



Licensing Committee agenda

Date: Thursday 22 July 2021

Time: 6.30 pm

Venue: The Oculus, Buckinghamshire Council, Gatehouse Road, HP19 8FF

Membership:

D Barnes, J Baum, R Gaster, T Green, P Griffin, C Jones, N Rana, J Rush, N Southworth, B Stanier Bt, D Town, G Wadhwa, H Wallace (Chairman), D Watson and A Wood

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Gatehouse Road, HP19 8FF

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Licensing Committee minutes

Minutes of the meeting of the Licensing Committee held on Wednesday 30 June 2021 in The Oculus, Buckinghamshire Council, Gatehouse Road, HP19 8FF, commencing at 6.30 pm and concluding at 8.10 pm.

Members present

D Barnes, T Green, C Jones, B Stanier Bt, D Town, G Wadhwa, H Wallace, D Watson and A Wood

Agenda Item

1 Apologies for absence

Apologies had been received from Councillor J Baum, R Gaster, P Griffin, N Rana, J Rush, N Southworth

2 Appointment of Vice-Chairman

The Chairman appointed Cllr Tony Green as her Vice-Chairman of the Licensing Committee for the ensuing year.

3 Declarations of interest

There were no declarations of interest.

4 Minutes of the previous meeting

The Minutes of the Meeting held on 14 April and 26 May 2021 were agreed as a correct record.

5 Taxi and Private Hire Vehicle Drivers: English language assessment

The Committee received a report on the licensing service's proposed arrangements to ensure that all licensed taxi and private hire drivers met the English language requirements stipulated in the Council's new Taxi and Private Hire Licensing Policy which was adopted by the Council on 24 February 2021.

The two appendices referred to in the report were tabled; firstly information on the Versant English test and secondly an equalities impact assessment. A letter from the Licensed Private Hire Car Association was also tabled.

The Principal Licensing Officer (Aylesbury Vale area) highlighted that the principal reason for assessing drivers' standard of English language skills was to ensure that they could converse effectively, particularly in emergency situations and where

there were safeguarding concerns. In accordance with new national statutory, which focused on safeguarding passenger safety, all licensed taxi and private hire drivers were expected to possess proficient English language skills. Councils have a legal duty to have regard to these standards and it was expected that they were adopted unless there is compelling local reason not to; this included both oral and written English language skills.

During the Principal Licensing Officer presentation the following points were noted:-

- the licensing requirements should be applied retrospectively to existing licence holders but a reasonable time should be allowed for this to be undertaken or gained. The implementation schedule of any changes that affect current licence holders must be transparent and communicated promptly and clearly.
- The new Council policy would take effect from 6 September 2021. Existing drivers who have not previously taken this assessment would be required to take and pass it. From 12 months after the date of the implementation of the policy, if the driver has not passed the assessment criteria the Council was unlikely to renew their licence until they have done so.
- The statutory standards did not specify a level of language proficiency. It was clear from the standards that drivers were expected to be able to read and understand documents relating to safeguarding matters.
- The Common European Framework of Reference for languages (CEFR,) published by the Council of Europe, was an internationally recognised scheme that described language proficiency in terms of one of six levels. These six levels were outlined in the report.
- The Councils current supplier, Pearson, have considerable experience delivering English language testing using the Versant system. They have recommended B1 to be a good level based on pass marks set by local authorities using the Versant system and taking a consistent approach.
- Transport for London have set a pass mark of B1 on the CEFR. In addition the Home Office state that skilled worker visa applicants were required to demonstrate that they met level B1 on the CEFR.
- Specifically taking into account the advice from Pearson and the approach of Transport for London and the Home Office, it was proposed that the pass criteria for English language testing for Buckinghamshire Council be set at B1 on the CEFR. It was considered that this would set the proficiency level at a sufficient standard to ensure that drivers can meet the council's requirements regarding the recognising and reporting of safeguarding concerns.
- It was proposed that this level be kept under review and pass levels closely monitored following implementation of the Policy.
- A number of local authorities, including the former Aylesbury Vale area of Buckinghamshire Council, used the Versant English Test which used speech processing technology to instantly assess applicant's linguistic skills via the telephone. The test was typically conducted at the council offices under the supervision of a member of staff. It was proposed that the licensing service

use the Versant system as the primary means of assessing driver's English language skills. The system provided an objective assessment of the candidate's level of English language proficiency and had proved fair and effective.

- There were currently approximately 3500 drivers licensed by Buckinghamshire Council. It was anticipated that approximately 3000 of the current licensed drivers would require an assessment. The Service was currently working with the Council's existing supplier to determine how the Versant system could be developed and used to implement the English language test assessment for new applicants and existing licensed drivers from 6th September 2021. The current proposal was that testing would be conducted remotely (in the main), with robust ID verification checks in place. The test would be taken via an app on a smart device, which the candidate downloaded in advance. There would be provision for candidates to take the test in person for those with limited access to online technology.
- The fee for the test would be paid directly by the candidate to the supplier and would be no more than £55 (this would be kept under review and could reduce depending on the level of demand for tests). The supplier would also take responsibility for re-testing arrangements and the provision of signposting and guidance to help candidates improve their test scores.
- It was proposed that drivers who had already successfully taken the Versant test with Aylesbury Vale District Council or the Aylesbury Vale area of Buckinghamshire Council (while legacy policies applied) would not be required to take the test again. Further exemptions were proposed for drivers who were able to provide evidence by way of certified qualifications which demonstrated English language proficiency to the same standard as the assessment level as shown in the report.

The Principal Licensing Officer then addressed each point made in the letter from the Licensed Private Hire Car Association which were as follows:-

(1) Compliance Deadline for Current Licence-Holders: The report did not provide clarity for licence-holders on the exact date for compliance (Response: The policy referred to an implementation date of 6 September 2021 and a year from that would be September 2022 for existing drivers).

(2) Policy Review Deadline/s: The report did not commit to a timeline for scrutiny over the effects of the policy (Response: It would be reviewed on an annual basis unless Members wished it to be more frequent).

(3) Test Pass / Fail Results Review Deadline/s: The report, subject to (2) above, did not provide a definitive timeline for the production of test results and scrutiny on the effects of the initial pass mark levels (etc)(Response: Annually or more frequently if Member would prefer).

(4) Medical Exemption/s: The report did not accommodate medical exemptions for individuals with learning and speech difficulties (E.g., dyslexia, etc). A Member commented that dyslexia would not fall under the category of a medical exemption. (Response: Exemptions would be addressed on a case by case basis. They would require evidence from their medical/professional practitioner on the

way they may be disadvantaged).

(5) Acceptable Alternative Qualification/s: The report provided a limited list of example qualifications which will be considered suitable (at para. 3.22). (Response: The report did set out a comprehensive list of qualifications but the officers would consider each application on a case by case basis if the applicant's qualification showed that they met the assessment criteria).

(6) Pearson Assistance on Test Failure: The report indicated Pearson will " ... take responsibility for retesting arrangements ... " (at para. 3.20). No details are offered, for example, on re-test fees (etc). (Response: The cost for taking a retest would remain the same of taking the test for the first time as they incurred the same expense).

(7) Pearson Testing Capacity: The report indicated up to 3000 of 3500 current licence-holders would require a test (at para. 3.18). Assurances were sought that Pearson will be able to meet this need and, if delays due to high demand occur, that BC will not take punitive action against licence-holders for matters outside their control. (Response: This had been factored in by looking at monthly renewal rates so the service area had a good idea of the current cohort of drivers and when their licence would come up for renewal and they would need a test. Pearson were confident that they could deliver and this would be built into the contract).

(8) Proof of Compliance: The report did not appear to confirm applicants and licence-holders were only required to present proof of compliance on a single occasion. Whilst it is understood BC will digitally record such information, and thereby not require repeated presentation of certificates, confirmation is requested of this practice. (Response: Candidates would only be required to take the test once and it would be recorded on their licence record).

(9) Trade representative and Workshops – the LPHCA have stated that they were not invited to attend the workshop. (Response: Most of the work carried out was part of the taxi policy consultation where they contacted all drivers and operators who were invited to workshops and the service area have also developed a good working relationship with LPHCA).

(10)LPHCA and Pearson Engagement – The LPHCA welcomed engagement with Pearson and Buckinghamshire Council on the test. (Response: The arrangements would be in a contract so would require approval from the Council).

During discussion by Members the following points were made:-

- Clarification was sought on the level of written skills that were required by drivers as opposed to oral skills and also whether a local college or other provider could provide support in this area e.g TEFAL. A Member expressed concern about drivers being anxious about going back to the classroom and also cultural challenges that they may face in having to pass the test. Therefore the right support was crucial including the ability of the teacher to speak the driver's first language and also IT skills. The Member commented that Pearson were a good provider but local colleges could also be utilised. The Transition Head of Licensing, Cemeteries & Crematoria Services reported that much research had gone into this report and a lot of work behind the scenes to come forward with this

recommendation. The requirement to test for English Language came from the Department for Transport under the new statutory standards so it was non-negotiable. The priority was because of public safety and safeguarding concerns. Predominantly the skills that were required were verbal and the previous Licensing Committee had agreed that a written test was not required. However, there was more of a requirement for written skills in drivers supporting home to school transport and the Client Transport Team dealt with this as a separate issue under the school contract provision. Bucks Adult Learning had a huge range of experience in providing support in learning English as a second language and the service area have worked closely with them to draw up a package of support specifically for taxi and private hire vehicle drivers with input from the trade. The Principal Licensing Officer reported that there was a three hour bespoke workshop that the drivers could sign up to prepare themselves for the test and a more comprehensive bespoke course which was six to eight weeks. Pearson had allocated one hour per candidate even though the test was only 15 minutes long to ensure that the driver was put at ease during the process to go through the test. The Member asked for an up to date Ofsted report on Pearson.

- There was some concern from drivers about the introduction of an English language test but this was part of the consultation on the taxi policy which was agreed by Council in February this year. There had been feedback from passengers on the need for an English language test and the LPHCA had also encouraged this. The lead in time of one year should also help drivers.
- Questions were asked whether £55 was a reasonable fee for the test as some areas had not experienced a rise in fares for some considerable time. In the app drivers would have the advantage of taking one free test before the paid test. They could also take the test as many times as they wished at a cost of £55 before the licence needed to be renewed. Transport for London costs were £180-200. Taxi licensing had to be cost neutral to the Council. A Member asked if a lower price could be given for the second test. The Transition Head of Licensing, Cemeteries & Crematoria Services commented that as it was a private provider they had told them that £55 was the cost of providing the test. The figure was also based on the current demand level which could be reduced if there was an increase in demand. The demand level needed to be kept under review. A comment was made that some Councils charged a lower price for the test but the Transition Head of Licensing, Cemeteries & Crematoria Services responded that this would depend on the model of delivery and the support provided. It was important that this service was organised by a private provider to show independence from the Council. In the next year 400 drivers could apply for a licence and it would be helpful to undertake a review in a year once the service had an idea of demand and data on test results. A Member asked for data after three months to obtain early information on implementation of this policy.
- Members were reminded that the new Buckinghamshire Taxi Licensing

Policy brought together the legacy policies of all the Councils before they became a unitary authority to a single policy and this was where a timescale was agreed for implementation. It was a locally set policy. Buckinghamshire Council was one of the largest taxi licensing areas in the Country and therefore there was a considerable risk in not updating the policy. The Cabinet Member for Regulatory Services saw this as a priority to bring forward a new taxi licensing policy for Buckinghamshire. The DfT published the statutory standards in July 2020 and local authorities were told that they must introduce them unless they had a compelling reason not to do so. An update on this had to be given to Government by January 2021 and all Councils were being monitored on their implementation of these statutory standards. The new Policy would come into effect this September but some elements were deferred such as the English language test to allow the existing taxi trade to plan ahead for their licence renewal.

- A comment was made with regard to the LHPCA letter where it stated a reduction in standards to B1. The Transition Head of Licensing, Cemeteries & Crematoria Services reported that the legacy Aylesbury Vale area had already been operating an English language test and the threshold was set higher than what was being recommended in this report. Therefore, a single system was proposed as B1. The standard would be kept under review. In accordance with the statutory standards, the Policy would be reviewed every five years. Parts of the Policy would be reviewed on an ongoing basis to understand the impact it was having on the trade and passengers, with annual reports presented to the Licensing Committee.
- In terms of implementation of the standards Buckinghamshire Council was at the forefront compared with other local authorities as they had to complete a review of the policy having become a unitary council on 1 April 2020. There was an increase in administrative cost in terms of monitoring the requirements set out in the new Government standards. Some other authorities costs had not gone up yet as they had not undertaken a recent review. Costs would level out once other authorities completed their reviews.

It was proposed by Cllr Green, seconded by Cllr Jones and (on a vote eight for the motion and one abstention) **RESOLVED that**

- 1. the licensing service's proposed arrangements to ensure all licensed taxi and private hire drivers meet the English language requirements stipulated in the council's new Taxi and Private Hire Licensing Policy be noted.**
- 2. the proposed minimum assessment level of B1 on the Common European Framework Reference of languages (CEFR) be agreed.**

6 Hackney Carriage Fares

The Committee received a report on Hackney Carriage Fares. The new

Buckinghamshire Council Taxi and Private Hire Licensing Policy was approved by Full Council on the 24th February 2021 on the recommendation of Licensing Committee and would be implemented from the 6th September 2021. The Policy removed the current legacy area hackney carriage zones thereby leaving one single operating zone. As a result it was now necessary to produce a single set of tariffs for drivers of hackney carriage vehicles in Buckinghamshire. The setting and approval of taxi tariffs was an executive, rather than a non-executive, function and therefore rested with Cabinet. This report was provided to the Committee for information purposes and to update the Committee on the progress that had been made to date in this area.

The Licensing Team Leader (Wycombe area) updated the Committee as follows:-

- Once a tariff of fares had been set, the driver could not charge more to the passenger than the charge shown on the meter apart from in certain exceptional circumstances, such as where a journey ended outside of the council area and a fee had been agreed in advance.
- There were no national guidelines or guidance for the setting of fares and each local authority used different methods and information in order to produce their local rates. However, it was accepted that any proposed tariff of fares should provide the driver with an acceptable income, whilst also providing an affordable transport option for the passenger(s).
- Fares should be simple to understand, not able to be bypassed and set at a level which was competitive with the local private hire trade to avoid effectively pricing the taxi service out of the local market.
- The Office for Fair Trading conducted a market study in 2003 which found that passengers were in a relatively weak position to compare offers and negotiate prices when hailing taxis or using their services at a rank. The report further stated that this finding reinforced the need for fare regulation of taxis and so it was considered to be good practice to set fares.
- Given that tariffs in some of the legacy areas had not been reviewed for a number of years it was also considered inappropriate to use existing charges as a basis for producing a new set of fares.
- Work had been carried out with a representative from Pulsar, who were one of the two main companies that carry out this work, and a set of proposed tariffs has been produced.
- The proposed tariffs have been benchmarked both locally and nationally and compare favourably in both respects. The usual standard used for the benchmarking of tariffs was a two mile journey on Tariff 1 which was considered to be the most common journey on average. The national average cost for this journey, as calculated from the figures provided within Private Hire and Taxi Monthly publication which were regularly updated, was £6. The local average cost for this journey was currently calculated to be £5.93. The proposed cost of this journey for the new Buckinghamshire Council tariff was £5.94.
- The proposed tariffs would provide an increase to drivers across all of the legacy areas. The only exception to this increase related to longer journeys for the current Aylesbury Rural Tariff, although drivers who previously were

restricted to working in this area would now have the benefit of being able to work across the Buckinghamshire Council area and in town centres, with greater potential for both work and earnings.

- The trade in the rural area of Aylesbury requested that the tariff card be amended to include all journeys where more than four passengers were carried in Tariff 2, as opposed to having separate charges for additional passengers. It was considered that this was reasonable in the circumstances.
- The trade in Aylesbury town centre, who would benefit the most from the proposed fares in terms of increase, were concerned that the proposed tariffs were set too high and that it would inevitably price them out of the market compared with private hire vehicles. The representative was reminded that any fixed fares were maximum prices and that drivers were able to charge less than the metered fare if they choose to do so. It had also been confirmed to the Aylesbury town centre trade that individual drivers could continue to use their existing tariffs so long as both tariff cards were displayed in the vehicle and passengers were aware of what rate was being charged.
- Following a concern from the trade in High Wycombe a response has been given that there would be no reduction in fares for shorter journeys or journeys of any length.
- Concern was also expressed about the removal of the additional 40p charge for any journey commencing from the High Wycombe railway station. The rank in this station was located on land owned by Chiltern Railways and drivers were required to pay for a permit at an annual cost of £600 to ply for hire from this rank. This did not apply to any other railway stations in Buckinghamshire. Officers would therefore explore the possibility of providing a rank at the railway station in the longer term which would be on land recently purchased by the council and for which no permit would be required.
- A report had been submitted to the Cabinet Member for Regulatory Services seeking approval for statutory advertisement of the proposed tariffs for the required 14 day consultation period. This decision was scheduled on the forward plan on or after the 28th June 2021. If approved the tariffs would be advertised for formal consultation. If there were no objections the new tariffs would be implemented across the Council area on 6 September 2021 alongside the new Taxi and Private Hire Policy. If any objections were received a further report would be submitted to the Cabinet Member for consideration. The tariffs would be kept under review on an annual basis.

During discussion by Members the following points were made:-

- A query was raised about the flag price whether there were different prices for different bands but in the appendix there was a rate chart which referred to extra charges when the hackney carriage was away from the rank of £1. The Licensing Team Leader reported that the flag price related to the starting price and the first price that came up on the meter. The additional charge for picking up passengers away from a rank was not often used by taxi drivers.

- A Member commented that having an alternative rank at High Wycombe would cause confusion for passengers. It was confirmed that this was being investigated further to a request from the trade. The permits were restricted by Chiltern railways. If any changes were made there would be a full consultation on this.
- A Member asked when the legacy councils last reviewed the fares. The Licensing Team Leader reported that in Wycombe they were reviewed annually with no increase since 2019; Aylesbury 2018 and Chiltern and South Bucks 2016/ 2014. The Member suggested it would be helpful to include this information in the Cabinet Member report.
- Members commented that they supported these changes which would help taxi drivers who also had more additional costs to contend with such as training requirements and it was a fair increase.

Members welcomed the standardisation of fares across Buckinghamshire.

RESOLVED that the Committee note the progress made in relation to the production and approval of a single set of Hackney Carriage fares for the Buckinghamshire Council area, which if approved and subject to consultation were due to come into effect with the implementation of the new Hackney Carriage and Private Hire Licensing Policy from the 6th September 2021.

7 Date of next meeting

22 July at the Oculus at 6.30pm.

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Report to Licensing Committee

Date: 22nd July 2021

Title: New Statement of Licensing Policy, Licensing Act 2003

Author: Simon Gallacher, Principal Licensing Officer (Aylesbury Vale area)

Recommendations:

1. To agree the content of the draft new Licensing Policy Statement for Buckinghamshire Council as required under the Licensing Act 2003.
2. To agree the commencement of a public consultation on the new Buckinghamshire Council Licensing Policy.

1. Introduction

- 1.1 In accordance with the Licensing Act 2003 (the 'Act'), Buckinghamshire Council, in its role as licensing authority, is responsible for authorising the sale and supply of alcohol and the provision of regulated entertainment and late night refreshment. Licensable activities are authorised by way of licences, certificates and notices.
- 1.2 The promotion of statutory licensing objectives are fundamental to any decision concerning licensing matters:
 - preventing crime and disorder;
 - public safety;
 - preventing public nuisance;
 - protecting children from harm.
- 1.3 The Licensing Authority has a legal obligation to publish a licensing policy statement, 'Policy', which set out its approach to promoting the licensing objectives when performing its licensing functions. The Policy is also an opportunity to promote and encourage adherence to other council policies, priorities and strategies. A number of such areas have been identified, many of which not only promote the licensing objectives but also Buckinghamshire Council's key priorities.
- 1.4 A Policy must be published every five years under the Act, following a period of formal consultation and review. The Council's licensing service is currently operating

under separate legacy policies reflecting the four former district council areas. Under the terms of the transitional legislation, Buckinghamshire Council has two years to prepare and publish a new single licensing policy under the Act and align service provision. The deadline for publication and implementation of the new Policy is no later than 1 April 2022.

- 1.5 A pre-draft policy consultation exercise has been carried out and the results have helped shape Buckinghamshire Council's first draft Licensing Policy Statement. **It is proposed that historic cumulative impact and special hours policies are not included in the new draft Policy due to lack of sufficient required supporting evidence.** Subject to agreement by the Licensing Committee, the draft Policy will be consulted upon widely for a period of 6 weeks. The results of the consultation will be reported back to the Licensing Committee for further consideration prior to referral to Full Council for adoption.

2. Background

- 2.1 The content of Licensing Act policies is prescribed by legislation and statutory guidance published by the Secretary of State (Section 182 guidance) to which the council must have regard.
- 2.2 Prior to publishing its Policy, the Act requires the Licensing Authority to consult with the police, fire authority, public health authority and representatives of local licence holders, businesses and residents.
- 2.3 The Licensing Authority must also publish a summary of any cumulative impact assessments (CIA) and explain how it has regard to these assessments. A CIA is an evidenced based document that licensing authorities may publish in respect of area(s) where it is determined that the number of licensed premises is such that to grant further authorisations would undermine the duty to promote the licensing objectives.
- 2.4 The Section 182 guidance sets out further policy areas that it is recommended be included in the policy statement:
- Fundamental principles: promoting the four licensing objectives and the rights of parties to make application, representation and seek review of a licence.
 - The council's approach to conditions: focus on matters within the licence holder's control and avoid duplication with other regulatory regimes.
 - Approach to enforcement.
 - Facilitating a broad range of entertainment.
 - Commercial demand or 'need' not to be a consideration.

- Consideration of Public Space Protection Orders (PSPOs) typically used to control anti-social street drinking.
- Licensing hours.
- Admission of children.
- Integrating strategies.
- Promotion of equality.
- Delegation of functions.

2.5 The above areas have been addressed in the draft version of the Policy, shown at Appendix 1.

Pre-draft Policy consultation

2.6 The Licensing Service has conducted pre-draft policy engagement consultation to elicit the views of stakeholders on a number of key policy areas summarised below. The consultation was conducted by way of an online survey, open from 14 May to 8 June 2021. The survey was shared with all responsible authorities, all ward councillors, all town and parish councils, licence holders, business representatives, groups working with those with alcohol dependencies and community safety.

2.7 Survey respondents were asked to describe their role: resident (or resident representative), business (or business representative), ward councillor, responsible authority, town or parish council and other. In total 107 responses to the survey were received which incorporated representatives from 156 roles. The response by role type indicates that the response to the survey was broadly representative of the key stakeholders

Role type	Response rate
Residential interest	30.8%
Business interest	23.1%
Councillor ward/parish/town	35.3%
Responsible authority	4.5%
Other	6.4%

2.8 A copy of the pre-engagement survey questionnaire is shown at Appendix 2. The Council's Business Intelligence team collated and analysed the survey results and a summary of key findings is shown at Appendix 3. The results of the survey have informed the preparation of the draft version of the new Policy, as summarised below.

2.9 Cumulative Impact – Aylesbury town centre.

- 2.10 'Cumulative impact' is about the concentration of licensed premises in a particular area and the impacts of this. In some areas licensed premises that sell alcohol and late night food and drink can contribute to nuisance and/or public disorder problems. These issues can arise when a large number of drinkers gather in one area when leaving a premises at closing time, or queuing for food or public transport. Sometimes lots of licensed premises in an area can have a negative impact on the licensing objectives, such as public nuisance or crime and disorder. Where there is evidence of this, licensing authorities can introduce a 'cumulative impact' policy with the effect that a licence application that it is considered would have a negative impact will probably be refused. These policies must be supported by evidence and, as a result of a change to the Act in 2018, this evidence must include a formal assessment document published and reviewed at least every 3 years.
- 2.11 Currently only Aylesbury town centre has a cumulative impact policy. Evidence from the police and local residents has historically supported the view that a high concentration of late licensed premises has had a detrimental impact and contributed to public nuisance and crime and disorder. The existing legacy area policy states that "high risk" late night premises such as late night bars and nightclubs that sell alcohol or takeaway food will be refused licences to trade after 00.30. All other premises are not permitted to open after 02.30. An assessment of the Aylesbury town centre cumulative impact policy was last presented to and considered by the Licensing Committee in 2015.
- 2.12 Town centres and licensed premises have been significantly affected by the Covid-19 pandemic and this means that there is limited recent evidence to support a meaningful assessment of the Aylesbury town centre policy. Survey respondents were asked to indicate whether or not they support a proposal to remove the cumulative impact policy for Aylesbury town centre but keep the area under review.
- 2.13 The majority of respondents, 82%, supported the removal of the cumulative impact policy. Comments supporting respondents' views can be summarised as follows:
- Support businesses re-establishing themselves and in particular the night time economy, post Covid-19.
 - Need for regular review given the lack of evidence post pandemic and easing of lockdowns.
 - A recommendation that applications should be scrutinised on a case by case basis, that the blanket approach is unhelpful.
 - Concern over the negative impacts on the town and its residents of late night alcohol sale & consumption.

- 2.14 In response to the pre-engagement survey, Thames Valley Police submitted an evaluation report, with a review of the current licensing and cumulative impact policy relating to Aylesbury town centre. A copy of the report is shown at Appendix 4. The report contains details of the number of current licensed premises within the town centre and a description of how this figure has increased since 1999. The report focuses on the ongoing challenges of policing the night time economy in the town centre area and is supported with a statement from a Town Centre Neighbourhood Police Officer (appendix B). An analysis of offence types for the period 2018 to 2021 is included (appendix C).
- 2.15 It is the police's view that while the figures show a slight decrease in town centre incidents, they show a "clear link between violent crime and the changing profile of licensed premises in Aylesbury Vale". Appendix D shows a list of control measures that the police would like to see implemented, or maintained, to address their concerns in relation to policing Aylesbury town centre.
- 2.16 Of direct relevance to the current cumulative impact policy is specific mention of a "more restrictive policy to trading hours for high risk premises". The reason provided for this is that the police consider that customers do not gradually disperse from venues but leave "en-masse" and that by extension this leads to greater risk of disorder. They consider that if premises are permitted to open later then this results in disorder occurring later in the evening.
- 2.17 Statutory guidance to licensing authorities states that decisions concerning cumulative impact must be supported by evidence, which is "robust and relevant to the current problems described", (Section 182 Guidance, paragraph 14.36). Without this, a cumulative impact policy should not be retained and licensing decisions may be open to legal challenge. Based on the statistics provided by the Police for the period 2018-21, it is respectfully argued that they do not appear to readily show the asserted causal link between late licensed premises and crime and disorder. The statistics show that some violence offence types (public order and anti-social behaviour) have increased year on year, including for the period 2020/21 when late licensed premises largely remained closed due to covid-19 restrictions. Other violence type offences (common assault and actual bodily harm) have declined year on year, from 2018/19 to 2020/21. Offences by day of the week appear to fluctuate year on year, and while there was a small decrease on Saturdays, there has been a significant increase shown on Fridays from 2019/2020 to 2020/21, when most late licensed premises have again remained closed due to covid-19 restrictions. Offences by time period show offences declining for the period after midnight, with a noticeable decrease between 02:00 and 03:59, between the years 2018/2019 and 2019/2020. The view provided within the Neighbourhood Police Officer's statement is that disorder increases beyond 03.00 hours, until 04.00 or 05.00 hours, with "the issue being that the drinkers have no more venues to go to". On this basis it could

be argued that the stated problems of disorder could be mitigated by allowing venues to open later thus staggering the dispersal of people leaving the premises.

- 2.18 In accordance with the Section 182 guidance, licensing authorities should look to the police, in their role as a responsible authority, as the main source of advice on crime and disorder. It is evident from the Police report and opinions expressed by police officers responsible for policing the night time economy, that the historic cumulative impact policy has been an effective tool in containing the negative impacts of late night licensed premises. The Police advise that restricting the terminal hour in cumulative impact areas facilitates effective policing by allowing limited resources to be more effectively planned and targeted, reducing policing costs. Furthermore, they state that encouraging less alcohol led premises to open reduces further the risk of problems occurring.
- 2.19 Whilst these views are valid they must be balanced against the available evidence provided and the views of all stakeholders. While there are clear concerns from the police that the removal of the cumulative impact policy linked to “high risk premises” will lead to an increase in crime and disorder related issues (and therefore in the costs of policing), the available evidence at this stage is arguably inconclusive. Furthermore, over 82% of stakeholders responding to the survey support the view that the cumulative impact should be removed but kept under assessment going forward
- 2.20 The removal of a cumulative impact policy does not affect the right of any party, including the police, to make representation based on the promotion of the licensing objectives, which can include cumulative impact effects. The police can use their powers under the Act to seek a formal review of the licence of any premises associated with crime and disorder concerns.
- 2.21 Cumulative impact policies can be re-introduced if supported by an assessment of the available evidence. In light of the concerns raised by Thames Valley Police, whilst the evidence presented to date does not appear to support a cumulative impact policy, it is proposed that the Licensing Authority commit to keeping the matter under review. It is proposed that council officers conduct a thorough review of the evidence related to cumulative impact and report back to the Licensing Committee for further assessment after 12 months following the adoption of the Policy. The types of evidence to be assessed is set out in the draft Policy and is as follows:
- a) Local crime and disorder statistics, including statistics on specific types of crime and crime hotspots.
 - b) Statistics on local anti-social behaviour offences.
 - c) Health-related statistics such as alcohol-related emergency attendances and hospital admissions.

- d) Complaints recorded by responsible authorities in relation to licensed premises, which may include complaints raised by local residents or residents' associations.
- e) Representations in response to licence applications that cite cumulative impact as an issue.
- f) Response to surveys with key stakeholders.
- g) Evidence from ward, town and parish councillors.
- h) Evidence obtained by, or on behalf of, the Licensing Authority, for example details of existing licensed premises, complaints to the licensing service and observational reports.

2.22 Many of the other control measures proposed by the police beyond the restricted hours proposal have been incorporated within the draft Policy, in some instances with modification. Appendix 5 contains a summary of the police's control measures and the related Policy measure where applicable.

Cumulative impact – other areas

2.23 Respondents to the pre-engagement survey were asked if they thought any other areas of Buckinghamshire were impacted by a concentration of licensed premises and may require specific policies. Five other areas were mentioned in the survey as being impacted by a high concentration of licensed premises: High Wycombe, Marlow, Beaconsfield, Buckingham and Amersham on the Hill. While no supporting evidence has been submitted to support this view at this stage, these areas will be closely monitored by the licensing service with a view to considering the introduction of CIA policies if evidence supports this approach. The Police have not provided evidence to support this approach in any area other than Aylesbury town centre.

Special Hours Policy - Buckingham

- 2.24 Under the Licensing Act 2003 applicants can apply for any hours they wish. Each application must be considered on its own merits and the council cannot impose fixed closing times. However licensing authorities can choose to publish special hours policies to advise licence applicants of the likely approach the authority will take when considering terminal hours in a particular area (or zone) or of a particular type, e.g. pubs, nightclubs, hot food takeaways. Special hours policies often set a preferred closing time(s) by premises type, area or both.
- 2.25 Historically in Buckingham there have been links between late licensed premises, an influx of students from the university and disturbance to residents living in close proximity. Over the course of time, as a result of numerous disputed applications, an approach has evolved whereby generally licences have been granted for the sale

of alcohol no later than 01.00 hours with 01:30 hours closing time. This approach has been encapsulated in a terminal hours policy for Buckingham’s town centre. This policy means that any application after midnight is subject to closer scrutiny and applications after 01:30 hours are likely to be refused.

