iii) There is a known association with drug taking or dealing.
- (iv) There is a significant element of gambling on the premises.
- (v) There is a presumption that children under 18 should not be permitted entry such as to nightclubs (apart from when specific events are held for under 18's).
- (vi) Outcomes of discussions with relevant Responsible Authorities suggest such steps are applicable.

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17.25 Nothing in the Licensing Act prevents licensees from excluding children from a licensed premises and no condition can be added to require the admission of children.

17.26 Where there are no matters that give rise to concern in respect of children at premises the Licensing Authority would expect to see the relevant box on an application form completed to specify NONE.

18 PERSONAL LICENCES

18.1 Any person who wishes to act as a DPS at licensed premises must be in possession of a personal licence issued under the Licensing Act 2003. Any other person may also apply for a personal licence subject to meeting the necessary criteria. The Licensing Authority acknowledges the default grant position for applicants who meet the statutory criteria under the Licensing Act 2003.

18.2 The Police will only be consulted where the applicant declares a previous conviction for a relevant offence. A relevant conviction is one that is listed on Schedule 4 of the Licensing Act 2003.

18.3 Where a representation is received from the Police the Licensing Authority acknowledges that it has discretion whether or not to grant the licence.

18.4 Where a representation is received from the Police objecting to an application for a personal licence, and that representation is deemed relevant by the licensing team in that there is a belief that granting the licence will undermine the prevention of Crime and Disorder Licensing Objective, the application will be referred to the Licensing Sub-Committee for determination at a hearing where the Licensing Sub-Committee will either grant or refuse the application.

18.5 The Police must give a notice of objection to the Licensing Authority within the statutory 14 day consultation period. The Licensing Authority accepts that there is no discretion to accept a late notification from the Police even if the objection provided evidence that to grant the licence would undermine the crime prevention objective.

18.6 The Licensing Authority requires all personal licence holders to advise it each time there is a change of their name or address. All licence holders are advised of this requirement when a licence is granted. Any changes will be updated and an amended licence will be issued within 10 working days of a notification of change.

18.7 The Licensing Authority anticipates that the Magistrates and Crown Courts will take appropriate action in relation to a personal licence where licence holders are convicted of relevant offences in those courts after the grant of a personal licence and to notify the Licensing Authority of any action taken in respect of a personal licence.

18.8 The Licensing Authority requires personal licence holders to undertake their duty to disclose any convictions for a relevant offence after a personal licence has been granted. The Licensing Authority and/or the Police will take appropriate formal action against the licence holder where subsequent relevant convictions are not declared under that duty.

19 TEMPORARY EVENTS NOTICES

- 19.1 The Licensing Act 2003 makes provision for the authorisation of a person (known as a premises user) to provide licensable activities on a temporary basis at unlicensed premises, or to add activities and/or extend the hours of existing activities at a licensed premises. The activities are authorised by the serving of a Temporary Event Notice (TEN) on the Licensing Authority, subject to the notice meeting the proper criteria as detailed under the Act.
- 19.2 Comprehensive planning of events is essential and where there are likely to be impacts on neighbouring residents or businesses as a result of the activities to be authorised by a TEN, the Licensing Authority expects the premises user to have advised those residents and businesses and considered any potential impacts and how they may be mitigated.
- 19.3 The Licensing Authority welcomes requests for advice from applicants who wish to provide temporary events to ensure they understand the law relating to such events and to reduce the likelihood of objections being made.
- 19.4 There are two types of TEN, Standard or Late. Both are subject to a numerical limit on the number of each type of TEN that can be served by personal licence holders and non-personal licence holders in a calendar year. There is also a numerical limitation on the number of TENs that may be served in respect of individual premises or places
- 19.5 **Standard TEN.** A Standard TEN must be served at least 10 working days (Monday to Friday excluding Bank Holidays) before the event commences. The 10 working days excludes the day of service and the day on which the event starts. Copies of the TEN must be served on the Licensing Authority, The Environmental Health (EH) Department, and the Police. The fee is payable only to the Licensing Authority. Applicants are encouraged to serve TENs at least 28 days before the proposed events to allow greater time for an event to be planned.
- 19.6 Where numerical limits are exceeded the Licensing Authority will serve a counter notice and the proposed licensable activities will not be authorised.
- 19.7 Where objections are received from the Police and/or EH and not withdrawn, the notice will be referred for a hearing before the Licensing Sub-Committee. The Sub-Committee may approve the TEN as applied for, add appropriate conditions (if the TEN takes place on a premises with an existing licence) or reject a TEN by serving a counter notice.
- 19.8 **Late TEN.** A late TEN (may be served between 9 and 5 working days before a proposed event commences. Where numerical limits are exceeded a counter notice will be served and the proposed licensable activities will not be authorised.
- 19.9 If the late TEN is served with fewer than 5 working days' notice it is deemed invalid and would be rejected. The proposed activities would not be authorised. The Licensing Authority has no discretion to accept TENs outside the permitted statutory deadlines.
- 19.10 Where valid representations are received from the Police or EH in respect of a late TEN, the TEN will be rejected and proposed activities will be unauthorised.
- 19.11 The Licensing Authority will take the appropriate action where there is evidence that licensable activities have been provided without the authorisation of a TEN.

