

# Public Document Pack



## AYLESBURY VALE DISTRICT COUNCIL Democratic Services

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### LICENSING COMMITTEE

A meeting of the **Licensing Committee** will be held at **10.00 am** on **Monday 7 September 2015** in **The Olympic Room, Aylesbury Vale District Council, The Gateway, Gatehouse Road, Aylesbury, HP19 8FF**, when your attendance is requested.

Contact Officer for meeting arrangements: Alice Fisher; [afisher@aylesburyvaledc.gov.uk](mailto:afisher@aylesburyvaledc.gov.uk);

**Membership:** Councillors: J Brandis (Chairman), M Hawket (Vice-Chairman), P Cooper, A Huxley, S Lambert, T Mills, G Powell, S Renshell, B Russel, J Ward and Sir Beville Stanier Bt (ex-Officio)

### AGENDA

**1. APOLOGIES**

**2. TEMPORARY CHANGES TO MEMBERSHIP**

Any changes will be reported at the meeting.

**3. MINUTES** (Pages 1 - 4)

To approve as a correct record the Minutes of the meeting held on 6 July 2015 attached as Appendix A.

**4. DECLARATIONS OF INTEREST**

Members to declare any interests

**5. LICENSING ACT 2003 - REVIEW OF LICENSING POLICY** (Pages 5 - 126)

To consider the report attached as Appendix B.

Contact Officer: Peter Seal 01296 585083

**6. REVIEW OF POLICY ON CRIMINAL CONDUCT AND UNACCEPTABLE BEHAVIOUR OF TAXI DRIVERS AND NEW APPLICANTS AND THE FIT AND PROPER TEST** (Pages 127 - 136)

To consider the report attached as Appendix C.

Contact Officer: Peter Seal 01296 585083





## LICENSING COMMITTEE

6 July 2015

**PRESENT:** Councillor Mrs Brandis (Chairman); Councillors Cooper, Hawkett, Huxley, Mills, Powell, Mrs Renshell, Mrs Russel and Sir Beville Stanier.

**APOLOGIES:** Councillors Lambert and Mrs Ward

### 1. MINUTES

RESOLVED -

That the Minutes of 2 March and 27 May 2015 be approved as correct records.

### 2. REVIEW OF COUNCIL'S POLICY ON TAXIS AND PRIVATE HIRE

The Local Government (Miscellaneous Provisions) Act 1976 prohibited the district council from licensing a person as a private hire or hackney carriage driver unless they were satisfied that the applicant was a fit and proper person to hold a driver's licence. The phrase 'fit and proper' had never been judicially defined and could cause local authorities some difficulties.

At AVDC new drivers were required to pass a medical and the Driving Standards Agency (DSA) taxi driving test. However an assessment of 'fit and proper' extended beyond mere skills and medical clearance. A judgement of character had to be made and in particular whether someone had a propensity towards dishonesty or even crime.

All applications for a taxi and private hire driver licence, whether new or on renewal required the applicant to provide an enhanced criminal disclosure from the Disclosure and Barring Service (formally known as the Criminal Record Bureau). Both taxi and private hire drivers were exempt from the provisions of the Rehabilitation of Offenders Act 1974, meaning that there were no 'spent convictions' and all criminal convictions could be taken into account. The enhanced criminal disclosure revealed not just convictions but other court disposals such as cautions, reprimands and warnings and, on occasion intelligence/suspicious.

In an attempt to provide a consistent, transparent and proportionate assessment of the information provided, the Council currently had a policy on relevance of criminal conduct and complaints against licence holders and applicants. Based on this policy not a single decision to refuse or revoke a licence had been overturned on appeal. However since its original publication there had been changes in case law and the Council's licensing

service had acquired considerable practical experience in decision making and assessment. A draft new policy on criminal conduct and unacceptable behaviour had been attached as an appendix to the report. The Council's existing policy had also been attached as an appendix for comparison.

The draft policy had been updated to reflect the practical experience of officers and was largely based on the policy adopted by Kirklees Borough Council who was generally held in high esteem in respect to their regulatory services. A Consultation with the trade and other interested parties would be undertaken on the draft policy. Based on feedback from the consultation a final policy would be brought back to the Licensing Committee for discussion and recommendation for Cabinet Member approval.

However, the committee noted that the trade did have problems with the DSA taxi test and medical approval and these had limited impact on improving standards. At present all new applicants and existing drivers on renewal needed a Group II medical examination from a doctor at their own surgery. Depending on the surgery the cost for this varied between £65 and £125 with differing waiting times for appointments. Likewise the waiting times for a DSA test could take several months.

It was proposed that the licensing service should identify alternative schemes to assist the trade whilst achieving the same assurances. It was also proposed that officers would look at alternatives to the DSA taxi test and discuss the proposals with the trade before bringing back to the committee for further discussion.

The Members discussed the draft new policy on criminal conduct and unacceptable behaviour and suggested a number of amendments to be made before the policy went out for consultation. Members had concerns about some drivers not being able to understand or speak English adequately or have adequate knowledge of the Vale. It was also acknowledged that "legal highs" were becoming an increasing problem in the UK and thought should be given as to how these would be addressed in the policy. Another concern related to previous convictions whilst living abroad. At present only convictions in the UK would show up on the enhanced disclosure as mentioned previously.

The Licensing Committee noted that the penalty points system for taxi enforcement had been introduced in 2014. The system had been targeted at low level non-compliance and was proving to be very successful. Standards had noticeably improved with, for example, drivers readily wearing their badges and maintaining first aid kits and fire extinguishers.

RESOLVED –

- (1) Members noted the proposed revised policy in respect to the unacceptable behaviour and criminal conduct of taxi drivers and new applicants and the fit and proper test; and
- (2) That the Licensing Manager embark on a consultation of its contents and bring a further report back to Licensing Committee to approve a final and acceptable policy; and

- (3) That the Licensing Manager seek alternative schemes to ensure that drivers are medically fit and suitably qualified to drive safety.

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**Licensing Committee  
7 September 2015**

## **LICENSING ACT 2003 - REVIEW OF LICENSING POLICY**

### **1 Purpose**

- 1.1 To advise the Licensing Committee of the results to the consultations undertaken in respect of the draft 2016 Aylesbury Vale District Council Licensing Policy Statement.
- 1.2 To seek agreement to the reviewed Policy Statement and to recommend the Policy Statement to Council for adoption

### **2 Recommendations/for decision**

- |   |
|---|
| <ol style="list-style-type: none"><li>2.1 That the Licensing Committee notes the responses received in relation to the consultation of the draft 2016 Licensing Policy Statement and agree the Policy Statement as set out in Appendix 1 to this report.</li><li>2.2 That the Licensing Committee recommends that the Council adopts the reviewed Licensing Policy Statement.</li></ol> |
|---|

### **3 Supporting information**

- 3.1 The Licensing Act 2003 (the Act) requires the Licensing Authority to prepare and publish a statement of its licensing policy every 5 years. Up until recently it was every 3 years. The first statutory 3 year period began in January 2005. The second policy was published in January 2008 and our current policy was published in 2011. Although the Licensing Authority have until 2016 to review its current policy it is felt that there have been significant changes in legislation and the statutory guidance to justify a thorough review prior to then.
- 3.2 The Council now has 10 years practical experience in implementing the Act. The current policy has proved successful, particularly as it applies to Aylesbury town centre not only contributing to a continuing fall in crime and disorder (a Community Safety Partnership priority) but also assisting in the development of the town centre in line with the Council's Strategic Town Centre Vision. The saturation policy has been commended by the Association of Town Centre Management's Purple Flag award for the town centre.
- 3.3 In drafting the 4<sup>th</sup> generation policy it was the intention to reflect the Council's vision for the night time economy particularly in our town centres and promote standards by setting out our expectations of business practice through licensing mechanisms. A restraint policy in respect to Aylesbury town centre has proved both necessary and successful and an approach which seeks to restrain later hours was drafted for Buckingham town centre. The policy was proof read by a leading licensing counsel who also ensured it included changes to the law and, just as important better reflected changes in Government policy in respect to licensing. Attached as Appendix 1 is the draft policy, including any changes arising from consultation.

- 3.4 This draft policy has been subject to widespread consultation. Members are reminded that the Act is quite specific on who must be consulted with before determining the Policy Statement. Consultation began in March 2015. The draft policy was posted on the District Council's web-site. Copies were sent to, amongst others Thames Valley Police and all the other responsible authorities, all District Councillors, all Parish and Town Councils, various multi-agency groups and other interested parties. All licensees with a premises licence or club premises certificate were also written to and the policy made available.
- 3.5 In respect to both Aylesbury and Buckingham town centres open meetings were organised. All town centre licence holders and, where different the Designated Premises Supervisors for those premises were invited to attend. As the draft policy contains restraint policies for both towns it was considered that additional face to face consultation would be advantageous in seeking local and experienced views. Other interested parties such as the town councils and residents associations were also invited, along with the police and environmental health and the Chairman of Licensing Committee.
- 3.6 The Aylesbury town centre meeting was not particularly well attended by the trade, with only a representative from Weatherspoon present. The town Council and Aylesbury Old Town Residents were represented and showed much interest and support for the continuation of the saturation policy, as did the representative from Weatherspoon. The Buckingham meeting was much better attended with a number of licensees present as well as the Town Council, the Neighbour Action Group and a district councillor. The Chairman of Licensing Committee attended both meetings. All present at the meeting, including the licensees supported the proposal to restrain trading hours late at night. In preparation of both meetings summaries of the proposed policies for each town centre and potential questions were circulated. These are attached with this report as Appendix 2 as they demonstrate the authorities genuine attempt to engage at a formative stage and provide as much relevant information as possible.
- 3.7 Attached as Appendix 3 is a schedule of responses to the draft licensing policy statement. The schedule identifies the respondent who made the comment and, in most cases describes the nature of their observation. It then appraises the comment, having regard to the law and the latest statutory guidance. Finally the schedule indicates if and how the draft policy statement should be amended. In order to ensure that those representations that recommend significant changes to the policy have received conscientious consideration some representations have been attached to this report in full. These should be read in conjunction with the schedule of responses. Attached as Appendices 4 is an interesting insight of the public health view on alcohol in AVDC and the County. Appendix 5 is the full representations from solicitors representing Fever & Boutique, a premises affected by the saturation policy and Appendix 6 is a response from Thames Valley Police. Appendix 7 is from another premises within the saturation policy area and finally Appendix 8 a supportive document for the policy from Thames Valley Police.
- 3.8 Any further changes agreed by Licensing Committee will be incorporated into the draft policy statement and go before Full Council for approval.

#### **4 Options considered**

- 4.1 None.



**5 Reasons for Recommendation**

- 5.1 The Licensing Act 2003 require Council to prepare and publish a statement of licensing policy every 5 years.

**6 Resource implications**

- 6.1 Any costs arising are covered by income from licensing fees.

Contact Officer

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Background Documents

Guidance issued under section 182 of the licensing Act 2003



# Licensing Policy Statement

January 2015

DRAFT

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## **General explanation of changes and improvements made**

When the Council first published its Licensing Policy (the Policy) in January 2005 in compliance with Section 5 of the Licensing Act 2003 (the Act), we could only best guess how in practice we would exercise our powers. The Act was then a new and untested piece of legislation and its practical impact was uncertain. In particular, the licensing of the sale and supply of alcohol and take-aways was not something that the Council had any previous experience of.

In the ensuing years the precise nature of the Council's role, acting in its capacity as Licensing Authority, has evolved and matured.

When the Council reviewed its policy in 2007 we were able to address the gap between the anticipated role of the Licensing Authority as defined in our first policy and the role actually assumed in reality. The Council's revised policy, which we published in January 2008, was much more experience based and therefore more responsive to the effects of the new licensing regime.

The third generation policy, published in January 2011 drew on the lessons learnt over a further 3 years of operational experience, changes were made to the policy which built on past successes and which challenged in new or more effective ways remaining areas of concern. This experience allowed the Council to develop its policy making role with greater confidence, clarity and precision as to what works in the district of Aylesbury Vale in terms of promoting the licensing objectives.

The Council now has 9 years of practical experience in implementing the Act. The previous policy has proved successful, particularly as it applies to Aylesbury town centre not only in contributing to a continuing fall in crime and disorder (a Community Safety Partnership priority) but also assisting in the development of the town centre in line with the Council's Strategic Town Centre Vision. The saturation policy has been commended by the Association of Town Centre Management's Purple Flag award for the town centre. It is the intention of this current policy to reflect the Council's vision for the night time economy, particularly in our town centres and promote standards by setting out our expectations of business practice through licensing mechanisms. A restraint policy in respect to Aylesbury town centre has proved successful, and an approach which seeks to restrain later hours is intended for Buckingham town centre.

The Policy has also generally been updated and, in particular, changes have been made to reflect amendments made to the Licensing Act 2003 and the Guidance issued under Section 182 of the Act to Licensing Authorities as well as case law developments.

Finally, the opportunity has been taken to improve the drafting of the policy wherever this was felt necessary.

## PART A INTRODUCTION

### 1 A SUSTAINABLE LEISURE ECONOMY

#### The Role of Policy

- 1.0 Aylesbury Vale District Council wishes to promote a sustainable local leisure economy. Such an economy must be safe, welcoming, diverse, accessible and attractive to the population as a whole. It must minimise negative impacts of such an economy, whether on local residents, visitors or the environment.
- 1.1 Licensing has a crucial role to play in achieving that goal, through the formulation of policy, individual decision-making, promotion and encouragement of best practice and through enforcement. This is the job of the District Council as Licensing Authority.
- 1.2 Licensing is concerned with promotion of the licensing objectives. These are:
- a) The prevention of crime and disorder;**
  - b) Public safety;**
  - c) The prevention of public nuisance; and**
  - d) The protection of children from harm.**

Each of these objectives has equal importance.

- 1.3 In all that it does, the Licensing Authority will work to promote the Licensing Objectives. This Policy, which the Licensing Authority is obliged to publish every five years, explains how the Licensing Authority intends to do so.

## Formulation of policy

- 1.4 This is the fourth edition of this Policy. The first was first prepared and published in January 2005 just before the introduction of the Licensing Act 2003. The second was published in January 2008 and the third in January 2011. In determining this new Policy the Licensing Authority has applied its experience in administering the licensing system under the Licensing Act 2003. It has also taken into account revisions to the National Guidance, local appeal decisions, case law, best practice, the Aylesbury Town Centre Plan, the views of the Buckingham Neighbourhood Action Group, Community Safety Partnership, and the views of a wide range of stakeholders.
- 1.5 In preparing this Policy, the Licensing Authority has taken into account current national Guidance issued by the Secretary of State. Nevertheless, this Policy concerns Aylesbury Vale and is directed to the specific needs and priorities of the District.
- 1.6 The Licensing Authority has consulted widely in the formulation of this Policy, including with the following:
- a) Thames Valley Police**
  - b) Police and Crime Commissioner**
  - c) Buckinghamshire Fire & Rescue Service**
  - d) All Pubwatch schemes operating in the Vale**
  - e) Licensees of all premises holding a Premises Licence for Alcohol, Entertainment or Late Night Refreshment**
  - f) Club premises certificate holders.**
  - g) Licensing Committee**
  - h) District Councillors**
  - i) Town Councils and Parish Councils**
  - j) Aylesbury Old Town Residents Association**
  - k) Bucks County Council Safeguarding Children Board**
  - l) The Local Health and Safety Enforcing Authority**

- m) **The Local Planning Authority**
- n) **The Director of Public Health.**
- o) **The Local Leisure and Community Engagement Authority**
- p) **The Local Environmental Health Authority**
- q) **The Local Trading Standards Authority**
- r) **Alcohol Advisory Group**
- s) **British Beer and Pub Association**
- t) **Community Safety Partnership**
- u) **Buckinghamshire County Council Highways**
- v) **South Central Ambulance Services**
- w) **Buckingham Neighbourhood Action Group**

### The Policy in action

- 1.7 This Policy relates to the following activities that are required to be licensed under the Act:
- a) **The sale of alcohol by retail;**
  - b) **The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;**
  - c) **The provision of regulated entertainment to the public or to club members or for consideration and with a view to profit. Regulated entertainment includes the performance of a play, film exhibitions, indoor sporting events, boxing or wrestling events, performing live music and playing recorded music (except incidental music) and performances of dance, and entertainment of a similar description. Certain exemptions apply, for example unamplified music between 08.00 and 23.00 hours on any day;**  
**and**
  - d) **The provision of late night refreshment.**
- 1.8 This policy explains how licensable activities can be harnessed and run to promote the licensing objectives. It depends on the co-operation of a number of parties:



- Applicants are expected to read this Policy before making applications for new licences or variations and to tailor their applications to meet the licensing objectives.
- Local residents will be assisted by reading this Policy when deciding whether to make a representation to licence applications and if so whether to object to the principle of the application or merely the conditions which have been offered this can be found on the Aylesbury Vale District Council web site <http://www.aylesburyvale.gov.uk/business/licensing-regulation/making-representation/>
- Responsible authorities will be expected to act as guardians of the Policy by pointing out any departure of applications from its terms. This applies in particular to the Licensing Authority itself, which is a responsible authority under the Licensing Act 2003.
- Local councillors, who have the same entitlement to make representations as other members of the public, will similarly be expected to relate any objections to applications to terms of the Policy.
- The Licensing Committee and Sub-Committee will use the Policy as a starting point when deciding applications for new licences, variations and reviews.
- The Magistrates' Court, when deciding appeals, must stand in the shoes of the Licensing Authority when applying the Policy.

1.9 Therefore, the Policy plays a key role in achieving consistency in decision-making and ensuring that all applications are decided in a way which promotes a sustainable leisure economy for the area as a whole.

1.10 Nothing in this Policy prevents any party from making any application and having it

determined on its merits. Nor does the Policy prevent any party who is entitled to make representations from doing so, whether such representations are based on the Policy or some other matter. Furthermore, when it is asked to do so, the Licensing Authority will always decide whether it is appropriate to make a departure from the Policy. However, the Policy will always play a key role in decision-making where the Licensing Authority has a discretion.

- 1.11 Some of the policies in this document are intended to be strictly applied because of the importance of the Policy in question to the promotion of the licensing objectives locally. While, even in these cases, the Licensing Authority will consider whether it is appropriate to depart from the Policy, it is unlikely to do so except in truly exceptional cases where the applicant can show that the objectives of the policy can be met by other means.

## Partnerships

- 1.12 The aims of this Policy are not just achieved through decision-making. They are also achieved through formal and informal partnerships. In order to achieve this the Council is committed to partnership working with the police, fire service, child protection agencies, local businesses, residents and others.
- 1.13 Among the partnership initiatives operating in the area are:
- Partnerships with regulatory authorities. The Licensing Authority, together with Thames Valley Police and Trading Standards, will enforce the law relating to the sale of alcohol to drunk and underage people and drunkenness and disorder on, or in the immediate vicinity of licensed premises. Targeted and joint enforcement initiatives will be undertaken in line with the Legislative and Regulatory Reform Act 2006.
  - Pubwatch. This important scheme enables partnership working between licensed premises themselves and also with the police, so as to foster a joint

understanding of the measures needed to produce a vibrant but safe leisure economy. The Licensing Authority strongly encourages universal participation in Pubwatch as a measure of the premises management's commitment to the promotion of the licensing objectives.

- Aylesbury Vale Community Safety Partnership

## Diversity

- 1.14 The Licensing Authority recognises that licensed premises are valuable in attracting tourists and visitors. They support vibrant communities and serve as major employers.
- 1.15 It is recognised that as a part of implementing local authority cultural strategies proper account has to be taken of the need to encourage and promote a broad range of entertainment. Where there is any indication that events are being deterred by licensing requirements, the Policy will be revisited with a view to investigating how the situation might be improved within the terms of the Licensing Act 2003.
- 1.16 In general, 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. Thus, premises promoting the arts, a food offer or other cultural activities are particularly encouraged. Where premises, such as pubs, are alcohol-based, they are encouraged to consider diversifying their offer 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.
- 1.17 To ensure the development of cultural diversity the Licensing Authority has issued premises licences for some public spaces in the community. These include public spaces in Aylesbury and Buckingham town centres and some parks. The Council will continue to encourage cultural diversity through licensing public spaces. This

might include, for example, village greens, market squares, community halls, council owned art centres and similar public areas. The Live Music Act 2012 had the effect of removing the need for licences for certain live music performances, in order to promote such activity. The Licensing Authority endorses the value of live performance and, where authorisation is needed, will seek to permit such activity when this is consistent with the promotion of the licensing objectives.

- 1.18 As part of its strategy for ensuring that public spaces are welcoming to all residents and visitors, the Council has made Designated Public Places Orders (DPPOs) under the Criminal Justice and Police Act 2001 in the towns of Aylesbury and Buckingham and several public spaces in and around Aylesbury this can be found on the Aylesbury Vale District Council web site <http://www.aylesburyvaledc.gov.uk/business/licensing-regulation/designated-public-places-order-dppo/>. These effectively prevent the consumption of alcohol in such public spaces except where there is a premises licence permitting consumption. These orders are fundamentally important in promoting the licensing objectives, in particular, the prevention of public nuisance and crime and disorder.
- 1.19 The provisions of the 2001 Act relating to DPPOs have now been replaced by Public Space Protection Orders (PSPOs) which are part of the reforms introduced by the Anti-Social Behaviour, Crime and Policing Act 2014. However, existing DPPOs will remain enforceable until 2017 after which they will be treated as PSPOs.

## Amenity

- 1.19 The Licensing Authority is committed to protecting residents and other commercial operators from harm as a result of licensable activities. When it has a discretion, depending on the circumstances, the Licensing Authority will take into account factors such as
- a) Noise. This may be noise breakout from the premises, from smoking areas and beer gardens or noise in the vicinity caused by customers arriving or leaving.
  - b) Street crime
  - c) Litter

- d) Odour.
- e) Resources, including police, ambulance and A&E resources to cope with the influx of people, particularly at night. This will be a weighty consideration in Aylesbury and Buckingham town centres.
- f) The availability of adequate transport to ensure the swift dispersal of customers away from the area
- g) The contribution of other nearby premises or facilities such as takeaways and taxi ranks to criminality and disturbance
- h) The role of conditions or hours restrictions in the avoidance of harm

Where there are several premises operating in the vicinity, definitive proof that particular premises are the cause of harm to amenity is rarely possible. The licensing authority will, however, draw sensible inferences as to whether premises are, or will be, contributors to such harm.

In deciding whether there is or will be harm to amenity, the licensing authority is not concerned with whether the conduct of the licensee is or will be blameworthy, but what steps are appropriate for the promotion of the licensing objectives. This is because the purpose of the system is not punitive but protective.

## Public participation

1.20 The Licensing Authority encourages public participation in the licensing system. Any person may make relevant representations on applications for new and variation applications and club premises certificates, as well as applying for reviews. This enables democratic participation in the licensing process, allowing residents, workers, businesses and town centre users to have a say in how the licensed economy is regulated. Persons do not have to live or work close to licensed

premises to engage in the licensing process. However representations that are frivolous or vexatious will not be considered.

- 1.21 In accordance with the Act the Policy will be kept under review and revisions made, if necessary, before a new policy is determined in five years time.

## 2 LEISURE ECONOMY STRATEGIES

- 2.1 There is a range of strategic influences and statutory controls which affect the licensing system in terms of policy formulation, administration and enforcement activities. Whilst the following is not meant to be an exhaustive list, it identifies the key areas which may inform and shape the policies contained in this Policy statement:

- a) The Community Strategy as required by the Local Government Act 2000.
- b) The Community Safety Partnership as required by the Crime and Disorder Act 1998.
- c) The national Alcohol Harm Reduction Strategy
- d) Anti-social Behaviour, Crime and Policing Act 2014
- e) Guidance on Safer Clubbing.
- f) Planning controls
- g) Fire Protection legislation
- h) Equality legislation such as the Equality Act 2010. Human Rights Act 1998
- i) Building Regulations
- j) Health and safety at Work Act 1974
- k) Statutory Nuisance
- l) Private Security Industry Act 2001
- m) Smoke Free (Premises and Enforcement) Regulations 2006

The use of Criminal Behaviour Orders, Pubwatch banning schemes and alcohol arrest referral schemes targeted at offenders.

- 2.2 At a policy level, the Licensing Authority is committed to the integration of all relevant regimes so as to promote a sustainable and diverse leisure economy and, as part of that, the licensing objectives. It will do this by ensuring communication

between the Licensing Authority and other relevant bodies so that matters of mutual concern and aspiration are discussed, joint working strategies developed, and by reflecting shared goals in Licensing Policy.

- 2.3 At an operational level, it will ensure that integration occurs through joint working arrangements and partnership working, particularly in relation to enforcement.
- 2.4 At a decision-making level, it will respect the role that each regulatory scheme has in the development of a sustainable leisure economy. It will not in general attach conditions to licences where the matters of concern are adequately protected by other legislation. It will take into account the existence of other statutory controls when deciding what is appropriate in an individual case in order to promote the licensing objectives. In general, duplication will be avoided and control exercised through the most appropriate system.

## Planning

- 2.5 Planning permission is usually required for the building of new premises or the material change of use of premises from one 'Use Class' to another.
- 2.6 In general, planning is concerned with land use whereas licensing is concerned with more detailed operational matters. Accordingly, applicants for premises licence are encouraged to ensure that the proposed use would amount to a lawful planning use. There is no legal basis for the Licensing Authority to refuse a licence application merely because the proposal does not have planning permission. However, the Licensing Authority will take account of the lack of the requisite consent to the extent that this is relevant to the licensing objectives.
- 2.7 Conversely, the fact that premises have a planning permission for the proposed use does not guarantee the grant of a premises licence for the use. In general, the licensing system will provide the detailed control of operational matters, which are unlikely to be addressed through the planning process. However there will be

overlapping issues of interest e.g. disturbance, which will remain material considerations for both planning and licensing purposes.

- 2.8 Licensing is not the primary mechanism for controlling anti-social behaviour away from premises and beyond the direct control of operators. However, it is a key aspect of such control and licensing law is part of the holistic approach to the management of the evening and night time economy in town and city centres as well as rural areas and to some extent during the daytime too. Therefore, this Policy acknowledges the contribution of individual premises and, in certain circumstances, groups of premises to anti-social behaviour.

## PART B PROMOTING THE LICENSING OBJECTIVES

### 3 HOW THIS POLICY WORKS

- 3.1 Applicants for premises licences and club premises certificates are required to complete an “operating schedule” showing the activities proposed, the operating hours, and the measures which they propose to promote the licensing objectives.
- 3.2 Applicants are strongly encouraged to read this Licensing Policy when preparing their applications and to include the standards and, where relevant, licensing hours, set out in this Policy. However, they are not obliged to do so.
- 3.3 If they do not do so, it is more likely that their application will attract objections (relevant representations) from responsible authorities and other persons based on departure from this Policy.
- 3.4 If no relevant representations are received, the Licensing Authority is bound to grant the application, subject only to the terms of the operating schedule and any mandatory conditions. If, however, such representations are received, the Licensing Authority’s discretion is engaged.