2.26 While historically the policy has not been treated as a ‘cumulative impact policy’ (as it not based on the concentration of licensed premises) the policy approach still needs to be supported by evidence. There is very little tangible evidence of problems arising in relation to Buckingham’s licensed premises in recent times. However responses to the consultation survey are evenly split with 46% in favour of removal of the special hours policy approach and 47% in favour of maintaining it. In terms of written comments, the following themes have emerged:

- The need to adopt a flexible approach to support business, post the Covid-19 pandemic
- The special hours policy had served the town well over recent years and that the current situation is due to its success
- The need for more information and analysis
- The importance of taking each case/application on its own merits
- Concern for residents of the town and the desire to protect them from potential noise and disturbance

2.27 The special hours policy approach evolved from historical decisions on licence applications and the area now sees very few late night licence applications. Those in favour of retaining the policy have argued that it is precisely because of this approach that very few late applications are received. However, the current policy is based on information last reviewed in 2015 when the following matters were considered as supporting evidence:

Supporting evidence provided in 2015	Situation in 2021
The number of late licensed premises, notably the number of wet-led premises and late night destination venues	Many of these premises no longer operate late and are typically more food-led.
The mixed use nature of the town, with residential and business dwellings in close proximity coupled with a large student population.	Many of the licensed premises no longer operate late. A review of council records show that in recent years the presence of the student population has not been cited as grounds for complaint. Information provided to the licensing service anecdotally from the

	university suggests that students are more inclined to remain on the university campus and use the facilities provided via the student union.
Noise levels and complaints	A review of council records since 2015 shows that there have been very few complaints made to the council's licensing or environmental health service concerning late night noise and licensed premises.
Policing in Buckingham. Historically the majority of calls to police in the area have related to 'street noise' and anti-social behaviour.	No evidence has been provided by the police to suggest that crime and disorder associated with licensed premises is an issue in Buckingham.
Transport provision. Public transport provision late at night solely consists of taxi and private hire vehicles. The risk of private hire drivers illegally plying for hire late at night was historically cited as evidence to support the terminal hours policy.	There is no evidence to support this view at present and recent enforcement operations in Buckingham have found no evidence of illegal plying for hire in this area. Furthermore, the new taxi and private hire licensing policy and removal of the former hackney carriage zones will potentially increase the availability of hackney carriages should there be a demand.

2.28 While opinion from respondents is split, it appears that there is insufficient evidence at present to support the retention of a special hours policy for Buckingham. It is proposed that a special hours policy is not included in the new draft Policy for Buckingham. The Licensing Service will continue to monitor and record emerging evidence that indicates that the operation of late licensed premises are associated with negative impacts such as public nuisance and crime and disorder. Relevant evidence may be provided by way of complaints to the Licensing Service, matters raised in representations to applications and information provided by responsible authorities and other agencies. It is further proposed that three other areas mentioned in the survey will be similarly monitored, namely: High Wycombe, Marlow and Amersham on the Hill. Should evidence emerge to support a potential change in these areas, this will be reported back to the Licensing Committee for further consideration.

- 2.29 It should be noted that if the special hours policy approach for Buckingham is removed as proposed, licence applications will still go through a formal consultation process and residents and responsible authorities will have the opportunity to comment and make representation. Likewise applicants will still have to demonstrate how they intend to meet the four licensing objectives, including preventing public nuisance. The police and Environmental Health can use their powers under the Act to seek a formal review of the licence of any premises associated with crime and disorder and/or public nuisance concerns.

Street drinking policy

- 2.30 The street drinking of alcohol has been found to be associated with crime and disorder and anti-social behaviour in certain areas of Buckinghamshire. By way of response the Council has introduced Public Space Protection Orders (PSPOs) in some parks and town centres which prohibit drinking alcohol or possessing alcohol in open containers.
- 2.31 Experience shows that enforcement of the PSPO alone is not sufficient to deter would be offenders from consuming alcohol in breach of current PSPOs. Enforcement is only part of the solution and it is important that licensed businesses local to and within the PSPO area also play their part.
- 2.32 The draft Policy proposes that premises licensed for the sale of alcohol for consumption off the premises, in areas where relevant PSPOs have been introduced, will be expected to adopt additional measures. These include not selling high strength beer and cider, not selling cans and bottles in single cans and discouraging businesses from selling alcohol to known street drinkers.
- 2.33 73% of respondents to the pre-engagement survey agreed with this approach. Those who did not agree cited reasons relating to additional burdens on businesses. All licensed businesses have a legal obligation to promote the licensing objectives and ensure that alcohol is sold in a responsible manner. Unfortunately there is clear evidence that the consumption of alcohol on the street in some areas, particularly some of the town centre areas, is associated with antisocial and disorderly type behaviour. In addition, those who did not agree felt that the Council should focus on providing support to those with alcohol dependencies rather than displace the problem elsewhere. The Council and Police take a multifaceted approach to tackling this issue. The disruption of alcohol supply to those experiencing difficulties associated with its use, not only assists in reducing crime and disorder but it also plays a key part to assist the work of other agencies who work with those with alcohol dependencies.
- 2.34 **Outside hospitality**
- 2.35 The new draft Policy sets out measures for the management of outside areas that all applicants will be expected to follow. These measures mirror the requirements of

the conditions adopted by the Council in respect of the pavement licensing scheme introduced in response to the Covid-19 pandemic. These include a recommendation that outside areas are not used later than 11pm on Fridays and Saturdays, 10pm on other days, and that there are separate areas for smokers and non-smokers.

- 2.36 86% of respondents support this proposal. Comments in support also mentioned the importance of judging each case on its merits, which is always the case with licensing, the need for management and enforcement and the importance of supporting businesses.
- 2.37 **Application consultation policy**
- 2.38 All applicants for licences are generally required by law to advertise their application by displaying a public notice on the premises and in a local newspaper and by serving a copy on statutory authorities such as the police and fire authority. In addition details of all applications are published on the online public registers on the Council's website.
- 2.39 The proposal to go beyond the statutory requirement and ensure details of new and variation applications are sent to local ward councillors and the local parish or town council received 93% support from respondents. Those against cited the potential for delays to applicants and concerns that the Council may in doing so, solicit objections. It is important to note that appropriate safeguards exist within the legislation to balance this and that the Council is only permitted to consider representations that relate to the promotion of the licensing objectives and are not vexatious or frivolous. Furthermore, these additional consulted parties will not be invited to make representation, they will only be informed that an application has been submitted in their local area.
- 2.40 **Pubwatch policy**
- 2.41 Voluntary schemes such as Pubwatch and Shopwatch help promote safer environments for the sale and consumption of alcohol. These schemes provide a local network for licenced businesses to work together to tackle crime and disorder, share best practice and develop closer working relationships with the Police, the Council and other agencies. The new draft Policy encourages all licence holders to take part in local schemes where they exist; licensees will also be encouraged to introduce a scheme where one does not already exist.
- 2.42 92% of respondents supported this approach. Those against the proposal warned against taking an enforced approach to membership. This aligns with the draft Policy position which is that the licensing authority will encourage rather than mandate membership.
- 2.43 **Safeguarding children policy**

- 2.44 Protecting children from harm is one of the core licensing objectives and protecting the vulnerable is a key priority of Buckinghamshire Council. Licensed premises can be a high-risk environment for children and young people. Risks can include underage consumption of alcohol, access and exposure to tobacco products and illegal drugs, exposure to violence and disorder and exposure to inappropriate entertainment. Although not common there is also the potential for exposure to sexual exploitation, modern slavery, human trafficking and illegal employment. The new draft Policy encourages operators of licensed premises to put in place a safeguarding policy. The Council will expect operators of high-risk premises to have a written safeguarding policy and procedures including records of staff training.
- 2.45 90% of respondents support this approach. Comments, while in support of the policy, identified the difficulty of defining “high risk premises”. The draft Policy includes the following types of premises within the high risk definition:
- Venues providing adult entertainment.
 - Hotels.
 - Premises that are used exclusively or primarily for the sale of alcohol for consumption on the premises.
 - Premises with secluded beer gardens, which are not readily monitored by staff.
 - Nightclubs and late night opening pubs and bars (open after 00.00 hours.
 - Premises where unaccompanied children are permitted
- 2.46 A question was raised about enforcement and the ability of the Licensing Authority to issue fines and to close non-compliant premises. Licensing authorities do not have the power to issue fines but do have powers to determine applications and reviews, as well as instigate reviews of its own accord. Each case must always be judged on its merits but the lack of a safeguarding policy could be a relevant consideration should a representation related to this issue be made when considering the protection of children from harm licensing objective.
- 2.47 **Public health policy**
- 2.48 A key priority for Buckinghamshire Council is to strengthen local communities and support people to live healthy lifestyles. Licensed premises can help support this by providing opportunities for people to come together and socialise. The new draft Policy encourages applicants for licences for the sale or supply of alcohol to consider the health impacts of their activities and adopt measures to mitigate risks to health. This could include staff training on the responsible sale of alcohol, avoiding promotions which encourage people to drink more and thinking about the type and alcohol content of drinks they sell.

2.49 71% of respondents supported this proposal. Comments opposed to the proposal raised concerns about the effectiveness of the policy and additional burdens on business. Comments in support raised the importance of staff training and potential difficulties related to enforcement. The Licensing Service intends to work with colleagues in Public Health to help promote this policy while minimising financial burdens on business. For example development of the Pubwatch network will provide an opportunity to share and disseminate best practice guidance.

2.50 **Promoting environmental best practice**

2.51 A key priority for Buckinghamshire Council is to improve the local environment. Licensed premises can contribute by helping to create a greener and cleaner environment. The new draft Policy encourages operators of licensed premises to adopt best practice measures such as minimising waste, improving energy efficiency and reducing traffic on the road.

2.52 91% of respondents supported this proposed approach. Comments opposed to the policy raised concerns that this approach goes beyond the licensing objectives. Concerns were also raised about implementation and the importance of including non-licensed operators. In terms of the licensing objectives, environmental concerns can be most closely associated with the prevention of public nuisance but are also linked to protecting children from harm. The Policy encourages rather than mandates and as with the public health approach, Pubwatch and similar networks provide an opportunity to share and promote best practice in this area.

2.53 **Next steps and review**

2.54 The new Policy must ultimately be adopted by Full Council prior to publication. The following time scales are proposed in order to meet the publication deadline of 1 April 2022:

- Notification of proposed policy changes and 6 week consultation to Local Members- August 2021
- Draft policy 6 week public consultation - August to September 2021
- Result of consultation reported to Cabinet Member and informal Cabinet - TBC
- Results of consultation reported to Licensing Committee – October 2021 (TBC)
- Final version of policy presented to Council for adoption - 24 November 2021

3. Other options considered

3.1 The Council has a statutory duty to publish a Licensing Policy Statement, which must be published by 1 April 2022.

4. Legal and financial implications

- 4.1 Under Sections 4(1), (2) and (3) of the Licensing Act 2003 a licensing authority must carry out its licensing functions with a view to promoting the four licensing objectives and with regard to its own licensing policy statement and the Secretary of State's guidance (issued under Section 182). Under Section 5 the licensing authority must prepare and publish a licensing policy statement at least every 5 years. The Act sets out the persons that must be consulted before the Licensing Authority can determine its policy. Furthermore the Act and Secretary of State's guidance provide directions as to the content of policy statements. In accordance with the Local Government (Structural changes)(Transition Arrangements)(No. 2) Regulations, Buckinghamshire Council has two years to prepare and publish a new Policy, that is by 1 April 2022.
- 4.2 In accordance with Section 5A, licensing authorities may publish a Cumulative Impact Assessment stating that the authority considers that the relevant number of authorisations (premises licences and club premises certificates, not TENs) in respect of premises in one or more parts of its area as described is such that it is likely to be inconsistent with its duty to promote the licensing objectives. The assessment must set out the evidence for the authority's opinion and may relate to all relevant authorisations or a particular kind. The authority must consult on the assessment before it is published. The consultation must include the reasons why it is considering publishing an assessment, a general indication of the part(s) of its area to be described in the assessment, whether it will relate to all relevant authorisations or only a particular kind. The assessment must be reviewed before the end of each three year period.
- 4.3 The current Aylesbury town centre cumulative impact policy was adopted prior to the provisions of Section 5A took effect in April 2018. Paragraph 14.38 of the Section 182 Guidance expressly deals with cumulative impact policies which were in place before S5A came into effect:
- 4.4 "As Cumulative Impact Policies were not part of the 2003 Act, there are no transitional provisions that apply to CIPs that were in place before 6 April 2018. However, any existing CIPs should be reviewed at the earliest practical opportunity to ensure they comply with the legislation. It is recommended that the review should take place within three years of the commencement of the legislation or when the licensing policy statement is next due for review, whichever is sooner. This will ensure that any CIPs in place before the commencement of the provisions on CIAs adhere to the principles in the legislation (in particular concerning relevant evidence and consultation)."
- 4.5 Whilst the S182 Guidance is not legislation, licensing authorities are obliged to have regard to it. The guidance indicates that the Aylesbury town centre cumulative

impact assessment was due to for reconsideration by 1 April 2021, however the transitional arrangements regulations had the effect of extending the policy review requirements until April 2022.

- 4.6 The work involved in preparing and publishing the new Policy is a function of the licensing service with the work performed by officers as part of their duties. No significant additional costs to the Council are envisaged.

5. Corporate implications

- 5.1 Protecting the vulnerable – Protecting children from harm is one of the core statutory licensing objectives that the Council, in its role as Licensing Authority, must have regard when carrying out its licensing functions. The draft Policy contains reference to a number of specific policies designed to protect children: safeguarding policies, restricted access, alcohol advertising, age verification, alcohol delivery services, cinemas, large events involving children and sexual entertainment venues.
- 5.2 Property – N/A
- 5.3 HR – N/A
- 5.4 Climate change – The draft Policy contains measures to encourage operators to adopt measures to promote cleaner and greener practices.
- 5.5 Sustainability – A/A
- 5.6 Equality – an equalities impact assessment (EqIA) screening exercise has been completed. There are no concerns that the Policy will impact negatively on any group. Conversely the Policy contains positive measures to promote the Equalities Act generally, with specific measures designed to promote child protection. On this basis it is deemed that a full EQIA is not necessary
- 5.7 Data – measures are in place to ensure relevant personal data is managed in accordance with the Data Protection Act and GDPR requirements. An information sharing protocol is in place to facilitate exchange of information with the Police and other partners, while ensuring data protection requirements are complied with.
- 5.8 Value for money – policy development work is performed by officers in-house. Licensing fee levels under the Act are set by central Government and the Licensing Authority has no discretion to amend these fee levels. Fees have not been reviewed nationally since the Act came into force in 2005 and do not cover the cost of delivering the service in this area.

6. Consultation and communication

- 6.1 A pre-draft policy consultation exercise was carried out with key stake holders who were invited to complete an online survey between 14 May and 8 June 2021. The

final draft version of the Policy will be consulted upon widely with the statutory consultees:

- Chief officer of police
- Fire and rescue authority
- Director of public health
- persons/bodies representative of local premises licence holders;
- persons/bodies representative of local club premises certificate holders;
- persons/bodies representative of local personal licence holders; and
- persons/bodies representative of businesses and residents in its area

6.2 Other stakeholders such as the general public, Councillors, Town and Parish Councils, agencies working with these with alcohol dependencies, other responsible authorities (trading standards, environmental health and planning) and community safety will also be consulted. The consultation is proposed to run for 6 weeks and will be advertised via the Council's various media channels.

Key documents:

Appendix 1: new draft Licensing Policy Statement, Licensing Act 2003

Appendix 2: pre-draft policy consultation survey.

Appendix 3: Summary report of survey responses.

Appendix 4: "An Evaluation of Licensing issues and their impact on Policing and Community Safety." Thames Valley Police.

Appendix 5: TVP suggested control measures and related policy summaries

[Home Office Guidance issued under section 182 of the Licensing Act 2003](#), April 2018

[Aylesbury Vale Licensing Statement 2015](#)

[Chiltern Statement of Licensing Policy 2017](#)

[South Bucks Statement of Licensing Policy 2018](#)

[Wycombe Statement of Licensing 2018](#)

[Buckinghamshire Council Pavement Licence standard conditions](#)



Licensing Policy Statement
Licensing Act 2003

DRAFT

March 2022

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Part A - Introduction

Version Control

1.1

Version No	Initial	Date	Changes Made
V1.0			Policy adopted (date TBC) and date published (TBC).

Accessibility

1.2 We have actively considered the needs of blind and partially sighted people in accessing this document. We will make this document available in full on our website and you may download and translate into other accessible formats. If you have other needs in this regard, please contact the licensing service on [licensing email].

Definitions

1.3 While every effort has been made to avoid the over use of technical terms, this is not always possible. [Appendix 1](#) contains a list of definitions which may be of help in explaining some of the key words and phrases used in this document.

Buckinghamshire Council

- 1.4 Buckinghamshire Council came into effect on 1 April 2020, bringing together the former Buckinghamshire County Council, and the four District Councils of Aylesbury Vale, Chiltern, South Bucks and Wycombe. The county has a population of over 540,000 residents and includes the towns of Buckingham, Winslow, Aylesbury, Wendover, Princess Risborough, Chesham, Amersham, High Wycombe, Beaconsfield and Gerrards Cross. The county has a significant amount of rural space with over a quarter of the county within the Chilterns Area of Outstanding Beauty and a further third is covered by the Metropolitan Green Belt.
- 1.5 An interactive map showing the Council's area, including Ward boundaries is available on the Council's [website](#).

The role of Policy

- 1.6 Buckinghamshire Council aims to make Buckinghamshire the best place to live, raise a family, work and do business. The Council wants the county to be a place where everyone can be proud of, with excellent services, thriving businesses, and outstanding public space for everyone. A place where residents, regardless of background, have access to great opportunities, living healthy, successful lives and ageing well with independence. These ambitions are summarised in The Council's key priorities:
- strengthening our communities
 - improving our environment
 - protecting the vulnerable
 - increasing prosperity
- 1.7 Licensing has a crucial role to play in achieving these goals, through the formulation of policy, decision-making, promotion of best practice and enforcement activities.
- 1.8 Licensing is concerned with promotion of the licensing objectives:
- **The prevention of crime and disorder;**
 - **Public safety;**
 - **The prevention of public nuisance; and**
 - **The protection of children from harm.**
- 1.9 The Council, in its role as Licensing Authority, must ensure that when it carries out licensing functions that it does so with a view to promoting the licensing objectives. This Policy explains how the Licensing Authority plans to do this.
- 1.10 The Policy seeks to balance the interests of business and residents to make sure that Buckinghamshire Council continues to offer a wide choice of high quality and well managed entertainment and cultural venues within an environment that is safe and attractive to residents, business and visitors.

Policy creation

- 1.11 This is Buckinghamshire Council's first published licensing policy statement under the Licensing Act 2003. This Policy replaces the licensing policies adopted by the previous District Councils of Aylesbury Vale, Chiltern ,South Bucks and Wycombe.
- 1.12 In preparing this new Policy the Licensing Authority has drawn on the experience of the previous councils in administering the licensing system under the Licensing Act 2003. It has also taken into account the latest National Guidance, guidance from the Local Government Association, case law, best practice and the views of a wide range of stakeholders.
- 1.13 The Licensing Authority has consulted widely in the formulation of this Policy, including the following:
- **Thames Valley Police**
 - **Police and Crime Commissioner**
 - **Buckinghamshire Fire & Rescue Service**
 - **All Pubwatch schemes operating in the Buckinghamshire Council area**
 - **Licensees of premises holding a Premises Licence for Alcohol, Entertainment or Late Night Refreshment**
 - **Club premises certificate holders.**
 - **Licensing Committee**
 - **Ward Councillors**
 - **Town Councils and Parish Councils**
 - **Residents groups**
 - **Buckinghamshire's Safeguarding Children Partnership**
 - **The Local Health and Safety Enforcing Authority**
 - **The Local Planning Authority**
 - **The Director of Public Health.**
 - **The Local Environmental Health Authority**

- **The Local Trading Standards Authority**
- **Community Safety Partnership**
- **Buckinghamshire Council Highways**
- **South Central Ambulance Services**
- **Aylesbury Town Centre management**
- **Wycombe BID**
- **Others**

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

Using the Policy

1.15 This Policy relates to the following licensable activities under the Licensing Act 2003:

- The sale of alcohol by retail.
- 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 to the public or to club members or for consideration and with a view to profit.
- The provision of late night refreshment.

1.16 This Policy explains how the Council intends to regulate licensable activities when carrying out its licensing functions. It also sets out the authority's expectations of those responsible for carrying out licensable activities. Specific areas of concern are highlighted within the Policy together with proposed risk reduction measures. The successful provision of licensable activities and the promotion of the licensing objectives in Buckinghamshire is dependent on all those involved in the licensing process to have regard to this Policy:

- a) **Applicants** are expected to read this policy before making applications for new licences or variations and to tailor their applications to promote the licensing objectives.
- b) **Local residents** will benefit from reading this policy when deciding whether to make a representation to licence applications or apply for a formal review of an existing licence. The Policy will help when deciding whether to object to an entire application or certain aspects such as proposed times or whether the proposed conditions are adequate. The Council maintains a public register on its website where details of all new and variation applications can be found.
- c) **Responsible authorities** will be expected to refer to the Policy and give careful consideration to any application which departs from its terms. This applies in particular to the Licensing Authority itself, which is a responsible authority under the Licensing Act 2003.
- d) **Local councillors**, who are able to make representations as other members of the public. Local councillors may also be asked by local residents and licence holders to help with making representations and applications.
- e) **The Licensing Committee and Sub-Committee** will use the policy when deciding applications for new licences, variations and reviews.
- f) **The Magistrates' Court**, when deciding appeals, 'must stand in the shoes' of the Licensing Authority when applying the Policy.

1.17 The successful application of the Policy by all those involved in the licensing process plays a key role in achieving consistency in decision-making and ensuring that all applications are decided in a way which best promotes the licensing objectives.

1.18 Nothing in this Policy prevents any party from making an application and having it determined on its merits. Nor does the Policy prevent any party who is entitled to make representations from doing so, whether such representations are based on the Policy or some other matter relevant to the promotion of the licensing objectives. Furthermore, when it is asked to do so, the Licensing Authority will always decide whether it is appropriate to make a departure from the Policy and will always give reasons for doing so.

However, the Policy will always play a key role in decision-making where the Licensing Authority has a discretion.

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

Part B - Integrating other policies, strategies and objectives

General approach

2.1 In preparing this Policy the Licensing Authority has had regard to the following policies, strategies and objectives:

- [Buckinghamshire Council Corporate Plan 2020-23](#)
- [Modern Day Slavery Statement](#)
- [Safer Buckinghamshire Plan](#)
- [Council Emergency Plan](#)
- [Equality Policy](#)
- [Enforcement Policy – Regulatory Functions](#)
- [Aylesbury Garden Town Plan](#)

2.2 Many of these are not directly related to the promotion of the licensing objectives, but indirectly impact upon them. It is therefore important that the Licensing Authority's Policy co-ordinates and integrates with these areas. Of particular importance is the Corporate Plan which sets out the Council's ambition and vision; the [following sections](#) explain how this Policy integrates with the Council's key priorities.

2.3 As a new organisation Buckinghamshire Council is developing new policies, plans and strategies in key areas such as planning, tourism and climate change. The Licensing Authority is committed to the integration of all relevant regimes so as to promote a sustainable and diverse leisure economy and, as part of that, the licensing objectives. It will do this by ensuring ongoing communication between the Licensing Authority and other relevant bodies so that matters of mutual concern and aspiration are discussed, joint working strategies developed, and by reflecting shared goals in this Policy.

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

Strengthening Communities

Healthy lifestyles

- 2.6 People in Buckinghamshire are living longer and healthier lives than ever before, with health outcomes better than the national average. Buckinghamshire is a healthy and inclusive place to live, work and visit, but the Council still has a number of challenges. The Council wants to support its residents to live independent, fulfilling lives, within strong, healthy, inclusive and resilient communities
- 2.7 Licensed premises can help support this ambition by providing opportunities for people to come together and socialise. However, there are health risks associated with the consumption of alcohol. Licence holders and applicants for licences involving the sale or supply of alcohol are encouraged to consider the potential health impacts of their activities and adopt measures to mitigate risks to health. This could include staff training on the responsible sale of alcohol, avoiding promotions which encourage people to drink more and thinking about the type and alcohol content of drinks they sell.
- 2.8 The Licensing Authority will only consider matters relevant to the promotion of the four licensing objectives when undertaking its licensing functions. The Licensing Authority recognises that there is no specific 'public health' licensing objective, however it is recognised that there may be overlap between the four licensing objectives and health concerns. The Director of Public Health is a responsible authority and may make

representation in respect of new and variation applications, as well as applications for review. When making a representation, the Director of Public Health is most likely to relate such representations to the objectives on public safety and protecting children from harm. This is likely to include the prevention of accidents, injuries and other immediate harms that can result from alcohol consumption, such as unconsciousness or alcohol poisoning. The Licensing Authority also recognises that public health officers have access to health information such as accident and emergency data and ambulance records, where consumption of alcohol has been a factor. This information can help identify areas where the sale and supply of alcohol is having a negative impact on one or more of the licensing objectives. The Licensing Authority encourages the use and sharing of this information where considered relevant. This will promote the health and wellbeing of communities through reducing the harm caused by alcohol.

Amenity

- 2.9 Amenity refers to the pleasantness or attractiveness of a place. "Strong communities are built on a combination of people, place and local pride. The quality of the environment, local amenities, and the strength of local institutions make somewhere an attractive and safe place to live and to do business". (Ministry of Housing, Communities and Local Government). The Licensing Authority is committed to protecting the local amenity of residents and commercial operators from harm as a result of licensable activities. When it has a discretion, depending on the circumstances, the Licensing Authority will take into account factors such as
- Noise. This may be noise breakout from the premises, from smoking areas and beer gardens or noise in the vicinity caused by customers arriving or leaving.
 - Street crime
 - Litter
 - Odour.
 - Resources, including police, ambulance and A&E resources to cope with the influx of people, particularly at night.

- The availability of adequate transport to ensure the swift dispersal of customers away from the area
- The contribution of other nearby premises or facilities such as takeaways and taxi ranks to criminality and disturbance
- The role of conditions or hours restrictions in the avoidance of harm

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

2.11 In deciding whether there is or will be harm to amenity, the Licensing Authority is not concerned with whether the conduct of the licensee is or will be blameworthy, but what steps are appropriate for the promotion of the licensing objectives. This is because the purpose of the licensing system is not to punish but to protect through the promotion of the licensing objectives.

Public participation

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

2.13 All applicants for licences are generally required by law to advertise their application by displaying a public notice on the premises and in a local newspaper and by serving a copy on statutory authorities such as the police and fire authority. In addition, the Council publishes details of all applications on its online public register on The Council's website.

2.14 With a view to facilitating community engagement in the licensing process, the Licensing Authority will ensure that local town and parish councils are notified when a new or variation application is submitted in their area. The purpose of this approach is not to

solicit representations to an application but merely to ensure local communities are notified when applications are made.

- 2.15 While the Licensing Authority wishes to encourage participation in the licensing process it is important to emphasise that the authority may only consider valid representations. Valid representations must be concerned with the promotion of one or more of the licensing objectives. The Licensing Authority are legally obliged not to consider any representation, whether in support or opposed to an application, which is not relevant to one or more of the objectives. The Licensing Authority will for example reject representations which only reference such things as a lack of commercial demand for licensed premises in an area or base objections only on moral grounds.

Improving the environment

- 2.16 Buckinghamshire is a beautiful county with a stunning natural and historic landscape. Over a quarter of the county is within the Chilterns Area of Outstanding Natural Beauty and a further third is covered by the Metropolitan Green Belt. The Council wishes to:
- Address climate change, improve the environment and create economic opportunities for clean growth.
 - Reduce the county's environmental impact by promoting sustainability and reducing waste.
 - Improve air quality and people's health, by reducing emissions and encouraging green transport options.
- 2.17 The Licensing Authority recognises that at first glance promoting environmental concerns is not one of the four licensing objectives, however it can be linked to public nuisance. Public nuisance is not defined in the Act and retains its broad common law meaning and may for example include, in appropriate circumstances, the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of artificial light, dust, odour and insects.

2.18 Licensed premises can contribute by helping to create a greener and cleaner environment by meeting their legal duties and also following best practice. Many venues are also likely to benefit financially by improving energy efficiency. Licensed operators are encouraged to:

a) Reduce, recycle, reuse:

- Publish menus and promotion material online or on recycled materials.
- Encourage customers to use refillable water bottles.
- Improve recycling across all aspects of the business.
- Train staff on sustainability best practice.
- Consider reused and recycled furniture.

b) Improve energy efficiency:

- Improve energy efficiency in heating and cooling. Close doors during colder periods and minimise use of outdoor heating.
- Lighting: use LED lighting and turn lighting off when not in use.
- Use energy efficient equipment to save on power use.

c) Reduce road traffic:

- Develop and implement delivery and service plans that minimise traffic.
- Consolidating supplies and using local suppliers.
- Minimise waste collections.
- Use low emission vehicles for deliveries and servicing which are less likely to cause noise and air quality nuisance.

Protecting the vulnerable

2.19 While most people in Buckinghamshire live independent and healthy lives, some need extra support and protection. The Council wants children, adults and families to feel safe and supported to live independent lives.

- 2.20 Protecting children from harm is one of the core licensing objectives and protecting the vulnerable is a key priority of Buckinghamshire Council. Licensed premises can be a high-risk environment for children and young people. Risks can include underage consumption of alcohol, access and exposure to tobacco products and illegal drugs, exposure to violence and disorder and exposure to inappropriate entertainment. Although not common there is also the potential for exposure to sexual exploitation, modern slavery, human trafficking and illegal employment.
- 2.21 Operators of licensed premises are encouraged to put in place a safeguarding policy. The Council will expect operators of high-risk premises to have a written safeguarding policy and procedures including records of staff training. Further details are contained within the promoting the licensing objectives section of this Policy, [protection of children from harm](#).

Increasing Prosperity

- 2.22 Buckinghamshire is a prosperous county and a successful place to do business, contributing significantly to the UK economy and ranked as the fourth most productive area in England. The county has low unemployment, higher than average household incomes, and boasts world-leading sectors. The Council wants:
- To encourage sustainable economic growth, working with partners to maximise opportunities and boost productivity.
 - To continue to attract high quality jobs and investment in skills, innovation and connectivity, keeping Buckinghamshire one of the best places to do business.
 - Growth to benefit both new and existing communities, preserving the character of our environment while delivering everything we need to prosper.
- 2.23 This Policy contains a number of measures that supports this ambition:
- Ensuring enforcement actions are targeted according to risk to avoid unnecessary burdens on compliant businesses.
 - The avoidance of disproportionate or overly burdensome conditions where they are not justified.
 - Avoid duplication with other statutory regimes.

- Consistency of decision making through the application of this Policy
- Helping businesses develop robust operating schedules that promote the licensing objectives and reduce the likelihood of future interventions.

Diversity

- 2.24 The Licensing Authority recognises that licensed premises are valuable in attracting tourists and visitors. They also help support vibrant communities and serve as major employers.
- 2.25 It is recognised that as a part of implementing local authority cultural strategies proper account has to be taken of the need to encourage and promote a broad range of entertainment. Where there is any indication that cultural events are being deterred by licensing requirements, the policy will be revisited with a view to investigating how the situation might be improved within the terms of the Licensing Act 2003.
- 2.26 In general, the Licensing Authority encourages the development of premises which are not alcohol led and which are aimed at different sectors of the population, including age and gender. Premises promoting the arts, a food offer or other cultural activities are particularly encouraged. Where premises, such as pubs, are mainly alcohol focused, they are encouraged to consider diversifying their offer so as to encourage a mixed customer base and wider attractions, including community uses, soft refreshments, snacks and live entertainment. Diversification is important in the promotion of the licensing objectives as well as ensuring a sustainable economic future for premises.
- 2.27 To ensure the development of cultural diversity the Licensing Authority has issued premises licences for many public spaces in the community including some town centre areas and parks. The Council will continue to encourage cultural diversity through licensing of public spaces. This might include, for example, village greens, market squares, community halls, council owned art centres and similar public areas. To help promote such activity many forms of entertainment have been deregulated which means no licence is required, providing no alcohol is sold. The Licensing Authority endorses the value of live performance and, where authorisation is needed, will seek to permit such activity when this is consistent with the promotion of the licensing objectives.