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19.12 There are restrictions on the numbers of each type of TEN that can be submitted.

20 OTHER RELEVANT MATTERS

20.1 **Adult entertainment.** The Licensing Authority has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 and premises offering regular entertainment of a sexual nature must be licensed as a sex establishment under those provisions.

20.2 The Licensing Authority acknowledges that exemptions under the above legislation do allow sexual entertainment to be provided at premises licensed under the Licensing Act 2003, as long as it is provided on no more than 11 occasions within 12 months and with at least 1 month between each occasion. Those infrequent events will be regulated by the licence granted under the Licensing Act 2003 where that licence authorises performances of dance and where the original.

20.3 **Gaming machines in licensed premises - Automatic entitlement.** There is provision in the Gambling Act 2005 (GA2005) for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines of category C and/or D. The premises licence holder merely needs to notify this Licensing Authority and pay the prescribed fee.

20.4 This authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives (under the GA2005);
- gaming has taken place on the premises that breaches a condition of section 282 of the GA2005 (for example, the gaming machines have been made available in a way that does not comply with requirements on the location and operation of gaming machines);
- the premises are mainly used for gaming; or
- an offence under the GA2005 has been committed on the premises.

20.5 **Gaming Machine Permit** – If a premises wishes to have more than 2 machines of categories C and/or D, then it needs to apply for a permit and this authority will consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission under section 25 of the Act, and such matters as officers consider relevant.

20.6 In determining such matters, consideration will be given to the need to protect children from harm and to the need to protect vulnerable persons from harm or being exploited by gambling. The applicant will be required to satisfy the authority that there will be sufficient measures to ensure that minors do not have access to the adult only gaming machines.

20.7 Measures to satisfy the authority relate to restricting access to age restricted machines and adult machines being in sight of the bar, or in sight of staff who will monitor that the machines are not being used by minors. Notices and signage should also be displayed to this effect. Applicants may consider the provision of information leaflets and helpline numbers for organisations such as GamCare to demonstrate their responsibility in the protection of vulnerable persons and compliance with Codes of Practice issued by the Gambling Commission

- 20.8 **Gambling in alcohol 'On' licensed premises.** Exempt gaming is equal chance gaming that is generally permissible in any club or alcohol licensed premises. Equal chance gaming includes games such as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker. Such gaming should be ancillary to the purposes of the premises.
- 20.9 This exemption is automatically available to all clubs or alcohol licensed premises, but is subject to statutory stakes and prize limits determined by the Secretary of State. Licensees are expected to seek advice from the Gambling Commission at www.gamblingcommission.gov.uk or this Licensing Authority before providing any forms of gambling at alcohol licensed premises.
- 20.10 Licensees will be expected to make appropriate arrangements for customers who wish to smoke outside the premises to ensure that the licensed pavement area is not also used as the allocated smoking area. This is to prevent nuisance and potential ill-health to non-smokers who wish to use the outside seating.
- 21 INFORMATION**
- 21.1 In order to ensure that applicants and persons who make representations have the necessary information to be able to do so, information is available on the Sevenoaks District Council website www.sevenoaks.gov.uk or by contacting the licensing team by email (licensing@sevenoaks.gov.uk) , or by telephone on 01732 227004

