



# Sevenoaks District Council

## DRAFT STATEMENT OF LICENSING POLICY



7<sup>th</sup> January 2011 – 6<sup>th</sup> January 2014

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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# 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.
- 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.

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.

- 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 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. The supply of alcohol 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 include 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](http://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;
- public safety;
- the prevention of public nuisance;
- the protection of children from harm.

Licensing Objectives			
<b>The prevention of crime and disorder</b>	<b>Public safety</b>	<b>The prevention of public nuisance</b>	<b>The protection of children from harm</b>
<ul style="list-style-type: none"> <li>• To prevent the commission of any offence</li> <li>• To prevent the commission of any offence which is likely to result in violence</li> <li>• To prevent the commission of any offence which is likely to result in damage to property</li> <li>• To prevent the commission of any offence which is likely to result in damage to the environment</li> <li>• To prevent the commission of any offence which is likely to result in damage to the health or safety of any person</li> <li>• To prevent the commission of any offence which is likely to result in damage to the health or safety of any person who is under the age of 18</li> </ul>	<ul style="list-style-type: none"> <li>• To prevent the commission of any offence which is likely to result in violence</li> <li>• To prevent the commission of any offence which is likely to result in damage to property</li> <li>• To prevent the commission of any offence which is likely to result in damage to the environment</li> <li>• To prevent the commission of any offence which is likely to result in damage to the health or safety of any person</li> <li>• To prevent the commission of any offence which is likely to result in damage to the health or safety of any person who is under the age of 18</li> </ul>	<ul style="list-style-type: none"> <li>• To prevent the commission of any offence which is likely to result in violence</li> <li>• To prevent the commission of any offence which is likely to result in damage to property</li> <li>• To prevent the commission of any offence which is likely to result in damage to the environment</li> <li>• To prevent the commission of any offence which is likely to result in damage to the health or safety of any person</li> <li>• To prevent the commission of any offence which is likely to result in damage to the health or safety of any person who is under the age of 18</li> </ul>	<ul style="list-style-type: none"> <li>• To prevent the commission of any offence which is likely to result in violence</li> <li>• To prevent the commission of any offence which is likely to result in damage to property</li> <li>• To prevent the commission of any offence which is likely to result in damage to the environment</li> <li>• To prevent the commission of any offence which is likely to result in damage to the health or safety of any person</li> <li>• To prevent the commission of any offence which is likely to result in damage to the health or safety of any person who is under the age of 18</li> </ul>

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](http://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, 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 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 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



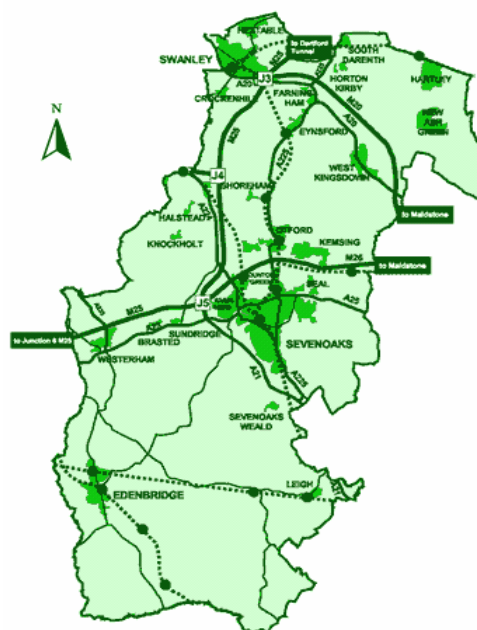
Sevenoaks District is in West Kent, bordering Greater London, Surrey and Sussex and covers an area of 142 square miles.

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

<p>Anthony Garnett Licensing Partnership Manager Telephone: 01732 227339 Email: <a href="mailto:anthony.garnett@sevenoaks.gov.uk">anthony.garnett@sevenoaks.gov.uk</a></p>	<p>Claire Perry Assistant Licensing Partnership Manager Telephone: 01732 227325 Email: <a href="mailto:claire.perry@sevenoaks.gov.uk">claire.perry@sevenoaks.gov.uk</a></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: <a href="mailto:licensing@sevenoaks.gov.uk">licensing@sevenoaks.gov.uk</a></p>	

See the Sevenoaks District Council Website [www.sevenoaks.gov.uk](http://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](http://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](http://www.magistrates-association.org.uk)

Safer Clubbing Guide

[www.drugs.gov.uk/ReportsandPublications/Communities/1034174284](http://www.drugs.gov.uk/ReportsandPublications/Communities/1034174284)

The National Alcohol Harm Reduction Strategy Toolkit

[www.alcoholconcern.org.uk](http://www.alcoholconcern.org.uk)

The Point of Sale Promotions published by BBPA

[www.beerandpub.com](http://www.beerandpub.com)

Public Places Charter

[www.ash.org.uk](http://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 &amp; 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: <a href="mailto:planning.comments@sevenoaks.gov.uk">planning.comments@sevenoaks.gov.uk</a> Tel: 01732 227135 (Duty officer)</p>
<p>British Beer &amp; Pub Association Market Towers 1 Nine Elms Lane London. SW8 5NQ Tel: 020 7627 9191 Fax: 020 7627 9123 <a href="mailto:web@beerandpub.com">web@beerandpub.com</a> 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 <a href="http://www.bii.org">www.bii.org</a> Email: <a href="mailto:reception@bii.org">reception@bii.org</a></p>
<p>SIA PO Box 49768 London. WC1 V6WY Website: <a href="http://www.the-sia.org.uk">www.the-sia.org.uk</a> Email: <a href="mailto:info@the-sia.org.uk">info@the-sia.org.uk</a> 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>West Kent Licensing Officer Ellen Shaw Tonbridge Police Station 1 Pembury Road Tonbridge Kent. TN9 2HS Telephone 01732 379328 Fax 01732 379299</p>	<p>Criminal Records Bureau (CRB) Customer Services CRB PO Box 110 Liverpool. L3 6ZZ Information line: 0870 90 90 811 Website: <a href="http://www.crb.gov.uk">www.crb.gov.uk</a></p>
<p>Kent County Council Trading Standards 1<sup>st</sup> 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: <a href="mailto:environmentalhealth@sevenoaks.gov.uk">environmentalhealth@sevenoaks.gov.uk</a> Tel: 01732 227000</p>

## Appendix E - Recommended delegation of functions

<b>Matter to be dealt with</b>	<b>Full Committee</b>	<b>Sub Committee</b>	<b>Officers</b>
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**

**Public safety**

**The prevention of public nuisance**

**The protection of children from harm**

**factors that impact on crime and disorder**

**factors that impact on the standards of public safety**

**factors that impact on the likelihood of public nuisance**

**factors that impact the protection of children from harm**

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

- 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 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

- 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**

**examples of control measures**

**examples of control measures**

**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

- 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.

- 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

- 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