2.28 As part of its strategy for ensuring that public spaces are welcoming to all residents, businesses and visitors, the Council has made use of Public Space Protection Orders, PSPOs. PSPOs were introduced under the Anti-Social Behaviour, Crime and Policing Act 2014 as a means to tackle anti-social behaviour. They are designed to deal with a particular nuisance or problem in a specific area that is having a detrimental effect on the quality of life of the local community. This is achieved by imposing conditions on the use of that area that apply to everyone. They are intended to help ensure that the law abiding majority can use and enjoy public spaces, safe from anti-social behaviour. Failure to comply with an order is an offence and can lead to fines and prosecution for offenders. PSPOs have been introduced for a number of public spaces in Buckinghamshire, such as parks and town centres. The orders typically focus on prohibiting on consuming alcohol in the areas concerned but some orders also focus on other anti-social behaviour.

Promotion of Equality

2.29 Buckinghamshire Council is committed to ensuring compliance with the Equality Act 2010 and to advancing equality of opportunity, fostering good relations, and eliminating discrimination, harassment and victimisation. The Council's [Equality Policy](#) sets out the Council's approach to equality and diversity in employment and in service delivery.

2.30 To ensure transparency, and to assist in the performance of this duty, in accordance with the Equality Act 2010 (Specific Duties) Regulations 2011 the Council will publish:

a) Equality objectives, at least every four years.

b) Information to demonstrate their compliance with the Public Sector Equality Duty annually.

2.31 Equality Impact Assessments (EqIAs) are used to ensure that the Council considers equalities issues and assesses the likely impact of its services, policies and decisions. It is possible to carry out an Equality Impact Assessment when there is a change or review to any aspect of the Council's work and the focus may be policy; strategy; service; major project; or a group of services/policies. The completion of an initial screening template will be conducted on behalf of the Licensing Authority to determine if a full EqIA is needed alongside any relevant policy change.

2.32 The Licensing Authority recommends that licensees make themselves familiar with the requirements of the Equalities Act for the access and provision of services for persons within the nine protected groups identified by the legislation. The Act makes it unlawful to discriminate against anyone because of:

- Age
- Being or becoming a transsexual person
- Being married or in a civil partnership
- Being pregnant or on maternity leave
- Disability
- Race including colour, nationality, ethnic or national origin
- Religion, belief or lack of religion/belief
- Sex
- Sexual orientation.

2.33 The Licensing Authority expects operators of licensed premises to assess their policies and procedures to ensure they comply with the Equalities Act. This is particularly relevant to 'entrance policies' which are expected to be inclusive and transparent.

Partnerships

2.34 The aims of this Policy are not just achieved through decision making. They are also achieved through formal and informal partnerships. In order to achieve this the Council is committed to partnership working with the police, fire service, child protection agencies, local businesses, residents and others.

2.35 Among the partnership initiatives operating in the area are:

- a) **Partnerships with regulatory authorities.** The Licensing Authority, together with Thames Valley Police, Trading Standards and Community Safety will enforce the law relating to the sale of alcohol to drunk and underage people and drunkenness and disorder on, or in the immediate vicinity of licensed premises. Targeted and joint

enforcement initiatives will be undertaken in line with the Legislative and Regulatory Reform Act 2006, see [Enforcement section](#).

- b) **Pubwatch.** This important scheme enables partnership working between licensed premises themselves and also with the police, so as to foster a joint understanding of the measures needed to produce a vibrant but safe leisure economy. The Licensing Authority strongly encourages universal participation in Pubwatch as a measure of the premises management's commitment to the promotion of the licensing objectives. The Council's licensing service can provide details of local schemes and help with guidance and assistance to set a scheme up where one doesn't currently exist.
- c) **Safer Buckinghamshire Board.** The Crime & Disorder Act 1998 gave the police and local authorities powers to join with other organisations to form a local Community Safety Partnership. The role of the partnership is to develop an action plan to reduce crime within the local area. The [priorities of the partnership](#) include helping communities become more resilient, protecting children and the vulnerable, addressing the impact of drugs and alcohol and poor mental health, tackling domestic violence and abuse and dealing with offending. Drug and alcohol misuse is often a factor in many instances of criminal behaviour, disorder and anti-social behaviour.
- d) **Aylesbury Town Centre Partnership.** The partnership brings together council officers, businesses, residents and local organisations with an interest in the future of Aylesbury town centre. The result has been a programme of initiatives which have helped to transform the area, improve safety, support businesses, attract new investment and new retailers and increase footfall.
- e) **High Wycombe Business Improvement District (BID).** The not-for-profit partnership works on behalf of over 675 businesses within High Wycombe town centre. The BID work with the local community, including statutory agencies such as the police and Council's licensing service, to help make the town look better and feel safer. The BID also organise activities throughout the year to help promote the town centre area and encourage footfall.

Planning and building control

- 2.36 Planning permission is usually required for the building of new premises or the material change of use of premises from one 'Use Class' to another. Building regulations approval is concerned with the construction and changes to buildings.
- 2.37 In general, planning is concerned with land use and building regulations are concerned with building safety, whereas licensing is concerned with more detailed operational matters. Accordingly, applicants for premises licence are encouraged to ensure that the proposed use would amount to a lawful planning use and any planned works to the building meet the relevant building regulations requirements. There is no legal basis for the Licensing Authority to refuse a licence application merely because the proposal does not have planning permission or the appropriate building regulations approval. However, the Licensing Authority will take account of the lack of the requisite consent or approval to the extent that this is relevant to the licensing objectives.
- 2.38 The fact that premises have a planning permission for the proposed use does not guarantee the grant of a premises licence for the use. In general, the licensing system will provide the detailed control of operational matters, which are unlikely to be addressed through the planning process. However, there will be overlapping issues of interest, for example disturbance, which will remain material considerations for both planning and licensing purposes. There may be circumstances when a terminal hour condition has been attached to the planning permission for the use of the premises for commercial purposes. Where these hours are different from the permitted licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of either their planning or licensing permissions would be liable to enforcement action under the applicable legislation.

ASB away from the premises

- 2.39 Licensing is not the primary mechanism for controlling anti-social behaviour away from premises and beyond the direct control of operators. However, it is a key aspect of such control and licensing law is part of the holistic approach to the management of the evening and night time economy in town and city centres as well as rural areas and to some extent

during the daytime too. Therefore, this Policy acknowledges the contribution of individual premises and, in certain circumstances, groups of premises to anti-social behaviour.

Part C Promoting the licensing objectives

How this policy works

- 3.1 Applicants for premises licences and club premises certificates are required to complete an “operating schedule” showing the proposed licensable activities, the operating hours, and the measures which they propose to promote the licensing objectives.
- 3.2 Applicants are strongly encouraged to read this policy when preparing their applications and to include the standards and, where relevant, licensing hours, set out in this Policy. While applicants are legally entitled to make applications without complying with this Policy, a failure to comply with the Policy is more likely to lead to objections, delay, extra cost and referral of the application to the Council’s licensing sub-committee for determination at a public hearing.
- 3.3 Responsible authorities, local residents, residents’ groups, local businesses and other parties that are considering making a representation are also encouraged to refer to this Policy. The expected standards in relation to the promotion of the licensing objectives may help in submitting a valid representation which focuses on one or more of the licensing objectives.
- 3.4 If no relevant representations are received, the Licensing Authority has a legal duty to grant the application, subject only to the terms of the applicant’s operating schedule and any mandatory conditions. If, however, valid representations are received, the Licensing Authority is required to determine the application and the decision is usually made by the Council’s licensing sub-committee.
- 3.5 In determining the application, the Licensing Authority is likely to apply the standards set out in this policy, unless exceptional circumstances can be demonstrated and the objectives of the Policy are achievable through other means.
- 3.6 The Licensing Authority will also take this Policy into account when deciding upon review applications. If a failure to comply with the Policy has been a contributory factor in the non-promotion of the licensing objectives, this is likely to be reflected in any decision made by the Licensing Authority.

- 3.7 The Licensing Authority will also refer to the Policy when considering contested personal licence applications and temporary event notices.
- 3.8 Where reference is made in this Policy to Licensing Authority decisions in respect of applications for example regarding hours of operation or imposing particular conditions, it is emphasised that this is only in circumstances where relevant representations have been received. The Licensing Authority has no discretion to refuse or grant applications subject to different conditions than those applied for if no valid representations have been made.

Hours

- 3.9 In general, the Licensing Authority will set the hours of licensed premises according to the individual merits of the case.
- 3.10 In some circumstances, flexible licensing hours can help to avoid harm to the licensing objectives caused by customers leaving licensed premises at the same time. Varied closing times can also help to promote diverse leisure economies.
- 3.11 However, inline with the duty to promote the licensing objectives, the Licensing Authority's Policy is to respect the right of residents to peace and quiet. In most cases concerning nuisance, this is likely to amount to an important concern. In general, the Licensing Authority will take a more stringent approach to licensing hours in areas of higher residential density where there is greater risk of public nuisance..
- 3.12 The Licensing Authority's experience is that premises which are alcohol-led are more likely to give rise to concerns regarding late night nuisance and crime and disorder, the more so when they involve one or more of the following:
- Directed at a younger clientele.
 - Involve vertical drinking.
 - Playing of loud music.
 - Include outside drinking areas.

Premises falling within this category will be expected to demonstrate clearly, including by the use of licence conditions and management systems, that the hours applied for will not risk harm to the licensing objectives.

3.13 Shops, stores and supermarkets will normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours. Further, in the case of individual shops which are known to be a focus of disorder and disturbance then, subject to representations from, for example, the police or other persons, a limitation on licensing hours may be appropriate.

Standards of management

3.14 The Licensing Authority seeks to encourage the highest standards of management in licensed premises and expects this to be demonstrated through the operating schedule. When assessing the applicant's or licensee's ability to demonstrate a commitment to high standards of management the Licensing Authority will take into account whether the applicant or licensee:

- Can demonstrate comprehensive knowledge of best practice.
- Has sought advice from the responsible authorities.
- Has implemented any advice that has been given by the responsible authorities.
- Is able to understand verbal and written advice and legal requirements.
- Can demonstrate knowledge of the licensing objectives, relevant parts of the Policy and their responsibilities under the Licensing Act 2003.
- Is able to run their businesses lawfully and in accordance with good business practices.
- Can demonstrate a track record of compliance with legal requirements.

3.15 Where there is a history and pattern of non-compliance associated with the management of the premises the Licensing Authority is unlikely to grant a new or variation application, or permit premises to continue to operate without further restrictions on review, unless there is evidence of significant improvement in management standards.

Licence conditions

- 3.16 There are three types of conditions that may apply to premises licence and club premises certificates:
- Proposed conditions presented by the applicant in their application.
 - Imposed conditions by the Licensing Authority when relevant representations have been received in relation to an application or when determining an application for review.
 - Mandatory conditions which the Licensing Act 2003 requires to be applied.
- 3.17 This section concerns the first two of those methods. Mandatory conditions are obligatory conditions that apply to all licensed premises depending on the particular licensable activities they carry out so this Policy does not deal with them. Further information about mandatory conditions is available in [Chapter 10 of the Section 182 Guidance](#).
- 3.18 The Licensing Authority considers that conditions play a key part in the promotion of the licensing objectives. Before making applications, applicants are expected to risk assess their proposed operations with reference to the licensing objectives. Potential applicants may also wish to discuss their proposals with the Licensing Authority and responsible authorities. This will help them to formulate proposed conditions which will meet the licensing objectives and avoid objections (“relevant representations”). Where they fail to do so and relevant representations are received, the Licensing Authority will have to consider whether additional conditions are appropriate to promote the licensing objectives.
- 3.19 In preparing their applications, applicants are strongly encouraged to consider the terms of this Policy in general and this chapter in particular. In considering applications, the Licensing Authority will also take this Policy as a starting point.
- 3.20 A key concept underpinning the Act is that conditions attached to licences and certificates are tailored to the individual style and characteristics of the premises and licensable activities concerned. It is not the intention to impose disproportionate or overly burdensome conditions where they are not justified. Conditions may only be imposed on licences where they are appropriate and proportionate for the promotion of one or more of

the licensing objectives. Nevertheless, when deciding what conditions are appropriate and proportionate, the Licensing Authority will be strongly guided by this Policy and the Licensing Act. If an applicant wishes to state that a particular condition should not to be applied, the applicant will be expected to explain why.

3.21 Applicants' attention is drawn to the non-exhaustive pool of conditions published by the licensing service and available on the Council's website. These conditions may be of use to applicants when completing operating schedules. In accordance with case law, (*Crawley BC v Attenborough* [2006]), the licensing authority is entitled to go through any draft conditions which are being offered by the applicant or as part of the application process and to advise them of appropriate wording which will make the condition clear and enforceable and seek their agreement to amend their application to achieve this objective. The conditions listed are similar to those which the Licensing Authority has found particularly useful in promoting the licensing objectives when addressing concerns raised by responsible authorities and other parties. In appropriate circumstances, the Licensing Authority will draw upon these conditions when exercising its licensing powers. In addition there is further guidance on conditions in [Chapter 10 of the Section 182 Guidance](#). Applicants and the Licensing Authority may also draw on other sources, including the following:

[The Purple Guide to Health, Safety and Welfare at Music and Other Events](#)

[Managing crowds safely](#) (Health and Safety Executive)

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

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

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

Prevention of crime and disorder

3.25 Section 17 of the Crime and Disorder Act 1998 places a legal duty on the Council to consider the reduction of crime and disorder, including the reduction of anti-social behaviour, in all its activities. The Licensing Authority will look to the police as the main source of advice on crime and disorder matters and will also seek to involve the local Community Safety Partnership for advice on anti-social behaviour.

3.26 Applicants are expected to demonstrate in their operating schedule how they intend to promote the crime prevention objective. Applicants should also consider local circumstances, for example such as the terminal hour of other licensed premises in close proximity, local crime and anti-social behaviour 'hot spots' and the position of taxi ranks and other transport hubs.

3.27 The Licensing Authority will treat the police as the main source of advice on conditions to be applied in order to promote the crime prevention objective. Conditions imposed on licences will, so far as possible, reflect any local crime prevention strategies and the local [Police and Crime Plan](#) published by the Police and Crime Commissioner for Thames Valley.

3.28 Applicants are encouraged to discuss the crime prevention procedures and arrangements with the Licensing Authority and the police before making an application.

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

3.30 The prevention of crime includes preventing offences under the Immigration Act 2016 related to illegal working in licensed premises. The Licensing Authority will look to Home Office Immigration Enforcement, as well as the police, for advice in respect of these matters.

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

a) **Accountability.** Robust systems of accountability should be in place to ensure the premises are run in accordance with the Premises Licence or Club Registration Certificate. Such systems should clearly show how duties will be delegated, deal with authorisations to dispense alcohol and identify who is in control of the premises on a day to day basis.

b) **Responsible sale and supply of alcohol.** It is expected that all premises licensed to sell and supply alcohol will have measures in place to prevent:

- The sale and supply of alcohol to children
- Serving alcohol to customers who are drunk
- Permitting drunkenness on the premises
- Encouraging irresponsible drinks promotions
- Spiking of drinks
- Anti-social street drinking in the local vicinity.

The expected measures include written policies and procedures, documented staff training and refresher training, the use of refusal logs and incident reports and use of appropriate signage.

c) **Drinking vessels.** The use of drinking vessels made of toughened glass, plastic or other materials that do not form a sharp edge when broken reduce the risk of serious injury and should be considered in environments where there is an increased risk of disorder and threats to public safety. Higher risk environments include nightclubs, late night pubs and bars and venues hosting major sporting events. Frequent collection of all empty drinking vessels and avoiding passing glass bottles to customers will help prevent these items being used as weapons. Careful consideration should be given to the choice of drinking vessel in outside drinking areas.

- d) **Street drinking.** Street drinking can cause nuisance as well as crime and disorder. Where there is a history of anti-social behaviour associated with street drinking in an area, the Licensing Authority may impose additional restrictions on licences for the sale of alcohol for consumption off the premises. Additional restrictions may include not selling high strength beer and cider, not selling cans and bottles in single cans and discouraging the sale of alcohol to known street drinkers. Applicants intending to sell alcohol for consumption off the premises are advised to refer to the section on [Public Space Protection Orders \(PSPOs\)](#).
- e) **Physical measures.** Physical security features installed in the premises should reflect the potential risks of crime and disorder occurring. This may include the position and design of cash registers, where and how alcohol is stored in 'off licences', and the installation, management and maintenance of closed-circuit television (CCTV) equipment. A 'designing out crime' approach when designing premises, for example by providing for good sightlines and lighting in the venue, will help identify the appropriate measures necessary to reduce the risk of crime and disorder.
- f) **CCTV.** The presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. CCTV may have to be provided in certain circumstances and certain type of premises. This is particularly appropriate where there is good reason to suppose that disorder may take place, for example premises licensed to sell alcohol for consumption on the premises later at night within town centre areas and 'off licence' premises where there is evidence of anti-social behaviour problems in their vicinity. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. The Licensing Authority strongly recommends that the installation, maintenance and operation of CCTV should be carried out in consultation with Thames Valley Police. It may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of any conditions relating to CCTV. Operators considering installing CCTV will need to

ensure that they comply with data protection laws, further information and guidance is available from the [Information Commissioner's Office](#).

- g) **Theft prevention.** Thieves may target customers of licensed premises or the premises itself. Measures to prevent theft, include:
- Customer warning notices.
 - Free cloakrooms and bag hooks.
 - Adequate surveillance of internal and external areas, mapping crime hotspots may help identify vulnerable areas.
 - High quality lighting and removal of 'dark' spots.
 - Gathering and sharing intelligence with the local police and other businesses in the vicinity.
 - Ensuring stock is secure and carefully monitored.
- h) **Pubwatch and shopwatch.** Voluntary schemes such as [Pubwatch](#) and Shopwatch help promote safer environments for the sale and consumption of alcohol. These partnership schemes provide an independent local network for licenced businesses to work together to tackle crime and disorder, share best practice and develop closer working relationships with the police, council and other agencies. Licence holders are encouraged to take part in local schemes where they exist; licensees are also encouraged to introduce a scheme where one does not already exist.
- i) **ID scan.** For late night venues where there is a significant risk of serious crime occurring, applicants should consider the use of customer identification systems such as Clubscan and ID scan to record the identities of all those attending the premises. As with CCTV, operators considering using computerised ID verification equipment will need to ensure that they comply with data protection laws.
- j) **Door supervisors.** The use of door staff both inside and outside the premises can help deter crime. Staff should be easily identifiable through use of clothing. With limited exceptions, persons employed at licensed premises to carry out security

activities are required to be licensed with the [Security Industry Authority](#). The Licensing Authority may consider that certain premises require strict supervision for the purpose of promoting the reduction of crime and disorder. Where appropriate, the Licensing Authority may impose a condition that licensed door supervisors must be employed at the premises either at such times as certain licensable activities are being carried out or the premises is open to the public or at such other appropriate times. Applicants should risk assess their operation and make sensible and realistic proposals in respect of the number of door supervisors and the hours of their attendance.

k) **Closing procedures.** The effective use of ‘wind down’ procedures can help facilitate an orderly dispersal of customers. Wind down measures typically consist of:

- a set time before closing, after which alcohol ceases to be sold
- hot and cold soft drinks and food may still be provided;
- “exit music” is played at a reduced volume;
- lights are turned up;
- customers are advised on available onward transport options, including dedicated taxi services;
- staff at the door ensure that customers leave in an orderly manner.

l) **Illegal drugs.** The Licensing Authority recognises that drug use by people in pubs and clubs is not something relevant to all licensed premises. However, it is also recognised that special conditions will need to be imposed for certain types of venues to reduce the sale and consumption of drugs and to create a safer environment for those who may have taken them. Where conditions are under consideration, the Licensing Authority will take into account latest Government guidance. In all cases where these conditions are to be imposed, the Licensing Authority will endeavour to seek advice from the police and the authority for responsible for public health. The measures employed to prevent the consumption or supply of illegal drugs, including search procedures, entry policies, staff training,

supervision of WCs, the removal of horizontal surfaces and the installation of lighting to deter drug use in WCs.

- m) **Special events.** Existing licensed premises considering hosting one off special events, particularly those using an external promoter, should give careful consideration to carrying out a crime and disorder risk assessment. One off events can attract significantly larger numbers or a different customer profile than the premises normally accommodates. A specific risk assessment will help identify problems before they occur and identify the necessary control measures such as sufficient staff numbers and security provision. Premises management should also consider historical background checks to ensure events have not been associated with crime and disorder problems elsewhere.
- n) **Late night refreshment.** Experience has shown that it is sometimes difficult to comply with the terminal hour in respect to the provision of late night refreshment. Supply of hot food or drink actually takes place when it is handed to the customer, not when money is exchanged. Given that the premises may be full of customers at the terminal hour of the licence, it is advisable to ensure there is sufficient measures in place to ensure there is time to serve these customers. Closing procedures such as when the door will be locked, the displaying of the 'closed' sign and letting customers out are worth taking into consideration in preparing an operating schedule. Applicants may also like to consider the need to prominently display their opening times on the shop window. Where premises are likely to experience crime and disorder, the use of CCTV and door supervisors should be considered.
- o) **Illegal working.** In circumstances where premises are associated with an increased risk of employing illegal workers, for example through previous enforcement or credible information and intelligence, then it may be appropriate for the premises licence holder to have demonstrable procedures of right to work checks on staff employed at the licensed premises and arrangements for retaining documentary evidence of such checks.
- p) **Threat of terrorism.** Operators of licensed premises should undertake a terrorism threat risk assessment that ensures that any security-related vulnerabilities have been identified, and reasonable, and proportionate steps (in keeping with the size

and nature of the operation), have been taken to reduce the risk from a terrorist attack. Further advice is available online from the [National Counter Terrorism Security Office](#).

- q) **Equality.** Applicants are advised that any form of public entertainment (including film exhibitions) which is likely to lead to disorder, or stir up hatred or incite violence towards any section of the public on the grounds of colour, race, ethnic or national origin, disability, religious beliefs, sexual orientation or gender is likely to give rise to representations which are likely to lead to the refusal of such an application.

Public Safety

- 3.32 Applicants must be able to demonstrate that they have undertaken a thorough assessment of the risk to public safety presented by their intended activities. Statutory duties in relation to risk assessment arise from the Health and Safety at Work Act 1974 and the Regulatory Reform (Fire Safety) Order 2005. The Licensing Authority does not intend to impose conditions which simply replicate other statutory controls, but it will scrutinise whether all relevant measures are being applied so as to promote the licensing objectives. Applicants are encouraged, though not obliged, to submit with their applications evidence of compliance with such controls. Where they do, it is less likely that relevant representations will be made leading to the cost and delay of a licensing hearing. Licence holders are also advised that while generally smaller businesses employing less than five employees are not required to keep a record of their risk assessments, this does not apply in the case of fire safety risk assessments and licensed premises. All licensed premises, regardless of size, must have a record of a suitable and sufficient fire risk assessment.
- 3.33 Depending on the individual circumstances, control measures proposed in an operating schedule may include:
- a) **Capacity limits.** Depending on the nature of the venue, there may need to be capacity limits for different parts or rooms within the venue. Where limits are necessary, appropriate measures will need to be in place to ensure that these limits

are complied with such as recorded capacity checks and sufficient staff to monitor and control customer numbers.

- b) **Entrance and exists.** Additional arrangements may be necessary to ensure customers can arrive and leave the premises or site safely. These arrangements may include the use of clearly identifiable signage, suitable barriers, maintenance of unobstructed exit routes, adequate lighting levels, staff employed to control entrances. Particular consideration should be given to the safe evacuation of those with disabilities for example the partially sighted and wheelchair users.
- c) **Plans.** All applicants for licences and certificates are required to submit a scale plan of the premises. Among other things the plan must show the location of any fire safety and any other safety equipment which could include smoke detectors, emergency lighting, fire fighting appliances, safety shutters, panic alarms, CCTV.
- d) **Certificates and record keeping.** A system for recording the routine servicing and maintenance of any equipment that poses a potential risk to ensure premises remain safe. This should include electrical installations, fire safety equipment, boilers, cooking equipment and lifts. Records should also be kept of ongoing premises safety management checks such as daily pre-opening and during opening checks and routine fire safety checks such as fire alarm and emergency lighting tests and emergency evacuation exercises.
- e) **Staff training.** Staff need to know what is expected of them to ensure the public remain safe when visiting licensed premises. Regular training helps ensure that staff know how to maintain premises in a safe condition and to take the appropriate action in the event of an emergency situation. A record of ongoing staff training helps ensure routine training is maintained at regular intervals and gaps in training needs can be easily identified.
- f) **Special effects.** Special consideration needs to be given to the use of any special effects such as lasers, pyrotechnics, strobe lighting and smoke machines. The use of any special effect should be thoroughly risk assessed before being introduced.
- g) **Terrorism.** A terrorism risk assessment will help identify any security-related weaknesses and depending on the size and nature of the business what steps are

required to reduce the risk from a terrorist attack. Steps could range from staff briefings, increased frequency of outside glass collections and additional surveillance to the installation of new CCTV systems and redesigned entrances and outside areas.

- h) **Dance venues.** Venues used for dancing present potential additional safety risks to staff and customers through increased music noise levels, overheating and exposure to illicit drugs. Risks can be used through ear protection, provision of quieter break out areas and use of adequate ventilation. A first aid needs assessment will help identify the appropriate level of first aid required. All venues susceptible to issues associated with illicit drugs should have written drugs policies and procedures which identify what actions staff will take in the event of a drug related emergency.

The prevention of public nuisance

- 3.34 Public nuisance relates to the negative effects of noise, light, odour, dust and litter affecting, or likely to affect, at least a few people locally. The Licensing Authority is keen to protect the amenity of residents and businesses in the vicinity of licensed premises. At the same time the Licensing Authority is aware that the licensed trade is important to the local economy and promoting The Council's culture and leisure aspirations. Consequently, the Licensing Authority will try and work together with statutory agencies, licensed businesses, residents and other businesses to reach a compromise in its decision making.
- 3.35 In considering all licence applications, the Licensing Authority will consider whether the measures proposed to deal with the potential for nuisance and/or anti-social behaviour, having regard to all circumstances of the application, are adequate. In preparing applications, applicants are strongly encouraged to consider the measures set out below. Much weight will be placed on recommendations made by Environmental Health Officers in terms of preventing public nuisance.
- 3.36 Particular measures include:
- a) **Noise escape.** The steps taken or proposed to be taken by the applicant to prevent noise and vibration escaping from the premises, including music, noise from ventilation equipment and human voices. Such measures may include the

installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices. In appropriate circumstances and where not included in the operating schedule, a condition may be imposed requiring the assessment by the applicant (either with or without the involvement of Environmental Health), of potential noise sources which could cause disturbance to those in the vicinity and to identify and implement appropriate control measures.

- b) **Customer arrival.** The steps taken or proposed to be taken by the applicant to prevent disturbance by customers arriving at the premises, particularly at night. This may include last entry conditions, minimisation and control of queuing and supervision of the exterior of the premises. If some queuing is inevitable then queues should be diverted away from neighbouring premises or be otherwise managed to prevent disturbance or obstruction.
- c) **Smokers.** Arrangements to minimise disturbance from customers smoking outside the premises. These may include supervision, delineated areas for smoking, controls on numbers and preventing customers taking alcohol outside.
- d) **Customer departure.** The steps taken or proposed to be taken by the applicant to prevent disturbance by customers leaving. Such steps will include proper winding down policies so that customers leave gradually and quietly, notices to customers requesting respect for neighbours, the use of dedicated taxis, management of queues for taxis, direction of customers away from residential areas, supervision of exterior areas, requesting customers to respect neighbours and prevention of customers gathering outside the premises.
- e) **Staff departure.** The steps taken or proposed to be taken by the applicant to ensure staff leave the premises quietly. Consideration should also be given to policies relating to the use of the premises by staff once the premises has closed, particularly in relation to late closing premises in residential areas. Nuisance can often arise as a consequence of staff using licensed premises once closed to the general public.
- f) **Customer parking.** The arrangements made or proposed for parking by patrons and the effect of parking by patrons on local residents.

- g) **Public transport.** Whether there is sufficient provision for public transport (including taxis and private hire vehicles) for patrons. Taxis and private hire vehicles have the potential to disturb local residents and measures to prevent such disturbance, include preventing use of horns, engines running, restricting numbers permitted to wait and direction of approach and departure. Such controls are easier to implement when the licensee has a contract with particular suppliers.
- h) **Location.** Operators should thoroughly assess their location and be mindful of any premises particularly sensitive to nuisance such as nursing homes, hospitals, hospices or places of worship. In such cases the installation of additional special measures may assist in reducing the risk of nuisance.
- i) **Outside areas.** The Licensing Authority supports the use of outside areas such as gardens and forecourts however robust management controls are usually required to ensure that the use of these areas does not cause a nuisance. Control measures may include adequate supervision, regular glass collections, curfews and last entry conditions. The Licensing Authority encourages operators to consider adopting the pavement licence conditions, shown in full in appendix 3, in respect of outside hospitality areas off the public highway. These measures have proved successful in allowing venues to provide hospitality on the public highway without contributing to public nuisance. A summary of the key measures to prevent public nuisance are:
- Furniture to only be placed during permitted hours of use.
 - Separate smoking and non-smoking seating areas, separated by a minimum of 2 metres, with appropriate signage. No ash trays or similar permitted in smoke free areas.
 - The provision of any outside entertainment shall not cause a disturbance to nearby residents.
 - The licence holder shall have a system in place to regularly monitor the use of outside areas by customers to ensure nearby residents are not disturbed by customer noise and the area is kept clear of litter.
 - Outside lighting shall not cause a disturbance to nearby residents.

- Suitable waste receptacles shall be made available for use by staff and customers.
 - The outside area shall be thoroughly cleaned at the end of each day that it is in use.
- j) **Deliveries and waste collections.** As far as possible delivery and collection times should be arranged to minimise the risk of noise nuisance to residents and other businesses in the vicinity. Staff should avoid placing glass bottles and other waste outside late at night unless suitable noise mitigation measures are in place.
- k) **Litter.** Measures should be in place to manage the risk of littering associated with the premises. This includes having sufficient waste receptacles to avoid overflowing refuse containers and litter sweeps in the immediate vicinity to clear cigarette butts, food receptacles and flyers associated with the premises. Sometimes problems arise about litter from takeaways and, to a limited extent, from off licences. Licensees should consider distinctive wrapping, packaging or bags, so that litter can be traced back to particular premises and also periodic litter collection patrols and the provision of additional bins.
- l) **Lighting.** Outside lighting needs to be carefully planned and managed, including security lighting, to avoid causing nuisance.
- m) **Complaints procedure.** All licensed premises are expected to have a complaints procedure in place. This may include a dedicated phone line available for local residents to use in the event of problems arising. Any complaint should be recorded in a log together with details of any action taken to the response. All staff should be made aware of the complaints procedure and provided with clear instructions. In some circumstances regular meetings with neighbouring residents can be beneficial in addressing any concerns. Experience shows that this is most effective if action is taken at early stage to build good relations with local residents.
- n) **Street drinking.** Street drinking can cause nuisance as well as crime and disorder. Where there is a history of anti-social behaviour associated with street drinking in an area, the Licensing Authority may impose additional restrictions on licences for

the sale of alcohol for consumption off the premises. Additional restrictions may include not selling high strength beer and cider, not selling cans and bottles in single cans and discouraging the sale of alcohol to known street drinkers. Applicants intending to sell alcohol for consumption off the premises are advised to refer to the section on [Off-licences and PSPOs](#).

Protection of children from harm

- 3.37 Protecting children from harm is one of the core licensing objectives and protecting the vulnerable is a key priority of Buckinghamshire Council. Licensed premises can be a high-risk environment for children and young people. A child is defined as any person under 18 years of age and includes unborn children. Risks can include underage consumption of alcohol, access and exposure to tobacco products and illegal drugs, exposure to violence and disorder and exposure to inappropriate entertainment. Although not common there is also the potential for exposure to sexual exploitation, modern slavery, human trafficking and illegal employment.
- 3.38 **Safeguarding policies.** The Licensing Authority believes that everyone working in an environment where there may be children present should safeguard and promote the wellbeing of children so they are protected from abuse. Child abuse is a general term which encompasses all maltreatment of children. The Department for Health uses four broad categories of abuse: neglect, physical abuse, sexual abuse and emotional abuse. Abuse can occur within a family, institutional or community setting and the perpetrator may or may not be known to the child.
- 3.39 The Licensing Authority encourages all operators of licensed premises to put in place a safeguarding policy. The Licensing Authority expect operators of high-risk premises to have a written children safeguarding policy. High-risk premises include:
- Venues providing adult entertainment.
 - Hotels.
 - Premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.

