



DEMOCRATIC AND ELECTORAL SERVICES

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Date:	1 October 2013	Direct Line:	01895 837225/837227

Dear Councillor

LICENSING COMMITTEE

The next meeting of the Licensing Committee will be held as follows:

DATE: WEDNESDAY, 9TH OCTOBER, 2013
TIME: 6.00 PM
VENUE: ROOM 6, CAPSWOOD, OXFORD ROAD, DENHAM

Yours faithfully

Jim Burness

Director of Resources

To: The Licensing Committee

Mr Walters
Mrs Simmonds
Mr Brown
Mr Clark
Mr Denyer
Mr Egleton
Mr Pepler
Mrs Royston
Mr Samson
Mr D Smith
Ms Vigor-Hedderly



Declarations of Interest

Any Member attending the meeting is reminded of the requirement to declare if he/she has a personal interest in any item of business, as defined in the Code of Conduct. If that interest is a prejudicial interest as defined in the Code the Member should also withdraw from the meeting.

A G E N D A

	(Pages)
1. Apologies for Absence	
2. Minutes	
To confirm the minutes of the meetings of the Committee held on 10 July 2013 and 28 August 2013.	(1 - 6)
3. Licensing Act 2003 Policy Third Review 2013	
To consider report of the Director of Services.	(7 - 10)
<i>Appendix 1</i>	(11 - 12)
<i>Appendix 2</i>	(13 - 60)
4. Consideration of South Bucks District Council adopted policy approach to tinted windows on hackney carriage and private hire vehicles	
To consider report of the Director of Services.	(61 - 66)
5. Scrap Metal Dealers Act 2013 Update	
To consider report of the Director of Services.	(67 - 70)
6. Schedule of Delegated Determinations / Appeals to Magistrates and Crown Courts	
<i>Delegated Determinations made by the Licensing Officer in respect of Personal Licenses</i>	(71 - 72)
<i>Delegated Determinations made by the Licensing Officer in respect of Premises Licenses</i>	(73 - 74)
<i>Delegated Determinations made by the Licensing Sub-Committee in respect of Premises Licenses</i>	(75 - 76)
<i>Delegated Determinations made by the Licensing Sub-Committee in respect of Hackney Carriage & Private Hire Licensing</i>	(77 - 78)
<i>Appeals to Magistrates / Crown Court - No Appeals Pending</i>	
7. Licensing Act 2003 - Premises / Club Premises Applications Pending	
To note the report of the Director of Services.	(79 - 80)
8. Licensing Sub-Committee	
To receive the minutes of the meeting of the Licensing Sub-Committee held on 17 June 2013.	(81 - 86)

9. **Hackney Carriage and Private Hire Licensing**
- To note the report of the Director of Services. (87 - 88)
- Appendix A* (89 - 92)
Appendix B (93 - 96)
10. **Licensing of Street Collections**
- To note the report of the Director of Services. (97 - 98)
- Appendix* (99 - 102)
11. **Licensing of House-to-House Collections**
- To note the report of the Director of Services. (103 - 104)
- Appendix* (105 - 106)
12. **Any other Business**
- To consider any other business the Chairman decides is urgent.
13. **Exclusion of Public**
- The Chairman to move the following resolution:-
- “That under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act.”
14. **Licensing Sub-Committee**
- To receive the Part II minutes of meeting of the Licensing Sub-Committee held on 14 August 2013. (107 - 110)

The next meeting is due to take place on Wednesday, 29 January 2014

LICENSING COMMITTEE

Meeting - 10 July 2013

Present: Mr Walters (Chairman)
Mrs Simmonds, Mr Brown, Mr Denyer, Mr Pepler, Mrs Royston, Mr Samson
and Mr D Smith

Apologies for absence: Mr Egleton and Ms Vigor-Hedderly

1. APPOINTMENT OF CHAIRMAN

The election of Councillor Walters as Chairman of the Committee was noted.

2. APPOINTMENT OF VICE-CHAIRMAN

The election of Councillors Simmonds as Vice-Chairman of the Committee was noted.

3. CONSULTATIVE GROUP

Following an explanation of the role of the Consultative Group it was

RESOLVED that the Chairman and Vice-Chairman, together with Mr Denyer and Ms Vigor -Hedderly, be appointed to the Consultative Body for consultation on delegated matters or urgent decisions between meetings.

4. MINUTES

The minutes/notes of the following meetings of the Licensing Committee were confirmed and signed by the Chairman:

- 10 October 2012
- 30 January 2013 (virtual meeting)
- 27 March 2013 (virtual meeting)

5. AMENDMENTS TO LICENSING ACT 2003 OFFICER & LICENSING SUB-COMMITTEE DELEGATIONS ARISING OUT OF THE POLICE REFORM AND SOCIAL RESPONSIBILITY ACT 2011.

The Committee at its meeting on 10 October 2012 had agreed various new delegations and amendments to the Scheme of Delegations following changes made to the Licensing Act 2003 by the Police Reform and Social Responsibility Act 2011 ("2011 Act") including delegations regarding Temporary Event Notices (TENs).

As a result of new Home Office guidance it was now necessary to amend, update and add to the delegations in so far as they related to TENs the Committee received a report setting out in an appendix a number of proposed changes to the delegations to Licensing Committee, Licensing Sub-Committee and Officers/Director of Services.

RECOMMENDED to COUNCIL that the proposed changes to the delegations as set out in the appendix to the report be agreed.

6. LICENSING ACT 2003 POLICY THIRD REVIEW 2013

In accordance with the Licensing Act 2003 as amended by the Police and Reform and Social Responsibility Act 2011 the Council was now required to review its Licensing Policy and the Committee received a report attaching a revised draft Licensing Policy as a basis for consultation.

During the discussion the Committee agreed that to add to clarity the process for the notification as set out in the final paragraph of section 13.2 should be amended to read:

In addition to the legal requirements for advertising applications the licensing section will, in the case of new applications or full variation applications, write to District Councillors and Parish Councils advising them of the receipt of an application. In addition, where appropriate, the licensing section will also undertake a process of neighbourhood notification, which will involve writing to residents and businesses considered to be immediate neighbours of premises which are the subject of the application. The extent of the neighbourhood notification being a matter of fact and degree in each case to be determined by the Council’s Licensing Team based upon whether an individual’s residence or business are likely to be directly affected by the premises.

Following the discussion during which the Chairman thanked the Licensing Manager for all her hard work on preparing the report and draft Policy the Committee

RESOLVED that	
1	The draft Licensing Policy Statement attached at Appendix A as amended above be approved as a basis for consultation for a period of 8 weeks, commencing in July 2013.
2	The results of the consultation exercise be reported back to the Licensing Committee at its meeting of 9 October 2013 with the intention of referring the final Licensing Policy Statement to the Council on 10 December 2013 for adoption

7. SCHEDULE OF DELEGATED DETERMINATIONS

Delegated Determinations made by the Licensing Officer in respect of Personal Licences

The Committee reviewed and noted a list of the delegated determinations made by the Licensing Officer covering Personal Licences during the period 7 March 2013 - 19 June 2013.

Delegated Determinations made by the Licensing Officer in respect of Premises Licences

The Committee reviewed and noted a list of the delegated determinations made by the Licensing Officer covering Premises Licence and Minor Variation to Premises Licences during the period 7 March 2013 - 19 June 2013.

Delegated Determinations made by the Licensing Sub-Committee

The Committee reviewed and noted a list of the delegated determinations made by the Licensing Sub-Committee during the period 7 March 2013 - 19 June 2013.

8. LICENSING ACT 2003 - PREMISES / CLUB PREMISES APPLICATIONS PENDING

The Committee received a report from the Director of Services of details of applications for Premises Licences pending to date.

RESOLVED that the report be noted.

9. LICENSING SUB-COMMITTEE

The minutes of the following meetings of the Licensing Sub-Committee were received:

- 11 February 2013
- 6 March 2013
- 16 April 2013
- 16 May 2013
- 23 May 2013.

10. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING

The Committee received a report from the Director of Services on details of licences issued during the period 10 January 2013 to the present time.

RESOLVED that the report be noted.

11. LICENSING OF STREET COLLECTIONS

The Committee received a report from the Director of Services on details of street collection permits issued for 2012-2013. It was noted that the list of street collections would change on a daily basis as and when applications were received.

RESOLVED that the report be noted.

12. LICENSING OF HOUSE-TO-HOUSE COLLECTIONS

The Committee received a report from the Director of Services showing the house-to-house collection permits issued for the 2012 - 2013. The schedule to the report also included details of charity collections where Home Office exemption certificate had been granted. It was noted that the list of house-to-house collection permits would change on a daily basis as and when applications were received.

The report contained some details of collections that had already taken place. This was because Charities were required to submit returns to the Licensing Team containing details of their collections and amounts raised. These returns were due in after the collections had taken place and show as outstanding on the report if the return had not yet been received.

RESOLVED that the report be noted.

13. ANY OTHER BUSINESS**1. Amended Guidance Issued Under Section 182 of the Licensing Act 2003**

A copy of the Amended Guidance was issued to members of the Committee present - copies would be sent to those members not in attendance.

2. Licensing Sub-Committee Hearing Training

The Chairman confirmed that he had attended a Hearings training course with one of the Council's Solicitors and was pleased to note from attending the course that the Council followed best practice with regard to Hearings and thanked the officers involved.

The meeting terminated at 6.22 pm

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LICENSING COMMITTEE

Meeting - 28 August 2013

Present:

Mrs Simmonds, Mr Brown, Mr Clark, Mr Egleton, Mr Pepler, Mrs Royston, Mr Samson, Mr D Smith and Ms Vigor-Hedderly

Apologies for absence: Mr Walters and Mr Denyer

14. SCRAP METAL DEALERS ACT 2013

The Scrap Metal Dealers Act 2013 received Royal Assent on 28th February 2013 and following a Commencement and Transitional Provisions Order issued on 6 August will come into force on 1st October 2013. The new act repeals the Scrap Metal Dealers Act 1964 in total and Part 1 of the Vehicles (Crime) Act 2001, together with the Motor Salvage Regulations 2002, thus creating a revised single point regulatory regime for the scrap metal recycling and vehicle dismantling operations in England & Wales. The Act was in response to the growth in metal theft offence resulting in a booming recycling industry worth £5 billion in 2011.

Local authorities remain the principal regulators of the 2013 Act and the Committee received a report setting out the implications for South Bucks particularly in so far as delegations were concerned. The Committee noted that the legislation introduced a suitability test for applicants and powers to consult with the Police, other relevant authorities and the Environment Agency when considering the grant of a licence.

The report, after explaining the two different types of scrap metal licences the Act created, set out the requirements for dealers to carry out identity checks, keep records and use cashless payment. The new inspection and closure powers the Act introduced for the Council and police were also covered, together with the implications of transitional provisions for fee-setting, deemed licences and criminal offences.

The Committee noted that there are currently 7 Scrap Metal Dealers and 4 Motor Salvage Operators registered within South Bucks and that the new scheme would broaden the definition and allow the Council to reconsider a number of currently exempt premises. The report also identified the power to set fees on a cost recovery basis having regard to guidance issued by the Secretary of State which had only recently been published. The report emphasised that the fee was to cover the cost of administering the scheme and could not include the costs of the investigation and enforcement of unlicensed activities which would need to be met by the Council. In setting fees reference would also need to be made to the Licence Fees Toolkit.

The Committee, whilst welcoming the Act, expressed concern over the resource implications and, mindful of the number of scrap metal dealers and collectors who were operating in the District, questioned whether the additional workload imposed could be absorbed within existing resources. In the light of this concern the Committee felt that it was important to ensure that the Cabinet Member for Resources was involved in the setting of the fees which the Committee also agreed should be set at a level which recovered as many costs as possible allowed under the Scheme.

The Committee also raised concerns over the health and safety of officers and members when carrying out their respective duties under the legislation. The Committee also thought it would be useful to know the level of priority and resources the Police Crime Commissioner was going to allocate to this issue.

Responding to the points raised by members the Head of Legal and Democratic Services emphasised that the report was an interim one to identify the action that needed to be taken immediately to ensure that the Council was in a position to comply with the provisions of the Act from its commencement on 1 October. The Head of Legal and Democratic Services also assured the

Licensing Committee - 28 August 2013

Committee that a further report addressing amongst other things the concerns raised would be submitted to the next meeting.

RECOMMENDED to Council

1. That approval is given for a new delegation to the Director of Services to agree and adopt a policy for implementing the changes brought about by the Scrap Metal Dealers Act 2013.
2. That the general setting of fees be delegated to the Licensing Committee. However in light of the short timescale, with the fees having to be set prior to 1st October 2013, the setting of the initial fees be delegated to Head of Health and Housing in consultation with the Chair of Licensing Committee and the Cabinet Member for Resources having regard to peer guidance and the License Fees Toolkit.
3. That the current scheme of delegations to for the Licensing Committee and Licensing Sub-Committee be revised by adding “Scrap Metal Dealers” to the list of other Licensing functions
4. That the current scheme of delegations to the Health & Housing Unit be revised to accommodate “other Licensing Functions”
5. That the following detailed amendments be made to the scheme of delegations:
 - The Power in all cases to make enquiries and consult and to determine whether the applicant is a suitable person to carry on business as a scrap metal dealer.
 - The grant, issue, renewal or variation of a Scrap Metal Dealer Licence where the applicant is deemed to be a “suitable person” and no objections are received;
 - The refusal or rejection of an application for a Scrap Metal Dealer Licence where no representations are received;
 - To revoke vary or impose conditions on a licence under the Scrap Metal Dealer Act 2013 where representations have been received
 - To exercise the powers of entry outlined within the Act
 - To seek a warrant of entry to any premises in order to secure compliance with or to ascertain whether the provisions of the Act are being complied with.
 - Power to enforce and initiate action in relation to relevant offences.
 - To supply information received under the act to the relevant bodies under the Act.
 - In consultation with the Chairman of Licensing Committee, the revocation of a Scrap Metal Dealers Licence where no representations are received.
 - To ensure all details of Scrap Metal Dealers any notifications and variations, are reported to the National database maintained by the Environment Agency.

The meeting terminated at 6.54 pm

SUBJECT:	LICENSING ACT 2003 POLICY THIRD REVIEW 2013	
REPORT OF:	Officer Management Team -	Director of Services
	Prepared by	Head of Health and Housing

1. Purpose of Report

- 1.1 To inform members of the outcome of the consultation process carried out in respect of the revised Licensing Act 2003 Policy Statement and to recommend the draft policy for adoption by full Council.

2. Links to Council Policy Objectives

- 2.1 There is a link between providing an efficient and effective licensing service, reducing the level and fear of crime and making our community a safer place to live, work and visit.

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 authority carries out any function in respect of individual applications made under the terms 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 feedback from the local community on whether the statutory objectives are being met.

- 3.2 Previously, Licensing Authorities were required to publish and review licensing policy statements every three years. This requirement was changed from three years to five years by amendments to the 2003 Act brought about by the Police Reform and Social Responsibility Act 2011 for any policies adopted after January 2011. As South Bucks District Council most recent policy was adopted prior to January 2011, it is required to be reviewed at this time.

- 3.3 South Bucks District Council adopted its first Licensing Policy Statement on 7 December 2004. This policy was subsequently reviewed on 11 December 2007 and then again on 14 December 2010.

- 3.4 On 10 July 2013 members of the Licensing Committee approved a draft updated version of the Licensing Policy Statement for consultation. A consultation exercise was undertaken for 8 weeks, between Wednesday 17 July 2013 and Wednesday 11 September 2013.

4. Discussion

- 4.1 During the consultation period only two responses were received. A copy of both responses are attached at Appendix 1.

- 4.2 One response was received from Mr Robert Botkai of Winckworth Sherwood Solicitors. This response refers to the issue of excluded premises/primary use and the sale of alcohol from garages. The other response was received from April Brett, Public Health Principal, Bucks County Council.

- 4.3 The response received from Ms Brett notes the Councils recognition within the statement that Health Bodies are now responsible authorities and confirms that Buckinghamshire County Council will perform this function. The response from Mr Botkai advises that he considers the requirement for providing information on primary use of premises in the operating schedule of

an application in danger of superceding the Act. Mr Botkai believes that paragraph 12.5 of the policy is unlawful and has suggested amendments to paragraph 12.6.

- 4.4 Regarding the lawfulness of paragraph 12.5 of the draft Policy, Section 176 of the 2003 Act prohibits the sale or supply of alcohol from premises which are primarily used as a garage, or are part of premises used primarily as a garage. Premises are used as a garage if they are used for one or more of the following:
- the retailing of petrol;
 - the retailing of derv;
 - the sale of motor vehicles; and
 - the maintenance of motor vehicles
- 4.5 Section 18(2) of the 2003 Act states that a Premises Licence must be granted if no relevant representations are received. If relevant representations are received then the Council has discretion whether to issue a licence or not. However, section 4(3) of the 2003 Act is clear that when carrying out its licensing functions, the Council must also have regard to its published Policy and also to the Section 182 Guidance. It is therefore necessary to take a practical approach when applying the Act.
- 4.6 The Section 182 Guidance at paragraph 5.22 gives firm advice on garages - “the Licensing Authority must decide whether or not premises are used primarily as a garage”. The guidance makes no reference to having received relevant representations in order to do this. Para 5.23 continues to state that where there is insufficient evidence, it is for the Council to decide whether to grant the licence and deal with any issues through enforcement action or it may be able to use its case management powers to enable further evidence to be obtained.
- 4.7 Officers are of the view, having regard to the Section 182 Guidance as required by the 2003 Act, that it is intended for a Council to decide whether a garage is an “excluded” premises or not at application stage. If there is insufficient evidence then the Council can grant the licence and deal with any issues arising via enforcement. A practical approach to this issue is to require information regarding excluded premises to be submitted with the application as stated in paragraph 12.5.
- 4.8 In light of the comments received Officers recommend that paragraph 12.5 and 12.6 of the draft Policy be amended, as shown in bold blue typeface on page 23 of Appendix 2.
- 4.9 The draft policy must be approved by full Council prior to its coming into force. It is therefore recommended that the finalised draft policy be referred to full Council on 10 December 2013.

5. Resources, Risk and Other Implications

- 5.1 The revision of the Statement of Licensing Policy is a statutory function. The costs in carrying out the revision, including the consultation process, will be covered by the Licensing Act 2003 fees. There will be no income generated by the revision of the existing Policy.
- 5.2 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. Recommendation

6.1 It is recommended that:

6.1.1 The draft Statement of Licensing Policy attached at Appendix 2 is approved for submission to full Council 10 December 2013.

6.1.2 The Committee recommends to full Council that the updated Statement of Licensing Policy be adopted.

Officer Contact:	Clare Bradley - Licensing Manager clare.bradley@southbucks.gov.uk 01895 837222
Background Papers:	South Bucks District Council Licensing Policy (14 December 2010) Licensing Act 2003, as amended. Police Reform and Social Responsibility Act 2011. Live Music Act 2012. Guidance issued under section 182 of the Licensing Act 2003.

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Clare Bradley

From: Clare Bradley
Sent: 25 July 2013 15:28
To: 'rbotkai@wslaw.co.uk'
Subject: FW: Licensing policy review

Dear Robert,

Thanks very much for taking the time and trouble to read our proposed policy amendments and for giving me your feedback. We'll look in detail at our section on garages in the light of the comments that you've made.