Appendix A



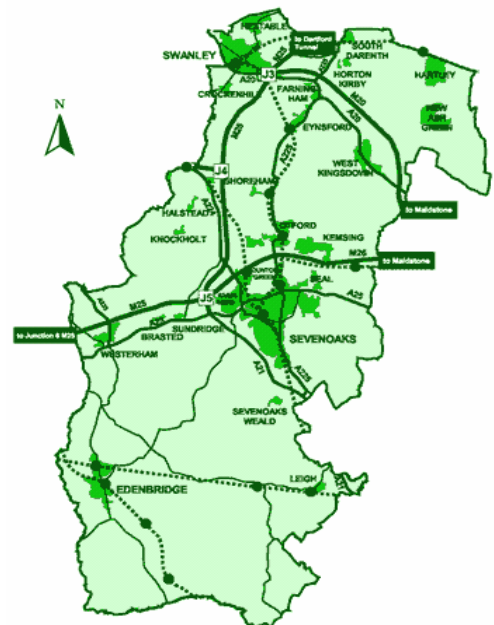
Sevenoaks District is in West Kent, bordering Greater London, Surrey and Sussex and covers an area of 142 square miles.

The main towns are Edenbridge, Sevenoaks and Swanley and there are many other small villages and settlements, of which the largest are Hartley, Hextable, New Ash Green, Westerham and West Kingsdown.

The M25, M20 and M26 motorways are easily accessible as they cross the District. Gatwick and Heathrow airports and the Channel Ports and Channel Tunnel Rail Link are all within easy reach.

All of Sevenoaks District is within the Green Belt. Much of the area is rural in character and it includes many picturesque villages and hamlets and large areas of beautiful countryside.

At the last 2001 census the total population of the District was 109,305 with 85,913 households.



Appendix B

Contact details of Local Authority Licensing Department

<p>Claire Perry Licensing Partnership Manager Telephone: 01732 227325 Email: claire.perry@sevenoaks.gov.uk</p>	<p>Leeann Leeds Licensing Officer Telephone: 01732 227270 Email: leeann.leeds@sevenoaks.gov.uk</p>
<p>Licensing Partnership Sevenoaks District Council Council Offices PO Box 182 Argyle Road Sevenoaks Kent TN13 1GP</p> <p>Telephone: 01732 227004 Fax: 01732 742339 Email: licensing@sevenoaks.gov.uk</p>	

See the Sevenoaks District Council Website www.sevenoaks.gov.uk for details of the Town and Parish Councils within the District. Details of your local Councillors may also be obtained from the website.

Information on licensing applications being processed is available on the licensing pages of Sevenoaks District Council's website.

Appendix C

Responsible authorities

<p>West Kent Fire Safety Office 424 Vale Road Tonbridge Kent TN9 1SW</p> <p>Tel: 01732 369429</p> <p>Email: tonbridge.firesafety@kent.fire-uk.org</p>	<p>Police Licensing and Drugs Officer PC Mark Beresford Licensing Coordinator Community Safety Unit Tonbridge and Malling Borough Council Gibson Drive Kingshill West Malling ME19 4LZ</p> <p>Tel: 01732 379375 Mobile: 07980 683610</p> <p>Email: west.division.licensing@kent.pnn.police.uk</p>
<p>Trading Standards Kent County Council 1st Floor, Invicta House County Hall Maidstone Kent. ME14 1XX</p> <p>Tel: 03000 412000 TSwest@kent.gov.uk</p>	<p>Kent Child Protection Committee Children's and Families KCC Social Service The Willows Hilda May Avenue Swanley Kent BR8 7BT</p> <p>Website: www.kcpc.org.uk kscb@kent.gov.uk</p>
<p>Local Planning Authority Sevenoaks District Council Council Offices PO Box 182 Argyle Road Sevenoaks Kent TN13 1GP</p> <p>Tel: 01732 227200 DCSouth@sevenoaks.gov.uk</p>	<p>Public Health Kent Kent Public Health Department Room 3.45, Sessions House, County Hall, County Road Maidstone, Kent ME14 1XQ</p> <p>Tel: 0300 333 6379 Gillian.Montgomery@kent.gov.uk</p>
<p>Environmental Protection Environmental Health Partnership Civic Centre Home Gardens Dartford Kent. DA1 1DR</p> <p>Tel: 01322 343231</p> <p>Email: eh.support@dartford.gov.uk</p>	<p>Health and Safety Environmental Health Partnership Civic Centre Home Gardens Dartford Kent. DA1 1DR</p> <p>Tel: 01322 343231</p> <p>Email: eh.support@dartford.gov.uk</p>