- Premises with unsupervised beer gardens.
- Nightclubs and late night opening pubs and bars (open after 12 midnight).
- Premises where unaccompanied children may be permitted such as shops and late night food takeaways.

3.40 The policy should contain details of awareness training provided to staff so that they know how to identify and report potential abuse. More specifically staff awareness training should cover:

- Being alert to the possibility of child abuse and neglect, i.e. the definition, prevalence, identifying features in a child or adult, legal parameters and social consequences.
- Having enough knowledge to recognise an abusive or potentially abusive event or set of circumstances.
- Knowing who in the organization to raise concerns with.
- Being competent to take the appropriate immediate or emergency action.
- Knowing how to make a referral to Buckinghamshire Council and/or the Police.

3.41 It is also recommended that a person be nominated with responsibilities for managing the safeguarding children policy. This role should include arranging training and recording details of those that have attended, sharing and displaying latest information relevant to the policy, provide advice and support to staff and to act as the main point of contact on safeguarding matters.

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

3.43 Examples which may give rise to concerns in respect of children and access may be restricted include those where:

- adult entertainment is provided;

- a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
- it is known that unaccompanied children have been allowed access;
- there is a known association with drug taking or dealing;
- in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises; or
- other high risk premises where there is no evidence of a sufficient safeguarding children policy is in place.

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

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

- Limitations on the hours when children may be present.
- Age limitations for persons under 18.
- Limitations or exclusion when certain activities are taking place.
- Full exclusion of persons under 18 when certain licensable activities are taking place.
- Limitations of access to certain parts of the premises for persons under 18.

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

3.47 The 'Responsible Authority' in respect to the protection of children is the [Buckinghamshire Safeguarding Children's Partnership](#).

3.48 **Advertising.** The Licensing Authority welcomes the [Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks](#). The code is an effective means of protecting children in relation to packaging and promotions that may appeal to minors.

Licence holders are encouraged to refer to the Code and to be vigilant to ensure any alcohol products sold are in compliance with the Code.

3.49 **Age verification.** The Licensing Authority considers under-age consumption of alcohol to be a particularly serious issue. All premises licensed for the sale by retail of alcohol are required by way of mandatory condition to have an age verification policy in place. The Licensing Authority recommends that the following documents are suitable to verify a person's proof of age:

- Passport.
- Photo card driving licence.
- Proof of Age Standards Scheme card bearing the PASS hologram.
- Military identification card.

3.50 In addition, the Licensing Authority supports and encourages the adoption of Challenge 25 or similarly approved schemes, the use of a refusal register, the maintenance of an incident log and staff training.

3.51 Premises should consider the risk of 'proxy' purchasing of alcohol and put in place measures and train staff to deal with it. Proxy purchasing in this instance refers to a person buying alcohol on behalf of someone who is under the age of 18 years.

3.52 **Alcohol delivery services.** Licensed businesses involved in the delivery of alcohol, for example online retailers, are expected to have sufficient age verification procedures in place to ensure alcohol is not supplied to persons' underage. The Licensing Service expects persons who operate premises providing 'alcohol delivery services' to reflect this in their operating schedule. This ensures that the Licensing Authority can properly consider what conditions are appropriate. Premises with an existing premises licence, which choose to operate such a service in addition to their existing licensable activities, should contact the licensing service for advice on whether this form of alcohol sale is already permitted or whether an application to vary the licence will be required.

3.53 **Children and cinema exhibitions.** The Act requires any premises licence or club certificate authorising the exhibition of films to be subject to a condition restricting the admission of children in accordance with the recommendations given to films either by a body

designated under section 4 of the Video Recordings Act 1984, (currently only the British Board of Film Classification) or by the Licensing Authority itself. Generally the Licensing Authority will only make a recommendation in cases where the film has not been classified by the BBFC; in these cases the Licensing Authority will make reference to the [BBFC Classification Guidelines](#).

- 3.54 The Licensing Authority expects that licensees will include in their operating schedule the arrangements for restricting children from viewing age-restricted films. In considering applications, the Licensing Authority will take into account any evidence that age restrictions for cinema exhibitions are not being properly observed.
- 3.55 **Large numbers of children.** Where a large number of children are likely to be present on any licensed premises, for example a children's show or pantomime, applicants should consider the additional risks associated with children. The operating schedule should consider measures that will ensure the prevention of harm to the children and also to ensure public safety. Similarly, if a licensed premises hosts an event involving under 18's licence holders will be expected to risk assess the event beforehand and implement satisfactory arrangements to ensure alcohol is not made available to under 18 year olds.
- 3.56 **Sexual entertainment venues, SEVs.** In general, premises providing adult entertainment involving striptease and/or nudity are likely to need a sexual entertainment venue licence and relevant conditions will be attached to that licence. In circumstances where no such licence is needed, operators intending to provide adult entertainment will be expected to propose conditions which protect children by:
- Preventing access to the premises by children.
 - Preventing exterior visibility into the premises.
 - Preventing obtrusive exterior advertising including nude images or language describing the nature of the activities.
 - Controlling leafleting and other forms of exterior marketing;

Specific situations

3.57 This section deals with specific circumstances, types of events and activities. The principles in this section are in addition to those specified in other parts of the Policy.

Off-licences and PSPOs

3.58 The street drinking of alcohol has found to be associated with crime and disorder and anti-social behaviour in certain areas of Buckinghamshire. By way of response The Council has introduced PSPOs (Public Space Protection Orders) in some parks and town centres which prohibit drinking alcohol or possessing alcohol in open containers. Failure to comply with these orders is an offence and offenders can be fined by way of fixed penalty notice or prosecution. Details of the orders, including location details, are published on The Council's website:

3.59 Experience shows that enforcement of the PSPO alone is not sufficient to deter would be offenders from consuming alcohol in breach of current PSPOs. Enforcement is only part of the solution and it is important that locally licensed businesses also play their part. Not only does this demonstrate a commitment to the promotion of the licensing objectives, the removal of anti-social street drinking enhances the area and contributes to greater prosperity.

3.60 To assist address, the problematic street drinking, premises licensed for the sale of alcohol for consumption off the premises in areas where relevant PSPOs have been introduced are expected to adopt the following measures:

- No single cans or bottles of beer or cider will be sold.
- No high strength beer or cider products with 7.5% ABV or higher will be sold.
- Alcohol shall not be sold to any person who is reasonably expected to consume it on the street in the vicinity of the premises.
- Alcohol shall not be sold to customers in an open container.
- All alcohol sold from the premises will be marked in a way that can be used to identify that the alcohol has been purchased from the shop.

- Staff training shall include training on awareness of local alcohol related issues of concern and the actions required by staff to avoid contributing to these concerns.
- A log of refusals to sell alcohol shall be maintained at the premises and include a record of refusals of persons known to consume alcohol in breach of the local PSPO.

3.61 Before making applications, applicants are expected to assess the locality of the premises and to seek the advice of the police and Licensing Authority whether any other additional measures are recommended.

Large events

3.62 For the purpose of this section a large event is a one-off event which has the potential for significant public nuisance to the wider community, increased risk of crime and disorder and which carries a significant risk to public safety. It is not necessarily defined by the number of people attending. Applicants are strongly recommended to check in advance with the Licensing Authority whether the proposed event is likely to be treated as a large event within the meaning of this Policy.

3.63 Organisers of large events are also strongly encouraged to make early contact with Buckinghamshire Council's Safety Advisory Group (SAG). The SAG is made up of representatives from the emergency services and other agencies concerned with event safety. The SAG has produced some general advice to event organisers and this can be found on the Council's web site. In the first instance an organiser is required to complete an event notification form and risk assessment. For more complicated or very large events an organiser may be invited to attend a meeting with the SAG. Applicants for events requiring a premises licence would be expected to make contact with the SAG at least six months before the event date. Failure to consult with the SAG properly and in a timely fashion is likely to result in the application receiving a relevant representation from a responsible authority. If any issues of concern remain outstanding at the time of a hearing this might result in an adjournment or even a refusal of the application if the sub-committee is not satisfied that any adverse impact on the licensing objectives has been properly addressed.

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

Nature & style of the event, including crowd profile	Capacity and expected audience	Event programme & advertising
Communication strategy	Site and location plans	Management structure
Special effects	Campsite safety and security (when on site)	Emergency evacuation plan
Medical plan	Information and welfare	Safeguarding children and young people and age controls
Transport and traffic management plans	Food, drink and water provision	Waste management
Working at height	Animal welfare	Noise management and control
Temporary demountable structures	Fire risk assessment	Electrical safety
Welfare and sanitation plan	Extreme weather and contingency plans	Waste management
Crowd management	Emergency procedures	Barriers and fencing
Entry search and eviction policy	Alcohol and drugs policy	Counter terrorism

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

3.66 In circumstances when large scale public events take place, for example in the town centre areas, it is expected that licensed premises will cooperate with the Licensing Authority, the police and any other responsible authorities. Examples of cooperation would be the

possible use of polycarbonate glasses during the event, ensuring that drinks are not taken from the premises, the removal of outside furniture and the employment of event stewards.

Sexual Entertainment Venues (SEVs)

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

Pavement trading

- 3.71 The Licensing Authority supports and encourages the use of well managed outside areas for hospitality purposes. Where the proposed area falls on the public highway various permissions may be needed such as a highways licence, street trading consent, parking bay suspension, road closure and planning permission. Licence holders will also need to ensure that their licence does not contain restrictions which would prevent the intended area being used.
- 3.72 The temporary pavement licence scheme, introduced under the Business and Planning Act 2020, has had a positive impact in Buckinghamshire, providing greater scope to use the public highway for hospitality purposes while minimising negative impacts on local communities. Pavement licences are subject to a schedule of conditions and the Licensing Authority will refer to these conditions in circumstances when it is required to make a decision in relation the provision of licensable activities on the public highway. Applicants and licence holders are encouraged to refer to these conditions if it is intended to use the public highway for their activities. The full schedule of pavement licence conditions are attached as appendix 3 and a summary is provided in the [public nuisance](#) section of this Policy.

Cumulative impact

- 3.73 'Cumulative impact' is about the concentration of licensed premises in a particular area and the impacts of this. In some areas licensed premises that sell alcohol and late night food and drink can contribute to a nuisance and/or disorder problems. These problems can happen when a large number of drinkers gather in one area when leaving a premises at closing time or queuing for food or public transport. Sometimes lots of licensed premises in an area can have a negative impact on the licensing objectives, such as public nuisance or crime and disorder. Where there is evidence of this the council can introduce a 'cumulative impact' policy which means that a licence application that would have a negative impact will probably be refused. These policies must be supported by evidence and an assessment must be published every 3 years.

3.74 Before considering introducing a cumulative impact policy within the Buckinghamshire Council area the Licensing Authority will take the following steps:

- Identify that there is a concern about crime and disorder, or public safety or public nuisance or protection of children from harm.
- Consider whether there is good evidence that crime and disorder or nuisance are occurring or whether there are activities which pose a threat to public safety or the protection of children from harm.
- If such problems are occurring, identify whether these problems are being caused by customers of licensed premises, or that the risk of cumulative impact is imminent.
- Identifying the boundaries of the area where problems are occurring (this can involve mapping where the problems occur and identifying specific streets or localities where such problems arise).
- Consultation with those individuals or groups specified within section 5(3) of the Act and subject to the outcome of the consultation, include and publish details of the cumulative impact policy in the licensing policy statement

3.75 The Licensing Authority will take the following into account, where applicable, when considering evidence of cumulative impact:

- Local crime and disorder statistics, including statistics on specific types of crime and crime hotspots.
- Statistics on local anti-social behaviour offences.
- Health-related statistics such as alcohol-related emergency attendances and hospital admissions.
- Environmental health complaints, particularly in relation to litter and noise.
- Complaints recorded by the local authority, which may include complaints raised by local residents or residents' associations.
- Representations in response to licence applications that cite cumulative impact as an issue.
- Response to surveys with key stakeholders.

- Evidence from ward, town and parish councillors.
- Evidence obtained by, or on behalf of, the Licensing Authority, for example details of existing licensed premises, complaints to the licensing service and observational reports.

3.76 The effect of adopting a cumulative impact policy, is to create a ‘rebuttable presumption’ to refuse applications which are likely to add to the cumulative impact. As such, the applicant will need to demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives in order to rebut any such presumption. This presumption requires at least one of the responsible authorities or other persons to make a relevant representation before the Licensing Authority can lawfully consider applying any adopted cumulative impact policy. If there are no representations, the Licensing Authority must grant the application in terms that are consistent with the operating schedule submitted.

3.77 Applicants are advised to give consideration to potential cumulative impact issues when setting out the steps they will take to promote the licensing objectives as well as showing how they will mitigate any potential negative harms in their application. Applicants are also reminded that less weight is likely to be attached to any arguments relating to there being no complaints arising from existing premises when seeking a variation or renewal of an authorisation within a cumulative impact policy area. This is because, given the nature of the area and concentration of licensed premises, it can be difficult to attribute complaints and problems to any particular premises, especially with regards to nuisance being caused in outside areas.

3.78 It should be noted that special policies are not absolute. The individual circumstances of each application will be considered on its merits. The Licensing Authority will grant applications where the applicant has demonstrated that the operation of the premises is unlikely to add to the cumulative impact that is already being experienced in the area.

3.79 The Licensing Authority will not consider the issue of commercial “need” in determining any licence application, as this is a matter for planning control and the market. Therefore, the Licensing Authority will not seek to impose quotas of premises, licences or certificates.

- 3.80 At the time of publishing this Policy the Licensing Authority has not been presented with sufficient evidence to support the adoption of any cumulative impact policies within Buckinghamshire Council's area. Should the Licensing Authority determine that there is sufficient evidence, as outlined in this section, that an area requires the adoption of a cumulative impact policy, an assessment of the supporting evidence will be published separately and reviewed at least every 3 years.
- 3.81 The Licensing Authority recognises that there are other mechanisms for controlling cumulative impact problems, such as bad behaviour by a minority of customers once away from licensed premises. These strategies include measures both within and outside the licensing regime:
- Planning control.
 - Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority, including best practise schemes such as Pubwatch, Town Centre Partnerships and BIDs.
 - Community Protection Notices and Public Space Protection Orders.
 - The provision of CCTV surveillance in town centres, taxi ranks, street cleaning and litter patrols.
 - The confiscation of alcohol from adults and children in designated areas;
 - Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices.
 - Prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale).
 - Raising a contribution to policing the late night economy through the Late Night Levy.
 - Early Morning Alcohol Restriction Orders.
 - The use of fixed closing times, staggered closing times and zoning when such restrictions are justified by the available evidence. Decisions would continue to be

made on the merits of each case in accordance with what is appropriate for the promotion of the licensing objectives.

Part D. The system in action

The licensing process

- 4.1 The powers of the Licensing Authority under the Act may be carried out by the Licensing Committee, by the Licensing Sub-Committee or, by one or more officers acting under delegated authority. Many of the Licensing Authority's functions are largely administrative so in the interests of efficiency and effectiveness these are, for the most part be carried out by officers.
- 4.2 Applications where there are relevant representations, usually objections, will be dealt with by the Council's Licensing Sub-Committee, as will any application for review of a licence. Applications where all relevant representations have been withdrawn at least 24 hours before the Licensing Sub-Committee hearing will usually be dealt with by officers.
- 4.3 In making licensing decisions, the Licensing Authority will have regard to its duties under the following legislation:
 - a) Section 17 of the Crime and Disorder Act 1998, which requires the Licensing Authority to exercise its functions with due regard to the likely effect of its decisions on crime and disorder and the misuse of drugs, alcohol and other substances.
 - b) The Equality Act 2010, which obliges public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
 - c) The Human Rights Act 1998, which requires authorities to take into account the rights of individuals to respect for their private and family life (Article 8), a right to a fair trial/hearing (Article 6) and to protection of their property (Article 1, Protocol 1). Any interference with such rights should be proportionate

Applications for Premises Licenses

- 4.4 The Licensing Authority will expect individual applicants to address the licensing objectives in their application operating schedule having regard to the type of premises, the licensable activities to be provided, the operational procedures and the nature of the location.
- 4.5 Applicants should be conversant with the Council's Policy and in particular the issues that will need to be addressed in formulating the operating schedule.
- 4.6 Applicants are also expected to demonstrate in their operating schedule that they have researched and understand the local environment and the risks to the licensing objectives which their operation may pose, as well as local initiatives such as crime reduction or pubwatch schemes. The proposals in the operative schedule should not be standardised but should reflect the specific circumstances of the application. Applicants may benefit by speaking to responsible authorities, and in particular the police and the Council's environmental health service, when preparing their operating schedule. If they do not, it is more likely that representations will be made, leading to hearings and the expenditure of time and costs which could otherwise have been avoided.
- 4.7 Accompanying plans are required to comply with the regulations relating to applications for premises licences. In addition, applicants are requested to indicate on the plan provided to the Licensing Authority the proposed locations for the display and storage of any alcohol, the locations where sales/and/or consumption will take place (i.e. bars / tills / stock rooms / outside areas), the location of dance floors and the location of food service areas. Applicants are also encouraged to show the location of smoking areas. The locations of such activities on approved plans should not be amended without prior approval of the Licensing Authority.
- 4.8 Where the sale of alcohol is proposed on licensed premises, every sale must be made or authorised by a person who holds a personal licence, and there must also be a Designated Premises Supervisor (DPS) named on the licence who is the holder of a personal licence. In order to avoid disruption to business during absence of the DPS the Licensing Authority recommends that a minimum of one additional member of staff should hold a personal licence. If sales are to be made by persons who are not holders of personal licences, it is strongly recommended that such persons be trained to the standards required of personal

licence holders, that records of such training be retained and that the DPS provides written authorisations to such persons.

- 4.9 For community premises, an alternative licence condition may be applied for, so that the management committee for the premises acts in place of the designated premises supervisor and personal licence holders. Applicants are recommended to take advice or check with the Licensing Authority as to whether this exemption may apply in the circumstances of the case.
- 4.10 The Licensing Authority expects [high standards of management](#) from licensees. It will consider the track record of management, the experience of the management team in running sensitive or sensitively located premises, written management procedures and staff training. One important aspect of management is seniority and consistency. The Licensing Authority generally expects the DPS to be based at the premises and for the role to be his or her full time occupation. The DPS should be on duty during the busiest days (usually Thursdays to Saturdays) until the premises closes and in their absence should nominate a deputy, who should be a personal licence holder, in writing. When the DPS is not at the premises they should be easily contactable. Applicants are expected to take account of these factors in preparing their operating schedules. If they do not, they are more likely to receive relevant representations.
- 4.11 Applications need to be advertised in two ways to comply with the Act. Firstly, by displaying a notice prominently at or on the premises to which the application relates. The notice must be placed where it can be conveniently read from outside the premises, in the case of a premises covering an area more than fifty metres square, further notices must be placed every fifty metres along the external perimeter of the premises abutting (joining) any highway. Secondly, in a local newspaper, newsletter or similar circulating in the vicinity of the premises. The Licensing Authority is able to advise which local newspapers circulate in the Council's area and if in doubt applicants are encouraged to check.
- 4.12 In addition to the public notice requirements under the Act, the Licensing Authority will notify local ward councillors and parish or town councils when a new or variation application is submitted in their area. The details of applications received by the Licensing Authority are also made publicly available via the Council's online register.

- 4.13 When determining applications, the Licensing Authority will have regard to any Guidance issued by the Home Office. In particular, account will be taken of the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community as a whole. If representations are made concerning the potential for disturbance in a particular neighbourhood, the Licensing Authority's consideration will be balanced against the wider benefits to the community.
- 4.14 Prospective holders of new premises licences, and those seeking variations to existing premises licences, are advised to consult with the Council's licensing officers and the various responsible authorities at the earliest possible stage. Licensing officers are able to offer advice about the most appropriate type of application. For example, new applicants may only require a TEN to meet their licensing needs rather than a full licence application. A planned variation may be considered significantly substantial that a new application is required or relatively minimal that a minor application would be more appropriate.
- 4.15 Any licence holder wishing to apply for a minor variation or to remove the DPS requirement for community premises is advised to contact the Council's licensing services before making an application.

Temporary Events

- 4.16 The Licensing Act 2003 allows licensable activities to be provided at premises for small scale events (for less than 500 people) on a limited number of occasions per year without the need for a licence. Instead the organiser is required to notify the Licensing Authority in advance by way of Temporary Event Notice (TEN) and the event can go ahead unless the Licensing Authority notifies intervenes. The Licensing Authority will only intervene if an objection is made by the police or the Council's environmental health service or the legal limits have been exceeded. Objections, or representations, must be made on the basis that the event would undermine one or more of the licensing objectives. If they do, then the Licensing Authority is obliged to make a decision whether to allow the event to go ahead. The Licensing Authority may also attach conditions if the TEN takes place at a licensed premises. proceed, and also to permit the event to proceed with conditions.

- 4.17 It is important to note that the Licensing Authority is not allowed to take into account objections from parties other than the police or the Council's environmental health service. The Licensing Authority recommends that any party with concerns about an event taking place under a TEN contact the police or environmental health service.
- 4.18 Applicants should be aware that the limit of 499 persons applies to the number of people present at any one time and the number includes staff engaged in the event. Failure to comply with this limit may lead to enforcement action. Organisers are recommended, where appropriate, to employ means of recording the number of persons entering and leaving the premises.
- 4.19 Although the Act requires organisers to usually give a minimum of 10 working days' notice (not including the day of delivery of the notice or the day of the event) of qualifying temporary events, the Licensing Authority recommends that between three and six months' notice be given. This will allow the Licensing Authority to help organisers plan their events safely. Any longer period than this may mean that organisers do not have all the details available at the time of submitting the notice, and any lesser time means that planning may be rushed and insufficient.
- 4.20 The Act also permits the serving of "late" TENs, between five and nine days before the beginning of the event period. However, applicants should be aware that if any objection notice is given by the police or environmental health service, then the event may not proceed. It is therefore strongly in the interests of applicants to serve standard TENs within the timescales set out above.
- 4.21 The Council has established safety advisory groups, (SAGs), consisting of the emergency services and other statutory agencies such as the highways authority, to advise and co-ordinate planning for public events in the Council's area, whether or not a premises licence or a temporary event notice is needed. More information regarding Buckinghamshire Council's SAGs is available in the [large events](#) section of this Policy.
- 4.22 Organisers of temporary events are strongly advised to contact the Council's licensing service for advice at the earliest opportunity when planning events. Where necessary, the advice of the SAGs can be obtained, or discussions held with the police to avoid any unnecessary objections being made that may arise from misunderstandings or confusion as

to what is being proposed. Applicants intending to sell alcohol should be aware that it is an offence to supply alcohol to persons under 18 years of age or persons who are drunk.

Applications for personal licences

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

Designated premises supervisors

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

Licence Reviews

- 4.26 The Licensing Authority can only review a licence on specific application and where it is alleged that the licensing objectives are being breached. The Act allows for any person to apply for a review, including local residents and responsible authorities. Applications for a review of a premises licence which involve the issues outlined below (the list not being exhaustive) are viewed particularly seriously :

- Use of premises for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime.
- Use of premises for the sale and distribution of illegal firearms.
- Evasion of copyright in respect of pirated or unlicensed films and music.
- Illegal purchase and consumption of alcohol by minors.
- Prostitution or the sale of unlawful pornography.

- Use of premises by organised groups of paedophiles to groom children.
- Use of premises as the base for the organisation of criminal activity, particularly by gangs.
- Use of premises for the organisation, promotion or carrying out of racist, homophobic or sexual offences or attacks.
- Knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter.
- Use of premises for unlawful gambling.
- Use of premises for the sale of smuggled tobacco, alcohol or other goods.
- Use of premises for the sale of stolen goods.
- Use of premises for unlawful gaming.
- Where the police are frequently called to attend to incidents of disorder.
- Prolonged and/or repeated instances of public nuisance.
- Where serious risks to public safety have been identified and the management is unable or unwilling to correct those.
- Where serious risks to children have been identified.

Delegation and decision making

- 4.27 One of the major principles underlying the Licensing Act 2003 is that the licensing functions contained within the Act should be delegated to an appropriate level so as to ensure speedy, efficient and cost effective service delivery.
- 4.28 The Council is committed to the principle of delegating its powers to ensure that these objectives are met and, subject to the formal approval of the Licensing Committee, has arranged for its licensing functions to be discharged in accordance with the Guidance issued by the Secretary of State. [Appendix 3](#) shows the Licensing Authority's scheme of delegation.
- 4.29 The Act generally requires applications to be granted unless an objection is raised. Where a function is delegated to officers they will be responsible for liaising between the applicant, other persons and the responsible authorities to ensure that any licence granted is subject

to appropriate conditions. Where objections are made the licensing officer will once again liaise with the applicant, interested parties and the responsible authorities to see if a “settlement” can be achieved to overcome the objections and, if possible, without the need for the matter to go before the Sub Committee.

- 4.30 The Licensing Authority is a responsible authority which means that the Licensing Authority can instigate reviews and make representations on applications for new licences and variations of existing licences. The Licensing Authority will make representations or call a review of a licence where it is appropriate to do so. It generally will not act as a responsible authority on behalf of other parties. Where the Licensing Authority exercises its right to make representations or instigate reviews of licences it will ensure a separation of responsibilities within the authority to ensure procedural fairness and eliminate conflicts of interest. The officer advising the Licensing Sub-Committee will be different from the officer acting for the responsible authority.
- 4.31 In hearing contested licence applications, the Licensing Sub-Committee will try to keep the proceedings as informal as possible. However, some degree of formality is needed to ensure that all parties receive a fair hearing. The procedure for hearings is designed to ensure that all parties are able to express their views, openly and fairly. Applicants, other persons, and responsible authorities are entitled to be legally represented with them if they wish, this is by no means a requirement.
- 4.32 In the Licensing Authority’s experience, it is important that the DPS or someone else with day to day knowledge and experience of running the premises attends the hearing to facilitate a meaningful discussion of the issues and concerns raised by any responsible authority or other party. Accordingly, the Licensing Authority will normally expect this person to attend any hearing.

The Licensing Committee

- 4.33 The Licensing Committee consists of a maximum of 15 Councillors that will sit at least twice per year.

- 4.34 A licensing sub-committee of at least three Councillors from the Licensing Committee will sit to hear every application where relevant maintained representations have been received from responsible authorities and/or other persons.
- 4.35 The Chairman of the Licensing Committee shall be elected by the Licensing Committee at the annual meeting of The Council. The Chairman of the Licensing Sub-Committee shall on each occasion be elected at the meeting of the Licensing Sub-Committee.
- 4.36 Every decision by a licensing sub-committee shall be accompanied with clear reasons for the decision. This shall be given to the parties in writing in accordance with the hearing regulations.
- 4.37 The Licensing Authority's licensing officers will deal with all other licence applications where no representations have been received or generally where all representations have been withdrawn at least 24 hours prior to the relevant hearing date.
- 4.38 Council officers will make the decisions on whether representations or applications for licence reviews should be referred to the sub-committee. Where representations or application for licence reviews are rejected, officers will give a written reason as to why that is the case.
- 4.39 Officers will be responsible for drafting appropriate conditions for premises licences and club premises certificates when the sub-committee is satisfied that it is appropriate and proportionate to impose such conditions.
- 4.40 The Licensing Authority will ensure that members and officers are appropriately trained to carry out their duties under the Act.

Enforcement

Principles of enforcement

- 4.41 In exercising its enforcement powers, the Licensing Authority will have regard to the Legislative and Regulatory Reform Act 2006, the Regulators Code (Office for Product Safety

and Standards) and Buckinghamshire Council's Enforcement Policy. The Council's aim is to undertake its regulatory and enforcement role in an impartial, open, and consistent manner. This is achieved through education, mediation, advice, inspections, monitoring, and by regulating the activities of individuals and business as necessary.

4.42 Compliance is secured through informal and formal routes and, if necessary, through the courts via a prosecution.

4.43 The Licensing Authority will work to ensure compliance with the law by:

- Helping and encouraging businesses and individuals to understand their responsibilities by providing the necessary advice and guidance to allow them to comply with the law.
- Responding proportionately and fairly to breaches of the law.
- Ensure that resources and regulatory activities are appropriately targeted to where they will have the greatest impact taking into account the associated risks.

4.44 Regulatory activities will be carried out in a way which is transparent, accountable, proportionate and consistent and targeted only at cases in which action is needed such as when there is a risk of harm to the licensing objectives.

4.45 This can be summarised as follows:

- Providing sufficient explanation in plain English what is expected and differentiating between legal requirements and recommendations.
- Confirming verbal advice in writing if we requested.
- Signposting to sources of additional support and advice.
- Officers will act in a fair and efficient manner and record any enforcement actions taken.
- In the event of formal action, advise of any applicable appeal's procedures.
- Keep complainants informed of progress in any investigation.
- Ensure officers can interpret and apply legal requirements and enforcement policies fairly and consistently.

- Target efforts by taking risk assessment approach.
- Ensure sanctions and penalties are proportionate, directed at change of behaviour and deter non-compliance.

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

4.47 The Licensing Authority will seek to work with all the responsible authorities, the police, trading standards and environmental health service in particular, in enforcing licensing legislation. An Information Sharing Protocol (ISP) is in place to facilitate the exchange of information between Thames Valley Police, Buckinghamshire Council and other agencies with the primary purpose of:

- Prevention or detection of crime, disorder and anti-social behaviour
- Protection and safeguarding of vulnerable people
- Enhance and maintain public safety

The Licensing Authority expects the police to share information about licensees and licensed premises under the Crime and Disorder Act 1998 and its common law powers, and to consult closely with the Licensing Authority when any enforcement action may be required.

4.48 The Licensing Authority's approach is multi-targeted and depending on the facts and circumstances will be directed at the appropriate person(s), such as directors, partners, companies, DPS, serving staff, customers, under age purchasers, or proxy purchasers.

4.49 In exercising its enforcement functions, the Licensing Authority will adopt a multi-functional approach and consider the range of enforcement and regulatory tools available such as prosecution, simple caution, injunction, review, closure, closure notices or other remedies. The purpose of enforcement is to achieve compliance and not to punish the person enforced against, although there may be cases where a deterrent approach is called for.

Complaints against licensed premises

- 4.50 The Licensing Authority will investigate complaints against licensed premises where the complaint arises from a breach of conditions or an offence under the Licensing Act 2003. The investigation will be conducted according to the circumstances and nature of the complaint. In the first instance, complainants may be encouraged to raise the complaint directly with the licensee or business concerned. Where this is not practical or appropriate, generally in the first instance licensees will be put on notice that a complaint has been made and asked to offer an explanation. The complainant may also be provided with diary sheets and asked to log the details for a period of one month. The results of these actions will shape any subsequent investigation.
- 4.51 Where another person (such as a local resident or a resident's association or local business) has made a complaint about premises, whether informally or by way of representation or during review proceedings, then if it is appropriate the Licensing Authority may initially arrange a voluntary mediation meeting between the complainant and the premises concerned to address, clarify and try to resolve the issues of concern.

Inspection of Premises

- 4.52 The inspection of premises is carried out on a risk-based approach, with the promotion of the licensing objectives being the key objective. Factors determining the level of risk are the nature of licensable activities, the hours and location of operation, the history of compliance and the extent to which it has been appropriate previously to attach conditions to the licence in order to promote the licensing objectives. In addition, in order to further promote the licensing objectives, the licensing service will endeavour to inspect all newly licensed premises and those with recent licence variations to encourage compliance from an early stage.
- 4.53 Multi-agency visits involving officers from the Licensing Authority and various responsible authorities are routinely carried out. The greatest benefit is derived from doing these when the businesses concerned are actually operating. Given the higher density of licensed premises in the town centre areas and the increased likelihood of disorder and disturbance,

these premises are more likely to receive particular attention. Targeted visits and checks will also be carried out on specific premises based on intelligence that suggests there is a risk to the promotion of the licensing objectives.