Regards

Clare Bradley
Licensing Manager
South Bucks District Council
Capswood, Oxford Road, Denham,
Bucks, UB9 4LH

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E-mail: clare.bradley@southbucks.gov.uk
www.southbucks.gov.uk

From: Robert Botkai [<mailto:rbotkai@wslaw.co.uk>]
Sent: 22 July 2013 12:38
To: Licensing
Cc: Sabrina Cader; Elaine Finlay
Subject: Licensing policy review

Claire

Thanks for sending the consultation to me.

I have focused (as you may expect) on the section relating to garages and, generally, am pleased to note the approach taken.

However, I still think that the Policy is in danger of superceding the Act (which it is not permitted to do) by requiring primary use information in the operating schedule.

Paragraph 12.5 is unlawful. If there are no representations, the Licensing Authority's discretion has not been engaged.

Paragraph 12.6 should be amended to state:

Applicants will be expected to include within their operating schedule proposals to submit the following information to the licensing section when requested. The information supplied regarding primary use shall include:

- Number of fuel sales only transactions
- Number of non-fuel only transactions
- Number of combined fuel and non-fuel transactions

I hope that this response is helpful.

Robert

Appendix1

Clare Bradley

From: Clare Bradley
Sent: 11 September 2013 11:50
To: aprilbrett@nhs.net
Subject: FW: review of Licensing Policy 2013

Thanks for your response April.

Regards

Clare Bradley
Licensing Manager
South Bucks District Council
Capswood, Oxford Road, Denham,
Bucks, UB9 4LH

Tel: 01895 837222
E-mail: clare.bradley@southbucks.gov.uk
www.southbucks.gov.uk

From: Brett, April [<mailto:ABRETT@buckscc.gov.uk>]
Sent: 11 September 2013 10:54
To: Licensing
Cc: Ironmonger, Tracey
Subject: review of Licensing Policy 2013

Dear Sir/Madam,

It is noted that South Bucks Councils Licensing Policy has been reviewed and updated in light of changes to legislation. It is noted that PCT/ Health bodies becoming a responsible body has been acknowledged. This in practical terms , given that PCTs have since been abolished, means that Public health from within Bucks County Council will perform this function.

Regards
April Brett
Public Health Principal
Public Health
Buckinghamshire County Council

Tel 01296387553
Email ABRETT@buckscc.gov.uk

APPENDIX 2



**SOUTH BUCKS DISTRICT COUNCIL
LICENSING POLICY**

Pursuant to Section 5 of the Licensing Act 2003, as amended.

Adopted 7th DECEMBER 2004.

1st Review – 11th December 2007.

2nd Review - 14th December 2010.

3rd Review – 10th December 2013.

<u>Contents</u>	Page -
Foreword - The Purpose and Scope of the Licensing Policy	3
District Profile	4
Buckinghamshire District(s) Map	5
Ward Locations South Bucks District Map	6
1. Introduction	7.
2. Determinations	10-11
3. Conditions	13.
4. Licensing Hours	15-16
5. Cumulative effect of licensing on the amenity of particular areas	16-17
6. Children	17-18
7. Films	19.
8. Personal Licenses	19-20
9. Temporary Events	19-20
10. Licensing Of Circuses	20-21
11. Sexual Entertainment Venues	21-22
12. Garages	21-23
13. Consultation	22-24
14. Mediation	23-25
15. Complaints against licensed premises	23-25
16. Enforcement Policy	24-26
17. Administration, Exercise and Delegation	25-26
18. Appeals	28-31
19. Early Morning Restriction Orders	33
20. Late Night Levy	33
Contacts for further information	31-33
21. Appendix 1 - list of consultees	32-34
22. Appendix 2 - glossary of terms	33-35
23. Appendix 3 - Model Conditions	37.
24. Appendix 3 4- List of Responsible Authorities	49-44

The purpose and scope of the Licensing Policy

This Statement of Licensing Policy sets out the approach that South Bucks District Council intends to take in carrying out its licensing duties under the Licensing Act 2003, as amended. The Policy covers the sale of alcohol to the public, the supply of alcohol to members of a club, the provision of regulated entertainment, and the provision of late night refreshment within this District. It also identifies how the Council when carrying out its licensing duties will seek to promote the four 'licensing objectives' referred to in the Act, namely:-

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

We hope that this Policy Statement provides practical guidance to local residents, visitors and businesses - large and small - on licensing matters in the South Bucks District. The Council will continue to work in close partnership with individuals and organisations having a responsibility under the Licensing Act 2003. This includes organisations such as the Thames Valley Police and Buckinghamshire Fire Service, licensees and certificate holders, businesses, residents and their representatives so that the whole community is involved in the future of licensing in the District.

At present there are ~~321~~ ~~330~~ businesses which have either a premises licence or a club premises certificate and about ~~760~~ ~~640~~ individuals who hold a personal licence issued by the Council. The licensed premises include pubs, off-licences, night-clubs; sporting and social clubs; cinemas, theatres; restaurants, late night cafes and takeaways. All of these provide a wide range of leisure and cultural services providing employment and enjoyment for many thousands of people. The Council will continue to assist the retail, hospitality and leisure industry to flourish and continue to be a major asset to the local economy. At the same time, the Council is aware of the crime and disorder and noise nuisance problems that can sometimes affect residents living close to licensed premises. As such it will always try to balance the legitimate business aspirations of applicants and licensees, the leisure and cultural interests of customers and the reasonable expectation of local residents to a peaceful existence in their own homes and neighbourhoods.

It is sometimes difficult to achieve this balance and satisfy all those competing interests. However, we will continue to encourage all of those involved in the licensing process to work together in a spirit of co-operation, partnership and mutual understanding. In spite of these potential problems, the Council warmly welcomed this new licensing regime when it was introduced in 2005 and said that it would do all it could to act in a fair and equitable way. To date we consider that we have achieved that aim and will continue to strive to do so. When we took over responsibility for this area of licensing we said that we would endeavour to co-ordinate and manage an efficient and effective licensing system, which achieves and maintains the objectives of the Licensing Act 2003 for the benefit of the whole community.

To date we think that overall we have been successful in our approach. Where our attention has been drawn to problems involving any licensed premises we have reacted quickly and, sometimes in conjunction with other agencies, have generally been able to resolve issues of concern informally. In that respect we would like to thank the residents and businesses and responsible authorities for giving us the opportunity to try to resolve their problems in that manner and also the licence holders for their positive response when problems have been drawn to their attention. We hope that we will continue to see such co-operation in the future.

District Profile

South Bucks District lies in the western sector of the South East region, situated ~~B~~between Greater London to the east and Reading and Oxford to the west. The District is bordered by a number of larger urban areas, in particular, Greater London to the east, Slough to the south, Maidenhead to the west, and High Wycombe to the north-west.

The District was established on 1 April 1974, when, as a result of the Local Government Act 1972, the former Beaconsfield Urban and Eton Rural Districts were abolished. From 1974 until 1 April 1981 the District was known as Beaconsfield District. The District has an area of 14,157 hectares, and a current population of ~~62,482~~ 66,900 (2011 Census).

The District is principally rural, being located wholly within the Metropolitan Green Belt around London. Some 87% of the land in the District is designated as Green Belt ~~and agriculture is the most extensive land use~~. The only areas not designated as Green Belt are the ~~urban areas within the~~ larger settlements of Beaconsfield, Burnham, Denham Green, Farnham Common, Farnham Royal, Gerrards Cross, Iver, Iver Heath, New Denham, Richings Park and Stoke Poges. The settlements are primarily residential in nature and of a very pleasant character. The District also has a number of smaller and more rural settlements situated within the Green Belt. A number of the settlements include Conservation Areas.

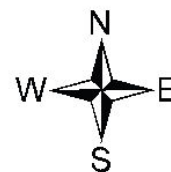
Large parts of the District's countryside are very attractive, crossed by rural lanes, and include extensive woodlands (including Burnham Beeches), heathland, agricultural land, private parks and estates. A small part of the District lies within the Chilterns Area of Outstanding Natural Beauty. Some 25% of the District is designated as Areas of Attractive Landscape. However, some localities in South Bucks have been ~~damaged subjected to by~~ gravel extraction ~~or development inappropriate to a rural area~~, particularly parts of the Colne Valley Park in the east of the District.

Transport links with adjoining areas are very good, with the M4, M25 and M40 motorways all crossing the District. There are also good rail links to London and ~~to Banbury Birmingham~~ via the Chiltern line and to London and the West via the Thames line. The District's population is highly mobile, with about one out of every two households having the use of at least two cars. Heathrow Airport is situated just to the south east of the District.

South Bucks is within an area which consistently has one of the lowest unemployment rates in England. Of the resident population, 32,000 (50%) are economically active. Around 60% of those in work commute out of the District for their employment, principally to Slough and Greater London. Conversely about 60% of the jobs in the District are taken by people commuting into South Bucks.



Ward Locations South Bucks District



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1. Introduction

1.1 South Bucks District Council (hereinafter referred to as “the Council”) is responsible for the licensing of licensable activities under the Licensing Act 2003, as amended (hereinafter referred to as “the Act”) in accordance with Part 1 s.1. This document sets out the policies that the Council as Licensing Authority for the purposes of the Act will apply when making decisions upon applications for the following licensable activities:

- The sale by retail of alcohol;
- The supply of alcohol by or on behalf of a club to, or to the order of a member of the club;
- The provision of regulated entertainment; and
- The provision of late night refreshment.

Regulated entertainment requires a licence when it is performed in front of an audience and includes the following:

- a performance of a play
- a boxing or wrestling entertainment (indoors and outdoors)
- a performance of live music (not incidental music, i.e. a piano in a restaurant)
- any playing of recorded music an exhibition of a film
- an indoor sporting event
- a performance of dance
- ~~the provisions of facilities for dancing~~
- ~~the provision of facilities for making music and similar types of entertainment.~~

Live unamplified music taking place between 08:00 hours and 23:00 hours and live amplified music taking place between 08:00 hours and 23:00 hours before audiences of no more than 200 people on premises authorised to supply alcohol on the premises or in workplaces is not licensable entertainment by virtue of amendments made to the Licensing Act 2003 by the Live Music Act 2012.

The provision of late night refreshments means the supply of hot food and/or drink from a premise from 23.00 hours to 05.00 hours for consumption on or off the premises.

1.2 This policy shall apply to the following

- Premises Licence
- Club Premises Certificates
- Personal Licenses
- Temporary Event Notices

in respect of new consents, renewals, transfers, variations, complaints and reviews.

1.3 There is a statutory presumption that all applications will be granted unless a relevant **representation objection** is raised and **impose** Special Conditions **that are but only if** consistent with the Operating Schedule and the four licensing objectives **will be imposed**. See further details in paragraph 2.4 below.

1.4 The Act makes provision for this policy to be the subject of consultation and the list of consultees is attached as Appendix 1. In drawing up and reviewing this Policy regard was had to responses to the consultation, ~~the Department of Culture, Media and Sports and National~~

Guidance issued under Section 182 of the Act ~~and the Race Relations Act 1976 (as amended by the Race Relations (Amendment) Act 2000).~~ The Council will review this policy at least every ~~three~~ five years and consult on any proposed revisions (except in respect of the Model Conditions - see Appendix 3). ~~Regarding the Council's adopted Policy dated 2004 the DCMS gave an extended deadline for the first review thereof in its revised Section 182 Guidance and the review of the Councils adopted Policy in 2007 was undertaken in accordance with this revised deadline.~~

1.5 The Act sets out four licensing objectives which the Council has a duty to promote in determining applications:

- Prevention of Crime and Disorder;
- Public Safety;
- Prevention of Public Nuisance; and
- Protection of children from harm.

Each of the objectives is considered to be of equal importance. Only matters relating to these objectives are to be taken into account in determining applications and conditions will only be attached where considered **necessary appropriate** to achieve these objectives.

1.6 This Policy and the Councils functions as licensing authority seek to achieve control of premises, qualifying clubs and temporary events within the terms of the Act. Terms and conditions will focus on achieving the licensing objectives with reference to

- matters within the control of individual licensees
- the specific premises and the places used
- ~~the vicinity of those premises and places (vicinity being a matter of fact and will depend on the particular circumstances in each case)~~
- the direct impact of the activity taking place at the licensed premises, **in particular** on public who live, work and carry out normal activity in the area concerned.

1.7 Licensing is not the primary mechanism for the general control of anti-social behavior by individuals beyond the direct control the licensee of the premises concerned. In this respect the Council recognizes that there are a number of other mechanisms available for addressing issues of unruly behaviour that can occur away from licensed premises including

- planning controls
- measures to create a safe and clean environment in partnership with local businesses and other departments of the Council
- powers of the Council to designate parts of the Council area as places where alcohol may not be consumed publicly
- police enforcement of the general law concerning disorder and anti-social behavior including issuing fixed penalty notices
- the prosecution of any personal licensce holder or member of staff at such premises who is selling alcohol to people who are drunk
- the confiscation of alcohol from adults and children in designated areas
- police powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises
- the power of the police, other responsible authority or a local resident or business to seek a review of the licence or certificate in question

- the powers of trading standards to take enforcement action re underage sale of alcohol
- 1.8 The objective of the licensing process is to allow the carrying on of retail sales of alcohol and the provision of regulated entertainment in a way which ensures compliance with the Act, public safety and which is neither to the detriment of residents, nor gives rise to loss of amenity. It is the Council's wish to facilitate well run and managed premises with licence holders displaying sensitivity to the impact of the premises on local residents.
 - 1.9 The Council recognises that the licensed entertainment business sector and community licensed facilities in the District contribute to the local economy and social infrastructure. The Council wishes to encourage licensees to provide a wide range of entertainment activities throughout their opening hours and to promote live music, dance, theatre etc. for the wider cultural benefit. **These activities They** are a factor in maintaining thriving and sustainable towns and villages which is one of the Council's aims.
 - 1.10 The District is primarily a residential area whose amenity the Council has a duty to protect. One of the Council's aims is to promote safer and stronger communities. These factors will be taken into account where applications will increase the concentration of entertainment uses and/or lengthen hours of operation in a way that would materially impact on the local area. Commercial occupiers of premises also have a legitimate expectation of an environment that is attractive and sustainable for their businesses.
 - 1.11 This policy sets out the general approach the Council will take when it considers applications for licenses. It will not undermine the right of any individual to apply for a variety of permissions and to have any such application considered on its individual merits. Nor will it override the right of any person to make representations on an application or seek a review of a licence where provision has been made for them to do so in the Act. Irrelevant, frivolous and/or vexatious representations however **can will** be disregarded by the Council.
 - 1.12 The purpose of this policy document is to assist the Council in reaching a decision on a particular application, setting out those matters that will normally be taken into account. This policy also seeks to provide clarity for applicants, objectors, residents and other occupiers of property.
 - 1.13 Other statutory requirements may apply to the provision of any regulated activities at a premises and the responsibility for compliance lies with the licence holder. For example if the activity involves the preparation and sale of food then it is the responsibility of the applicant to ensure necessary Food Safety requirements are met and it is not a requirement of any licence decision to address these matters.
 - 1.14 The Council recognises that planning permission, building control approval and licensing are separate regimes and will ensure that these functions are properly separated to avoid duplication and inefficiency. Planning and licensing regimes involve consideration of different (albeit related) matters and the Council recognises that licensing committees are not bound by decisions made by a planning committee and vice versa.**
 - 1.15 All applicants for Premises Licenses and Club Premises Certificates and those intending to hold temporary events are reminded that planning permission will normally be required for such uses and such planning permissions may carry conditions with which they are expected to comply or action may be taken under the relevant planning legislation. In general, planning permissions authorise a broad type of use of a premises, whereas licenses are granted for a particular type

of activity. A planning permission for an entertainment use, for example may cover a number of activities that can have a wide range of different impacts in the locality. The precise nature of the impact of the specified activities proposed by a prospective licence holder needs to be considered when an application is made for a Premises Licence. Licensing applications should not be seen as a re-run of the planning application process and there is a clear separation of the planning and licensing regimes to avoid duplication and inefficiency. The Licensing Committee will ensure however that the Planning Committee is advised of ~~the situation regarding licensed premises in the District including the general impact of alcohol related crime and disorder and~~ any proposals to introduce a saturation policy to assist the Planning Committee in its decision making process.

1.16 The Council will seek to achieve integration with relevant strategies and their aims in determining applications and will do so through relevant pre-consultation of this policy and individual applications.

1.17 In formulating this policy, the Council has and will continue to take into account its obligations and powers under other legislation including, ~~but not limited to, such as~~ the Human Rights Act 1998, Crime and Disorder Act 1998, the Disability Discrimination Act 1996, ~~the Equality Act 2010~~, the Anti-Social Behaviour Act 2003, ~~and the Violent Crime Reduction Act 2006 and the Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000~~. It has also taken into account the following Government and national strategies and guidance:-

- ~~Government's Alcohol Strategy 2012~~
- ~~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~~
- ~~Local Better Regulation Officer Regulators' Compliance Code and DTI Enforcement Concordat~~
- Code of Practice on Environmental Noise Control at Concerts 1995
- The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks

1.18 The Council has also taken into account relevant local strategies relating to crime prevention, planning, transport, tourism, race equality and culture including the following:-

- South Bucks Corporate Plan 2010 - 2020
- South Bucks Sustainable Community Strategy 2009 - 2026
- ~~South Bucks Partnership Plan (Community Safety) 2008 - 2011~~
- ~~Community Safety Strategy 2011 - 2014~~
- South Bucks Local Plan
- South Bucks Cultural Strategy
- ~~Buckinghamshire Alcohol Strategy - "Calling Time" On the Harms Caused by Alcohol in Buckinghamshire 2007 - 2010-2012 - 2015~~
- Enforcement Policies of South Bucks District Council, Buckinghamshire County Council and the Thames Valley Police

1.19 In making a determination on any application or notice that comes before it, the Council will have due regard to the Human Rights Act 1998 and will endeavour to reach decisions which are both justified and proportionate and secure ~~for all parties~~ a fair hearing ~~for all parties~~.

1.20 When determining applications the Council will also have regard to **National guidance issued under section 182 of the Licensing Act. ~~by the Department of Culture, Media and Sport (DCMS).~~**

2. Determinations

2.1 These provisions will be applied to the determination of applications for new licenses and to applications to vary existing licenses. The provisions for determination of Club Premises Certificates will be the same as those for Premises Licenses.

2.2 Responsible authorities (see appendix 4) are notified of all new applications. Whilst all responsible authorities may make representations regarding applications for licences and club premises certificates and full variation applications, it is the responsibility of each responsible authority to determine when they have appropriate grounds to do so. Licensing authorities are also responsible authorities for the purpose of the legislation and authority to make representations in respect of applications has been delegated to the Director of Services, who in turn, delegates this responsibility to the Licensing Team. The Licensing Authority will take steps to ensure that where officers are acting in the capacity of a responsible authority separation of responsibilities occurs so as to ensure procedural fairness and eliminate conflicts of interest.

2.3 Premises must be constructed or adapted in such a way that it is deemed safe and appropriate to the nature of the activities to be licensed. Premises in the course of construction, alteration, extension, etc. can be granted a Provisional Statement pending completion to the required standard and compliance with all other requirements. Alternatively, a full licence can be applied for and granted whilst premises are still to be constructed, extended or altered where full details as required are available in advance of completion. Such a licence - if granted - would not have immediate effect but include a date upon which it would have effect on completion.

2.4 Applicants are encouraged to consult with the Police Licensing Officer before submitting an application which may serve to resolve and/or prevent issues /objections arising. The Police may also wish to interview prospective DPS. Applicants are also encouraged to consult with other responsible authorities where the proposed activities may impact on licensing objectives which other responsible authorities may have an interest in.