Appendix C

References to guides of best practice

Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by Institute of Acoustics
www.ioa.org.uk

Good Practice Guide: Licensing published jointly by the Justices' Clerks' Society and the Magistrates' Association (April 1999)
www.magistrates-association.org.uk

Safer Clubbing Guide
www.drugs.gov.uk/ReportsandPublications/Communities/1034174284

The National Alcohol Harm Reduction Strategy Toolkit
www.alcoholconcern.org.uk

The Point of Sale Promotions published by BBPA
www.beerandpub.com

Public Places Charter
www.ash.org.uk

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Appendix D

Contact details and useful addresses (e.g. Chamber of Trade, BBPA, BII, SIA etc.)

<p>Sevenoaks and District Chamber of Commerce The Quadrant, 5 Victoria Road, Sevenoaks, Kent. TN13 1YD Tel: 01732 455188</p>	<p>Swanley & District Chamber of Commerce Imperial House 46 High Street Swanley Kent. BR8 8BQ</p>
<p>Edenbridge Chamber of Commerce c/o 53 High Street Edenbridge, Kent. TN8 5AL</p>	<p>Planning Enquiries Sevenoaks District Council Community and Planning Department Council Offices, Argyle Road Sevenoaks Kent. TN13 1HG Email: planning.comments@sevenoaks.gov.uk Tel: 01732 227135 (Duty officer)</p>
<p>British Beer & Pub Association Market Towers 1 Nine Elms Lane London. SW8 5NQ Tel: 020 7627 9191 Fax: 020 7627 9123 web@beerandpub.com Press Office: 020 7627 9199</p>	<p>British Institute of Inn keeping (BII) Wessex House 80 Park Street Camberley Surrey. GU15 3PT Tel: 01276 684 449 Fax: 01276 23045 www.bii.org Email: reception@bii.org</p>
<p>SIA PO Box 49768 London. WC1 V6WY Website: www.the-sia.org.uk Email: info@the-sia.org.uk Tel: 08702 430 100 Fax: 08702 430 125</p>	<p>West Kent Fire Safety Office 424 Vale Road Tonbridge Kent TN9 1SW Tel: 01732 369429 Fax: 01622 203905</p>
<p>PC Mark Beresford Police Licensing and Drugs Officer Sevenoaks District Council Argyle Road Sevenoaks Kent TN13 1HG Tel: 01732 379375 Mobile: 07980 683610 Email: licensing.officer.sevenoaks@kent.pnn.police.uk</p>	<p>Disclosure and Barring Service (DBS) Customer services PO Box 165 Liverpool L69 3JD Information line: 0870 90 90 811 Website: https://www.gov.uk/disclosure-barring-service</p>

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Kent County Council Trading Standards 1 st Floor, Invicta House County Hall Maidstone ME14 1XX Tel: 01622 221012 Fax: 01622 221013	Environmental Health Dartford and Sevenoaks Environmental Health Partnership Civic Centre Home Gardens Dartford Kent DA1 1DR Email: environmentalhealth@sevenoaks.gov.uk Tel: 01732 227000
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Agenda Item 5

Appendix E - Recommended delegation of functions

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If a police objection	If no objection made
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	If no objection made
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	If no objection made
Applications for interim authorities		If a police objection	If no objection made
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 for a minor variation			All cases

The prevention of crime and disorder

factors that impact on crime and disorder

- Underage drinking
- Drunkenness on premises
- Public drunkenness
- Drugs
- Violent behaviour
- Anti-social behaviour
- Irresponsible drinks promotions

Public safety

factors that impact on the standards of public safety

- The occupancy capacity of the premises
- The age / design / layout of the premises
- The nature of the licensable activities to be provided
- The hours of operation
- Customer profile (e.g. age, disability)
- The use of special effects such as lasers pyrotechnics, smoke machines, etc.