- 4.54 Inspections of premises may also arise from complaints, to investigate an unauthorised activity or in relation to a pending application.

Appendices

Appendix 1 - Definitions

Club Premises Certificate. Club Premises Certificates are authorisations to conduct licensable activities at qualifying clubs, often referred to as members' clubs.

Designated Premises Supervisor. The Designated Premises Supervisor ("DPS") is an individual who holds a personal licence and is named on a premises licence permitting the sale of alcohol. The DPS is ultimately responsible for running the premises. There can be only one DPS for each premises licence.

Guidance. National Guidance to the Licensing Act 2003 published under section 182 of the Licensing Act 2003. The guidance is regularly updated and licensing authorities have a legal obligation to consider the guidance when carrying out licensing functions.

Late night refreshment. Late nNight Refreshment refers to hot food and drink served between 11 p.m. and 5 a.m. for consumption on or off the premises.

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

Licensing Authority. Buckinghamshire Council.

Licensing Committee. A committee of not less than ten and not greater than 15 Council members (Councillors) delegated by the Council to carry out the licensing functions of the Council. The whole committee may sit or delegate its responsibility to sub committees consisting of at least three members.

Licensing functions

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

Licensing Sub-Committee. A sub-committee of the main Licensing Committee that meets to hear contested licence applications at a public hearing. The sub-committee consists of at least 3 members of the Licensing Committee.

Licensing officers. Council officers who are authorised to carry out certain functions of the licensing authority. Licensing officers process applications, issue licences, provide advice on licence applications, perform enforcement functions and may also make representation on licence applications.

Local Government Association. The LGA works on behalf of local authorities (councils) to support, promote and improve local government. The LGA provides guidance and training to councillors and officers.

Mandatory Conditions. Conditions that apply to every premises licence or club premises certificate.

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

Personal licence holder. A personal licence allows its holder to make or authorise the sale of alcohol on licensed premises. A personal licence is granted by the local authority where the holder usually lives. That local authority will remain the licence holder's 'home authority' while they hold the licence, even if they move to a new area.

Premises Licence. A premises licence permits the carrying on of licensable activities. It is valid indefinitely unless it is revoked, surrendered or lapses, e.g. on the death of its holder. Annual fee is payable based on the "Non-Domestic Rateable Value".

Provisional statement. A preliminary approval by the Licensing Authority on the basis of a set of plans showing proposed alterations to existing premises or premises which have not yet been built. A premises licence application will still be necessary even though a provisional statement has been granted.

Qualifying Club. A club must be established in good faith with at least 25 members and adhere to membership requirements and an alcohol supply policy as per the requirements of the Licensing Act 2003.

Regulated entertainment. Regulated entertainment includes the performance of a play, film exhibitions, indoor sporting events, boxing or wrestling events, performing live music and playing recorded music (except incidental music) and performances of dance, and entertainment of a similar description. Certain exemptions apply, for example unamplified music between 08.00 and 23.00 hours on any day.

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

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

Review of premises licence. An application made by a responsible authority or residents or business, asking the Licensing Authority to reconsider the conditions on a premises licence or club premises certificate and whether that licence should be revoked or suspended for up to three months.

Summary review. The Police may apply to the Licensing Authority for the summary review of a premises licence where they believe the premises are associated with serious crime, serious disorder or both. The Licensing Authority must decide, within 48 hours, whether to take any interim steps pending the outcome of the full review of the premises licence, which must be concluded within 28 days of the receipt of the application for review.

Statement of Licensing Policy. Document that licensing authorities are required to publish and review at least every 5 years. The document details how licensing functions will be carried out by the Council in its role as Licensing Authority.

Temporary Event Notice. TENs allow licensable activities to take place for short periods of time at unlicensed premises. They can also be used to extend the permitted hours at licensed premises. There are limits per calendar year on the number of times a person can

submit TENs and the amount of time a premises may be used under a TEN. The maximum number of people allowed on premises being used under a TEN is 499 including staff. Only the police and the Council's environmental health service can object to TENs.

Appendix 2 Pavement licence conditions

Pavement licences permit the holder to place removable furniture on the relevant highway adjacent to their premises so that it may be used in connection with the serving, selling and consumption of food and drink. Licence holders wishing to sell or supply alcohol will need to ensure that they also have the required permission under the Licensing Act 2003.

The following conditions apply to all pavement licences granted or deemed granted in accordance with Section 5 of the Business and Planning Act 2020. Licences may also be subject to additional conditions specified by the Secretary of State.

General

1. Only 'removable' furniture as specified on the licence, including the type, quantity and location may be used.
2. Only the relevant highway area shown on the approved plans accompanying the licence may be used. The use must be in connection with the serving, selling and consumption of food and/or drink.
3. No fixtures to or excavations of any kind shall be made in the surface of the highway.
4. Furniture may only be placed in the approved area on the days and during the hours specified on the licence.

Prevention of Obstruction

5. Anything done by the licence holder pursuant to the licence, or any activity of other persons which is enabled by the licence, must not have the effect of:
 - a) preventing traffic, other than vehicular traffic, from
 - (i) entering the relevant highway at a place where such traffic could otherwise enter it (ignoring any pedestrian planning order or traffic order made in relation to the highway),
 - (ii) passing along the relevant highway, or
 - (iii) having normal access to premises adjoining the relevant highway,
 - (b) preventing any use of vehicles which is permitted by a pedestrian planning order or which is not prohibited by a traffic order,
 - (c) preventing statutory undertakers having access to any apparatus of theirs under, in, on or over the highway, or
 - (d) preventing the operator of an electronic communications code network having access to any electronic communications apparatus kept installed for the purposes of that network under, in, on or over the highway
6. Furniture shall be immediately removed from the relevant area where the use of the highway is required by The Council (or anyone working on the behalf of), police, fire and ambulance services, furniture removal or hearses.

7. A minimum of 1500mm of unobstructed, clear passageway shall be provided between the boundary of any designated furniture area and the edge of the footway and any obstruction such as telephone boxes, lamp posts, sign posts, post boxes, street furniture and similar items.
8. Barriers used to separate furniture from the rest of the footway shall be colour contrasted with tap rails and reflective strips, to assist the visually impaired. Any item used as a barrier must not cause an obstruction to those using the highway.
9. The positioning of furniture shall not be positioned so that pedestrians are discouraged from using the footway. Available routes must be visible, entirely clear and not require pedestrians to pass through an area of outside furniture.
10. Furniture shall be non-reflective and of sufficient construction to withstand being pushed or blown over.

Smoking area condition

11. The licence holder must make reasonable provision for seating in an area where smoking is not permitted with 'no smoking' signage displayed in designated 'smoke-free' zones in accordance with Smoke-free (signs) regulations 2012 which can be viewed [here](#).
12. No ash trays or similar receptacles shall be provided or permitted to be left on furniture in designated 'smoke free' zones.
13. Licence holders shall provide a minimum 2 metre distance between non-smoking and smoking areas.

Liability and Insurance

14. The licence holder shall indemnify The Council against all actions, proceedings, claims, demands and liability which may at any time be taken, made or incurred in consequence of the use of the tables and chairs and other projects and for this purpose must take out at the Licensee's expense a policy of insurance approved by The Council in the sum of at least £5 million in respect of any one event and must produce to The Council on request the current receipts for premium payments and confirmation of the annual renewals of the policy. The licence holder shall make no claim or charge against The Council in the event of the tables and chairs or other items being lost, stolen or damaged in any way from whatever cause.

Covid-19

15. The licence holder shall adhere to latest government guidelines surrounding COVID-19 at all times. The licence holder must ensure that they have carried out a suitable and sufficient risk assessment to protect employees and visitors to their premises from risks to their health and safety. A copy of the current risk assessment shall be made available on request to authorised officers of The Council.
16. Within the licensed area, outside furniture such as tables and chairs shall be positioned to give enough space to allow people to pass whilst keeping the appropriate social distance of 2 metres. Where it is not possible to provide a 2 metre gap between furniture, a minimum of 1 metre gap is permitted but appropriate mitigation measures must be introduced and detailed in the risk assessment, which must be made available to officers on request.
17. Clear signage shall be displayed to direct customers to toilets, ordering procedures, opening times, and other relevant information.

18. Outside areas shall only be used by customers who have been identified for 'track and trace' purposes.

Safety

19. Outside furniture shall not be placed in front of any designated emergency exits or prevent easy access for emergency services.
20. Furniture stored inside during opening times shall not obstruct any emergency exit routes.
21. Furniture must be suitable for outside use, so that it can withstand adverse weather and must be maintained in a safe condition. Furniture such as umbrellas and other coverings must be suitably robust and sufficiently weighted to prevent collapse or movement, especially during adverse weather.
22. Items that may cause trip hazards such as trailing cables and weights must be highlighted, covered, removed or positioned out of the way as appropriate. Low lying furniture that may not be easily seen shall not be used.
23. If providing outside heaters the licensee shall ensure adequate fire fighting arrangements and appropriate secure arrangements for storing any fuel are in place.
24. Adequate lighting shall be used if outside areas are used at night or in low light level conditions.
25. Outside electrical systems must be installed, modified and maintained by a competent and suitably qualified electrical engineer.

Prevention of Nuisance

26. The provision of any outside entertainment shall not cause a disturbance to nearby residents.
27. The licence holder shall have a system in place to regularly monitor the use of outside areas by customers to ensure nearby residents are not disturbed by customer noise and the area is kept clear of litter.
28. Outside lighting shall not cause a disturbance to nearby residents.
29. Suitable waste receptacles shall be made available for use by staff and customers.
30. The outside area shall be thoroughly cleaned at the end of each day that it is in use..

Appendix 3 – Scheme of delegation

Matter to be dealt with	Sub Committee	Officer
Application for personal licence	If a police objection	If no objection made
Application for personal licence with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	If a police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a police objection	All other cases
Applications for interim authorities	If a police objection	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a representation is irrelevant frivolous vexatious etc		All cases
Decision to object when local authority is a consultee and not the relevant authority	All cases	

considering the application.		
Determination of an objection to a temporary event notice	All cases	
Determination of application to vary premises licence at community premises to include alternative licence condition	If a police objection	All other cases
Decision whether to consult other responsible authorities on minor variation application		All cases
Determination of minor variation application		All cases

About you

We will use the information you provide here only for the purpose of this activity. We will store the information securely in line with data protection laws and will not share or publish any personal details.

1. What is your name?

Name

2. What is your email address?

If you enter your email address then you will automatically receive an acknowledgement email when you submit your response.

Email

3. What is your role?

Please select all that apply

- Resident Business Councillor Responsible Authority Town/Parish
Council Representative of Residents Business Representative Other (Please specify)

Please specify

Cumulative Impact

“Cumulative Impact” is about the concentration of licensed premises in a particular area and the impacts of this. In some areas licensed premises that sell alcohol and late night food and drink in a particular area can cause nuisance and/or disorder problems. These problems can happen when a large number of drinkers gather in one area when leaving a premises at closing time or queuing for food or public transport. Sometimes lots of licensed premises in an area can have a negative impact on the licensing objectives, such as public nuisance or crime and disorder. Where there is evidence of this the council can introduce a ‘cumulative impact’ policy which means that a licence application that would have a negative impact will probably be refused. These policies must be supported by evidence and an assessment must be published every 3 years.

Currently only Aylesbury town centre has a cumulative impact policy which states that high risk late night premises such as late night bars and nightclubs that sell alcohol or takeaway food will be refused licences to trade after 00.30. All other premises are not permitted to open after 02.30. An assessment of the Aylesbury town centre cumulative impact policy is due now.

Town centres and licensed premises have been significantly affected by the Covid-19 pandemic and this means that there is limited recent evidence to support a meaningful assessment of the Aylesbury town centre policy.

The council is considering removing the cumulative impact policy for Aylesbury town centre but keeping the area under review. This means that there would no longer be a presumption to refuse late night licence applications. Applications would still go through consultation and residents and responsible authorities would have the chance to have their say. Applicants would still have to demonstrate how they intend to meet the four licensing objectives.

4. Do you agree with this approach?

Yes No

Please provide comments/evidence to support your view

5. Are there any other areas of Buckinghamshire which you think are impacted by a concentration of licensed premises and should also be considered?

Yes No

Please describe the area and explain why you believe this is the case. It would be helpful if you can reference one or more of the four licensing objectives in your answer: 1. preventing crime and disorder; 2. public safety; 3. preventing public nuisance; and 4. protecting children from harm.

Special Hours Policies

Under the Licensing Act 2003 applicants can apply for any hours they wish. Each application must be considered on its own merits and the council cannot impose fixed closing times. However the council can choose to apply special hours policies to licence applications in a particular area (or zone) or of a particular type, e.g. pubs, nightclubs, hot food take-aways. Special hours policies often set a preferred closing time(s) by premises type, area or both. Where a special hours policy is in place and applicants apply to operate beyond the preferred closing time(s), then the application will be subject to additional scrutiny and it is expected that they will have robust additional measures in place to ensure they meet the licensing objectives. A special hours policy which sets a preferred closing time must be supported by evidence that one or more of the licensing objectives are being impacted.

Currently only Buckingham town centre has a special hours policy which was put in place following late night noise disturbance from late opening alcohol led premises and the student population. The policy states that applications to open beyond 00.00 will normally be refused unless applicants can satisfy the council that they can operate without harm to the licensing objectives. All applications after 01:30 will generally be refused.

A decision to introduce a special hours policy needs to be supported by evidence. Since the policy was introduced the nature of Buckingham has reportedly changed. Licensed premises are now more food led and less likely to open late and students from Buckingham University are more likely to remain on campus. Complaints about licensed premises in Buckingham are lower. The council is considering whether the special hours policy for Buckingham is still necessary. If the policy is removed applications would still go through consultation and residents and responsible authorities would have the chance to have their say. Applicants would still have to demonstrate how they intend to meet the four licensing objectives.

6. Should the special hours policy for Buckingham be removed?

Yes No

Please provide comments or evidence to support your view:

7. Are there other Buckinghamshire Council areas where you think a special hours policy should be introduced?

Yes No

Please describe the area and provide details such as the time(s) you think premises should close, the type of premises and any evidence or comments to support your views:

8. Should Buckinghamshire Council have special hours policies?

Yes No

9. Do you have any other comments about licensing hours in Buckinghamshire?

Please enter any comments below:

Street Drinking

Street drinking has been a problem in some areas and can be associated with disorder and anti-social behaviour.

The council has introduced PSPOs (Public Space Protection Orders) in some parks and town centres which prohibit drinking alcohol or possessing alcohol in open containers in the street. The council is considering introducing a policy which places some restrictions on off-licences in areas which have PSPOs for street drinking.

Restrictions include not selling high strength beer and cider, not selling cans and bottles in single cans and discouraging the sale of alcohol to known street drinkers.

10. Do you agree with this policy?

Yes No

Please enter any comments to support your view

Outside Drinking

During the Covid-19 pandemic the government introduced pavement licences which make it easier for businesses to use outside spaces to sell food and drink. The council supports the pavement licence scheme but also wants to limit impacts on nearby residents.

The new policy will set out measures for outside areas that all new applicants will be expected to follow. These include a recommendation that outside areas are not used later than 11pm on Fridays and Saturdays, 10pm on other days, and separate areas for smokers and non-smokers.

11. Do you agree with this approach?

Yes No

12. Do you have any comments to make on use of outside areas by licensed premises?

Please enter any comments below:

Application Consultation

All applicants for licences are generally required by law to advertise their application by displaying a public notice on the premises and in a local newspaper and by serving a copy on statutory authorities such as the police and fire authority. In addition the council publishes details of all applications on its online public register on the council's website.

The Council is proposing that as well as this notifications of new and variation applications are sent to local ward councillors and the local parish or town council.

13. Do you agree with this approach?

Yes No

Please enter any further comments below:

Pubwatch and other similar schemes

Voluntary schemes such as Pubwatch and Shopwatch help promote safer environments for the sale and consumption of alcohol. These schemes provide a local network for licenced businesses to work together to tackle crime and disorder, share best practice and develop closer working relationships with the police, council and other agencies.

The new policy will encourage all licence holders to take part in local schemes where they exist; licensees will also be encouraged to introduce a scheme where one does not already exist.

Safeguarding Children

Protecting children from harm is one of the core licensing objectives and protecting the vulnerable is a key priority of Buckinghamshire Council. Licensed premises can be a high-risk environment for children and young people. Risks can include underage consumption of alcohol, access and exposure to tobacco products and illegal drugs, exposure to violence and disorder and exposure to inappropriate entertainment. Although not common there is also the potential for exposure to sexual exploitation, modern slavery, human trafficking and illegal employment.

The new policy will encourage operators of licensed premises to put in place a safeguarding policy. The council will expect operators of high-risk premises to have a written safeguarding policy and procedures including records of staff training.

Public Health

A key priority for Buckinghamshire Council is to strengthen local communities and support people to live healthy lifestyles. Licensed premises can help support this by providing opportunities for people to come together and socialise. However, there are health risks associated with the consumption of alcohol.

The new policy will require applicants for licences for the sale or supply of alcohol to consider the health impacts of this and adopt measures to mitigate risks to health. This could include staff training on the responsible sale of alcohol, avoiding promotions which encourage people to drink more and thinking about the type and alcohol content of drinks they sell.

Promoting Environmental Best Practice

A key priority for Buckinghamshire Council is to improve the local environment. Licensed premises can contribute by helping to create a greener and cleaner environment.

The new policy will encourage operators of licensed premises to adopt best practice measures such as minimising waste, improving energy efficiency and reducing traffic on the road.

Licensing Objectives

Thinking about the four licensing objectives:

1. preventing crime and disorder;
2. public safety;
3. preventing public nuisance; and
4. protecting children from harm.

18. Do you have any specific comments or areas you would like to see in the new Buckinghamshire Licensing Act policy?

You may wish to look at the existing policies for Aylesbury Vale, Chiltern, South Bucks and Wycombe to inform your answers

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New Licensing Policy for Buckinghamshire Council

Summary of key findings

Survey open: 14 May to 8 June 2021

Targeted to a stakeholder list: 107 respondents (*respondent profile on next slide*)

Location specific proposals: (*set out in detail on following slides*)

Proposal to remove the cumulative impact policy for Aylesbury: **broad agreement from respondents**

Proposal to remove the special hours policy for Buckingham: **opinion almost equally divided**

New policy proposals: all receiving broad agreement from respondents (*set out in detail on following slides*)

Street drinking

Use of outside areas

Consultation approach

Pub watch network

Public health, safeguarding children, environmental best practice approach

Underpinned by Government Licensing Objectives:

Preventing crime and disorder

Public safety

Preventing public nuisance

Protecting children from harm

Respondent Profile

There were no demographic questions included in this survey, so this profile focuses purely on the 'role question'

Total number of respondents = 107

Methodology:

Respondents by role: respondents were able to select more than one role option, so there are numerically more responses than respondents.

This approach risks some double counting but was selected as the best representation of respondents' views on the basis of their roles

Responses by main role/group: this approach combined roles to try to accommodate different roles from respondents. *This gives an indication of the combinations of roles but was not selected as the differentiation in responses between roles was less clear and some of the numbers were too small to be significant*

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Responses by role	No
Resident	43
Business	25
Councillor	34
Responsible Authority	7
Town/Parish Council	21
Representative of Residents	5
Business Representative	11
Other	10
Total	156

Responses by main role group	No
Business	22
Councillor	17
Multi-hat Councillor	6
Resident	15
Resident/Business	10
Resident/Business/Councillor	4
Resident/Councillor	9
Responsible Authority	7
Town/Parish Council	8
Other	9
Total	107

Data health warning:

We recommend caution on making assumptions based on these small samples – they are best seen as indicative only

Key Policies and Proposals: summary (1)

	In agreement	Not in agreement	Variations by role: Numbers and %s in agreement
Removal of the cumulative impact policy: Aylesbury	88 (82.2%)	18 (16.8%)	Resident: 36 (84%) Business: 26 (93%) Councillor: 23 (67.6%); Town & Parish & Councillor 10 (71%) Responsible Authority: 7 (100%)
Removal of the special hours policy: Buckingham	49 (45.8%)	50 (46.7%)	Resident: 23 (53.5%) Business: 17 (60.7%) Councillor: 15 (45.5%); Town & Parish Councillor 9 (42.9%) Responsible Authority: 4 (57.1%)
Special Hours policy for the whole of Buckinghamshire	63 (58.9%)	34 (31.8%)	Resident: 27 (62.8%) Business: 12 (42.9%) Councillor: 20 (58.8%); Town & Parish Councillor: 10 (47.6%) Responsible Authority: 2 (28.6%)
Street Drinking policy	78 (72.9%)	27 (25.2%)	Resident: 30 (69.8%) Business: 21 (75%) Councillor: 25 (75.8%); Town/Parish Councillor: 12 (57.1%) Responsible Authority: 5 (71.4%)
Outside areas/space policy	92 (86%)	14 (13.1%)	Resident: 33 (76.7%) Business: 24 (85.7%) Councillor: 30 (88.2%); Town/Parish Councillor: 18 (85.7%) Responsible Authority: 6 (85.7%)

Key Policies and Proposals: summary (2)

	In agreement	Not in agreement	Variations by role
Application consultation	91 (85.0%)	16 (15.0%)	Resident: 40 (93%) Business: 18 (64.3%) Councillor: 34 (100%); Town & Parish Councillor 20 (95.2%) Responsible Authority: 5 (71.4%)
Pub Watch policy	98 (91.6%)	6 (5.6%)	Resident: 41 (95.3%) Business: 26 (92.9%) Councillor: 32 (94.1%); Town & Parish Councillor 19 (90.5%) Responsible Authority: 6 (85.7%)
Safeguarding Children policy	96 (89.7%)	11 (10.3%)	Resident: 41 (95.3%) Business: 21 (75.0%) Councillor: 32 (94.1%); Town & Parish Councillor 21 (100%) Responsible Authority: 7 (100%)
Public health policy	76 (71.0%)	27 (25.2%)	Resident: 31 (72%) Business: 18 (64.3%) Councillor: 26 (76.5%); Town & Parish Councillor 16 (76.2%) Responsible Authority: 6 (85.7%)
Promoting environmental best practice policy	97 (90.7%)	10 (9.3%)	Resident: 41 (95.3%) Business: 24 (85.7%) Councillor: 32 (94.1%); Town & Parish Councillor 21 (100%) Responsible Authority: 7 (100%)

Cumulative Impact policy: Aylesbury

This section sets out the proposal to remove the cumulative impact policy for Aylesbury, where there are concentrations of licensed premises so that there would no longer be a presumption to refuse late night licence applications. Applications for licences would still go through consultation and applicants would have to demonstrate how they would meet licensing objectives. The area would be kept under review.

There was a strong majority in favour of removing the policy, higher with residents and businesses than in the Councillor group.

Should the cumulative impact policy in Aylesbury be removed?

Yes – 82.2%

No – 16.8%

1% of respondents did not answer this question

Agreement by role

	yes	no		yes	no
Resident	83.7%	16.3%	Town/Parish Councillor	71.4%	23.8%
Business	92.9%	7.1%	Responsible Authority	100%	0%
Councillor	67.6%	32.4%	Other	100%	0%

Comments: by main theme

- Support businesses re-establishing themselves and in particular the night time economy, post Covid
- Need for regular review given the lack of evidence post pandemic and easing of lockdowns
- A recommendation that applications should be scrutinized on a case by case basis, that the blanket approach is unhelpful
- Concern over the negative impacts on the town and its residents of late night alcohol sale & consumption

Are there any other areas which are impacted by a concentration of licensed premises?

Yes - 14 respondents

High Wycombe – (6)
 Marlow (1)
 Beaconsfield (2)
 Buckingham (1)
 Amersham on the Hill (1)

High Wycombe - the town is growing and more late night opening will cause more nuisance locally

High Wycombe also has issues with alcohol problems including no drinking areas

Important to evaluate each application rigorously on a case by case basis

Cumulative Impact policy: Aylesbury: further comments?

In favour of removing the policy

Against removing the policy

On the whole, most people drink sensibly and the odd few should not spoil fun for others.

A sensible, moderated approach to licensing, with strictly enforced caveats, is now called for as the town begins to reopen.

The night time economy is an important part of the life of a community and should be supported, particularly at such a difficult time. Blanket bans are a blunt instrument and an impediment to making Aylesbury a thriving and diverse destination for people to socialise

Once the lockdown measures are eased, it is likely that significant recovery will be experienced by this sector and the cumulative impact policy will become relevant again. It seems highly precipitous to remove it at this stage

the effects of the pandemic mean there is less data available against which to assess. Ongoing effects and potential changes to behaviour need to be observed and assessed

Special hours policy: Buckingham

This question focused on the special hours policy for Buckingham town centre which was put in place following late night noise disturbance from late opening alcohol led premises and the student population. Applications to open beyond 12 midnight would normally be refused and all applications after 1.30am would be refused. Since the policy was introduced the nature of Buckingham has reportedly changed and the proposal is now to remove the policy.

Responses to this question were overall equally divided but with differences by roles of respondents

Should the special hours policy in Buckingham be removed?

Yes – 45.8%

No – 46.7%

8% of respondents did not answer this question

Responses by role

	Yes	No		Yes	No
Resident	53.5%	44.2%	Town/Parish Councillor	42.9%	52.4%
Business	60.7%	39.3%	Responsible Authority	57.1%	14.3%
Councillor	44.1%	50.0%	Other	30.0%	40.0%

Comments by main theme:

- A flexible approach to support business, post Covid
- The special hours policy had served the town well over recent years and that the current situation was due to its success
- The need for more information and analysis
- The importance of taking each case/application on its own merits
- Concern for residents of the town and the desire to protect them from noise and disturbance

Are there any other areas that should have special hours policies?

In common with responses to the previous question:

High Wycombe (3)
 Marlow (1)
 Amersham on the Hill (1)
 Other small market towns (1)

it is imperative, that you heed the views of local residents who are troubled by disturbance.

Other small market towns would also benefit, it's not just that Buckingham has students.

the reduction in complaints is due to the success of the special hours policy.

Special hours policy: Buckingham: further comments?

In favour of removing the policy

Against removing the policy

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a general policy is a blunt instrument. Extended hours should be allowed in an appropriate central zone and be subject to review if premises are not properly managed.

Remove the policy to encourage the growth of businesses that have been badly impacted by COVID

Each town centre application should be judged on its own merit, based on the audience it is targeting, food policy and the number of similar venues within the vicinity.

The hospitality industry needs support and guidance if problem premises arise. It does not need a sledgehammer to crack a nut

Current social activity in the hospitality sector is unlikely to be typical of the 'norm' as it was in pre covid times so that making changes now would be inappropriate

The Town Council has not seen any evidence to justify a change in the policy and strongly opposes any change

Clearly the special hours policy has had a beneficial effect on the town.

All the changes that have occurred are surely the result of the policy having been introduced, and it would be unwise and a retrograde step to withdraw the policy - there is every chance that those issues will rise again once the controls are relaxed.

The original special hours policy for Buckingham was evidenced and appropriate.

Special hours policy: Buckinghamshire Council

Respondents were asked to consider if Buckinghamshire Council should have special hours policies.
There was a majority in favour of the proposal

Should Buckinghamshire Council have special hours policies?

Yes – 58.9%

No – 31.8%

9% of respondents did not answer this question

Agreement by role

Resident	62.8%	Town/Parish Councillor	47.6%
Business	42.9%	Responsible Authority	28.6%
Councillor	58.8%	Other	60.0%

Comments by main theme

- The need for evidence to support these policies
- Concern around anti social behaviour following late night socialising and policies to address this
- The importance of the location in particular where there are residential properties and the ability to make arrangements to address this
- That current licensing laws cover these issues adequately

In support of the policy:

The nature of our town centres is changing considerably with a significant number of people now living in town centre location

Socialising will now pick up with lockdown restrictions being lifted - monitoring needs to be in place

Special hours policies can be used to protect residents and discourage applications in certain areas

Against the policy:

Better to have a flexible approach to opening hours commensurate with the nature of the business

Special hours policies must only be introduced where evidence from all parties (not just the police) supports this.

Street drinking policy

This question focused on a proposal to place restrictions on off licences in areas which have Public Space Protection Orders (PSPOs). Restrictions would include not selling cans and bottles in single cans and discouraging the sale of alcohol to known street drinkers.

There was a clear majority in support of the proposed policy.

Do you agree with the policy on street drinking?

Yes – 72.9%

No – 25.2%

2% of respondents did not answer this question

Agreement by role

Resident	69.8%	Town/Parish Councillor	57.1%
Business	75.0%	Responsible Authority	71.4%
Councillor	73.5%	Other	70%

Comments by main theme

- Provide support to street drinkers and those with alcohol issues
- Minimise anti social behaviour, nuisance and litter in towns
- Consider issues of enforcement of this policy, and the limitations of Council resources to do this
- Support small businesses and not impose additional requirements and restrictions on them
- Existing police powers are adequate to deal with street drinking

In support of the policy:

This should include off-sales of all types of premises

Imposing the restrictions would be positive but are they too difficult to enforce?

street drinking is a significant issue and hard to tackle having a formal policy is the best course of action

Against the policy:

Puts enforcement responsibility on vendors

Resources should be directed at supporting those with issues rather than pushing the problem somewhere else

This would potentially have a negative impact on the livelihoods of the shops in these areas

Outside areas policy

This question focuses on the pavement licence scheme introduced during Covid to make it easier for businesses to use outside spaces to sell food and drink. The Council supports the policy but wants to limit the impact on nearby residents through limiting timings and ensuring separate areas for smokers and non smokers. There was a clear majority in support of the proposed policy

Do you agree with the policy on outside areas?

Yes – 86.0%

No –13.1%

1% of respondents did not answer this question

Agreement by role

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Resident	76.7%	Town/Parish Councillor	85.7%
Business	85.7%	Responsible Authority	85.7%
Councillor	88.2%	Other	90.0%

Comments by main theme

- Support for businesses in the post Covid time but noting the need for management and enforcement
- Concern for local residents and those impacted by noise and disturbance, and the need to hear their perspectives
- The importance of the local context/location of licenced premises and therefore the need to look at licensing on a case by case basis
- Recommending not placing additional restrictions on businesses

In support of the policy:

As restrictions ease, it will be important to consider the views of nearby residents.

Continue to support the post COVID recovery of this sector through this use of outside space licences, whilst managing impact on residents.

Covid has shown us we need outside safe areas and it helps with the community spirit.

This sounds too restrictive. We should do everything we can to support these businesses and relaxed outdoor socialising

Outside licences should be treated on a case to case basis as many properties will not have neighbours

They should definitely not be permitted in residential areas

Application consultation policy

This question set out the policy proposal that all notifications of new and variation applications are sent to local ward councillors and to the local town or parish Council as well as the existing requirements for applications to be published on the Council websites, notices to be served to statutory authorities and newspaper advertising. There was a clear majority in support of the proposed policy

Do you agree with the application consultation policy?

Yes – 85%

No – 15%

Agreement by role

Resident	93.0%	Town/Parish Councillor	95.2%
Business	64.3%	Responsible Authority	71.4%
Councillor	100%	Other	80%

Comments by main theme

- The importance of local knowledge, expertise and input
- That local Councillors know their areas and can be a voice for the local area
- That it is important to avoid “political” decisions
- The publication in local newspapers is outdated in the digital world, and expensive
- That there might be pressure on Councillors from local residents to take certain decisions and that this might lead to additional objections and delays

In support of the policy:

a great move to involve local councillors / parishes as they will be more acutely aware of the circumstances appertaining to their own locale.

Essential that people close to the location are aware

It aids transparency and keeps all local people aware of potential changes

Against the policy:

it is not the job of Bucks council to solicit likely objections

the current licencing policy is sufficient and this will cause a delay for businesses

The council should go no further than consulting the statutory consultees.

Pub watch policy

This question focused on the proposal to encourage licence holders to take part in local pub watch schemes, providing a network for licenced businesses to work together. There was a clear majority in support of the proposed policy

Do you agree with the pub watch policy?

Yes – 91.6%

No – 5.6%

3% of respondents did not answer this question

Agreement by role

Resident	95.3%	Town/Parish Councillor	90.5%
Business	92.9%	Responsible Authority	85.7%
Councillor	94.1%	Other	80.0%

Comments by main theme:

- The importance of the network, sharing local information and good practice, likely to contribute to reducing crime and disorder
- That this should be a requirement for licence holders
- That it was important not to place additional burdens on licence holders

In support of the policy:

Any information provided between pubs about crime and disorder has to be valuable to protect the local area and staff.