- 3.5 In exercising its discretion, the Licensing Authority is likely to apply the standards set out in this Policy, unless exceptional circumstances can be demonstrated whereby the objectives of the Policy are achievable through other means.
- 3.6 Therefore, while applicants are legally entitled to make applications without complying with this Policy, a failure to comply with the Policy is likely to lead to objections, delay, extra cost and the application of the Policy at a licensing hearing.
- 3.7 Where the Policy refers to standards expected of operators, and of action the Licensing Authority will take, this is as explained above. For example, where the Policy states that the Licensing Authority will impose conditions, this means when its discretion has been engaged following the making of relevant representations.
- 3.8 The Licensing Authority will also take this Policy into account when deciding upon review applications. If a failure to comply with the Policy has been a contributory factor in the non-compliance of the premises with the licensing objectives, this is likely to be reflected in the remedy applied by the Licensing Authority.

#### 4 HOURS

FOR HOW THIS POLICY IS INTENDED TO APPLY SEE CHAPTER 3

- 4.1. In general, the Licensing Authority will set the hours of licensed premises according to the individual merits of the case.
- 4.2. In some circumstances, flexible licensing hours can help to avoid harm to the licensing objectives caused by simultaneous exit from licensing premises and can also help to promote diverse leisure economies.
- 4.3. However, in applying the licensing objectives, the Licensing Authority's Policy is to respect the right of residents to peace and quiet. In most cases concerning nuisance, this is likely to amount to an important concern.

- 4.4. In general, the Licensing Authority will take a stricter approach to licensing hours in areas of higher residential density.
- 4.5. There are also specific policies relating to Aylesbury Town Centre and Buckingham Town Centre which are dealt with in Chapters 5 and 6 because a different approach is appropriate to avoid harm to the licensing objectives.
- 4.6. The Licensing Authority's experience is that premises which are alcohol-led are more likely to give rise to concerns regarding late night nuisance and crime and disorder, the more so when they are directed at a younger clientele and/or involve vertical drinking or the playing of loud music. Therefore, premises falling within this category will be expected to demonstrate clearly, including by the use of licence conditions and management systems, that the hours applied for will not risk harm to the licensing objectives.
- 4.7. Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours. Such reasons may concern their location in Aylesbury Town Centre or Buckingham Town Centre, dealt with in Chapters 5 and 6. Further, in the case of individual shops which are known to be a focus of disorder and disturbance then, subject to representations from, for example, the police or other persons, a limitation on licensing hours may be appropriate.

## 5 SPECIAL SATURATION POLICY - AYLESBURY TOWN CENTRE

FOR HOW THIS POLICY IS INTENDED TO APPLY SEE CHAPTER 3

- 5.1 The Licensing Authority's Special Saturation Policy ('Saturation Policy') for Aylesbury Town Centre is as follows:

In Aylesbury Town Centre as shown on the map at Appendix 5, the following policies apply:

- (1) Applications for new licences or club premises certificates or for material variations for “Higher Risk Premises” beyond midnight or close beyond 12.30 a.m. will be refused.**
- (2) Applications for new licences or club premises certificates or for material variations for “Lower Risk Premises” beyond 2 a.m. or close beyond 2.30 a.m. will be refused.**
- (3) This Saturation Policy is intended to be strictly applied. Exceptions will only be made in genuinely exceptional cases. A case will not normally be considered exceptional on the ground of the good character of the applicant or the size of the application or variation.**
- (4) Applications within the above hours will be considered on their merits. However, the fact that the premises lies within a Special Saturation Area will be taken into account and special consideration will be given to the impact of the proposal on the licensing objectives.**
- (5) This Saturation Policy applies in addition to and not in substitution for other provisions of the Licensing Policy.**
- (6) In this Saturation Policy:**
  - a. A higher risk premises is one for which the sale of alcohol is a primary activity, including pubs and nightclubs or which serves hot food or drink for consumption off the premises.**
  - b. A lower risk premises is one for which the sale of alcohol is at most a subsidiary activity, including theatres, cinemas, restaurants, gambling premises and performance venues.**
  - c. If there is evidence that an off-licence is contributing or may in the future contribute to harm to the licensing objectives in the night time economy, it will be considered High Risk Premises with this Policy.**
  - d. A material variation is one which increases the capacity or trading hours of the premises, introduces or extends the sale of alcohol or**

**late night refreshment or regulated entertainment, or which changes the way the premises operates or varies an existing condition in such a way that there is likely to be an impact on the promotion of the licensing objectives.**

- 5.2 Special saturation policies are a response to cumulative impact. They are made where there is a concentration of licensed premises, and their cumulative impact – usually from customers leaving - is proving harmful to the licensing objectives.

Aylesbury Vale District Council adopted a special saturation policy for Aylesbury town centre at the inception of the Licensing Act. This followed serious concern from Thames Valley Police, the Aylesbury Old Town Residents Association and Aylesbury Town Council about crime and disorder and nuisance arising from the large number of customers in this area, particularly late at night. Attached as Appendix 1 is a summary of the factors considered in adopting a special saturation policy for Aylesbury Town Centre and continuing with it. The evidence in Appendix 1 will be periodically reviewed, to determine whether the saturation policy remains justified. The practical experience of the licensing authority is that the evidential basis of the policy occurs continuously throughout its life. For example the Aylesbury Vale Community Safety Partnership regularly review crime and disorder across the Vale to identify priorities. Every year Aylesbury town centre is subjected to an objective assessment in order to retain it's Purple Flag status; and crime and disorder is subject to a weekly briefing by the police and licensing authority.

- 5.3 In general terms there was an increase in crime and disturbance since 1999. This corresponded to an increase in the number and duration of late night licences in the town centre. This was despite additional police manpower, the introduction of town centre CCTV, the introduction of an Order prohibiting the public consumption of alcohol in the town centre and the use of multi-agency licensing inspections.
- 5.4 Aylesbury Town Centre comprises of a mix of residential properties, which sit beside and within retail, commercial and food and beverage developments. Traditionally the heart of the residential element has been located within the 'old town', which contains a significant number of vulnerable residents. However in recent years the

number of residents in the town has steadily increased as redevelopment or change of use (significantly from offices to flats) takes place. Residents experience anti-social behaviour, minor vandalism, noise disturbance and litter beyond those incidents reported to the police.

- 5.5 It is the view of Thames Valley Police that the number and density of premises selling alcohol late at night continues to give cause for concern and so the continuation of the Saturation Policy is justified.
- 5.6 This Saturation Policy does not impose quotas that restrict the consideration of any application on its own merits within the area, and does not take into account the demand for licensed premises which is not a licensing matter. Moreover it recognises the variety of different types of premises concerned – public houses, nightclubs, restaurants, hotels, theatres, concert halls and cinemas - not all of which pose the same risk of harm to the licensing objectives.
- 5.7 The Saturation Policy focuses on the two primary risk factors in relation to cumulative impact. That is the type of the premises and the hours of trade. The basis of the Saturation Policy is to apply restraint to higher risk (alcohol-led) premises seeking to trade beyond 12.30 a.m. and to lower risk (i.e. other) premises seeking to trade beyond 2.30 a.m. This gradation of approach is intended to assist the town centre in moving towards a more diverse, sustainable pattern of licensing which promotes the licensing objectives and protects residents from additions to the cumulative impact currently being experienced.
- 5.8 In deciding applications within the above hours, the Licensing Authority will deal with each case on its merits and arbitrary restrictions will be avoided. However, the fact that the premises is within a Special Saturation Area will remain material.
- 5.9 It is recognised that in Aylesbury Town Centre a number of premises' licences permit the sale of alcohol until 2.00 a.m. and closure at around 2.30 a.m. This has caused particular difficulties for the Police as customers leave premises simultaneously. It is the operational experience of officers from both Thames Valley Police and Aylesbury Vale District Council is that the ability to operate until later in

the night has produced a common, commercially driven terminal hour which has not resulted in the gradual dispersal of customers. It has shifted the mass exit of customers to a later hour. The majority of customers leave the premises between the last sale of alcohol and the closure of the premises. A significant number of customers of these premises remain in the town centre up until about 3.30 a.m. to obtain late night refreshment, obtain transport home or simply to freshen up. The majority of premises trading beyond 12.00 mid-night are alcohol-led, as opposed to food led. Therefore it follows that many customers leaving town centre premises at 2.00 a.m. are under the influence of alcohol.

- 5.10 The significant number of people under the influence of alcohol in the town centre up to 3.30 a.m. puts demands on a number of public services such as town centre policing, police domestic violence unit and the Accident and Emergency ward at Stoke Mandeville Hospital. It also impacts on the availability of taxis and private hire vehicles and street cleansing the following morning. Those customers that leave the town by foot will invariably pass residential properties and both Environmental Health and Licensing have received non-specific complaints about noise and excessive litter from residents of St Marys, Pebble Lane, Cambridge Street and Buckingham Street.
- 5.11 This Saturation Policy, however, is not aimed just at premises seeking to trade until 2.30 a.m. The Licensing Authority's licensing experience since the Licensing Act came into force strongly suggests that longer licensing hours in Aylesbury Town Centre will result in more and later incidents of crime, disorder and nuisance. This is likely to cause even further disruption to Town Centre residents.
- 5.12 Therefore, applications seeking permission to trade beyond 2.30 a.m. are also covered by this Saturation Policy. This Saturation Policy is not just concerned with applications which are capable of adding to the cumulative impact when incidents of crime, disorder and nuisance normally peak. The Licensing Authority recognises that applications for new premises licences or material variations which are likely to result in even later incidents or disturbances are just as capable of adding to the cumulative impact of a concentration of licensed premises. In fact, applications which are likely to result in incidents after 3.30 a.m. when the Town Centre has been

largely cleared is relatively quiet and the Police are no longer present in large numbers, could undermine the licensing objectives to an even greater extent. For that reason, it is most unlikely to be considered exceptional that the applicant intends to trade or open past the peaks hours for dispersal, crime and disorder or nuisance.

- 5.13 When considering applications beyond 2.30 a.m., the Licensing Authority will consider, amongst other things, the problems that might be caused by customers who have already been drinking alcohol migrating to other premises and the impact similar applications by other premises may have. The Licensing Authority will also take into account the fact that just because a premises is able to trade later than most other premises does not mean that the premises will necessarily do so and will be free to close at an earlier and common terminal hour.
- 5.14 These factors will be taken into account by the Licensing Authority when dealing with applications, whether for hours within or outside the terms of the Saturation Policy.
- 5.15 This Saturation Policy does not preclude an application for a licence or a determination of an application on its merits when relevant representations are received. Nor does this Saturation Policy relieve responsible authorities or other persons of the need to make a relevant representation relating to cumulative impact before the Licensing Authority will consider giving effect to it. However, if a relevant representation is received relating to an application for a new licence or a material variation which would breach this Saturation Policy, the application will not be granted unless it can be demonstrated that it will not add to the cumulative impact identified in the area.
- 5.16 The Licensing Authority will be vigilant in relation to the use of Temporary Event Notices in Aylesbury Town Centre. In considering objections to notices for hours beyond those specified above, the Authority will take into account that the premises lie in an area already identified as one within which harm to the licensing objectives is occurring.

- 5.17 Furthermore, the Licensing Authority will scrutinise with particular care claims that past events conducted under Temporary Event Notices without known harm to the licensing objectives justify an exception to the Special Saturation Policy. The nature of saturation areas is that harm is cumulative, and it is difficult to prove retrospectively that there was or was not incremental harm on any given night. Furthermore, the amount of trade or impact generated in respect of a single temporary event will not necessarily be the same as that generated once the premises is known to trade regularly to later hours.
- 5.18 The need for this Saturation Policy is not because of bad management of individual premises. Bad management is dealt with through enforcement. All licensees in Aylesbury Vale should operate good management standards. The need for this Saturation Policy is rather concerned with the number and concentration of premises. Therefore, the fact that premises are or will be well-managed will not in and of itself amount to an exception within the terms of the Saturation Policy. Nevertheless, applicants will be expected to demonstrate high standards of management so as not to exacerbate problems in the area generally. Further reference should be made to paragraph 7.8 of this Policy.
- 5.19 The fact that premises lie within the Special Saturation Area will not in itself justify a review of a premises licence. However, the fact that the premises does lie within that Area may be taken into account by the Licensing Authority when deciding whether any and if so what steps are appropriate to promote the licensing objectives.
- 5.20 Whilst this Special Policy attempts to deal with potential issues of disorder and disturbance in Aylesbury Town centre, there are other mechanisms available for addressing such issues. These are set out below:
- a) Planning controls
  - b) Designation, by Order, of Aylesbury Town Centre as an area where alcohol may not be consumed publicly
  - c) The Council will review the necessity to extend the order under the Anti-social Behaviour, Crime and Policing Act 2014
  - d) Police enforcement of law relating to disorder and anti-social behaviour



- e) Joint enforcement visits to licensed premises during evening trading involving the police, the licensing authority and County Council's Trading Standards Officers
- f) Police and local authority powers to close down instantly any licensed premises or temporary events on grounds of disorder or nuisance under section 76 of the Anti-social Behaviour, Crime and Policing Act 2014
- g) Power of police or other responsible authority or a local resident or business to seek a review of the licence or certificate in question
- h) Door supervisor licensing scheme regulated by the Security Industry Authority
- i) Aylesbury Town Centre CCTV
- j) Aylesbury Pubwatch scheme initiatives such as Drug Awareness training, the use of the itemiser (a drug detection device) and knife arch
- k) Powers of police to seek a summary review and obtain interim orders against licensed premises.

5.21 The absence of a special policy outside of Aylesbury Town Centre does not prevent any responsible authority or interested party making representations on a new application for the grant, or variation, of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.

## 6 TERMINAL HOURS POLICY – BUCKINGHAM TOWN CENTRE

FOR HOW THIS POLICY IS INTENDED TO APPLY SEE CHAPTER 3

6.1 The Licensing Authority's Terminal Hours Policy for Buckingham Town Centre is as follows:

6.2 In Buckingham Town Centre, the following policies shall apply:

6.3 Buckingham town centre is characterised by the proximity of licensed premises and housing, which has caused disturbance to local residents, particularly those living near to licensed premises and on exit routes from the town centre. The Council's Environmental Health and Licensing services and Thames Valley Police have received a number of complaints from local residents from both the town centre and

Nelson Street reporting disturbances caused by noise late at night. Attached as Appendix 2 is a summary of factors considered in developing this policy.

- 6.4 To date Buckingham town centre has not been subject to any form of restraint policy. Licensing hours have been determined generally by way of disputed applications for material variations and resulted in a latest terminal hour for the sale of alcohol until 1.00 a.m. and closure at 1.30 a.m., although there are a range of licensed hours within the town. However, the Licensing Authority believes it important to set out in a transparent way its likely approach to applications to trade to later hours, for the benefit of residents and current and potential operators and investors.
- 6.5 Buckingham is home to an independent university with around 2000 students, most of whom live on campus (approximately 1300) but a significant number live in accommodation in and around the town. The university has become increasingly popular as it offers honours degrees in two years of intensive study.
- 6.6 The Council will take the following policy approach to contested licence applications:
- Applications for a premises licence to open up to 12.00 midnight will be dealt with on their own individual merits having regard to other provisions in this Licensing Policy.
  - Applications to open beyond 12.00 midnight will normally be refused unless the applicant satisfies the Licensing Authority that it can operate beyond that time without harm to the licensing objectives.
  - The Licensing Authority's Policy is that applications to open beyond 1.30 a.m. will be refused.
  - This policy is intended to be strictly applied so as to maintain a fair balance between the right of residents to sleep and operators and their guests respectively to offer and enjoy premises into the later hours.

## 7 LICENCE CONDITIONS

- 7.1 Licence conditions come to be applied to premises licence and club premises certificates in three ways:
- 1) Because the applicant proposes them in the operating schedule.
  - 2) Because the conditions are imposed by the Licensing Authority when relevant representations have been received in relation to an application or when determining an application for review.
  - 3) Because they are mandatory conditions which the Licensing Act 2003 requires to be applied.
- 7.2 This chapter concerns the first two of those methods. The mandatory conditions are obligatory and so this Licensing Policy does not deal with them.
- 7.3 The Licensing Authority considers that conditions play a key part in the promotion of the licensing objectives. Before making applications, applicants are expected to risk assess their operations and, where appropriate, discuss their proposals with the Licensing Authority and Responsible Authorities. This will help them to formulate proposed conditions which will meet the licensing objectives and avoid objections (“relevant representations”). Where they fail to do so and relevant representations are received, the Licensing Authority will have to consider whether additional conditions are appropriate to promote the licensing objectives.
- 7.4 In formulating their proposals, Applicants are strongly encouraged to consider the terms of this Licensing Policy in general and this chapter in particular. In considering applications, the Licensing Authority will also take this Policy as a starting point.
- 7.5 A key concept underpinning the Act is for conditions attached to licences and certificates to be tailored to the individual style and characteristics of the premises and licensable activities concerned. It is not the intention to impose disproportionate or overly burdensome conditions where they are not justified. Further conditions may only be imposed on licences where they are appropriate for the promotion of

one or more of the licensing objectives. Nevertheless, when deciding what conditions are appropriate, the Licensing Authority will be strongly guided by this Policy. If an Applicant wishes to state that a particular condition ought not to be applied, the Applicant will be expected to explain why.

7.6 Applicants' attention is drawn to the non-exhaustive pool of conditions attached as **Appendix 2** which may be of use when completing operating schedules. The conditions listed are similar to those which the Licensing Authority has found particularly useful in promoting the licensing objectives when addressing concerns raised by responsible authorities and interested parties. In appropriate circumstances, the Licensing Authority will continue to draw upon these conditions when exercising its licensing powers. In addition there is further guidance on conditions in Chapter 10 of the Guidance on the Licensing Act 2003, and applicants and the Licensing Authority itself may also draw on other sources, including the following:

- The Purple Guide to Health, Safety and Welfare at Music and Other Events ([www.thepurpleguide.co.uk](http://www.thepurpleguide.co.uk))
- Managing Crowds safely (HSE 2000) ISBN 9780717618347

### The standards

7.7 In proposing licence conditions, Applicants are expected to take into account the standards and other matters set out below. Where relevant representations are made, it is the policy of the Licensing Authority to impose conditions reflecting such standards unless the case is exceptional. A case will not be considered exceptional unless the Applicant can demonstrate that the licensing objectives will not be harmed by the omission of the condition or can be met in some other way.

7.8 In considering review applications, the Licensing Authority will take into account whether such standards have previously been observed at the premises and whether such standards are appropriate in order to promote the licensing objectives.

7.9 The Licensing Policy restricts itself to the control of licensed premises, qualifying clubs and temporary events within the terms of the Act. Therefore, conditions will focus on matters within the control of operators, centring on the premises and the vicinity.

#### Prevention of crime and disorder

7.10 The Licensing Authority's starting point is in terms of seeking a reduction in crime and disorder including anti-social behaviour throughout the district, consistent with its statutory duty under section 17 of the Crime and Disorder Act 1998.

7.11 Applicants will be expected to demonstrate in their operating schedule how they intend to promote the crime prevention objective. Applicant's may also have to consider local circumstances, for example such as the terminal hour of other licensed premises in close proximity and the position of taxi ranks.

7.12 The Licensing Authority will treat the police as the main source of advice on conditions to be applied in order to promote the crime prevention objective. Conditions imposed on licences will, so far as possible, reflect local crime prevention strategies.

7.13 Applicants are encouraged to discuss the crime prevention procedures and arrangements with the Licensing Authority and the police before making an application. In an effort to avoid problems applicants are encouraged to make contact as early as possible.

7.14 The Licensing Authority encourages Designated Premises Supervisors and others connected with the sale of alcohol to attend meetings aimed at the reduction of crime and disorder such as local Pubwatch schemes.

7.15 In considering licence applications, where a relevant representation has been made, or if advice is sought from a potential applicant regarding the crime and disorder objective, the Licensing Authority will particularly consider the following:

- a) Systems of accountability in place to ensure the premises are run in accordance with the Premises Licence or Club Registration Certificate. Such systems would helpfully clarify how duties will be delegated, deal with authorisations to dispense alcohol and who is in control of the premises on a day to day basis.
- b) Physical security features installed in the premises. This may include the position and design of cash registers, where alcohol is stored in 'off licences', and the installation, management and maintenance of closed-circuit television (CCTV) equipment. CCTV may have to be provided in certain circumstances and certain type of premises. This is particularly appropriate where premises are licensed to sell alcohol for consumption on the premises within Aylesbury Town Centre and Buckingham Town Centre and operate beyond 11.00 p.m. and 'off licence' premises where there is evidence of anti-social behaviour problems in their vicinity. The Licensing Authority strongly recommends that the installation and operation of CCTV should be in accordance with established Thames Valley Police guidance which is available to licensees. It is also likely that in the case of Aylesbury Town Centre, the police will consider it to be important that the premises should be adequately covered by the Town Centre CCTV system;
- c) Where pubs and nightclubs within Aylesbury Town Centre and Buckingham Town Centre operate beyond 11.00 p.m. applicants are particularly encouraged to become members of and attend meetings of the local Pubwatch scheme and to become part of the Pubwatch radio system in order to alert other premises of potential troublemakers;
- d) The use of winding down policies. These consist of management procedures, a set time before closing, after which alcohol ceases to be sold, but hot and cold soft drinks continue, "exit music" is played, lights are turned up, food may be served, customers are advised as to transport home, including dedicated taxi services, and staff at the door ensure that customers leave in an orderly manner.
- e) The measures employed to prevent the consumption or supply of illegal drugs, including search procedures, entry policies, staff training, supervision of WCs, the removal of horizontal surfaces and the installation of lighting to deter drug use in WCs
- f) The use of anti-spiking measures including customer warnings and devices to prevent spiking.

- g) Measures to prevent theft, including customer warning notices, free cloakrooms, handbag hooks, interior surveillance and high quality lighting;
- h) For late night venues, applicants should consider the use of customer identification systems such as Clubscan and ID scan.
- i) Designing out crime when designing premises, for example by providing for good sightlines and lighting in the venue.
- j) The use of door both staff inside and outside the premises to deter crime. Staff should be easily identifiable through use of clothing.
- k) Crime and disorder risk assessments, particularly for one off and promoted events.
- l) The use of polycarbonates or toughened glass for glasses and bottles in pubs and nightclubs. Frequent collection of all empty drinking vessels to prevent their being used as weapons.

7.16 **Drug use** - The Licensing Authority recognises that drug use by people in pubs and clubs is not something relevant to all licensed premises. However it is also recognised that special conditions will need to be imposed for certain types of venues to reduce the sale and consumption of drugs and to create a safer environment for those who may have taken them. Where conditions are under consideration, the Licensing Authority will take into account the 'Safer Clubbing' publication issued by the Home Office. In all cases where these conditions are to be imposed, advice will be taken from the police.

7.17 **Late night refreshment** – While those supplying late night refreshment, particularly takeaways, may not sell alcohol, they can be a gathering point for those who have consumed alcohol in other premises late at night. This can lead to flashpoints. Where there is a history of crime and disorder at the premises or at other similar premises in the vicinity, premises management should consider the use of CCTV and door staff to deter offenders and prevent crime and disorder.

7.18 Experience has shown that it is sometimes difficult to comply with the terminal hour in respect to the provision of late night refreshment. Supply of hot food or drink actually takes place when it is handed to the customer, not when money is exchanged. Given that the premises may at the terminal hour be full of customers, it

would be prudent to consider within the application sufficient time to serve those and let them out of the premises. Closing procedures such as when the door will be locked, the displaying of the 'closed' sign and letting customers out are worth taking into consideration in preparing an operating schedule. Applicants may also like to consider the need to prominently display their opening times on the shop window. Where premises are likely to experience crime and disorder, the use of door supervisors should be considered.

- 7.19 **Door supervisors – With limited exceptions**, persons employed at licensed premises to carry out security activities are required to be licensed with the Security Industry Authority. The Licensing Authority may consider that certain premises require strict supervision for the purpose of promoting the reduction of crime and disorder. Where appropriate, the Licensing Authority may impose a condition that licensed door supervisors must be employed at the premises either at such times as certain licensable activities are being carried out or the premises is open to the public or at such other appropriate times. Applicants should risk assess their operation and make sensible and realistic proposals in respect of the number of door supervisors and the hours of their attendance.
- 7.20 **Equality** - Applicants are advised that any form of public entertainment (including film exhibitions) which is likely to lead to disorder, or stir up hatred or incite violence towards any section of the public on the grounds of colour, race, ethnic or national origin, disability, religious beliefs, sexual orientation or gender is likely to give rise to representations which are likely to lead to the refusal of such an application.

## Public Safety

- 7.21 Applicants must demonstrate a rigorous approach to assessment of the risk to public safety in their operations. Statutory duties in relation to risk assessment arise under the Health and Safety at Work Act 1974 and the Regulatory Reform (Fire Safety) Order 2005. The Licensing Authority does not intend to impose conditions which simply replicate other statutory controls, but it will scrutinise whether all relevant measures are being applied so as to promote the licensing objectives. Applicants are encouraged, though not obliged, to submit with their applications



evidence of compliance with such controls. Where they do, it is less likely that relevant representations will be made leading to the cost and delay of a licensing hearing.

7.22 Depending on the individual circumstances, control measures proposed in an operating schedule may include:

- (1) Capacity limits. Depending on the nature of the venue, there may need to be capacity limits for different parts or rooms within the venue.
- (2) A plan showing the nature and location of fire safety features, including smoke detectors, emergency lighting, sprinkler systems and other safety measures.
- (3) Clearly signed exits which are kept unobstructed and easy to open.
- (4) Safety measures to enable the safe evacuation of disabled people and staff training in respect thereof.
- (5) Maintenance and inspection of safety equipment.
- (6) Safety measures in respect of installations and special effects in premises licensed for regulated entertainment.

The prevention of public nuisance

7.23 Public nuisance is a nuisance involving noise, light pollution, odour and litter affecting (or which is likely to affect) at least a few people locally. The Licensing Authority is concerned to protect the amenity of residents and businesses in the vicinity of licensed premises. At the same time the Licensing Authority is aware of the importance of the licensed trade to the local economy and its culture and leisure aspirations. Accordingly, it will try and work together with statutory agencies, licensed businesses and residents' groups to ensure a mutual co-existence.

7.24 In considering all licence applications, the Licensing Authority will consider the adequacy of measures proposed to deal with the potential for nuisance and/or anti-social behaviour having regard to all circumstances of the application. In formulating its application, the Applicant is strongly encouraged to consider the measures set

out below. Much weight will be placed on recommendations made by Environmental Health Officers in terms of preventing public nuisance.

**7.25 Particular measures include:**

- a) The steps taken or proposed to be taken by the Applicant to prevent noise and vibration escaping from the premises, including music, noise from ventilation equipment and human voices. Such measures may include the installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices. In appropriate circumstances and where not included in the operating schedule, a condition may be imposed requiring the assessment by the Applicant (either with or without the involvement of Environmental Health), of potential noise sources which could cause disturbance to those in the vicinity and to identify and implement appropriate control measures;
- b) The steps taken or proposed to be taken by the Applicant to prevent disturbance by customers arriving at the premises, particularly at night. This may include last entry conditions, minimisation and control of queuing and supervision of the exterior of the premises. If some queuing is inevitable then queues should be diverted away from neighbouring premises or be otherwise managed to prevent disturbance or obstruction.
- c) Arrangements to minimise disturbance from customers smoking outside the premises. These may include supervision, delineated areas for smoking, controls on numbers and preventing customers taking alcohol outside.
- d) The steps taken or proposed to be taken by the Applicant to prevent disturbance by customers leaving. Such steps will include proper winding down policies so that customers leave gradually and quietly, notices to customers requesting respect for neighbours, the use of dedicated taxis, management of queues for taxis, direction of customers away from residential areas, supervision of exterior, requesting customers to respect neighbours, and prevention of customers gathering outside the premises.
- e) The steps taken or proposed to be taken by the Applicant to ensure staff leave the premises quietly;
- f) The arrangements made or proposed for parking by patrons and the effect of parking by patrons on local residents;

- g) Whether there is sufficient provision for public transport (including taxis and private hire vehicles) for patrons;
- h) Whether taxis or private hire vehicles are likely to disturb local residents and measures to prevent such disturbance, including preventing use of horns, engines running, numbers permitted to wait and direction of approach and departure. Such controls are easier to implement when the licensee has a contract with particular suppliers.
- i) The installation of any special measures where licensed premises are or are proposed to be located near sensitive premises such as nursing homes, hospitals, hospices or places of worship
- j) The use of gardens and other open-air areas, including forecourts. This may include supervision, glass collection, numerical or spatial controls, curfews and last entry conditions.
- k) Delivery and collection areas and times;
- l) The siting and use of external lighting, including security lighting that is installed inappropriately;
- m) Whether the premises would lead to increased refuse storage or disposal problems, or additional litter (including fly posters and illegal placards and cigarette butts) in the vicinity;
- n) Prevention of the disposal of glass outside the premises at night.
- o) Control of delivery times.
- p) Control of hours when litter may be placed outside the premises.
- q) Supply of dedicated telephone line for local residents.
- r) Encouragement of periodical meetings between management and residents.
- s) Any relevant representations being made by any person and/or Responsible Authority supported by previous complaints.

**7.26 Street drinking can cause nuisance as well as crime and disorder. Where there is a history of street drinking in the area, the licensing authority may impose upon licences to sell alcohol for consumption off the premises conditions to deter such activity. Examples include prevention of sales of beers and ciders over 5.5% ABV, prevention of sales of single cans of alcohol, prevention of exterior advertising of alcohol, prevention of end of aisle displays of alcohol,**

**storage of alcohol away from entrances to the premises, or behind the counter and notices stating that alcohol will not be sold to street drinkers. Before making applications, applicants are expected to assess the locality of their premises and to speak to the police and Licensing Authority to consider whether such conditions should be proposed in the Operating Schedule.**

7.27 Sometimes problems arise about litter from takeaways and, to a limited extent, from off licences. Licensees should consider distinctive wrapping, packaging or bags, so that litter can be traced back to particular premises and also periodic litter collection patrols and the provision of additional bins.

#### Protection of children from harm

7.28 The Licensing Authority recognises that there are many activities for which licences may be sought. These will be located in a great variety of premises such as public houses, night clubs, hotels, inns, theatres, cinemas, concert halls, restaurants, takeaways, cafes, fast-food outlets, community halls, schools and colleges.

7.29 In addition to the restrictions imposed by the Licensing Act 2003, the Licensing Authority may impose conditions restricting the access of children to premises where it is considered appropriate for the prevention of physical, moral or psychological harm to children. Where there are matters that give rise to serious concerns and restriction of access may not ensure adequate protection of children from harm, applications will be refused.

7.30 Examples which may give rise to concerns in respect of children include those where:

- adult entertainment is provided;
- a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds

consuming beer, wine and cider when accompanied by an adult during a table meal);

- it is known that unaccompanied children have been allowed access;
- there is a known association with drug taking or dealing; or
- in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.

7.31 When deciding whether to limit the access of children to premises, the Licensing Authority will judge each application on its own merits

7.32 Where concerns have been identified in respect of individual premises and it is felt that access of children should be restricted, the options available would include:

- a) Limitations on the hours when children may be present;
- b) Age limitations for persons under 18;
- c) Limitations or exclusion when certain activities are taking place;
- d) Full exclusion of persons under 18 when certain licensable activities are taking place;
- e) Limitations of access to certain parts of the premises for persons under 18;
- f) A requirement for an accompanying adult to be present.

7.33 The Licensing Authority will not impose any conditions that specifically require the access of children to premises.

7.34 Where no conditions or restrictions are imposed, the issue of access for children is a matter of the discretion of individual licensees or clubs subject to legislative restrictions.

7.35 The 'Responsible Authority' in respect to the protection of children is the County Council's Safeguarding Children Board

- 7.36 This Policy commends the Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. It is considered that the code is an effective means of protecting children in relation to packaging and promotions that may appeal to minors.
- 7.37 The Licensing Authority recommends that the only way to verify a person's proof of age is with reference to their:
- a) **Passport;**
  - b) **a photo card driving licence issued in a European Union country;**
  - c) **a Proof of Age Standards Scheme card;**
  - d) **an official identity card issued by HM Forces or by a European Union country bearing the photograph and date of birth of the holder.**
- 7.38 The Licensing Authority considers under-age consumption of alcohol to be a particularly serious issue and premises licence holders will be expected to play a full and appropriate part in securing its reduction or eradication. In addition to the minimum requirements of the new mandatory condition relating to an age verification policy, the Licensing Authority supports and encourages the adoption of Challenge 25 or similarly approved schemes, the use of a refusal register, the maintenance of an incident log and staff training. Premises should consider the risk of proxy purchasing of alcohol and put in place measures and train staff to deal with it.
- 7.39 **Children and cinema exhibitions.** Where premises are used for film exhibitions, the Licensing Authority will expect licensees or clubs to include in their operating schedules arrangements for restricting children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or the Licensing Authority itself. The Act requires any premises licence or club certificate authorising the exhibition of films and admission of children to be conditioned in accordance with the recommendations given to films either by a body designated under section 4 of the Video Recordings Act 1984, i.e. British Board of Film Classification or by the Licensing Authority itself.

- 7.40 The Licensing Authority will expect that licensees ensure that any age restrictions for cinema exhibitions are properly complied with.
- 7.41 In considering applications, the Licensing Authority will take into account any evidence that age restrictions for cinema exhibitions are not being properly observed.
- 7.42 Where a large number of children are likely to be present on any licensed premises, for example a children's show or pantomime, applicants should consider the additional risks associated with children. The operating schedule should consider measures that will ensure the prevention of harm to the children and also to ensure public safety. Similarly if a licensed premises hosts an event involving under 18's licence holders will be expected to risk assess the event beforehand and implement satisfactory arrangements to ensure alcohol is not made available to under 18 year olds.
- 7.43 Entertainment involving striptease and/or nudity. In general, such premises are likely to need a sexual entertainment venue licence and relevant conditions will be attached to that licence. Where, for whatever reason, no such licence is needed, the applicant will be expected to propose conditions which protect children by:
- (a) preventing access to the premises by children;**
  - (b) preventing exterior visibility into the premises;**
  - (c) preventing obtrusive exterior advertising including nude images or language describing the nature of the activities;**
  - (d) controlling leafleting and other forms of exterior marketing;**

## SPECIFIC SITUATIONS

**This Chapter deals with specific types of events and activity which merit particular consideration. The policies in this Chapter are in addition to those specified in other chapters.**

## LARGE EVENTS

- 7.44 The experience of the Licensing Authority is that large events can prove problematical for a number of reasons. These include:
- agreeing the relatively complicated and often extensive operational arrangements within the statutory timescales;
  - the involvement of professional agencies other than those nominated as Responsible Authorities;
  - building in a flexibility within a premises licence that reflects the circumstances at the time the event takes place e.g. reduced ticket sales.
- 7.45 This section of the Policy seeks to offer some practical advice to event organisers
- 7.46 For the purpose of this Policy a large event is a one-off event which has the potential for significant public nuisance to the wider community, increased risk of crime and disorder and which carries a significant risk to public safety. It is not necessarily defined by the number of people attending. A very large capacity event made up of mature adults attending a concert is less likely to raise as many issues as say a smaller dance event involving young adults throughout the night time. Applicants are strongly recommended to check in advance with the Licensing Authority whether the proposed event is likely to be treated as a large event within the meaning of this Policy.
- 7.47 Organisers of large events are also strongly encouraged to make early contact with the Aylesbury Vale Safety Advisory Group (SAG). The SAG is made up of representatives from all the blue light emergency services and other agencies concerned with event safety. The SAG has produced some generic advice to event organisers and this can be found on the Aylesbury Vale District Council web site <http://www.aylesburyvaledc.gov.uk/community-living/event-management/aylesbury->



[vale-safety-advisory-group/](#). In the first instance an organiser would complete a notification form and risk assessment. For more complicated or very large events an organiser would normally attend a meeting with the SAG. Applicants for events requiring a premises licence would be expected to make contact with the SAG at least six months before the event date. Failure to consult with the SAG properly and in a timely fashion is likely to result in the application receiving a relevant representation from a responsible authority. If any issues complained about still remain outstanding at the time of a hearing this might result in an adjournment or even a refusal of the application if the sub-committee is not satisfied that any adverse impact on the licensing objectives has been properly addressed.

7.48 Large scale events invariably have implications in relation to issues arising from traffic management and first aid. It is acknowledged that the recognised experts in these fields are the Transport for Bucks and South Central Ambulances respectively. These agencies are not of course Responsible Authorities as set out by the Act. It is expected that the Transport for Bucks will raise their concerns via Thames Valley Police and for South Central Ambulances to similarly deal with any issues via Environmental Health.

7.49 Given the complexity and scale of large events it is normal practice to produce an Event Management Plan (EMP). It is recommended that the EMP deal with the following issues:

- **Management structure**
- **Nature and style of the event including crowd profile**
- **Capacity and expected audience**
- **Event programme**
- **Crowd management, including security and stewarding**
- **Emergency evacuation plan**
- **Extreme weather plan**
- **Fire risk assessment**
- **Emergency procedures**
- **Medical plan**
- **Traffic management plan**

- **Welfare and sanitation plan**
- **Entry search and eviction policy**
- **Alcohol and drugs policy**
- **Campsite safety and security (when on site)**
- **Noise management and control**
- **Age controls**

7.50 The EMP can for the purpose of an application for a premises licence be the 'de facto' operating schedule. The Act requires the Licensing Authority to issue the licence with conditions consistent with the operating schedule accompanying the application. Paragraph 10.7 of the Statutory Guidance states that 'consistency means that the effect of the condition should be substantially the same as that intended by the terms of the operating schedule.' Applicants should bear this in mind when drafting their EMP so that the premises licence is prepared with clear and enforceable conditions attached to it.

7.51 When events have become well-established and organisers have demonstrated an ability to work with its partners in delivering a well-managed and safe event, the Licensing Authority may consider attaching a licence condition merely requiring that there be an EMP and preventing the event proceeding until the EMP has been signed off by all relevant partners. This will enable a greater degree of flexibility in the management of the event, without needing each variation of the EMP to be reflected by a variation to the licence condition.

7.52 Within the Aylesbury town centre saturation policy area it is expected that premises will cooperate with the Licensing Authority, the police and any other responsible authorities in respect to town centre events e.g. public music and dancing events, international sporting events and political protests. Examples of cooperation would be the possible use of polycarbonate glasses during the event, ensuring that drinks are not taken from the premises, the removal of outside furniture and the employment of event stewards.

## SEXUAL ENTERTAINMENT VENUES

- 7.53 The Licensing Authority has adopted the Local Government (Miscellaneous Provisions) Act 1982 so as to require sexual entertainment venues to be licensed under that legislation.
- 7.54 Where regulated entertainment is licensable under that legislation, it will be exempt from regulation under the Licensing Act 2003. Nevertheless, venues may still require an alcohol licence, and so the Licensing Authority will attach appropriate conditions to such licences where it has a discretion and it considers such conditions appropriate to promote the licensing objectives.
- 7.55 Where sexual entertainment is not licensable under the 1982 legislation, e.g. because the “frequency exemption” under that legislation applies, it will continue to be licensable under the Licensing Act 2003. The Licensing Authority will then consider the nature of the premises and the entertainment and attach appropriate conditions including:
- (a) Code of conduct for performers.
  - (b) Rules for customers.
  - (c) Contact between performers and customers or other performers.
  - (d) Use of sex articles or other overtly sexual performance.
  - (e) Policies for protection of performers.
  - (f) Verification of age, nationality and employment status of staff.
  - (g) Use and maintenance of CCTV.
  - (h) Exterior visibility, advertising and marketing.
  - (i) Supervision of premises.
- 7.56 In all cases, applicants must state on the operating schedule whether it is proposed to use the premises for adult entertainment. Where the applicant does not state that it is so proposed, a condition will be added to the licence preventing such use.

## PAVEMENT TRADING

7.57 In considering licence applications to extend operations by way of tables and chairs on the highway, if a relevant representation is received or the advice is sought from an applicant, the Licensing Authority will particularly consider the following:

- a) It is the objective of the Council to encourage a continental culture for the outside drinking of alcohol in some parts of the district. In some cases appropriate planning permission may need to be sought and granted. In addition either a licence under section 115E of the Highways Act 1980 or a Street Trading Consent may be required if the trading is on the public highway. These permissions may impose conditions relating, amongst other things to the design of the furniture, demarcation of the trading area and hours of operation;
- b) It will be noted that certain designated 'no drinking' areas exist in Aylesbury and Buckingham Town Centres. Pavement licences granted in these areas will be under particular public and agency scrutiny;
- c) Where trading hours are not defined by a pavement licence or Street Trading Consent, applicants are encouraged to discuss their requirements with the police.
- d) The Licensing Authority will take into account any effect of the proposal on the licensing objectives and in deciding any application will have regard to the provisions of this Licensing Policy

## PART C. THE SYSTEM IN ACTION

### 8 THE LICENSING PROCESS

8.1 The powers of the Licensing Authority under the Act may be carried out by the Licensing Committee, by a Sub-Committee or, instead, by one or more officers acting under delegated authority. It is considered that many of the functions will be

largely administrative with no perceived areas of contention. In the interests of efficiency and effectiveness these will, for the most part be carried out by officers.

- 8.2 Applications where there are relevant representations will be dealt with by the Council's sub-committee, as will any application for review of a licence.
- 8.3 In making licensing decisions, the Licensing Authority will have regard to its duties under the following legislation:
  - 8.3.1 Section 17 of the Crime and Disorder Act 1998, which requires the Licensing Authority to exercise its functions with due regard to the likely effect of its decisions on crime and disorder and the misuse of drugs, alcohol and other substances.
  - 8.3.2 The Equality Act, which obliges public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
  - 8.3.3 The Human Rights Act, which requires authorities to take into account the rights of individuals to respect for their private and family life (Article 8) and to protection of their property (Article 1, Protocol 1). Any interference with such rights should be proportionate.

#### Applications for Premises Licenses

- 8.4 The Licensing Authority will expect individual applicants to address the licensing objectives in their Operating Schedule having regard to the type of premises, the licensable activities to be provided, the operational procedures, the nature of the location and the needs of the local community.
- 8.5 Applicants should make themselves aware of the Council's Statement of Licensing Policy and in particular the issues that will need to be addressed in formulating the Operating Schedule.

- 8.6 Applicants are also expected to demonstrate in their operating schedule that they have researched and understand the local environment and the risks to the licensing objectives which their operation may pose, as well as local initiatives such as crime reduction or taxi-marshalling schemes. The proposals in the operative schedule should not be standardised but should respond specifically to the sensitivities which have been identified. Applicants will be assisted by speaking to responsible authorities, and in particular police and Environmental Health, when preparing their Operating Schedule. If they do not, it is more likely that representations will be made, leading to hearings and the expenditure of time and costs which could otherwise have been avoided.
- 8.7 All plans are required to comply with the regulations relating to applications for premises licences. In addition, applicants are requested to indicate on the plan provided to the licensing authority the proposed locations for the display and storage of any alcohol, the locations where sales/and/or consumption will take place (i.e. bars / tills / stock rooms / outside areas), the location of dance floors and the location of food service areas. Applicants are also encouraged to show the location of smoking areas. The locations of such activities on approved plans should not be amended without prior approval of the Licensing Authority.
- 8.8 Where the sale of alcohol is proposed on licensed premises, every sale must be made or authorised by a person who holds a personal licence, and there must also be a Designated Premises Supervisor named on the licence who is the holder of a personal licence. In order to avoid disruption to business during absence of the Designated Premises Supervisor the Licensing Authority recommends that a minimum of one additional member of staff should hold a personal licence. If sales are to be made by persons who are not holders of personal licences, it is strongly recommended that such persons be trained to the standards required of personal licence holders, that records of such training be retained and that the Designated Premises Supervisor provides written authorisations to such persons.
- 8.9 For community premises, an alternative licence condition may be applied for, so that the management committee for the premises acts in place of the designated

premises supervisor and personal licensees. Applicants are recommended to take advice or check with the Licensing Authority as to whether this exemption may apply in the circumstances of the case.

- 8.10 The Licensing Authority expects high standards of management from licensees. If its discretion is engaged by receipt of relevant representations, the Licensing Authority will take into account the quality of the management of premises. It will consider the track record of management, the experience of the management team in running sensitive or sensitively located premises, written management procedures and staff training. One important facet of management is seniority and consistency of management. To that end, the Licensing Authority generally expects the Designated Premises Supervisor to be based at the premises and for the role to be his or her full time occupation. The Designated Premises Supervisor should be on duty during the busiest days (usually Thursdays to Saturdays) until the premises closes and in their absence should nominate a deputy, who should be a personal licence holder, in writing. When the Designated Premises Supervisor is not at the premises they should be easily contactable. Applicants are expected to take account of these factors in preparing their Operating Schedules. If they do not, they are more likely to receive relevant representations. In any case, they should be prepared to demonstrate their managerial quality and systems if they are required to attend a hearing as a result of such representations.
- 8.11 The Licensing Authority reminds applicants and licence holders of the need to obtain a Performing Rights Society licence and Phonographic Performances Ltd licence in order to observe copyright requirements. Contact the PRS on 020 7580 5544 or [www.prsformusic.com](http://www.prsformusic.com).
- 8.12 Applications need to be advertised in two ways. Firstly, by displaying a notice prominently at or on the premises to which the application relates where it can be conveniently read from the exterior of the premises and in the case of a premises covering an area more than fifty metres square, a further notice every fifty metres along the external perimeter of the premises abutting any highway. Secondly, in a local newspaper. As for advertising of applications, the Licensing Authority

recommends one of the following local newspapers depending on which one circulates in the vicinity of the premises:

- (a) Bucks Herald**
- (b) Buckingham & Winslow Advertiser**
- (c) Bucks Advertiser**
- (d) Leighton Buzzard Observer**

- 8.13 If an alternative newspaper is used the applicant is requested to send the Licensing Authority a copy of the advert.
- 8.14 When determining applications the Licensing Authority will have regard to any Guidance issued by the Home Office. In particular, account will be taken of the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community as a whole. If representations are made concerning the potential for disturbance in a particular neighbourhood, the Licensing Authority's consideration will be balanced against the wider benefits to the community.
- 8.15 Prospective holders of new premises licences, and those seeking variations to existing premises licences, are advised to consult with the Council's licensing officers and the various responsible authorities at the earliest possible stage in order to reduce the risk of confusion and dispute arising. The Licensing Authority will endeavour to work in full co-operation with licensees and applicants to minimise the number of disputes that may otherwise arise in this area.
- 8.16 Any licence holder wishing to apply for a Minor Variation or to remove the Designated Premises Supervisor requirement for community premises is advised to contact the Council's licensing services before making an application.



## Temporary Events

- 8.17 The Licensing Act 2003 provides for certain occasions when small scale events (for less than 500 people lasting for no more than 168 hours and involving any of the licensable activities set out in paragraph 1.7 of this Policy, do not need a licence providing that advance notice is given to the police, Environmental Health and the Licensing Authority. The police and Environmental Health can object to a Temporary Event Notice if the event would undermine one or more of the licensing objectives. If they do, then the Licensing Authority has power to permit or refuse permission for the event to proceed, and also to permit the event to proceed with conditions.
- 8.18 Applicants should be aware that the limit of 499 persons at any time applies to all Temporary Event Notices and the number includes staff engaged in the event. Failure to comply with this limit may lead to enforcement action. Organisers are recommended, where appropriate, to employ means of recording the number of persons entering and leaving the premises.
- 8.19 Although the Licensing Act 2003 requires organisers to give 10 working days notice (not including the day of delivery of the notice or the day of the event) of qualifying temporary events, the Licensing Authority recommends that at least three months' notice be given. This will allow the Licensing Authority 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 and haphazard.
- 8.20 The legislation also permits the serving of late Temporary Event Notices, between five and nine days before the beginning of the event period. However, applicants should be aware that if any objection notice is given by the police or Environmental Health, then the event may not proceed. It is therefore strongly in the interests of applicants to serve standard Temporary Event Notices within the timescales set out above, and to use the late Temporary Event Notice procedure in cases of emergency.

- 8.21 The Council has established a Safety Advisory Group, consisting of the emergency services and other statutory agencies such as the highways authority, to advise and co-ordinate planning for public events in the District, whether or not a premises licence or a temporary event notice is needed. More information regarding Aylesbury Vale's Safety Advisory Group is available on Aylesbury Vale District Council's website <http://www.aylesburyvale.gov.uk/community-living/event-management/aylesbury-vale-safety-advisory-group/>
- 8.22 Organisers of temporary events are strongly advised to contact the Council's Licensing Officers for advice at the earliest opportunity when planning events. Where necessary, the advice of the Safety Advisory Group can be obtained, or discussions held with the police to avoid any unnecessary objections being made that may arise from misunderstandings or confusion as to what is being proposed. Applicants intending to sell alcohol should be aware that it is an offence to supply alcohol to minors or persons who are drunk.
- 8.23 The Council wishes to guard against the use of Temporary Event Notices as a means of circumventing the restraint policies in Aylesbury and Buckingham Town Centres. Therefore, when considering objections to Notices in those centres, the Licensing Authority will take into account the policies set out in Chapters 5 and 6.

#### Applications for personal licences

- 8.24 It is a mandatory condition of a premises licence that all sales of alcohol are made or authorised by a holder of a personal licence.
- 8.25 Where applicants for personal licences have unspent criminal convictions for relevant offences set out in the Act, the Police have a discretion to object to their application, which will then be determined by the Licensing Authority. Applicants with such convictions are encouraged to first discuss their intended application with the police and Council licensing officers before making the application.

## Designated premises supervisors

8.26 It is recommended that the designated premises supervisor meet with the Licensing Authority and the police licensing officers as soon as practicable after taking up their duties, in order that the Licensing Authority's approach to securing the licensing objectives can be understood by those responsible for licensed premises.

## Licence Reviews

8.27 The Licensing Authority can only review a licence where it is alleged that the licensing objectives are being breached. Applications for a review of a premises licence which involve the issues outlined below are viewed particularly seriously :

- Use of premises for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
- Use of premises for the sale and distribution of illegal firearms;
- Evasion of copyright in respect of pirated or unlicensed films and music,;
- Illegal purchase and consumption of alcohol by minors;
- Prostitution or the sale of unlawful pornography;
- Use of premises by organised groups of paedophiles to groom children;
- Use of premises as the base for the organisation of criminal activity, particularly by gangs;
- Use of premises for the organisation, promotion or carrying out of racist, homophobic or sexual offences or attacks;
- Knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;
- Use of premises for unlawful gambling;
- Use of premises for the sale of smuggled tobacco, alcohol or other goods;

- Use of premises for the sale of stolen goods;
- Use of premises for unlawful gaming;
- Where the police are frequently called to attend to incidents of disorder;
- Prolonged and/or repeated instances of public nuisance;
- Where serious risks to public safety have been identified and the management is unable or unwilling to correct those;
- Where serious risks to children have been identified.

## 9 DELEGATION AND DECISION-MAKING

- 9.1 One of the major principles underlying the Licensing Act 2003 is that the licensing functions contained within the Act should be delegated to an appropriate level so as to ensure speedy, efficient and cost effective service delivery.
- 9.2 The Council is committed to the principle of delegating its powers to ensure that these objectives are met and, subject to the formal approval of the Licensing Committee, has arranged for its licensing functions to be discharged in accordance with the Guidance issued by the Secretary of State.
- 9.3 The Act generally requires applications to be granted unless an objection is raised. Where a function is delegated to officers they will be responsible for liaising between the applicant, other persons and the responsible authorities to ensure that any licence granted is subject to appropriate conditions. Where objections are made the licensing officer will once again liaise with the applicant, interested parties and the responsible authorities to see if a “settlement” is possible to overcome the objections and, if possible, without the need for the matter to go before the Sub Committee.
- 9.4 The Licensing Authority is a Responsible Authority which means that the licensing authority can instigate reviews and make representations on applications for new licences and variations of existing licences. Delegations allow the Licensing Services Manager to take decisions and issue/serve notices in accordance with the Act and any regulations made under the Act and represent the Licensing Authority

as a responsible Authority. The Licensing Authority will make representations or call a review of a licence where it is appropriate to do so. It generally will not act as a responsible authority on behalf of other parties. Where the Licensing Authority exercises its right to make representations or instigate reviews of licences it will ensure a separation of responsibilities within the authority to ensure procedural fairness and eliminate conflicts of interest. The officer advising the Licensing Act Sub-Committee will be different from the officer acting for the responsible authority. Under these circumstances the Licensing Services Manager will not be involved in the licensing decision process and will not discuss the merits of the case with those involved in making the determination by the Licensing Authority.

- 9.5 In hearing contested licence applications the Sub-Committee will try to keep the proceedings as informal as possible. However, some degree of formality is needed to ensure that all parties receive a fair hearing. The procedure for hearings is designed to ensure that all parties are able to express their views, openly and fairly. The Sub-Committee procedure is inquisitorial rather than adversarial and, whilst applicants, other persons, and responsible authorities are entitled to be legally represented with them if they wish, this is by no means a requirement.
- 9.6 In the Licensing Authority's experience, it is important that the Designated Premises Supervisor or someone else with day to day knowledge and experience of running the premises attends the hearing to facilitate a meaningful discussion of the issues and concerns raised by any responsible authority and/or interested party. Accordingly, the Licensing Authority will normally expect Designated Premises Supervisor to attend hearings.

### The Licensing Committee

- 9.7 The Licensing Committee will consist of a maximum of 15 Councillors that will sit at least once per year.

- 9.8 A licensing sub-committee of three Councillors will sit to hear every application where relevant representations have been received from responsible authorities and/or other persons
- 9.9 The Chairman of the Licensing Committee shall be elected by the Licensing Committee at the annual meeting of the Council. The Chairman of the licensing sub-committee shall on each occasion be elected at the meeting.
- 9.10 The Licensing Committee will also sit to determine general licensing matters not associated with the Licensing Act 2003.
- 9.11 Every decision by a licensing sub-committee shall be accompanied with clear, cogent reasons for the decision. This shall be given to the parties in writing as soon as is reasonably practicable after the meeting.
- 9.12 The Licensing Authority's licensing officers will deal with all other licence applications where no representations have been received.
- 9.13 Council officers will make the decisions on whether representations or applications for licence reviews should be referred to the sub-committee. Where representations or application for licence reviews are rejected, officers will give a written reason as to why that is the case.
- 9.14 Officers will be responsible for drafting appropriate conditions for premises licences and club premises certificates when the sub-committee is satisfied that it is appropriate and proportionate to impose such conditions.
- 9.15 The Licensing Authority will ensure that members and officers are appropriately trained to carry out their duties under the Act.

## 10 Enforcement

### COMPLAINTS AGAINST LICENSED PREMISES

10.1 The Licensing Authority will investigate genuine complaints against licensed premises where the complaint arises from a breach of conditions or an offence under the Licensing Act 2003. The investigation will be tailored to the circumstances. In the first instance, complainants may be encouraged to raise the complaint directly with the licensee or business concerned. Where this is not practical, generally in the first instance licensees will be put on notice that a complaint has been made and asked to offer an explanation. The complainant will also be provided with diary sheets and asked to log the details for a period of one month. The results of these actions will shape any subsequent investigation.