2.5 If no objections are received in respect of an application the Council must grant the application as set out in the operating schedule, subject only to Mandatory Conditions under the Licensing Act 2003 **and Special Conditions consistent with the detail of the operating schedule submitted by the applicant. ~~The steps proposed by the Applicants will become Special Conditions.~~** The Council will have no discretion to refuse the application or to alter or add to the special conditions arising from the operating schedule **except in so far as wording the conditions so as to ensure they are enforceable and bringing them in line with the Council's pool of model conditions.** Where, however, there are relevant representations, then this Policy is engaged and a Hearing before the Council's Licensing Sub-Committee will normally follow. At the Hearing the Licensing Sub-Committee will have discretion to take steps as it considers necessary to promote the four licensing objectives.

2.6 In considering licence applications where representations have been received, the Licensing Sub-Committee will consider the adequacy of measures proposed to deal with the potential for nuisance and/or crime and public disorder, prevention of harm to children and public safety

having regard to all the circumstances of the case. The Council will expect Operating Schedules to satisfactorily address these issues from the design through to the daily operation of the business. Particular consideration will be given to ~~the following and conditions may be attached to secure the same and/or in relation thereto where considered necessary/appropriate (see section 6/para 6.5 - in re measures to protect children):~~

- The steps the Applicant has taken or proposes to take to prevent public nuisance. Such steps may include the installation of sound proofing, air conditioning, acoustic lobbies, sound limitation devices, parking provision, notices at exits and in the car park.
- Whether other measures to prevent nuisance and secure public safety have been taken, such as the use of CCTV, the employment of registered door supervisors, participation in a Pub Watch Scheme, the operation of a Safe Transport Home Scheme, staff training, means of access/exit, types of drinking utensils used i.e. glass, plastic, no bottles. ~~, treatment of furniture, etc.~~
- The measures proposed to prevent the consumption or supply of illegal drugs including any search procedures and entry policies.
- The likelihood of any violence, public disorder or policing problems arising if a licence were to be granted.
- Previous history of compliance and any enforcement action arising from non-compliance.

2.7 In considering representations received in respect of applications reference will be made to this Policy (amongst other things) and in particular paragraphs 1.(6),13.2 and 17.4 hereof.

The weight to be attached to individual representations will be determined by the Members at any hearing and will vary on a case by case basis taking the matters referred to in the Policy and in particular paragraphs 1.(6),13.2 and 17.4 into account - representations are encouraged to be specific to the subject premises and if possible supported by written records of previous complaints/problems where these are alleged (including dates, times and to whom the complaint was made and when and what the outcome of any such complaint was if any) - equally applicants are encouraged in completing their operating schedules to detail steps proposed to address potential concerns.

2.8 The Legislative Reform (Minor Variations to Premises Licences and Club Premises Certificates) Order 2009 amends the Licensing Act 2003 to include a new Minor Variation procedure. This procedure has been created by the Government to speed up uncontested variation applications and to reduce costs to applicants and Councils, where the variations proposed would not have an adverse effect upon the promotion of the four licensing objectives set out in the 2003 Act (the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm).

The Minor Variation procedure requires that:

- Applications are to be made to the Council on a prescribed Minor Variations form either on paper or electronically with a current fee of £89.00
- A white A4 sized notice must be prominently displayed at or on the premises for 10 working days beginning on the day after the day of receipt of the application but the application does not need to be advertised in a local newspaper;

- The application is only served on the Council;
- Responsible authorities are only involved at the request of the Licensing Officer.
- Interested Parties i.e. local residents/businesses can make representations based on the licensing objectives.

2.9 Representations from Interested Parties to Minor Variations do not trigger the Council to hold a hearing, but instead mean that the Licensing Officer must take any representations into account when arriving at their decision. The Council must consult the Responsible Authorities it considers appropriate, and must take into account any relevant representations made by responsible authorities, or interested parties, received within ten working days beginning on the day after the day of receipt of the application. The deadline for determination of these applications is 15 working days.

An application may not be made and must be rejected, which:

- extends the existence of a Premises Licence,
- substantially varies the premises,
- changes the designated premises supervisor,
- adds the supply of alcohol as an activity authorised by the licence,
- authorises the supply of alcohol at any time between 11pm and 7am
- authorises increases to the amount of time on any day during which alcohol may be sold by retail or supplied, or
- allows every supply of alcohol to be made or authorised by a management committee for supply of alcohol from community premises instead of a designated premises supervisor.

2.10 A determination cannot be made during the 10 working day notice period, leaving the Council with the remaining 5 working days to determine the application. If the application is not determined within the 15 working days it is deemed refused and the application fee must be returned unless the Applicant agrees that the application be treated as returned and re-submitted as a new application.

2.11 There is no power to impose conditions; only conditions volunteered by the applicant can be added to the licence under the minor variations procedure. Effectively, the Government has passed the ability to vary Premises Licences in limited circumstances to Licensing Officers, provided the variation will not adversely effect the promotion of any of the licensing objectives. If the variation will have an adverse effect on the promotion of any of the licensing objectives, the Officer must refuse the application.

3. Conditions.

3.1 Upon grant of a licence, the Act sets out mandatory conditions which **may will** be attached in certain circumstances and in addition to these, special conditions may be attached. **Special conditions which are consistent with the applicants operating schedule will be attached to the licence and, in addition, if relevant representations are submitted, the Licensing Sub Committee may attach further special conditions intended to address concerns detailed in representations. Special conditions can be imposed only where necessary appropriate and proportionate to promote the Licensing Objectives. ~~and can be imposed to satisfy issues raised by relevant representations and/or which are consistent with the operating schedule submitted by the applicant which should contain a risk assessment and steps proposed to promote the Licensing Objectives.~~** Any special condition will normally be drawn from a pool of conditions compiled to meet the circumstances of the proposed activities. **A copy of the pool**

of conditions can be obtained from the Council's website (as varied from time to time). ~~See Appendix 3 for Model Conditions (as varied from time to time).~~ However to avoid duplication with other statutory regimes as far as possible the Council will not attach conditions on a licence unless they are considered **necessary appropriate** for the promotion of the licensing objectives. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation.

- 3.2 A key concept underscoring the Act is for conditions to be attached to licences and certificates which are tailored to the individual style and characteristics of the premises and events concerned, **and** which relate to matters within the control of the **premises licence holder or designated premises supervisor licensee and others with relevant authorisations the premises themselves, the immediate vicinity** and which are **necessary appropriate** to meet the licensing objectives. For example conditions may be imposed to prevent unnecessary noise and disturbance to local residents by way of limited hours and/or restrictions on sound levels. Conditions may also be imposed requiring licensees to display signs at all exits of premises reminding customers to leave the premises quietly and to respect the rights of nearby residents. ~~Compliance with the "Safer Clubbing" guide produced by the Home Office may also be required - where considered necessary - by way of condition.~~
- 3.3 The Council may set maximum capacity limits **for premises where members of a Licensing Sub Committee determine this is appropriate for the promotion of the licensing objectives following the receipt of a relevant representation. in consultation with the Fire and Rescue Service and Building Control Officers for premises where regulated entertainment is being provided. Premises where a fire certificate has been issued under the Fire Precautions Act 1971 which imposes an occupancy limit will not have occupancy limit imposed under the Premises Licence, unless the Fire Authority recommends a change from that in the certificate.**
- 3.4 Where alcohol is to be supplied, the Act already provides for a Designated Premises Supervisor however in relation to other licensable activities there is no such requirement therefore the Council may impose licence conditions to require that a suitable individual is designated as a manager responsible for the day to day management of the premises at any time when it is open for the carrying out of other licensable activities.
- 3.5 The Legislative Reform (Supervision of Alcohol Sales in Church and Village Halls) Order 2009 allows a committee or board of individuals with responsibility for the management of community premises to apply to have an "Alternative Licence Condition" included in a premises licence in place of the normal Mandatory Conditions relating to alcohol detailed above. The Alternative Licence Condition is that every supply of alcohol under the licence must be made or authorised by the management committee. Under this Alternative Licence Condition there is no requirement for a Designated Premises Supervisor at the venue. The Government introduced the Order to ease the administrative burden on community premises that make such an important contribution to life in our communities. The order allows community premises, such as church halls with properly constituted management committees or management structures, to apply to replace the normal Mandatory Conditions relating to alcohol with a simpler and cheaper arrangement. In such circumstances the Council will expect to be provided with a name or names and contact number(s) for those individuals who can be contacted in case of emergency or general queries relating to the licence. The determination of these applications and whether a premises is a "community premises" has been delegated to the Director of Services.
- 3.6 Where proposed, requested or agreed with the Fire **and Rescue** Authority, conditions may be attached in relation to Fire Safety. **However, conditions will not be imposed on licences**

where such a condition would duplicate the requirements of alternative legislation. Where appropriate, such conditions may require premises to be fitted with/to have:

- fire-fighting equipment
- an appropriate means of raising the alarm in the event of a fire
- emergency lighting
- CCTV
- Flame retardancy certificates
- BS or otherwise approved electrical installations
- Regular electrical installation inspections
- BS or otherwise approved lighting trusses, ceilings and suspended equipment
- Appropriate risk assessments/management schemes

- any condition/requirement will be agreed in consultation with the Fire Authority.

Certificates must be either in the form set out in the appropriate British Standard or in a format set out by a recognised trade body such as the Electrical Contractors' Association (ECA), the National Inspection Council for Electrical Installation Contracting (NICEIC), or NACOSS. A certificate will not be considered acceptable unless it has been signed by a competent person certifying that the system to which it relates is in a satisfactory condition.

- 3.7 CCTV cameras may also be required by way of condition - for example following consultation with the Police to meet the licensing objectives. Where a licensed premises is required to have CCTV as a condition of the licence then unless there are good reasons, provided to the satisfaction of the Council, then the premises must be equipped to a standard and in a manner in accordance with established Thames Valley Police guidance on installing CCTV - as amended from time to time.
- 3.8 Whenever any persons are employed at licensed premises to carry out any security activity (as defined by the Private Security Industry Act 2001 - as amended from time to time) all such persons must be licensed with the Security Industry Authority and this requirement ~~can~~ will be imposed as a ~~condition and may even be a~~ Mandatory Condition (Section 21 of the Act). The Council may also consider that certain premises require strict supervision for the purpose of promoting the reduction of crime and disorder. In such cases, the Council may impose a condition ~~that requiring~~ licensed door supervisors ~~must to~~ be present at the premises either at all times or at such times as certain licensable activities are being carried out ~~and all~~. **In some circumstances the number of door supervisors required may also be specified.**
- 3.9 The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 sets out five ~~new~~ mandatory conditions relating to alcohol that will apply to all licensed premises and those with a club premises certificate permitting the supply of alcohol.

As of the 6th April 2010, these conditions ~~will~~:

- Ban irresponsible promotions;
- Ban the dispensing of alcohol directly into the mouth; and
- Ensure that customers have access to free tap water so that they can space out their drinks and not get too intoxicated too quickly.

From 1st October 2010, these conditions ~~will~~ also:

- Require an age verification policy to be in place to prevent underage sales;
- and
- Ensure that customers have the opportunity to choose small measures of beers, ciders, spirits and wine.

3.10 The legislation makes clear that an irresponsible promotion is one that is “carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children”. If there is any doubt as to whether a promotion falls foul of this ~~new~~ mandatory condition, **the premises licence holder or designated premises supervisor should ~~we strongly recommend that you~~ discuss ~~your~~ the proposals with the Licensing Team and ~~or~~ police before running the promotion.**

~~3.11 In order to advise individuals, businesses and organisations within the South Bucks area who hold existing Licences/Certificates and are affected by the new legislation officers of the Council are committed to ensuring the following actions are carried out:~~

- ~~• A letter has been sent to all holders of Premises Licences and club premises certificates advising them of the new Mandatory Conditions. An addendum has been issued to include the new Mandatory Conditions that are applicable to the premises.~~
- ~~• As licences are granted, varied or re-issued, the relevant new mandatory conditions will be added to the Premises Licence/Certificate at that time.~~
- ~~• Officers of the Council are distributing information about the changes in legislation and the new mandatory conditions at local pub watch meetings.~~
- ~~• Officers of the Council are distributing information about the changes in legislation and the new mandatory conditions when undertaking individual Premises inspections~~

4 Licensing hours

- 4.1 In making decisions that relate to the hours for which a premises is licensed or any conditions as to delivery times etc. consideration will be given to the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. Each case **where relevant representations are received** will be decided on its individual merits.
- 4.2 It is recognised that varied licensing hours are important to ensure that concentrations of customers leaving licensed premises simultaneously are avoided. In turn this will reduce the potential for disorder at fast food outlets, taxi ranks and other sources of transport.
- 4.3 In relation to shops and other retail outlets supplying alcohol for consumption off the premises, the general policy will be to allow sales of alcohol at all times that the premises is open for business. Any decision not to allow sales of alcohol at particular times will be based on evidence of the need to prevent crime, disorder and public nuisance.
- 4.4 In making decisions in respect of hours, consideration will be given to representations made by residents and businesses in the vicinity of the premises, their representatives, the local Town/Parish Council and the police as well as the applicant.

- 4.5 Fixed trading hours will not be set for particular geographical areas. However account will be taken of any guidelines that are adopted in respect of licensing hours. It should be stressed that each case will be decided on its own merits based on whether the licensing objectives can be met. Stricter conditions however are likely to apply where the premises are situated in mainly residential areas to minimise disturbance to local residents.
- 4.6 The Health Act 2006 (smoke-free premises, places and vehicles) introduced **new** legislation to prohibit smoking in enclosed public places and work places. As a result of **this the new** legislation many licensed premises have created specific smoking areas for customers to use. Where necessary controls may be required to limit the hours that such areas are used to prevent nuisance to neighbouring residents.
- 4.7 With some venues **this the creation of specific smoking areas for customer** has not been possible and has resulted in people smoking in the streets. The Council is committed to working closely with Licence Holders of such premises in conjunction with the Thames Valley Police to ensure that nuisance and/or disorder are not caused by customers congregating in outside areas.

5. Cumulative effect of licensing on the amenity of particular areas

- 5.1 The Council recognises that the cumulative effect of licensed premises may result in an increase in numbers of people either walking through or congregating in streets or cause adverse effects on amenity and this in turn may have a number of undesirable consequences, for example:
- An increase in crime against both property and persons;
 - An increase in noise causing disturbance to residents;
 - Traffic congestion and/or parking difficulties;
 - Littering and fouling.

The Cumulative effect of a significant number of licensed premises concentrated in one area on the promotion of the licensing objectives is a proper matter for a licensing authority to consider.

- 5.2 The Council will take into account:
- The Character of the surrounding area;
 - The potential and real impact of the licence on the surrounding area, both individually and cumulatively with existing licenses;
 - The nature and character of the proposed operation
 - Concentrations of valid complaints relating to noise disturbance; and
 - Any other relevant considerations.

The Council however will not take “need” into account when considering an application as this is a commercial decision and a matter for planning control and the market.

- 5.3 Where there is evidence that a particular area of the District is already suffering adverse effects arising from a concentration of licensed premises, or that residential areas are under stress, this will be taken into account in determining any further applications or variations to existing licenses for premises within the area identified. The onus will be on the objectors to provide evidence to support any assertion that the addition of the premises in question would produce

the cumulative impact claimed.

- 5.4 The Council may consider a specific saturation policy (a “special policy”) if this proves necessary. Such a special policy will be considered where the impact of the concentration of Licensed Premises compromises the promotion of the licensing objectives. The policy will thereafter be considered in relation to future applications on the basis of how each individual premises add to that impact.

The Council in considering whether to adopt a special policy will take the following steps:

- identify serious and chronic concern from a responsible authority or representatives or residents about nuisance and disorder;
- assess the causes;
- where it can be demonstrated that disorder and nuisance is arising or such risk is imminent as a result of customers of licensed premises, identify the area from which problems are arising and the boundaries of that area; and
- subject to consultation adopt and publish a special policy about future licence applications from that area.

6. Children

- 6.1 The Council will carry out its responsibilities so as to promote the licensing objective of protection of children from harm.
- 6.2 Licences will be sought from a wide variety of premises including theatres, cinemas, restaurants, concert halls, cafes, late night take-aways, pubs, bars and nightclubs. It is not possible for a licensing policy to anticipate every situation where children are at risk. The Council will not therefore impose general conditions that apply to all premises, but will consider how the licensing objectives can be best promoted in each particular case. The Council does however commend the Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks operated by the Portman Group **(as amended from time to time)**.
- 6.3 The Council will not seek to limit the access of children to licensed premises beyond the limits set out in the Act unless it is necessary to protect children from physical, moral or psychological harm. The Council will judge the merits of each separate application **where relevant representations are received** before deciding whether to impose conditions limiting access to children. The following are examples of premises that will raise concern;
- where there have been convictions for serving alcohol to minors or with a reputation for underage drinking
 - with a known association with drug taking or dealing
 - where there is a strong element of gambling on the premises - but not for example the simple presence of a small number of cash prize gaming machines
 - where entertainment of an adult or sexual nature is commonly provided
 - where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises
- 6.4 Conditions will not be imposed that require the admission of children. This will remain a matter for the discretion of the licensee.
- 6.5 The range of options available to limit the access of children to licensed premises that may be

imposed by the Council include:

- Limitations on the hours where children may be present;
- Where alcohol is sold, requirements for proof of age cards or other age identification before a sale is made;
- Age limitations (below 18);
- Limitations or exclusions when certain activities are taking place;
- Requirements for an accompanying adult;
- In exceptional cases, exclusion of people under 18 from the premises or parts thereof when any licensable activities are taking place.

- 6.6 The Responsible Authority for the purposes of representing those who are responsible for or interested in matters relating to the protection of children from harm and is recognised as being competent to advise on such matters for the South Bucks District is the **Area Child Protection Committee**, Buckinghamshire Children's Safeguarding Board, Bucks County Council. Where Regulations require notice to be given to the Responsible Authority, the contact details can be obtained from **the Council's website ~~Mr Gordon Ridley Head of Health and Housing whose details are at the back of this Policy.~~**
- 6.7 A mandatory condition will be imposed on all premises licenses and club premises certificates which authorise the exhibition of films, to restrict the admission of children to films that are unsuitable because of the age classification of the film that has been imposed by the British Board of Film Classification or other film classification board approved by the licensing authority and arrangements for securing compliance with this condition should be included in submitted Operating Schedules. Children will not be permitted to view un-certificated films.
- 6.8 The Council will expect that where a significant number of unaccompanied children will be present during a public entertainment event, the licensee will ensure that an adequate number of adult members of staff/supervisors/ attendants are present to control the access, egress and safety in and around the premises. The number of staff/supervisors/attendants required should be assessed by the licensee, taking into account the number of children to be present, the age of the children, the type of entertainment, the characteristics of the premises and any other relevant factor, subject to there being a minimum of one adult per 25 children or part thereof - but with a minimum of 2 adults at any one time.
- 6.9 The Council will **expect the operating schedule of an application to detail that require** anyone intending to provide supervision of activities to under 18's ~~to~~ **will** carry out Enhanced Criminal Record checks before appointing staff/supervisors to service such activities. ~~These checks must be submitted to the Council as part of the Operating Schedule. S~~ and staff shall only be appointed who have been subject to a check and are found suitable. Staff/supervisors will however at all times remain the responsibility of the Licensees.
- 6.10 The Council will specifically require the Operating Schedule to address the above issues **and where appropriate and possible licences will be conditioned to this effect.**

7. Films

- 7.1 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.