It is a good idea for them to work together. Share ideas and tackle issues together for their businesses.

Pubs need support and an opportunity to network which is vital

Against the policy:

Seeking to add such a policy is likely to lead to enforced participation in schemes which have failed in the past.

This should be an optional tool to improve environments.

Safeguarding children policy

This question focused on the proposal to encourage operators of licensed premises to put in place a safeguarding policy. Operators of high risk premises would be expected to have a written policy and procedures including records of staff training.

There was a clear majority in support of the proposed policy

Do you agree with the safeguarding children policy?

Yes – 89.7%

No – 10.3%

Agreement by role

Resident	95.3%	Town/Parish Councillor	100%
Business	75.0%	Responsible Authority	100%
Councillor	94.1%	Other	80.0%

Comments by main theme

- That this policy is important as pubs and other licensed premises become more family oriented
- The difficulty of implementation and enforcement
- The importance of training, for all staff as well as for the licence holder
- The need for additional guidance and definitions of eg high risk
- Concern around placing additional requirements on licence holders

In support of the policy:

There would be a need to define what you mean by 'high risk' and in what context e.g. from underage sales, exploitation.

the Council must have the power to implement fines/closures if facilities do not have a policy, or do not adhere to it

Having a policy is one thing, but it has to be enforced consistently

Against the policy:

Safeguarding is covered by other laws and the Protection of Children From Harm is an objective - this is duplicating something already set in law.

Public health policy

This question focused on the proposal for licence applicants to consider the health impacts of alcohol and adopt measures to mitigate the risk to health including potentially staff training around the responsible sale of alcohol and avoiding promotions which encourage people to drink more. There was a clear majority in support of the proposed policy.

Do you agree with the public health policy?

Yes – 71.0%

No –25.2%

4% of respondents did not answer this question

Agreement by role

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Resident	72.1%	Town/Parish Councillor	76.2%
Business	64.3%	Responsible Authority	85.7%
Councillor	76.5%	Other	90.0%

Comments by main theme:

- Consider issues of implementation, monitoring and enforcement
- Much of this is already in place and so the policy is not necessary
- It would be necessary to provide support for business in this, in particular small businesses and not to place additional requirements on them
- Importance of staff training

In support of the policy:

There should already be training on responsible sale of alcohol and promotions but the reality is that they are a business and unlikely to consider the nature of the alcohol they sell.

This makes sense, but I expect it would be difficult and costly to enforce.

Against the policy:

Not a high priority for council expenditure at the moment, and unlikely to produce significant or measurable results.

I would agree with provision of support in this area, but would not like to overburden small businesses

Promoting environmental best practice

This question focused on the proposal to encourage operators of licensed premises to contribute to creating a greener and cleaner environment, by adopting environmental best practice measures such as minimising waste, improving energy efficiency and reducing traffic on the road.
There was a clear majority in support of the proposed policy.

Do you agree with the policy to promote environmental best practice?

Yes – 90.7%

No – 9.3%

3% of respondents did not answer this question

Agreement by role

Resident	95.3%	Town/Parish Councillor	100%
Business	85.7%	Responsible Authority	100%
Councillor	94.1%	Other	70.0%

Comments by main theme

- General support for environmental best practice
- Concern that this policy went beyond licensing objectives
- Need to include other operators including those responsible for waste and clearance of fly tipping
- Concerns around implementation

In support of the policy:

All hands must be on deck to care for our environment. Any way to involve businesses is welcome.

Environmental issues are crucial and we all have our part to play

Policies should consider waste minimisation and encourage recycling as part of conditions.

Against the policy:

Not sure how this would be implemented without being used as another tool against licenced premises.

This is overreach and not in anyway consistent with the four licensing objectives

Need to target other operators, as well as licensing eg waste, fly tipping

New Buckinghamshire Licensing Policy (1)

This final question asked respondents if they had any further comments or areas they would like to see in the new Buckinghamshire Licensing Policy under the Licensing objectives: **Preventing Crime and Disorder; Public Safety; Public Nuisance and Protecting children from harm.**

This section was free text only. Some of the comments had already been made – themes are set out below

Preventing crime and disorder: themes

- The importance of partnership working, in particular with Thames Valley Police and the BID Cos
- Difficulties of monitoring and enforcement of breaches of the policy/of licensing requirements
- Consideration should be given to the impact of placing additional burdens on business

More police visibility in town centres - preferably officers on foot who can take pre-emptive action and can build relationships with licensees.

Working with Partners - ie BID Companies and TVP and other partnerships which will ensure that the licensing objectives are adhered to.

I do believe the licensing objectives are missing a key objective - that of promoting commerciality, vibrancy and a sense of place for our towns.

Public Safety: themes

- Shared responsibility/partnership working
- A wider definition of public safety to include reference to the incoming Martyn's Law
- A wider definition of public safety to include mental health
- Not placing additional burdens on business

Include shared security and also safe public transport from these specific areas at regular intervals

Public safety includes public health & well being. There are many links to mental health here

We must not add additional burdens on firms in our area whether encouraged or compulsory

New Buckinghamshire Licensing Policy (2)

This final question asked respondents if they had any further comments or areas they would like to see in the new Buckinghamshire Licensing Policy under the Licensing objectives: **Preventing Crime and Disorder; Public Safety; Public Nuisance and Protecting children from harm.**

This section was free text only. Some of the comments had already been made – themes are set out below

Public Nuisance: themes

- Learn from the experiences of Covid restrictions
- Promote use of CCTV
- Deal with public nuisance issues on a premises by premises basis
- Address issues of littering
- Consider dedicated phone line for reporting drugs in pubs

incorporate in the policy what licensed businesses have had to put in place this past year, e.g. ventilated shelters, adequate spacing of seating areas especially associated with pavement licences

Better communications with the police

Staged closing times, plenty of bins, CCTV when useful etc - are all strategies to minimise public nuisance.

Protecting children from harm: themes

- That this area is already covered by separate legislation
- Consider children who live in licensed premises (family run pubs)
- Reinforce requirement for age ID/under age purchasing of alcohol
- Consideration for special events and festival

This is vital that the council does not place unnecessary burdens on businesses when laws already exist.

stopping under age sales is the number 1 target - maybe enforcing ID cards on everybody would help that.

please consider children who may live on the premises (family-run village pubs) and provide guidelines around this

An Evaluation of Licensing issues and their impact on Policing and Community Safety.

The aim of this Evaluation is:-

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

Preface from Superintendent Michael Loebenberg BSc(Hons) MSc, Aylesbury Vale Local Police Area Commander

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

The key to effectively managing licensable activities is working in partnership with the Local Authority and key stakeholders such as licensees and members of the community. Working together for the communities of Aylesbury Vale we can protect them from harm and continue to reduce crime, disorder and alcohol related anti-social behaviour.”

Introduction.

During the previous 4 reviews of Aylesbury Vale District Council Licensing Policy Statement, concerns have been raised by Thames Valley

Police and they are still considered important factors when considering the consequences in any expansion of the night time economy in Aylesbury Town Centre.

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

Overview of the Town.

Over the past years the Town Centre of Aylesbury, defined by the area within the ring road, Cambridge Street (Including Cambridge Close), the residential area off New Street and a part of the Queens Park area has undergone some significant changes. New residential developments have been constructed on the Oxford Road/Friarage Road roundabout (Hen and Chickens site), the Oxford Road/Buckingham Street (Ringshall House), and a significant flat conversion on Cambridge Street, New retirement flats have now taken the place of the old cinema. An office block next to Coopers Yard has now been converted into flats; the site of the Britannia public house is now flats. Waitrose and Travel Lodge, and a large Sainsbury's with a significant public realm has evidenced the growth of the town. The current residential population of the town centre stands at approximately 3500 and this does not include the substantial refurbished offices above Friars Square into residential accommodation. Further changes will continue as the town centre expansion continues. The old civic centre has now been demolished and as well as the open planned car park we have a new build comprising of further flats but also new restaurants sit on this site making the Exchange a food led Hub. Also close by is the Waterside development which now incorporates a new modern theatre and is set for further major development. Aylesbury has seen changes in the style of licensed premises within the town with new restaurant style premises increasingly opening and others offering a variety of entertainment.

Whilst the style of premises may have changed over the years, the capacity of the licensed premises within the town centre has increased with the development of the Exchange, the old police station and a new 3 floor premise within Hale Leys. We have seen a slight increase in premises that cater for food being the main part of the operation with no increase in licensing hours. The number of venues that can operate after 11 p.m. at night remains the same. In comparison in 1999 only two public houses operated after 11 p.m. In 2003 this had increased to 14 and in 2010 this had increased to 21. This number is now 27 although a number of premises no longer make use of the full hours on their licences. The capacity of these late night drinking venues remains about the same. Since the introduction of this policy the town centre has seen premises close and re-open.

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

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

Premises spread sheet Appendix A

Consequences in Policing.

The consequence in Policing terms has been the need to review shift patterns, firstly when the new premises on Exchange Street were opened and again when the Licensing Act came in. These patterns are under constant review. Overlapping shifts are required to cover the peak periods in order to increase available officer numbers, which have become later and later. This has both a human cost to the officers, as well as an increase in costs of overtime, unsocial hours payments and use of police officer on Night Time Economy policing instead of other public priorities.

The Licensing Act 2003 has resulted in licensed premises with longer opening hours and consequently Thames Valley Police have changed shift patterns to cover the problems within the town. This has meant officers working longer hours on busy nights. With limited funds available, pre-planned overtime is not utilised to cover Night Time Economy, meaning hours have been taken from other rosters. Any additional extension to hours of licensed premises within the town centre, over and above the generally accepted 2.30am terminal hour will result in significant costs in overtime, a thorough review of shift patterns and potentially breach Health and Safety Worktime Regulations.

In real terms the actual monetary cost of policing on a Friday and Saturday night includes the need for an overlap shift consisting of two sergeants and nine constables, each working on overlap six hours between 9pm and 3am. This equates to £163,000 per annum. (2015 figure) This does not include any overtime needed to police incidents which extend over normal working hours.

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

The reality is that the actual hours worked can put pressure on officer's lives. For example consider an arrest at just before 3am involving a violent offence by two persons against another. These two persons will be escorted by four officers. Other officers will be with the aggrieved at the hospital attempting to get a statement if one can be provided. The two persons arrested will go through the custody procedure and also the seizure of exhibits (e.g. clothing) and dependant on whether the offenders are fit for interview an initial interview will take place. If unfit they will be bedded down until they are fit. In any case the arresting officers and any other witnesses will be required to complete statements before going off duty. These statements and a hand over report will be required for who ever takes over the investigation - normally the CID. It is necessarily a long process to ensure legal process and officers often find themselves working beyond when they should have been off duty. At 0700 a new shift will start. CID will pick up the handover sheet and continue with the investigation. Again the number of officers will be dictated by the number on duty. Officers from other areas may/will be required to cover the investigation team's area. This does not include CSI investigation, any bed watches that have to take place, ambulance and hospital statements, CCTV trawl etc. This will no doubt incur overtime by many officers and this cost is not shown anywhere other than to the force.

See officers report attached as appendix B

Cost to victims

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

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

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

Domestic Abuse within Aylesbury Vale impacts not only on the victim but other agencies to deal with. For the past year April 2020 to March 2021 recorded offences across Aylesbury Vale of domestic violence were 1409. 169 (12%) of these offences occurred between 10pm and 4am Sunday to Thursday, with 102 (7%) on a Friday or Saturday evening between these hours – it is clear that there is a disproportionate distribution of violence late night on a Friday and Saturday when compared to the rest of the week, affecting domestic violence victims.

The Ambulance Service now stations a responder within the town centre to cater for any incidents, most of which occur at the weekends.

Accident and Emergency at Stoke Mandeville Hospital will then have to deal with any person requiring treatment from injuries/collapse which are presented to them by way of Ambulance service self-admission and in a lot of cases where the police have assisted in taking them, police would be required to remain at A & E if the patient was drunk or causing problems.

Crime and Disorder statistics.

Over the years Thames Valley Police has supplied as part of its evidence to support the Special Saturation Policy statistics taken from our Crime reporting and recording systems. At a number of hearings these figures have been questioned, suggesting they are generic and not showing the true picture. What can be said about the figures are that they are reported upon in the same way each year, taken from the same systems and they break down the same type of offences, the dates and time these offences are committed and the place they are committed. They are not generic figures but well researched and consistently reported. Perhaps more importantly these figures have to be examined alongside the experiences of operational police officers and the other blue light services during the night time economy hours. It is in this context that the numerical value of the statistics can be appreciated. It is the aspiration of all of those concerned with the night time economy to reduce the volume of crime and disorder in the town centre and whilst there have been some successes, nevertheless the experience of the police has not warranted a reduction in police resources during the past years. It can be seen that alcohol plays a large part in crime and disorder within the town during the Night time economy. During the year of the pandemic we can see that very few problems occur as alcohol was not freely available.

Figures are attached as appendix C

Conclusion

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

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

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

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

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

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

Policy Proposals Appendix D.

Appendis A

Aylesbury	25/05/2021														
		Alcohol	Close	Alcohol											
Name	Address	Monday		Tuesday		Wed		Thursday		Friday		Saturday		Sunday	
Bell	Market Square	07.00 - 00.00	00.30	07.00 - 00.00	00.30	07.00 - 00.00	00.30	07.00 - 00.00	00.30	07.30 - 01.30	02.30	07.30 - 01.30	02.30	07.00 - 00.00	00.30
Manor	Hale Leys	10.00-00.00	00.30	10.00-00.00	00.30	10.00 - 00.00	00.30	10.00-00.00	00.30	10.00 - 00.00	00.30	10.00 - 00.00	00.30	10.00-00.30	23.00
Carlos	7-11 Temple Street	09.00 - 01.00	01.30	09.00 - 01.00	01.30	09.00 - 01.00	01.30	09.00 - 01.00	01.30	09.00 - 01.30	02.00	09.00 - 01.30	02.00	09.00 - 23.00	23.30
White Hart	Unit 4 The Exchange	11.00 - 02.00	02.30	11.00 - 02.00	02.30	11.00 - 02.00	02.30	11.00 - 02.00	02.30	11.00 - 02.00	02.30	11.00 - 02.00	02.30	11.00 - 00.00	00.30
Emperor	Buckingham Street	10.00 - 01.30	02.00	10.00 - 01.30	02.00	10.00 - 01.00	01.30	10.00 - 01.00	01.30	10.00 - 02.00	02.30	10.00 - 02.00	02.30	11.00 - 00.00	00.30
Rococo	The Exchange	09.00-00.00	00.30	09.00-00.00	00.30	09.00-00.00	00.30	09.00-00.00	00.30	09.00-00.00	00.30	09.00-00.00	00.30	09.00-00.00	00.30
Harrow	4 Cambridge Street	10.00 - 00.00	01.00	10.00 - 00.00	01.00	10.00 - 00.00	01.00	10.00 - 01.00	02.00	10.00 - 01.30	02.30	10.00 - 01.30	02.30	10.00 - 00.00	01.00
Fever & Cirque	14 Kingsbury	11.00 - 02.00	02.30	11.00 - 02.00	02.30	11.00 - 02.00	02.30	11.00 - 02.00	02.30	11.00 - 02.00	02.30	11.00 - 02.00	02.30	12.00 - 22.30	00.00
Wagamamma	Unit 3 The Exchange	10.00 - 02.00	02.30	10.00 - 02.00	02.30	10.00 - 02.00	02.30	10.00 - 02.00	02.30	10.00 - 02.00	02.30	10.00 - 02.00	02.30	10.00 - 00.00	00.30
Kings Head (Courtyard)	Market Square	10.00 - 23.00	00.00	10.00 - 23.00	00.00	10.00 - 23.00	00.00	10.00 - 23.00	00.00	10.00 - 23.00	00.00	10.00 - 23.00	00.00	10.00 - 23.00	00.00
Kings Head (Farmers Bar)	Market Square	10.00 - 00.00	00.00	10.00 - 00.00	00.00	10.00 - 00.00	00.00	10.00 - 00.00	00.00	10.00 - 00.00	00.00	10.00 - 00.00	00.00	10.00 - 00.00	00.00
Pulse 51	1 Silver Street	07.00 - 03.00	3:30	07.00 - 03.00	03:30	07.00 - 03.00	03:30	07.00 - 03.00	03:30	07.00 - 03.00	03:30	07.00 - 03.00	03:30	07.00 -03.00	03:30
Feathers	Kingsbury Court, Kingsbury	08.00 - 01.00	01.30	08.00 - 01.00	01.30	08.00 - 01.00	01.30	08.00 - 02.00	02.30	08.00 - 02.00	02.30	08.00 - 02.00	02.30	08.00 - 00.00	00.30
Niche	1A-3A Market Square	10.00 - 01.40	1:40	19.00 - 01.40	01:40	10.00 - 01.40	01:40	10.00 - 01.40	01:40	10.00 - 02.00	02:00	19.00 - 02.00	02:00	19.00 - 22.30	22.30
Green Man(closed)	Market Square	07.30 - 00.00	00.30	07.30 - 00.00	00.30	07.30 - 00.00	00.30	07.30 - 01.00	01.30	07.30 - 01.00	01.30	07.30 - 01.00	01.30	12.00 - 22.30	00.00
Peking Inn	Cambridge Place	12.00 - 00.00	00.00	12.00 - 00.00	00.00	12.00 - 00.00	00.00	12.00 - 00.00	00.00	12.00 - 00.00	00.00	12.00 - 00.00	00.00	12.00 - 00.00	00.00
Queens Head	Temple Square	10.00 - 00.00	00.30	10.00 - 00.00	00.30	10.00 - 00.00	00.30	10.00 - 01.00	01.30	10.00 - 02.00	02.30	10.00 - 02.00	02.30	12.00 - 23.30	23.30
Rockwood	32 Kingsbury	10.00 - 23.00	23.30	10.00 - 23.00	23.30	10.00 - 23.00	23.30	10.00 - 01.00	01.30	10.00 - 01.00	01.30	10.00 - 01.00	01.30	12.00 - 22.30	23.00
Mirage	39-41 Buckingham St	12.00 - 02.15	02.30	12.00 - 02.15	02.30	12.00 - 02.15	02.30	12.00 - 02.15	02.30	12.00 - 02.15	02.30	12.00 - 02.15	02.30	12.00 - 23.30	23.00

Victoria Club	22 Kingsbury	10.00 - 00.00	0:00	10.00 - 00.00	0:00	10.00 - 00.00	0:00	10.00 - 00.00	0:00	10.00 - 00.00	0:00	10.00 - 00.00	0:00	10.00 - 00.00	0:00
White Swan	3 Walton Street	08.00 - 00.00	0:30	08.00 - 00.00	0:30	08.00 - 00.00	0:30	08.00 - 01.00	01:30	08.00 - 02.00	02:30	08.00 - 02.00	02:30	10.00 - 00.00	00:30
Nando	Unit 2 The Exchange	11.00 - 01.30	02.00	11.00 - 01.30	02.00	11.00 - 01.30	02.00	11.00 - 01.30	02.00	11.00 - 02.00	02.30	11.00 - 02.00	02.30	12.00 - 00.00	
Bar Noosh	Haly Leys, Passage.	11.00-02.00	02.30	11.00-02.00	02.30	11.00-02.00	02.30	11.00-02.00	02.30	11.00-02.00	02.30	11.00-02.00	02.30	11.00-02.00	02.30
Kuzzu	Kingsbury	11.00-00.00	00.32	11.00-00.00	00.30	11.00-00.00	00.30	11.00-00.00	00.30	11.00-00.00	00.30	11.00-00.00	00.30	11.00-00.00	00.30
Zizi	The Exchange	09.00-00.00	00.30	09.00-00.00	00.30	09.00-00.00	00.30	09.00-00.00	00.30	09.00-00.00	00.30	09.00-00.00	00.30	09.00-00.00	00.30
Miya	Exchange street.	11.00-00.00	00.30	11.00-00.00	00.30	11.00-00.00	00.30	11.00-00.00	00.30	11.00-00.00	00.30	11.00-00.00	00.30	11.00-00.00	00.30
The Grill	The Exchange	11.00-00.00	00.30	11.00-00.00	00.30	11.00-00.00	00.30	11.00-00.00	00.30	11.00-00.00	00.30	11.00-00.00	00.30	11.00-00.00	00.30

Appendix B

Appendix B

THAMES VALLEY POLICE

Subject :

Division/Station : Town Centre N/Hood Officer

From : PC David Grainger

To : Licensing Officer

Ref : Night Time Economy

Date : 2nd June 2021

Tel.No.:

Aylesbury Town Centre Night time Economy

Aylesbury town centre has a number of pubs, bars, restaurants and clubs that attract a large number of people from both the town and surrounding villages and towns.

Traditionally this has been policed on Friday and Saturdays with a dedicated shift allocated to the town centre. On both these dates the town starts from late afternoon where drinkers will stop after work and have a few drinks. The pubs etc will do a steady and constant trade until about 21:00 or so where the clientele change.

Up to this time there are normally a few drinkers that cause issues that the police are called to.

Some of the earlier drinkers would go home whilst others would move to clubs such as Fever and Mendoza's etc before moving to other clubs later on at the end of the night, Mirage, Emperor's Fever.

Between roughly 21:00 hours and midnight, the demand on police increases as the intoxication levels increase. There are also a large number of people that due to the current climate drink at home and then come to the town to finish their evening in a club. These people too tend to be very drunk. There is normally an increased police presence in the town after 23:00 hours.

When pubs such as The White Hart close, the drinkers all move into town and the clubs get busy such as The Emperors and Mirage which tend to be the last places to go to as they open late. As the hours tick by into the early hours, there is a bigger demand on police until places such as Emperors and Mirage close but this causes a bigger demand on police. Normally the town centre shift is finished by 03:00 hours but history has shown that the disorder increases past that hour and can go to 04:00 or 05:00 in many cases. The issue being that the drinkers have no more venues to go to, they remain in the town and do not disperse which leads to arguments and disorder. In summary, the policing demand from the town centre increases as the hours go by each Friday and Saturday.

The severity of assaults also increases with the more serious assaults occurring later on in the early hours. Some venues have been very good at assisting the

police once their customers have left such as Fever, whose staff would go out onto Kingsbury and actively assist the police and deal with their customers. Sadly the norm is for the venues to close their doors as soon as they are shut to leave a large number of intoxicated people on the streets for the police to have to deal with the consequences there after.

Appendix C.

Alcohol Related Disorder in Aylesbury Town Centre 2018- 2021

Introduction

This report aims to analyse data in relation to alcohol disorder in Aylesbury Town Centre for the period 2018-2021 for each 24 hr day. And will show recorded offences/incidents in the locations of Kingsbury, Market Square, Cambridge Street, Cambridge Close, Cambridge Place and Exchange Street, which are all located in the town centre. These areas are where there is predominantly the highest amount of licensed premises in the Town Centre.

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

- ABH
- Assault Police
- GBH
- ASB Offences
- Public Order
- Sexual Offences
- Common Assault

Aylesbury Police Evidence Saturation Policy Data

Requested by Trevor Hooper and Insp G Horton

Slides Showing:

Slide 2: Breakdown of offences by type

Slide 3: Offences by day of the week

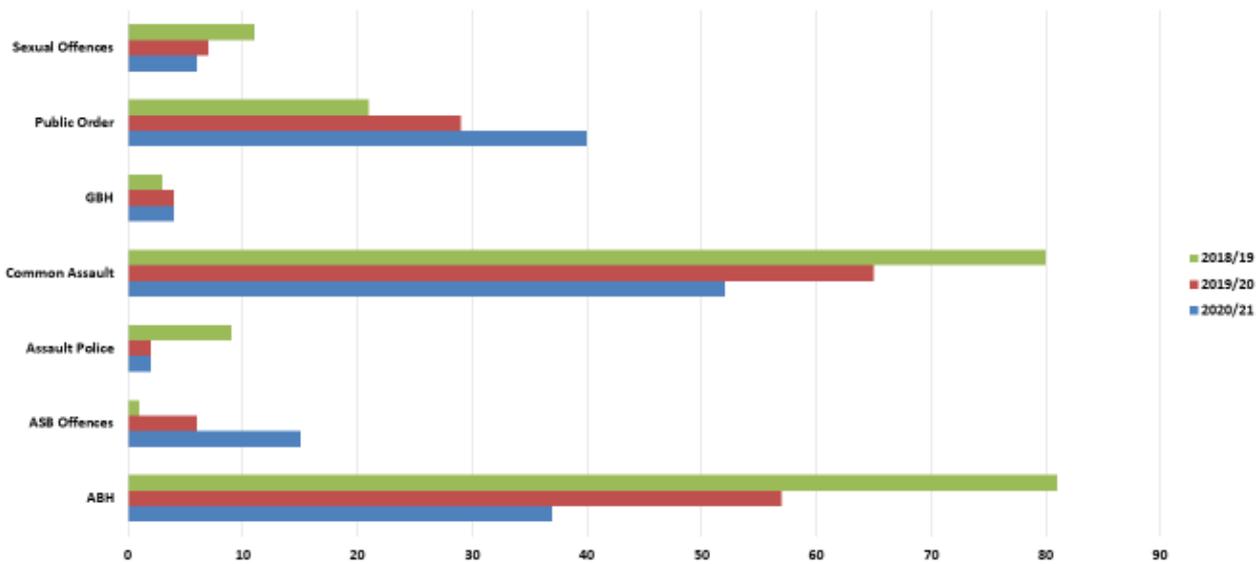
Slide 4: Breakdown of offences by street

Slide 5: Offences by time period

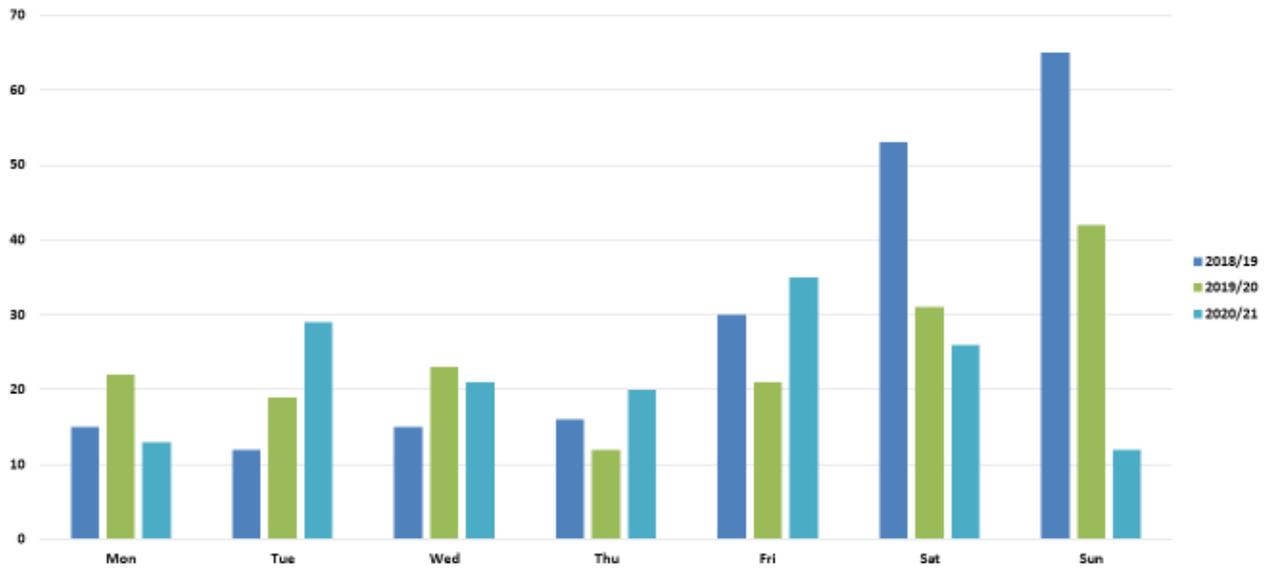
Methodology

All data has been gained from Niche using the iBase database. The time period is from 01/04/2018-31/03/2021 to ensure complete years. The locations are based on streets of interest as set out in slide 4.

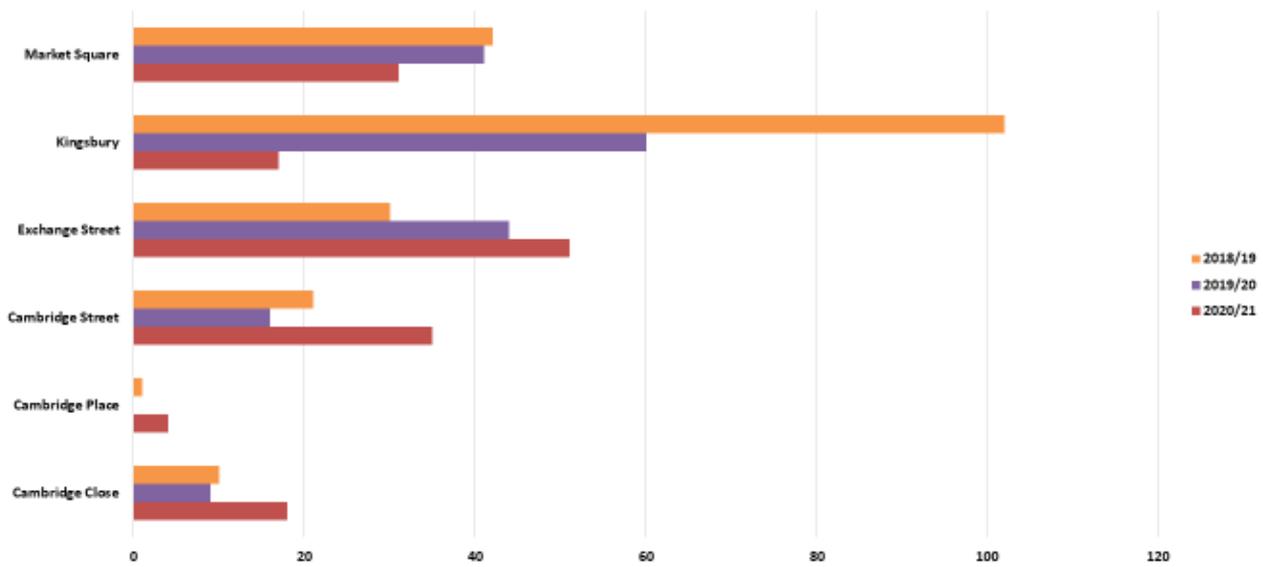
These are all within Aylesbury Town Centre. The offences have been grouped into 7 groups, researched using multiple Stats Class Descriptions that meet the overall threshold. These offence types can be provided if required.



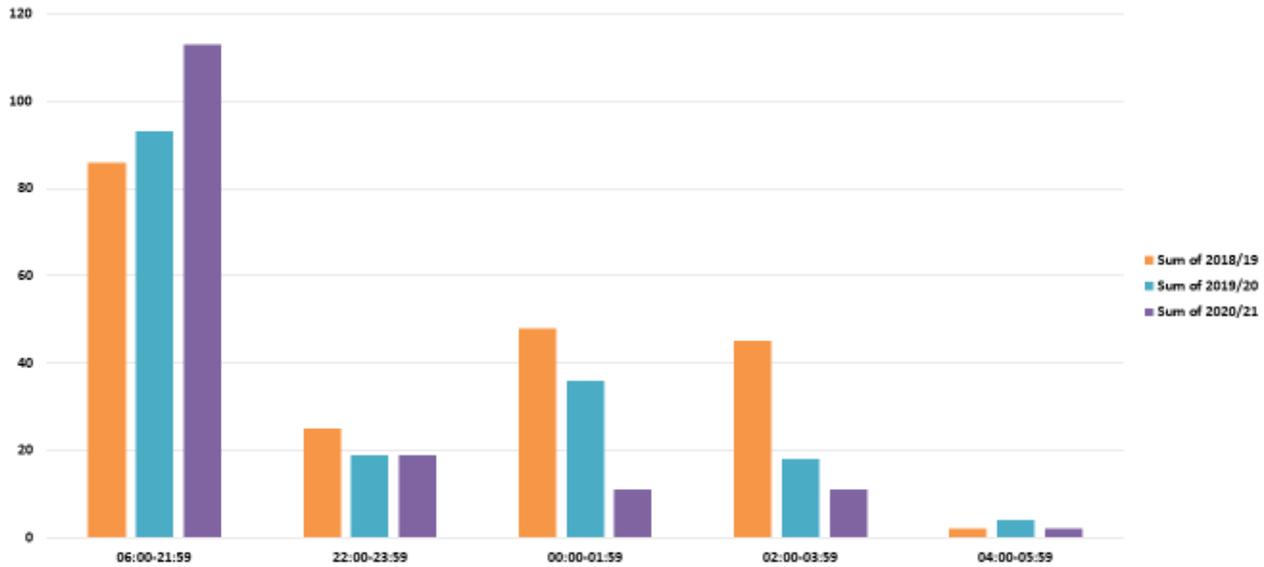
Offence Type	2018/19	2019/20	2020/21	Grand Total
ABH	81	57	37	175
ASB Offences	1	6	15	22
Assault Police	9	2	2	13
Common Assault	80	65	52	197
GBH	3	4	4	11
Public Order	21	29	40	90
Sexual Offences	11	7	6	24
Grand Total	206	170	156	532



Day	2018/19	2019/20	2020/21	Grand Total
Mon	15	22	13	50
Tue	12	19	29	60
Wed	15	23	21	59
Thu	16	12	20	48
Fri	30	21	35	86
Sat	53	31	26	110
Sun	65	42	12	119
Grand Total	206	170	156	532



Street	2018/19	2019/20	2020/21	Grand Total
Cambridge Close	10	9	18	37
Cambridge Place	1	0	4	5
Cambridge Street	21	16	35	72
Exchange Street	30	44	51	125
Kingsbury	102	60	17	179
Market Square	42	41	31	114
Grand Total	206	170	156	532



Time Period	2018/19	2019/20	2020/21	Grand Total
06:00-21:59	86	93	113	378
22:00-23:59	25	19	19	63
00:00-01:59	48	36	11	95
02:00-03:59	45	18	11	74
04:00-05:59	2	4	2	8
Grand Total	206	170	156	532

Appendix D.

Policy Proposals

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

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

Control Measure	Reason
Alcohol free Zone (Designated Public Place Order)	Aylesbury Town Centre as defined by the inner relief road and some areas of Buckingham Town are designated areas in relation to the consumption of alcohol in public. Any changes of use in relation to Licensed Premises in this area need to take into account that it may reduce the effectiveness of this existing control measure. For example the sale of alcohol from tables and chairs situated on the Highway.
<p>Ensure drinking outside and in view of the public is:-</p> <ol style="list-style-type: none"> 1. Enclosed, using robust system that is removed when not in use (7 a.m. to 9 p.m.) 2. Ancillary to a table meal. 3. Served to table. 4. No bottles to be served outside. 5. Stopped by 9 p.m. 6. Fully within view of the Town Centre CCTV system. 	<ol style="list-style-type: none"> 1. There is a need to provide clear demarcation between areas where drinking is or is not allowed. 2. Alcohol served as ancillary to a meal will reinforce the changing drinking culture to a Café style, rather than simply extending traditional drinking culture into the street. 3. Operator to provide waiter/ waitress service to tables outside will not only ensure that management provides adequate monitoring of their premises, but also that the space is used as intended. 4. By avoiding the use of bottles or breakable glass outside, the risk of violence and injury will be minimised. See below. 5. Most late night venues have to employ door staff from 7pm to provide adequate control at the point of entry, it therefore follows that tables and chairs situated outside this area of control should be removed. 6. Such areas need to be planned and considered with reference to the CCTV coverage, and extra cameras funded by the applicant where necessary.
Encouragement of complementary activities eg Restaurants, Cafés, Family venues, Jazz Clubs, Comedy Clubs, Theatres.	Aylesbury Town Centre is dominated by youth focused venues. A new Licensing Policy should encourage the development of complementary uses. See also comments under the saturation policy.
The number and location of food vans	Such facilities need to be located with care to avoid close proximity to other venues or gathering points such as Taxi ranks, to avoid rubbing points which could increase tension within groups already under the influence of alcohol.
<p>Expansion of town centre CCTV system.</p> <p>Installation of CCTV in licensed premises.</p>	<p>A long term strategy part funded through Sec106 contributions.</p> <p>CCTV in licensed premises is seen as good practice for community safety in particular the detection and prevention of crime. Licensed premises unless there are good reasons, should be equipped to a standard and in a manner in accordance with the established Thames Valley Police guidance on installing CCTV.</p>
Lighting proposals	A further long term strategy for lighting should be used to reduce the fear of crime, but also to help in the identification of offenders and enhance the picture quality of CCTV.
Street Urination is a concern especially in shop doorways and alleyways. Many areas install temporary urinals or even ones that rise up at night .	A Policy should be considered to ensure that adequate ground floor toilets are provided within each establishment, where this is not practical a contribution should be required to pay for the provision and maintenance of public facilities.
Pub Watch Membership	Pub watch schemes are considered to be best practice, and should be supported by Thames Valley Police and the Licensing Authority Links with the scheme are already maintained through the provision of a Police Liaison Officer. This policy should encourage voluntary active

	membership of pub watch, including the proper use of the radio/pager system where provided.
A more restrictive Policy in relation to trading hours for high risk premises	Contrary to central Government advice customers do not disperse gradually from premises but leave on masse between last sale of alcohol and closure of the premises..
Drugs Policy	Applicants should be required to adopt an appropriate policy. They should undertake a risk assessment; maintain an incident book to record relevant events. They should be aware of and follow the advise published by the Portman Group "Safer Clubbing" & Government Guidance.
Sundays Policy	Existing licensing hours which have restricted the Sunday trading have proved effective in maintaining lower levels of violent crime and antisocial behaviour. Existing local authority and Police resources do not have the capacity to accommodate later hours on this day of the week. The Aylesbury Town Centre is home to approx. 3500 residents, and many more live just outside the inner relief road. This number is increasing as the new building continues.
Door Supervisors	Late night licensed premises providing music or other entertainment should employ properly registered and trained door staff, who can deal with public order incidents. Clear operational guidelines should be issued for each venue setting out their role and responsibilities, including how they record violent and drug related incidents. See also Drug Policy.
Provision of internal tables and chairs.	To prevent the domination of 'Vertical Drinking' the provision of a reasonable proportion of tables and chairs for customers. e.g. 25 % trading floor area.
Standards of management	Experience shows that good and robust management is key to safe premises and the police would seek evidence of that for high risk premises.

Appendix 5

Buckinghamshire Council statement of Licensing Policy, Licensing Act 2003

Thames Valley Police proposed control measures – Aylesbury town centre

TVP proposed control measure	BC draft Licensing Policy
Alcohol free zone	The draft Policy contains specific sections on “street drinking” and “Off licences and PSPOs” and sets out measures licensees are expected to adopt in areas where PSPOs have been adopted in relation to the control of alcohol.
<p>Ensure drinking outside and in view of the public is:-</p> <ol style="list-style-type: none"> 1. Enclosed, using robust system that is removed when not in use (7 a.m. to 9 p.m.) 2. Ancillary to a table meal. 3. Served to table. 4. No bottles to be served outside. 5. Stopped by 9 p.m. 6. Fully within view of the Town Centre CCTV system. 	The draft Policy has drawn on the Council’s experience of the temporary pavement licensing scheme which has been introduced nationally to encourage greater use of the public highway for hospitality purposes. The Council has adopted a set of standard conditions which have proved successful in facilitating well managed outside spaces, including many premises in the Aylesbury town centre area which have been granted licences. The scheme has been in operation since July 2020 without any reported incidents of concern. Conditions include an 11pm curfew on Fridays and Saturdays, 10pm at other times; and a requirement to regularly monitor outside areas. Under the crime and disorder section of the draft Policy there is a specific section on “drinking vessels” and applicants are directed to consider the use of safe alternatives to regular glass in high risk environments and outside areas.
Encouragement of complementary activities eg Restaurants, Cafés, Family venues, Jazz Clubs, Comedy Clubs, Theatres.	The draft Policy recognises the importance of encouraging non-alcohol led premises to not only promote the licensing objectives but also to help support more vibrant communities and this is set out in the “Diversity” section
The number and location of food vans	The “Prevention of crime and disorder” section of the draft Policy clearly explains

	that applicants are expected to consider local circumstances, including terminal hour of other licensed premises, local crime and antisocial behaviour “hot spots” and position of taxi ranks.
Expansion of town centre CCTV system. Installation of CCTV in licensed premises. Lighting proposals	The provision of CCTV is addressed in the “Prevention of crime and disorder section” although the “expansion of town centre CCTV system” is outside the scope of the Policy and not something within the control of licence holders. Furthermore under the “Physical measures” section licensed operators are encouraged to adopt a “designing out crime” approach when designing premises, including consideration of lighting.
Street Urination is a concern especially in shop doorways and alleyways. Many areas install temporary urinals or even ones that rise up at night.	Licence holders have a duty to promote the licensing objectives and if there is a reasonable risk of public nuisance arising from street urination then licence holders should address this in their operating schedule. Likewise responsible authorities have the ability to make representation if they believe an operating schedule does not adequately address this risk. All licensed premises must show the location of any toilet facilities on their licence plan, which forms part of any application for a new licence or variation to existing layout. The experience of the licensing service is that in almost all instances this will not be an issue for licensed premises, not least because it is clearly desirable for hospitality venues to provide adequate facilities for their customers. The draft Policy emphasises the overriding theme of the Licensing Act and statutory guidance which is that each application should be considered on a case by case basis. It should also be noted that currently no scheme currently exists to allow businesses to contribute to the costs of running public toilets.
Pub Watch Membership	The importance of Pubwatch membership is emphasised in the draft

	Policy, all licensed premises are encouraged to join a local scheme, or set one up where it does not already exist.
Drugs Policy	The section on “Illegal drugs” sets out policy expectations in terms of preventing the consumption and supply of illegal drugs at licensed premises
Sundays Policy	Presently there is no specific Sunday hours policy in place in for Aylesbury, however the closing hour for most licensed premises in the town centre is midnight or 00:30. Three premises are permitted to close later at 01:00, 02:30 and 03:30 respectively. The draft Policy has a specific section on “Hours” and makes it clear that hours will be set on a case by case basis and a stricter approach will be taken to licensing hours in areas of higher residential density.
Door Supervisors	The “Door supervisor” section of the draft Policy sets out the expectation that licensed operators will employ door supervisors on the basis of a sensible and realistic risk assessment. Furthermore the Council reserves the right to imposes conditions in this regard if deemed necessary to promote the prevention of crime and disorder.
Provision of internal tables and chairs (to prevent domination of ‘vertical drinking’).	The draft Policy sets out expectations in respect of measures to promote “Responsible sale and supply of alcohol” to prevent drunkenness on licensed premises. These measures are expected to be reflected in written policies and procedures.
Standards of management	A dedicated section to “standards of management” sets out the matters to be taken into account when assessing an applicant’s or licence holder’s commitment to high standards of management and consequences of non-compliance.

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Report to Licensing Committee

Date: 22nd July 2021

Title: Pavement Licensing - The Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2021

Author: Charlie Robinson, Licensing Manager (Chiltern and South Bucks area)

Ward(s) affected: none specific

Recommendations:

1. To note the changes to the Business & Planning Act 2020 introduced by The Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2021.
2. To confirm the proposed duration of pavement licences, subject to The Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2021 coming into effect.
3. To confirm the level of fee charged in respect of applications for pavement licences issued under the Business & Planning Act 2020.

1. Introduction

1.1. The Business and Planning Act 2020 obtained Royal Assent on 22 July 2020. The Act introduced a number of powers and requirements on local authorities that affect how they deal with a variety of issues, with the aim of supporting local businesses and helping economic recovery as the COVID-19 restrictions put in place by Government continue to be eased. The two most relevant sections of the Act cover:

- The change in approach to outdoor furniture provision for relevant businesses (as defined in the Act) to enable them to increase their trading space 'pavement licences'.
- Relaxation of off sales of alcohol for licensed premises

1.2. The new powers are temporary, and were originally in place until 30 September 2021, however there are new draft regulations (Business and Planning Act 2020

(Pavement Licences) (Coronavirus) (Amendment) Regulations 2021) which are anticipated to receive royal ascent imminently. These new regulations will amend The Business and Planning Act 2020, extending these powers to 30 September 2022, subject to parliamentary approval.

1.3. Under the Business and Planning Act 2020, pavement licences are currently handled by the Licensing Service, as an alternative to the previous regime which was the responsibility of the Highways Service. As a result of the imminent extension of the powers to 30 September 2022, the Council needs to ensure that processes are in place to allow applications to continue to be made, consulted upon and determined within a short timescale.

2. Background

2.1. The Business and Planning Act 2020 requires Councils to deal with any food and drink related pavement licence applications submitted to them, and also introduces other important changes to the way that these are dealt with. The key requirements of pavement licensing are as follows:

- Any business selling and/or serving food or drink may apply for a pavement licence to have tables and chairs and other street furniture, such as patio heaters, placed on the highway adjacent to their premises for the benefit of their customers. If the land is not a highway and is privately owned land separate consent of the landowner is required.
- Licences will be considered granted unless the Council rejects them within a set statutory period.
- The Council has 14 days to determine an application, with half of that forming a public consultation, and the other half being the time permitted for the consultations received to be considered and a decision made.
- A maximum fee of £100 can be charged for applications.
- All licences issued would expire on or before 30th September 2021. Councils have the ability to issue licences for shorter periods.

2.2. At a meeting of the Licensing Committee on 9th September 2020, members were made aware of the changes introduced by the Act and resolved that a fee of £100 would be charged for each pavement licence and once issued, all licences would be valid for the maximum length, until 30 September 2021, in line with government guidance. Since that meeting, the Council has issued 38 pavement licences.

2.3. Whilst it is difficult to predict the number of new applications that the Council will receive, it is anticipated that as restrictions lift, more premises will open and becoming look to expand, potentially leading to more applications being received for pavement licences. Due to the extension of the current scheme being directly

linked with the COVID-19 pandemic, the future requirements of pavement licensing past September 2022 still remain unclear, nor has government provided any indication as to whether this will be the final extension of these temporary powers.

3. Recommended approach

Duration of licence

- 3.1. As the pavement licence regime was originally time limited to run through to 30th September 2021, all of the licences issued under the scheme are due to expire on this date. As such, if these premises wish to maintain their outside areas currently covered by a licence, they will need to re-apply. As the application process is designed to be as burden free and expedited as possible, this should not cause any delay in re-issuing licences to premises and not be subject to a lengthy process. The legislation does enable the Council to issue a pavement licence for a shorter duration than the length of the scheme, however guidance issued by the Local Government Association indicates that the Council should only consider issuing for a shorter duration than the length of the scheme where there is reasonable reason to do so e.g. where the application is linked to a time limited road closure. The legislation also requires that the licence is issued for no less than a 3-month minimum period so were the Council to agree a shorter licence duration there could be difficulties with this for both businesses and the Council. The spirit of the legislation is such that the general position is that licences should be issued for the full duration of the scheme.
- 3.2. In order to promote consistency in our approach, it is recommended that the committee agrees that subject to the new regulations coming into effect, the Council continues to issue pavement licences for the maximum permitted length. This would mean that although premises with existing licences will have to re-apply, their newly issued licences will be valid until 30th September 2022. Similarly, all new licences issued will also be valid until 30th September 2022.

Fees

- 3.3. Under the Act pavement licences are a non-executive function and are therefore delegated to the Licensing Committee. Officers are appropriately delegated for all functions but the Committee is responsible for the setting of fees. The Act sets a maximum fee threshold of £100.
- 3.4. In 2020 the fee proposed to the Committee for pavement licences was £100. The costs to the council of administering the new pavement licence scheme are in the region of £300 per licence application which is far in excess of the fee income that the Council receives. There are also additional associated costs of the regime including a likely increased requirement for enforcement activity where businesses are not complying with their licences or with Covid-19 guidance. This falls primarily to the teams working within Licensing and Environmental Health Services alongside

the Police. There may also be a requirement for additional highways involvement where issues of concern are raised that impact the public highway.

3.5. It is recommended that the Committee confirms to retain the same fee of £100 for each pavement licence in line with the maximum amount specified by Government. This will go part way towards the costs of the provision of this service and the associated regulatory activity.

4. Legal and financial implications

(Information provided above).

5. Corporate implications

- Property – Links to Estates & Property Services where setting out licences exist and/or the Council is a landowner of open or public realm space
- HR – N/A
- Climate change – N/A
- Sustainability – N/A
- Equality (does this decision require an equality impact assessment) – equalities have been considered and the Councils recommended approach reflects the Government guidance provided on this issue.
- Data (does this decision require a data protection impact assessment) – N/A

6. Consultation and communication

6.1. Information for applicants and licensees is available on the website. Regular updates are also provided to businesses via email by Communications colleagues.

7. Background papers

- Draft Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2021
<https://www.legislation.gov.uk/ukdsi/2021/9780348224344/contents>
- Keeping workers and customers safe during COVID-19 in restaurants, pubs, bars and takeaway services, HM Government.
<https://assets.publishing.service.gov.uk/media/5eb96e8e86650c278b077616/Keeping-workers-and-customers-safe-during-covid-19-restaurants-pubs-bars-takeaways-230620.pdf>
- Licensing of Outdoor Drinking & Dining, Local Government Association
https://www.local.gov.uk/sites/default/files/documents/UPDATE%20Outdoor%20eating%20and%20drinking%20guidance_0.pdf

- MHCLG Guidance: pavement licences (outdoor seating proposal)
<https://www.gov.uk/government/publications/pavement-licences-draft-guidance/draft-guidance-pavement-licences-outdoor-seating-proposal>

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Report to Licensing (Regulatory) Committee

Date: 22nd July 2021

Title: Taxi and Private Hire Licensing Fees and Charges

Author(s): Caroline Steven, Licensing Team Leader (Wycombe area), Lindsey Vallis, Transition Head of Licensing, Cemeteries & Crematoria Services

Decision:

That the proposed fees and charges set out at Appendix 1 are agreed to become effective as of the 6th September 2021.

1. Background

- 1.1 Taxi licensing fees are currently being charged separately in the legacy district council areas, with different licence fees, charges and fee structures being applied.
- 1.2 The new Buckinghamshire Council Taxi and Private Hire Licensing Policy was approved at the Council meeting on the 24th February 2021 and is due to be implemented on the 6th September when the existing legacy area zones will be removed and replaced with one single operating area.
- 1.3 As a result, it is now necessary to align all fees and charges relating to taxi licensing to enable full implementation of the policy and provide consistency across the Council area for both applicants and licence holders. Failure to implement a single set of fees would prevent the implementation of the policy and result in unfairness, inconsistency and disadvantage to some sectors of the trade.
- 1.4 Taxi fees are required by law to be cost neutral and the relevant legislation and case law set out the elements of the licensing process which can be included in the calculation of fees.
- 1.5 The relevant legal provisions are set out in the Local Government (Miscellaneous Provisions) Act 1976 ('the Act') and specifically section 53 with respect to driver licences and section 70 in relation to vehicle and operator licences, both of which permit the recovery of a reasonable fee for the grant of a licence.
- 1.6 Despite an apparent disparity between sections 53 and 70 of the Act regarding whether the power to set fees is an executive or non-executive function, Regulation

2(6) of the Local Authority (Functions and Responsibilities) (England) Regulations 2000 requires that “where a charge is made for any such approval, consent, licence, permit or registration, the amount of the charge, is not to be the responsibility of an executive of the authority”. As a result, fee setting for taxi licensing is a non-executive function.

- 1.7 This report seeks the approval of proposed fee levels following a full consultation process, including required statutory advertising. If approved, the proposed fees and charges will take effect from the 6th September 2021.

2. Main content of report

- 2.1 Section 53 of the Act specifies that the costs related to issue and administration of licences can be recovered in driver’s licence fees. In respect of vehicle and operator licences, section 70 specifies that the reasonable cost of inspecting vehicles, the reasonable cost of providing hackney carriage stands and any reasonable administrative costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles can be included in the fees.
- 2.2 Until recently, it was generally thought that the costs of enforcement could not be included in the calculation of fees for driver licences. The judgement in the Court of Appeal case of *R (app Rehman) v Wakefield City Council [2020] R.T.R. 11 (2019)*, however, determined that “administration” can include the cost of enforcement or compliance against licensed drivers. The same principles also apply to the enforcement of vehicles and operators.
- 2.3 Licence fees cannot, however, be used for enforcement activities against unlicensed operators and it is therefore necessary for the cost of enforcement of unlicensed drivers, vehicles and operators to be met out of general funds and costs awarded following Court proceedings. This work forms a very small part of the overall work of the taxi licensing service with the vast majority of activity directed at the licensed trade.
- 2.4 The Council cannot make a profit from licence fees and any surplus or deficit must be carried forward and form part of any subsequent review of fees. The legacy council budget position for taxi licensing differs considerably by council area with Aylesbury Vale area carrying a small budget surplus of £100K in 2020/21 and Chiltern, South Bucks and Wycombe carrying a historical combined budget deficit of £186k over the 2018/19 and 2019/20 period. The Aylesbury Vale area reserve fund is routinely used at financial year end to offset staffing costs within the service and to fund service improvements including IT and digital development which represents an appropriate and legitimate approach and is in accordance with the associated requirements in the Act. Current budget projections indicate that any Aylesbury Vale

surplus will be fully utilised within the service by the 6th September 2021 when the new Taxi and Private Hire Licensing Policy is implemented. Should this not be the case then it will be included in the rolling review of fees and charges within the service going forward.

- 2.5 In part the historical budget deficit in the Chiltern, South Bucks and Wycombe areas can likely be attributed to the choice in the market introduced by the Deregulation Act 2015 which removed the restriction that limited sub-contracting to within District boundaries. This means that private hire operators are permitted to sub-contract bookings between licensed operators, and as a consequence a journey booked with an operator in one District may be undertaken by a vehicle and driver licensed in another District, (providing the booking has been passed to a licensed operator in the second District). Following the introduction of the Act Aylesbury Vale area saw a significant increase in application numbers whilst Chiltern, South Bucks and Wycombe areas saw a corresponding fall in licence application numbers. The economies of scale associated with the staffing and operation of the services may have meant that had fees been reviewed at this time it could have been difficult to provide a cost neutral service whilst maintaining reasonable fee levels.
- 2.6 The Council has the option to seek to recover the deficit in the taxi licensing budgets within the Chiltern, South Bucks and Wycombe areas by including this in the new fees and charges proposed. Given that the deficit budget position pre-dates the formation of Buckinghamshire Council, and that the licensed trade will see some increases in fees and charges associated with the implementation of the new statutory standards and Policy changes, it is not proposed that this option is pursued. However, it is clearly necessary that the service moves to a cost neutral budget position where the cost recovery process adequately funds the service that must be provided.
- 2.7 The general methodology behind the review of fees has been determined by the Act and the document 'Open for business: Local Government Association (LGA) guidance on locally set licence fees'. This guidance has been used as a starting point only because it does not take into account the specific statutory restrictions applicable to taxi and private hire fees and therefore not all the costs listed as recoverable in the guidance have been included in the fees. It was last revised in June 2017 and so also does not take into account the decision in the recent Wakefield case in relation to enforcement costs.
- 2.8 The LGA guidance acknowledges that the EU Services Directive, applicable to most forms of licensing, does not apply in the case of taxi and private hire licensing but the principles, however remain helpful. The core principles are that fees should be non-discriminatory; justified; proportionate; clear; objective; made public in advance; transparent; and accessible.

- 2.9 The LGA guidance draws attention to two important judicial decisions in relation to fees. The first is *R (Cummings) v Cardiff [2014]* which rules that the charges within a licensing regime for different categories of licence should be accounted entirely separately and should not subsidise each other. This means that driver licence fees cannot subsidise vehicle or operator licence fees and vice versa.
- 2.10 The second is *Hemming v Westminster*. Strictly speaking this does not apply to taxi and private hire licensing as this case proceeded under the auspices of the EU Services Directive from which transport services are specifically excluded. The principle ruling was that application fees relate solely to the costs of authorisation i.e. reviewing the application and granting or refusing it. Successful applicants should subsequently be charged an additional fee relating to the costs of on-going maintenance and enforcement. Whilst this is not necessarily applicable to taxi and private hire licensing it would be prudent to bear in mind the principle and might inform the Council's refund policy in respect to unsuccessful applications.
- 2.11 The LGA guidance acknowledges that Councils are free to design their licensing service in a manner that best serves the needs of their community and recover the costs accordingly. It provides a number of elements that Councils may wish to consider. These include administration, visits, third party costs, liaison with interested parties, management costs, local democracy costs, staffing on-costs, development, determination and production of licensing policies, web material, advice and guidance, setting and reviewing fees, monitoring and inspection visits and maintaining statutory registers.
- 2.12 A comprehensive review of the cost of delivering taxi licensing services was carried out and new fees are proposed that reflect both the full staffing costs of running the service as well as the support service costs. As required, this review has factored in recoverable costs incurred by the Council such as Democratic Services and Committees, corporate governance, office accommodation, IT provision, administration, supplies and services etc. It does not include Freedom of Information requests, Data Protection Act requests or activity related to unlicensed drivers, operators or vehicles. A fee schedule of the proposed fees and charges is provided at Appendix 1.
- 2.13 Members should note that these fees have been amended since they were previously considered by the Committee, insofar as they have been reduced from the previous stated figures. Further information is provided in relation to this amendment later in the report.
- 2.14 Where the fee pays for a service provided to the Council by a supplier, such as DVLA checks, or a physical item such as a plate or bracket for a vehicle, this has been factored into the fee. DBS fees are set partly by the DBS and partly by our supplier and vary to a small extent annually. The DBS fee is therefore detailed separately and

will be increased annually to reflect supplier cost increases. This will not require a formal approval process. The cost of physical supplies also varies dependent on supplier costs and will be increased annually to reflect supplier cost increases. This will not require a formal approval process.

- 2.15 Fees which are paid by the applicant directly to an external supplier for services required as part of the application or licensing process, such as medical examinations and testing for driving standards and English language, have not been included. Currently licensed vehicle inspection arrangements differ within the legacy council areas. As such separate fees have been calculated for the cost of carrying out vehicle inspections. Work is currently being carried out with the aim of aligning testing processes for all licensed vehicles for the future.
- 2.16 Following unitarisation the Licensing Service is currently engaged in service improvement under the Better Buckinghamshire programme which will result in the legacy district council area licensing teams being brought together into a single licensing service for Buckinghamshire. This process is underway and a single taxi licensing team will be in place prior to the implementation of the new Buckinghamshire Council Taxi and Private Hire Licensing Policy (currently scheduled for the 6th September 2021). A new single online digital application process for taxi licensing is also in development and will be implemented alongside the new Policy. This will ensure that applicants are able to access and receive the service in the same way across the whole of the Buckinghamshire area and will have their applications processed in a single back office system to consistent service standards. The proposed fees have been costed based on the developing new team structure, processes and digital solutions to ensure that they as far as possible reflect the cost of this new harmonised approach.
- 2.17 Since the proposed fees were last considered by this committee on 14th April 2021, additional work has been carried out on further improving operational and digital processes. As a result, it has been possible to reduce all of the originally proposed fees, and in particular the fee for driver licences. Given that a high percentage of the feedback from the trade raised concerns over the increase in the fee for driver licences, this may go some way to alleviating those concerns.
- 2.18 Approval of the proposed amended lower fees would not cause a difficulty in terms of the consultation exercise and statutory adverts because any approved fees for operators and vehicles are maximum fees. There is no legal requirement to advertise or consult on driver fees although the same principle applies.
- 2.19 In arriving at the proposed fee levels, Officers considered the steps required for each licence type in order to process, validate, review, and grant or refuse a licence including external cross-check requirements such as Disclosure and Barring Service checks, knowledge tests and mechanical vehicle checks. A time estimate of activity

required at each step was carried out based on an understanding of the existing processes and digital systems currently in place and this has been combined with the digital development work underway with the Council's software providers. This information has then been considered in relation to historical application volumes, pre-Covid-19, for each licence type as well as staffing costs, direct and indirect costs (as per the LGA guidance) associated with the taxi licensing service to arrive at the proposed fee levels. The methodology and approach used as well as costings have had input and oversight from Finance Business Partner colleagues.

- 2.20 The new Buckinghamshire Council Taxi and Private Hire Licensing Policy implements the Statutory Taxi and Private Hire Vehicle Standards which were introduced in July 2020 by the Department for Transport and which aim to protect children and vulnerable adults from exploitation. Councils must have regard to these new standards and it is expected that they will be adopted unless there is compelling local reason not to do so. The Standards and Policy introduce a number of new requirements for existing and new drivers including an enhanced check with the Disclosure and Barring Service (DBS) every 6 months during the duration of each 3-year licence, English language testing for new and existing drivers, safeguarding training for new drivers and operators and refresher training for existing drivers. In addition, Operators must submit annual Basic Disclosure Certificates from the DBS. The proposed fees reflect the additional resource and associated costs that it is considered are necessary within the licence application processes and during the duration of the licence to deliver these requirements. Given that the Statutory Standards by their nature predominantly relate to the drivers of taxi and private hire vehicles, it is in this area that increases in activity impact proposed fee levels. Case law judgments indicate that Licensing Committees should not take financial considerations into account when reaching taxi licence decisions and that the overriding objective must be public safety. This is of relevance here and means that whilst the Council are mindful of fee impacts on the taxi trade, this should not take precedence in decision making at the expense of public safety.
- 2.21 On the 27th April 2021 a question relating to the statutory standards and their financial impact on the trade was put to the Secretary of State for Transport. In response Rachel Maclean MP stated, "A full impact assessment was published alongside the Statutory Taxi and Private Hire Vehicle Standards in July 2020. This found that if the full cost of the Standards was passed on to drivers, the increased cost would be £62.24 per driver per year which would equate to a three pence increase per fare." This amount is higher than the proposed increase for licensed drivers in any of the legacy areas.
- 2.22 A full report setting out the requirements of the new Statutory Standards and their impact was presented to this committee on the 3rd February 2021.

- 2.23 A benchmarking exercise was carried out of current fee levels charged by neighbouring local authority areas (12) and this is attached as Appendix A. Four of the five neighbouring local authorities where fees are lower than those proposed for Buckinghamshire have not yet reviewed their fees following the introduction of the Statutory Standards in July 2020. It is considered reasonable to assume that they may increase fee levels at the point that they carry out fee review given that licensing authorities must adopt the new standards (and associated workload activity) unless there is compelling local reason not to do so. Despite this, benchmarking indicates that the proposed fees for Buckinghamshire remain lower for vehicles and operators than almost all of our neighbouring authorities, and that the proposed fees for drivers are in the mid-range of fees currently charged.
- 2.24 A comparison of the proposed and existing taxi licensing fees is provided at Appendix B and sets out the proposed fees against the comparative licence fees currently charged in the legacy district council areas under the four existing Taxi Licensing Policies. Also provided is the related percentage increase or decrease between the existing fee by area and the proposed fee. This comparison illustrates that the proposed fees for licensing vehicles and operators are generally lower than those currently charged in the legacy areas.
- 2.25 As previously mentioned, the increased activity associated with the licensing of drivers means that the proposed fees for drivers are higher than those charged in the legacy areas, with drivers currently licensed in the Aylesbury Vale and Wycombe areas most impacted and drivers currently licensed in the Chiltern and South Bucks areas least impacted. Worthy of note is that when considered over the duration of a 3-year driver licence the proposed cost per annum for a licence is £101.00. In addition, a significant number of drivers are also vehicle proprietors (and a lesser number operators) and will therefore 'benefit' from lower proposed fees in these areas. Whilst the Service is mindful of the impacts of an increase in fee to licensed drivers, the legislative framework on cost recovery and the increased activity associated with the implementation of the Statutory Standards means that fees must increase in this area.
- 2.1 The legislation does not require the Council to make a precise calculation so as to arrive at an income which exactly meets the cost of the administration of the various licences. However, Councils are required to take a reasonable and proportionate approach and should aim to set a fee level that is sufficient to cover the cost but not make a surplus. On that basis it is proposed that a full service review of fees is carried out on a rolling three year basis, thus affording the opportunity to reconcile any surplus or deficit accrued. In addition to this, the fees will be reviewed annually in relation to any increase in RPI and where appropriate an increase will be applied to the fee to recover related increased costs to the Council. The Government are currently reviewing RPI and may replace it with another inflationary measure. If this

is the case an annual increase in relation to any new measure prescribed, where appropriate, will be applied to the fee to recover related increased costs to the Council.

Consultation

- 2.2 At its meeting on the 14th April 2021, the Committee agreed to approve the then proposed fees for a full consultation process. Since that meeting the fees have been advertised in newspapers throughout the council area as required by the legislation. All licence holders have also been contacted and provided with a link to information on the fees along with a feedback survey. The consultation ended on the 7th July 2021 and 84 responses were received. 81 of these were received via the website feedback form and 3 additional responses were received via email. A full report containing the website responses is attached at Appendix C. Of the responses received by email, all of these indicated that there should be no increase in fees. Copies of these responses are attached at Appendix D.
- 2.3 The majority of consultation responses (56.8%) were from licensed drivers who were not in agreement with any increase in fees. This negative response is unsurprising given that this is the only area where it is proposed that the fees will increase, as a result of the requirements of the new statutory standards. As mentioned above the proposed increase in driver fees is lower than that predicted by the Department for Transport in this respect.
- 2.4 A smaller percentage of overall responses (6%) were in agreement with the proposed new fares.
- 2.5 The majority of responses were received from licence holders licensed by the Aylesbury area (63.1%) which reflects the area profile in terms of number of licences held in the respective legacy areas.
- 2.6 The level of responses received from private hire drivers was roughly equivalent to those received from joint hackney carriage and private hire or hackney carriage only drivers and so does not indicate a split across the trades in their views.
- 2.7 The main reason given by drivers for not making any increase in fees (37%) is the impact that the pandemic has had on the trade over the last 15 months. A number of other responses also make general reference to recent a loss in earnings which is also likely to be directly attributable to the pandemic.
- 2.8 Although there is sympathy with this view and it is accepted that a number of different trades and industries have been badly impacted by nationally and locally imposed restrictions, it is unfortunate that the statutory standards were implemented during the pandemic with only a very short implementation timescale. This period has not been extended and it is now necessary to implement the

standards, which inevitably will result in increased costs to the Service as identified by the Department for Transport. It should also be reiterated that the vehicle and operator fees have actually been reduced across all legacy areas.

- 2.9 A number of responses refer to an apparent new requirement that all vehicle licence holders will be required to travel to Aylesbury for vehicle testing. Although feasibility studies are currently ongoing in relation to future vehicle testing requirements, there is currently no proposal for all licensed vehicles to be tested at the in-house garage at Pembroke Road in Aylesbury. It is therefore unclear why this concern has arisen.
- 2.10 A number of identical responses were also received which indicate that some responses may have been submitted more than once.

Conclusion

- 2.11 Overall, the results of the consultation were as expected and are not surprising given the current climate and the difficulties faced by the trade during the pandemic. However, the authority is required by law to provide the taxi and private hire licensing service which is also required to be cost neutral.
- 2.12 The proposed fees compare favourably with surrounding authorities despite the likelihood that many of these will inevitably be increased in coming months with the implementation of the statutory standards.
- 2.13 The majority of the proposed fees are lower than those paid by current licence holders. Although a necessary increase in driver fees is proposed due to the statutory standards, this increase is lower than envisaged by the Department for Transport and has been kept to an absolute minimum whilst maintaining this statutory service and ensuring the safety and wellbeing of the travelling public. It should also be noted that the proposed fees are all now lower than those previously proposed within the consultation following further work on new operational and digital processes resulting from Service harmonisation as a result of the formation of the unitary authority.
- 2.14 Taxi licensing fees and charges will be kept under close review to ensure that they have been set at an appropriate level and any surplus or deficit will be included in future reviews to ensure that the trade are paying a reasonable fee for licences, as required by the legislation. Further reports will be provided to the Committee in this respect on an annual basis.

3. Next steps and review

- 3.1 If approved, the proposed fees will come into effect across the whole council area on the 6th September 2021 with the implementation of the new Taxi and Private Hire

Licensing Policy, thereby ensuring consistency and fairness for all members of the trade.

- 3.2 Fees will be reviewed annually and further reports will be provided to this committee following review.

4. Other options considered

None. Taxi fees are required to be cost neutral and a reasonable fee must be charged to cover the cost of the service. Legally the Council cannot make a profit from taxi licensing. The removal of the legacy council zones requires that a single set of fares is charged to all licence holders.

5. Legal and financial implications

Sections 53 and 70 of the Act allow for the recovery of a reasonable fee for the grant of a driver, operator and vehicle licence. The fees must be set at a level which ensures that the Council does not make a profit and any deficit or surplus should be taken into consideration in subsequent fee reviews, to be recovered or refunded over a rolling three-year cycle.

6. Corporate implications

- 6.1 Protecting the vulnerable – The licensed trade provides an important service in transporting members of the public, some of which are vulnerable due to their age or for other reasons. Taxi fees should be set at a level which ensures that all necessary checks and testing can be carried out to ensure that new applicants are “fit and proper” to hold a licence and for compliance checks and appropriate enforcement measures to be undertaken with existing licence holders where required.
- 6.2 Property – N/A
- 6.3 HR – N/A
- 6.4 Climate change – the legislative framework is such that it is difficult for Councils to incentivise the use of environmentally friendly vehicles through reduced fee levels as the costs associated with processing and administering a vehicle licence are the same. In effect a reduced fee would mean that other vehicle licence holders were subsidising the use of these vehicles. The Policy instead incentivises the use of less polluting vehicles through the provision of extended vehicle age limits
- 6.5 Sustainability – N/A

Equality – an amended full equalities impact assessment has been carried out is attached as Appendix E. The EQIA has been reviewed and updated since it was first produced as part of the drafting of the new Taxi and Private Hire Licensing Policy. It will continue to be reviewed and updated at regular intervals as the Policy and

associated activity progresses through the decision making and implementation process.

6.6 Data – N/A

6.7 Value for money – while the paramount consideration is passenger safety, the Licensing Service has ensured that the costs involved in delivering the service are kept to a minimum. Following the implementation and embedding of a new single taxi licensing service structure for Buckinghamshire, it may be possible to realise additional service efficiencies. This will be captured as part of the rolling fee review process.

Key documents:

DfT Taxi and Private Hire Vehicle Licensing: Best Practice Guidance 2010

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/212554/taxi-private-hire-licensing-guide.pdf

“Open for Business”, LGA Guidance on locally set fees:

<https://www.local.gov.uk/open-business-lga-guidance-locally-set-licence-fees>

UK Parliament – question put to Rachel Maclean in relation to the Statutory Standards

<https://questions-statements.parliament.uk/written-questions?SearchTerm=Taxis%3A+Standards&DateFrom=25%2F03%2F2021&DateTo=31%2F07%2F2022&AnsweredFrom=01%2F04%2F2021&AnsweredTo=30%2F04%2F2021&House=Commons&MemberId=4668&Answered=Any&Expanded=True>

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	Buckinghamshire Proposed fees	West Northants - South Northants Area	Milton Keynes	Central Beds	Dacorum	Three Rivers	TfL	Slough	Windsor & Maidenhead	Wokingham	South Oxford	Vale of White Horse	Cherwell												
Drivers (3yr licence)																									
PH Driver - New	303	250	-17%	285	-6%	251	-17%	355	17%	473.6	56%	362	19%	322.5	6%	144	-52%	360.5	19%	360	19%	360	19%	249	-18%
PH Driver - Renew	303	250	-17%	270	-11%	251	-17%	302	0%	439.1	45%	362	19%	294.5	-3%	144	-52%	360.5	19%	360	19%	360	19%	225.5	-26%
HC Driver - New	303	250	-17%	285	-6%	251	-17%	355	17%	473.6	56%	352	16%	322.5	6%	144	-52%	360.5	19%	360	19%	360	19%	249	-18%
HC Driver - Renew	303	250	-17%	270	-11%	251	-17%	290	-4%	439.1	45%	352	16%	294.5	-3%	144	-52%	360.5	19%	360	19%	360	19%	225.5	-26%
Dual - New	303	250	-17%	285	-6%	251	-17%	381	26%	550.6	82%	N/a		322.5	6%	204	-33%	360.5	19%	360	19%	360	19%	249	-18%
Dual - Renewal	303	250	-17%	270	-11%	251	-17%	328	8%	537.6	77%	N/a		294.5	-3%	204	-33%	360.5	19%	360	19%	360	19%	225.5	-26%
Includes initial DBS check fee																									
Vehicles (1 yr licence)																									
PH Vehicle - New	183	270	48%	277	51%	298.6	63%	246	34%	184	1%	140	-23%	226	23%	255	39%	290	58%	220	20%	194	6%	277	51%
PH Vehicle - Renew	159	250	57%	273	72%	203.8	28%	246	55%	153.5	-3%	140	-12%	226	42%	255	60%	290	82%	220	38%	194	22%	256	61%
HC - New	176	292	66%	293	66%	359	104%	370	110%	184	5%	110	-38%	226	28%	315	79%	290	65%	315	79%	325	85%	305.5	74%
HC - Renew	152	270	78%	287	89%	275	81%	275	81%	153.5	1%	110	-28%	226	49%	315	107%	290	91%	315	107%	325	114%	265	74%
Excludes vehicle test fees																									
Operators (5 year licence)																									
Operator 1 vehicle - New	285	230	-19%	919	222%	1050	268%	443	55%	973.5	242%	2000	602%	411	44%	1325	365%	472	66%	158	-45%	454	59%	256	-10%
Operator <10 - New	559	390	-30%	1225	119%	1050	88%	751	34%	1740	211%	2000	258%	1080	93%	2200	294%	1062	90%	420	-25%	722	29%	424	-24%
Operator 10 - 50 - New	927	1210	31%	2450	164%	1050	13%	751	-19%	1816.5	96%	19000	1950%	3930	324%	7100	666%	1873.25	102%	577	-38%	899	-3%	1264	36%
Operator >50 - New	1457	1230	-16%	3675	152%	1050	-28%	751	-48%	1816.5	25%	30000	1959%	3930	170%	7100	387%	1873.25	29%	577	-60%	899	-38%	1264	-13%
Operator 1 vehicle - Renew	285	230	-19%	888	212%	700	146%	443	55%	973.5	242%	2000	602%	411	44%	1325	365%	354	24%	158	-45%	454	59%	256	-10%
Operator <10 - Renew	559	430	-23%	1195	114%	700	25%	751	34%	1740	211%	2000	258%	1080	93%	2200	294%	944	69%	420	-25%	722	29%	424	-24%
Operator 10 - 50 - Renew	927	1230	33%	2420	161%	700	-24%	751	-19%	1816.5	96%	19000	1950%	3930	324%	7100	666%	1755.25	89%	577	-38%	899	-3%	1264	36%
Operator >50 - Renew	1457	1230	-16%	3645	150%	700	-52%	751	-48%	1816.5	25%	30000	1959%	3930	170%	7100	387%	1755.25	20%	577	-60%	899	-38%	1264	-13%
Owner drivers																									
PH owner driver - new	486	520	7%	562	16%	549.6	13%	601	24%	657.6	35%	502	3%	548.5	13%	399	-18%	650.5	34%	580	19%	554	14%	526	8%
PH owner driver - renew	462	500	8%	543	18%	454.8	-2%	548	19%	592.6	28%	502	9%	520.5	13%	399	-14%	650.5	41%	580	26%	554	20%	481.5	4%
HC owner driver - new	479	542	13%	578	21%	610	27%	725	51%	657.6	37%	462	-4%	548.5	15%	459	-4%	650.5	36%	675	41%	685	43%	554.5	16%
HC owner driver - renew	455	520	14%	557	22%	526	16%	565	24%	592.6	30%	462	2%	520.5	14%	459	1%	650.5	43%	675	48%	685	51%	490.5	8%

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fee	Buckinghamshire Council proposed fee (April 21)	Buckinghamshire Council proposed fee (July 21) (yellow indicates a change)	Current Aylesbury Vale fee	Aylesbury Vale % decrease or increase on current fee	Current Chiltern & South Bucks fee	Chiltern & South Bucks % decrease or increase on current fee	Current Wycombe fee	Wycombe % decrease or increase on current fee	notes
Hackney Carriages/Private Hire Vehicle Licences (fee set by Zone)									Vehicle licences only run for 1 year and the vehicle must pass a mechanical inspection before the licence is issued. Applicants are required to pay suppliers directly for required tests including vehicle inspections.
One year Hackney Carriage Vehicle Licence Grant	£188.00	£176.00	£300.00	-41	£399.00	-56	£266.00	-34	
One year Hackney Carriage Vehicle Licence Renewal	£164.00	£152.00	£300.00	-49	£300.00	-49	£266.00	-43	
One year Private Hire Vehicle Licence Grant	£195.00	£183.00	£307.00	-40	£329.00	-44	£261.00	-30	
One year Private Hire Vehicle Licence Renewal	£171.00	£159.00	£307.00	-48	£230.00	-31	£250.00	-36	
Replacement internal licence	£18.00	£18.00	£22.00	-18	£15.00	20	N/A	N/A	
Replacement plate	£24.00	£24.00	£34.00	-29	£25.00	-4	£26.00	-8	
Replacement plate, holder and door stickers	£33.00	£33.00							
Replacement paperwork	£18.00	£18.00							
Transfer of Vehicle (from one owner to another)	£64.00	£64.00	£102.00	-37	£90.00	-29	£67.00	-4	
Insurance vehicle/change of vehicle	£51.00	£51.00	£180.00	-72	£67.00	-24	N/A	N/A	
Change of details	£18.00	£18.00	£16.00	13	N/A	N/A	N/A	N/A	
Vehicle MOT/compliance test at Pembroke Road testing centre	£56.00	£56.00							
Vehicle retest at Pembroke Road testing centre (not tested within statutory free retest period)	£26.00	£26.00	£26.00	0	N/A	N/A	N/A	N/A	
Non-attendance of a booked vehicle inspection at Pembroke Road testing centre	£75.00	£75.00	£75.00	0	N/A	N/A	N/A	N/A	
Operators Licence (fee set by Zone)									If you run a private hire firm, you need an operator licence. Operator licences are usually granted for 5 years. In exceptional circumstances the Council may grant a 1 year operator licence at its discretion, but this will not normally be the case.
one vehicle only - one year	£241.00	£228.00	£677.00	-66	£155.00	47	£124.00	84	The grant of a 1 year licence is an exception rather than the norm. The cost of administering and granting a licence is associated with the activities/processes that have to take place and therefore a one year licence for a one vehicle operator is less cost effective than a 5 year licence where the associated ongoing costs to the Council are far lower for a smaller business.
one vehicle only - five years	£297.00	£285.00	£677.00	-58	£663.00	-57	£494.00	-42	cost p/a over licence duration = £57.00
under 10 vehicles - one year	£316.00	£303.00							
under 10 vehicles - five year	£571.00	£559.00							cost p/a over licence duration = £111.80
under 50 vehicles - one year	£354.00	£341.00							
under 50 vehicles - five year	£940.00	£927.00							cost p/a over licence duration = £185.40
50+ Vehicles - One Year	£392.00	£379.00	£677.00	-44	£305.00	24	£721.00	-47	
50+ Vehicles - Five Years	£1,469.00	£1,457.00	£677.00	115	£1,413.00	3	£2,150.00	-32	cost p/a over licence duration = £291.40
Replacement Licence	£18.00	£18.00							
replacement paperwork	£18.00	£18.00							
Variation of licence	£55.00	£55.00							

fee	Buckinghamshire Council proposed fee (April 21)	Buckinghamshire Council proposed fee (July 21) (yellow indicates a change)	Current Aylesbury Vale fee	Aylesbury Vale % decrease or increase on current fee	Current Chiltern & South Bucks fee	Chiltern & South Bucks % decrease or increase on current fee	Current Wycombe fee	Wycombe % decrease or increase on current fee	notes
Drivers' Licences (fee set by Zone)									Driver licences are usually granted for 3 years, but may be granted for a shorter duration in specific circumstances. Application costs include safeguarding and disability awareness training and the initial enhanced Disclosure and Barring Service (DBS) check. Applicants are required to pay suppliers directly for required tests and documents including cabology, knowledge tests, English language tests and medicals.
Three Year Hackney Carriage Drivers Licence Grant	£320.00	£303.00	£193.00	57	£332.00	-9	£187.00	62	cost p/a over licence duration = £101.00
Three Year Hackney Carriage Drivers Licence Renewal	£320.00	£303.00	£175.00	73	£256.00	18	£187.00	62	cost p/a over licence duration = £101.00
Three Year Private Hire Vehicle Drivers Licence Grant	£320.00	£303.00	£193.00	57	£332.00	-9	£187.00	62	cost p/a over licence duration = £101.00
Three Year Private Hire Vehicle Drivers Licence Renewal	£320.00	£303.00	£175.00	73	£256.00	18	£187.00	62	cost p/a over licence duration = £101.00
Three year dual private hire/hackney carriage licence	£320.00	£303.00	£193.00	57	£394.00	-23	£240.00	26	cost p/a over licence duration = £101.00
Three year renewal dual	£320.00	£303.00	£175.00	73	£297.00	2	£240.00	26	cost p/a over licence duration = £101.00
Extension of licence (visa)	£53.00	£53.00	£53.00	0	N/A	N/A	£50.00	6	
Change of details	£22.00	£22.00	£16.00	38	N/A	N/A	N/A	N/A	
Initial Enhanced Disclosure and Barring Service check	£55.00	£55.00	£44.00	25	£48.50	13	£40.00	38	Included within application fee. Following the Enhanced DBS check Applicants are required to sign up to the DBS updater service and pay the DBS directly for this service.
Replacement identity badge	£42.00	£42.00							
Replacement paperwork	£14.00	£14.00							

TO BE REDUNDANT FEES				
Service	Buckinghamshire Council proposed fee	Current Aylesbury Vale fee	Current Chiltern & South Bucks fee	Current Wycombe fee
Other Vehicle Fees (fee set by Zone)				
Transfer (with door stickers)	N/A	£102.00	£90.00	£67.00
Transfer (without door stickers)	N/A	N/A	£90.00	£41.00
Replacement Licence Plate	N/A	£22.00	£20.00	£26.00
Replacement Door Sticker	N/A	£23.00 EACH	£20.00	£13.00
Licence Plate Platform	N/A	N/A	£10.00	£10.00
Licence Plate Brackets	N/A	£11.00	£17.50	£20.00
Replacement Identity Badge	N/A	£10.00	£10.00	£16.00
Non- Attendance Fee	N/A	£75.00	N/A	£15.00
Replacement Paperwork	N/A	£10.00	£10.00	£10.00
Admin charge should licence not be granted	N/A	N/A	£47.00	N/A
Taxi Vehicle Licence (fee set by Zone)				
12 months (under 6 years old)	N/A	N/A	N/A	£266.00
6 months (6 years old and over)	N/A	N/A	N/A	£154.00
Temporary Licence	N/A	N/A	N/A	£105.00
Private Hire Vehicle Licence (fee set by Zone)				
12 months (under 6 years old) without door stickers	N/A	N/A	N/A	£250.00
12 months (under 6 years old) with door stickers	N/A	N/A	N/A	£261.00
6 months (6 years old and over) with door stickers	N/A	N/A	N/A	£154.00
6 months (6 years old and over) without door stickers	N/A	N/A	N/A	£143.00

Additional Charge for Executive Licence Plates	N/A	N/A	N/A	£41.00
Temporary Licence	N/A	N/A	N/A	£105.00
Knowledge Test Fee	N/A	N/A	N/A	£26.00
Operators Licence (fee set by Zone)				
New Applications and Renewals	N/A	£677.00	N/A	£124.00
One year Private Hire Vehicle Operator's Licence	N/A	£677.00	N/A	N/A
(Two to four vehicles C&SB; two to five vehicles Wycombe) Five Years	N/A	£677.00	£913.00	£762.00
(Two to four vehicles C&SB; two to five vehicles Wycombe) One Year	N/A	£677.00	£205.00	£190.00
(Five to ten vehicles C&SB; six to 10 vehicles Wycombe) Five Years	N/A	£677.00	£1,163.00	£968.00
(Five to ten vehicles C&SB; six to 10 vehicles Wycombe) One Year	N/A	£677.00	£255.00	£242.00
11 to 20 vehicles Five Years	N/A	£677.00	£1,413.00	£1,200.00
11 to 20 vehicles One Year	N/A	£677.00	£305.00	£299.00
21 - 50 Vehicles - Five Years	N/A	£677.00	£1,413.00	£1,940.00
21 - 50 Vehicles - One Year	N/A	£677.00	£305.00	£484.00
Knowledge Test Fee (1st test free)	N/A	N/A	£25.00	£46.00
Applications in Company names - additional charge	N/A	N/A	N/A	£50.00
Amendment to licence	N/A	N/A	N/A	£60.00
Drivers' Licences (fee set by Zone)				
One Year Hackney Carriage Drivers Licence Grant	N/A	N/A	£161.00	N/A
One Year Hackney Carriage Drivers Licence Renewal	N/A	N/A	£95.00	N/A

One Year Private Hire Vehicle Drivers Licence Grant	N/A	N/A	£161.00	N/A
One Year Private Hire Vehicle Drivers Licence Renewal	N/A	N/A	£95.00	N/A
One year new dual	N/A	N/A	£196.00	N/A
One year renewal dual	N/A	N/A	£145.00	N/A
English language test	N/A	£46.00	N/A	N/A

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Taxi licensing fees consultation: report on results

Introduction

Buckinghamshire Council has undertaken an online consultation for new taxi licencing fees which are being set as part of the new Buckinghamshire Council Taxi and Private Hire Licensing Policy agreed earlier this year

The law requires that a statutory 28 day consultation must take place for any increase in vehicle and private hire operator licence fees. Adverts were published in newspapers throughout the Council area to notify of the new proposed fees.

The Council is also consulting on the proposed driver fees. All licence holders have been informed of the proposed new fees and taxi trade representatives have also been invited to attend a question and answer session to answer any queries or discuss any concerns in relation to the proposed fees.

The proposed fees were considered by the Council's Licensing and Regulatory Committee and were approved for consultation purposes at a meeting on the 14 April 2021.

The online consultation opened on 31 May 2021 and closed on 7 July 2021.

The consultation focused on the opportunity for respondents to comment on the proposal consultation through a free text question.

The consultation received 81 responses [out of just over 3,000 licensed drivers licensed by the Council]

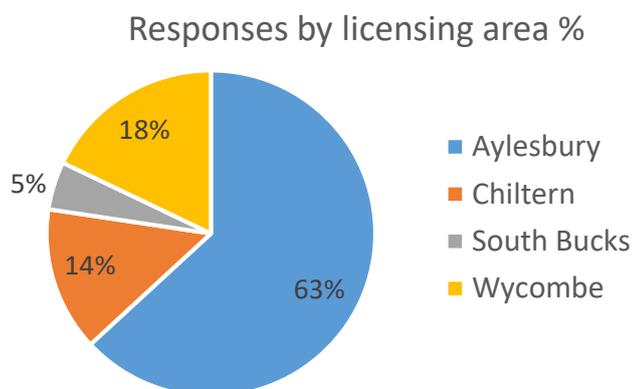
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Respondents by licensing area

Respondents were asked which of the Council areas they were licenced by. Respondents may be licenced in more than one area therefore the total number is higher than the 81 respondents.

Responses by licensing area	Number	%
Aylesbury	53	63.1%
Chiltern	12	14.3%
South Bucks	4	4.8%
Wycombe	15	17.9%
Total	84	100.0%



The high percentage of respondents from the Aylesbury area reflects the overall area profile for taxi licences where the vast majority are in Aylesbury.

Respondents by licence

Respondents were asked which of the following licence(s) they held. Respondents may hold more than one type of licence therefore the total number is higher than the 81 responses.

Type of licence held	Number	%
Driver	63	56.8%
Private hire operator	21	18.9%
Vehicle licence holder	27	24.3%
Total	111	100.0%

Respondents were asked additionally what type of licence they held as drivers: "If you are a licensed driver, what type of licence do you hold?"

Licensed driver	Number	%
Hackney carriage	13	16.0%
Joint private hire and hackney carriage	28	34.6%
Private hire	38	46.9%
n/a	2	2.5%
Total	81	100.0%

Response to the proposed fees: support or disagreement

As anticipated, due to the increase in fees in some areas, there was a majority of respondents (88% of respondents) disagreeing with the proposed fees

Response	Number	%
Support	5	6.2%
Disagreement	71	87.7%
N/A	5	6.2%
Total	81	100.0%

Response by area

Support for the new fees was only from those licenced in the Aylesbury area, there were no expressions of support from other areas.

Area	Support		Disagreement		N/A		Total
	Number	%	Number	%	Number	%	
Aylesbury	5	9%	43	81%	5	9%	53
Chiltern	0	0%	12	100%	0	0%	12
South Bucks	0	0%	4	100%	0	0%	4
Wycombe	0	0%	15	100%	0	0%	15

Response by role

Support was distributed across the roles but with a clear majority in disagreement.

NB Respondents may hold more than one type of licence therefore the total number is higher than the 81 responses.

Role	Support		Disagreement		N/A		Total
Driver	4	6.3%	57	90.5%	2	3.2%	63
Private hire operator	2	9.5%	18	85.7%	1	4.8%	21
Vehicle licence holder	5	18.5%	20	74.1%	2	7.4%	27

Response by driver role

	Support		Disagreement		N/A		Total
Hackney Carriage	0	0%	12	92%	1	8%	13
Private Hire	4	11%	31	82%	3	8%	38
Joint private hire and hackney carriage	1	4%	26	93%	1	4%	28
N/A	0	0%	2	100%	0	0%	2

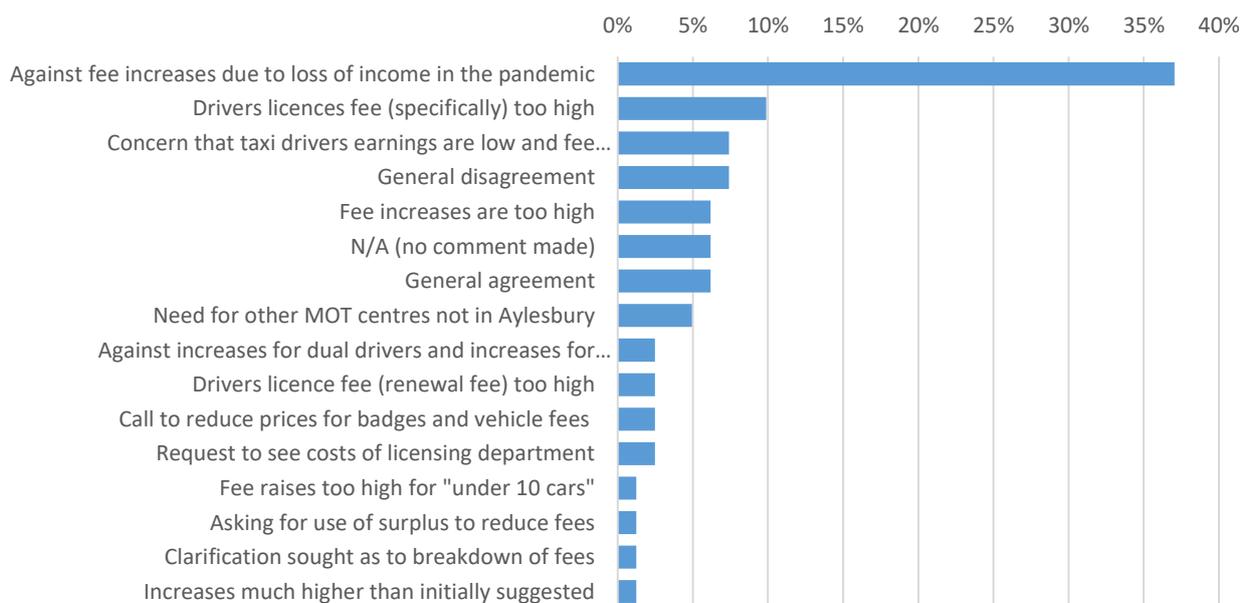
Free text analysis

Respondents were asked to submit comments regarding the proposed fees. The comments were grouped by theme and analysed as an overall cohort of respondents, together with analysis by area and by types of licences held.

Full set of responses

Free text comment by theme	Number	%
Against fee increases due to loss of income in the pandemic	30	37.0%
Drivers licences fee (specifically) too high	8	9.9%
Concern that taxi drivers earnings are low and fee increases are too high	6	7.4%
General disagreement	6	7.4%
Fee increases are too high	5	6.2%
N/A (no comment made)	5	6.2%
General agreement	5	6.2%
Need for other MOT centres not in Aylesbury	4	4.9%
Against increases for dual drivers and increases for renewals	2	2.5%
Drivers licence fee (renewal fee) too high	2	2.5%
Call to reduce prices for badges and vehicle fees	2	2.5%
Request to see costs of licensing department	2	2.5%
Fee raises too high for "under 10 cars"	1	1.2%
Asking for use of surplus to reduce fees	1	1.2%
Clarification sought as to breakdown of fees	1	1.2%
Increases much higher than initially suggested	1	1.2%
Total	81	100.0%

Free text comments by theme



Free text themes: commentary

Overall

- An expression of disagreement with the increased fees due to loss of earnings during the Covid 19 pandemic was the top theme by a considerable margin.
- There was also concern expressed that taxi driver earnings were low and the fee increases were too high – comments themed in this category did not refer specifically to the impact of the pandemic but it might be assumed that some at least were referring to recent loss of earnings in the pandemic.
- There were some comments made specifically around the increases in drivers' licence fees, again this would have been expected given the increase across the board
- Those expressing general support did not expand on the reasons for their support

Differences by area

- Points made around disagreement with the increased fees due to loss of earnings during the Covid 19 pandemic were the top theme in every area, again by a considerable margin.
- A request that MOT centres be available in areas other than Aylesbury was expressed in Chiltern and in Wycombe areas.
- Expressions of general agreement was only found in the Aylesbury area
- There were a number of expressions of general disagreement where it was not possible to categorize these more specifically

By role

- Points made against the increased fees due to the loss of earnings during the Covid 19 pandemic were the top theme for all roles responding

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Appendix D – consultation responses received directly to the Licensing Service

From: xxxxxxxxxxxxxxxxxxxxxxxxxxxx

Sent: 04 June 2021 20:57

To: Taxi Licensing Mailbox <taxilicensing.av@buckinghamshire.gov.uk>

Subject: [EXTERNAL]

I strongly disagree with the increase in the licencing fees we haven't had pay rise in last 10years we will go on strike if were pushed thanks

From: xxxxxxxxxxxxxxxxxxxxxxxxxxxx

Sent: 21 June 2021 15:50

To: Licensing <licensing.csb@buckinghamshire.gov.uk>

Subject: [EXTERNAL] Re: *UPDATE* Taxi Licensing Fees and Charges Consultation 20/00001/TXPHD3

Hi i dnt think so its good time to raise the fee and other think we are south bucks driver but i saw these days to many tfl driver works in our area which affects us alot i thinks its ur responsibility to stop them or our council make a agreement with uber and gv us uber plates as some other councils doing then u can charge us as much u want thanks

From: xxxxxxxxxxxxxxxxxxxxxxxxxxxx

Sent: 04 June 2021 18:26

To: Taxi Licensing Mailbox <taxilicensing.av@buckinghamshire.gov.uk>

Subject: [EXTERNAL] Re: New taxi and private hire licence fees

No fees should be increased please

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Equality Impact Assessment (EqIA) Screening Template

EqIA – Full Equality Impact Assessment

Step 1: Introduction

Policy or Service to be assessed: Taxi and Private Hire Licensing Policy

Service and lead officer: Licensing Service, Lindsey Vallis, Transition Head of Licensing, Cemeteries & Crematoria

Officers involved in the EqIA: Simon Gallacher, Principal Licensing Officer, Aylesbury area, Caroline Steven, Licensing Team Leader, Wycombe and Chiltern and South Bucks area.

What are you impact assessing?

- Existing
- New/proposed

- