

King George V House, King George V Road,  
Amersham, Buckinghamshire, HP6 5AW

**Telephone:** 01494 729000 **DX:** 50711

**Fax:** 01494 586506

**Website:** www.chiltern.gov.uk

**Email:** info@chiltern.gov.uk



**CHILTERN**  
District Council



## **CDC Licensing & Regulation Committee**

**Thursday, 30th March, 2017 at 6.30 pm**

**Large & Small Committee Room, King George V House, King George V Road,  
Amersham**

### **A G E N D A**

- 1 Evacuation Procedures
- 2 Minutes (*Pages 3 - 10*)  
To sign the Minutes of the meeting held on 14 December 2016.
- 3 Apologies for Absence
- 4 Declarations of Interest
- 5 Licensing Act 2003 Policy Review 2017 (*Pages 11 - 16*)
  - Appendix 1: Draft CDC Licensing Policy (Pages 17 - 46)*
  - Appendix 2: Amersham Old Town CIP Map (Pages 47 - 48)*
  - Appendix 3: Chalfont St Peter CIP Map (Pages 49 - 50)*
  - Appendix 4: Amersham CIP Map (Pages 51 - 52)*
  - Appendix 5: Licensing Team Observations (Pages 53 - 54)*
  - Appendix 6 - Environmental Health Complaints Figures (Pages 55 - 56)*
  - Appendix 7: Data from Thames Valley Police relating to Cumulative Impact Areas (Pages 57 - 58)*

*Appendix 8: Licensing Trends in Current Cumulative Impact Areas  
(Pages 59 - 62)*

*Appendix 9: Response from Councillor Jules Cook - Amersham Old  
Town Cumulative Impact Policy (Pages 63 - 64)*

6 Exclusion of the Public (if required)

To resolve that under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item(s) of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Act.

**Note:** All Reports will be updated orally at the meeting if appropriate and may be supplemented by additional reports at the Chairman's discretion.

**Membership: CDC Licensing & Regulation Committee**

Councillors: J J Rush (Chairman)  
E A Walsh  
E A Culverhouse  
M Flys  
G K Harris  
M J Harrold  
C J Jackson (Vice-Chairman)  
P M Jones  
C M Jones  
R J Jones  
D J Lacey  
C J Rouse  
P N Shepherd  
N I Varley  
F S Wilson

**Date of next meeting – Thursday, 6 July 2017**

**If you would like this document in large print or an alternative format please contact 01494 732143; email [democraticservices@chiltern.gov.uk](mailto:democraticservices@chiltern.gov.uk)**

**CHILTERN DISTRICT COUNCIL**

**MINUTES** of the Meeting of the  
**CDC LICENSING & REGULATION COMMITTEE**  
held on **14 DECEMBER 2016**

**PRESENT:** Councillor J J Rush - Chairman  
" C J Jackson - Vice Chairman

Councillors: M Flys  
M J Harrold  
P M Jones  
C M Jones  
C J Rouse  
P N Shepherd  
N I Varley  
F S Wilson

**APOLOGIES FOR ABSENCE** were received from Councillors E A Walsh, E A Culverhouse, G K Harris and D J Lacey

**11 MINUTES**

The Minutes of the meeting held on 28 June 2016 were agreed by the Committee and signed by the Chairman as a correct record.

**12 DECLARATIONS OF INTEREST**

Councillor J Rush advised that he regularly used Chalfont Taxis, but this did not constitute a personal interest under the Code of Conduct.

Councillor C Jones advised that she regularly used A to Z taxis, but this did not constitute a personal interest under the Code of Conduct.

Councillor M Flys advised that he regularly used Gilberts taxis, but this did not constitute a personal interest under the Code of Conduct.

Councillor N Varley advised that he knew one of the members of the audience in his capacity as Town Councillor but not as a close associate/personal friend and therefore this did not constitute a personal interest under the Code of Conduct.

**13 HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY**

At the meeting held on 28 June 2016, the Committee agreed that the draft Hackney Carriage and Private Hire Licensing Policy be submitted for public consultation.

The consultation concluded on 21 September 2016, and the Committee were asked to consider the responses to the consultation, the proposed changes to the draft Policy in light of the responses that had been received and to consider whether further changes should be made to the draft Policy.

Members noted that 12 formal responses had been received and that formal minutes were also taken at two meetings held with hackney carriage drivers and trade representatives as part of the consultation. The consultation responses had been reviewed and a summary of comments was provided to Members as part of the report. Three main concerns to the proposed policy were raised which related to tinted windows, hackney carriage door stickers and the age of vehicles. Members were asked to consider if any further changes should be made to the draft policy.

The Chairman welcomed the members of the Trade and their representatives and explained the procedure regarding public speaking at this Committee.

In presenting his report, the Licensing Manager amended his recommendations in light of the responses received during the consultation in that there be no change to the current Policy regarding tinted windows and age of vehicles. Regarding hackney carriage door stickers, the Licensing Manager proposed magnetic stickers be used.

The Chairman invited representatives of the Chiltern Taxi Drivers Association to address the Committee.

Masud Ahmed, speaking on behalf of the Chiltern Taxi Drivers Association, made the following key points:

Hackney Carriage Door Stickers: the rationale for having hackney carriage door stickers, in addition to the 4 different types of identification drivers already carried, was not clear. The hackney carriage door stickers were not considered necessary and were not affordable regardless of whether they were magnetic or were made from plastic. They provided no additional benefit to the public or hackney carriage trade. Drivers were also subject to a number of safety checks and hackney carriage door stickers provided no additional safety benefit to passengers. There was a particularly strong negative feeling from hackney carriage drivers regarding this proposal because it suggested that drivers were being put under doubt. It was also felt that this proposal could be considered discriminatory.

Vehicle Age: currently any vehicle 6 years or older was subject to regular compliance checks each year anyway and this was a national standard. Vehicle mileage was considered a more important factor in determining the required vehicle maintenance. Taxi drivers often received a low income and were directly affected by economic and financial pressures. The proposed policy would place greater financial pressure upon drivers.

Umar Raja then spoke on behalf of the Chiltern Taxi Drivers Association, and made the following key points:

Tinted Windows: most drivers purchased used vehicles and it cost over £1000 to replace the windows on a vehicle. Reliable vehicles were expensive to buy and the proposed policy would place an additional financial cost on drivers.

Hackney Carriage Door Stickers: drivers had a long standing principle objection to these door stickers. The proposed layout and logo was also a concern for drivers. The majority of Councils had no such policy, including neighbouring Dacorum Borough Council. Door stickers would place an extra financial burden on drivers which would negatively impact on their livelihood.

Vehicle Age: drivers were already required to have more regular vehicle checks which varied according to the vehicle's age. These checks were more regular than checks on vehicles used solely for personal use.

Qaser Mahmood then spoke on behalf of the Chiltern Taxi Drivers Association and made the following key points:

Hackney Carriage Door Stickers: the main reason for hackney carriage door stickers was to facilitate the identification of vehicles for public safety reasons, however, drivers already had multiple other forms of identification, including the vehicle registration, and these were already considered sufficient by other organisations, including the Police.

Vehicle Age: drivers tended to use high standard vehicles due to their improved reliability and the proposed vehicle age policy was considered excessive.

The Chairman then invited Members of the Committee to ask the hackney carriage driver representatives questions, during which the following key clarifications were made:

Hackney Carriage Door Stickers: example hackney carriage door stickers were shown at the meeting. Driver representatives confirmed that they had concerns regarding the proposed sticker appearance, cost implications for drivers, and were unclear what benefit the stickers provided on top of the

other forms of identification already in use. There was concern that door stickers would need to be replaced regularly, particularly magnetic stickers which could easily fall off the car. There was also concern about the application of penalties where door stickers had fallen off without the driver's knowledge. There was also concern regarding potential damage to the vehicle when stickers needed to be replaced or removed.

In response to an alternative suggestion proposing interior side window stickers driver representatives confirmed that similar no smoking stickers were often removed by passengers and needed to be replaced regularly. This may also impact on drivers who also used the vehicle for personal use and may want to remove stickers easily to avoid causing confusion to the public when driving in a personal capacity only.

Regarding passenger feedback it was confirmed that generally customers were most concerned with the safety and comfort of a vehicle, and were much less concerned with other factors.

The Licensing Manager clarified that although there were other forms of identification on vehicles these were hard to see from the side of a vehicle and that the side view was where passengers would usually look at and then enter the vehicle. It would also make it easier for officers to check vehicles from the side. The design of door stickers could also be easily changed if Members supported having hackney carriage door stickers.

Tinted Windows: It was confirmed that many cars met the tinted window requirements, but it was more premium or larger vehicles used by drivers because they were considered practical, reliable and safe, that came with tinted windows which may not meet Policy requirements. Drivers also confirmed that licensed vehicles with tinted windows were common in other areas, such as London, where the proposed policy was not in place. Passengers never commented on a vehicle's tinted windows.

Vehicle Age: the cost of vehicle compliance testing varied according to the garage, but a standard 120 point check was carried out which included checking key items such as fire extinguishers and first aid equipment. Drivers often bought older but more premium cars which were more reliable and safe.

The Chairman thanked the taxi drivers and representatives for attending the meeting and for their comments. The Committee then discussed the proposed draft policy in light of the responses and representations received during the consultation and the submissions made at the meeting. During the discussion the following key points were made:

### **Tinted Windows:**

- A number of Members felt that window tinting that prevented people inside a vehicle from being seen was a safety risk to both passengers and drivers.
- There was concern regarding the cost impact on drivers, but it was also acknowledged that vehicles without tinted windows were available to purchase.
- A number of Members also felt that there was no evidence that tinted windows were a safety problem or had caused passengers to complain to the Council.

### **Hackney carriage Door Stickers:**

- During the discussion it was clarified that the proposed policy on hackney carriage door stickers reflected the current policy, however, hackney carriage door stickers had historically never actually been issued to hackney carriage vehicles, and in light of this no hackney carriage door sticker enforcement was currently taking place. If the policy was adopted stickers would then be issued and enforcement carried out in future.
- A number of Members agreed that hackney carriage door stickers would make it easier to identify a licensed vehicle.
- A number of other Members felt that hackney carriage door stickers were not required because other forms of identification on vehicles were sufficient and the cost burden on drivers and operators was unacceptable.
- It was highlighted that there had been no evidence put forward by the Police requesting hackney carriage door stickers on vehicles.
- Some Members questioned the design of the hackney carriage door stickers, including the reference to the Police.
- Further understanding was requested in relation to how hackney carriage door stickers may impact on the taxi business before this section of the proposed policy could be recommended for adoption by Full Council.
- It was suggested that any increase in cost for drivers as a result of this section of the policy could be factored into a request to increase taxi fares.
- There was a suggestion that an interior window sticker, with a QR code for example, could be explored as an alternative to an external sticker.
- It was also suggested that if hackney carriage door stickers were required that the Council works closely with drivers on the final style and format of the sticker with the aim of reaching an agreement.
- A full assessment of the range of different hackney carriage door sticker options was requested to be considered by the Committee before that section of the policy be recommended for adoption by Full Council.
- The Licensing Manager was asked to arrange a meeting with the trade to discuss possible options and to present these at a future Licensing

and Regulation Committee for consideration, following negotiation with the trade on a possible agreeable solution.

### **Vehicle Age:**

- That the overall condition of a vehicle, and not necessarily its age, was the most important factor.
- It was suggested that the general appearance of a vehicle, for example where wear and tear was becoming visible, was an element that should be assessed as part of the vehicle's regular assessment.
- That there should be no set vehicle age limit, subject to satisfactory testing arrangements, for example via the existing compliance testing arrangements that already successfully took into account a vehicles age.
- One Member highlighted that 39% of drivers would be affected by this proposed policy and there was no compelling evidence to do so as the current position was satisfactory. Drivers often had low incomes, and this proposed policy would potentially place further financial pressures on those drivers with older vehicles.

### **Other areas of the proposed Policy:**

- Regarding compliance checks, that information about any applicant's previous licence applications, including withdrawn applications, be declared on the application form so that this information was available when Members were considering appeals at Licensing Hearings.
- It was suggested that the CCTV policy be reviewed in light of the fact that there are so many different types of camera available.
- In response to comments regarding the sexual contact section of the draft policy it was advised that this had been included following a police request to all Councils.
- It was also clarified that DVLA accredited testers were used.
- One of the aims in the draft policy stated "to ensure that there was not a single risk to passenger safety". This was highlighted as a potentially unachievable aim which required further review.
- During the discussion Members recognised that supporting the hackney carriage and private hire trade as small traders was important, and as such it was suggested that the policy should reflect this by stating it clearly as one of its aims as well as public safety.

**RESOLVED:**

- 1) That the consultation responses and proposed amendments to the draft policy be noted.
- 2) That in light of the consultation responses and submissions made the Committee approved the draft policy (apart from hackney carriage door stickers) as amended in relation to:
  - a) vehicle age and tinted windows to reflect the Council's current policy.
  - b) an aim be added regarding supporting small businesses through enabling a level playing field.
  - c) the draft Policy and application forms be amended to include reference to the disclosure of all previous applications including withdrawn applications by applicants.
- 3) That there be further consultation with the Trade regarding the design of hackney carriage door stickers following which a further report be tabled at a future meeting, detailing all the options and assessment of those options relating to hackney carriage door stickers for consideration by Members with a view to recommending the draft Policy to Full Council for adoption.

**The meeting ended at 8.20 pm**



<b>SUBJECT:</b>	<b>Licensing Act 2003 Policy Review 2017</b>
<b>REPORT OF:</b>	Interim Director of Services – Anita Cacchioli
<b>RESPONSIBLE OFFICER</b>	Head of Healthy Communities – Martin Holt
<b>REPORT AUTHOR</b>	Nathan March, 01494 732249, nmarch@chiltern.gov.uk
<b>WARD/S AFFECTED</b>	All

## 1. Purpose of Report

- 1.1 To provide members with a draft copy of the revised draft Licensing Act 2003 Policy Statement for consideration and to seek approval to undertake a consultation exercise in connection with the proposed revised draft policy.

### RECOMMENDATION

#### It is recommended that:

- i) **The draft Licensing Policy Statement attached at Appendix 1 be approved for consultation for a period of 8 weeks, commencing in April 2017.**
- ii) **Members give particular consideration as to whether the current intention consulted on in relation to the existing Cumulative Impact Policies is for them to remain in place or to be withdrawn.**
- iii) **The results of the consultation exercise be reported back to the Licensing & Regulation Committee at its meeting of 6<sup>th</sup> July 2017 for further consideration.**
- iv) **Members note that it is intended to report to Council on 17<sup>th</sup> October 2017 recommending the adoption of the final draft Licensing Policy Statement with effect from 13<sup>th</sup> November 2017.**

## 2. Reasons for Recommendations

- 2.1 The recommendations follow the required process for the statutory review of the Licensing Policy Statement to enable the Council to ensure that this review is completed in a timely manner.

## 3. Background

- 3.1 Section 5 of the Licensing Act 2003, as amended (“the 2003 Act”) requires a Licensing Authority to prepare and publish a statement of its licensing Policy every five years. Such a policy must be published before the Licensing Authority carries out any function in respect of the 2003 Act. During the five year period, the policy must be kept under review and the licensing authority may make such revisions to it as it considers appropriate, for instance in the light of legislative changes and feedback from the local community on whether the statutory licensing objectives are being met.
- 3.2 The Council adopted its first Licensing Policy Statement in 2004. This policy was subsequently reviewed and adopted by Council on 13 December 2007, on 14<sup>th</sup> December 2010, and most recently on 13<sup>th</sup> November 2012. Therefore the Council must review and then publish its adopted Policy by 13<sup>th</sup> November 2017 in order to meet its statutory requirements.

3.3 The Guidance issued under section 182 of the 2003 Act states that before determining its policy for any five year period, the Licensing Authority must consult the persons listed in section 5(3) of the 2003 Act. These are:

- the Chief Officer of Police for the area;
- the Fire and Rescue authority for the area;
- each Primary Care Trust or Local Health Board for an area any part of which is in the licensing authority's area
- persons/bodies representative of local holders of premises licences;
- persons/bodies representative of local holders of club premises certificates;
- persons/bodies representative of local holders of personal licences; and
- persons/bodies representative of businesses and residents in its area.

In addition, Town and Parish Councils will also be consulted, and the draft policy will be publicised on the Council's website, and via the Council's social media accounts.

#### 4. **Discussion**

- 4.1 During the life of the current policy, it has proved satisfactory and has guided applicants, officers, and the Licensing Sub Committee in the consideration and determination of applications. There have been no challenges made to any parts of the policy during its validity.
- 4.2 The Licensing Section has produced a revised draft Licensing Policy for consideration which contains suggested amendments to the existing Licensing Policy shown in the version attached to this report marked "Appendix 1". It is intended that this draft Licensing Policy, subject to consultation, will replace the current adopted Licensing Policy when approved.
- 4.3 Most of the proposed changes are minor in nature and for clarification purposes. The most significant proposed change to the Policy for consideration are the Cumulative Impact Policies contained within it. More detail is provided in relation to these below, and in additional appendices.
- 4.4 Cumulative Impact Policies – Part 5 of the draft Licensing Policy.
- 4.4.1 The terminology of 'Cumulative impact policies' (CIPs) and 'Saturation Policies' has been interchangeable since the 2003 Act was enacted. However, the guidance currently only refers to these as CIPs, so any references to Saturation policies have been amended to avoid potential confusion.
- 4.4.2 The Section 182 Guidance provides detailed information on cumulative impact and CIPs in sections 13.20 to 13.43. This has been outlined below for Members' reference.
- 4.4.3 Where a cumulative impact policy applies to an area, applicants are expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy. CIPs should be reviewed regularly, and in the future due to a proposed change in legislation it is likely that they will need to be reviewed every 3 years as a minimum.
- 4.4.4 "Cumulative impact" means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. Cumulative impact policies (CIP) may relate to premises licensed to carry on any licensable activity, including the sale of alcohol for consumption on or off the premises, and the provision of late night refreshment.

- 4.4.5 The effect of adopting a CIP is to create a rebuttable presumption that applications for the grant or variation of premises licences or club premises certificates 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 negative cumulative impact on one or more of the licensing objectives. Applicants should give consideration to potential cumulative impact issues when setting out the steps they will take to promote the licensing objectives in their application.
- 4.4.6 The absence of a special policy does not prevent any responsible authority or other person making representations on an 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.
- 4.4.7 There are currently 2 areas within the Chiltern district that are covered by CIPs which were put in place on 15<sup>th</sup> January 2008 – Amersham Old Town and Chalfont St Peter, maps are provided showing these areas in Appendices 2 and 3. Representations have been sought from the Ward Councillors for these areas, Thames Valley Police, and Environmental Health together with Licensing Officer observations in order to establish whether these CIPs are still considered necessary, and whether any changes should be made to the areas covered.
- 4.4.8 There should be an evidential basis for the decision to include a special policy within the statement of licensing policy. Information which licensing authorities may be able to draw on to evidence the cumulative impact of licensed premises on the promotion of the licensing objectives includes:
- local crime and disorder statistics, including statistics on specific types of crime and crime hotspots; statistics on local anti-social behaviour offences;
  - health-related statistics such as alcohol-related emergency attendances and hospital admissions;
  - environmental health complaints, particularly in relation to litter and noise;
  - complaints recorded by the local authority, which may include complaints raised by local residents or residents' associations;
  - residents' questionnaires;
  - evidence from local councillors;
  - evidence obtained through local consultation.
  - trends in licence applications, particularly trends in applications by types of premises and terminal hours;
  - changes in terminal hours of premises;
  - premises' capacities at different times of night and the expected concentrations of drinkers who will be expected to be leaving premises at different times.
- 4.4.9 Details of the information and evidence received in relation to these areas is attached in Appendices 5 to 9. Members are asked to consider whether it is felt that these CIPs continue to be an effective tool for the management of potential impact of these areas, taking into consideration the changing nature of the locations, changes to legislation and alternative options available to tackle the sorts of complaints that are received by the Council.
- 4.4.10 Public Health at Bucks County Council is the Responsible Authority for advising with regards to health related data and was contacted with regards to the CIPs. In this case Public Health have advised that there are no standard analyses related to either alcohol related admissions or A+E attendances, which go down to such a small geographical area (it is usually just district council level).
- 4.4.11 Thames Valley Police and Environmental Health have not expressed a view as to whether they believe that the CIPs continue to be necessary. The data provided shows that there have been a relatively small number of formal complaints made in each area during the complaint periods referred to in Appendix 6. CIPs are one tool used to seek to protect residents from potential negative impact

associated by groups of licensed premises in localities, and there are alternative powers in relation to noise nuisance and antisocial behaviour available. Therefore, Members may consider that there are not sufficiently evidenced issues relating to the number of premises in either area to justify maintaining CIPs, which could be considered to be overly restrictive on the licensed premises in those areas generally.

- 4.4.12 Appendix 8 provides details of the current licences issued, as well as details of any variations and temporary extensions applied for through Temporary Event Notices. It shows that there have been a significant number of TENs applied for whilst the CIPs have been in place. This may mean that these have been used as an alternative to applying to vary licences, given the increased difficulty in doing so where CIPs are in place. It could be considered that making it more difficult for premises to apply for variations to extend their licensable activities leads to increased use of TENs, placing an unnecessary administrative burden on the licensees, and reducing the level of control for such extensions (generally TENs cannot have conditions attached to them in the same way as premises licences)
- 4.4.13 A map is provided in Appendix 4 showing the current CIP for Amersham Old Town, and highlighting in blue shading licensed premises which currently sit outside of this area for information.
- 4.5 It is proposed that the attached draft Licensing Policy be subject to an eight week consultation period, between April 2017 and June 2017, to enable people to submit comments on the draft policy. Comments received during the consultation process will then be reported back to the Licensing & Regulation Committee for consideration on 6<sup>th</sup> July 2017.
- 4.6 The draft policy must be recommended to and then approved by full Council prior to its coming into force by 13<sup>th</sup> November 2017 in order to meet the statutory 5 year deadline. It is proposed that the finalised draft policy be referred to full Council on 17<sup>th</sup> October 2017.
- 4.7 Designated Public Place Orders/Public Space Protection Orders

Designated Public Place Orders/Public Space Protection Orders are tools that can be used to reduce the impact of alcohol consumption in areas where antisocial behaviour has been a problem. In the past these have been referred to and listed as an appendix within the Licensing Policy. However as these are subject to change from time to time, and are managed by the Community Safety and Environmental Health teams, rather than by the Licensing Team, it is proposed that these are no longer listed as an appendix in the Policy, whilst ensuring information and a link is provided on the Licensing pages on the Council's website, as it is likely that individuals may still search this part of the website for such information.

## **5. Corporate Implications**

### **5.1 Legal and Financial.**

The 5 year review of the Statement of Licensing Policy is a statutory function and the costs in carrying out the review, including the consultation process, will be covered by the Licensing Act 2003 fees. There will be no income generated by the review of the existing Policy.

## 5.2 Equality Act 2010

An Equalities Impact Assessment (EIA), in accordance with the requirements of the Equality Act 2010, has been undertaken in connection with the review of the Licensing Policy Statement. The EIA undertaken, a copy of which can be viewed by contacting the Licensing Team, did not identify any adverse equality issues and as a result no further action or mitigation is considered appropriate.

**6. Links to Council Policy Objectives**

6.1 The publication of an effective Statement of Licensing policy links to all 3 of the Council's headline objectives:

1. Delivering cost- effective, customer- focused services
2. Working towards safe and healthier local communities
3. Striving to conserve the environment and promote sustainability.

**7. Next Steps**

The next steps will be as stated in the recommendations.

<b>Background Papers:</b>	None other than those referred to in the report
---------------------------	---



Classification: OFFICIAL - SENSITIVE

# CHILTERN District Council



**Healthy Communities**

**LICENSING ACT 2003**

**STATEMENT OF  
LICENSING POLICY  
2017**

Adopted [Full Council on xxxxx 2017](#)  
[with effect xxxxxx 2017](#)

Page 1 of 29  
Classification: OFFICIAL

Classification: OFFICIAL - SENSITIVE

**CONTENTS**

	Page
1. Introduction	3
2. Objectives and Principles	4
3. Strategic Links and other Regulatory Systems	7
4. Licensing Process	9
5. Special Policy Relating to Cumulative Impact	11
6. Licence Conditions	16
7. Complaints against licensed premises	22
8. Enforcement Policy	24
9. Delegation and Decision Making	25
10. Further Information	26
<del>Appendix 1— Maps showing Designated Saturation Policy Areas</del>	30
Appendix <del>12</del> —Maps showing -Cumulative Impact <del>Areas</del> <u>Policy area</u>	

Adopted [Full Council on xxxxx 2017](#)  
[with effect xxxxxx 2017](#)

Classification: OFFICIAL - SENSITIVE

## 1. Introduction

1.1 The [Licensing Act 2003 as amended \("the Act"\)](#) requires the [Council, in its role as the Licensing Authority](#), to prepare a Statement of Licensing Policy that states its position in relation to its duties under the [Licensing Act 2003](#).

1.2 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 in the presence of an audience. 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), dance performances and entertainment of similar descriptions [and some 'relevant entertainment' \(i.e. displays of nudity designed to sexually stimulate any member of the audience including, but not limited to, lap dancing and pole dancing\)](#)
- d) the provision of late night refreshment.

1.3 This policy shall apply to Premises Licences, Club Premises Certificates, Personal Licences and Temporary Event Notices in respect of new consents, renewals, transfers and variations.

1.4 The [Council](#) recognises the powers granted to it by the Act, and intends to use them, in consultation with responsible authorities, licence holders and with the general public, in a socially responsible way.

This policy will be taken into account by the [Council](#) if its discretion is engaged (i.e. at a hearing following [relevant](#) representations).

1.5 The aim of the policy is to secure the safety and amenity of residential and working communities whilst facilitating a sustainable entertainment and cultural industry [with effectively regulated local services where licensable activities take place](#). [The Council Chiltern DC??](#) in adopting this licensing policy recognises both the needs of residents for a safe and healthy environment in which to live and work and the importance of well run entertainment premises to the local economy and vibrancy of the District. To achieve this aim [The Council Chiltern DC??](#) is committed to partnership working with [the Police](#), fire service, local businesses, licensing trade, residents, Buckinghamshire [Drug and Alcohol Action Team \(DAAT\)](#) [Public Health](#) and others towards the promotion of the objectives as set out in this policy.

Adopted [Full Council on xxxxx 2017 with effect xxxxxx 2017](#)

Page 3 of 29  
Classification: OFFICIAL

**Comment [NM1]:** Added as feel that policy aim misses mention of off licence type provision

**Comment [NM2]:** DAAT now part of Public Health

Classification: OFFICIAL - SENSITIVE

1.6 In accordance with the statutory procedures, a review of this policy will take place every 5 years, to take into account information collated over a period of time, coupled with the outcomes of initiatives relating to alcohol and entertainment at central and local government level. The Policy may also be subject to minor amendments from time to time, for example, when there are changes to relevant legislation; when this is necessary, changes will be authorised by the Head of Healthy Communities, in consultation with the Chairman of the Licensing and Regulation Committee.

~~1.7 The licensing authority will establish a Licensing Forum for representatives of licensed premises, personal licence holders, residents, police and Town and Parish Councils to discuss and keep under review matters relating to licensing.~~

1.8 In preparing this ~~statement Policy The Council Chiltern DC~~ has consulted with and considered the views of a wide range of people and organisations including:

- a) Thames Valley Police;
- b) Buckinghamshire Fire and Rescue;
- c) Buckinghamshire Primary Care Trust
- d) Buckinghamshire Safeguarding Child Board
- e) Existing Premise Licence holders;
- f) Existing Club Premise Certificate holders;
- g) Existing Personal Licence holders;
- h) Representatives of businesses and residents in the Chiltern DC area; and
- i) Town and Parish Councils.

1.8 The consultation was also publicised on the website and via the Council's social media accounts.

1.9 In the preparation and publication of this policy Chiltern DC has had regard to the national guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.

1.10 Nothing in this policy document should be regarded or interpreted as an indication that any requirement of licensing or other law may be overridden. Any statement within the Policy will be relevant to all licensed premises (including Clubs) unless otherwise stated.

## 2. Objectives and Principles

Adopted Full Council on xxxxx 2017  
with effect xxxxxx 2017

Page 4 of 29  
Classification: OFFICIAL

Formatted: Indent: Left: 0 cm

Classification: OFFICIAL - SENSITIVE

2.1 The ~~Licensing~~ Act provides that Chiltern DC has a duty to carry out its functions with a view to promoting the prescribed licensing objectives:

- a) **The prevention of crime and disorder**
- b) **Public safety**
- c) **Prevention of public nuisance**
- d) **Protection of children from harm**

Each objective is of equal importance.

2.2 Recognition is given to the variety of activities for which licences may be sought and this document specifies licensing policies in respect of those regulated entertainments, premises from which alcohol may be served, late night hot food outlets and others with proper regard to the following:

- a) Location of and environmental impact of the proposed activity;
- b) Suitability of applicants (**for appropriate licences**);
- c) Suitability of premises subject to the application;
- d) Operation and management functions;
- e) Consultation processes;
- f) Monitoring, review and enforcement.

2.3 Whilst these factors will be under consideration it should be stressed that the following fundamental principles will also be observed: -

- a) the right of any individual or body to apply for a variety of permissions is not undermined and that each application will be determined on its merits;
- b) the statutory right of any person to make appropriate representations or to seek a review in respect of any application;
- c) that the statutory function of licensing is primarily concerned with the regulation of persons, premises and temporary events within the legislation and that any terms and conditions will focus on:
  - i) matters within the control of individual licence holders and others who are granted any relevant permissions;
  - ii) the premises and places being used for licensable activities;
  - iii) the direct impact of the activities taking place at the relevant premises on the public living, working or engaged in normal activity in the area concerned;

2.4 All residents have equal rights to make representations concerning applications for premises licences and to receive appropriate consideration to their representations. However, unreasonable, frivolous and vexatious representations will be disregarded. Each representation will be considered on its own merits. In determining such matters, the

Adopted [Full Council on xxxxx 2017](#)  
with effect xxxxxx 2017

Classification: OFFICIAL - SENSITIVE

~~licensing authority~~Council will have regard to Act, the statutory Government Guidance, this policy and the licensing objectives.

- 2.5 Government Guidance is that licensing policies are not used as a mechanism for the general control of anti-social behaviour by individuals once they are beyond the immediate vicinity of the individual club, business or licensed premises holding the relevant licence, certificate or permission.

### Commercial Demand

7. The commercial demand for additional premises licences [as distinct from cumulative impact] will not be a matter for the ~~licensing authority~~Council.

### Zoning and Licensing Hours

8. Individual applications will be considered on their own merits and in general terms a flexible approach will be adopted and arbitrary restrictions will be avoided. Fixed predetermined closing times for particular areas will not form part of the policy and restriction on trading hours will be considered only where appropriate to meet the licensing objectives.
- 2.9 Shops, stores and supermarkets will generally be permitted to sell alcohol for consumption off the premises during the normal hours they intend to open for shopping purposes. However, in the case of individual shops which are known to be a focus of disorder and disturbance then, subject to representations from the police, other responsible authorities and other persons, a limitation on licensing hours may be appropriate and imposed.
- 2.10 In general, the Council will deal with the issue of licensing hours on the individual merits of each application. However, when issuing a licence, stricter conditions are likely to be imposed with regard to noise control in the case of premises which are situated in largely residential areas, ~~including premises which are licensed for on-sales and~~ the supply of Alcohol both on and off the premises, and/or regulated entertainment.

### Children

- 2.11 Nothing in this statement of policy shall limit or require access to premises by children unless there is an overriding requirement of necessity to prevent physical, moral or psychological harm to children. Areas that will give rise to particular concern are highlighted elsewhere in this policy.

Adopted [Full Council on xxxxx 2017 with effect xxxxxx 2017](#)

Page 6 of 29  
Classification: OFFICIAL

Classification: OFFICIAL - SENSITIVE

- 2.12 The ~~licensing authority~~Council considers that the Buckinghamshire Children's Safeguarding Board is a competent body to advise on matters of child protection, and in urgent cases, the Service Director of Child & Family Service at Buckinghamshire County Council is competent to give advice.

### Conditions

- 2.13 The policy does not provide for any 'standard conditions' to be imposed to avoid the imposition of disproportionate and burdensome requirements. Conditions attached to licences if required in particular circumstances will be tailored to reflect the individual style and characteristics of the activities concerned. It should be noted that 'pools of conditions' from which appropriate and proportionate conditions may be drawn in particular circumstances are provided for in this policy statement. This may include those contained within the [Secretary of State's National Guidance](#) and the District Surveyors Association Model National Standard Conditions.
- 2.14 Where relevant representations have been made and it has been satisfied at a hearing of the necessity to impose conditions, such conditions will only be imposed such as are appropriate and proportionate to promote the licensing objectives. Conditions will not be imposed which are beyond the responsibility or control of the licence holder.
- 2.15 Where no representations have been made, the licence or certificate will be granted subject only to conditions that are consistent with the operating schedule or club operating schedule and any mandatory conditions prescribed in the Act.

### Community Premises

- 2.16 Recent changes in legislation now permit community premises to be able to sell alcohol without the need for a Designated Premises Supervisor holding a personal licence and can instead specify that the committee will be responsible for alcohol sales. In such circumstances the Authority would expect to be provided with a name or names and contact number(s) for those individuals who could be contacted in case of emergency or general queries relating to the licence.

## 3. Strategic Links and other Regulatory Systems

### Strategic influences

Adopted [Full Council on xxxxx 2017](#)  
[with effect xxxxxx 2017](#)

Page 7 of 29  
Classification: OFFICIAL

Classification: OFFICIAL - SENSITIVE

1. There is a range of national and local strategic influences and statutory controls which affect the licensing system in terms of policy formulation, administration and enforcement activities. In this respect, the ~~licensing authority~~Council has and will continue to take account of its obligations and powers under other legislation, including in particular, the Crime and Disorder Act 1998, the Human Rights Act 1998, the Disability Discrimination Act 1996, the Anti Social Behaviour Act 2003 and ~~Race Relations Act 1976 and 2000~~ the Equality Act 2010.
2. It has also taken account of Government and national strategies including:
  - The Modern Crime Prevention Strategy; Home Office 2016
  - The Immigration Act 2016
  - Alcohol Harm Reduction Strategy for England (Prime Minister's Strategy Unit;
  - Safe. Sensible. Social. The Next Steps in the National Alcohol Strategy;
  - Home Office Safer Clubbing Guide;
  - Action Plan for Tackling Alcohol Related Crime, Disorder and Nuisance;
  - Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks.
3. The ~~licensing authority~~Council has also taken account of relevant local strategies relating to crime reduction, community development and tourism including:
  - Chiltern Community Plan;
  - Chiltern Community Safety Strategy;
  - Community Development Revitalisation Action Plan;
  - Enforcement policies of Chiltern District Council and Thames Valley Police;
  - 'Calling Time on the Harms Caused by Alcohol in Buckinghamshire' (DAAT, 2007)
4. The ~~licensing authority~~Council recognises that licensed premises in the District are a major contributor to the District. They attract tourists and visitors, make for vibrant towns and communities and are major employers. Therefore, proper account will be taken of the need to encourage and promote a broad range of entertainment, particularly live music and entertainment, for the wider cultural benefit of communities within the context of residential amenity. To this end, the ~~licensing authority~~Council would encourage applications for premises licences from owners of public land in order to encourage circus and street arts into the area.
- ~~5. Arrangements will be made for the licensing committee to receive reports on the needs of the local tourist economy and the cultural strategy for the~~

Adopted Full Council on xxxxx 2017  
with effect xxxxxx 2017

Page 8 of 29  
Classification: OFFICIAL

Classification: OFFICIAL - SENSITIVE

~~area as appropriate and the employment situation and the need for new investment and employment.~~

### Other Regulatory Systems

- 3.65 It is appreciated that there may be an overlap between the licensing regime and other statutory regulatory systems. To avoid such duplication, conditions will not be attached to licences if they are already adequately covered by other legislation. However, such regulations do not always cover the unique circumstances that arise in connection with licensable activities and so in these circumstances, tailored conditions may be appropriate.
- 3.76 The planning, building control and licensing regimes will be separated to avoid duplication and licence applications will not cut across decisions made under the other regimes. However, in circumstances where any restriction has been placed on the use of premises (through the imposition of planning conditions) prior to an application being made for a licence, certificate or provisional statement, consideration will be given to the extent to which the application meets the overall licensing objectives and the policies contained within this statement. The granting of a licence, certificate or provisional statement will not override any requirement of the planning system. The licensing system will provide the detailed control of operational matters, which are unlikely to be addressed through planning processes however there will be overlapping issues of interest i.e. disturbance, which will remain material considerations for planning purposes.

## 4. The Licensing Process

### General

1. The powers of the ~~licensing authority~~Council under the Act may be carried out by the Licensing and Regulation 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.
2. Applications where there are relevant representations will be dealt with by ~~the a-Licensing Sub-Committee~~ of the ~~licensing authority~~Council, as will any application for review of a licence. ~~Relevant representations will normally only be accepted when a name and address are provided as a minimum. A copy of the relevant representations will be passed to the Applicant as required by the Licensing Act 2003 (Hearings) Regulations~~

Adopted Full Council on xxxxx 2017  
with effect xxxxxx 2017

Classification: OFFICIAL - SENSITIVE

2005 as amended and in order for there to be an opportunity to resolve and/or address concerns without the need for a hearing if possible.

4.3 Persons wishing to submit relevant representations to the Council should notify the Council prior to submitting a relevant representation if they do not want their personal details to be passed to the applicant, so that the Council can consider whether there are circumstances to justify withholding some or all of the persons personal details from the Applicant giving only minimal details in line with the Statutory Guidance. Alternatively other approaches could be considered regarding submitting representations including contacting the relevant responsible authority or the Parish/Town Council who could then make representations if appropriate and justified.

4.34 The ~~licensing authority~~Council acknowledges the advice ~~previously~~ received from Department of Culture, Media and Sport (DCMS) that the views of vocal minorities should not be allowed to predominate over the general interests of the community. However, each case will be considered on its own merits.

#### **Applications for Premises Licences and Club Premises Certificates**

4.45 Premises Licences and Club Premises Certificates will be determined in the same way. Club Premises operators may apply for a full Premises Licence, which (if granted) will allow them greater freedom in relation to the use of the ~~p~~Premises. ~~New legislation has recently been passed which allows for a new 'M~~minor variation' applications ~~which~~ can be used to make changes to licences which are unlikely to have any effect on the licensing objectives. Officers will consult with relevant responsible authorities where there is any doubt of possible impact on the licensing objectives. There is no right to a hearing with such applications although any comments made by other persons or responsible authorities must be taken into account before any decision is made.

4.56 The ~~licensing authority~~Council 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, their operational procedures, the nature of the location and the needs of the local community.

4.67 Applicants should make themselves aware of the ~~licensing authority~~Council's Statement of Licensing Policy and the advice provided for applicants when preparing their operating schedules.

4.78 When attaching conditions the ~~licensing authority~~Council will also be aware of the financial implications and the need to avoid measures which

Adopted Full Council on xxxxx 2017  
with effect xxxxxx 2017

Classification: OFFICIAL - SENSITIVE

might deter entertainment by imposing indirect costs of a substantial nature.

4.89 Prospective holders of new premises licences, and those seeking variations to existing premises licences, are advised to consult with the ~~licensing authority~~Council's licensing officers, the various responsible authorities and where appropriate local residents or their representatives at the earliest possible planning stage in order to reduce the risk of confusion and dispute arising. The ~~licensing authority~~Council will endeavour to work in full co-operation with licence holders and applicants to minimise the number of disputes that may ~~otherwise arise~~. The Council may consider charging for pre application advice, where this is the case this will be advised on the first occasion of contact.

**Temporary Events**

4.910 The Licensing Act 2003 provides for certain occasions when small scale events (for no more than 499 people at a time and lasting for no more than 168 hours) do not need a licence providing that advance notice is given to the police, ~~and local authority exercising environmental health functions~~ and the ~~licensing authority~~Council. The police or local authority exercising environmental health functions may intervene to prevent such an event taking place or agree a modification of the proposed arrangements, and their intervention may in some cases result in the ~~licensing authority~~Council imposing conditions on a temporary event notice. When giving a temporary event notice, consideration shall be given to the four licensing objectives. The ~~licensing authority~~Council only otherwise intervenes if the statutory permitted limits on temporary event notices would be exceeded.

4.11 The ~~licensing authority~~Council ~~recommends~~suggests, where possible and practical, that at least three calendar months' notice be given to hold these events, to allow it to help organisers plan their events safely. This is particularly important when considering more complex entertainment events. ~~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. It is recognised however, that a high proportion of TENS will be less involved, in which case ~~a maximum at one~~at least one calendar month notice is ~~recommended~~suggested. The statutory minimum notification period is ten working days for a 'standard' TEN, and no less than 5 working days for a 'late' TEN.

~~4.10~~  
4.124 The ~~licensing authority~~CouncilCouncil 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

Adopted [Full Council on xxxxx 2017 with effect xxxxxx 2017](#)

Formatted: Font: 12 pt

Formatted: Font: 12 pt

Formatted: Font: 12 pt

Formatted: Font: 12 pt

Formatted: Indent: Left: 0 cm, Hanging: 1.25 cm, No bullets or numbering, Tab stops: 0 cm, List tab

Formatted: Indent: Left: 1.25 cm, No bullets or numbering

Classification: OFFICIAL - SENSITIVE

public events in the District, whether or not a premises licence or a temporary event notice is needed.

- 4.1~~32~~ Organisers of temporary events are strongly advised to contact the ~~licensing authority~~Council's ~~L~~icensing ~~officer~~Team 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.
- 4.1~~43~~ Local publicity will also remind notice givers of relevant offences under licensing law including the laws governing sales of alcohol to minors or to any person who is drunk, and of the police powers to close down events with no notice on grounds of disorder, the likelihood of disorder or ~~the~~ because of public nuisance, including noise emanating from the premises.
- 4.1~~54~~ The ~~licensing authority~~Council's ~~Council's~~ licensing ~~enforcement~~officers ~~and~~ ~~Environmental Health officers~~ may visit events held under the terms of a temporary event notice on the basis of potential risk or impact.

#### No Smoking Legislation

- 4.1~~65~~ In July 2007, the government introduced new legislation under the Health Act 2006 to prohibit smoking in virtually all enclosed public places and work places. This includes both permanent and temporary structures such as tents and marquees. Smoking rooms in public places and workplaces are no longer permitted.
- ~~4.16 As a result of the new legislation many licensed premises have created specific smoking areas for customers and where necessary controls may be required to limit the hours that such areas are used to prevent nuisance to neighbouring residents.~~
- 4.17 ~~With~~For some venues this ~~has not been possible and~~ has resulted in people smoking in the streets. The Authority works closely with the licence holders of such premises in conjunction with Thames Valley Police to ensure that nuisance and/or disorder are not caused by customers congregating in outside areas.

#### Films

- 4.18 No film shall be exhibited at licensed premises which is likely to lead to disorder and/or stir up hatred or incite violence towards any section of the public on grounds of colour, race or ethnic or national origin, disability, religious beliefs, sexual orientation or gender.

Adopted [Full Council on xxxxx 2017](#)  
[with effect xxxxxx 2017](#)

Page 12 of 29  
Classification: OFFICIAL

Classification: OFFICIAL - SENSITIVE

- 4.19 If a licence holder is notified by the Authority that a particular film in the opinion of the Authority falls into that category and may not be shown, its decision shall be final in that respect.
- 4.20 The Council accepts that the British Board of Film Classification (BBFC) is best qualified to make age limitation decisions and will not seek to change or substitute its own age limitations in place of the Board's classification.
- 4.21 Where a request is made to screen a film which has not been classified by the BBFC, the ~~Authority Council~~ will classify the film having followed the relevant guidelines provided by the BBFC and in accordance with its adopted Film Classification Policy.

#### **Gambling in Licensed Premises**

- 4.22 The Gambling Act 2005 was implemented in 2007 and a separate policy has been created and approved by this Council which provides details on the Act and the manner in which the Authority will deal with applications made under the Act. The Authority will have due regard to this policy, where relevant, when considering applications under the Licensing Act 2003.

#### **Sexual Entertainment Venues**

- 4.23 In November 2009, the Police and Crime Act 2009 was implemented, which amended Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 to incorporate sexual entertainment venues. Under the amended Act, premises offering lap dancing or any live performance or display of nudity on more than eleven occasions within a twelve month period will be required to obtain a sex establishment licence. ~~Some exemptions also exist within the legislation.~~
- 4.24 Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Police and Crime Act 2009 was adopted on 9th September 2010 requiring the licensing of Sexual Entertainment Venues.
- 4.25 Currently there are no such establishments within the Chiltern District area.

#### **Applications for personal licences**

- 4.26 All applicants for the grant of a personal licence ~~are will be~~ required to undertake a basic disclosure current criminal record check. Where a criminal record check discloses an unspent relevant conviction (see schedule 4 of the Act) and the Police object to the application on crime prevention grounds, the Licensing Sub Committee will normally refuse

Adopted Full Council on xxxxx 2017 with effect xxxxxx 2017

Classification: OFFICIAL - SENSITIVE

such an application unless there are exceptional and compelling circumstances to justify the granting of a licence.

## 5. Special Policy Relating to Cumulative Impact

1. It is clear that the vicinity within which licensed premises are or may be located is a major consideration in determining whether a licence should be granted and what conditions should be attached to it. Primarily consideration will be given to the direct impact of the licensed activity on members of the public living, working or engaged in normal activity in the vicinity of the premises. Although this is not explicitly defined in the Act or Guidance, the 'vicinity' will be determined as a matter of fact in each circumstance. However, it will need to be demonstrated that there is a causal connection between any disorder and the licensed premises themselves.
2. Licensing law is not a mechanism for the general control of the anti-social behaviour of patrons once they have left licensed premises. Other mechanisms for dealing with such behaviour exist and are outlined in Section 8 of this policy. However in some areas concentrated "pockets" of licensed premises can exist which lead to serious problems of nuisance and disorder arising in the area itself and even some distance away from the premises. In such circumstances the impact of those premises when taken as a whole can be far greater than that arising from individual premises and it may not be possible to distinguish individual premises as being the sole cause, or even a major contributing factor, of a particular problem. It is the **cumulative impact** of all of the premises, which causes problems for a wider area. This should not be confused with the issue of "need" which relates to commercial demand for licensed premises. "Need" is not a matter to be taken into account when determining licensing applications.
3. In some circumstances the area concerned may become saturated with licensed premises making it a focal point for large groups of people to congregate and eventually leave. This might create exceptional problems of disorder, noise and other nuisance and in such circumstances the grant of further premises licences or club premises certificates may undermine the Licensing objectives.
4. Notwithstanding these concerns each application has to be considered on its own individual merits. Where an objector is seeking to establish that the grant of a premises licence would result in a cumulative impact which undermines one or more of the licensing objectives the following shall apply:

Adopted [Full Council on xxxxx 2017](#)  
with effect xxxxxx 2017

Page 14 of 29  
Classification: OFFICIAL

Classification: OFFICIAL - SENSITIVE

### **Representations ~~on the~~ Grounds ~~of~~ Cumulative Impact**

5.5 In cases where objectors seek to establish that an application should be refused on the grounds that it would result in or further contribute to a cumulative impact which would undermine one or more of the licensing objectives the objector shall:

- a) Identify the boundaries of the area from which it is alleged problems are arising;
- b) Provide full details and evidence as to the seriousness and frequency of the nuisance and disorder caused in the area;
- c) Identify the licensing objective(s) which it is alleged will be undermined with specific regard to:
  - i) The occupancy figure (maximum capacity) for the proposed premises;
  - ii) The nature of the licensed activity to be carried on at the premises and its patrons.

5.6 The ~~licensing authority~~Council is keen to stress however, that as well as the licensing function there are a number of other mechanisms for addressing issues of cumulative impact. These include:–

- a) planning controls;
- b) ongoing measures to provide a safer and cleaner environment in partnership with local businesses and others;
- c) powers to designate parts of the District as places where alcohol may not be consumed publicly;
- d) confiscation of alcohol from adults and others in designated areas (where adopted);
- e) police enforcement of the law with regard to disorder and anti-social behaviour;
- f) police powers to close some premises for up to 24 hours in extreme cases of disorder or excessive noise;
- g) the power of police and other representative bodies, local businesses or residents to demand a review of the licence;
- h) enforcement action against those selling alcohol to people who are already drunk;
- i) Enforcement by Trading Standards Officers of underage sales.

The ~~licensing authority~~Council will address a number of these issues through the Council's Community Safety Partnership in line with the strategic objectives for crime and disorder reduction within the District.

### **Adoption of a ~~Special Saturation~~Cumulative Impact Policy**

Adopted [Full Council on xxxxx 2017](#)  
[with effect xxxxxx 2017](#)

Page 15 of 29  
Classification: OFFICIAL

Classification: OFFICIAL - SENSITIVE

7. Where as a result of a representation under paragraph 5.5 above the ~~licensing authority~~Council is satisfied that there is clear evidence substantiating a serious or chronic concern about nuisance and disorder in a particular area, the ~~licensing authority~~Council may consider the adoption of a ~~special saturation~~Cumulative Impact Policy (CIP) detailing the approach to future applications from that area. In doing so the ~~licensing authority~~Council shall:
- Identify a concern about crime and disorder or public nuisance;
  - Consider whether crime and disorder and nuisance are arising or likely to arise, from and are caused by the customers of licensed premises and if so, identifying the area from which problems are arising and the boundaries of that area;
  - Consult with those specified by section 5(3) of the Act.
  - Subject to that consultation, include a ~~special saturation policy~~CIP relating to the area defined in that policy about future premises licence or club premises certificate applications within the terms of this Policy;
  - Publish the ~~special policy~~CIP as part of the Policy as required by the Act.
  - Review the need for the ~~special saturation policy~~CIP when this policy is reviewed, and also midway through its period of effect regularly
8. The effect of adopting a ~~special saturation policy~~CIP of this kind is to create a rebuttable presumption if relevant representations to that effect are received, that applications for new premises licences or club premises certificates or material variations that are likely to add to the existing cumulative impact will normally be refused, unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact already being experienced.
9. Applicants would need to address the ~~special saturation policy~~CIP issues in their Operating Schedules in order to rebut such a presumption. Any ~~special saturation policy~~CIP will stress that the presumption does not relieve responsible authorities or other persons of the need to make a relevant representation before the local authority may lawfully consider giving effect to its special policy.
- 5.10 The absence of a ~~special saturation policy~~CIP does not prevent any responsible authority or other persons making evidence based relevant 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.

### **Special SaturationCumulative Impact Policy**

Adopted [Full Council on xxxxx 2017](#)  
with effect xxxxxx 2017

Page 16 of 29  
Classification: OFFICIAL

Classification: OFFICIAL - SENSITIVE

5.11 ~~Chiltern District~~The Council has adopted a ~~special saturation~~Cumulative Impact Policy in respect of ~~the village centre of Chalfont St Peter and High Street~~, Old Amersham, delineated on the ~~maps map~~ appended to this policy. This was introduced following evidence brought by residents of the described area [Environmental Health](#) and Thames Valley Police on the grounds of crime and disorder and public nuisance.

**Comment [NM3]:** Considered that Chalfont St Peter no longer necessary

5.12 The effect of this ~~special policy~~CIP is to create a rebuttable presumption that applications for the grant or variation of premises licences or club premises certificates that are likely to add to the existing cumulative impact will normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

5.13 However this policy does not relieve responsible authorities or other persons of the need to make a relevant representation relating to cumulative impact before the ~~licensing authority~~Council will consider giving effect to the policy. If there are no relevant representations, the ~~licensing authority~~Council will grant the application in terms that are consistent with the operating schedule submitted.

5.14 This policy does not impose quotas that restrict the consideration of any application on its own merits within the area. The exercise of the policy is not absolute. There may be applications for licences and certificates that, because of their nature, will not add to the cumulative impact on the licensing objectives. After receiving representations, the ~~licensing authority~~Council will consider whether it is justified in departing from the ~~special policy~~CIP in light of the individual circumstances of the application. If the application is refused, the ~~licensing authority~~Council will need to demonstrate that the grant of the licence would undermine the licensing objectives and that appropriate conditions would be ineffective in preventing the problems involved.

5.15 It is recognised that there are other mechanisms available to address issues within a ~~cumulative impact area~~CIP.

5.16 This policy applies to all existing licensed premises and club premises and applications for such premises licences and club premises certificates whose curtilage falls within the delineated area and all areas within the control of the licence or certificate holder as set out in Appendix 1.

~~5.17 At the time that this policy was being refreshed/reviewed, Cumulative Impact Policies ("CIPs") were not included within the Licensing Act 2003, but were contained within the Statutory Section 182 Statutory Guidance. It is likely that these will become part of the primary legislation soon as this is proposed in the Policing and Crime Bill, which is currently passing~~

Adopted [Full Council on xxxxx 2017](#)  
with effect xxxxxx 2017

Classification: OFFICIAL - SENSITIVE

through Parliament. The predicted implication for this is that CIPs will need to be reviewed at least every 3 years. Therefore, it is the intention of the Council to review any CIPs as part of the 5 year statutory review of this policy, and midway through this that 5 year period, in order to meet the new legislative requirements if these are introduced. This section—The policy will be updated at an appropriate time to reflect changes in to the legislation coming into force.

## 6. Licence Conditions

### Prevention of crime and disorder

1. The ~~licensing authority~~Council's starting point is in terms of seeking a reduction in crime and disorder throughout the District consistent with its statutory duty under Section 17 of the Crime and Disorder Act 1998.
2. The ~~licensing authority~~Council will continue to play an active part in the Pubwatch scheme.
3. When preparing their operating schedules, applicants may wish to consider the following examples as they relate to the licensing objectives having regard to their particular type of premises or activities:
  - a) the ability of the person in charge of the premises at the time to monitor the premises at all times it is open;
  - b) the training given to staff in crime reduction measures appropriate to those premises;
  - c) physical security features installed in the premises such as CCTV; where a licensed premises is required to have CCTV as a condition of the licence then, unless there are good reasons provided otherwise, the premises must be equipped to a standard and in a manner in accordance with established Thames Valley Police guidance;
  - d) measures taken to prevent bottles and glasses being used as weapons;
  - e) any other such measures as may be appropriate, such as participation in a local Pubwatch or Shopwatch scheme, 'music wind—down policies';
  - f) adherence to the Portman Group code of Practice;
  - g) the measures employed to prevent the consumption or supply of illegal drugs, including any search procedures and entry policies;
  - h) where premises are subject to age-restrictions, the procedures in place to conduct age verification checks;
  - i) the likelihood of any violence, public order or policing problem if the licence is granted;

Adopted [Full Council on xxxxx 2017 with effect xxxxxx 2017](#)

Page 18 of 29  
Classification: OFFICIAL

Classification: OFFICIAL - SENSITIVE

- j) representations from authorised persons, other persons and responsible authorities.

~~Although this is an extensive list of examples, a~~ Applicants ~~should~~ only need to consider those measures they feel are appropriate to their premises and locality. Conditions will only be attached to a licence which are consistent with their operating schedule unless representations are received and additional conditions are considered appropriate.

Premises used for clubbing

4. The ~~licensing authority~~ Council recognises that the issue of drug use ~~by young people~~ is not something that is applicable to all licensed premises and each case will be considered on its own merits. However, in some situations it may be appropriate to attach conditions to discourage the sale and consumption of drugs and to create a safer environment for those who may have taken them. If relevant representations are made in this respect and are upheld at a hearing, the conditions to be imposed 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 local ~~Drugs Action Team~~ Public Health Authority and the Police.

Door Supervisors

5. Whenever any persons are employed at licensed premises to carry out any security activity, all such persons must be licensed with the Security Industry Authority. Where the Police make representations, the ~~licensing authority~~ Council may consider that certain premises require particularly strict supervision for the purpose of promoting the reduction of crime and disorder. In such cases, the ~~licensing authority~~ Council may impose a condition that licensed door supervisors must be employed at the premises either at all times or at such times as certain licensable activities are being carried out.

Public Space Protection Orders and Designated Public Places Orders

6. ~~Prior to the introduction of Public Space Protection Orders, a~~ number of Designated Public Places Orders ("DPPO") ~~were~~ introduced following requests from Thames Valley Police who expressed concern over alcohol induced disorder in certain areas (~~see Appendix 2~~) ~~The~~ DPPOs give power to police constables to request individuals to cease drinking or confiscate any alcohol where it is considered that the person is acting anti-socially as a result of alcohol consumption. All licensed premises are exempt and ~~DPPOs the o~~ Order does do not affect people who are drinking socially and not causing any disturbance.

Adopted Full Council on xxxxx 2017  
with effect xxxxxx 2017

Page 19 of 29  
Classification: OFFICIAL

Classification: OFFICIAL - SENSITIVE

7. Public Space Protection Orders (PSPOs) were brought in under the Anti-social Behaviour, Crime and Policing Act 2014, Where a DPPO is currently in place, this will need to be replaced with a PSPO if appropriate and supported by evidence, following consultation with the public, local businesses and authorities.

### Public Safety

#### Occupancy limits

8. With the introduction of the Fire Safety (Regulatory Reform) Order 2004, it is recognised that existing prescriptive controls such as Fire Certificates have been replaced with the duty to produce risk assessments. In accordance with the Secretary of State's guidance, the ~~licensing authority~~Council will avoid duplicating existing controls.
9. Where a relevant representation is received in respect of capacity, the ~~licensing authority~~Council may impose conditions in relation to the maximum number of persons to attend premises where:
- It considers it to be appropriate for the purpose of reducing crime and disorder;
  - It considers it to be appropriate for the purpose of safety of occupants.

The issue of capacity will be decided on a case by case basis and will only be applied where there is a clear and justifiable need to do so based upon the nature and style of the premises and the licensing objectives.

- 6.10 The purpose of imposing a maximum number of persons to be in the premises at any one time is to ensure the safety of those persons at the premises. Where relevant representations have been made, the ~~licensing authority~~Council will set occupancy limits in consultation with the responsible authority.

#### Health and Safety

- 6.11 Every applicant granted a licence, certificate or permission would also be under a duty to comply with the Health and Safety at Work etc. Act 1974 and regulations made under it. In many cases, the ~~licensing authority~~Council will also be the enforcing authority responsible for ensuring compliance with the Health and Safety at Work Act in licensed premises.

### The prevention of nuisance

Adopted [Full Council on xxxxx 2017 with effect xxxxxx 2017](#)

Page 20 of 29  
Classification: OFFICIAL

| Classification: OFFICIAL - SENSITIVE

- | 6.10 The ~~licensing authority~~Council will protect the amenity of residents and businesses in the vicinity of licensed premises, and for these purposes 'vicinity' is taken to mean the immediate area around licensed premises.
- | 6.11 The ~~Licensing Authority~~Council will interpret 'public nuisance' in its widest sense, and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.
- | 6.12 At the same time the ~~licensing authority~~Council is aware of the importance of the licensed trade to the revitalisation of the local area. Accordingly, it will try and work together with other persons, statutory agencies and licensed businesses to ensure a mutual co-existence.
- 6.13 Where the considerations apply to late-night refreshment premises, they shall only be taken to apply to their operation between the hours of 11 p.m. and 5 am for which a premises licence would be required.
- 6.14 When preparing their operating schedules, applicants may wish to consider the following examples as they relate to the licensing objectives having regard to their particular type of premises or activities:
- a) the steps 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. Please note that where relevant representations have been made, a condition may be imposed requiring the assessment by the applicant, of potential noise sources which could cause disturbance to those in the vicinity and the identification and installation of appropriate control measures;
  - b) the steps to prevent disturbance by customers arriving at or leaving the premises. This will be of greater importance between 11 p.m. and 7 am than at other times of the day;
  - c) the steps to prevent queuing (either by pedestrian or vehicular traffic). If some queuing is inevitable then queues could be diverted away from neighbouring premises or be otherwise managed to prevent disturbance or obstruction;
  - d) the steps to ensure staff and patrons leave the premises quietly;

Adopted [Full Council on xxxxx 2017  
with effect xxxxxx 2017](#)

Page 21 of 29  
Classification: OFFICIAL

Classification: OFFICIAL - SENSITIVE

- e) the arrangements for parking by patrons, and the effect of parking by patrons on local residents;
- f) whether licensed taxis or private hire vehicles are likely to disturb local residents;
- g) 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, places of worship, residential dwellings;
- h) the use of gardens and other open-air areas;
- i) delivery and collection areas and times at the premises;
- j) the siting of external lighting, including security lighting that is installed inappropriately;
- k) steps to minimise the impact of increased refuse storage or disposal problems, or additional litter (including fly posters and illegal placards) in the vicinity of the premises;
- l) any previous nuisance complaints or representations against the premises;
- m) steps taken to reduce litter (e.g. bottles, cans) in the immediate vicinity of the premises.

6.15 ~~Although this is an extensive list of examples, a~~ applicants ~~should~~ only need to consider those measures they feel are appropriate to their premises and locality. Conditions will only be attached to a licence which are consistent with their operating schedule unless representations are received and additional conditions are considered appropriate.

#### **Protection of children from harm**

6.16 The ~~licensing authority~~Council 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, cafes, takeaways, fast-food outlets, community halls, schools and colleges.

6.17 The ~~Licensing Act 2003~~ does not prevent children having free access to premises selling alcohol for consumption on those premises (including those listed above) although the ~~licensing authority~~Council will impose conditions restricting the access of children to premises where it is

Adopted [Full Council on xxxxx 2017 with effect xxxxxx 2017](#)

Classification: OFFICIAL - SENSITIVE

considered appropriate for the prevention of physical, moral or psychological harm to children and representations have been received to this effect. 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.

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

- a) Where there have been convictions or other relevant actions taken against staff for serving alcohol to minors;
- b) Where there is an evidenced reputation for underage drinking;
- c) Where there is a known association for drug taking or dealing;
- d) Where there is a strong element of gambling on the premises but not the simple presence of a small number of AWP machines;
- e) Where entertainment or services of an adult or sexual nature are provided.

6.18 In exceptional circumstances, where appropriate, and only where the licensing authority Council has received relevant representations, it may impose conditions restricting access or excluding children from premises or part of licensed premises. The options available would include:

- a) Limitations on the hours when children may be present;
- b) Age limitations for persons under 18;
- c) Limitations on the exclusion of children under certain ages 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 to which children might be given access;
- f) A requirement for an accompanying adult to be present.

6.19 The licensing authority Council will not impose any conditions that specifically require the admission of children to premises.

6.20 Where no conditions or restrictions are imposed, the issue of access for children still remains a matter of discretion for individual holders of premises licences, club premises certificates or Temporary Event Notice.

6.21 The licensing authority Council supports and encourage the adoption of the Proof of Age Standards Scheme (PASS), which aims to approve and accredit proof of age schemes to assist in preventing underage access to unsuitable premises, films and the purchasing of alcohol. This scheme identifies reliable and secure proof of age schemes with the same

Adopted [Full Council on xxxxx 2017 with effect xxxxxx 2017](#)

Page 23 of 29  
Classification: OFFICIAL



Classification: OFFICIAL - SENSITIVE

connection with one of the four licensing objectives. In addition, a review of the licence will ~~normally~~ follow any action to close the premises (for up to 24 hours) on the grounds of disorder or noise nuisance or as a result of a magistrates' court determination.

4. Where the ~~Licensing Authority~~Council has applied to ~~the Licensing Authority to~~ review an authorisation, there will be a clear separation of responsibilities to ensure procedural fairness and eliminate conflicts of interest.
5. Under the Violent Crime Reduction Act 2006, following an application from the chief officer of police, the Authority can attach interim steps to licences pending a full review. The Act ~~also introduces~~includes an offence in relation to persistent alcohol sales to minors.
6. Any application for review must relate to particular premises for which a premises licence is in existence and must be relevant to the promotion of one or more of the licensing objectives. Representations must be in writing and may be amplified at the subsequent hearing or may stand in their own right. Applications will not be accepted if they are considered to be frivolous, vexatious or repetitive. Government Guidance suggests that more than one request originating from an other person or responsible authority for a particular premises within a reasonable interval may be considered as repetitious.
7. Prior to the hearing, the licence holder will be made fully aware of the representations, the evidence supporting the request and will be given the opportunity to prepare a response.
8. The ~~licensing authority~~Council views particularly seriously applications for the review of any premises licence where there has been evidence of the following:
  - a) use of licensed premises for the sale and distribution of drugs and/or the laundering of the proceeds of drug crimes;
  - b) use of licensed premises for the sale and/or distribution of firearms;
  - c) evasion of copyright in respect of pirated films and music; underage
  - d) purchase and consumption of alcohol;
  - e) use of licensed premises for prostitution or the sale of unlawful pornography;
  - f) use of licensed premises for unlawful gaming;
  - g) use of licensed premises as a base for criminal activity;
  - h) use of licensed premises for the organisation of for example, racist, homophobic or sexual abuse or attacks;
  - i) use of licensed premises for the sale of smuggled tobacco or goods;

Adopted [Full Council on xxxxx 2017 with effect xxxxxx 2017](#)

Page 25 of 29  
Classification: OFFICIAL

Classification: OFFICIAL - SENSITIVE

- j) the use of licensed premises for the sale of stolen goods;
- k) where the police are frequently called to attend to incidents of disorder;
- l) prolonged and/or repeated instances of public nuisance;
- m) where serious risks to public safety have been identified and the management is unable or unwilling to correct those;
- n) where serious risks to children have been identified.

## 8. Enforcement Policy

1. The ~~licensing authority~~Council has an established enforcement policy, based around the principles of consistency, targeting, transparency and proportionality set out in the Department of Trade and Industry's Enforcement Concordat. Due regard will also be given to the Regulator's Compliance Code issued by the Department for Business Enterprise and Regulatory Reform and the Attorney-General's Guidelines to Crown Prosecutors for bringing prosecutions.
2. The licensing policy proposes that a graduated response is taken where offences against licensing legislation are found or where licence conditions have been breached. 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.
3. The ~~licensing authority~~Council will seek to work actively with the police, and other statutory authorities in enforcing licensing legislation. It is a signatory to the Buckinghamshire Memorandum of Understanding and Joint Enforcement Protocol along with Thames Valley Police and other Buckinghamshire local authorities and enforcing agencies which seeks to ensure a consistent and appropriate approach to enforcement.

It expects the agencies to share information about licence holders and licensed premises under the Crime and Disorder Act 1998 and its common law powers, and to consult closely with the ~~licensing authority~~Council when any enforcement action may be required.

4. The ~~licensing authority~~Council will investigate allegations of unlicensed activities and to ensure that licence conditions are complied with.
5. The ~~licensing authority~~Council will continue to be a partner in the ~~local partnership Buckinghamshire~~ Licensing Liaison Group, and has ~~Adopted~~ [Full Council on xxxxx 2017 with effect xxxxxx 2017](#)

Classification: OFFICIAL - SENSITIVE

established a local forum for liaison between the statutory agencies responsible for licensed premises.

### Inspection of Premises

6. Any inspection regime will be targeted at those premises that pose the greatest risk and are known to cause the greatest problems.

~~7. The licensing authority will aim to reduce inconvenience, confusion and inconsistency by co-ordinating inspections and visits with the fire authority, police, building control and environmental health officers as appropriate.~~

## 9. DELEGATION AND DECISION MAKING

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.
2. The Authority is committed to the principle of delegating its powers to ensure that these objectives are met and has arranged for its licensing functions to be discharged in accordance with the [National Guidance issued by the Secretary of State](#), the Council's Constitution and procedures laid down for good governance.
3. In determining applications where the ~~Licensing Authority~~[Council](#) has acted as a responsible authority, there will be a clear separation of responsibilities to ensure procedural fairness and eliminate conflicts of interest. This will be achieved by allocating distinct functions to different Officers within the authority, so the Officer presenting the report to the Sub-Committee and advising the Members will be a different individual to the Officer who is acting as the responsible authority. The Officer acting as the responsible authority will not be involved in the decision making process.

## 10. FURTHER INFORMATION

Further information about the Licensing Act 2003 and the ~~Authority's~~[Council's](#) licensing policy can be obtained from:

**Licensing Team**  
**Chiltern District Council**  
**King George V Road**  
**Amersham**

Adopted [Full Council on xxxxx 2017](#)  
[with effect xxxxxx 2017](#)

Page 27 of 29  
 Classification: OFFICIAL

Classification: OFFICIAL - SENSITIVE

**Bucks HP6 5AW**

T: 01494 732068  
 F: 01494 586504  
 E: [licensing@chiltern.gov.uk](mailto:licensing@chiltern.gov.uk)  
 Website: [www.chiltern.gov.uk](http://www.chiltern.gov.uk)

Information is also available from

- (1) ~~Department for Media, Culture and Sport~~ **The Home Office,**  
 Direct Communications Unit  
 2 Marsham Street  
 London  
 SW1P 4DF 2-4 Cockspur Street  
 LONDON  
 SW1Y 5DH  
 T: 020 7035 4848 020-72116200  
 E: [public.enquiries@homeoffice.gsi.gov.uk](mailto:public.enquiries@homeoffice.gsi.gov.uk) [Enquiries@culture.gov.uk](mailto:Enquiries@culture.gov.uk)  
 W: <https://www.gov.uk/government/collections/licensing-act-2003-supporting-guidance>

- (2) ~~The Local Government Licensing Forum~~  
[www.lglf.org](http://www.lglf.org)

- (3) Copies of the Licensing Act 2003 and associated legislation is available from [www.legislation.hmso.gov.uk](http://www.legislation.hmso.gov.uk)

- (4) Government's Licensing Act 2003, Section 182 Guidance is available from <https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003> [http://www.culture.gov.uk/Reference\\_library/Publications/archive\\_2007/guidancesection182\\_licact03june07.htm](http://www.culture.gov.uk/Reference_library/Publications/archive_2007/guidancesection182_licact03june07.htm)

- (5) Copies of reports and minutes of the Licensing & Regulation Committee are available on the Council's website at [www.chiltern.gov.uk](http://www.chiltern.gov.uk), following the links to **Council and Democracy** or by contacting the Licensing Team (details as above)

Formatted: Font color: Auto

Formatted: Font color: Auto

Formatted: Font color: Auto

Field Code Changed

Formatted: Font color: Auto

Adopted [Full Council on xxxxx 2017](#)  
[with effect xxxxxx 2017](#)

Classification: OFFICIAL - SENSITIVE

**Appendix 1 - Cumulative Impact Areas**

Old Amersham

~~Chalfont St Peter~~

~~**Appendix 2 – Designated Public Places Orders**~~

~~Chesham Cemetery~~

~~Chesham Town Centre~~

~~Seer Green Village Centre~~

~~Station Forecourt, Amersham~~

~~Roundwood Road, Amersham~~

Adopted [Full Council on xxxxx 2017](#)  
[with effect xxxxxx 2017](#)

Page 29 of 29  
Classification: OFFICIAL



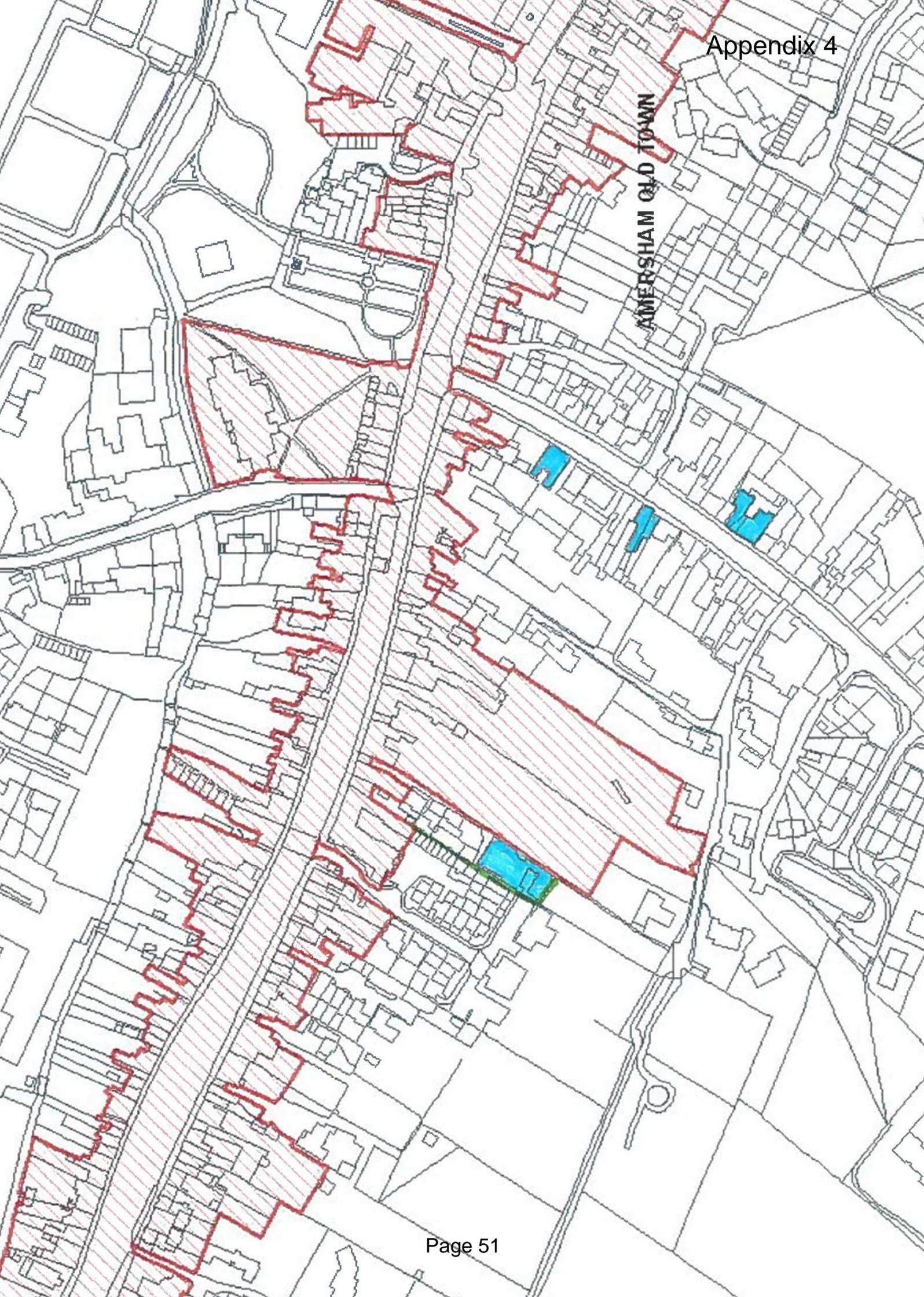


AMERSHAM OLD TOWN









AMERSHAM OLD TOWN



## Cumulative Impact Areas - Licensing Section Observations

1. Licensing Officers carry out late night inspections on approximately a monthly basis. As part of these evenings, Chalfont St Peter and Old Amersham High Streets are regularly visited. On the most recent visit, officers reported the following observations:

- 1.1. *Amersham Old Town*

*11.12.2016 & 05.02.2017*

*When in the High Street & Whielden Street in Amersham, it was evident that it is a residential area with a high density of licensed premises including public houses, restaurants and hotels. Whilst there are a large number of licensed premises within the area, most of them have been used for these activities for a vast number of years and fit within the character of the area. Although there a small amount of noise disturbance from people and entertainment, all of the premises were busy and there number of people moving between premises in the area. This along with the number of vehicles parked on the High Street there is likely to be noise and possibly other anti-social behaviour issues arising from both patrons leaving and vehicular movement as premises close.*

- 1.2. *Chalfont St Peter*

*11.12.2016 & 05.02.2017*

*When officers were within the area of the current cumulative impact zone in Chalfont St Peter, it was clearly noticeable that level of night time custom had dropped considerably from visits in previous years. This is a likely result of licensed premises closing in the area, therefore deterring people from coming into the village. Whilst there is still a small number of licensed premises open later into the evening, on the occasions that officers attended no issues relating to noise from the premises or patrons, and officers did not witness any anti-social behaviour.*

2. These observations are in line with what is considered by the Licensing team to be the usual situation in these areas, further background information is provided below:

- 2.1. Amersham Old Town, High Street

There is generally some noise emanating from the licensed premises in Old Amersham when the area is visited. Environmental Health has had complaints in regards to this as evidenced in their submission. It is unsurprising that residents have felt the need to complain when noise escapes from the various licensed premises due to their close, proximity and generally the licensed premises share walls with neighbouring residential properties.

In addition to the disturbance that can be caused by the licensed premises within the current Cumulative Impact Area, there are other premises that are within the same area, but located slightly further from the High Street, and in particular one of these buildings that was granted a licence in the past couple of years has led to complaints related to general noise, and it is therefore suggested that the existing Cumulative Impact Area, if maintained, should be extended to include the additional premises.

Whilst being within a Cumulative Impact Area does not prevent licensed premises from applying for variations to their licence, such as an extension to the times that licensable activities' can take place for example, the onus being placed on the applicant to prove that any application will not lead to negative impacts on the licensing objectives has proven to dissuade some of the existing licensees from making this sort of application, indicating that the existing CIA has successfully protected local residents from further potential disturbance.

## 2.2. Chalfont St Peter

Chalfont St Peter High Street used to be a destination for patrons of a nightclub, and this appears to have been historically the reason for the nuisance that was experienced in the area which led to it being considered as a cumulative impact area at that time. The High Street is now a much quieter place, and the nightclub has obtained planning permission to be developed on in the near future, so it seems unlikely that the High Street will return to its previous level of nightlife. One premises remains a location that generates some noise from patrons on popular evenings, but this does not generate complaints to the council, and as an individual premises, it would be more appropriate if such issues were to be addressed, that these are tackled directly with the premises, rather than through the use of a saturation policy.

**Environmental Health Complaints Figures****Amersham Old Town High Street**

<b>Year</b>	<b>Complaint Type</b>	<b>Number of Complaints received</b>
<b>2006</b>	<b>Total</b>	<b>4</b>
	Disturbance from patrons leaving premises'	2
	Loud music (before 11)	1
	Loud music (after 11)	1
<b>2007</b>	<b>Total</b>	<b>2</b>
	Noise in premises garden	2
<b>2008</b>	<b>Total</b>	<b>2</b>
	Disturbance from patrons leaving premises'	1
	Noise	1
<b>2009</b>	<b>Total</b>	<b>3</b>
	Noise	1
	Noise in premises garden	1
	Loud music (before 11)	1
<b>2010</b>	<b>Total</b>	<b>3</b>
	Noise in premises garden	3
<b>2011</b>	<b>Total</b>	<b>7</b>
	Loud music (before 11)	1
	General complaint about variety of nuisance	1
	Disturbance from patrons leaving premises'	4
	Noise	1
<b>2012</b>	<b>Total</b>	<b>1</b>
	Loud music (before 11)	1
<b>2013</b>	<b>Total</b>	<b>0</b>
<b>2014</b>	<b>Total</b>	<b>4</b>
	Noise	1
	Loud Music (before 11)	3
<b>2015</b>	<b>Total</b>	<b>2</b>
	Loud Music (before 11)	2
<b>2016</b>	<b>Total</b>	<b>1</b>
	Loud Music (before 11)	1

**Chalfont St Peter High Street**

<b>Year</b>	<b>Complaint Type</b>	<b>Number of Complaints received</b>
<b>2006</b>	<b>Total</b>	<b>1</b>
	Loud music (before 11)	1
<b>2007-2009</b>	<b>Total</b>	<b>0</b>
<b>2010</b>	<b>Total</b>	<b>3</b>
	Disturbance from patrons leaving premises'	1
	Noise in premises garden	1
	Loud Music (before 11)	1

Classification: OFFICIAL

<b>2011</b>	<b>Total</b>	<b>2</b>
	Loud Music (before 11)	2
<b>2012</b>	<b>Total</b>	<b>2</b>
	Loud Music (before 11)	1
	Loud Music (after 11)	1
<b>2013</b>	<b>Total</b>	<b>4</b>
	Loud Music (before 11)	3
	Noise in premises garden	1
<b>2014</b>	<b>Total</b>	<b>1</b>
	Loud Music (before 11)	1

Classification: OFFICIAL

Data from Thames Valley Police relating to Cumulative Impact Areas

<b>Recorded Crimes broken down by Offence Classification and Crime Group where Substance Use is recorded as Affected by Alcohol and where the 'Offence Date From' was between Jan- Dec 2016 or Jan - Dec 2017.</b>					
Crime Classification	Major Crime Group	Jan - Dec 2015		Jan - Dec 2016	
		Amersham Old Town	Chalfont St Peter	Amersham Old Town	Chalfont St Peter
Assault occasioning actual bodily harm	Violence with Injury		2		4
Common assault and battery	Violence without Injury		4	1	5
Racially and/or religiously aggravated common assault or beating				1	
Other criminal damage under £5000 other					1
Other criminal damage under £5000 other building	Criminal Damage				1
Other criminal damage under £5000 vehicle					1
Public Order: Fear or provocation of violence	Public Order Offences	1			
Public Order: Harassment alarm or distress		1			
<b>Total</b>		<b>2</b>	<b>6</b>	<b>2</b>	<b>12</b>
* Please note the above data is based upon Valid Crimes, where the Substance Use is recorded as 'Affected by Alcohol' and where the Full Offence Location, Neighbourhood, District or Town matches the specified locations requested. The data contains offences that where the 'offence date from' was between Jan - Dec 2016 or Jan - Dec 2017.					
<b>Recorded Crimes broken down by Street, where Substance Use is recorded as Affected by Alcohol</b>					
	<b>Amersham Old Town</b>				
Street Name	Jan - Dec 2015	Jan - Dec 2016			
HIGH STREET	1				
HIGHMOOR		1			
LONDON ROAD WEST	1				
WHILDEN STREET		1			
<b>Total</b>	<b>2</b>	<b>2</b>			
	<b>Chalfont St Peter</b>				
Street Name	Jan - Dec 2015	Jan - Dec 2016			
DENHAM LANE	4	6			
HIGH STREET		2			
LANSDOWN ROAD		1			
LEACHCROFT		1			
LOVEL ROAD	1				
MALTMANS LANE	1				
THE PHYGTLE		2			
<b>Total</b>	<b>6</b>	<b>12</b>			
* Please note the above data is based upon Valid Crimes, where the Substance Use is recorded as 'Affected by Alcohol' and where the Full Offence Location, Neighbourhood, District or Town matches the specified locations.					

<b>Offence Data from above broken down by Day of the Week</b>				
	Jan - Dec 2015		Jan - Dec 2016	
Day of week	Amersham Old Town	Chalfont St Peter	Amersham Old Town	Chalfont St Peter
Monday			1	1
Tuesday			1	1
Wednesday		1		1
Thursday				
Friday		4		7
Saturday		1		
Sunday	2			2
<b>Total</b>	<b>2</b>	<b>6</b>	<b>2</b>	<b>12</b>
Note: The above data is based on the 'Offence Date From'.				
<b>Offence Data from above broken down by 'Offence Time From'</b>				
	Jan - Dec 2015		Jan - Dec 2016	
Time Group	Amersham Old Town	Chalfont St Peter	Amersham Old Town	Chalfont St Peter
10pm to 11.59pm			1	2
Midnight - 1.59	1	2		1
2am to 4am		3		5
Other	1	1	1	4
<b>Total</b>	<b>2</b>	<b>6</b>	<b>2</b>	<b>12</b>
Note: The above data is based on the 'Offence Time From'.				
Data Source - Thames Valley Police Crime Recording System (NICHE RMS)				
Date Extracted: 01/02/2017				
<p><b>Note:</b> The data provided is taken from our crime recording system. This is a dynamic system. Additional information identified during the investigation may lead to a reassessment of the crime classification. Information held on the system is also subject to review to ensure compliance with the Home Office Counting Rules for Recording Crime and the National Crime Recording Standard. As a result of this crime levels and classifications may change over time and this data may not match data previously published or data published in the future. For this reason, the data should only be used as an indicator of crime trends.</p>				

## Licensing Trends in Current Cumulative Impact Areas

### Old Amersham, High Street

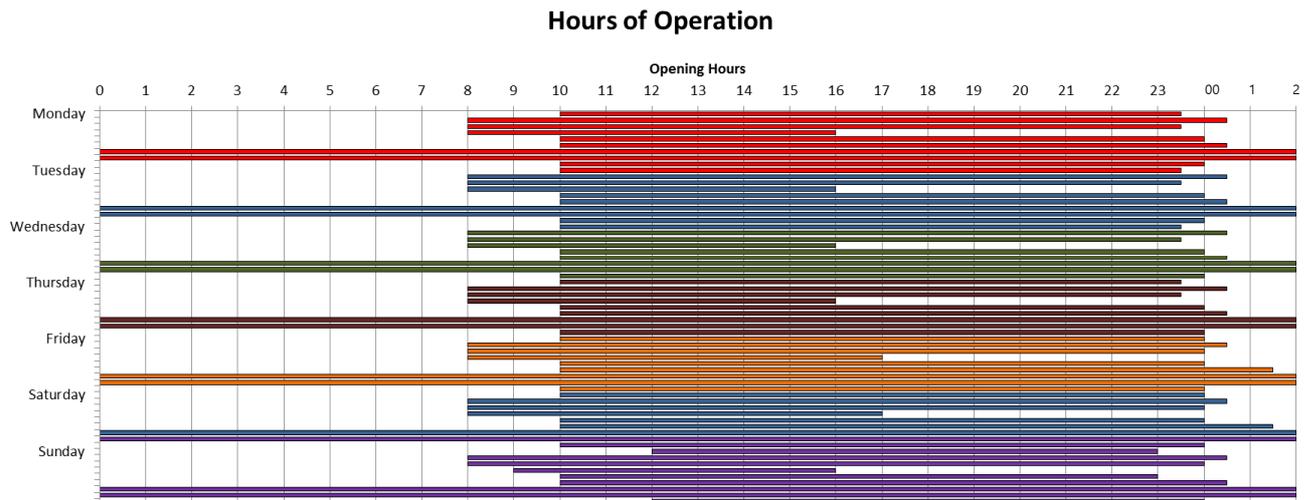
168 records of applications since the CIP came in.

158 of these were TENs – these will be extensions for music or alcohol

The remaining 10 are for 8 variations one new off licence and one new on-licence for an existing premises, and one on-licence on the High Street, but outside of the CIP.

#### Current closing times:

Ref	Premises	Opening hours
<b>A</b>	<b>Elephant and Castle</b>	Monday – Thursday 10:00 - 23:30 Friday – Saturday 10:00 - 00:00 Sunday 12:00 - 23:00
<b>B</b>	<b>The Swan</b>	10:00 - 00:30
<b>C</b>	<b>The Eagle</b>	Monday – Thursday 08:00 - 23:30 Friday – Saturday 08:00 - 00:00 Sunday 09:00 - 23:00
<b>D</b>	<b>The Grocer at 91</b>	Monday – Thursday 08:00 - 18:00 Friday – Saturday 08:00 - 17:00 Sunday 09:00 - 16:00
<b>E</b>	<b>The Crown Hotel</b>	Monday – Saturday 10:00 - 00:00 Sunday 10:00 - 23:00
<b>F</b>	<b>Kings Chapel</b>	Sunday 10:00 - 00:30 Fridays to Saturdays 10:00 - 01:30 Mondays to Thursdays 10:00 - 00:30
<b>G</b>	<b>The Kings Arms (Restaurant)</b>	Everyday 00:00-00:00
<b>H</b>	<b>The Kings Arms (Bar)</b>	Everyday 00:00-00:00
<b>I</b>	<b>Mans Oriental Restaurant</b>	Monday – Saturday 10:00-00:00 Sunday 12:00-00:00



### Chalfont St Peter, High Street

60 records of applications since the CIP came in, one of which was an application from a responsible authority to review a premises.

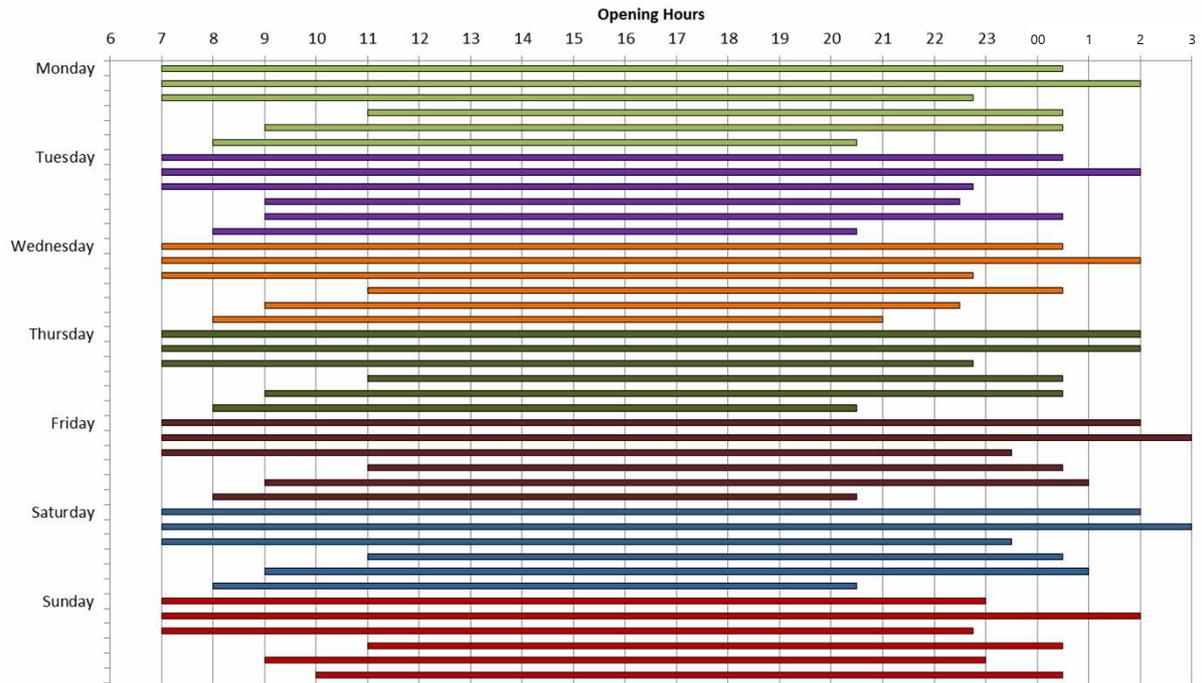
52 of these were TENs – these will be extensions for music or alcohol

The remaining 8 were 5 variations, 1 review and 2 new applications, 1 off-licence and one residential premise for on-sales only.

#### Current closing times:

Ref	Premises	Opening hours
<b>A</b>	<b>The George Inn</b>	Mondays to Wednesdays 07:00 - 00:30 Thursdays to Saturdays 07:00 - 02:00 Sunday 07:00 - 23:00
<b>B</b>	<b>Greyhound Inn</b>	Sunday to Thursday 07:00 – 02:00 Friday & Saturday 07:00 – 03:00
<b>C</b>	<b>Madeira</b>	Mondays to Thursdays 07:00 - 22:45 Fridays to Saturdays 07:00 - 23:30 Sunday 07:00 - 22:45
<b>D</b>	<b>Flames</b>	Monday to Sunday 11:00 - 00:30
<b>E</b>	<b>The White Hart</b>	Mondays to Thursdays 09:00 - 00:30 Friday to Saturday 09:00 - 01:00 Sunday 09:00 - 23:00
<b>F</b>	<b>McColls</b>	Sunday 10:00 - 22:30 Monday to Saturday 08:00 - 23:00

### Hours of Operation





Classification: OFFICIAL

Response from Cllr Jules Cook – Amersham Old Town Cumulative Impact Policy

Hi Nathan

Thank you for emailing me with this information.

I am the councillor covering the Amersham Town ward. Amersham Old Town has several licensed establishments which are all located within a tight residential area. Therefore, post 11pm noise from one establishment alone will be a thin wall or a low window away from many residences. If several establishments have extensions to curfews the town will be blighted.

I have already received concerns from several residents regarding live music being held in licensed property gardens in the summer every weekend. This essentially has prevented the neighbours from sitting in their gardens all summer in the evenings. The 11pm curfew is their only respite from this noise pollution.

It is vitally important to confine such operations to the minimum requirements in locations where residences are in such close proximity.

In regards to your four points:

1. The prevention of crime and disorder - those drinking later are likely to cause further nuisance around the town. Crime is more likely to occur as less people are around. Police have little presence in the area now.
2. The promotion of public safety - see comments above. Broken bottles/glasses and urine/faeces may be an issue.
3. The prevention of public nuisance - see comments above. Also noisy clients leaving such establishments will be directly under many people's bedroom windows.
4. The protection of children from harm - certainly disturbance of children's sleep is the primary concern. Children are also more likely to find broken bottles and other unpleasant disposed of articles.

I hope my comments help. I would also be happy to talk if you so wish.

Kind regards

Jules Cook (Cllr)