If a licence holder is notified by the Council that a particular film in the opinion of the Council falls into that category and may not be shown, its decision shall be final in that respect.

- 7.2 In connection with the film exhibition, conditions will specify that immediately before each exhibition at the premises of a film (other than a current newsreel) passed by the British Board of Film Classification, there shall be exhibited on screen for at least ten seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of a certificate of the Board, or, as regards a trailer advertising a film, of the statement approved by the Board indicating the category of the film. Conditions may also require notices to be displayed both inside and outside the premises so that persons entering can readily read them and be aware of a category attached to any film or trailer.

8. Personal Licences

- 8.1 The Council will grant a personal licence if it appears that:

- a) The applicant is over 18
- b) The applicant possesses a relevant licensing qualification
- c) The applicant has not forfeited a personal licence in the previous five-year beginning with the day the application was made
- d) The applicant has not been convicted of any relevant offence as defined in the Act.

- 8.2 In order to substantiate whether or not an applicant has a conviction for an unspent relevant offence, applicants will be required to produce a current **criminal record disclosure certificate** ~~Criminal Record Bureau Certificate~~, with the application.

- ~~8.3~~ The Council will **notify the Police in accordance with the requirements of the Licensing Act when an applicant discloses that they have a relevant unspent conviction. liaise closely with the Police when an applicant is found to have an unspent conviction for a relevant offence defined in the Act. Where an applicant for a personal licence has an unspent criminal conviction for a relevant offence, the police and Council will interview the applicant should the police be minded to object to the grant of the licence.**

- 8.4 If the police object to the application on crime prevention grounds, the applicant is entitled to a hearing before **a Licensing Sub-Committee** ~~the Licensing Committee or one of its sub-committees~~. The refusal of the application will be the normal course unless there are, in the opinion of the Council, exceptional and compelling circumstances that justify granting the application.

9. Temporary Events

- 9.1 The Act provides **a mechanism for** ~~certain occasions when~~ regulated entertainment **and/or the sale of alcohol** at small scale events (for no more than 499 people at a time and lasting for no more than **168 96** hours) **to take place without needing a licence. In these circumstances advance notice must be given to the police, environmental health and licensing team. do not need a licence but do need to provide advance notice to the police and the Council.** The police **and/or environmental health** can **only** object to a Temporary Event Notice if the event is likely to undermine the **crime prevention licensing** objectives.

~~9.2 The Legislative Reform (Licensing) (Interim Authority Notices etc) Order 2010 amends the police objection period from 48 hours to two working days. This small change has provided a clearer timescale to ensure the police to have a proper opportunity to scrutinise Temporary Event Notices and ensure that a more consistent approach is followed.~~

9.2 The law states that for a standard temporary event notice at least ten working days notice must be given and for a late temporary event notice at least five working days notice must be given (excluding the date on which the notice is given and excluding the date of the event) to the police, environmental health and licensing and the Council but the less time that is given will increase the likelihood of the objections being submitted police objecting. The Council recommends that at least three months' four weeks notice be given to the Police and the Council to hold these events, to allow it to help organisers plan their events safely. There are limitations as to the number of TENS that can be applied for/relied on in any 12 month period. Any notice applying to events in excess of this number will be served with a Counter Notice.

9.3 Premises users are advised to serve notice of Temporary Events to the following addresses:

Licensing Authority, South Bucks District Council, Council Offices, Capswood, Oxford Road, Denham, Buckinghamshire UB9 4LH

Chief Officer of Police, Licensing, Thames Valley Police, Headquarters (South), Kidlington, Oxfordshire, OX5 2NX

Environment Manager, South Bucks District Council, Council Offices, Capswood, Oxford Road, Denham, Buckinghamshire UB9 4LH

~~Licensing Officer, Thames Valley Police, Beaconsfield Police Station, Penn Road, Beaconsfield, Buckinghamshire HP9 2PP~~

Premises users should note that the Council have no authority under the legislation to accept a notice served out of time. Should this happen then the notice will be returned to the premises user marked invalid.

9.4 The Council has established a South Bucks Safety Advisory Group (SAG). Members of the South Bucks District Safety Advisory Group include the Thames Valley Police, South Central Ambulance Service, Bucks Fire & Rescue Service, South Bucks District Council and Buckinghamshire County Council. As necessary representatives of adjacent local authorities or emergency services are invited to attend or comment on events planned in South Bucks. The objective of the group is to coordinate the risk assessment and preplanning to ensure public events are safe for exhibitors, performers and visitors and that access to and egress from the event including highways and public transport issues are included in the planning process.

9.5 Organisers of temporary events are strongly advised to contact the Council's Environmental Health Team for advice at the earliest opportunity when planning events and to submit the relevant documentation to the South Bucks Safety Advisory Group for assessment.

10. Licensing of Circuses

10.1 The Licensing Act 2003 Schedule 1 (2) (1) states that Regulated Entertainment includes:

- (a) a performance of a play,
- (b) an exhibition of a film,
- (c) an indoor sporting event,
- (d) a boxing or wrestling entertainment,
- (e) a performance of live music,
- (f) any playing of recorded music,
- (g) a performance of dance,
- (h) entertainment of a similar description to that falling within paragraph (e), (f) or (g).

Live unamplified music taking place between 08:00 hours and 23:00 hours and live amplified music taking place between 08:00 hours and 23:00 hours before audiences of no more than 200 people on premises authorised to supply alcohol on the premises or in workplaces is not licensable entertainment by virtue of amendments made to the Licensing Act 2003 by the Live Music Act 2012.

~~Therefore~~ Circuses **may** fall under this provision **depending upon the activities taking place** and ~~will~~ **may** require a licence. Circuses have three options when seeking to apply for a licence:

1. Renting Land from a Local authority that has licensed its own public land.
2. Temporary Event Notice - This option ~~may is very unlikely to~~ be suitable for a Circus **but** will be restrictive for a Circus as they will be limited to 5 notices per year but if the applicant has a Personal licence they may apply for 50 notices per year. There is also a limit of 499 people in attendance for each event including the staff.
3. Premises Licence ~~-This will be the most likely route for most Circuses.~~

10.2 The Council will expect applicants to provide a detailed plan for the field and separate detailed plan(s) of each Circus tent that is proposed to operate on that site. The plans for each Circus should show seating, fire exits etc but there could be flexibility built in to the operating schedule to allow alteration to these details subject to agreement from the Responsible Authorities prior to the event taking place (As stated above this should be submitted at least 3 months in advance). If the Circus wishes to change significantly the way it is set up they will need to submit a new plan to the Council.

11. Sexual Entertainment Venues

11.1 Section 27 of the Policing & Crime Act 2009 **amends amended** Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 to introduce a new category of sex establishment called "Sexual Entertainment Venue" which, if adopted by a local authority, **will** require premises in that area who provide "relevant entertainment", such as lap dancing to obtain a Sex Establishment Licence. There is an exemption for premises that provide relevant entertainment on an infrequent basis. The legislation is not mandatory for local authorities and therefore they will have the flexibility to decide whether and, if so, when the new provisions should come into force in their area. South Bucks District Council **has** adopted these **new** provisions at their meeting of Full Council on 14th December 2010.

12. Garages

- 12.1 Section 176 of the Licensing Act 2003 states: No premises licence, club premises certificate or temporary event notice has effect to authorise the sale by retail or supply of alcohol on or from excluded premises.
- 12.2 In this section “excluded premises” means; premises situated on land acquired or appropriated by a special road authority¹, and for the time being used, for the provision of facilities to be used in connection with the use of a special road provided for the use of traffic of class I (with or without other classes); or premises used primarily as a garage or which form part of premises which are primarily so used.
- 12.3 The Act states that premises are used as a garage if they are used for one or more of the following:
- the retailing of petrol;
 - the retailing of derv;
 - the sale of motor vehicles;
 - the maintenance of motor vehicles
- 12.4 The Council acknowledges that the retail-trading environment for both local shops and garages/petrol filling stations has changed dramatically over the last fifteen years and this will be taken into account in the way in which the Council will approach the task of interpreting the legislation.
- 12.5 ~~The Council will expect a~~ Applicants **are asked** to provide supporting information, in relation to “primary use” of the garage, at the time of application. The purpose of this requirement is to assist the Council in determining the application properly, regardless of whether a sub committee is required to consider any representations.
- 12.6 Applicants will be expected to include within their operating schedule information regarding primary use, allowing the licensing section to make an assessment of primary use, including proposals to submit the following information to the licensing section when requested. The information supplied regarding primary use shall include:**
- **Number of fuel sales only transactions**
 - **Number of non-fuel only transactions**
 - **Number of combined fuel and non-fuel transactions**
- ~~(see Appendix 3 for pool of model conditions)~~
- Where the premises are new and have not previously operated the applicant will be expected to indicate in his/her operating schedule that this information will be submitted after six months of trading and then at such other intervals as may be requested.**
- (see the Council’s website ~~Appendix 3~~ for pool of model conditions)**

¹ Special road authority refers to either the Minister for Transport or a local highway authority acting - the context relates to motorway service centres

13. Consultation

13.1 Policy

This section of this Policy outlines the licensing consultation process. The aim of consultation process on the formulation and review of this Policy was to provide the opportunity for all parts of the community to be involved in framing and reviewing the licensing process.

13.2 Individual Applications

Application procedures under the Act specify the nature and extent of the **legal minimum** advertisement requirements for each type of licence.

Types of consultation/advertisements ~~required under the Act normally undertaken will include as a minimum:-~~

- Requiring the display of a notice
- Advertising in local newspapers
- Notification on the Councils website
- ~~Notice to District Councillors/Parish Councils~~
- Availability of Applications in reception for public viewing
- ~~Neighbour Notification (residents in the neighbourhood where the premises are located neighbourhood being a matter of fact and degree in each case to be determined by the Council's Licensing Team based upon whether an individual's residence or business are likely to be directly affected by the premises).~~

~~Regarding neighbourhood notification when an application is received the Council will notify residents in the neighbourhood where the premises are located. The receipt of such a notification of an application does not create any presumption that the recipient is in the vicinity of the premises as referred to in the Act.~~

~~In addition to the legal requirements for advertising applications the licensing section will, in the case of new applications or full variation applications, write to District Councillors and Parish Councils advising them of the receipt of an application. In addition, where appropriate, the licensing section will also undertake a process of neighbourhood notification, which will involve writing to residents and businesses considered to be immediate neighbours of premises which are the subject of the application. The extent of the neighbourhood notification being a matter of fact and degree in each case to be determined by the Council's Licensing Team based upon whether an individual's residence or business are likely to be directly affected by the premises.~~

13.3 The consultation provisions contained in paragraph 13.2 above will not apply to any applications for Minor Variations nor for applications for the Alternative Licence Condition when the only variation sought is for the Alternative Licence Condition in place of the Mandatory Conditions.

~~13.4 Consideration of representations on individual applications~~

~~In order for representations to be treated as relevant representations, the person making the representations will need to satisfy the Council that they are in the vicinity, and whether they are will depend on all the circumstances, including the nature and size of the operation, their distance from the premises, who they represent and the nature of the~~

~~neighbourhood in accordance with DCMS Guidance and which are not considered to be irrelevant, frivolous or vexatious.~~

~~13.5 S.33(1) of the Policing and Crime Act 2009 amends the definition of Interested Parties within the Licensing Act 2003. Such amendment provides clarification that all Members of the District Council are deemed Interested Parties and can make representations within the 28 day consultation period if they have concerns that an application will affect the four licensing objectives. Members will then need to consider interests vis a vis Members of the Licensing Sub-Committee.~~

14. Mediation and Communication

14.1 The Council ~~will~~ **may** encourage ~~mediation communication and discussion~~ between applicants, relevant statutory agencies and occupiers of nearby premises, local residents groups, community or interested groups where significant issues have arisen relating to a licence application. The Council, if it considers it expedient in view of the issues raised, will facilitate mediation through:

- identification of potential issues for other relevant statutory agencies particularly regarding the safety and amenity of local residents.
- negotiation of, if possible, potential conditions to reflect resolutions of mediation forums.

14.2 Mediation will not override the right of any party to decline to participate in a mediation meeting.

15. Complaints against licensed premises

15.1 The Council will investigate complaints against licensed premises - provided these are not irrelevant, vexatious, frivolous or repetitious. In the first instance, complainants will be encouraged to raise the complaint directly with the licensee or business concerned - although it is suggested complaints re underage sale of alcohol/cigarettes are first referred to the relevant trading standards office who will advise on the appropriateness of approaching the alleged offender.

15.2 Where a Responsible Authority and/or ~~another person Interested Party~~ (such as a local resident, or a resident's association) has made:

- (a) Valid representations about licensed premises or
- (b) a valid application for a licence to be reviewed

then the Council will encourage the parties to ~~communicate and discuss attend a mediation meeting to address, clarify~~ and try to resolve the issues of concern. ~~if the Council considers this to be expedient in all the circumstances - otherwise a hearing must be held.~~ To be valid the representations must be in writing and be relevant to the promotion of the Licensing Objectives - and not vexatious, frivolous or repetitious.

15.3 The mediation process will not override the right of any interested party to ask that the Council consider their valid objections or for any licence holder to decline to participate in ~~a~~ **mediation meeting.**

15.4 The Council recognises that a premises licence or club premises certificate can be subject to the formal review process and also that the police have powers to close premises where they consider it necessary to do so in the interests of public safety or to prevent a public nuisance. In addition, the police may apply to the Council for an expedited review of a premises licence where a senior police officer is of the opinion that the premises are associated with serious crime or serious disorder, or both. However, we believe that by working in partnership with all the groups involved in the licensing process the formal review procedures and exercise of the police powers to close premises should be instituted in general after voluntary measures have been attempted.

16. Enforcement policy

16.1 The Council has a long-established licensing enforcement policy ~~(which has been recently reviewed alongside the first review of this Policy)~~, based around the principles of consistency, openness, helpfulness and proportionality in accordance with enforcement objectives set by the ~~Local Better Regulation Officer Regulators' Compliance Code and 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 which also takes into account the Attorney-General's Guidelines to Crown Prosecutors for bringing prosecutions.~~

16.2 The enforcement policy (available on request) proposes that a graduated response is taken where offences against licensing legislation are found or where licence conditions have been contravened. An isolated administrative offence - such as failing to maintain certain records - may be dealt with purely by way of a written warning or formal/simple caution 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.

16.3 The Council will seek to work actively with the Police, Trading Standards and other agencies in enforcing licensing legislation. It expects the police to share information about licensees and licensed premises under the Crime and Disorder Act 1998 and its common law powers and to consult closely with the Council when any enforcement action may be required. The Council has established protocols with the Police, Fire and Rescue Service and Trading Standards on the enforcement of licensing law. Which provide for the efficient deployment of officers engaged in inspection of licensed premises and enforcement action, in order to ensure that resources are targeted at problem and high-risk premises.

16.4 The Council will continue to employ licensing enforcement officers to investigate allegations of unlicensed activities and to ensure that licence conditions are complied with. **Enforcement action undertaken will be based on a risk assessed approach, targeting problem and high risk premises, providing a lighter touch for low risk premises and those that are well run.**

16.5 The Council will carry out its responsibilities for enforcement so as to promote the 4 licensing objectives - see 1.4 - and will aim to ensure consistency, openness, helpfulness and proportionality regarding enforcement.

17. Administration, Exercise and Delegation

17.1 The Council is involved in a wide range of licensing decisions and functions and has established **a** Licensing Committee to administer them. The powers under the Act also allow for delegation

of powers/functions to Licensing sub- committees or to one or more officers.

- 17.2 Appreciating the need to provide a speedy, efficient and cost effective service to all parties involved in the licensing process, the Council has taken advantage of these powers and has established a Licensing sub-committee/sub-committees.
- 17.3 Many of the decisions and functions are largely administrative in nature such as the grant of non-contentious applications, including for example those licenses and certificates where no representations have been made. These have been delegated to Council officers. All such matters dealt with by officers will be reported for information to the next Licensing Committee meeting.
- 17.4 Applications where there are relevant representations will be dealt with by the Licensing Committee/sub-committee - unless such representations are considered irrelevant, frivolous or vexatious or unless the Council, the applicant and everyone who has made representations agrees that a hearing is not necessary.
- 17.5 The table below sets out the agreed delegation of decisions and functions of the Licensing Committee, sub-committees and officers. The various delegations include delegation to impose appropriate conditions.
- 17.6 This scheme of delegations is without prejudice to the right of officers to refer an application to a Licensing sub-committee or the full Licensing Committee if considered appropriate in the circumstances of any particular case.
- 17.7 Unless there are compelling reasons to the contrary, the Council will require the Licensing Committee or any of its sub-committees to meet in public - although Members can retire into private session to consider their decision.

• ~~For Officers read Director of Services~~

The table of delegations will be reviewed and updated from time to time on the basis of changes to law and practice. For the up to date scheme of delegations please refer to the Licensing Team.

Matter to be dealt with	Full Council	Full Licensing Committee	Licensing Sub-committee	Officers* Director of Services
Review of Licensing Policy	All Cases	Recommendation to Full Council		
Saturation Policy (“Special policy”)	All Cases	Recommendation to Full Council		
Application for grant or renewal of Personal Licence inc. revocation			If a relevant representation made - Section 120(7), 121(6) and 124(4).	If no relevant representation made
Application for personal licence with unspent convictions			All cases	

Application for premises licence/club premises certificate			If a relevant representation made Section 18(3) Section 72(3)	If no relevant representation made
Application for provisional statement			If a relevant representation made Section 31(3)	If no relevant representation made
Application to vary premises licence/club premises certificate			If a relevant representation made Section 35(3) Section 85(3)	If no relevant representation made
Application to vary designated premises supervisor			If a police objection Section 39(3)	All other cases
Request to be removed as designated premises supervisor				All cases
Application for transfer of premises licence			If a police objection Section 44(5)	All other cases
Applications for Interim Authorities			If police objection Section 48(3)	All other cases
Decision on whether a complaint is irrelevant frivolous vexatious etc				All cases
Decision to object when local authority is a consultee and not the lead authority				All cases
Determination of a standard temporary event notice			If a police objection— including powers to serve a counter notice Section 105(2)—If an objection received including powers to serve a counter notice. Section 105 & 106A.	All other cases including powers to serve a counter notice. Section 107.
Determination of an application to review a premises licence			Application for a review by an interested party or a responsible authority - all	

			cases. Section 51	
Determination of an application to review a club premises certificate			Application for a review by an interested party or a responsible authority - all cases. Section 87	
Determination of a review of a premises licence following a closure order			Order made by a senior police officer or a Magistrates Court - all cases. Section 167.	
Determination of validity of all applications and administration thereof				All cases
Determination of whether the variations to a Premises Licence applied for pursuant to Section 41A of the Act fall within the definition of "Minor Variations" taking into account the DCMS Guidance				All cases
Determination of an Application for a minor variation to a Premises Licence Section 41A of the Act				All cases
Determination of whether the variations to a Club Premises Certificate applied for pursuant to Section 86A of the Act fall within the definition of "Minor Variations" taking into account the Act and DCMS Guidance				All cases
Determination of an Application for a Minor Variation to a Club Premises Certificate - Section 86A of the Act				All cases
Determination of whether an applicant fulfils the criteria of the statutory definition of "Management Committee" regarding applications made pursuant to Sections 25A and 41D of				All cases

the Act taking into account the DCMS Guidance				
Determination of whether a premises falls within the statutory definition of "Community Premises" regarding applications made pursuant to Sections 25A and 41D of the Act taking into account the DCMS Guidance				All cases
Determination of an Application for a new Premises Licence which included an application for an Alternative Licence Condition - Section 25A of the Act			If a relevant representation made Section 25A	If no relevant representation made
Determination of an Application to vary a Premises Licence to include the Alternative Licence Condition or an Application which included an application for the Alternative Licence Condition - Section 41D of the Act			If a relevant representation made Section 41D	If no relevant representation made
Determination of a review of a Premises Licence when held by a Management Committee which included the Alternative Licence Condition - Section 51 of the Act			Application for a review by an interested party or a responsible authority - all cases. Section 51	
Power for the Licensing Authority to Act as a responsible Authority - Section 104 of the Act				All cases
Suspension of licence where fees not paid by due date - Sections 55A and 92A of the 2003 Act				All cases
Power to impose conditions upon standard Temporary Event Notices - Section 106A of the Act				Where objections from Police or EHO received and applicant agrees to conditions and all

				parties agree no hearing necessary.
Determination of a late Temporary Event Notice				All cases including powers to serve counter notice. Section 104A & 107.

18. Appeals

18.1 Premises Licences

Part 1 of Schedule 5 of the Licensing Act 2003 sets out the appeals process with regards to premises licences.

- Applicants may appeal to the Magistrates' Court if the Council has rejected their application for a premises licence, for a variation of a premises licence, for a variation of a designated premises supervisor or for a transfer of a licence.
- If a licence is granted, the licence holder may appeal against the imposition of conditions on that licence, the exclusion of a licensable activity or refusal to specify an individual as the designated premises supervisor.
- Those who made relevant representations during the course of an application may appeal against the decision to grant a licence, or the licensable activities permitted, conditions imposed (or not imposed) or the identity of the designated premises supervisor.
- Applicants or any person who made a relevant representation may appeal against the decision to issue a provisional statement.
- Where the Council takes the step of modifying the conditions of the licence before granting a variation, the applicant may appeal.
- Any person who made relevant representations can appeal against the decision to vary the licence.
- The Chief Officer of Police who gave a notice may appeal against the grant of an application to specify an individual as a premises supervisor or against the decision to transfer a licence.
- Where the Council decides to cancel an interim authority notice following a notice from the Chief Officer of Police, the person who gave the interim authority notice may appeal against the decision.
- Where the Council does not cancel the interim authority notice following a notice from the police, the Chief Officer of Police may appeal.
- The decision in relation to a review of the premises licence may be brought to appeal by the applicant for the review, the premises licence holder or anyone who made relevant representations

18.2 Club Premises Certificates

Part 2 of Schedule 5 of the Licensing Act 2003 sets out the appeals procedures in relation to club premises certificates.

- Clubs applying for a premises certificate or applying to vary a certificate may appeal against the decision by the Council to reject the application.
- If a certificate is granted the holding club may appeal against the imposition of conditions or the exclusion of a licensable activity.
- Those who made relevant representations during the course of an application may appeal against the decision to grant a certificate, or the qualifying club activities permitted or conditions imposed (or not imposed).
- Where the Council takes the step of modifying the certificate before granting a variation, the club may appeal. Any person who made relevant representations can appeal against the decision to vary the certificate.
- The decision in relation to a review of a club premises certificate may be brought to appeal by the applicant for the review, the certificate - holding club or anyone who made relevant representations.

18.3 **Standard** Temporary Event Notices, Personal Licences and Closure Orders Part 3 of Schedule 5 of the Licensing Act 2003 covers appeals in relation to temporary event notices, personal licences and closure orders.

- In relation to temporary event notices, premises users may appeal against the decision by a Council to give a counter notice.
- Applicants for personal licences may appeal against the decision to reject an application for or application to renew a licence.
- Where the Police lodged an objection notice to the grant or renewal of a personal licence and the Council grants or renews the licence, the Police may appeal.
- Personal licence holders may appeal against revocation of that licence by the Council.
- Where the Police have given notice about relevant offences which come to light after the granting or renewal of a licence, and the Council decide not to revoke the licence, the Police may appeal against the decision.
- The licence holder or any person who made representations on a review of a premises licence following a closure order may appeal against the outcome of the review.

18.4 An appeal has to be commenced by the giving of a notice of appeal by the appellant to the Magistrates Court within a period of 21 days beginning with the day on which the appellant was notified by the Council of the decision appealed against but no later than 5 days before the event period begins.

18.5 For purposes of the Councils notification of determinations this is the date the decision is

received in ordinary course of the post after it has been sent.

- 18.6 On determining an appeal, the court may
- a) Dismiss the appeal;
 - b) Substitute for the decision appealed against any other decision which could have been made by the Council; or
 - c) Remit the case to the Council to dispose of it in accordance with the direction of the court

The court may make such order as to costs as it thinks fit.

For further information relating to the appeal process please seek your own independent legal advice.

19. Early Morning Restriction Orders (EMROs)

- 19.1 The Licensing Act sets out powers conferred on licensing authorities to make early morning alcohol restriction orders. These powers are designed to help licensing authorities address specific problems caused by late night supply of alcohol in their areas allowing licensing authorities to restrict the sale of alcohol in the whole or a part of their areas between 12 midnight and 6am. Licensing Authorities may make an EMRO in relation to problem areas if they have evidence that the order is appropriate for the promotion of the licensing objectives. At the time of writing this policy the Licensing Authority has no plans to make an EMRO in any part of the South Bucks District Council area, however, the situation will be kept under review and should evidence emerge that suggests that the sale of alcohol between 12 midnight and 6am is creating specific problems the Council will consider whether the introduction of an EMRO is appropriate. In considering the appropriateness of an EMRO the licensing authority will consider evidence from partners, including responsible authorities and local Community Safety Partnerships or other sources. If a proposal to implement an EMRO arises in the future the Licensing Authority will advertise and consult about it's proposal in accordance with legislation and national guidance.

20. The Late Night Levy (LNL)

- 20.1 Late night levy powers will allow licensing authorities to raise a contribution from late opening alcohol retailers (12 midnight to 6am) towards policing the late night economy. This is a power that licensing authorities can choose whether to adopt for their areas. If adopted the powers must apply to the whole of the licensing authority's area. Income from the net levy is to be split between the Police and the Licensing Authority on the basis of a minimum 70% allocated to the Police and a maximum 30% allocated to the licensing authority. At the time of writing this policy the Licensing Authority has no plans to collect a LNL, however the situation will be kept under review and prior to making a decision to implement a LNL, the licensing authority would have discussions with the Police and Crime Commissioner (PCC) and local police to decide whether it is appropriate to introduce a LNL. If a proposal to implement a LNL arises in the future, the licensing authority will consult the PCC, the police, licence holders and others about its proposal.

Further information

Further information about the Licensing Act 2003 and the Council's licensing policy can be obtained from:

~~Mrs M. Davis – Licensing Team Leader~~ Licensing Section

Appendix2

South Bucks **District Council DC**, Council Offices, Capswood, Oxford Road, Denham, UB9 4LH

T: 01895 837222/**837325/837373**

F: 01895 837399

E: **mandy.davislicensing**@southbucks.gov.uk

Website - www.southbucks.gov.uk

Information is also available from www.gov.uk/alcohol-licensing

~~(1) Department for Media, Culture and Sport, 2-4 Cockspur Street LONDON SW1Y 5DH
T: 020 7211 6200 E: Enquiries@culture.gov.uk~~

~~(2) The Local Government Licensing Forum www.lglf.org~~

~~(3) Copies of the Licensing Act 2003 and associated legislation is available from
www.legislation.hmso.gov.uk~~

~~(4) DCMS Section 182 Guidance is available from
www.culture.gov.uk~~

~~(5) Home Office, Direct Communications Unit, 2 Marsham Street, London SW1P 4DF~~

~~Telephone: 020 7035 4848 (09:00-17:00 Mon-Fri)~~

~~Fax: 020 7035 4745~~

~~Email: public.enquiries@homeoffice.gsi.gov.uk~~

~~www.homeoffice.gov.uk~~

~~SELLING ALCOHOL RESPONSIBLY: The New Mandatory Licensing Conditions
The Mandatory Code for Alcohol Retailers England and Wales – April 2010
Available for download at the following:~~

~~<http://www.homeoffice.gov.uk/crime-victims/reducing-crime/alcohol-related-crime/index.html>~~

APPENDIX 1

LIST OF CONSULTEES SECTION 5 LICENSING ACT 2003

The Chief Officer of Police for the Councils area

~~The Fire and Rescue Authority for the area~~

Responsible Authorities as listed at Appendix 4

Persons/Bodies representing local holders of premises licences

Persons/Bodies representing local holders of club premises certificates

Persons/Bodies representing local holders of personal licences

Persons/Bodies representing businesses and residents in the area

Local pubs, cafes, restaurants, hotels, leisure centres, clubs, off-licences, stores, Takeaways, village/church halls in the district. ~~–in total over 300 consultees).~~

All Parish Councils in the District

Other Councils, including Chiltern DC, Bucks CC and Wycombe DC

~~Wycombe Magistrates Court~~

The draft Policy for review was also made available for inspection/comment on the Councils web-site. A hard copy of the draft Policy was also made available at the Council Offices for inspection/comment.

APPENDIX 2GLOSSARY OF TERMS

Alcohol - spirits, wine, beer, cider or other fermented distilled or spirituous liquor of or exceeding 0.5% strength.

Alternative Licence Condition - The alternative licence condition removes the requirement for there to be a Designated Premises Supervisor (DPS) with a Personal Licence named on a Premises Licence issued in respect of a community premises. The “Alternative Licence Condition” specifies that every supply of alcohol under the premises licence must be made or authorised by the management committee.

~~An Interested Party – means any of the following as defined by Section 13 (Section 69 re Clubs) of the Act – (a) a person living in the vicinity of the premises; b) a body representing persons who live in that vicinity; (c) a person involved in a business in that vicinity; (d) a body representing persons involved in such business or (e) a member of the of the Licensing Authority.~~

Authorised Person - an officer of the Licensing Authority authorised for the purposes of the Licensing 2003;

- an Inspector appointed under Section 18 of the Fire Precautions Act 1971;
- an Inspector appointed under Section 19 of the Health and Safety at Work etc. Act 1974;
- an officer of the Council in whose area the premises are situated who is authorised for the purposes of exercising one or more of its statutory functions in relation to minimising or preventing the risk of pollution of the environment or of harm to human health;
- in relation to a vessel, an Inspector or a Surveyor of ships appointed under Section 256 of the Merchant Shipping Act 1995;

- a prescribed person.

Designation as an 'authorised person' confers a role in the inspection of premises in connection with their use for licensable activities.

Circuses - means a travelling company of performers that may include acrobats, clowns, trained animals, trapeze acts, musicians, hoopers, tightrope walkers, jugglers, unicyclists and other stunt-oriented artists Defined by the DCMS as Regulated Entertainment.

Club Premises Certificate - Certificate granted by the Council for premises occupied by, and habitually used for the purpose of, a club - Section 60 of the Act.

Community Premises - A community premises is defined by the Legislative Reform (Supervision of Alcohol Sales in Church and Village Halls &c.) Order 2009 as a church hall, chapel hall or other similar building, or a village hall, parish hall, community hall or other similar building.

Conditions - Restrictions on the Premises Licence designed to ensure safety and prevent nuisance e.g. by limiting hours and prohibiting noise nuisance.

Designated Premises Supervisor - The person named in the Premises Licence who could also be the Licence Holder being a suitable individual designated as a manager responsible for the day-to-day management of the premises at any time when it is open.

Expedited Review - Provisions inserted to the Licensing Act 2003 (section 53A) by the Violent Crime Reduction Act 2006 to permit a quick process for attaching interim conditions to a licence and a fast track licence review when the police consider that the premises concerned is associated with serious crime or serious disorder (or both).

Four Licensing Objectives - (1) Prevention of Crime and Disorder; (2) Public Safety; (3) Prevention of Public Nuisance; and (4) Protection of children from harm - Section 1 of the Act.

Irresponsible promotion - An 'irresponsible promotion' is an activity which encourages the sale and consumption of alcohol in a manner which carries a 'significant risk of contributing to crime and disorder, prejudice to public safety, public nuisance or harm to children' (the licensing objectives).

~~**Interested Party** - Means a person living in the vicinity of the premises, a body representing persons who live in that vicinity, a person involved in a business in that vicinity, a body representing persons involved in such businesses and such persons are entitled to lodge representations on applications for the grant, variation or review of premises licenses/ and club premises certificates.~~

Licence Holder - The person to whom the Council has granted the Licence and in whose name it appears and who is responsible for the proper operation of the premises. The Licensee is also liable to criminal proceedings for breaches of the terms and conditions of that Licence.

Licensable activities - Are (a) the sale by retail of alcohol; (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; and (d) the provision of late night refreshment.

Licensing Authority for the South Bucks District - South Bucks District Council, Council Offices, Capswood, Oxford Road, Denham, UB9 4LH.

Licensing Committee and Licensing Sub-Committees - Set up by the Council to administer and discharge the functions of the Licensing Authority consisting of at least ten and not more than fifteen members (Licensing Committee) and consisting of three members (sub-committees).

Licensing Hours - the hours stated in the Licence for which the premises is allowed to operate/open.

Mandatory Conditions - Conditions imposed by the Government intended to support and actively promote the licensing objectives.

Neighbourhood - a matter of fact in each case to be determined by the Council's Licensing Team based upon whether an individual's residence or business are likely to be directly affected by the premises ~~-Para 10.3 of this policy.~~

Operating Schedule - A schedule, which sets out how the Licence Holder will deal with the potential for nuisance and/or public disorder and public safety from the design through to the daily operation of the business.

Planning Permission - Formal approval (with or without Conditions) of the Council acting in its capacity as District Planning Authority permitting a proposed development (use or operation) to commence.

Personal Licence - A Licence issued by the Council to an individual authorising that individual to supply or authorise the supply of alcohol in accordance with a Premises Licence.

Premises - means any place and includes a vehicle, vessel or moveable structure.

Premises Licence - Is a Licence granted by the Council, which authorises the premises to be used for one or more Licensable Activities. The Licence is only valid in respect of the premises named on the Licence.

Provision of Late Night Refreshment - the supply of hot food and/or drink to members of the public from a premises from 23.00 hours to 05.00 hours for consumption on or off the premises.

Provisional Statement - an application for premises to be or which are in the course of construction for the purpose of being used for one or more licensable activities or extended/alterd for that purpose - Section 29 of the Act.

Qualifying Club - Is a Club, which (a) has at least 25 members, (b) is established and conducted in good faith as a club, (c) only admits members of the club, or membership candidates (following at least 2 days between nomination or application for membership and their admission), and (d) alcohol is not supplied or intended to be supplied to members on the premises otherwise than by or on behalf of the club.

Regulated Entertainment - is entertainment requiring a Licence when it is performed in front of an audience and includes a performance of a play, an exhibition of a film, an indoor sporting event, a boxing or wrestling entertainment (indoors and outdoors), a performance of live music (not incidental music, i.e. a piano in a restaurant), any playing of recorded music **or** a performance of dance. ~~the provisions of facilities for dancing, the provision of facilities for making music and other similar types of entertainment.~~ **Live unamplified music taking place between 08:00 hours and 23:00 hours and live amplified music taking place between 08:00 hours and 23:00 hours before audiences of no more than 200 people on premises authorised to supply alcohol on the premises**

or in workplaces is not regulated entertainment by virtue of amendments made to the Licensing Act 2003 by the Live Music Act 2012.

Relevant Representations - are representations as defined by Section 18 of the Act made about the likely effect of the Premise Licence on the promotion of the licensing objectives and made by ~~an Interested Party or~~ a Responsible Authority **or other person**, which have not been withdrawn and, in the case of representations made by **someone who is not a responsible authority** ~~an Interested Party~~ are not in the Council's opinion irrelevant, frivolous or vexatious.

Responsible Authority - includes - as defined by Section 13 of the Act - ~~the Council~~, the Chief Officer of Police, ~~and~~ the Fire Authority, **Health and Safety Enforcing Authority, Planning Authority, Pollution Control Authority, Child Protection Authority, Public Health Authority, Trading Standards Authority and the Licensing Authority.**

Safety Advisory Group (SAG) - Members of the South Bucks District Safety Advisory Group include the Thames Valley Police, South Central Ambulance Service, Bucks Fire & Rescue Service, South Bucks District Council and Buckinghamshire County Council. As necessary representatives of adjacent local authorities or emergency services are invited to attend or comment on events planned in South Bucks. The objective of the group is to coordinate the risk assessment and preplanning to ensure public events are safe for exhibitors, performers and visitors and that access to and egress from the event including highways and public transport issues are included in the planning process.

Sexual Entertainment Venue - A sexual entertainment venue is defined as "any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer".

Temporary Events - Regulated entertainment for no more than ~~500~~ **499** people at a time and lasting for no more than ~~96~~ **168** hours.

Temporary Event Notice - A notice given to the Council (**Licensing Section and Environmental Health**) and the Police of a temporary event which must be given at least 10 days **in the case of a standard notice and five days in the case of a late notice** prior to the event although the Council recommends at least ~~3 months~~ **4 weeks** notice be given.

The Act - The Licensing Act 2003 which received Royal Assent on 10 July 2003 and which ~~has had~~ full effect on 2 November 2005.

The first appointed day - 7 February 2005 being the day Licensing Authorities ~~begin~~ **began** processing applications for conversions to premises licenses, club premises certificates, variations and personal licenses.

Variation - If the Licence Holder wishes to vary any terms, conditions or restrictions of the licence, he/she will need to apply to the Council to vary the Licence.

~~Vicinity - a matter of fact and will depend upon the particular circumstances in each case - Para 4.5 of this Policy and Para 13.17 of the DCMS Guidance.~~

APPENDIX 3

MODEL CONDITIONS FOR PREMISES LICENCES / CLUB REGISTRATION CERTIFICATES

Model Conditions as at XXXXXXXX which will be reviewed from time to time on the basis of changes to the Law and Practice. For the current version of Model Conditions please refer to the Council's Licensing Team.

UPDATED CONDITIONS TO BE ADDED IN.

Premises Licences - Mandatory conditions

Relevant to the Supply of Alcohol: Section 19 Licensing Act 2003

1 Mandatory Condition 1

No supply of alcohol may be made under the premises licence
(a) at a time when there is no designated premises supervisor in respect of the premises licence, or
(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2 Mandatory Condition 2

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

Relevant to showing of Films: Section 20 of the Licensing Act 2003

3 Mandatory Condition 3

No films of any description will be shown so that they can be viewed by persons under the age of any applicable BBFC/Local Authority Certification.

Relevant to individual being at the premises to carry out a security activity but not when licensed for plays and films only: Section 21 of the Licensing Act 2003 as amended (see Section 25 Violent Crime Reduction Act 2006)

4 Mandatory Condition 4

Any person employed at the Licensed Premises to carry out any security activity (as defined by the Private Security Industry Act 2001 as amended from time to time) must be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001 or be entitled to carry out that activity by virtue of section 4 of that Act.

The Alternative Licence Condition in respect of Community Premises - in place of Mandatory Conditions 1 and 2 above (if applicable).

Every supply of alcohol under the Premises Licence must be made or authorised by the

~~Management Committee.~~

~~Mandatory Licensing Conditions – added by virtue The Licensing Act 2003 (Mandatory Licensing Conditions) Order – 2010 No. 860~~

~~Numbers 1-3 inclusive – supply of alcohol – on-sales only.~~

~~Numbers 4 and 5 – supply of alcohol – on-sales only.~~

~~Number 4 – off sales (consumption off the premises).~~

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

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

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

~~(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or~~

~~(ii) drink as much alcohol as possible (whether within a time limit or otherwise);~~

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

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

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

~~(i) the outcome of a race, competition or other event or process, or~~

~~(ii) the likelihood of anything occurring or not occurring;~~

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

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

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

~~4. (1) The premises licence holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.~~

~~(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.~~

~~5. The responsible person shall ensure that-~~

~~(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-~~
~~(i) beer or cider: ½ pint;~~
~~(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and~~
~~(iii) still wine in a glass: 125 ml; and~~
~~(b) customers are made aware of the availability of these measures.~~

~~Club Premises Certificates – Mandatory Conditions~~

~~Relevant to showing of Films: Section 74 of the Licensing Act 2003:~~

~~1—Mandatory Condition 1~~

~~No films of any description will be shown so that they can be viewed by persons under the age of any applicable BBFC/Local Authority Certification.~~

~~1—Mandatory Condition 1 – Members Club~~

~~A club premises certificate, which authorises the supply of alcohol for consumption off the premises, must include the following conditions:~~

- ~~(i) — The supply of alcohol must be made at a time when the premises is open for the purposes of supplying alcohol, in accordance with the club premises certificate, to members of the club for consumption on the premises.~~
- ~~(ii) — Any alcohol supplied for consumption off the premises must be in a sealed container.~~
- ~~(iii) — Any supply of alcohol for consumption off the premises must be made to a member of the club in person.~~

~~Mandatory Licensing Conditions – added by virtue The Licensing Act 2003 (Mandatory Licensing Conditions) Order – 2010 No. 860~~

~~Numbers 1-3 inclusive – supply of alcohol – on-sales.~~

~~Numbers 4 and 5 – supply of alcohol – on-sales only.~~

~~Number 4 – off sales (consumption off the premises).~~

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

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

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

~~(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or~~

~~(ii) drink as much alcohol as possible (whether within a time limit or otherwise);~~

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

~~(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;~~
~~(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-~~
~~(i) the outcome of a race, competition or other event or process, or~~
~~(ii) the likelihood of anything occurring or not occurring;~~
~~(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.~~

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

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

~~4. (1) The club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.~~

~~(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.~~

~~5. The responsible person shall ensure that-~~

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

~~(i) beer or cider: ½ pint;~~

~~(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and~~

~~(iii) still wine in a glass: 125 ml; and~~

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

INFORMATIVES

~~1. The Applicant is advised that regard should be given to the Risk Factors/Activities and Suggested Control Measures outlined in the Environmental Health Officers Letter dated xxxxxxxx 200x.~~

~~2. The Applicant is advised that the licensing hours of operation permitted by this Premises Licence do not accord with the permitted hours allowed by virtue of the relevant planning permission. The Applicant is advised to submit a planning application to vary condition xxxx of planning consent reference xxxxxx if the Applicant wishes to extend the permitted planning hours of operation.~~

~~OR~~

~~This Premises Licence/Club Premises Certificate does not purport to grant planning permission for the use of the premises hereby permitted by this Licence and/or for the hours of operation hereby permitted by this Licence and the Applicant is advised to contact the Planning Department to check compliance with the relevant planning legislation/requirements and to~~

~~submit any necessary planning applications prior to operation.~~

- ~~3. If the Licence Holder or the Designated Premises Supervisor as named on the Premises Licence are to be changed then the necessary applications will need to be submitted to the Licensing Authority.~~
- ~~4. The Licence Holder is advised to notify local residents via email (if provided to the Licence Holder) of details of the events, the event organiser, the Premises Licensee and/or nominated deputy including their immediate contact telephone numbers when Regulated Entertainment and/or the sale of alcohol is being offered at the Licensed Premises.~~
- ~~5. The Licence Holder is advised that a representative of the School should be present whenever Regulated Entertainment and/or the sale of alcohol is being offered at the Licensed Premises.~~

APPENDIX 43

List of Responsible Authorities

Applications must be sent to the Licensing Authority at the following address:

~~The Licensing Authority – Mrs M. Davis (Licensing Team Leader)
South Bucks District Council, _____
Capswood, —
Oxford Road
Denham,
Bucks
UB9 4LH~~

~~Email: licensing@SouthBucks.Gov.uk
Telephone: 01895 837222 / 837325 / 837373
Fax: 01895 837399~~

~~The Chief Officer of Police _____
Licensing
Thames Valley Police
Headquarters (South)
KIDLINGTON
Oxfordshire
OX5 2NX~~

~~Email: licensing@thamesvalley.pnn.police.uk
Telephone: TBC~~

~~The Fire Authority
The Licensing Officer
Buckinghamshire Fire and Rescue Service
Marlow Fire Station
Parkway
Marlow
Bucks
SL7 1RA~~

~~The Health and Safety Enforcing Authority / The Environmental Health Authority
Mr. D. Gilmour
Environment Manager
South Bucks District Council
Council Offices
Capswood
Oxford Road
Denham~~

~~UB9 4LH~~

~~Development Control
South Bucks District Council
Council Offices
Capswood
Oxford Road
Denham
UB9 4LH~~

~~The Area Child Protection Committee
Coral McGookin (Business Manager)
Buckinghamshire Children's Safeguarding Board
Buckinghamshire County Council Annex B County Hall
5-7 Walton Street
Aylesbury
Bucks
HP20 1XA~~

~~Email: cmcgookin@buckscc.gov.uk
Telephone: 01296 382537~~

~~The Weights and Measures Authority
Trading Standards
County Hall
Walton Street
Aylesbury
Bucks
HP19 1UP~~

~~Licensing Section
The Licensing Authority
South Bucks District Council
Capswood
Oxford Road
Denham
Bucks
UB9 4LH
Email: licensing@southbucks.gov.uk
Telephone: 01895 837222 / 837325 / 837373
Fax: 01895 837399~~

Duplicate copies of each application must be served upon the responsible authorities and must be sent to each of the following addresses:

~~The Chief Officer of Police
Licensing
Thames Valley Police
Headquarters (South)
KIDLINGTON~~

Oxfordshire
OX5 2NX
Email: licensing@thamesvalley.pnn.police.uk
Telephone: 01895 846597

The Fire Authority
Protection Manager
Buckinghamshire Fire and Rescue Service
Marlow Fire Station
Parkway
Marlow
Buckinghamshire
SL7 1RA
Email: marlowclerksfiresafety@bucksfire.gov.uk
Telephone: 01628 470644

The Heath and Safety Enforcing Authority
Environment Manager
South Bucks District Council
Council Offices
Capswood
Oxford Road
Denham
UB9 4LH
Email: environment@southbucks.gov.uk
Telephone: 01895 837333

The Environmental Health Authority
Environment Manager
South Bucks District Council
Council Offices
Capswood
Oxford Road
Denham
UB9 4LH
Email: environment@southbucks.gov.uk
Telephone: 01895 837333

The Local Planning Authority
Development Management
South Bucks District Council
Council Offices
Capswood
Oxford Road
Denham
UB9 4LH
Email: planning@southbucks.gov.uk
Telephone: 01895 837342/01895 837210

The Area Child Protection Committee
Coral McGookin (Business Manager)
Buckinghamshire Children's Safeguarding Board

Buckinghamshire County Council Annex B County Hall
5-7 Walton Street
Aylesbury
Bucks
HP20 1XA

Email: cmcgookin@buckscc.gov.uk
Telephone: 01296 382537

The Weights and Measures Authority
Trading Standards
County Hall
Walton Street
Aylesbury
Bucks
HP19 1UP
Email: tsd@buckscc.gov.uk

Buckinghamshire County Council
Public Health Team
Tracey Ironmonger
Assistant Director of Public Health
County Hall, Walton Street
Aylesbury
Buckinghamshire HP20 1UA
Email: publichealth@buckscc.gov.uk
Telephone: 0845 3708090

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SUBJECT:	Consideration of South Bucks District Council adopted policy approach to tinted windows on hackney carriage and private hire vehicles
REPORT OF:	Officer Management Team - Director of Services Prepared by - Head of Health and Housing

1. Purpose of Report

- 1.1 To allow members to consider whether the Council's current adopted policy approach to tinted windows on hackney carriages and private hire vehicles should be amended.

2. Links to Council Policy Objectives

- 2.1 There is a link between an efficient taxi and private hire licensing service with appropriately licensed drivers and vehicles and the council's policy objective for safer and stronger communities.

3. Background

- 3.1 The Local Government (Miscellaneous Provision) Act 1976 allows Local Authorities to licence and specify conditions in relation to the control of hackney carriages and private hire vehicle operators, vehicles and drivers. Section 47 of this legislation allows a district Council to attach reasonably necessary conditions to the grant of a hackney carriage licence, including conditions relating to tinted windows. Section 48 of this legislation requires an application for a private hire vehicle licence to be refused unless the Council is satisfied that the vehicle is suitable in type, size and design for use as a private hire vehicle, is not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage, is in suitable mechanical condition and is safe and comfortable.
- 3.2 The Road Vehicles (Construction and Use) Regulations 1986, as amended, specify the minimum levels of light that must pass through the front windscreen and front side windows of vehicles generally, these are 75% and 70% respectively. There is no legislation governing the level of tint on rear side and rear windscreen of vehicles generally.
- 3.3 South Bucks District Council's Hackney Carriage & Private Hire Licensing Policy, adopted on 11 December 2007 and reviewed on 12 April 2011, states at paragraph 4.4 & paragraph 7.4 "Type of Vehicle", sub paragraph 9, on pages 15 & 40 "in the interest of Public Safety, tinted windows must be approved at inspection by a Licensing Officer prior to the licensing of the vehicle. Any vehicles inspected that give rise to concern for Public Safety shall be referred to the Licensing Sub Committee for determination" thereby giving discretion to members as to whether to grant a licence having considered all the circumstances relating to the application, the vehicle and public safety.

- 3.4 On 14 August 2013 the Licensing Sub Committee considered an application for a private hire vehicle licence in respect of a vehicle that officers had declined to licence. The Officers report stated that due to the very heavy level of tint on the rear windows and rear windscreen of the vehicle it was not possible to see clearly into the rear of the vehicle even when standing very close to it and this gave rise to concerns about public safety. The amounts of light transmitted through the vehicle windows had been measured by officers as follows:

Front windscreen	-	79%
Front side windows	-	70.4%
Rear side windows	-	9.6%
Rear windscreen	-	9.6%

- 3.5 The Licensing Sub Committee resolved to allow the vehicle to be licensed because that they were satisfied that the vehicle was not unsafe in that they could see into the rear of the vehicle sufficiently well. Members also noted that the vehicle would be licensed in London.
- 3.6 Having granted the application, the Licensing Sub-Committee requested officers submit a report to the next Licensing Committee with information regarding the tinting of windows to enable Members to review this policy and consider whether it should be amended in order to provide further clarity and consistency.

4. Discussion

- 4.1 Excessively tinted windows in the front screen or front side windows are prohibited by law on all vehicles as a result of the possibility that they may restrict the driver's vision especially in dark conditions and may prevent drivers from seeing other road users or pedestrians. They may also prevent other road users and pedestrians from confirming through eye contact that they have been seen. Light tints on front windows are permitted and may assist in reducing glare.
- 4.2 Excessively tinted windows in rear passenger windows and rear screen are not prohibited by law on any vehicles, but are commonly prohibited by local authorities in relation to vehicles which are licensed as taxis and private hire cars on safety grounds. Generally dark tinted rear windows are installed (or manufactured) for privacy reasons. Dark tinted windows are of concern when fitted to licensed vehicles as they restrict the view of passengers travelling in the vehicle from those outside. If a passenger were to be in difficulty inside a vehicle with heavily tinted windows the passenger would not be able to be seen from outside and this would prevent the passenger from attracting attention. In addition, the presence of very dark tinted windows in the rear of a vehicle restricts effective enforcement in that officers would be unable to observe whether a vehicle was overcrowded.
- 4.3 In view of these concerns and the need to ensure vehicles are safe for public use, many local authorities have adopted policies relating to restricting the level of tint permitted on the windows of private hire vehicles. Specific policies of local authorities in the area are as follows:

- 4.3.1 Chiltern District Council - All glazing should allow clear view of the passengers within the vehicle. All vehicles will be tested with a light meter. Any vehicle with a reading lower than the following will not be licensed. Front windscreen 75, Front Side Windows 70, all other windows 30.
- 4.3.2 Bracknell Forest District Council - The front driver and passenger windows are required to meet the legal requirements relating to tinted windows under the Road Traffic Regulations. For safety reasons it should be possible to observe the driver and passengers being carried. Many vehicles are used for the carriage of children and vulnerable persons, and for this reason dark tinted windows which prevent clear vision into the vehicle are not permitted. Vehicles which have been granted a dispensation licence may be granted an exemption from this requirement.
- 4.3.3 Slough Borough Council - Light transmitted through the windscreen must be at least 75%. All other windows must allow at least 70% of light to be transmitted. Exceptions to limiting the tint on the rear windows can be made providing the following criteria can be met: 1. the vehicle is used predominantly for contract hire/corporate working where no cash is exchanged. 2. the vehicle is a stretched limousine or prestige/executive type (eg Mercedes, BMW, Audi).
- 4.3.4 Watford Borough Council - Reasons for rejection - tinted window too dark to allow view into vehicle from immediately outside the window in normal daylight conditions. Smoked glass windows are permitted within normal MOT tolerances. (Officers from Watford Council have confirmed that they do permit tinted windows if the windows are factory fitted, although this would seem to contradict their written policy).
- 4.3.5 High Wycombe District Council - In the interests of public safety tinted windows are not permitted on licensed vehicles unless a minimum of 75% light is transmitted through the front windscreen and 70% light is transmitted through all other glass on the vehicle. An exemption is in place for vehicles which have been designated in writing for executive use and those which were licensed prior to the introduction of this requirement.
- 4.3.6 Reading Borough Council - Windows of vehicles licensed for private hire purposes must meet the following requirements in that the windscreen of any vehicle must allow at least 75% of light to be transmitted through it, front side window must allow at least 70% of light to be transmitted through them and rear windows, including the rear screen must allow at least 65% of light to be transmitted through them.
- 4.3.7 The position adopted in London is different - The taxi Conditions of Fitness document 2007 defines vehicle design and manufacturer specifications for licensed taxis in London. Section 18.2 - 18.4 defines the specific design and safety standards for passenger windows and passenger visibility. 18.3 states "windows must permit maximum visibility into and out of the vehicle. They must have no more than 25% tint value". Level of tint of private hire vehicles is not controlled in excess of the legal requirements of the Road Vehicles (Construction and Use) Regulations. The difference in standards is explained as being due to the different methods of hire.

“Taxis can ply for hire at any time, and pick up passengers at any time, it is therefore important that good visibility into and out of the vehicle is maintained to ensure passenger safety and comfort. Furthermore, the amount of light coming into the vehicle is also important to ensure that passengers with sight impairments and wheelchair users have sufficient light to assist with orientation around the vehicle and seating positions. Licensed private hire vehicles are pre-booked and passengers can specify a choice of vehicle type they wish to travel in, including the request to have a vehicle with or without tinted windows”.

4.4 South Bucks current policy approach to tinted windows on licensed vehicles has been in place for a number of years now. The issue of heavily tinted windows has arisen on a number of occasions since the adoption of the policy. In all cases encountered so far, with the exception of the case referred to Licensing Sub Committee on 14 August 2013, owners of vehicles with tinted windows that have given officers cause for concern regarding public safety have either decided not to apply to licence those vehicles, or more commonly replaced the tinted windows and licensed the vehicles with windows which meet the policy requirements. As a result of the decision of the Licensing Sub Committee officers are also seeking clarification regarding the Council’s policy in order to be consistent when dealing with future applications involving vehicles with tinted windows.

4.5 There are a number of options available to the Licensing Sub Committee in reviewing the policy in respect of tinted windows:

- a) To make no amendment to the existing policy.
- b) To bring South Bucks policy in line with London and not specify any maximum level of tint, other than that required by law for all vehicles:

Front windscreen	-	75%
Front side windows	-	70%
Rear side windows	-	No limit
Rear windscreen	-	No limit

- c) Bring South Bucks policy broadly in line with the majority of other local authorities operating in this area:

Front windscreen	-	75%
Front side windows	-	70%
Rear side windows	-	70%
Rear windscreen	-	70%

- d) Bearing in mind the current shared service approach being implement between the Licensing Departments of Chiltern and South Bucks, bring South Bucks policy in line with the current Chiltern policy:

Front windscreen	-	75%
Front side windows	-	70%
Rear side windows	-	30%

Rear windscreen - 30%

- 4.6 Officers recommend that an approach in line with Chiltern District Council’s current approach be proposed for adoption.
- 4.7 Any proposed amendments to the current policy would not apply to any existing licensed vehicles or in respect of renewal licence applications but would apply to new applications received after any amendments had been adopted by full Council.
- 4.8 In the event that the Licensing Committee resolve that it is appropriate to amend the existing policy relating to tinted windows a consultation exercise will need to be undertaken and the views of interested parties taken into account before any proposed new policy could be recommended to full Council. If a new policy is to be adopted it is proposed that an 8 week consultation exercise be undertaken, the results of which will be reported back to the Licensing Committee for their consideration on Wednesday 29 January 2014.
- 4.9 Following consideration of the results of a consultation exercise, if appropriate, any proposed amendments would need to be recommended to full Council for adoption at the meeting of 25 February 2014.

5. Resource, Risk and other Implications

5.1 Resource:

- 5.1.1 The cost of carrying out this review and the consultation process if applicable will involve staff time and resources, but these costs will be met within the existing budget.
- 5.1.2 If an applicant for a vehicle licence appeals against the decision of either officers or the Licensing Sub Committee this would result in legal fees to defend the appeal and further costs which we would seek to recover if the appeal was unsuccessful. In the event of a successful appeal the Council may also have to pay the applicants costs.

7.0 Recommendation.

- 7.1 Members review the policy regarding the tinting of windows and consider whether it should be amended in order to provide further clarity and consistency.
- 7.2 If Members resolve to amend the policy that an eight week consultation exercise be undertaken to seek views of interested parties on the proposed amendments and the result of the consultation exercise be reported back to the Licensing Committee on 29 January 2014 for consideration.

Officer Contact:	Clare Bradley 01895 837222 clare.bradley@southbucks.gov.uk
Background Papers:	Hackney Carriage & Private Hire Licensing Policy & Associated Documentation Date of Adoption 11 th December 2007, First Review 12 th April 2011.

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SUBJECT:	Scrap Metal Dealers Act 2013
REPORT OF:	Officer Management Team - Director of Services Prepared by - Head of Health & Housing

1. Purpose of Report

- 1.1 To update members on implementation of the Scrap Metal Dealers Act 2013, following the special Licensing Committee meeting on 28 August and Special Council on 17 September.

2. Links to Council Policy Objectives

- 2.1 Enforcement of the Scrap Metal Dealers Act 2013 is a statutory function of the authority and links to Council Aim 3 of providing “safe communities” and Aim 4 namely “Improve health and well-being for all.”
- 2.2 The implementation of the provisions of the new Scrap Metal Dealers Act 2013 will help us work towards implementing all of our management principals including:
- Focus on customer needs
 - Improving services
 - Prudent use of resources
 - Fairness, honesty and respect

3. Background

- 3.1 Committee received a report at the special meeting on 28 August about actions necessary to implement this legislation which came into force on 1 October. In particular, it was recommended that authority to set initial fees for the new Site Licence and Collectors’ Licence were delegated to the Head of Housing and Health in consultation with the Chairman of this Committee and the Cabinet Member for Resources, having regard to peer guidance and the LGA’S Licence Fees Toolkit. This recommendation was approved by Full Council on 17 September.
- 3.2 Members expressed concern about resourcing of the new licensing regime in view of the number of scrap metal dealers and collectors operating in the District and whether additional workload could be absorbed within existing resources. Concern was also raised over the health and safety of officers and members when carrying out their respective duties under the Act.

4. Discussion

- 4.1 Acting under his delegated authority and in consultation with the Chairman of this Committee and Cabinet Member for Resources the Head of Housing and Health has set the following fees under the Act for 2013-14:-

Site Licence	£500
Collectors Licence	£250
Plate and ancillary licence documents charge	£25
Licence variation	£50

- 4.2 With regard to resourcing, officers believe there will be an increase in the number of sites licensed under the new Act and therefore an increased resource required for annual inspections. However, changes in enforcement and monitoring regimes for other premises and businesses has led to a corresponding reduction in planned visits. This provides additional flexibility and capacity within the Environmental Health Team. Officers are also assured that they can rely on local police resources and have received the following statement from Thames Valley Police:

“Last year the government gave 5 million pounds to the National Metal Taskforce to tackle the issues around metal theft. This figure was greatly reduced this year to around 600K.

Locally Thames Valley Police have directly funded a Sgt and 3 PCs to focus on metal theft reduction. Most of their work is focused directly on preparing for the new legislation and ensuring compliance once it's implemented.

Metal theft reduction is a high priority for Thames Valley Police and it forms part of our delivery plan for 2013/14. TVP have metal theft SPOC s across all our local police areas to ensure activity is driven at that level rather than solely from HQ. This is having a positive benefit to moving metal theft towards being normal police business.

TVP have also assisted with training packages and briefing other forces”

- 4.3 With regard to health and safety issues TVP have committed to supporting the introduction of the Act and therefore officers will ensure they are included in any enforcement situation. Procedures for implementing the legislation will require accompanied site visits and as Council officers are not authorised to stop or search vehicles, they will not be asked to take direct action whilst out of the office. A detailed risk assessment will be completed to accompany the implementation procedures and members may wish to alert officers to any perceived threats, so they can be considered as specific risks. For example risks associated with the hearing and decision-making process will be assessed and procedures reviewed to minimise any risks identified.

5. Resources, Risk and Other Implications

- 5.1 **Financial Implications** - The Government's intention is that the cost of administering and monitoring the licensing regime will be met from fee income. The costs of investigation and enforcement do not form part of the cost recovery. But it is expected that the police will lead on any prosecutions.

As explained above, it is considered that the additional workload imposed by the legislation will be absorbed within existing resources. However fees can be adjusted if necessary to reflect and recoup any shortfall should one arise.

- 5.2 **Legal Implications** - The new act imposes new legal duties on the Council. Failure to discharge these duties adequately may result in legal challenge from scrap metal dealers, members of the public and aggrieved parties.
- 5.3 **Impact on Communities** - The new Act is expected to reduce incidents of the anti-social and disruptive crime of metal theft and will benefit local residents and businesses. Members may be aware that theft from vehicles has seen a 72% increase and the theft of catalytic converters has risen by 236%. The new fee based licences will increase the costs of dealing in scrap metal which may impact on the viability of some small local businesses although this is expected to be offset by the creation of a fairer and more equal marketplace.
- 5.4 **Equalities Impact** - This change does not impact on equalities
- 5.5 **Impact on the Environment** - The new licensing regime will encourage better intelligence sharing and joint working to drive out illegal and rogue traders. Enhanced regulation of scrap metal sites generally and environmental convictions will be able to be taken into account during consideration of applications. This approach will deal with environmental crime as well as theft.
- 6.0 **Recommendation**
- 6.1 Licensing Committee is asked to note this report.

Officer Contact:	David Gilmour, Environmental Health Manager 7327 E-mail: - mailto:david.gilmour@southbucks.gov.uk
Background Papers:	Scrap Metal Dealers Act 2013 with explanatory notes http://www.legislation.gov.uk/ukpga/2013/10/enacted Guidance relating to fee setting <u>Scrap Metal Dealer Act 2013: licence fee charges - Publications - GOV.UK</u> Commencement and Transitional Provisions Order http://www.legislation.gov.uk/uksi/2013/1966/pdfs/uksi_20131966_en.pdf

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SUBJECT:	Licensing Act 2003 - Officer Determinations for Personal Licence
REPORT OF:	Officer Management Team - Director of Services
	Prepared by - Head of Health and Housing

1. Purpose of the Report

1.1 To inform members of Officer Determinations during the period 20 June to 5 September 2013

<u>File Reference</u>	<u>Applicants Name</u>	<u>Type of Application</u>	<u>Date Of Application</u>	<u>Date Determined</u>	<u>Outcome</u>
06/00234/LAPER	Gary Ballantyne	Change of details	28/05/2013	27/06/2013	Granted
13/00233/LAPER	Sarah Kate Dunkley	Personal Licence	14/06/2013	27/06/2013	Granted
13/00234/LAPER	Natasha Walsh	Personal Licence	14/06/2013	28/06/2013	Granted
13/00235/LAPER	Jerzy Kubinski	Personal Licence	17/06/2013	28/06/2013	Granted
13/00274/LAPER	Tommy Hopcroft	Personal Licence	19/07/2013	05/08/2013	Granted

2. Recommendation

2.2 It is recommended that the information in this report is noted.

Officer Contact:	Clare Bradley Ex 7222 clare.bradley@southbucks.gov.uk
Background Papers:	Service Application Files

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SUBJECT:	Licensing Act 2003 - Schedule of Officer Determinations
REPORT OF:	Officer Management Team - Director of Services Prepared by - Head of Health and Housing

1. Purpose of the Report

1.1 To inform members of Officer Determinations during the period 20 June - 5 September 2013.

<u>File Reference</u>	<u>Premises Name</u>	<u>Type of Application</u>	<u>Date Of Application</u>	<u>Date Determined</u>	<u>Outcome</u>
13/00232/LAPRE	Jazz on the Common, Gerrards Cross Common	New time limited premises licence	24/06/2013	01/08/2013	Granted
13/00246/LAPRE	Hall Barn, Windsor End, Beaconsfield	New time limited premises licence	28/06/2013	01/08/2013	Granted
13/00276/LAPMIN	Waitrose, Penn Road, Beaconsfield	Minor Variation	06/08/2013	21/08/2013	Granted
13/00303/LAPMIN	One Stop 8/10 Aylesbury Road, Old Town, Beaconsfield, HP9 1LW	Minor Variation	19/08/2013	02/09/2013	Granted

2. Recommendation

2.2 It is recommended that the information in this report is noted.

Officer Contact:	Clare Bradley Ex 7222 clare.bradley@southbucks.gov.uk
Background Papers:	Service Application Files

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SUBJECT:	Licensing Act 2003 - Schedule of Licensing Sub-Committee Determinations
REPORT OF:	Officer Management Team - Director of Services Prepared by - Head of Health and Housing

1. Purpose of the Report

- 1.1 To inform members of Licensing Sub-Committee determinations during the period 20 June - 5 September 2013.

There were no Sub-Committee determinations during this period.

<u>File Reference</u>	<u>Premises Name</u>	<u>Type of Application</u>	<u>Date Of Application</u>	<u>Date Determined</u>	<u>Outcome</u>

2. Recommendation

- 2.2 It is recommended that: The information in this report be noted.

Officer Contact:	Clare Bradley Ext 7222 clare.bradley@southbucks.gov.uk
Background Papers:	Service Application Files

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SUBJECT:	Hackney Carriage & Private Hire Licensing - Schedule of Licensing Sub-Committee Determinations
REPORT OF:	Officer Management Team - Director of Services Prepared by - Head of Health and Housing

1. Purpose of the Report

- 1.1 To inform members of Licensing Sub-Committee determinations during the period 20 June - 5 September 2013.

<u>Name</u>	<u>Type of Application</u>	<u>Date Of Application</u>	<u>Date Determined</u>	<u>Outcome</u>
Mr D Coombe	Private Hire Vehicle licence - application referred due to tinted window on vehicle	15 May 2013	14 August 2013	Granted

2. Recommendation

- 2.2 It is recommended that the information in this report be noted.

Officer Contact:	Clare Bradley Ext 7222 clare.bradley@southbucks.gov.uk
Background Papers:	Service Application Files

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LICENSING SUB-COMMITTEE

Meeting - 17 June 2013

Present: Mr Pepler (Chairman)
Mr Brown, Mr Pepler and Mr D Smith

1. APPLICATION FOR A VARIATION OF A PREMISES LICENCE AT OLD WHITE SWAN, 60 LONDON END, BEACONSFIELD, BUCKINGHAMSHIRE, HP9 2JD

Following introductions by all parties present, the Sub-Committee considered a report of the Director of Services on an application to further vary the existing Premises Licence for the Old White Swan, 60 London End, Beaconsfield, Bucks HP9 2JD.

All parties had received prior to the hearing a copy of the Agenda, including a copy of the application (as amended by the Applicant prior to the Hearing to add a proposed Special Condition regarding CCTV following comments made by the Chief Officer of Police) and appendices and the Council's adopted Hearings Procedure.

The Sub-Committee conducted the Hearing in accordance with its adopted procedure. It was noted that the objections and representations received are listed in the Report at paragraph 5 - consisting of responses from the Chief Officer of Police and the Local Authority (Head of Environment) and the Local Planning Authority (Head of Sustainable Development), none of which raised any objection and an objection from one individual relating to an increase in noise if the variation was granted. The Sub-Committee noted that the objector was unable to attend the Hearing but had asked that their objection be taken into consideration.

The Council's Licensing Officer addressed the Hearing, summarising the report presented and the options available to the Sub-Committee to determine the application.

Mr Laurie Othen, the applicant, attended and addressed the Hearing. Mr Othen outlined the reasons for the application and the measures that had been taken, and would continue to be taken, to ensure that noise from the premises, particularly from the outside area, was kept to a minimum.

In the absence of the objector the Sub-Committee considered very carefully their objection and concerns about noise nuisance in view of the proximity of the Licensed Premises to their property as shown on the Ordnance Survey map (Appendix 1 of the Report).

The Licensing Officer and Mr Othen were given the opportunity to ask and be asked questions.

The Sub-Committee then turned to consider the without prejudice list of suggested special conditions as set out in the report.

After the Licensing Officer and the Applicant had been given the opportunity to make closing submissions which neither did, the Sub-Committee retired to make its Decision.

After considering the evidence, the Sub - Committee:-

RESOLVED that the application to further vary the existing Premise Licence (05/00326/LAPRE) for the Old White Swan, 60 London End, Beaconsfield, Bucks. HP9 2Jd be allowed in part subject to the Mandatory Conditions and Special Conditions, as amended, as set out in full in the Decision Notice attached to and forming part of these minutes.

The meeting terminated at 11.34 am

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APPLICATION BY: MR LAURIE OTHEN.

FOR A FURTHER VARIATION OF A PREMISES LICENCE

DECISION OF THE LICENSING SUB-COMMITTEE SITTING ON 17TH JUNE 2013.

The Licensing Sub-Committee has before it an application from Mr Laurie Othen to further vary the existing Premises Licence reference number 05/00326/LAPRE for the Old White Swan, 60 London End, Beaconsfield, Bucks HP9 2JD.

The Variation applied for is the deletion of existing Special Condition 8 and the imposition of new Special Conditions on the Premises Licence as set out in the Application Form appended to the Licensing Officer's report at Appendix 3 ("the Report") a copy of which all the Sub-Committee Members and Relevant Parties have received but as amended by the Applicant **prior to the Hearing** to add a proposed Special Condition regarding CCTV.

No other variation to the current Premises Licence is sought.

The Sub-Committee has listened to all the evidence, submissions and responses thereto and has read all the material before it including the Report.

The objections and representations received are listed in the Report at paragraph 5 - these consist of responses from the Chief Officer of Police (which resulted in the additional proposed Special Condition relating to CCTV), the Local Authority (Head of Environment) and the Local Planning Authority (Head of Sustainable Development) - none of which raise any objection and an objection from an individual who did not attend the Hearing. A copy of the objection is appended to the Report at Appendix 4.

The Licensing Sub-Committee is satisfied on balance that in all the circumstances and for the Reasons given below that this Application **as amended by the Applicant prior to the Hearing** should be:

Allowed in part as follows -

Existing Special Condition -

Special Condition 8 shall be deleted in full

Subject to the Special Conditions proposed by the Applicant being imposed on the Premises Licence as set out in the Schedule to the Report - as **amended** by the Sub-Committee - I will not read out the un-amended additional Special Conditions numbered 1, 4 and 5. I confirm that the Sub-Committee has considered each additional Special Condition individually and considers them **appropriate, proportionate and relevant** in terms of promoting the Licensing Objectives.

We modify by amending the additional Special Conditions as follows:

Special Condition 2 - to be amended as follows

The Courtyard area shall be vacated as follows -

- Sunday - Wednesday - by 11.30pm
- Thursday - Saturday - by 00.30am the following morning (half past midnight)

save for access and egress to, and the use of, the designated smoking area within the Courtyard area - for smoking only, until the close of business. No drinks will be taken into the Designated Smoking Area after 11.30pm Sunday to Wednesday or 00.30am Thursday to Saturday.

Special Condition 3 - to be amended to read as follows -

All outside areas shall be monitored by a member of management at least every 30 minutes between the hours of 23.00 and close of business every night so as to ensure noise and disturbance to neighbours is minimised.

This decision is considered to be justified as being appropriate for the promotion of the following Licensing Objectives

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance

and proportionate in consideration of representations made, the operating schedule submitted and matters heard today.

REASONS.

The Licensing Sub-Committee considered very carefully the Objector's representations regarding the deletion of Special Condition 8 and concerns relating to noise arising there from and that noise from the external area of the Premises was already an issue for the Objector. However, it also took into consideration that no representations had been made by any of the Responsible Authorities and in particular by the Chief Officer of Police and Environmental Health in respect of this application, this premises generally and the existing use of the external areas of the Premises which included a part of the Courtyard until close of business.

The Licensing Sub-Committee took into account the Objector's concerns about noise nuisance in view of the proximity of the Licensed Premises to the Objector's property. However it also took into consideration the representations of the Applicant regarding controlling the flow of business in determining reduced hours for the use of the Courtyard. The Licensing Sub-Committee believed that by allowing such reduced hours this met the Objectors concerns whilst being proportionate and that together with the new Special Conditions now imposed on the Premises Licence which provided for regular outside monitoring, the erection of notices and CCTV covering the Courtyard together with the existing Special Conditions this would be sufficient and appropriate measures if properly implemented to address the licensing objectives and the Objector's concerns relating to noise.

The Licensing Sub-Committee, whilst making this decision, also took into account the ability of the Objector to make representations in the future which will lead, where evidence shows the premises is the cause of public nuisance and/or noise, to a review of the Premises Licence where steps could be taken to address these

issues. Accordingly the Objector should be reassured that the Licensing Authority does have significant powers when dealing with a premises on review if appropriate and proportionate in all circumstances.

I confirm that the Licensing Sub-Committee also had regard to

National Guidance;
The Council's Licensing Policy;
The Human Rights Act 1998, as amended and
The individual merits of this case

before reaching this decision.

The Rights of Appeal will be sent out with the Decision Notice.

DATED 17th June 2013.

Cllr David Pepler - Chairman
Cllr Ken Brown
Cllr Duncan Smith

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SUBJECT:	Hackney Carriage & Private Hire Licensing
REPORT OF:	Officer Management Team - Director of Services Prepared by - Head of Health and Housing

Private Hire and Hackney Carriage Licences have been issued during the period 20 June 2013 to 5 September 2013 persons listed at **Appendix A and Appendix B.**

SUMMARY

Hackney Carriage Drivers Licence New Application	4
Hackney Carriage Vehicle Licence New Application	2
Hackney Carriage Drivers Licence Renewal	3
Hackney Carriage Vehicle Licence Renewal	7
Private Hire Drivers Licence New Application	4
Private Hire Vehicle Licence New Application	7
Private Hire Drivers Licence Renewal	5
Private Hire Vehicle Licence Renewal	7
Dual Driver Licence New Application	2
Dual Driver Licence Renewal	1
Private Hire Operator Licence New Application	1
Private Hire Operator Renewal	4

Officer Contact:	Clare Bradley Ext 7222 clare.bradley@southbucks.gov.uk
Background Papers:	Diamond Licensing Performance report. Service application files

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Vehicle Licences

<u>Licence/Plate No</u>	<u>Name/Address</u>	<u>Applied</u>	<u>Issued</u>	<u>DaysTaken</u>
HCV24	Abid Hussain 38 Kingston Road High Wycombe Buckinghamshire HP13 6UJ	02/09/2013	02/09/2013	0
HCV47	Ajaib Hussain 1 Goose Green Farnham Royal Slough SL2 3DU	28/08/2013	29/08/2013	1
PHV129	Taher Siddiq 19 Hughenden Avenue High Wycombe Bucks HP13 5SJ	17/07/2013	17/07/2013	0
PHV330	Dariusz Krzysztof Luba 38 St Andrews Way Slough Berkshire SL1 5NP	24/07/2013	24/07/2013	0
PHV331	Safeer Ahmed Khan 24 Kingston Road High Wycombe Buckinghamshire HP13 6UJ	24/07/2013	24/07/2013	0
PHV332	Aasam Ali 3 Nicholas Gardens High Wycombe Buckinghamshire HP13 6JQ	07/08/2013	07/08/2013	0
PHV333	Arshad Babar 32 Hatton Avenue Slough Berkshire SL2 1NE	12/08/2013	12/08/2013	0
PHV334	Shakil Akram 18 Holyhead Mews Slough Berkshire SL1 6BD	28/08/2013	28/08/2013	0
PHV335	Choudhry Mehdi Khan 90 Arnison Avenue High Wycombe Buckinghamshire HP13 6BU	28/08/2013	30/08/2013	2

Appendix A New Licences Issued between 20/06/2013 and 05/09/2013

Driver Licences

<u>Licence/Plate No</u>	<u>Name/Address</u>	<u>Applied</u>	<u>Issued</u>	<u>DaysTaken</u>
DLD30	Yasir Muhammad 12 Brockhurst Road Chesham HP5 3JB	22/05/2013	21/06/2013	30
DLD42	Ajaib Hussain 1 Goose Green Farnham Royal Slough SL2 3DU	31/07/2013	16/08/2013	16
DLD43	Shahzad Iqbal 24 Adelaide Road High Wycombe HP13 6UR	05/08/2013	30/08/2013	25
HCD08	Abid Hussain 38 Kingston Road High Wycombe Buckinghamshire HP13 6UJ	02/09/2013	02/09/2013	0
HCD14	Robb Garlick 6 South Drive Beaconsfield Buckinghamshire HP9 1XB	05/08/2013	05/08/2013	0
HCD40	Colin Paul Jones 19 Gladstone Rise High Wycombe Buckinghamshire	24/04/2013	22/07/2013	89
PHD119	Mark James Honickberg Flat 6 12 North Common Road London W5 2QB	31/07/2013	31/07/2013	0
PHD402	Simon Rankine The Oaks Wexham Park Lane Wexham Bucks SL3 6LX	28/06/2013	16/07/2013	18
PHD403	Shakil Akram 18 Holyhead Mews Slough Berkshire SL1 6BD	08/05/2013	08/08/2013	92