Where another person (such as a local resident or a resident's association or local business) has made a complaint about premises, whether informally or by way of representation or during review proceedings, then if it is appropriate the Licensing Authority will initially arrange a mediation meeting between the complainant and the premises concerned to address, clarify and try to resolve the issues of concern.

10.2 This process will not override the right of any other person to ask that the Licensing Committee consider their valid objections or for any licence holder to decline to participate in a mediation meeting.

10.3 In exercising its enforcement powers, the Licensing Authority will have regard to the principles that regulatory activities should be carried out in a way which is transparent, accountable, proportionate and consistent and targeted only at cases in which action is needed i.e. when there is a risk of harm to the licensing objectives. Regard will also be had to the Regulator's Code in formulating the authority's enforcement policies and standards.

This can be summarised as follows:

- Publish an enforcement policy

- Consider impact of regulatory sanctions on economic progress
- Take cost/benefit approach to regulatory intervention
- Keep regulatory interventions under review with view to considering whether removal/ reduction would be appropriate
- Target efforts by taking risk assessment approach
- Incentivise and reward businesses for good levels of compliance
- Ensure inspectors can interpret and apply legal requirements and enforcement policies fairly and consistently
- Inform businesses when considering formal enforcement action (except for serious/urgent cases)
- Ensure sanctions and penalties are proportionate, directed at change of behaviour and deter non-compliance
- Enforce and apply sanctions in a transparent manner
- Provide clear reasons for enforcement actions
- Measure outcomes
- Periodically justify choice of enforcement actions to interested parties

10.4 A graduated response will be taken where offences against licensing legislation are found or where licence conditions have been contravened. An isolated administrative offence – such as failing to maintain certain records – may be dealt with purely by way of a written warning whilst more serious offences which have either been committed over a period of time or which jeopardise public safety – such as failing to maintain fire extinguishers properly – may result in a referral for prosecution.

10.5 The Licensing Authority will seek to work with all the responsible authorities, but the police, trading standards and Environmental Health in particular, in enforcing licensing legislation. It expects the police to share information about licensees and licensed premises under the Crime and Disorder Act 1998 and its common law powers, and to consult closely with the Licensing Authority when any enforcement action may be required. A joint enforcement protocol has been drawn up with the police and other relevant statutory agencies and this will inform the Licensing Authority's enforcement actions.



- 10.6 The Licensing Authority's approach is multi-targeted and depending on the facts and circumstances will be directed at the appropriate miscreant(s) e.g. directors, companies, Designated Premises Supervisor, servers, customers, under age purchasers, or proxy purchasers.
- 10.7 In exercising its enforcement functions the Licensing Authority will adopt a multi-functional approach and consider the range of enforcement and regulatory tools available e.g. prosecution, simple caution, injunction, review, closure, closure notices or other remedies. The purpose of enforcement is to achieve compliance and not to punish the person enforced against, although there may be cases where a deterrent approach is called for.

#### Inspection of Premises

- 10.8 The inspection of premises is based on a rational set of priorities. A risk-based approach will be taken involving the inherent risk of the licensable activities, the hours and location of operation, the history of compliance and the extent to which it has been appropriate previously to attach conditions to the licence in order to promote the licensing objectives. In addition, in an effort to provide a comprehensive licensing service, it is desirable to inspect all newly licensed premises and those with recent licence variations.
- 10.9 Multi-agency visits involving officers from the Licensing Authority and various responsible authorities are routinely carried out. The greatest benefit is derived from doing these when the businesses concerned are actually operating. They are conducted in accordance with the Legislative and Regulatory Reform Act 2006 and any Code of Practice arising from it and focus on a specific geographical area of the district. Given the higher density of licensed premises in the town centres of Aylesbury and Buckingham and the consequential issues of disorder and disturbance, these premises receive particular attention. Intelligence driven checks are also carried out on specific premises.

10.10 Inspections of premises may also arise from complaints made against them, to investigate an unauthorised activity and should there be an application discrepancy e.g. if a complaint is made that the public notice has not been displayed during an application or that although displayed it is not done so prominently so that it can be conveniently read from the exterior of the premises.

## **Special Saturation Policy – Aylesbury Town centre**

### **Factors considered in adopting and continuing a special policy**

#### **1. Introduction**

Since the introduction of the Licensing Act 2003 Aylesbury Vale District Council have adopted a special saturation policy for the town centre of Aylesbury as defined by the inner relief road. This policy has focused on late night licensed premises. Over the years it has not precluded applications for new premises licences or variations to existing premises licences in the town centre. It has focused attention particularly on the promotion of the licensing objectives relating to crime and disorder and public nuisance. As a result the incidence of crime and disorder has stabilised and more recently has been seen to fall slightly. Thames Valley Police firmly believe that there is an ongoing need for the continuation of the saturation policy in this area with the objective of reducing crime and disorder, anti-social behaviour and public nuisance in and around the town centre of Aylesbury. This also accords with the Aylesbury Vale Community Safety Partnership's ongoing priority to ensure safe and secure town centres.

#### **2. Aylesbury Vale Community Safety Partnership**

Aylesbury Vale's Community Safety Partnership (AVSCP) is a statutory partnership of responsible authorities, namely Aylesbury Vale District Council, Buckinghamshire County Council (this includes the Drug and Alcohol Action Group and Youth Offending Service), Buckinghamshire Fire and Rescue, Aylesbury Vale Clinical Commissioning Group, Thames Valley Police and Thames Valley Probation. The AVSCP have a role to play in reducing the local levels of crime and disorder. Community Safety Partnership's were established through the Crime and Disorder Act 1998 and have a duty to prepare a Community Safety Strategy for a rolling three year period with an annual Action Plan. The current AVSCP strategy was published in April 2014 and covers the period until March 2017. It is available to read at <http://www.aylesburyvaledc.gov.uk/community-living/community-safety/community-safety-partnership>

In developing this strategy and plan, the AVCSP looks at the local crime and disorder profile (for the previous 12 month period) known as the Strategic assessment and consults the public to determine the key priorities for the strategic period. Safe and secure town centres have been a priority since the 2011 strategy and a key focus of the plan in 2011 was to achieve a Purple Flag award for Aylesbury town centre.

### **3. AVCSP Summary of current local crime context**

In order to set activities within the action plan, the AVCSP commissioned a review of all violence against the person (VAP) between the period of 01.04.12 to 31.03.14.

This review highlighted the following key areas for focus,

- During 2013/14 VAP increased by 8% across the Vale. Actual Bodily Harm and Assault without injury make up 76% of all VAP. Violence in the night time economy decreased by 1%.
- There are very little seasonal variations in this type of crime.
- 69% of all VAP occurs in Aylesbury town centre. Aylesbury central sees the most crime and is distinctly associated with the night time economy.
- Overspill into residential areas is evident. The street is the most common location for VAP in Aylesbury Central whilst in other ward areas the dwelling is the most frequent location.
- Offences mostly take place during the day between 4pm and 6pm but with a large spike in the early hours of Sunday which directly relates to the night time economy.
- Peak time analysis shows that 90% of VAP at street level and 12% of total VAP is generated by the weekend night time economy at 2am on Sunday.

### **4. Late night licensed premises in the town centre**

There are 48 premises licences trading late at night in the town centre of Aylesbury. This number has remained about the same for a number of years and represents a variety of different premises including takeaways, off licences, restaurants, food pubs and non-food pubs. Although the number of licensed premises has remained relatively static over the years, the relative mix of premises has changed. There are six town centre off licences/convenience stores and three supermarkets that sell

alcohol. These premises close relatively early and are not generally part of the night time economy. However, as they are in the town centre they do require stringent management to prevent access to alcohol to those under-age and, occasionally town centre drinkers. The number of restaurants has grown significantly and there are currently fourteen restaurants in Aylesbury that, again in relative terms close quite early. As expected the customers of the restaurants are mixed in terms of age, gender, etc and these premises, at this time, do not pose any particular problem in relation to the licensing objectives.

There are nine pubs within the town centre who do not offer food and rely heavily on the sale of alcohol. This number has remained steady for a number of years. There are a further nine pubs that do provide a significant volume of food, especially during the daytime and early evening. However after around 10.00 p.m. all eighteen pubs are alcohol led. Whilst some venues offer a fairly unique brand and identify with a particular group of customers such as more mature patrons or students, most appear to market themselves to younger members of the community. Many offer recorded and live music and dancing and drink promotions.

The majority of pubs and clubs in the town centre, particularly at weekends have a last sale of alcohol at 2.00 a.m. and closure at 2.30 a.m. Three pubs have slightly later closing hours. Many of these venues have been trading with these hours for a number of years and simply converted their licences when the Licensing Act 2003 was introduced. Others have subsequently varied their hours in line with competitors.

Four of the town centre takeaways are licensed to supply late night refreshment up until 3.30 a.m. These premises have varied their original premises licences in recent years as experience has shown that there is significant demand for fast food until 3.30 a.m. The observation of police officers working late at night is that longer trading hours has not resulted in a gradual dispersal of customers but the majority leave between the last sale of alcohol and closure of the premises. It is for this reason that the takeaway premises remain open and admit to being at their busiest between 2.00 a.m. and 3.00 a.m. Whilst takeaway premises, for some people provide a valuable contribution to the night time economy in that they provide refreshment and an opportunity for customers to freshen up, they can equally prove problematical. A

concentration of unrelated people under the influence of alcohol can lead to confrontation and subsequent disorder. For some customers the availability of food provides a reluctance for them to leave the town centre and hence the police have to remain until they have dispersed.

## **5. Residents**

There are over 3000 residents living in the town centre and this number is growing with the tendency of converting offices into flats. Housing tenure is largely mixed and includes owner occupied and privately rented, social housing and a large area of Alms housing for elderly residents. Residential accommodation is dispersed throughout the town centre including various flats in the middle of the town itself. Some are situated above or opposite or just within the vicinity of late night licensed premises. Others are on main thoroughfares leading into and out from the town.

A significant residential area of the town centre is what is colloquially known as the 'old town'. The heart of the old town is St Mary's Church in St Mary's Square. St Mary's Square is directly connected to a busy retail and night time space by a relatively short walk – Pebble Lane. Residents living around the churchyard around St Mary's are frequently subjected to noise disturbance and anti-social behaviour from people leaving the town centre and some merely loitering in St Marys. A number of late night premises' customers leave by foot via Cambridge Street, Buckingham Street, St Marys, Oxford Road, Bourg walk, Wendover Road and High Street. In doing so residents living on these town centre exit routes are routinely disturbed by boisterous customers and suffer excessive litter.

## **6. Crime and disorder**

Crime figures for the Town Centre of Aylesbury significantly increased in 1999/2000 with the opening of three large late night pubs. Crime rates continued to increase as other late night venues sought later hours. These crimes tend to be outside the premises themselves but within the vicinity of licensed premises. More recently late night crimes have been seen to fall slightly but remain unacceptably high. The aim of the special saturation policy is to further reduce not just reported crimes but the anti—social behaviour and nuisance that often goes unreported. It is acknowledged that reported crime does not reflect the reality of the situation in the town centre of

Aylesbury and the true situation may be very different. This adds to the fear of crime and perceived community safety.

The incidents of violent crime in the town centre is almost exclusively alcohol fuelled and often involves multiple victims. Alcohol can and does make some people unpleasant and violent. On the other hand it can and does render some individuals vulnerable to harm. In that respect church volunteers known as 'street angels' are deployed in the town centre every Friday and Saturday night to offer assistance in reducing crime and the fear of crime, and in providing assistance to vulnerable people. Towards the end of the night time economy a level of aggression and threat of violence often prevails before any police intervention. Crime figures do not reflect the atmosphere and potential threat that exists when the later licensed premises close and significant numbers of customers under the influence of alcohol migrate through the town centre. One of the main objectives of policing the night time economy is to prevent disorder before it starts by having a visible policing presence. Intervention and arrests, however occur routinely and put a strain on police resources. The later trading hours and increased capacity of the late night economy in the town centre of Aylesbury has required the police to significantly change their shift patterns to contain the issues arising. Any later trading hours or a significant increase in venue capacity would impact significantly on the ability of the police to continue to effectively contain incidents in the town centre.

A single incident can have a very significant impact on police and other blue light emergency services. Injuries arising from alcohol fuelled behaviour can and does involve the ambulance service, officers having to be deployed to the hospital, crime scene management, multiple arrests and the ensuing criminal investigation. Arrests put a strain on police manpower as individuals go through the custody procedure, perhaps having to bed individuals down until they are fit enough to be dealt with. This may require a medical assistance or a cell watch to ensure the individual's welfare. Subsequent criminal investigations arising from incidents can be complex involving numerous persons, interviews, files produced to the Crown Prosecution Service, medical statements and court time. There are far wider implications to resources than merely policing the town centre.

It is worth noting that violent crimes can and do also occur at home as a result of heavy drinking in the town centre. The Domestic Violence Unit of Thames Valley Police confirm a higher rate of incidents in the early hours of the morning particularly at weekends.

## **7. Causes of crime**

Over the eight years that the Licensing Act 2003 has been in force Thames Valley Police have had to resort to four premises licence reviews in relation to town centre pubs. On all occasions a stepped approach was adopted with the licensees which was measured and proportionate. In all cases the management did not heed the warnings and finally a review was sought. The problems of crime and disorder evident at these premises was as a direct result of poor and negligent management. All but one of the premises failed to get to grips with the issues even after the reviews and shortly afterwards closed. A number of other premises have in the past been subjected to the same approach due to poor management and once proper experienced management had been put in place a review was not necessary. The early intervention from the police and the licensing authority and the existence of the special saturation policy has had the general effect of improving the individual management of premises. Over the years the trade, the police and licensing authority have nurtured an effective working partnership. However the relatively significant number of premises trading late at night within a relatively small geographical area continues to result in significant crime and disorder, threat of crime and anti-social behaviour, irrespective of good management.

Late night pubs and clubs in Aylesbury are frequented mostly by younger customers. The observation and operational experience of police officers reveal that customers tend to migrate from venue to venue during the night. This can be problematical later on during the night as the relative concentration of premises inevitably means that customers of one venue will meet customers of others. After mid-night customers using the town centre tend to congregate in and around a relatively small number of destination venues. Queuing outside of these is inevitable along with smokers loitering outside. As premises are well run with good door supervision the refusal of members of the public who have had too much to drink is reasonably commonplace but this can and does lead to confrontation. Potential customers queuing and existing customers



smoking outside has not only been identified as a flashpoint in relation to violence but has also resulted in noise complaints.

Similarly large numbers of people using town centre venues congregate at takeaway premises and taxi ranks and these can be problematical also. Although most takeaways do not themselves sell alcohol they can be flashpoints as a concentrated number of individuals having consumed alcohol visit such premises after the closing of pubs and nightclubs. The presence of late night takeaways in the town centre means after leaving alcohol and entertainment venues, customers are more likely to remain in the town centre instead of going home.

Aylesbury town centre has two significantly large public realms in the form of Market Square and Kingsbury. Both are easily and quickly accessible from all town centre licensed premises, including the takeaways. Public seating is provided and both areas are provided with taxi ranks. Market Square and Kingsbury are semi-pedestrianised in that relatively large expanses of cobbled or paved areas exist and naturally people enjoying the night time economy tend to gravitate towards these areas. However each are also accessible to cars and with large numbers of people drawn to these areas they become busy with private hire vehicles both lawfully and unlawfully plying their trade. Both Market Square and Kingsbury can and does provide challenges to the police in diffusing confrontations between individuals and groups, intervening when crimes are committed and moving private hire vehicles on and maintaining access to the town centre.

It has been suggested that Aylesbury has reached or passed the 'tipping point'. This means that the increase in the number of licensed premises had caused a disproportionate or exponential increase in violence. The tipping point for Aylesbury arrived at some point following the opening of three large late night venues in 1999 and the increase in existing premises seeking later hours. The saturation policy has helped in containing the problem and is needed moving forward to achieve a substantial reduction in the number of violent, anti-social and nuisance incidents.

## **8. Control of Crime and Disorder**

Aylesbury town centre is the most significant night time economy within the Aylesbury Vale Local Policing Area (LPA), attracting significant numbers of the public to consume alcohol and socialise. The latest and historic analysis supports an ongoing policing operation to this area termed 'Nightsafe' designed to tackle anti-social behaviour and crime and disorder linked with the night time economy. Weekly meetings are convened involving both the police and the licensing authority. A thorough debrief of the of the previous weekend's night time economy is carried out. This includes an evaluation of offences, arrests, use of dispersal powers and Penalty Notices for Disorder. It also includes any reports submitted by police officers relating to incidents in licensed premises (GEN40) and any tasked visits to licensed premises.

Aylesbury Vale LPA provide dedicated resources to safely police the night time economy in this area and regularly deploy a number of powers to deal appropriately with those who have contributed or likely to contribute to anti-social behaviour and crime and disorder. Historical evidence demonstrates a need for dispersal powers and up until recently the police routinely resorted to the use of Section 27 (Violent Crime Reduction Act 2006) during the weekend night time economy, which proved to be an effective tool to reduce incidents. More recently with a change in legislation the town centre is routinely subject to the authorisation of dispersal powers under section 35 of the Anti-Social Behaviour, Crime and Policing Act 2014 at weekends during the hours of 2200 hours and 0400 hours. The town centre is also subject to a Designated Public Place Order, conferring a power on police constables and Police Community Support Officers to deal with anyone with alcohol in their possession.

## **9. Noise**

As mentioned earlier there are a significant number of residents living in the town centre of Aylesbury and these relate to a variety of different tenure. Environmental Health Officers and the Council's Licensing Services have received and continue to receive complaints regarding noise disturbance in the town centre. Some have related to noise directly from premises playing amplified music. These tend to be from residents of flat conversions close to or even above licensed premises. Various investigations have revealed residents of flat conversions are often privately rented and do not complain to

the authorities but simply leave the area. The complaints almost exclusively come from owner occupiers of flats.

More frequently noise complaints relate directly to customers of late night premises and are non-specific about the premises they have just left. Suffice to say that they have been drinking in the town centre. Quiet spaces very close to the commercial town centre such as St Mary's are particularly vulnerable. Complaints have been received of customers of the town centre premises loitering in St Mary's, consuming late night refreshment there too and general anti-social behaviour.

### **10. Transport provision**

In respect to public transport late at night in the town centre this is provided exclusively by taxis and private hire vehicles. Taxis in Aylesbury are easily identifiable as they are purpose built and in a black livery. There are several ranks within the town centre and are not problematical. Private hire vehicles are also readily identifiable as they bear door signs and display plates showing their licence numbers and expiry dates. There is little or no evidence of un-licensed vehicles exploiting the town centre. However there is evidence of unlawful plying for hire in the town centre by some private hire drivers. Private hire vehicles must be pre-booked through a licensed operator. Despite numerous publicity campaigns and routine enforcement this problem still exists. The fact that customers leaving licensed premises late at night are mostly under the influence of alcohol and not necessarily thinking rationally provides an opportunity for unscrupulous private hire drivers.

### **11. Other**

Other agencies have confirmed the impact of the late night economy in Aylesbury town centre particularly at the weekends. Stoke Mandeville Accident and Emergency Ward is busier during this time and almost all casualties relate to excessive drinking, many from the town centre. The Council contract out the street cleansing function and the contractor has confirmed that additional resources are required to deal with the excessive litter following a Friday and Saturday night. This largely consists of takeaway food containers, food itself and vomit. There is also evidence of public urination.

## APPENDIX 2

### **Evidential basis for restraint policy in Buckingham**

#### **Factors considered in adopting a special policy**

##### **Introduction**

Buckingham is a historic market town and, after Aylesbury the second largest town in Aylesbury Vale. Located in the North of the district it is a significant focal point for housing, employment, administrative and community facilities and has a population of over 12000 people. Most of the night time economy is centred around the market area and High Street. Within the same area are a significant number of historic residential buildings. There are clear vistas and routes leading out of the town centre into predominantly residential streets and there is significant pedestrian traffic from those using the town at night time to get back to either the university campus or accommodation which results in disturbance to residents.

To date Buckingham town centre has not been subject to any form of restraint policy. Licensing hours have been determined generally by way of disputed applications for material variations and resulted in a latest terminal hour for the sale of alcohol until 1.00 a.m. and closure at 1.30 a.m., although there are a range of licensed hours within the town.

##### **Late night licensed premises in the town centre**

There are currently around 40 licensed premises in Buckingham town centre representing a variety of different businesses, including food-pubs and non-food pubs, restaurants, takeaways, off-licences, convenience stores and an out of town supermarket. The food and beverage offer is varied and the town enjoys a mixed usage and demographic during the early evening. However like most town and city centres, during the late night-time economy the general demand tends to be drink-led rather than food-led. Some of the pubs provide a 'wet trade' to a loyal and more mature customer-base with little or no entertainment provided and these have licences at weekends with a terminal hour of mid-night.

Whilst the premises themselves may change trading style depending on management, the town generally supports about 3 destination venues targeting younger customers. There are 4 pubs with a last sale of alcohol at 0100 hours and closing at 0130 hours. These businesses routinely provide musical entertainment and offer drink promotions targeting younger people. In addition the town has 2 late night takeaways both in the town centre. One trades from a retail shop and the other trades from a mobile van and both close at 0145 hours. All of the venues are generally well managed but inevitably result in significant numbers of people affected by the influence of alcohol exiting at around the same time, many of which then seek hot food from either of the 2 takeaway providers.

## **Residents**

The town centre forms the central focus of the town and contains many historic buildings and frontages, including a number of listed buildings, which provides a wide variety of architectural styles and a mixture of residential and business use. The mix of residential housing includes retirement flats and flats and houses catering for a wide range of ages and lifestyles. It provides a focal point for the town with connected streets providing a framework for central retail and commerce. The university campus houses around 1300 students but a significant number live in and around the town. Inevitably therefore students using the town centre night time economy risk causing noise disturbance as they make their way home via connected residential streets.

## **Noise levels and complaints**

Over recent years the number of students attending Buckingham University have increased. There are currently 1300 students on campus with around 2000 students in total. There are plans to increase the number on campus to 2000. With the increase in students Environmental Health and Licensing have received an increasing number of complaints from local residents from both the town centre and Nelson Street reporting disturbances late at night from a wide variety of sources.

During 2012 Environmental Health Officers conducted a street noise survey to better understand the nature, volume and characteristics of street noise during and beyond the trading period of licensed premises in the town centre and Nelson Street. Monitoring sites were established on top of the Old Gaol situated in the centre of Buckingham between Market Square and High Street; Toombes Yard, opposite one of the latest and busiest licensed venues; High Street, close to a number of licensed premises; and Nelson Street, a well used pedestrian route between the town centre and the university.

As expected within the town centre street noise remained significantly high on Friday and Saturday nights up until around 2.00 a.m. During weekdays noise reduced much earlier at around 10.00 p.m. The dominant noise source emanated from traffic, however a significant amount of noise was caused by people talking and shouting from anything between 9.00 p.m. and 2.00 a.m. the following morning. Noise measurements taken in Nelson Street show it to be generally quieter than the town centre, which would be as expected due to less traffic and passing pedestrians. It does however make it vulnerable to noise sensitivity.

## **Policing in Buckingham**

Buckingham and district neighbourhood policing is fairly unique in that it is a significantly large geographical area, mainly rural but with Buckingham forming a focal point for resources. The challenge of policing this large area is complex; trying to balance an appropriate number of resources to an albeit lower demand than Aylesbury town but having to consider the potential considerable distance from other police officers if there were a serious disturbance.

Two police officers are on duty 24 hours a day and are based in Buckingham. However they are responsive across the wider district. They are supported by a small number of neighbourhood police officers and police community support officers but these resources are not available 24 hours a day.

Generally staff numbers are appropriate to the levels of demand. However issues can develop, occasionally when there is large scale disorder or serious injury. When necessary resources have to be drafted from Aylesbury to both deal with these type of incidents and ensure police officers are relatively safe from harm and ensure the crime scene and evidence is preserved and arrests made. Whilst this does not happen routinely, nevertheless it does occur from time to time. The majority of calls made to the police during the night time economy relate to noise disturbance, sometimes directly from licensed premises themselves but mostly from 'street noise' and anti-social behaviour.

### **Transport provision**

Public transport late at night in the town centre is provided exclusively by taxis and private hire vehicles. The taxis in Buckingham are easily identifiable as they are purpose built and in a white livery. There is only one taxi rank located on Cornwalls Meadow opposite one of the late night destination venues. Private hire vehicles are also easy to identify as they bear door signs and display plates showing their licence number and expiry date. There is no evidence of un-licensed vehicles using Buckingham town centre. However there is evidence of unlawful plying for hire by some private hire drivers. Private hire vehicles must be pre-booked through a licensed operator. Despite numerous publicity campaigns and routine enforcement the problem still exists. The fact that customers leaving licensed premises late at night are mostly under the influence of alcohol and not necessarily thinking rationally provides an opportunity for unscrupulous private hire drivers.

## APPENDIX 3

### Pool of Conditions

1. All windows and doors shall remain closed after *time*, save for the opening and closing of doors to allow the ingress and exit of customers.
2. When regulated entertainment is provided after *time*, all windows and doors shall remain closed, save for the opening and closing of doors to allow the ingress and exit of customers.
3. The provision of regulated entertainment shall cease thirty minutes before the terminal hour for the sale of alcohol.
4. The outside area which forms part of the premises shall be cleared of customers, and shall not be used, after *time*.
5. Any speakers used during the transmission of music shall be kept within the premises and shall not be positioned near to openings such as doors and windows.
6. The playing of recorded music shall take place indoors only and no external speakers are permitted.
7. A noise limiter shall be fitted to the musical amplification system in agreement with and to the satisfaction of an authorised officer of the responsible environmental health authority. The noise limiter shall be set and maintained at a level to be determined by the said officer.
8. Prominent, clear and legible notices shall be displayed at all exits reminding club members and their guests of the residential area and to respect the needs of local residents and advising them to leave the premises and the surrounding area quietly.
9. A prominent, clear and legible notice shall be displayed at the exits reminding customers that no alcohol is to be consumed outside the premises.
10. An adequate sized and permanently fixed waste receptacle and cigarette receptacle for use by customers shall be provided outside the premises and the licensees shall dispose of the waste responsibly as and when necessary but at least on a daily basis.
11. The licensees shall ensure that the highway and public spaces in the vicinity of the premises are kept free of litter from the premises to the satisfaction of the Licensing Authority.
12. The doors to the premises shall be locked ten minutes before the end of the licensing time and no new customers shall be admitted to the premises after that time. A closed sign shall also be displayed after that time and any customers leaving the premises thereafter shall be supervised by a member of staff. (N.B. specific to takeaway premises)

- 13.** The sign indicating the opening hours of the premises shall be amended to make the provisions of condition 13 above clear to all customers. (N.B. specific to takeaway premises)
- 14.** If a customer appears to be under 21 there shall be no sale of alcohol unless the customer proves he or she is over the legal age limit for the purchase of alcohol. The compliance with this condition shall be in accordance with the "Challenge 21" initiative or equivalent standard.
- 15.** A refusals register shall be created and maintained which records all sales of alcohol refused by the premises because of the legal age limit for the purchase of alcohol. The register shall be made available, on request, to the Police, the Council and Trading Standards.
- 16.** Carrier bags shall be used for all alcohol sales with the name of the premises printed on the bags.
- 17.** A colour CCTV system with a hard disk shall be installed inside the premises, maintained and operated correctly to the satisfaction of Thames Valley Police. The recordings from the system shall be retained for a period of 90 days and shall be made available on request to the Police, Council and Trading Standards. These authorities shall also be allowed to take DVD copies of the recordings.
- 18.** Door supervisors shall be used whenever regulated entertainment is provided whatever day of the week or time that might be.



## APPENDIX 4

### **Glossary of terms**

Club Premises Certificates are authorisations to conduct licensable activities granted to members' clubs.

The Designated Premises Supervisor ("DPS") is an individual who holds a personal licence and is named as the designated premises supervisor on a premises licence permitting the sale of alcohol. The DPS is the single point of management focus in a licensed premises.

Interested Parties are people who live or work in the vicinity of licensed premises or bodies representing such people such as residents' associations. Interested parties also include elected Members who do not necessarily live in the area. Interested parties may participate in the licensing process by making "relevant representations" on applications or by bringing applications for reviews of licences and club premises certificates.

Late Night Refreshment is the provision of hot food and drink between 11 p.m. and 5 a.m. for consumption on or off the premises.

Licensable activities include the sale and supply of alcohol, the provision of late night refreshment and regulated entertainment.

The Licensing Authority is Aylesbury Vale District Council.

Licensing Objectives under the Licensing Act 2003 are the prevention of crime and disorder, the prevention of nuisance, public safety and the protection of children from harm. All representations must concern the licensing objectives.

Mandatory Conditions are prescribed by the Licensing Act 2003 and other regulations. In premises licensed for the sale of alcohol, they include the need for a designated premises supervisor; that every sale of alcohol needs to be authorised by a personal licence holder; that any door supervisors used must be licensed with the Security Industry Authority; They also include the "mandatory code" which prevents irresponsible drinks promotions on licensed premises, requires alcohol to be available in smaller measures, and also requires the provision of free tap water on request. Alcohol-licensed premises must also ensure that alcohol is not sold below the permitted price for such sales. In premises licensed for the showing of films, there must be a condition restricting the admission of children to films according to the British Board of Film Classification's recommendations or the Licensing Authority's own assessment.

An Operating Schedule forms part of the application for a premises licence. It contains of what licensable activities are proposed, the hours of operation and the measures proposed to promote the licensing objectives. Where the licence is granted, its terms become conditions on the licence.

A Personal Licence allows its holder to make or authorise the sale of alcohol on licensed premises.

A Premises Licence permits the carrying on of licensable activities. It is valid indefinitely unless it is revoked, surrendered or lapses, e.g. on the death of its holder.

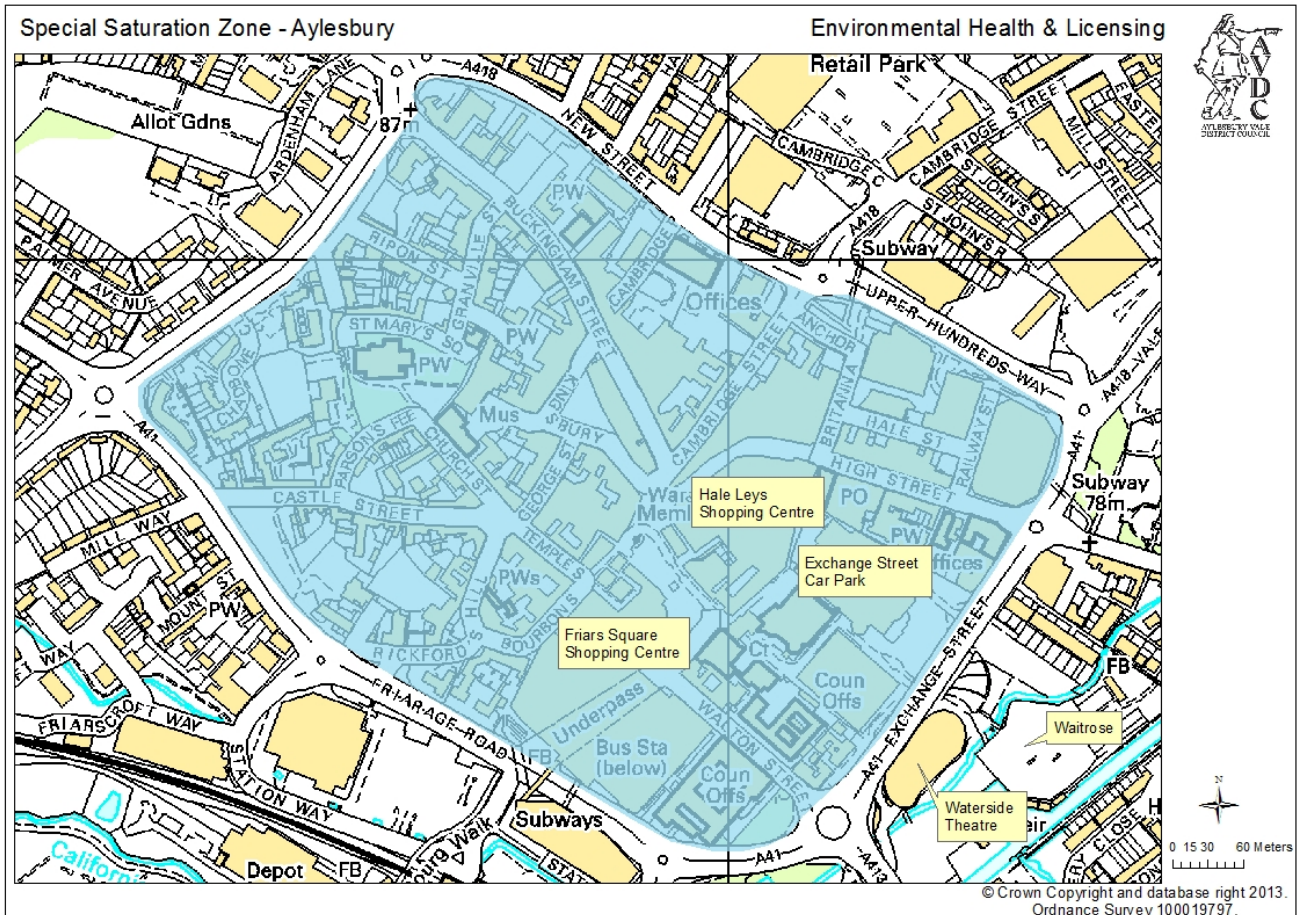
Relevant Representations are objections to applications made by interested parties and responsible authorities. They must concern the licensing objectives and must be made in time, otherwise they will be rejected.

Regulated Entertainment includes plays, the showing of films, indoor sporting events, boxing and wrestling, musical performance and the playing of live and recorded music.

Responsible Authorities are the statutory authorities who may participate in the licensing process, including the police, the environmental health authority, the fire and rescue authority, the child protection authority, the health and safety authority and the planning authority.

APPENDIX 5

Map of special Saturation Area



## Appendix 2

### Licensing Act 2003 – Special Saturation Policy for Aylesbury town centre

#### Introduction and the need for local policy

The Licensing Act 2003 (the Act) is the primary legislation relating to the sale and supply of alcohol, provision of late night refreshment and regulated entertainment. The statutory framework in respect to the Act consists of the Act itself which identifies 4 licensing objectives:

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

In addition there exists Statutory Guidance which all those concerned with the Act must have regard to, and finally local policy. The guidance can be seen as the destination and the policy as the sign posts to get there locally. The policy has to be kept up to date and in any event reviewed every 5 years. The proposed policy is the 4th generation and is based on 9 years experience of implementing the Act.

#### Aylesbury's special saturation policy

We have always had a restraint policy for Aylesbury town centre in the form of a Special Saturation Policy because of concerns expressed by TVP and residents regarding crime and disorder and anti-social behaviour from large numbers of customers in the area. The Statutory Guidance under section 182 of the Licensing Act 2003 states:

*The effect of adopting a special policy of this kind (special saturation policy) is to create a rebuttable presumption that applications for the grant ... of premises licences ... which are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations, following relevant representations, unless the applicant can demonstrate in the operating schedule that there will be no significant cumulative impact on one or more of the licensing objectives.*

The Council's Special Saturation Policy applies to Aylesbury town centre and in summary states:

*Applications for new licences or club premises certificates or for material variations for "Higher Risk Premises" seeking to sell alcohol beyond midnight or close beyond 12.30 a.m. will be refused. In this Saturation Policy a higher risk premises is one for which the sale of alcohol is a primary activity, including pubs and nightclubs or which serves hot food or drink for consumption off the premises.*

The special saturation policy identifies the geographical location that is under stress, namely Aylesbury town centre; the types of premises that contribute to that stress (high and low risk operations) and the hours at which those stress peak depending on the type of premises and the level of risk it poses. It thus represents a considered, nuanced and balanced approach to the issues of cumulative impact in an area with known and clearly evidenced issues that undermine the licensing objectives.

## Your views?

If you have any comments please do so in writing to Peter Seal, Licensing Manager [pseal@aylesburyvaledc.gov.uk](mailto:pseal@aylesburyvaledc.gov.uk) . In an effort to prompt some thought you might want to consider the following questions.

- Do you believe that the saturation policy is reasonable and proportionate?
- What is your experience of the night time economy?
- Are the hours identified in the policy the right ones?
- Is the area covered by this policy still appropriate?
- Should the scope of the policy be broadened?
- Anything to add or do you disagree with the evidential basis of the policy?
- Any other comments?

## Aylesbury town centre saturation policy – potential questions

1. What does it mean?
  - *A saturation policy acknowledges that the cumulative impact of a number of premises selling alcohol in more or less the same vicinity is having a disproportionate effect on crime and disorder and nuisance. When invoked it effectively reverses the presumption to grant.*
2. Why 12./12.30 & 2./2.30 a.m.?
  - *Over half of the licensed premises trading late at night are primarily alcohol led or takeaway premises serving customers of these premises. Most of these trade up until 2.00 and close at 2.30 a.m. (some later). Crime figures peak during the period from midnight to 2.00 a.m. This policy favours the addition of lower risk premises but seeks to avoid more high risk premises trading until the later hours*
3. Are you aware about customers behaviour?
  - *The justification of this policy is not just reliant on levels of recorded crime and incidents but also on the observations of TVP and officers of AVDC.*
4. Will we lose trade?
  - *This policy will not affect existing licensees. In fact it will ensure a 'level playing field' and discourage competition from high risk premises. Hopefully it will attract more restaurants and entertainment led businesses and encourage a more diverse visitor to the town.*
5. What will happen about staggered hours?

- *What staggered hours that did exist have now largely disappeared with most premises trading until 2.00/2.30 a.m. The latest Statutory Guidance permits the introduction of zoning, staggered hours and fixed closing times.*
6. Does this amount to an artificial restriction of hours?
    - *This policy reflects what already largely exists in the town centre, driven by commercial needs rather than by concerns expressed by TVP. It does not impose quotas or the consideration of any application on its own merits.*
  7. Does the LA03 allow you to do this?
    - *Section 5 of the licensing Act requires the licensing authority to prepare a local policy. The Statutory Guidance permits the licensing authority a range of measures to deal with groups of licensed premises.*
  8. Won't it encourage binge drinking?
    - *It should not change the existing position. Evidence of premises with longer hours reveals that most customers continue to drink until the last sale of alcohol.*
  9. Why do you need it?
    - *Although levels of crime and disorder and nuisance appear to be slowly reducing they are still unacceptably high compared to say 10 years ago or even 5 years ago.*
  10. What is your evidence?
    - *Evidence consists of a mix of differing factors including numbers, types and trading hours of licensed premises, the close proximity of residents, crime and disorder, noise disturbance, the scarcity of different types of transport provision, evidence from Stoke Mandeville A & E department, public cleansing resources.*
  11. What support have the Council got to introduce this?
    - *Principal support comes from TVP who have to police the town centre every night. However agencies such as the ambulance service, street cleansing and Environmental health support the Council's aims.*
  12. Which premises will be affected?
    - *Potentially new premises will be affected and also any existing premises which apply for a material variation. The policy most readily affects higher risk premises i.e. one for which alcohol is primary activity or sale of hot food off the premises.*
  13. Why are takeaways affected?
    - *Takeaways can be flashpoints as a concentrated number of individuals having consumed alcohol visit such premises after the closing of pubs and clubs. They also encourage customers to remain in the town centre which in turn increases the incidence of crime and disorder and nuisance and demands yet more police resources.*
  14. Are you pre-judging all applications?
    - *The policy does not impose quotas or the consideration of any application on its own merits.*
  15. Is AVDC anti-pub and clubs?
    - *Not at all. It does however acknowledge that there are an abundance of very similar premises at the moment and seeks to encourage a more diverse range of licensing activities.*
  16. Have you made your mind up already?

- *It is a proposal at this stage and is subject to widespread consultation. All relevant views, opinions and comments will be taken into consideration and ultimately members of Licensing Committee will make a recommendation to Full Council.*
17. Will this policy be reviewed? When and how?
- *The Council are duty bound to regularly review their licensing policy every three years or sooner if circumstances change. Any changes would have to be subject to statutory consultation and go before Full Council.*
18. What if there are no representations?
- *If there are no representations then the policy is not engaged and the Council have no discretion but to issue a licence as applied for.*
19. Does it apply to variations? Off licences/ Supermarkets?
- *Policy applies to material variations such as increasing the capacity or trading hours for example. The restraint policies are aimed at those selling alcohol on the premises.*
20. What area does it cover?
- *The area inside the inner relief road, colloquially known as the town centre.*
21. What about Waterside?
- *Waterside is outside the town centre as described earlier. If at a later date the Council wish to change the geographic description of the town centre it will need to consult and formally review the policy.*
22. Why just Aylesbury town centre?
- *Other towns within the vale do not have to same level of crime, disorder and nuisance experienced by Aylesbury and require the same levels of policing.*
23. How strictly will it be applied?
- *It is expected to be strictly applied where representations have been received.*
24. Can we appeal?
- *All decisions are subject to appeal in the magistrates court from any party. However Magistrates, when deciding appeals must stand in the shoes of the licensing authority when applying the policy.*
25. How will policy relate to existing licences, in particular those trading beyond 2.30 a.m.?
- *Those trading beyond 2.30 a.m. will not be affected by these proposals.*

## **Appendix 2**

### **Licensing Act 2003 – Proposed Buckingham restraint policy**

#### **Introduction and the need for local policy**

The Licensing Act 2003 (the Act) is the primary legislation relating to the sale and supply of alcohol, provision of late night refreshment and regulated entertainment. The statutory framework in respect to the Act consists of the Act itself which identifies 4 licensing objectives:

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

In addition there exists Statutory Guidance which all those concerned with the Act must have regard to, and finally local policy. The guidance can be seen as the destination and the policy as the sign posts to get there locally. The policy has to be kept up to date and in any event reviewed every 5 years. The proposed policy is the 4th generation and is based on 9 years of implementing the Act.

#### **Buckingham restraint policy**

We have always had a restraint policy for Aylesbury town centre in the form of a Special Saturation Policy because of concerns expressed by TVP and residents regarding crime and disorder and anti-social behaviour from large numbers of customers in the area late at night. Changes in the statutory guidance now permit the licensing authority to introduce other forms of restraint policy. To date Buckingham has not been subject to any form of restraint policy. Licensed hours have been generally determined by way of disputed applications. The result is that the latest terminal hour for alcohol is 1.00 a.m. and closure at 1.30 a.m. with a range of closing times in the town.

In recent years AVDC's Environmental Health and licensing services and TVP have received complaints from residents of both the town centre and Nelson Street reporting disturbance caused by noise late at night. The success of the university puts a growing pressure on the night time economy which must be balanced against the rights of the significant residential population to enjoy reasonable peace and quiet.

#### **The proposal**

Applications to open up to 12 midnight will be dealt with on its individual merits. Applications beyond midnight will normally be refused unless the applicant can demonstrate that it can operate without harm to the licensing objectives. APPLICATIONS BEYOND 1.30 A.M. WILL BE REFUSED. This will only apply in relation to contested applications.



## Your views?

If you have any comments please do so in writing to Peter Seal, Licensing Manager [pseal@aylesburyvaledc.gov.uk](mailto:pseal@aylesburyvaledc.gov.uk) . In an effort to prompt some thought you might want to consider the following questions.

- Do you believe that the proposal is reasonable and proportionate?
- What is your experience of the night time economy?
- Are the hours identified in the proposal the right ones?
- Should the area covered by this policy be strictly defined?
- Should the scope of the policy be broadened?
- Anything to add or do you disagree with the evidential basis of the policy?
- Any other comments?

## Buckingham restraint policy – potential questions

1. What does it mean?
  - *The restraint policy acknowledges that there is a growing pressure on the night time economy in Buckingham which must be balanced against the rights of a significant residential population to enjoy reasonable peace and quiet.*
2. Why the hours identified in the policy?
  - *The hours specified in the restraint policy reflect the current latest trading hours in Buckingham. The policy only seeks to limit any further increase in hours.*
3. Are you aware about customers behaviour?
  - *The justification of this policy is not just reliant on levels of recorded noise, disturbance and anti-social behaviour but also on the observations of, TVP, officers of AVDC and of residents.*
4. Will we lose trade?
  - *This policy will not affect existing licensees. In fact it will ensure a 'level playing field' and discourage competition from premises wishing to extend their trading hours.*
5. What will happen about staggered hours?
  - *The policy will not affect existing trading hours. Buckingham has a variety of premises with different trading hours.*
6. Does this amount to an artificial restriction of hours?
  - *This policy reflects what already largely exists in the town centre, driven by commercial needs rather than by concerns expressed by any of the responsible authorities. It does not impose quotas or the consideration of any application on its own merits.*
7. Does the LA03 allow you to do this?
  - *Section 5 of the licensing Act requires the licensing authority to prepare a local policy. The Statutory Guidance permits licensing authorities to consider fixed closing times, staggered closing times and zoning in its area. .*

8. Won't it encourage binge drinking?
  - *It should not change the existing position. Evidence of premises with longer hours reveals that most customers continue to drink until the last sale of alcohol.*
9. Why do you need it?
  - *The current situation is generally acceptable. However in recent years some traders have attempted to extend their hours and although unsuccessful have created significant concern and disquiet in the community.*
10. What is your evidence?
  - *Evidence consists of a mix of differing factors including numbers, types and trading hours of licensed premises, the close proximity of residents, crime and disorder, noise disturbance, the scarcity of different types of transport provision, public cleansing resources.*
11. What support have the Council got to introduce this?
  - *Principal support comes from Environmental Health and TVP who have to police the town centre every night and from residents, notably via the Neighbourhood Action Group..*
12. Which premises will be affected?
  - *Potentially new premises will be affected and also any existing premises which apply for a material variation.*
13. Would takeaways be affected?
  - *Yes because takeaways can be flashpoints as a concentrated number of individuals having consumed alcohol visit such premises after the closing of pubs and clubs. They also encourage customers to remain in the town centre which in turn increases the incidence of crime and disorder and nuisance and demands yet more police resources.*
14. Are you pre-judging all applications?
  - *The policy does not impose quotas or the consideration of any application on its own merits.*
15. Is AVDC anti-pub and clubs?
  - *Not at all. It does however acknowledge that there needs to be a balance between the right to trade and make a living against the right for reasonable peace and quiet at home.*
16. Have you made your mind up already?
  - *It is a proposal at this stage and is subject to widespread consultation. All relevant views, opinions and comments will be taken into consideration and ultimately members of Licensing Committee will make a recommendation to Full Council.*
17. Will this policy be reviewed? When and how?
  - *The Council are duty bound to regularly review their licensing policy every five years or sooner if circumstances change. Any changes would have to be subject to statutory consultation and go before Full Council.*
18. What if there are no representations?
  - *If there are no representations then the policy is not engaged and the Council have no discretion but to issue a licence as applied for.*
19. Does it apply to variations? Off licences/ Supermarkets?
  - *Policy applies to material variations such as increasing the capacity or trading hours for example. The restraint policies are aimed at those selling alcohol on the premises.*

20. What area does it cover?

- *The town centre predominantly. .*

21. How strictly will it be applied?

- *It is expected to be strictly applied where representations have been received.*

22. Can we appeal?

*All decisions are subject to appeal in the magistrates court from any party. However Magistrates, when deciding appeals must stand in the shoes of the licensing authority when applying the policy.*

## Appendix 3

### Schedule of Responses to draft Licensing Policy - 2015

Respondent	Comments	Appraisal	Response
<b>Thames Valley Police</b>	TVP have provided a detailed evaluation of licensing issues which is attached to this report as Appendix 6.	TVP, who are a responsible authority in respect to the Act endorse the draft policy.	No change
<b>Environmental Health</b>	(1)Neil Green, Senior EHO supports the continuation of the saturation policy for Aylesbury town centre and concludes that 'the policy has proven to be an effective method of balancing the requirements of the local business with the need to control public nuisance'. (2)In relation to the proposed restraint policy for Buckingham, he concludes 'a clear policy on the terminal hour for sale of alcohol and closing is a reasonable and proportionate way of helping to manage noise associated with late	Environmental Health, who are a responsible authority in respect to the Act support both the saturation policy with respect to Aylesbury and the restraint policy proposed for Buckingham.	No change

	night premises and thereby reducing the potential for public nuisance, crime and disorder’.		
<b>NHS Trust (David Williams – Director of Strategy)</b>	(1)Recognise the importance of developing a sustainable local leisure economy but need to balance this with impact upon the emergency department of S Mandeville Hospital. (2)Note with interest the use of DPPOs. (3)Trust work close with other blue light emergency services and would welcome notification from the Aylesbury Safety Advisory Group (SAG) for major events.	(1) Noted (2) Noted (3) NHS are already on circulation of the SAG but will review.	No change
<b>Public Health (Rajni Cairns – Public Health Practitioner)</b>	Representation raised questions, rather than comments. 1)Could not see anything that discourages the use of extremely low priced alcohol promotions especially those aimed at young people/students. 2)Could Challenge 25 be made compulsory in Aylesbury Vale. 3)What happens with regard to temporary alcohol licences for events aimed at children and marketed as children’s events,	1)Paragraph 7.26 does deal with the sale of high volume alcohol and availability but in respect of street drinking. Conditions can be attached to a licence but only where the evidence supports it. Street drinking has been a problem in Aylesbury town centre and hence the inclusion of this particular paragraph in the draft policy. 2)Challenge 25 cannot be	1)No change 2)No change 3)Provide additional guidance to paragraph 7.42 relating to under 18 events on licensed premises. 4)No change 5)Sought more information from Public Health which is attached to report as Appendix 4. Although ‘public health’ is not a

	<p>where the adults served alcohol are responsible for the safety of the children.</p> <p>4)Is there any special consideration to the proximity of off&amp; on-licenced premises to secondary schools.</p> <p>5)Appendix on saturation policy mentions impact on A&amp;E, however quite vague. Can provide figures for alcohol related hospital admissions/A&amp;E data and ask that this is a special consideration when implementing the saturation policy.</p>	<p>made compulsory. Every application has to be determined on its own merits. Paragraph 7.38 does, however encourage the adoption of challenge 25 or similarly approved schemes.</p> <p>3)There have been problems from time to time relating to under 18 events held at licensed premises. They are usually responsibly supervised but there may be a risk of under 18's accessing alcohol.</p> <p>4)The location of licensed premises in respect to schools is not something that can be dealt with under the Licensing Act. Access to those premises, however is entirely relevant.</p> <p>5)The impact of alcohol-related admissions and A&amp;E is a significant consideration in implementing the saturation policy.</p>	<p>licensing objective, A&amp;E data might prove compelling evidence both in individual premises applications and development of future policy.</p>
<p><b>Fever &amp; Boutique</b></p>	<p>Largely supports saturation policy but would like to change policy to</p>	<p>The letter from Fever &amp; Boutique was sent to TVP for</p>	<p>No change. It is unnecessary to amend</p>

	allow non standard timings/non seasonal variations particularly as it applies to Bank Holiday Sundays. Letter attached to this report as Appendix 5	an opinion. TVP's response is appended to report as Appendix 6. TVP do not object to the proposal made by Fever & Boutique as many other premises already enjoy the hours sought and there would be no adverse impact on police resources.	the saturation policy. The policy is only effective if invoked. Should TVP decide not to invoke the policy and another party did, the sub-committee would have to attach some weight to TVP's tacit approval.
<b>Kyle Michael (Mango)</b>	Mr Michael is not convinced that there is an evidential basis for the continued use of a saturation policy for Aylesbury town centre. In any event he refutes it's past success in reducing crime and disorder and asserts that it discourages good and responsible management. Mr Michael believes that the evidential basis of the policy should be reviewed on an annual basis. Mr Michael's representation is attached to this report as Appendix 7	The inclusion of a saturation policy has to be objectively justified and not irrational. In that respect it would require a party to demonstrate that the policy was actually contrary to the law or that no reasonable licensing authority would adopt the policy on the basis of the material before it. There is no legal requirement that the policy has to be backed up by a particular quantum of evidential material. The evidence provided by the police and support from other parties provides a compelling evidential basis for the policy.	No change

		Appendix 1 to the policy identifies the factors considered in adopting a special policy. Paragraph 5.2 acknowledges that the evidence should be reviewed periodically and that furthermore that evidence occurs continuously throughout its life. However it might prove useful for Licensing Committee to review the position periodically within the shelf life of the policy.	
<b>Cheddington School</b>	Much of it is not relevant to the school and therefore have no objections.	Noted	No change
<b>Aylesbury Old Town Residents Association (AOTRA)</b>	AOTRA believe that the existing saturation policy for Aylesbury town centre has been successful in keeping the area from going over the 'tipping point' and that nothing should be done to weaken it. The authority's approach to cumulative impact should be considered alongside planning policy, taking into consideration the further increase in residents in	The planning authority for the purpose of the Licensing Act are a responsible authority and are therefore consulted with on all applications and in reviewing this policy. Officers from the licensing services work closely with the town centre manager and participate in developing the Council's Strategic Town	No change



	<p>the town. The saturation policy and its implementation must take full account of the need for the town centre neighbourhood to remain attractive to existing and new residents, maintaining balance of ages, backgrounds and requirements. There is a need to reconcile town centre marketing, planning and licensing policies. Greater use should be made of town centre CCTV evidence.</p>	<p>Centre Vision. Where available town centre CCTV images are used as evidence.</p>	
<p><b>Buckingham &amp; Maids Moreton Neighbourhood Action Group (NAG)</b></p>	<p>The NAG support and welcome the proposed restraint policy on hours but remain concerned about the use of Temporary Event Notices (TENs).</p>	<p>The restraint policy only applies to the permitted hours attached to premises licences and club premises certificates. It cannot be used generally to restrict the hours proposed by way of TENs. That said licensees tend to use TENs sensibly and in accordance with advice from the police and the licensing authority.</p>	<p>No change</p>

## **ALCOHOL SUMMARY – AYLESBURY VALE DC (BUCKINGHAMSHIRE)**

### **1. Prevalence**

- a. There are approximately 24,000+ high risk alcohol drinkers in Buckinghamshire with an estimated 82,000 at increasing risk of drinking. Alcohol related recorded crime including violent crime and sexual offences (which may or may not involve alcohol), account for over 3500 incidents as recorded in 2013-14. In Aylesbury Vale District Council (AVDC) National surveys show around 6.5% population (9500+) aged 16 years and over estimated to engage in higher risk drinking. The consequences of high risk drinking results in harm to an individual's health as well as population around the individual with corresponding impact in terms of economic loss and crime and violence in certain cases. Alcohol related anti-social behaviour and associate crime as recorded by the police is higher during May-Aug compared to other months during a year. Alcohol related offences including motoring offences, violence, sexual violence and criminal damage account for around 30% or 1 in 3 reported crimes in Aylesbury Vale DC

### **2. Hospital admission rates**

- a. Alcohol specific hospital admission rates in under 18s is low in AVDC and significantly better than England average. Alcohol-specific hospital admission rates in persons in AVDC saw a rise from 2009-10 to 2011-12 but has seen a reduction over 2012-13 and 2013-14 which is being monitored. The trend in alcohol specific hospital admission rates in both males and females is declining over past two years however males account for twice as many hospital admissions compared to females.
- b. Alcohol related hospital rates that include alcohol attributable hospital admissions has seen a rising trend in AVDC and Buckinghamshire over past

three years with rate in AVDC although significantly better than the England average is higher than Buckinghamshire average. Males account for twice as many admissions compared to females in both AVDC and Buckinghamshire

### **3. A&E attendances**

- a. Buckinghamshire Hospitals Trust conducts enhanced recording of assaults and violence related incidents that present themselves in the A&E. Based on hospital records, each month alcohol is recorded as a cause in around half of all violence or assaults related incidents that are seen in the A&E. Of the total A&E attendances at Buckinghamshire Hospital Trust, around half are AVDC residents with males accounting for two-thirds of all incidents in AVDC. The most predominant age group presenting at A&E due to alcohol related violence/assaults is 19-29 years. Location of incidents shows that up to a third of all assaults/violence incidents (34%) in AVDC, are on the 'street or parks' while 15% at home and 18% in a bar/club. Remaining are recorded at work or 'other' places. Around 30% records are unstated

### **4. Summary of hospital admissions due to alcohol in Buckinghamshire**

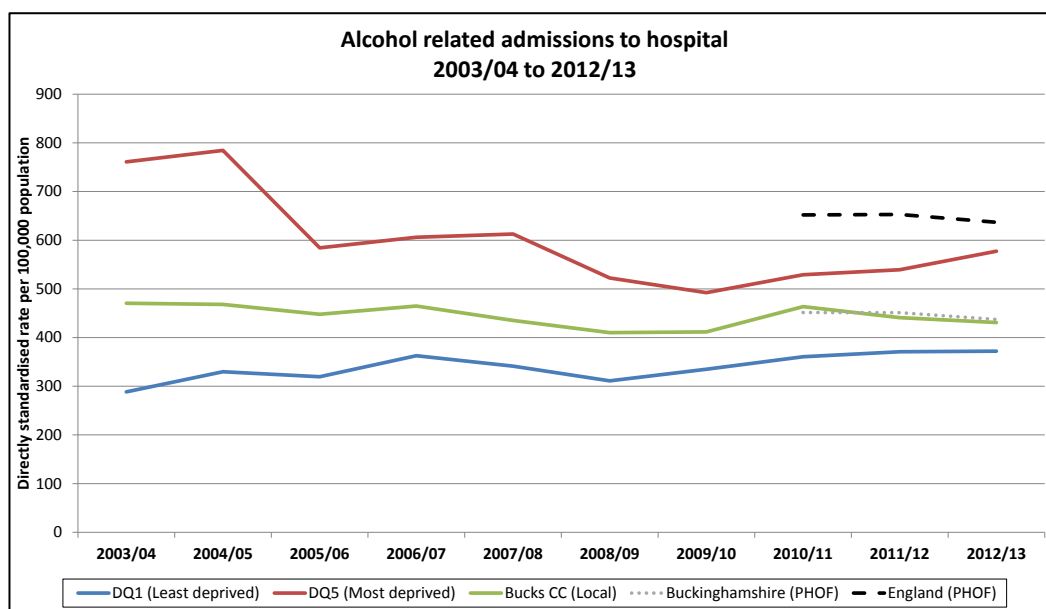
- a. Alcohol specific hospital admission rates to Buckinghamshire residents is significantly better compared to the England average. While the alcohol specific hospital admission rates have seen a decline over the past three years till (2013-14), there is no significant change in reduction in alcohol specific hospital admission rates. Males have significantly higher hospital admission rates compared to females with almost twice admitted to hospital with an alcohol specific cause.
- b. Around one in five people in Buckinghamshire drink at levels described as 'increasing risk drinking' of alcohol-related harm. Conditions such as alcoholic liver disease, where alcohol is the sole cause, are known as *alcohol-specific* or *wholly alcohol-attributable* conditions and their alcohol-

attributable fraction is 1.0 (100%). For other conditions, where alcohol has a proven relationship to causative factors, an estimate of the contribution alcohol makes, is calculated, which are classified as alcohol-related hospital admissions. For example, it is estimated that alcohol plays a causative role in 25-33% of cardiac arrhythmias. These are the *partially alcohol-attributable conditions* and the alcohol-attributable fractions would be 0.25-0.33. Fractions differ slightly for men and women. Some *external cause codes* also have an alcohol-attributable fraction (for example, 27% of assaults are estimated to be alcohol-related and therefore the alcohol-attributable fraction is 0.27).

- c. Hospital admissions data allows trends analysis and understanding causes of admissions to hospital of patients due to alcohol-related harm. Around 1 in 5 cases admitted as a result of alcohol-related harm have an alcohol specific condition, such as liver cirrhosis, gastritis, alcoholic polyneuropathy/myopathy/cardiomyopathy, mental and behavioural disorders due to alcohol, ethanol/methanol poisoning or toxic effects of alcohol and degenerative disorders of nervous system due to alcohol. In 2012/13 Buckinghamshire had the 7<sup>th</sup> lowest alcohol-related hospital admissions rate (437 per 100,000) in the country, which is significantly lower than the England average (637 per 100,000). The alcohol specific hospital admission rate in Aylesbury vale District Council residents under 18 years is significantly better than the England average.
- d. The Public Health Outcomes Framework (PHOF) shows there were 2,138 alcohol-related hospital admissions in Buckinghamshire residents in 2012/13 (1,235 in males and 902 in females) at a rate of 437 per 100,000, which is significantly lower compared to the rate of 637 in England. The alcohol-related hospital admission rate in males was significantly higher compared to females in Buckinghamshire. The hospital admission rate due to alcohol-related conditions is higher in more deprived areas compared to least deprived areas in Buckinghamshire. Since 2003/04, the trend in rate of alcohol-related hospital admissions in Buckinghamshire has seen no significant change; the ten year trend shows a reduction in the most

deprived population (DQ5), while the rate has risen in the least deprived population (DQ1) [Fig 1].

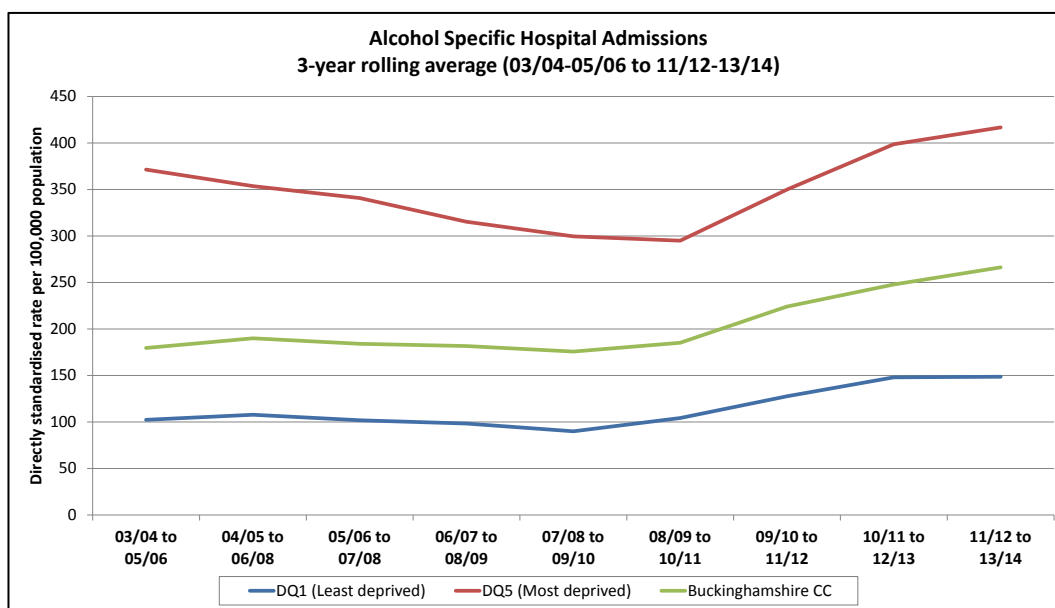
**Figure 1: Trends in hospital admission rate due to alcohol-related conditions in Buckinghamshire by deprivation quintile, 2003/04 to 2012/13**



Source: Secondary Uses Services, Admitted patient care dataset

- e. **Alcohol-specific hospital admissions** – Data published by the local alcohol profiles for England (LAPE) show the rate of alcohol-specific hospital admissions in England in 2012/13 was 507 per 100,000 population in males and 232 per 100,000 in females. The rates of alcohol-specific hospital rates in Buckinghamshire (published at District Council level) were significantly lower than the England average in 2012/13. Hospital admissions rates due to alcohol-specific causes in Buckinghamshire reduced from 2003/04 to 2007/08, but then showed a rising trend from 2008/09 to 2014/15; to above 2003/04 levels [Fig 48]. There were 349 alcohol-specific admissions in Q2 of 2014/15 (provisional data) compared to 179 admissions in Q2 of 2008/09. The rate of alcohol-specific hospital admissions has increased from 36 per 100,000 in Q2 of 2008/09 to 68 per 100,000 in Q2 of 2014/15 (based on provisional data) [Fig 2].

**Figure 2: Trend in alcohol-specific hospital admission rate in Buckinghamshire by deprivation quintile, 2003/04 – 2013/14**



Source: Secondary Uses Services, Admitted patient care dataset

### Definitions

<b>Alcohol-specific admissions</b>	Alcohol-specific admissions are hospital admissions caused <i>wholly</i> by the use of alcohol (e.g. admissions due to alcoholic liver disease or alcohol poisoning).
<b>Alcohol related admissions</b>	Alcohol-related admissions are hospital admissions caused either <i>wholly</i> (i.e. alcohol-specific) or <i>partly</i> by the use of alcohol (e.g. admissions from hypertension). Alcohol-related admissions include alcohol specific admissions and include all known alcohol attributable causes resulting in a hospital admission.

Peter Seal  
Aylesbury Vale District Council  
Environmental Health and Licensing  
PO Box 622  
Aylesbury  
HP20 1ZL

Our ref CC/KB/BAR018-1-6/1386

Your ref

04 June 2015

Dear Peter

**Licensing Act 2003 - Review of Licensing Policy  
Fever & Boutique, 14 Kingsbury, Aylesbury**

We are instructed by the operators of Fever & Boutique 14 Kingsbury, Aylesbury, Buckinghamshire, HP20 2HT and write in connection with the Consultation Draft Licensing Policy which Aylesbury Vale District Council is currently reviewing. We would be grateful if you would note the following submission/comment on behalf of the operators of Fever and Boutique when considering and reviewing the Licensing Policy.

Our clients have only recently opened the premises in Aylesbury and are supporters of the Community Safety Partnership priority in working towards a fall in crime and disorder. Our clients are also keen to play a significant role in developing the town centre in line with the councils strategic town centre vision. There is also general support for the Saturation Policy which has been commended by the Association of Town Centre Management's Purple Flag Award for the town centre. Our clients took over premises which were already licensed and improved those premises for the benefit of those customers visiting Aylesbury and enjoying the night time economy.

We would like to make one suggestion on behalf of our clients and would like to stress that this suggestion will not impact on the promotion of the following licensing objectives:

- The prevention of crime and disorder;
- Public safety;
- Prevention of public nuisance; and
- The protection of children from harm.

Our clients have considered the draft policy and are wholly supportive of the policy in action and working in partnership. Our clients also fully understand the Licensing Authority's commitment to protecting residents from harm as a result of licensable activities.

The Saturation Policy in Aylesbury stipulates a presumption that there will be no new licences granted or variations granted which extend the hours for licensable activities.

Our client's submission relates to "non standard timings / non seasonal variations" and in particular to Sundays before Bank Holiday Mondays.

Many of the premises licences have a terminal hour for licensable activities on Sundays which is earlier than the terminal hour for licensable activities on Fridays and Saturdays and the reason for this is understandable and clear. Any residents who are living in the vicinity of premises which serve the late night economy would generally be back at work on a Monday morning and therefore it is appropriate and necessary to have an earlier terminal hour on Sundays. The position with regard to Sundays before Bank Holiday Mondays is different however and Sundays before bank holiday Mondays are generally a time when customers like to enjoy the night time economy safe in the knowledge that they are not generally back at work the following day. In practice a Sunday before a Bank Holiday has the same impact on the licensing objectives as a Friday or Saturday night trading and yet the hours specified on premises licences do not often reflect this and the Saturation Policy would prevent a permanent change to Sunday evening hours.

We would like therefore Aylesbury Vale District Council to consider a change to the policy to allow non standard timings / non seasonal variations to be added to the licence upon application as an exception to Policy which state that “on Sundays before Bank Holidays the hours for licensable activities will be the same as the hours for licensable activities on Saturdays.” This means that if an application is granted the extension only applies on Sundays before Bank Holidays and does not impact on Sundays generally and does not impact on the licensing objectives.

It is our experience that a non standard timings of this nature are accepted by the majority of licensing authorities throughout England and Wales and we would ask that any application made to vary the Premises Licence in the Saturation zone be an exception to policy.. We would be grateful if these views would be considered when the new licensing policy is finalised.

Yours faithfully

**Woods Whur**



**Trevor Hooper**  
Licensing Officer  
Aylesbury/chiltern

Aylesbury Police Station  
Walton Grove  
Wendover Road, Aylesbury  
BUCKS, HP12 7LA

Tel: 01296 396034  
Fax:  
trevor.hooper@thamesvalley.pnn.police.uk  
**www.thamesvalley.police.uk**

5<sup>th</sup> August 2015

Dear Mr Seal,

Thank you for giving us the opportunity to respond to the letter from Woodswhur Solicitors responding to the review of Aylesbury Vale Licensing Policy Statement on behalf of Fever and Boutique.

The letter relates to Fever and Boutique and a desire to change non standard timings/ non seasonal variations on Sundays before Bank holidays only and for them to be treated as the same as Fridays and Saturdays of Bank Holiday weekends. ie for 2.00am last sale of alcohol, 2.30am to close.

These timings are what many of the premises within the town are subject to at this time, which were applied for and granted prior to the current saturation policy.

At this time this premise gets over this problem by the use of TENS. So in effect they already trade the hours.

Thames Valley police resource these later hours on bank holidays already and as these premises use TENS it is part of the policing process.

We believe that if this became a permanent addition to the licence it would not impact in any significant way on the licensing objectives and our ability to police.

Thames Valley Police fully support the Licensing Policy of Aylesbury Vale District Council and in particular the saturation policy. Whilst we do not object to the proposal in relation to Fever and Boutique we would not want the saturation policy to be compromised.

T I Hooper

Licensing Officer.

## APPENDIX 7

Hi Peter

Please add my comments for the committee to review.

I have no objections to the proposed policy as a whole, however the inclusion of a tighter CIP and its geographical area in the latest draft is of some concern in the current climate.

I shall start by saying that no crime and disorder or anti social behaviour is acceptable, however the crime statistics speak for themselves that more crime and disorder and antisocial behaviour takes places during the daytime and evening hours that takes place as a result of the night time economy. That is a fact and is largely ignore. A simple look at crime figures from TVP will show this. Scare mongering and perceptions however make this easily forgettable and I ask that when reaching a final policy the committee keeps this in mind and act proportionately.

When the government of the day introduced the guidance to allow the inclusion of a Cumulative Impact Policy (CIP) in a towns licensing statement, that its was for town centres and areas which had a cumulative crime and disorder problem or one of anti social behaviour. It is also true that guidance has been updated to allow more flexibility over the years, but the inclusion of a CIP must never be seen as permanent and must always be based on evidence that there is a cumulative impact and must be regularly reviewed as it its need. This again is mentioned in the current guidance available.

It was never intended as a general policy to be included to help police the town centre due to funding concerns or to enforce a closing time policy within a general area. Zoning is now permitted providing there is evidence to support it as the inclusion of such a policy must be based on evidence to support the adoption of such a policy, including the related crime and disorder and the location of such evidence in relation to the density of the number of licensed premises and the cumulative effect of having them. For example, given part of the concerns often raised in objections to licences or when conditions are set are those from Environmental Health over noise concerns, where is the evidence that people are affected or have registered or proven complaints ? Where is the evidence set out which backs up the need for a CIP or how the geographical area was proposed? Where are the crime statistics to show that it is a cumulative effect and not individual premises?

When the policy was introduced in Aylesbury, it is true to say the town was saturated people coming into the town centre and that crime and disorder was high. Anti-social behaviour was also as a level which most found unacceptable. Working together the community partnership together with Pubwatch and other agencies tackled this directly with at one point of 280 individuals placed on Pubwatch banning them from venues in the scheme. This now stands at less than 40.

Together with initiatives on the ground and change of policing patterns, year by year the crime and disorder began to fall. This is a good thing for the town centre. There is simply no evidence that it is the CIP that has had any impact on the town centre for the better, indeed it could easily be argued that it hasn't. By implication any new or existing premises would surely have sought to operate longer hours outside the zone say in Cambridge Street retail park as happens in many towns when CIPs are adopted.

However, the CIP does have the unintended consequence of not allowing venues with good behaviour and a history of good behaviour from competing with other towns in attracting people into the night time economy and this reducing income for the town and employment. This combined with the social change in attitudes to alcohol and the pricing of such in a time when people are feeling the economic squeeze has led to a dramatic

fall in numbers coming into the town. Even the police accept this with numbers of officers in town being reduced over a number of years due to the falling numbers and numbers of nights it affects.

The inclusion of a provision banning previous good behaviour and evidence from being considered when an application is made actually gives no incentive to any venue to improve their behaviour or run without incidents. Indeed it is easy to argue that many would consider this a green light to do as you want as behaviour doesn't matter. Is that really right? Surely the policy should be encouraging better run establishments?

The recorded level of crimes in the whole of the town centre during the night time economy during 2014 was under 100 incidents compared to over 700 in 2007 and demonstrates the success of the partnership working, but also demonstrates the lack of people being attracted into the night time economy. A simple walk into the town centre on a Monday or Thursday night at 11pm, which used to be a big nights for many venues providing live an recorded music, shows you that the town is quiet. The queues which used to be at venues every Thursday and Friday are no longer there, except for one off occasional events (TENS) which are not covered by the CIP in any event.

The areas of crime and related call outs by policy are concentrated on certain venues now and not as generic cumulative effects of the numbers coming into the town as simply put those numbers no longer exist. The town has been crippled by the economic situation and the changes outlined above and the CIP is adding the that effect. Venues which have no call outs by the police, very little crime associated in their locations and a good history of running larger events are being penalised for the actions of a few venues who do not have such standards. The town centre partnership has addressed this in the daytime economy but when it comes to the night time economy the story is somewhat different. Certainly there is no encouragement to expand or support the late night part of that economy and everything is focussed on the theatre or the couple of pubs that the key people on the parish council like and use. There is no general policy to help employment, expansion of business or support for those already operating in the post 11pm slot.

The proposed policy, as it is drafted, intends to tighten further the controls within with Saturation zone when in fact there is simply no evidence at all of cumulative impact effect in the current proposed area. The crimes and associated problems mainly centre on Kingsbury Square & Market Square, Outside McDonalds and Britannia Walk and outside the cinema complex car park area (although this has dramatically improved in recent months). Despite requests to Thames Valley police, I have not been able to get an accurate number of incidents and the exact locations of those call outs, but as a member of the Pubwatch with CCTV radio, we hear the call outs to police made by venues and those are generally isolated to the areas above. Being in the town centre I also see where police cars and vans are parked and regularly see the issues they deal with. It would be very easy for them to pinpoint the actual locations causing issues.

Whilst it is convenient for the town centre to be mapped as an entire area with the internal ring road, the evidence simply does not support the CIP zoning and it should be reduced to cover the areas where there is a problem caused by and actual locations of incidents and the cumulative effect of those customers outside and moving to the takeaways etc. Areas such as Chadbourne Close, St Marys Square, Rickfords Hill, Silver Street, Bourbon Street, Walton Street and many areas included in the proposed map are simply not affected by cumulative impact. They may on a few occasions have crime or antisocial behaviour, but this is no different to any area outside of the proposed CIP area.

The policy is using a sledgehammer to crack a nut of a problem and the policy, together with the town centre, would be much better served by the removal of the CIP in other areas and reducing the CIP to the actual arrears affected by the crime and disorder, the antisocial behaviour and its effects as to where the numbers are rather than a blanket ban policy. There is simply no evidence that other venues are the cause or that there

is a cumulative effect caused by the number of venues. It also labels the town as a problem town and is living in the past. The purple flag is a good example of how much the town centre has changed and its time for the licensing committee to look at the actual evidence on the ground and not live in the Aylesbury of 10/15 years ago.

By doing so, and adopting a reduce area CIP, those venues which have a history of good behaviour can lead by example and show others how working with the police and community partnership can reap its rewards and we can have a thriving town centre that can compete with town around us without the increase in crime, disorder or anti social behaviour. Indeed it can be argued that by reducing the CIP to cover the venues which are currently causing an issue could change their ways.

By reducing the area covered by the CIP would not automatically mean an increase in hours or an adverse effect on the four licensing objectives. What it does mean is that each venue wishing to apply for any addition hours or services would still be subject to a committee and the police and other partners including residents would still be able to object and the committee would still have to be satisfied that the licensing objectives would be met. If there is a problem with that venue I am certain the police and local authority would object and provide the evidence necessary and the committee would listen.

In any event there is growing evidence by the use of TENs by venues in the town that running later into the night to 4am or later does not increase the cumulative impact or the crime and disorder or antisocial behaviour. Where is the police call out or crime statistics that show an increase in cumulative impact between the hours of 2.30 and 4am on these night or any evidence of any issues between 4am and 7am ? It is easier to say it WILL happen but actual evidence on the ground by venues operating later hours on TENs does not support this.

There is also no evidence that reducing the area covered by the CIP would lead to increased hours or problems - it hasn't happened anywhere else outside the CIP and the committee has assessed each application based on fact and evidence in any application made. This would continue to be the case.

I would ask the committee to adopt a tighter policy in the Areas of Kingsbury Square & Buckingham Street, The High Street & Britannia Walk area and Market Square but to exclude all other roads and areas and judge them on a case by case basis as it is clear from evidence these are the areas actually affected by cumulative impact now. Most other authorities target the policy in specific defined areas and not a blanket town centre approach and this would not only help deal with those areas but would prevent new venues adding to the problems in those areas, which is surely the desired effect of any policy.

I also ask that the committee recognises the negative effect the perception of a CIP can have on the area and recognise that it needs to be reviewed on an evidential basis much more than the 5 years required to review the whole licensing statement. The CIP needs to be reviewed annually and adjusted based on the evidence available, thus if any problem were to develop it could be addressed quickly and would be based on current information not allow it to develop over 5 years. Given most of this is police based evidence and environmental health this is easily accessible including crime statistics from TVP's website.

As a venue owner affected by the CIP and as a business owner that has reduced my number of employees from 27 to 9 over the last 6 1/2 years due to the massive changes in the night time economy, I can tell you from personal experience town is not what it used to be. It is not a crime or antisocial behaviour hot spot, as it once was, and that is not as a result of the CIP. It is a result of better owners, better accountability and better co-operation and those of us that have led by example should not be affected by the actions of those that do not.

The police have often used the budget controls it has, together with the scare mongering that providing policy for the town centre prohibits them from providing policing everywhere else as a reason to continue the policy, however budgets for policing are built on the need for policing. If there was an increased need then budgets would be increased but the reality is crime and disorder, together with anti-social behaviour has fallen significantly and continues to do so. Indeed Thames Valley Police regularly tell us all this. Accordingly budgets and police provisions will be cut and the inclusion of a CIP will not change that fact.

I ask the committee to look at the actual licensing act and the licensing objective is must uphold and not the concerns from police over their budgets, something which the licensing act does not allow the committee to consider.

For the avoidance of doubt I am the licensee for Mango located in Silver Street in Aylesbury.

Regards

Kyle Michael

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# An Evaluation of Licensing issues over the past nine years and their impact on Policing and Community Safety.

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The aim of this Evaluation is:-

To review the current licensing and saturation policy relating to Aylesbury town centre and demonstrate the ongoing concerns of Thames Valley Police in relation to Crime Reduction and Community Safety.

## **Preface from Superintendent Olly Wright, Aylesbury Vale Local Police Area Commander**

This evaluation of current licensing arrangements provides the necessary evidence to support the proposed Licensing Policy Statement. We continue to be successful in reducing crime and disorder in Aylesbury Town Centre for which the implementation of such a policy has contributed to the reduction. However, it is important that we are constantly striving to ensure that activity by Thames Valley Police and Aylesbury Vale District Council is effective in maintaining the safety of our town centre.

The key to effectively managing licensable activities is working in partnership with the Local Authority and key stakeholders such as licensees and members of the community. Working together for the communities of Aylesbury Vale we can protect them from harm and continue to reduce crime, disorder and alcohol related anti-social behaviour. I am grateful to Peter Seal, from Aylesbury Vale District Council and Trevor Hooper, from Thames Valley Police, who have prepared these documents and do such a great job in managing this very important issue across Aylesbury Vale. Both I and Thames Valley Police fully support both this current evaluation and the proposed Licensing Policy Statement.

Introduction.

During the previous 3 reviews of AVDC Licensing Policy Statement, concerns **had been raised by Thames Valley Police over the years and are still** considered important factors when considering the consequences in any expansion of the night time economy in Aylesbury Town Centre.

This report sets out and shows that the above concerns are still important factors when considering the expansion of the late night economy. It not only uses data (crime and disorder figures) but also includes the practical experience of officers who are actually involved in policing the **Night Time Economy**. Statistics alone cannot demonstrate the practical consequences of policing the town centre.

Current Government policy and guidance now empowers licensing authorities to introduce restrictions on hours, including staggering, zoning and fixed hours. Recent changes to the Act were accompanied by subtle, yet important changes to the Government's previous approach of encouraging flexible/longer licensing hours and explicitly discouraging fixed terminal hours and zoning. These statements have now been removed.

A note issued by the Home Office in March 2011 ahead of the release of its new guidance states that "Licensing authorities will be encouraged to consider using measures including fixed closing times, staggered closing times and zoning". This marked shift in Government policy and guidance is predicated on the belief that "different licensing approaches may be best for different areas" and the need to "empower licensing authorities to implement a licensing strategy that is best placed to meet the needs of their local area, based on their local knowledge",

**What we have had in place during the past 9 years is now recognised by the government as good practice and reflects the demands and expectations of Aylesbury's night time economy.**

## Overview of the Town.

Over the past years the Town Centre of Aylesbury, defined by the area within the ring road, Cambridge Street (Including Cambridge Close), the residential area off New Street and a part of the Queens Park area has undergone some significant changes. New residential developments have been constructed on the Oxford Road/Friarage Road roundabout (Hen and Chickens site), the Oxford Road/Buckingham Street (Ringshall House), and a significant flat conversion on Cambridge Street, close to the old cinema. A new Waitrose and Travel Lodge with a significant public realm has evidenced the growth of the town. The current residential population of the town centre stands at approximately 3000 and this does not include the substantial refurbished offices above Friars Square into residential accommodation. Further changes will continue as the town centre expansion continues. The old civic centre has now been demolished and an open planned car park sits on this site. Also close by is the Waterside development which now incorporates a new modern theatre and is set for further major development. Aylesbury has seen changes in

the style of licensed premises within the town with new restaurant style premises increasingly opening and others offering a variety of entertainment.

Whilst the style of premises may have changed during the last nine years, the capacity of the licensed premises within the town centre has remained pretty stable. The number of venues that can operate after 11 p.m. at night remains the same. In 1999 only two public houses operated after 11 p.m. In 2003 this had increased to 14 and in 2010 this had increased to 21. This still remains the same although a number of premises no longer make use of the full hours on their licences. The capacity of these late night drinking venues remains about the same. Since the introduction of this policy the town centre has seen premises close and re-open and the addition of a number of other late night venues, including a large nightclub. This trend remains with the opening of a busy night club only last year (2014).

The town centre also has ten Late Night take-aways. Four of these premises within the town are also restricted to a terminal hour of 3.30am.

The town has always been seen to be a hot spot for policing especially between the hours of 10am and 4pm.

### **Premises spread sheet Appendix A**

Consequences in Policing.

The consequence in Policing terms has been the need to review shift patterns, firstly when the new premises on Exchange Street were opened and again when the Licensing Act came in. These patterns are under constant review. Double shifts are required to cover the peak periods which have become later and later. The cost of this being longer hours for officers to work.

The Licensing Act 2003 has resulted in licensed premises with longer opening hours and consequently Thames Valley Police have changed shift patterns to cover the problems within the town. This has meant officers working longer hours on busy nights. As no money is available for overtime this has meant the hours have been taken from other rostered hours. Any additional extension to hours of licensed premises within the town centre, over and above the generally accepted 2.30am terminal hour will result in significant costs in overtime, a thorough review of shift patterns and potentially breach Health and safety Worktime Regulations.

In real terms the actual monetary cost of policing on a Friday and Saturday night includes the need for an overlap shift consisting of two sergeants and nine constables, each working for six hours between 10pm and 4am. This equates to £163,000 per annum. This does not include any overtime needed to police incidents which extend over normal working hours.

Policing the night time economy places considerable pressure on police resources and can significantly impact on the police's ability to police the local neighbourhood and rural areas. Individual crimes impact massively on the officers having to deal with them. One arrest can take considerable time and resources.

The reality is that the actual hours worked can put pressure on officer's lives. For example consider an arrest at 3am, 1 hour before the overlap shift goes off involving a violent offence by two persons against another. These two persons will be escorted by four officers. Other officers will be with the aggrieved at the hospital attempting to get a statement if one can be provided. The two persons arrested will go through the custody



procedure and also the seizure of exhibits (e.g. clothing) and dependant on whether the offenders are fit for interview an initial interview will take place. If unfit they will be bedded down until they are fit. In any case the arresting officers and any other witnesses will be required to complete statements before going off duty. These statements and a hand over report will be required for who ever takes over the investigation - normally the CID. It is necessarily a long process to ensure legal process and officers often find themselves working beyond when they should have been off duty. At 0700 a new shift will start. CID will pick up the handover sheet and continue with the investigation. Again the number of officers will be dictated by the number on duty. Officers from other areas may/will be required to cover the investigation team's area. This does not include CSI investigation, any bed watches that have to take place, ambulance and hospital statements, CCTV trawl etc. This will no doubt incur overtime by many officers and this cost is not shown anywhere other than to the force.

### **See officers reports attached as appendix B**

#### Cost to victims

It should be noted that not all violent crime or drink related incidents come to the notice of the Police. It is generally accepted that these incidents are under reported and the actual level will be much higher.

The cost to the victims is an important consideration. With some incidents involving multiple victims. Although this report is about Aylesbury town centre we should also bear in mind the impact it has outside of this area. Most Domestic Violence occurs in the home and figures show that this happens mostly at weekends after licensed premises have closed. Accident and Emergency departments are stretched during the night-time economy hours and beyond dealing with those that have been involved in incidents connected with alcohol are those that are too drunk to be deemed safe to be left alone.

The impact to other agencies and persons not only in the town should be mentioned as the majority of these emanate from the town.

Domestic Abuse within Aylesbury impacts not only on the victim but other agencies to deal with. For the past year recorded incidents of domestic violence between the hours of 10pm and 4am have reached 950. Friday through to Sunday for the same hours account for 456 of these incidents.

The Ambulance Service has seen 153 incidents dealt with within the town centre between the hours 10pm and 4am for the past year. Of this number 117 occur on Friday, Saturday and Sunday.

Accident and Emergency at Stoke Mandeville Hospital dealt with a large volume of incidents (39811) in 2012 up to the end of October. During the hours of 10pm and 4am Monday to Sunday a total of 6554 attended; of these, 2930 are between the same times Friday through to Sunday.

#### Crime and Disorder statistics.

Over the years Thames Valley Police has supplied as part of its evidence to support the Special Saturation Policy statistics taken from our Crime reporting and recording systems. At a number of hearings these figures have been questioned and accused of being generic and not showing the true picture. What can be said about the figures are that they are

reported upon in the same way each year, they are taken from the same systems and they break down the same type of offences, the dates and time these offences are committed and the place they are committed. They are not generic figures but well researched and consistently reported. Perhaps more importantly these figures have to be examined alongside the experiences of operational police officers and the other blue light services during the night time economy hours. It is in this context that the numerical value of the statistics can be appreciated. It is the aspiration of all of those concerned with the night time economy to reduce the volume of crime and disorder in the town centre and whilst there have been some successes, nevertheless the experience of the police has not warranted a reduction in police resources during the last nine years.

## **Figures are attached as appendix C**

### **Conclusion**

Apart from policing, in real time Aylesbury's night time economy, the Police do actively influence the town centre through Planning and Licensing processes and play an important part of wider community safety initiatives and partnerships. Experience has shown that a policy that deals effectively and honestly with trading hours not only contains crime and disorder but provides a fair and transparent trading environment. Historically, for example the Police have successfully opposed extending Sunday Licensing hours. Consequently, whilst other nights have experienced increasing problems and violence, Sunday nights have remained relatively trouble free. With nine years experience it can now be seen that the Council's special saturation policy has effectively managed trading hours and number and type of premises. A policy not dealing effectively and honestly about trading hours can have a detrimental effect upon Community Safety.

It is felt that the proposals contained in the Licensing Act 2003, give significantly more weight to these issues. The Act lists 4 'Licensing objectives' :-

- A. The prevention of Nuisance
- B. The protection of children from harm
- C. The protection of public safety and
- D. The prevention of crime and disorder.

The latest and historic analysis supports an ongoing policing operation in relation to the night time economy termed 'Nightsafe' designed to tackle anti-social behaviour and crime and disorder. Every week both the police and licensing authority debrief the previous weekend, including an evaluation of offences, arrests, use of dispersal powers, penalty notices and discuss reports submitted by police officers relating to incidents in licensing premises (GEN40) and tasked visits. The forthcoming weekend is carefully planned and discussed.

Since the new licensing act has come into force partnership working has grown and together with the right decisions being made by sub-committees, a combination of enforcement work with Responsible authorities and the town Pubwatch scheme, the use of Street Angels and a weekly, carefully planned evaluation of Aylesbury's night time economy is seen as paying dividends.

The police and its partners have and continue to explore new initiatives to manage a safe and successful night time economy.

## **Policy Proposals Appendix D.**

## **Buckingham.**

The basis of this report revolves around the town of Aylesbury and the success that the previous Licensing Policy has had and how its success has affected the issues within the night time economy..

At the present time Buckingham terminal hour within the town is 01.00 last sale 01.30 premises close. A number of take aways have hours to coincide with alcohol lead premises closing. Buckingham has a far denser population within the town centre Although Buckingham does not suffer the same problems with Crime and Disorder it does suffer with nuisance in particular the disturbance arising from the departure of customers from licensed premises late at night. This disturbance is not confined to nearby residential premises but also those on routes out of the town centre.

The police are often called to noise nuisances, both from licensed premises and persons making their way home after premises have closed, it has been noted that when extensions are granted these calls become later. This is also reflected on the streets leading out of the town. At neighbourhood action groups and Joint action groups noise and nuisance are always a main cause for complaint. It would therefore suggest that if terminal hours are extended permanently within Buckingham then this problem would also be extended later.

To date Buckingham town centre has not been subject to any form of restraint policy Licensing hours have been determined generally by way of disputed applications for material variations and resulted in a latest terminal hour for the sale of alcohol until 1.00 a.m. and closure at 1.30 a.m, although there are a range of licensed hours within the town.

We would seek a Terminal Hours Policy for Buckingham town centre be adopted and it should be based on the proximity of licensed and residential premises and in particular the disturbance arising from the departure of customers from those licensed premises late at night.

# Appendis A

Aylesbury

28/2/2014

		Alcohol	Close	Alcohol	Close	Alcohol	Close	Alcohol	Close	Alcohol	Close	Alcohol	Close	Alcohol	
Name	Address	Monday		Tuesday		Wed		Thursday		Friday		Saturday		Sunday	
Bell	Market Square	07.00 - 00.00	00.30	07.00 - 00.00	00.30	07.00 - 00.00	00.30	07.00 - 00.00	00.30	07.30 - 01.30	02.30	07.30 - 01.30	02.30	07.00 - 00.00	00.30
Britannia	9 Buckingham Road	10.00 - 23.00	23.30	10.00 - 23.00	23.30	10.00 - 00.00	00.30	10.00 - 00.00	00.30	10.00 - 00.00	00.30	10.00 - 00.00	00.30	12.00 - 22.30	23.00
Carlos	7-11 Temple Street	09.00 - 01.00	01.30	09.00 - 01.00	01.30	09.00 - 01.00	01.30	09.00 - 01.00	01.30	09.00 - 01.30	02.00	09.00 - 01.30	02.00	09.00 - 23.00	23.30
White Hart	Unit 4 The Exchange	11.00 - 02.00	02.30	11.00 - 02.00	02.30	11.00 - 02.00	02.30	11.00 - 02.00	02.30	11.00 - 02.00	02.30	11.00 - 02.00	02.30	11.00 - 00.00	00.30
Emperor	Buckingham Street	10.00 - 01.30	02.00	10.00 - 01.30	02.00	10.00 - 01.00	01.30	10.00 - 01.00	01.30	10.00 - 02.00	02.30	10.00 - 02.00	02.30	11.00 - 00.00	00.30
Oak House	36 Market Square	11.00 - 00.00	00.30	11.00 - 00.00	00.30	11.00 - 00.00	00.30	11.00 - 02.00	02.30	11.00 - 02.00	02.30	11.00 - 02.00	02.30	11.00 - 23.30	00.00
Harrow	4 Cambridge Street	10.00 - 00.00	01.00	10.00 - 00.00	01.00	10.00 - 00.00	01.00	10.00 - 01.00	02.00	10.00 - 01.30	02.30	10.00 - 01.30	02.30	10.00 - 00.00	01.00
No Name	14 Kingsbury	11.00 - 02.00	02.30	11.00 - 02.00	02.30	11.00 - 02.00	02.30	11.00 - 02.00	02.30	11.00 - 02.00	02.30	11.00 - 02.00	02.30	12.00 - 22.30	00.00
Wagamama	Unit 3 The Exchange	10.00 - 02.00	02.30	10.00 - 02.00	02.30	10.00 - 02.00	02.30	10.00 - 02.00	02.30	10.00 - 02.00	02.30	10.00 - 02.00	02.30	10.00 - 00.00	00.30
Kings Head (Courtyard)	Market Square	10.00 - 23.00	00.00	10.00 - 23.00	00.00	10.00 - 23.00	00.00	10.00 - 23.00	00.00	10.00 - 23.00	00.00	10.00 - 23.00	00.00	10.00 - 23.00	00.00
Kings Head (Farmers Bar)	Market Square	10.00 - 00.00	00.00	10.00 - 00.00	00.00	10.00 - 00.00	00.00	10.00 - 00.00	00.00	10.00 - 00.00	00.00	10.00 - 00.00	00.00	10.00 - 00.00	00.00
Mango's	1 Silver Street	07.00 - 03.00	3:30	07.00 - 03.00	03:30	07.00 - 03.00	03:30	07.00 - 03.00	03:30	07.00 - 03.00	03:30	07.00 - 03.00	03:30	07.00 - 03.00	03:30
Kingsbury	Kingsbury Court, Kingsbury	08.00 - 01.00	01.30	08.00 - 01.00	01.30	08.00 - 01.00	01.30	08.00 - 02.00	02.30	08.00 - 02.00	02.30	08.00 - 02.00	02.30	08.00 - 00.00	00.30
Niche	1A-3A Market Square	10.00 - 01.40	1:40	19.00 - 01.40	01:40	10.00 - 01.40	01:40	10.00 - 01.40	01:40	10.00 - 02.00	02:00	19.00 - 02.00	02:00	19.00 - 22.30	22.30
Green Man	Market Square	07.30 - 00.00	00.30	07.30 - 00.00	00.30	07.30 - 00.00	00.30	07.30 - 01.00	01.30	07.30 - 01.00	01.30	07.30 - 01.00	01.30	12.00 - 22.30	00.00
Peking Inn	Cambridge Place	12.00 - 00.00	00.00	12.00 - 00.00	00.00	12.00 - 00.00	00.00	12.00 - 00.00	00.00	12.00 - 00.00	00.00	12.00 - 00.00	00.00	12.00 - 00.00	00.00
Queens Head	Temple Square	10.00 - 00.00	00.30	10.00 - 00.00	00.30	10.00 - 00.00	00.30	10.00 - 01.00	01.30	10.00 - 02.00	02.30	10.00 - 02.00	02.30	12.00 - 23.30	23.30
Rockwood	32 Kingsbury	10.00 - 23.00	23.30	10.00 - 23.00	23.30	10.00 - 23.00	23.30	10.00 - 01.00	01.30	10.00 - 01.00	01.30	10.00 - 01.00	01.30	12.00 - 22.30	23.00

Mirage	39-41 Buckingham St	12.00 - 02.15	02.30	12.00 - 02.15	02.30	12.00 - 02.15	02.30	12.00 - 02.15	02.30	12.00 - 02.15	02.30	12.00 - 02.15	02.30	12.00 - 23.30	23.00
Victoria Club	22 Kingsbury	10.00 - 00.00	0:00	10.00 - 00.00	0:00	10.00 - 00.00	0:00	10.00 - 00.00	0:00	10.00 - 00.00	0:00	10.00 - 00.00	0:00	10.00-00.00	0:00
White Swan	3 Walton Street	08.00 - 00.00	0:30	08.00 - 00.00	0:30	08.00 - 00.00	0:30	08.00 - 01.00	01:30	08.00 - 02.00	02:30	08.00 - 02.00	02:30	10.00-00.00	00:30
Nando	Unit 2 The Exchange	11.00 - 01.30	02.00	11.00 - 01.30	02.00	11.00 - 01.30	02.00	11.00 - 01.30	02.00	11.00 - 02.00	02.30	11.00 - 02.00	02.30	12.00 - 00.00	

## Appendix B

### Appendix B

# THAMES VALLEY POLICE

Division/Station : Response Team 1, Aylesbury

Subject :

From : PS 4672 Robinson

To : Licensing Officer

Ref : Night Time Economy

Date : 22 April 2014

Tel.No.:

## Patrolling Night Time Economy

I am a uniform patrol Sergeant and I work on team 1 at Aylesbury. My team cover the night time economy patrols during our night shifts on Friday and Saturday nights. We begin our tour of duty at 2200hrs and finish at 0700hrs. Minimum manning is currently 9 Officers per shift. Over recent months we have been running on minimum manning on most shifts. Out of the 9 PC's on the team 2 of these must cover Buckingham town centre. Therefore it is normal for me to patrol with 7 PC's up Aylesbury Town. I will nominate 1 PC to drive the transit van, this Officer will be responsible for completing and submitting all licensing checks and licensing reports throughout the night. These are usually conducted at the beginning of the shift. From around 2230hrs 3 x sets of 2 PC's are tasked to patrol the town centre on foot wearing high visibility uniform.

On Friday and Saturday nights there is an overlap with late turn who work (again minimum manning level of 9 PC'S) from 1700-0400hrs however, these officers cover the response incidents across the Aylesbury vale. If need be I may have to allocate Officers from the NTE to assist late turn and vice versa depending on what is occurring.

From my experience of policing the NTE the atmosphere in town varies throughout the course of the night. Between 22:00hrs and 00:00hrs generally the public are in good spirits. Throughout the night as the bars close it is common for the customers to then move on to the clubs which have extended hours. There is quite alot of movement from around 0030hrs onwards and therefore Officers plot up and move in accordance with closing times ensuring there is cover across the town. During this time members of the Public have usually been drinking for a few hours and this is when there is a noticeable change in their behaviour. The majority continue to be in good spirits but a minority start to become aggressive, abusive, disorderly, or incapable to care for themselves. It is common for clubs to refuse entry to those who are drunk and behaving in the described manner which usually results in police intervention.

Due to the number of Officers every effort is made to try and diffuse and resolve situations without using police powers. When this fails Officers will attempt to use powers under S27 to disperse people, this can be quite time consuming as it is extremely difficult to reason with somebody who has been drinking and more often than not the notice fails and the person has to be arrested.

The latter part of the night is usually the most problematic when the clubs start to close. Revellers tend to congregate outside venues and due to increased levels of alcohol consumption arguments and scuffles regularly break out. These can happen at differing locations at the same time and there may be only 2 x PC's to respond and deal with each incident. It is extremely worrying for me as the team Sgt when this happens in case the officers need assistance and I feel particularly anxious waiting for an update from attending Officers to ensure that all is in order. I have asked a few

Officers from my team to describe some experiences they have had when Policing the night time economy these are detailed below.

I have responded to numerous reports of scuffles/disturbances outside pubs and clubs in town. On arrival there is usually a group of people shouting and pushing/shoving at each other. More often than not I have responded with one other Officer. It is often difficult to ascertain what has happened/who is at fault and if there are any criminal offences. If CCTV operators are on duty I regularly rely on their assistance to monitor what is happening. During scuffles bystanders in the crowd often make matters worse due to being drunk. It is a common occurrence when dealing with people for drunks to interrupt and try to get involved without understanding what is actually happening. I have come across fights, witnessed assaults, witnessed drunks causing damage to taxi's, shop windows. On each occasion I have had to arrest the offenders.

Having witnessed a drunken male smashing a taxi window I gave chase with my colleague and we detained this male. During his arrest the males drunken partner tried to intervene, she began to shout, swear and kick out at me. As a result I arrested her and in order to gain control I had to take her to the ground to safely restrain her as she was trying to fight me. On seeing this her drunken boyfriend kicked off and managed to break free from my colleague. The male was standing behind and over me and tried to grab at me. My colleague had to wrap his arms around the male in a bear hug and pull him off of me and they fell backwards onto the pavement where the male continued to violently struggle with my colleague. I feared for our safety as it was clear that we would require more officers to effectively restrain the male party and the female, I therefore activated my emergency button which alerts other Officers that urgent assistance is required. Thankfully door staff from a local club ran to our aid and helped to safely restrain both the male and female until other Officers attended. Due to the fact emergency assistance was requested Officers from differing areas ie., armed support, dog unit, neighbourhood Officers came in response of the assistance shout and helped transport both prisoners back to the Police Station, my colleague followed to book the prisoners into Custody. As a result of the incident I had grazes on my knees and my high vis' jacket was ripped/damaged and covered in blood from injuries the male had sustained when smashing the window. My colleague also had cuts and grazes to his hands/knees and we both had to complete injury on duty reports. Thankfully we suffered only minor injuries and were able to continue our NTE patrols.

Our NTE patrol is meant to conclude at 0400hrs however, with some fast food outlets remaining open for extended hours this can result in there still being people hanging around the town. I have to return by 0345hrs in order to take the shift handover from late turn. However, more often than not my team have to remain up town as those still present are usually worse for wear and from experience it is safer to remain until they have left. On the occasions when we have tried to stand down before 0400hrs fights have broken out resulting in persons being injured. As stated late turn cover is until 0400hrs so at this time my team are then expected to cover and respond to all other incidents reports across the Aylesbury LPA. I therefore try to ensure that at least 1 set of 2 x PC's have had a break are crewed in a vehicle ready to respond to any incidents reported at 0400hrs. It is common for incidents to be reported at 0400hrs as a number of those who have been in town who have returned home are drunk and incidents occur with taxi drivers, their neighbours or their partners.

It is common that persons detained during the night time economy are too intoxicated to be dealt with immediately and therefore a prisoner handover report is completed for the early turn to deal.

Depending on the level and type of crime numerous investigative actions may be required; this impacts on resources as it may take several Officers to deal with a serious assault. It is my responsibility to ensure that I have sufficient Officers to deal with the incident and also respond to anything else that may occur and this is when I will try to negotiate with other LPA's for Officers to be allocated to come across to Aylesbury to assist.

Further to my own experience and views of policing the night time economy I asked a few of the PC's on the team to share their views.

PC 524 Fullwood: I recently transferred from the Metropolitan Police having worked in London. I have found the experience of dealing with Aylesbury's night time economy a burden. Having previously worked in teams upwards of twenty officers, I now find myself policing a whole town with six or seven officers with support sometimes nearly twenty minutes away a daunting experience.

The shift starts at 2200 hours on Friday and Saturday nights. We brief and are ground assigned by 2230 hours. We are invariably met by numbers of roughly 200 drinkers in most bars and clubs. We conduct foot patrol in roughly three groups of two officers with one vehicle for support. We police a transient group who move between licensed premises becoming increasingly inebriated. The night will invariably start with a joyful undertone but becomes increasingly hostile as the night progresses. Officers will generally find themselves surrounded by large groups of drinkers when dealing with isolated incidents with parties that refuse to give officers space to work. Officers have received physical assaults as well as the constant abuse. Onlookers become bystanders and on most occasions they then become involved in situations they have no specific interest in. By the end of the evening, even with minimal arrests for drink related incidents you can often find two solitary officers dealing with the final aggressive stragglers that leave the latest opening licensed premise at 0300 hours. This situation is now compounded by the fast food outlets that remain open for an extended period after the drinking establishments have closed. This provides a melting pot of drunken individuals who explode, for want of a better description, at the slightest provocation. Officers are expected to finish dealing with the night time economy by 0400 hours to commence response roles for the Aylesbury Vale LPA. However you will often find officers dealing with pockets of trouble well after this time and the situation will surely get worse as the summer approaches and the inclement weather isn't there to assist police.

I find these two shifts the hardest of the entire five week rota. My colleagues and I become quickly demoralised as you find the same faces causing the same trouble and the same outlets exacerbating the situation. On one particular occasion I found myself working alone for a short period dealing with a victim of crime when a group of five heavily intoxicated males were ejected from a club and no officers in a position to offer immediate assistance. Although the incident was eventually resolved it left me feeling isolated which I had never experienced in my previous ten years as a serving police officer.

PC 7798 Kennedy: I am one of the newest Response Officers to Aylesbury currently still in my probation and have been on shift approximately 1 year now. Patrolling the night time economy in Aylesbury town can be somewhat demanding and challenging and make me as a female officer feel vulnerable.

The current structure of covering the night time economy patrols is conducted by Response Officers working 22:00-07:00hrs on a consecutive Friday and Saturday night. On night time economy patrols at the weekends in Aylesbury town centre there are approximately 6 Officers who patrol on foot in 3 pairs and 1 Officer who will provide transport in the Transit Van.

The atmosphere within Aylesbury town varies throughout the course of the night with the public generally in good spirits at the start of the night but as the night develops it becomes more hostile and tense. When incidents occur Officers are often bombarded with people not involved trying to become involved because they are intoxicated which can make the situation which may be so small seem so much bigger. From 02:30hrs there tends to be several clubs still open with people inside drinking and at this point people are now slowly starting to make their way towards fast food outlets. This can cause congregation in certain areas both inside and outside premises which often can lead to high levels of anxiety and tension and this is often where public order situations occur. When Officers are in different areas of the town and trouble starts to occur with Officers being in various locations it makes us incredibly vulnerable if a more volatile situation occurs.



I can recall on one particular occasion I found myself and 2 other colleagues patrolling a very large open spaced area, due to other units committed with another incident. On this incident there were various groups of people instigating fights for no reason. This meant we all had to split and deal with each separate group to diffuse the situation making me feel somewhat vulnerable standing between groups of intoxicated and aggressive men looking to fight one another, fearing if one threw the first punch it would be coming my way. This is the one occasion I felt most vulnerable patrolling the town centre and this is not the only occasion I have felt like this when patrolling the night time economy.

PC 5319 Catlin: So far we have been fortunate in AYLESBURY in that we have not been overwhelmed by events when policing the NTE. At best we may have fourteen officers covering AYLESBURY including two in BUCKINGHAM. It is arguable that there may be support from the overlapping shift but they are inevitably dealing with other incidents outside the town and in any case due to annual leave, sickness and other abstractions these figures are never the case. We are usually patrolling AYLESBURY with four pairs of officers if we are lucky.

The first part of the night from 22:00 to 02:00 is usually fairly good natured in the town with the public in high spirits and only moderately intoxicated. The majority of problems arise between 02:00 and 04:00 when the public are intoxicated to the point of confusion and often stupor. Most behave themselves and can be diverted into good behaviour with a little humorous engagement. However there are usually half a dozen incidents during this time each shift which require at least the issuing of S27 'Leave the Town' Notices and sometimes the arrest of multiple individuals.

Each arrest carries with it a one to two hour penalty per officer where they are absent from the town in custody and gathering evidence. In the case of a more serious affray this can tie up anything up to half a dozen officers for an hour or so at least during the initial phase and this inevitably leaves us vulnerable in terms of numbers should any other disorder occur.

For instance - Saturday 5<sup>th</sup> April 2014: An affray at MacDonalds in the High Street in AYLESBURY involving a dozen or so males tied up five officers for about 45 mins detaining suspects, gaining accounts and viewing CCTV at the key dispersal time of 03:00 hours and left the three remaining officers on their own dealing with a potentially violent rolling disorder in KINGSBURY involving about twenty people threatening to fight each other. Due to skilful management of the groups involved this situation was diffused and the groups dispersed but as above we have been fortunate so far that this sort of shortfall has not resulted in injury to officers or to members of the public.

The further consequence of any arrests made includes constructing a handover to the next shift due to suspect(s) being drunk when detained and the early turn are then involved in taking statements, seizing clothing, swabs, CCTV and conducting interviews and preparing files. All of this takes many hours of officer time.

My main concern currently centres on the fast food outlets, particularly MacDonalds on the HIGH STREET AYLESBURY, which have become hubs of disorder at the key period (03:00-04:00). I appreciate they may take more money during this period than they do the rest of the weekend but the attendant time and costs involved in policing these venues are considerable and possibly not proportionate if a thorough analysis was done.

Whichever venue closes last will always be the focus of disorder and it is arguable that by extending licensing hours that the 'flashpoints' will be minimised due to the lack of a final 'closing time'. However in my view the result of this is more likely to be an even more extended period of extreme drunkenness with all the related disorder and violence that follows.

## Alcohol Related Disorder in Aylesbury Town Centre 2009- 2013

### Introduction

This report aims to analyse data in relation to alcohol disorder in Aylesbury Town Centre for the period 2009-2013 between the hours of 22:00 and 4:00. This report will compare between the two periods and will concentrate on the recorded offences/incidents in the locations of Kingsbury, Market Square, Cambridge Street, Cambridge Close, Cambridge Place and Exchange Street, which are all located in the town centre. These areas are where there is predominantly the highest amount of licensed premises in the Town Centre.

This report sources its data from the TVP crime recording system, CEDAR, and will consider the offences of:

- ABH
- Assault
- GBH
- Public Order

### Results

Offence	2009	2010	2011	2012	2013
ABH	64	64	47	18	19
Assault without injury	61	47	40	20	13
GBH	3	2	1	3	6
Public Order	123	82	71	54	40
<b>TOTAL</b>	<b>251</b>	<b>195</b>	<b>159</b>	<b>95</b>	<b>78</b>

Breakdown of offences by type

It is evident that there have been significant reductions across this group of offences.

<b>DOW</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
<b>Mon</b>	11	10	8	3	3
<b>Tue</b>	16	12	9	3	2
<b>Wed</b>	14	6	6	1	4
<b>Thur</b>	17	8	11	2	1
<b>Fri</b>	43	32	15	12	12
<b>Sat</b>	89	55	57	39	34
<b>Sun</b>	61	72	53	35	22
<b>TOTAL</b>	<b>251</b>	<b>195</b>	<b>159</b>	<b>95</b>	<b>78</b>

#### Offences by day of week

Looking at the trends over the years, there is a marked decrease generally across all days of the week (Monday being an exception in most recent years). This decrease has plateaued over the course of the last year which may reflect the fact that it is not possible to always continue a sharp decline in numbers indefinitely.

Whilst Sat and Sun nights remain, unsurprisingly, the bulk of the remaining problem; it is noteworthy that the problems on Friday evening have continued to decline. This is a very positive result.

<b>Location</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
Kingsbury	123	101	37	25	18
Market Square	48	67	89	48	40
Cambridge Street	8	5	8	6	5
Cambridge Close	0	0	0	0	1
Cambridge Place	5	2	0	0	0
Exchange Street	67	20	25	16	14
<b>TOTAL</b>	<b>251</b>	<b>195</b>	<b>159</b>	<b>95</b>	<b>78</b>

#### Breakdown of offences/incidents by street

The table above shows a significant reduction in two of the three key streets: Kingsbury and Exchange Street. As the data above does not suggest that the problem has simply moved to Market Square, this is a very positive outcome. The offences in Market Square have plateaued and remain the location for the majority of incidents. This is unsurprising

when one considers the location and the availability of places to sit and congregate (low walls, benches, steps to the statue etc).

### **Peak time of offences**

Over the 18 months covering Jan 2012 to June 2013, offence times were looked at. These are grouped as follows:

- 10pm to 11:59pm
- Midnight to 1:59am
- 2am to 4am

Of the 137 incidents within that date period the following was seen:

<b>Time Period</b>	<b>No of Incidents Jan 2012 – Jun 2013</b>	<b>No of Incidents Jan 2013 – Dec 2013</b>
10pm to 11:59pm	28	14
Midnight to 1:59am	60	34
2am to 4am	44	30
Unknown	5	
	<b>Total 137</b>	<b>78</b>

The peak time for offences to occur is between midnight and 2am. This has been the trend over the whole period (i.e. since 2009) for these crime types.

## Appendix D.

### Policy Proposals

Although this report shows a slight decrease in town centre incidents it still shows a clear link between violent crime and the changing profile of licensed premises in Aylesbury Vale, it is recommended that the following control measures stay in place, when granting licenses under the new Act.

The following table shows a list of control measures and reasons justifying each. Many of these have been triad and found to be effective..

Control Measure	Reason
Alcohol free Zone (Designated Public Place Order)	Aylesbury Town Centre as defined by the inner relief road and some areas of Buckingham Town are designated areas in relation to the consumption of alcohol in public. Any changes of use in relation to Licensed Premises in this area need to take into account that it may reduce the effectiveness of this existing control measure. For example the sale of alcohol from tables and chairs situated on the Highway.
Ensure drinking outside and in view of the public is:- 1. Enclosed, using robust system that is removed when not in use (7 a.m. to 8 p.m. ) 2. Ancillary to a table meal. 3. Served to table. 4. No bottles to be served outside. 5. Stopped by 8 p.m. 6. Fully within view of the Town Centre CCTV system.	<ol style="list-style-type: none"> <li>1. There is a need to provide clear demarcation between areas where drinking is or is not allowed.</li> <li>2. Alcohol served as <b>ancillary</b> to a meal will reinforce the changing drinking culture to a Café style, rather than simply extending traditional drinking culture into the street.</li> <li>3. Operator to provide waiter/ waitress service to tables outside will not only ensure that management provides adequate monitoring of their premises, but also that the space is used as intended.</li> <li>4. By avoiding the use of bottles or breakable glass outside, the risk of violence and injury will be minimised. See below.</li> <li>5. Most late night venues have to employ door staff from 7pm to provide adequate control at the point of entry, it therefore follows that tables and chairs situated outside this area of control should be removed.</li> <li>6. Such areas need to be planned and considered with reference to the CCTV coverage, and extra cameras funded by the applicant where necessary.</li> </ol>
All glasses used inside and outside licensed premises be toughened safety glass.	Since 2003 incidents involving bottles and glasses have slowly risen and for 2006 reach 21, All offences are serious to the victim, and with safety glass the injuries are far less severe.
Encouragement of complementary	Aylesbury Town Centre is dominated by youth focused venues.

activities eg Restaurants, Cafés, Family venues, Jazz Clubs, Comedy Clubs, Theatres.	A new Licensing Policy should encourage the development of complementary uses. See also comments under the saturation policy.
The number and location of food vans	Such facilities need to be located with care to avoid close proximity to other venues or gathering points such as Taxi ranks, to avoid rubbing points, which could increase tension within groups already under the influence of alcohol.
Expansion of town centre CCTV system. Installation of CCTV in licensed premises.	A long term strategy part funded through Sec106 contributions.  CCTV in licensed premises is seen as good practice for community safety in particular the detection and prevention of crime. Licensed premises unless there are good reasons, should be equipped to a standard and in a manner in accordance with the established Thames Valley Police guidance on installing CCTV.
Lighting proposals	A further long term strategy for lighting should be used to reduce the fear of crime, but also to help in the identification of offenders and enhance the picture quality of CCTV.
Street Urination is a concern especially in shop doorways and alleyways. Many areas install temporary urinals or even ones that rise up at night .	A Policy should be considered to ensure that adequate ground floor toilets are provided within each establishment, where this is not practical a contribution should be required to pay for the provision and maintenance of public facilities.
Late night "Services Levy". 1% of turnover ?	The proposal to impose a levy on private operators to meet the cost of providing increased services as a result of late night activities should be considered.
Pub Watch Membership	Pub watch schemes are considered to be best practice, and should be supported by Thames Valley Police and the Licensing Authority (AVDC). Links with the scheme are already maintained through the provision of a Police Liaison Officer. This policy should encourage voluntary active membership of pub watch, including the proper use of the radio/pager system where provided.
A more restrictive Policy in relation to trading hours for high risk premises	Contrary to central Government advice customers do not disperse gradually from premises but leave on masse between last sale of alcohol and closure of the premises..
Drugs Policy	Applicants should be required to adopt an appropriate policy. They should undertake a risk assessment; maintain an incident book to record relevant events. They should be aware of and follow the advice published by the Portman Group "Safer Clubbing" & Government Guidance.
Sundays Policy	Existing licensing hours which have restricted the Sunday trading have proved effective in maintaining lower levels of violent crime and antisocial behaviour. Existing local authority and Police resources do not have the capacity to accommodate later hours on this day of the week. The Aylesbury Town Centre is home to over 550 residents, and many more live just outside the inner relief road. This number is increasing as the new building continues.
Door Supervisors	Late night licensed premises providing music or other entertainment should employ properly registered and trained door staff, who can deal with public order incidents. Clear operational guidelines should be issued for each venue setting out their role and responsibilities,

	including how they record violent and drug related incidents. See also Drug Policy.
Provision of internal tables and chairs.	To prevent the domination of 'Vertical Drinking' the provision of a reasonable proportion of tables and chairs for customers. e.g. 25 % trading floor area.
Standards of management	Experience shows that good and robust management is key to safe premises and the police would seek evidence of that for high risk premises.





Licensing Committee  
7 September 2015

## REVIEW OF POLICY ON CRIMINAL CONDUCT AND UNACCEPTABLE BEHAVIOUR OF TAXI DRIVERS AND NEW APPLICANTS AND THE FIT AND PROPER TEST

### 1 Purpose

- 1.1 For Licensing Committee to note the findings arising from the consultation process and recommend the policy attached to this report for Cabinet Leader approval.

### 2 Recommendations/for decision

- |  |
|--|
| <ol style="list-style-type: none"><li>2.1 For Members to note the comments arising from the consultation of a draft policy on criminal conduct and unacceptable behaviour of taxi drivers and new applicants and the fit and proper test;</li><li>2.2 To note and, if necessary discuss any changes made to the draft based on the consultation exercise;</li><li>2.3 To recommend Cabinet Leader approval and implementation.</li></ol> |
|--|

### 3 Supporting information

- 3.1 In July earlier this year Members received and discussed a report relating to the licensing of taxis and private hire drivers and operators and the need to ensure that the Council are satisfied that they are 'fit and proper'. Members will recall that licensing officers in relation to new applicants are predominantly reliant on information provided by an enhanced criminal disclosure from the Disclosure and Barring Service. The licensing services also receive information, intelligence and complaints relating to existing drivers. In order to provide a consistent, transparent and proportionate assessment of the information supplied, officers refer to the Council's policy on criminal conduct and inappropriate behaviour.
- 3.2 A revised policy was noted and discussed with Members and a number of changes made to it. The Licensing Manager was authorised to consult upon it before drafting a final policy for approval. The draft policy was sent to Thames Valley Police, the Local Authority Designated Officer Children and Family Services, the Safeguarding and Compliance Manager with AMEY and the District Council's Safeguarding Board and of course the taxi and private hire trade. As requested by Licensing Committee, in consulting with the police attention was drawn to the use of 'certificates of good character' where a Disclosure and Barring Service (DBS) were unavailable.
- 3.3 The Local Police Area Commander Oliver Wright provided some helpful advice in relation to the section on 'non-conviction information' and in particular the disclosure of arrests and the section has been re-written. On the issue of 'certificates of good character', the police have no experience or opinion. Their use though is consistent with other licensing authorities.

- 3.4 The only other comments made during the consultation period were from Lindsey Hone, the Environmental Health and Licensing Manager who provided some helpful drafting advice. The policy attached as Appendix 1 includes all relevant suggestions and Members are asked to recommend Cabinet Member approval.
- 3.5 Once approved this revised policy will replace the current one appended to our Taxi and Private Hire Policy as Appendix 10. The remainder of the policy which set out the Council's hackney carriage limitation policy for the town of Aylesbury and all standards and conditions for drivers, vehicles and operators will be reviewed over the next few months and brought back to Licensing Committee.

#### **4 Options considered**

- 4.1 None

#### **5 Reasons for Recommendation**

- 5.1 To keep up to date the Council's taxi policy on criminal conduct and unacceptable behaviour.

#### **6 Resource implications**

- 6.1 There are little or no cost implications to the recommendations. In any event any costs can be covered by licensing fee income.

Contact Officer                      Peter Seal 01296 585083  
Background Documents          None

## Appendix 1

### Appendix 10 - POLICY ON RELEVANCE OF CRIMINAL CONDUCT & UNACCEPTABLE BEHAVIOUR (The fit and proper test) – *reviewed 2015*

#### 1. Introduction

In exercising its discretion in carrying out its regulatory functions the Council will have regard to these guidelines in determining whether drivers and operators are fit and proper persons to obtain licences. They will also be referred to in assessing the suitability of licensed drivers and operators to continue to hold their licence. However each application or enforcement measure will be considered on its own merits.

The Council is concerned to ensure:

- That a person is a fit and proper person
- That the person does not pose a threat to the public
- That the public are safeguarded from dishonest persons
- The safeguarding of children and young and vulnerable people

The aim of the licensing regime to which these guidelines relate is not to punish the applicant or licensee twice for an offence (which includes a conviction, caution, reprimand, warning, fixed penalty notice or any other out of court disposal) but to ensure that public safety and confidence in the trade is not compromised. The objective of the licensing regime is to ensure that, as far as possible those licensed to drive hire cars are suitable persons to do so. Namely that they are safe drivers with good driving records and adequate experience, sober, mentally and physically fit and honest; and that they are persons who would not take advantage of their position to abuse, assault or defraud customers.

These guidelines will be taken into account by the Licensing Authority when dealing with new applications. They will not be applied retrospectively in relation to renewal applications. The policy may be applied retrospectively, however if any additional convictions or other court disposals are incurred or any other relevant information is brought to the attention of the Licensing Authority that would call into question a persons suitability to hold a licence.

Clearly, some adjustments may need to be made when applying these guidelines to operators as opposed to drivers because they carry out a different role and their contact with the public is different. Nevertheless the Council need to be satisfied that they are fit and proper persons to obtain licences. Operators are required to keep specific records relating to drivers, vehicles and journeys booked which sometimes are invaluable when investigating complaints. The cooperation of the operator with the police and Council officers is essential and failure on their part to cooperate will be seen as obstruction and may result in action against them. If an operator is found guilty of aiding and abetting other offences his operator licence will be revoked immediately and prevented from holding a licence for 3 years. If an operator is convicted of a criminal offence or his licence is refused or revoked serious consideration will be given to ensuring that the trading name is not continued by any other operator so as to ensure faith of the Council's licensing services and avoid confusion amongst the taxi travelling public.

There may be occasions where it is appropriate to depart from the guidelines, for example where there are exceptional mitigating circumstances or alternatively where there are a number of, albeit minor offences which may show a pattern of offending and unfitness. Where an

applicant has been convicted of a criminal offence, the Council cannot review the merits of the conviction (Nottingham City Council v Mohammed Farooq (1998)). The Council also cannot take into consideration the impact of losing (or not being granted) a driver's licence on the applicant and his family (Leeds City Council v Hussain and Cherwell District Council v Anwar). It is the responsibility of the applicant/licence holder to satisfy the Licensing Authority that they are a 'fit and proper person' to hold a licence. The applicant/licence holder must ensure that all convictions, cautions, warnings, reprimands, fixed penalty notices, arrests and summonses are disclosed to the Licensing Authority. Failure to disclose this information, where it exists will be taken into consideration in determining an application.

## **2. Powers**

Section 61 and Section 62 of the Local Government (Miscellaneous Provisions) Act 1976 allow the Council to suspend, revoke or refuse to renew a licence if the applicant/licence holder has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.

The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002 allows the Licensing Authority to take into account all convictions recorded against an applicant or the holder of a private hire vehicle or hackney carriage driver's licence, whether spent or not. Therefore the Licensing Authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending.

In this policy the term 'disqualification' refers to the period served, in order to take account of the fact that a court may reduce the period of disqualification from driving. An applicant must provide evidence in advance to prove that the court agreed a deduction in the period of disqualification.

## **3. Consideration of disclosed criminal history**

Under the provisions of Section 51, 55 and 59, Local Government (Miscellaneous Provisions) Act 1976 the Licensing Authority is required to ensure that an applicant for the grant or renewal of a hackney carriage and/or private hire vehicle drivers licence and/or private hire operator's licence is a 'fit and proper person' to hold such a licence. A key test in evaluating this is whether they have been involved in criminal activity. Convictions, cautions, fixed penalties, speeding offences and other criminal sanctions may be relevant indicators of a person's suitability to hold a licence. The disclosure of any conviction or other court disposal will not necessarily prevent an applicant from being issued a licence. However all convictions, spent or live will be assessed. It should also be borne in mind that a caution is given where there is sufficient evidence for a prosecution and guilt has been admitted. Fixed penalties are issued for a wide range of traffic offences. Some are non-endorsable fixed penalties and do not result in points being imposed on a person's licence. Others are endorsable fixed penalties and allow an opportunity for an alleged offender to forgo a prosecution and accept points on their licence. Fixed penalty notices are similar to fixed penalties but are issued for a wide range of offences

of an anti-social nature e.g. drunken disorderly, possession of cannabis. In considering the suitability of a person the Council will look into:

- How relevant the offence(s) are to the licence being applied for
- How serious the offence(s) were
- When the offence(s) were committed
- The date of conviction
- Circumstances of the individual concerned
- Sentence imposed by the court
- The applicant's age at the time of conviction
- Whether they form part of a pattern of offending
- Any other character check considered reasonable (e.g. personal references)
- Any other factors that might be relevant

Existing holders of drivers' licences are required to notify the Licensing Authority in writing within 7 days of receiving a driving licence endorsement, fixed penalty notice, an arrest or criminal conviction (including cautions).

The Licensing Authority conducts enhanced disclosures from the Disclosure & Barring Service (DBS) formerly the Criminal Records Bureau (CRB) of any applicant for a driver licence. The Licensing Authority follows the DBS's Code of Practice on the fair use of disclosure information.

Applicants applying for the grant or a renewal of a drivers' licence will be required to obtain an enhanced disclosure at their expense. The Licensing Authority abides by the DBS's policy on the secure storage, handling, use, retention and disposal of disclosure information, which is available on request.

More information about the DBS can be found on their website at

<http://www.gov.uk/government/organisations/disclosure-and-barring-service>

The Licensing Authority is entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the Licensing Authority or other Licensing Authorities and information disclosed by the police under the Home Office scheme for reporting offences committed by notifiable occupations.

DBS disclosures will not include detail of any foreign convictions or cautions unless they have been recorded on the UK National Computer. Any applicant who has resided outside the UK for any period longer than 3 months within the preceding 3 years will be required to produce a 'Certificate of Good Conduct' from the relevant countries which details any cautions or convictions arising against the applicant while resident in that country. It shall be the applicant's responsibility to obtain this documentary evidence and to bear the cost of such. The requirements is in addition to the DBS disclosure.

Where an applicant is unable to obtain the above, a discussion will take place with the Licensing Manager to ascertain what alternative evidence should be provided. This may include character references from appropriate individuals or other bodies as to the applicants conduct whilst resident in the other country.

#### **4. Non-conviction information**

If an existing licensed driver or operator has, on one or more occasions been arrested or charged but not convicted for a serious offence which suggests he could be a danger to the public, consideration will be given to revoking the licence. Such offences would include but is not limited to serious violent offences, offences involving child sexual exploitation and sex offences. This equally applies to other information, intelligence or complaints received that suggests that he could be a danger to the public.

In respect to new applicants the decision to grant or refuse will be dependent upon what the DBS disclosure reveals. It should be noted that in certain situations, Chief Constables can disclose information when an applicant has not been convicted or cautioned. There are strict procedures for this set out by the DBS. On occasions where a Chief Constable does decide to disclose such information, then it will be treated entirely relevant and likely result in a refusal.

**It should be noted that the Licensing Authority considers regulatory sanctions such as refusals, suspensions and revocations to the civil burden of proof i.e. 'a balance of probabilities'. That is one party's case need only be more probable than the other. It is therefore able to make decisions on alleged offences regardless of whether a criminal conviction followed the offence or whether it comes up to proof 'beyond reasonable doubt'. Decisions may also be made based on other unacceptable behaviours that do not in themselves necessarily amount to a criminal offence.**

In assessing the action to take, the safety of the travelling public must be the paramount concern.

It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence. Where an applicant has made a false statement or false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.

The following lists are not exhaustive and any offences not covered by this policy will not prevent the Licensing Authority from taking into account those offences. All references to 'conviction' also include other court disposals such as cautions, reprimands, warnings, fixed penalty notices.

## **5. Sex and indecency offences**

As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised. Those with convictions for the more serious sexual offences will be refused, regardless of the period of time elapsed after the date of conviction. Although not exhaustive, examples of serious sexual offences include:

- Rape
- Assault by penetration
- Sexual offences involving children, young persons or vulnerable adults
- Sexual assault
- Abuse of position of trust
- Familial child sex offences
- Possession of indecent images of children
- Abuse of children and young persons through prostitution or pornography

- Trafficking for sexual exploitation
- Preparatory offences
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

For other offences, applicants will be expected to show a substantial period (usually between 7 and 12 years) free of conviction for such offences before a licence is granted. Other sexual or indecency offences include soliciting (kerb crawling) and any similar offences (including attempted or conspiracy to commit) offences.

In addition to the above the Licensing Authority will not grant a licence to any applicant who is currently on the Sex Offenders Register. A licence will not be granted if an applicant has more than one conviction for a sex or indecency offence.

Any current licence holder who is arrested/charged for a sexual offence will be subject to investigation and subject to the facts and circumstances the above standards will be applied in determining their suitability to continue to hold a licence.

## 6. Serious offences involving violence

Licensed drivers have close regular contact with the public. A firm line is to be taken with those who have convictions for offences involving violence. An application will be refused if the applicant has a conviction for an offence that involved the loss of life or serious injury or intent to cause serious harm regardless of the period of time elapsed after the date of conviction. Although not exhaustive examples include:

- Murder
- Manslaughter
- Manslaughter or culpable homicide while driving
- Terrorism offences
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

In other cases anyone who has committed a serious violence offence will be expected to show a substantial period (usually between 7 and 12 years) free of conviction for such offences before a licence is granted. Although not exhaustive examples of serious violence offences include:

- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Actual bodily harm which is racially aggravated
- Grievous bodily harm with intent
- Robbery
- Possession of a firearm or another offensive weapon
- Riot
- Assault on a police officer or local authority officer
- Common assault which is racially aggravated
- Violent disorder

- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

All other violence offences will be treated seriously and depending on the facts and circumstances will require a reasonable period (usually 3 and 5 years) free of conviction for such offences before a licence is required. Although not exhaustive example include:

- Common assault
- Battery
- Assault occasioning actual bodily harm
- Affray
- Causing harassment, alarm or distress
- Causing fear of provocation of violence
- Intentional harassment, alarm or distress
- Obstruction
- Criminal damage

A licence will not be granted if an applicant has more than one conviction in the last 10 years for an offence of a violent nature.

Any current licence holder who is arrested/charged for a violence offence will be subject to investigation and subject to the facts and circumstances the above standards will be applied in determining their suitability to continue to hold a licence.

## 7. Dishonesty

Licensed drivers are expected to be trustworthy. They deal with cash transactions and valuable property may be left in their vehicles. All drivers are required to deposit such property with either the licensing authority or the police within 48 hours. The practice of delivering unaccompanied property is indicative of the trust that business people place in licensed drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal or agreed fare, etc. Overseas visitors can be confused by our currency and may be vulnerable to an unscrupulous driver. For all these reasons a serious view is taken of any conviction involving dishonesty and depending on the facts and circumstances will require a reasonable period (usually 3 and 5 years) free of conviction for such offences before a licence is required. Offences involving dishonesty include:

- Theft
- Burglary
- Fraud
- Benefit fraud
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Other deception
- Taking a vehicle without consent
- Perverting the course of justice



- Or similar offences (including attempted or conspiracy to commit) offences which replace the above

Any current licence holder who is arrested/charged for a dishonesty offence will be subject to investigation and subject to the facts and circumstances the above standards will be applied in determining their suitability to continue to hold a licence.

## **8. Drug offences**

A serious view is taken of any drug related offence. A particularly serious view will be taken in relation offences relating to the supply of drugs. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered. A licence will not be granted where the applicant has a conviction for an offence related to the supply of drugs and has not been free of conviction for 5 years. A licence will not be granted where an applicant has more than one conviction for offences related to the possession of drugs and has not been free of conviction for 5 years.

An application from an applicant who has an isolated conviction for an offence related to the possession of drugs within the last 3-5 years may be granted a licence, but serious consideration should be given to the nature and quantity of the drugs. If there is evidence of persistent drugs use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) may be required before the licence is granted. If the applicant was an addict then they would normally be required to show evidence of 5 years free from drug taking after detoxification treatment.

Any current licence holder who is arrested/charged for a drug related offence will be subject to investigation and subject to the facts and circumstances the above standards will be applied in determining their suitability to continue to hold a licence.

## **9. Drink driving/driving under the influence of drugs**

As licensees are professional, vocational drivers, a serious view is taken of convictions for driving or being in charge of a vehicle while under the influence of drink or drugs. An isolated incident would not necessarily debar an applicant from proceeding on the restoration of his DVLA driving licence but he should be warned as to the significant risk to his licence status in the event of re-offending. More than one conviction for these offences raises significant doubts as to the applicant's fitness to drive the public. At least 3 years, after the restoration of the driving licence following a drink driving conviction should elapse before an application will be considered. If there is any suggestion that the applicant is alcohol or drug dependent a satisfactory medical report must be provided before the application can be allowed to proceed.

## **10. Outstanding charges or summonses**

If the individual is subject to an outstanding charge or summons their application may continue to be processed but the application will need to be reviewed at the conclusion of proceedings. Where information is received through the notifiable Occupations Scheme on existing licence holders, consideration will be given to the information in accordance with this policy.

If the outstanding charge or summons involves a serious offence then in the interest of public safety the application may be put on hold until proceedings are concluded or the licence may be refused. In the case of existing drivers their licence will be revoked.

A suspension or revocation of a drivers licence takes effect at the end of 21 days beginning with the day on which notice is given to the driver. If it appears that the interest of public safety require the suspension or revocation of the licence to have immediate effect and the notice to the driver includes a statement that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver. A decision to either immediately suspend or revoke or give 21 days notice will be made on a case by case basis.

#### **11. Licensing offences - convictions**

Convictions for certain licensing offences under taxi legislation such as plying for hire, overcharging and refusing to carry disabled persons or assistance dogs would normally prevent a licence being granted or renewed until a period of 3 years has passed since conviction.

#### **12. Insurance offences**

A serious view will be taken on convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided he/she has been free of conviction for 3 years. However strict warning should be given as to future behaviour. More than one conviction for these offences would prevent a licence being granted or renewed. At least 3 years should elapse (after the restoration of the DVLA driving licence), before a licence would be granted for a hackney carriage or private hire drivers licence. An operator found guilty of aiding and abetting the driving of passengers for hire and reward whilst without insurance will have his operator's licence revoked immediately and prevented from holding a licence for three years.

#### **13. Motoring offences and penalty points**

Existing drivers who have accumulated 9 or more points on their DVLA driving licence will have their private hire/hackney carriage licence suspended until the driver has successfully undertaken a private hire or hackney carriage DSA driving test, at their own expense. Driving offences resulting in disqualification will not be licensed for 3 years following the restoration of the DVLA licence.

#### **14. Licensing Offences and breaches of conditions of licence – regulatory sanctions**

Breaches of the relevant legislation or conditions attached to driver, operator and vehicle licences may come to light following complaint, enforcement actions or investigations. The action to be followed in response to such matters will be determined on their own merits. Depending on the facts and circumstances the Council reserve the right to prosecute.

The Council's penalty point system for enforcement targets specific offences and identifies a number of points for each offence. If a driver accrues 12 points his/her suitability to continue to drive will be assessed and the licence maybe suspended.

More serious braches such as unlawfully plying for hire and refusing to carry disabled persons or assistance dogs may result in a suspension as an alternative to prosecution.