The prevention of public nuisance

factors that impact on the likelihood of public nuisance

- The location of premises
- The hours of operation
- The nature of activities to be provided
- The design and layout of premises
- Emission of noise/music from the premises
- The occupancy capacity
- The availability of public transport
- Last admission time
- Dispersal of staff from premises
- Dispersal of patrons
- Local residential premises
- CCTV/registered door supervisors
- Parking by patrons
- The likelihood of any violence
- Taxis disturbing local residents
- The position of external lighting
- Problems of litter in the vicinity
- History of previous complaints
- Strong promotional activities/happy hours

The protection of children from harm

factors that impact the protection of children from harm

- Purchase, acquire or consume alcohol
- Be exposed to drugs, drug taking or drug dealing
- Be exposed to gambling
- Be exposed to activities of an adult or sexual nature
- Be exposed to incidents of violence or disorder
- Be exposed to environmental pollution
- Be exposed to special hazards such as falls from a height

examples of control measures

- Effective and responsible management of premises
- Training and supervision of staff
- Adoption of best practice guidance (e.g. Safer Clubbing)
- Acceptance of accredited 'proof of age' cards and/or 'new type' driving licences
- Provision of effective CCTV
- Employment of Security Industry Authority licensed door staff
- Provision of toughened or plastic glasses
- Provision of secure deposit boxes for confiscated items ('sin bins')
- Provision of litterbins and other security measures, such as outside lighting
- Membership of a pub watch scheme

examples of control measures

- Suitable and sufficient risk assessments
 - Means of escape
 - Means of giving warning
 - Fire fighting equipment
 - Emergency lighting
- 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
- Adoption of best practice guidance
- Provision of effective CCTV in and around premises
- Provision of toughened or plastic glasses
- Implementation of crowd management measures
- Regular testing (and certification) of procedures, appliances, etc.

examples of control measures

- Responsible management of premises
- Appropriate instruction, training and supervision to prevent incidents of public nuisance
- Control of operating hours
- Adoption of best practice guidance
- Installation of soundproofing, air conditioning, sound limitation devices
- Management of people
- Liaison with public transport providers
- Position of external lighting
- Collection and disposal of litter
- Effective ventilation systems

examples of control measures

- Effective and responsible management of premises
- Provision of a sufficient number of people to secure the protection of children from harm
- Appropriate instruction, training and supervision of those employed
- Adoption of best practice guidance
- Limitations on the hours when children may be present in 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 for example "Connexions Card"
- An official identity card issued by HM Forces or by a EU country bearing the photograph and date of birth of bearer

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EQUALITIES IMPACT ASSESSMENT

Details of the assessment	
Name of Function/Policy/ Service being assessed	Licensing Act 2003 Statement of Licensing Act 2003
Date of assessment: 8th September 2014	Commenced: Completed:
Directorate & Service	Environmental & Operational Services
Policy Owner	Richard Wilson – Chief Officer for Environment
Name of Officer(s) carrying out assessment:	Leeann Leeds Claire Perry Sarah Lavallie

Step 1 Initial Screening for:		
<ul style="list-style-type: none">• New/revised policies/strategies• policy decisions• considering partnership working arrangements• procurement/commissioning activities (For assessments identified within the Equality Impact Assessment Timetable please go straight to Step 2).		
	Key Questions	Answers/Notes
1	What are you looking to achieve in this activity?	The aims of this statement of Licensing Policy in line with the four licensing objectives are to minimise nuisance and disturbance to the public through the licensing process. Help build a fair and prosperous society that properly balances the rights of people and their communities. Intergrate its aims and objectives with other initiatives.
2	Who in the main will benefit?	Any person who is carrying out licensable activities.
3	Does the activity have the potential to cause adverse impact or discriminate against different groups in the community?	Yes <input type="checkbox"/> Please explain
		No <input checked="" type="checkbox"/> Please explain: All applications will be considered on their own merits, as well as against the relevant policy and statutory framework.
		Note: if the answer is 'yes' then a full equality impact assessment is required – see step 2.

Step 1	Initial Screening for: <ul style="list-style-type: none"> • New/revised policies/strategies • policy decisions • considering partnership working arrangements • procurement/commissioning activities (For assessments identified within the Equality Impact Assessment Timetable please go straight to Step 2).		
	Key Questions	Answers/Notes	
4	Does the activity have potential to make a positive contribution to equalities?	Yes <input type="checkbox"/>	Please explain:
		No <input checked="" type="checkbox"/>	Please explain: The policy is intended to give guidance and advice to any person who maybe carrying out licensable activities or applying to do so.
		Note: if the answer is 'yes' then a full equality impact assessment is required – see step 2.	

Where the screening has identified the need for a full impact assessment, this must:

- be commenced during the drafting stages of a new policy/strategy and fully completed following any consultation period before submitting for committee approval
- carried out before any policy decision is taken
- completed in the planning stages of any procurement exercise