Driver Licences

<u>Licence/Plate No</u>	<u>Name/Address</u>	<u>Applied</u>	<u>Issued</u>	<u>DaysTaken</u>
PHD404	Florin Elchescu Seven Hills Farm Seven Hills Road Iver SL0 0PA	14/06/2013	20/08/2013	67

Total 10

Appendix A New Licences Issued between 20/06/2013 and 05/09/2013

Operator Licences

<u>Licence/Plate No</u>	<u>Name/Address</u>	<u>Applied</u>	<u>Issued</u>	<u>DaysTaken</u>
PHO 57	Mohammad Safai-Elahi 4 Briar Close Taplow Berkshire SL6 0JY	17/07/2013	22/08/2013	36

Total 1

Vehicle Licences

<u>Licence/Plate No</u>	<u>Name/Address</u>	<u>Applied</u>	<u>Issued</u>	<u>DaysTaken</u>
HCV19	Mohammed Shabir 1 Fairview Road Slough Berkshire SL2 2JL	19/08/2013	19/08/2013	0
HCV29	William Douglas Reeson 30 Georges Hill Widmer End High Wycombe HP15 6BE	17/07/2013	29/07/2013	12
HCV32	Javed Aslam 19 Hillview Road High Wycombe Buckinghamshire HP13 6XY	24/07/2013	24/07/2013	0
HCV33	Shabir Hussain 4 Edmunds Close High Wycombe Bucks HP12 4ES	29/07/2013	29/07/2013	0
HCV34	Zahoor Ahmed 175 Chairborough Road High Wycombe Buckinghamshire HP12 3HW	05/08/2013	05/08/2013	0
HCV45	Francis Xavier Marcus 104 Spackmans Way Slough Berkshire SL1 2SA	20/06/2013	20/06/2013	0
HCV46	Ian Sams 3 Vincents Way Naphill Buckinghamshire HP14 4RA	15/08/2013	15/08/2013	0
PHV123	Constantine Kondonis Silford Grange 83 Windsor Road Gerrards Cross Buckinghamshire	14/08/2013	14/08/2013	0
PHV128	Imran Ishaq 13 Stratford Drive High Wycombe Buckinghamshire HP10 0QQ	04/09/2013	04/09/2013	0

Appendix B Renewal Licences Issued between 20/06/2013 and 05/09/2013

Vehicle Licences

<u>Licence/Plate No</u>	<u>Name/Address</u>	<u>Applied</u>	<u>Issued</u>	<u>DaysTaken</u>
PHV141	Asim Sheraz 37 Milton Road Chesham Buckinghamshire HP5 2ET	24/07/2013	24/07/2013	0
PHV165	Alan David Stevens 6 Rowan Close Holtspur Beaconsfield HP9 1BE	02/09/2013	02/09/2013	0
PHV211	Imran Ishaq 13 Stratford Drive High Wycombe Buckinghamshire HP10 0QQ	21/08/2013	21/08/2013	0
PHV283	David John Ayling 14 Inkerman Road Eton Wick Windsor SL4 6LE	22/07/2013	22/07/2013	0
PHV312	Petru Nadasanu 30 Cumbrian Way High wycombe Bucks HP13 5RY	14/08/2013	14/08/2013	0

Total 14

Driver Licences

<u>Licence/Plate No</u>	<u>Name/Address</u>	<u>Applied</u>	<u>Issued</u>	<u>DaysTaken</u>
DLD22	Francis Xavier Marcus 104 Spackmans Way Slough Berkshire SL1 2SA	21/06/2013	21/06/2013	0
HCD16	Khalid Hussain 5 Cumbrian Way High Wycombe Buckinghamshire HP13 5RY	02/09/2013	03/09/2013	1
HCD30	Haider Khan 3 Lerwick Drive Manor Park Slough SL1 3XX	28/08/2013	28/08/2013	0
HCD41	Keith Michael Whitlock 13 The Ridgeway Marlow Buckinghamshire SL7 3LQ	16/07/2013	24/07/2013	8
PHD132	Constantine Kondonis Silford Grange 83 Windsor Road Gerrards Cross Buckinghamshire	14/08/2013	14/08/2013	0
PHD140	Maurice Reginald Fryer 156 Desborough Avenue High Wycombe HP11 2SU	19/08/2013	19/08/2013	0
PHD147	Roman Ehler 35 Frensham Walk Farnham Common Buckinghamshire SL2 3QF	30/08/2013	03/09/2013	4
PHD165	Alan David Stevens 6 Rowan Close Holtspur Beaconsfield HP9 1BE	02/09/2013	02/09/2013	0
PHD374	Andrew Albert Milligan 29 Hedgerley Lane Beaconsfield Buckinghamshire HP9 2JP	17/07/2013	17/07/2013	0

Total 9

Appendix B Renewal Licences Issued between 20/06/2013 and 05/09/2013

Operator Licences

<u>Licence/Plate No</u>	<u>Name/Address</u>	<u>Applied</u>	<u>Issued</u>	<u>DaysTaken</u>
PHO 03	Stephen Terence Fuge 122 Marys Mead Hazelmere High Wycombe HP15 7DZ	16/07/2013	19/07/2013	3
PHO 07	Alan Donn 74 Cavendish Gardens Barking Essex IG11 9DX	05/08/2013	05/08/2013	0
PHO 08	Alan David Stevens 6 Rowan Close Holtspur Beaconsfield HP9 1BE	02/09/2013	02/09/2013	0
PHO 44	Robert Edward Tester Huntwyk Cottage Oxford Road Redhill UB9 4LE	08/07/2013	08/07/2013	0

Total 4

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Street Collections being made

Appendix

<u>Society</u>	<u>Area</u>	<u>Start Date</u>	<u>End Date</u>	<u>Permit No</u>	<u>Ret'n</u>
St Peter's Church	Burnham	19/12/2012	19/12/2012	S210/13	N
St Peter's Church	Burnham	22/12/2012	22/12/2012	S211/13	N
Hospice Aid UK	Beaconsfield - Station Rd	13/04/2013	13/04/2013	S191/13	Y
Rotary Club of Burnham Beeches	Taplow Sainsbury's	19/04/2013	21/04/2013	S245/13	Y
South Bucks Hospice	Beaconsfield - Penn Road	20/04/2013	20/04/2013	S177/13	Y
Help for Heroes	Beaconsfield - Penn Road	24/04/2013	24/04/2013	S246/13	N
Iain Rennie Grove House Hospice Care	Beaconsfield -Sainsbury's	26/04/2013	27/04/2013	S229/13	Y
Hospice Aid UK	Gerrards Cross	27/04/2013	27/04/2013	S194/13	Y
Salvation Army	Taplow Sainsbury's	03/05/2013	04/05/2013	S07/13	N
Signhealth	Beaconsfield - Station Rd	08/05/2013	08/05/2013	S268/13	N
Age Sentinel Trust	Beaconsfield - Old Town	20/05/2013	21/05/2013	S270/13	N
Age Sentinel Trust	Beaconsfield - Station Rd	20/05/2013	21/05/2013	S269/13	N
Age Sentinel Trust	Beaconsfield - Penn Road	21/05/2013	22/05/2013	S262/13	N
The Catholic Worker Farm	Beaconsfield - Penn Road	24/05/2013	24/05/2013	S240/13	Y
The Catholic Worker Farm	Beaconsfield - Station Rd	24/05/2013	24/05/2013	S241/13	Y
Age Sentinel Trust	Gerrards Cross	24/05/2013	25/05/2013	S264/13	N
Age Sentinel Trust	Farnham Royal	24/05/2013	25/05/2013	S265/13	N
Age Sentinel Trust	Holtspur	24/05/2013	25/05/2013	S263/13	N
Friends of Seelys House (FOSH)	Beaconsfield - Penn Road	25/05/2013	25/05/2013	S23/13	Y
The Beaconsfield Society	Beaconsfield - Penn Road	15/06/2013	15/06/2013	S197/13	N
Alzheimer's Society	Beaconsfield -Sainsbury's	22/06/2013	22/06/2013	S233/13	N
1st Hedgerley Scout Group	Hedgerley	22/06/2013	22/06/2013	S298/13	N
1st Hedgerley Scout Group	Farnham Common	22/06/2013	22/06/2013	S297/13	N
Burnham Carnival on behalf of BCA	Burnham	13/07/2013	13/07/2013	S301/13	N
Youth Cancer Trust	Beaconsfield - Station Rd	13/07/2013	13/07/2013	S299/13	N
Signhealth	Beaconsfield - Penn Road	16/07/2013	17/07/2013	S300/13	Y
South Bucks Hospice	Beaconsfield -Sainsbury's	27/07/2013	27/07/2013	S179/13	N
Youth Cancer Trust	Beaconsfield - Station Rd	27/07/2013	27/07/2013	S302/13	N
The Catholic Worker Farm	Beaconsfield - Station Rd	23/08/2013	23/08/2013	S286/13	N
Cats Protection	Beaconsfield - Penn Road	23/08/2013	23/08/2013	S172/13	N
The Emma Animal Rescue Society	Beaconsfield - Penn Road	30/08/2013	30/08/2013	S261/13	N

Street Collections being made

Appendix

<u>Society</u>	<u>Area</u>	<u>Start Date</u>	<u>End Date</u>	<u>Permit No</u>	<u>Ret'n</u>
The Catholic Worker Farm	Beaconsfield - Station Rd	30/08/2013	30/08/2013	S287/13	N
Rethink Mental Illness	Beaconsfield - Penn Road	31/08/2013	31/08/2013	S189/13	N
Macmillan Cancer Support	Beaconsfield - Penn Road	06/09/2013	07/09/2013	S36/13	N
South Bucks Hospice	Beaconsfield - Station Rd	07/09/2013	07/09/2013	S180/13	N
The Friends of Penn School	Beaconsfield -Sainsbury's	13/09/2013	15/09/2013	S209/13	N
The Catholic Worker Farm	Beaconsfield - Station Rd	13/09/2013	13/09/2013	S304/13	N
The Emma Animal Rescue Society	Beaconsfield - Penn Road	13/09/2013	13/09/2013	S29/13	Y
Royal Air Force Association	Whole District xcept Beac	13/09/2013	14/09/2013	S16/13	N
Hospice Aid UK	Beaconsfield - Station Rd	14/09/2013	14/09/2013	S193/13	N
Iain Rennie Grove Hospice Care	Gerrards Cross	14/09/2013	14/09/2013	S13/13	N
Cats Protection	Beaconsfield - Penn Road	20/09/2013	20/09/2013	S173/13	N
Iain Rennie Grove Hospice Care	Beaconsfield -Sainsbury's	21/09/2013	21/09/2013	S10/13	N
Royal Air Force Association	Whole District	21/09/2013	21/09/2013	S17/13	N
The Catholic Worker Farm	Beaconsfield - Station Rd	27/09/2013	27/09/2013	S305/13	N
The Emma Animal Rescue Society	Beaconsfield - Penn Road	27/09/2013	27/09/2013	S33/13	N
Royal Air Force Association	Beaconsfield - Penn Road	28/09/2013	28/09/2013	S19/13	N
Royal Air Force Association	Beaconsfield -Sainsbury's	28/09/2013	28/09/2013	S21/13	N
Royal Air Force Association	Beaconsfield - Old Town	28/09/2013	28/09/2013	S18/13	N
Hospice Aid UK	Gerrards Cross	28/09/2013	28/09/2013	S196/13	N
Iain Rennie Hospice Care	Farnham Common	28/09/2013	28/09/2013	S15/13	N
Rethink Mental Illness	Beaconsfield - Station Rd	04/10/2013	05/10/2013	S183/13	N
Rethink Mental Illness	Beaconsfield - Penn Road	04/10/2013	05/10/2013	S190/13	N
The Salvation Army	Taplow Sainsbury's	11/10/2013	12/10/2013	S165/13	N
The Catholic Worker Farm	Beaconsfield - Penn Road	11/10/2013	11/10/2013	S309/13	N
The Catholic Worker Farm	Beaconsfield - Station Rd	11/10/2013	11/10/2013	S306/13	N
Christian Aid	Beaconsfield - Station Rd	12/10/2013	12/10/2013	S249/13	N
Christian Aid	Holtspur	12/10/2013	12/10/2013	S250/13	N
Christian Aid	Beaconsfield - Penn Road	12/10/2013	12/10/2013	S248/13	N
Cats Protection	Beaconsfield - Penn Road	18/10/2013	18/10/2013	S174/13	N
The Catholic Worker Farm	Beaconsfield - Station Rd	18/10/2013	18/10/2013	S307/13	N
Royal National Lifeboat Institution	Beaconsfield -Sainsbury's	18/10/2013	19/10/2013	S206/13	N

Street Collections being made

Appendix

<u>Society</u>	<u>Area</u>	<u>Start Date</u>	<u>End Date</u>	<u>Permit No</u>	<u>Ret'n</u>
The Catholic Worker Farm	Beaconsfield - Station Rd	25/10/2013	25/10/2013	S308/13	N
The Catholic Worker Farm	Beaconsfield - Penn Road	25/10/2013	25/10/2013	S310/13	N
The Royal British Legion Poppy Appeal	Whole District	26/10/2013	09/11/2013	S215/13	Y
Cats Protection	Beaconsfield - Penn Road	01/11/2013	01/11/2013	S175/13	N
Rotary Club of Burnham	Taplow Sainsbury's	29/11/2013	30/11/2013	S251/13	N
Scannappeal	Beaconsfield -Sainsbury's	30/11/2013	30/11/2013	S272/13	N
Scannappeal	Beaconsfield - Station Rd	30/11/2013	30/11/2013	S271/13	N
Lions Club of Burnham	Burnham	05/12/2013	05/12/2013	S303/13	N
Rotary Club of Burnham	Burnham	06/12/2013	07/12/2013	S253/13	N
Lions Club of Maidenhead	Taplow Sainsbury's	06/12/2013	08/12/2013	S214/13	N
Rotary Club of Burnham	Taplow Sainsbury's	13/12/2013	14/12/2013	S252/13	N
The Beaconsfield Lions Club	Beaconsfield -Sainsbury's	13/12/2013	14/12/2013	S181/13	N
Jordans & District Rotary Club	Beaconsfield - Station Rd	14/12/2013	14/12/2013	S161/13	N
The Beaconsfield Lions Club	Beaconsfield - Penn Road	20/12/2013	21/12/2013	S182/13	N
The Rotary Club of Gerrards Cross & Chalfont St P	Gerrards Cross	21/12/2013	21/12/2013	S230/13	N

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SUBJECT:	Licensing of House to House Collections
REPORT OF:	Officer Management Team - Director of Services Prepared by - Head of Health and Housing

To be noted, House-to-House permits issued between 20/06/2013 and 05/09/2013 as attached at **Appendix A**

Please also note this Diary of collections will change on a daily basis as and when applications are received.

House-to-House Collection Permits are issued to registered charities that wish to undertake collections door to door on behalf of a charity.

Current Council Policy on the Licensing of House to House Collection permits allows us to allocate 1 charity per area for the duration of their collection example, Beaconsfield, Gerrards Cross, Iver, Burnham etc.

Some charities have been allocated Exemption Orders from the Home Office granting them exemption certification from local authority licensing. The local authority have no control over the dates these charities will be collecting however they are required to notify the Licensing Team of the dates they intend to be in the district to enable the team to inform them of any clashes in dates with other charities.

Please note: This report may contain details of collections that have already taken place. Charities are required to submit returns to the licensing team containing details of their collections and amounts raised. These returned are due in after the collections have taken place and will show as outstanding on the report if the return has not yet been received.

Officer Contact:	Clare Bradley Ex 7222 clare.bradley@southbucks.gov.uk
Background Papers:	Diamond Licensing Performance report Service application files.

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House to House Collections				Appendix	
<u>Area</u>	<u>Charity</u>	<u>Start Date</u>	<u>End Date</u>	<u>Permit No</u>	<u>Return Recd</u>
Across South Bucks Council					
	Children's Cancer & Leukaemia Fund (CALF)	01/01/2013	31/12/2013	H29/13	N
Burnham and Stoke Poges					
	The Lions Club of Burnham	07/12/2013	15/12/2013	13/H07	N
Farnham Common					
	Save the Children	28/04/2013	04/05/2013	EX07/13	N
Gerrards Cross					
	Rotary Club of Gerrards Cross & Chalfont St Peter	02/12/2012	24/12/2012	H01/12	Y
	Macmillan Cancer Support	24/06/2013	29/06/2013	H27/13	Y
Iver & Ritchings Park					
	Rotary Club of Langley & Iver	12/12/2012	20/12/2012	H/26/12	Y
Parish of Gerrards Cross					
	Rotary Club of Gerrards Cross & Chalfont St Peter	02/12/2013	23/12/2013	13/H02	N
South Bucks Council Area					
	British Red Cross	04/02/2013	13/03/2013	13/H01	Y
South Bucks District					
	Cancer Research & Genetics UK	01/10/2012	30/09/2013	H19/12	N
	Childrens Hearts	01/06/2013	30/06/2013	H18/12	N
South Bucks District Council					
	Troop Aid	02/09/2012	01/09/2013	H17/12	N
South Bucks Whole District					
	Be Child Cancer Aware (BCCA)	01/04/2013	31/12/2013	13/H04	N
Whole District					
	Ronald McDonald House Charities	10/10/2011	10/10/2012	H23/11	Y
	Air Ambulance Service - DB Collections	01/07/2012	30/06/2013	H05/12	N
	Mercy Ships UK - Intersecond Ltd	01/08/2012	28/06/2013	H15/12	Y
	Poppy Appeal	29/10/2012	12/11/2012	EX02/16	N
	ADRA UK	30/03/2013	14/04/2013	EX03/13	N
	Cancer Research & Genetics UK	01/04/2013	31/03/2014	13/H05	N
	Christian Aid	12/05/2013	18/05/2013	EX05/13	Y
	Barnardo's	10/06/2013	23/06/2013	EX02/13	N
	Leukaemia and Lymphoma Research	24/06/2013	29/06/2013	EX09/13	N
	Clothes Aid - for NSPCC	01/07/2013	30/06/2014	EX08/13	N
	The Salvation Army	01/09/2013	30/09/2013	EX04/13	N

House to House Collections

Appendix

<u>Area</u>	<u>Charity</u>	<u>Start Date</u>	<u>End Date</u>	<u>Permit No</u>	<u>Return Recd</u>
Whole District					
	Kidney Research UK	21/09/2013	06/10/2013	EX06/13	N
	Poppy Appeal	26/10/2013	09/11/2013	EX01/13	Y
	Betel of Britain	01/11/2013	31/12/2013	13/H06	N
	ADRA Uk	29/03/2014	13/04/2014	EX02/14	N
	Christian Aid	11/05/2014	17/05/2014	EX04/14	N
	The Salvation Army	01/09/2014	30/09/2014	EX03/14	N
Whole District of South Bucks					
	A Smile for a Child	15/11/2012	15/11/2013	H25/12	N
Whole of District					
	Cobalt	26/11/2012	01/02/2013	H23/12	N
Whole of South Bucks Dist					
	Troop Aid	23/10/2012	22/10/2013	H24/12	N
Whole of South Bucks Dist					
	TROOP AID	23/10/2012	22/10/2013	H28/13	N

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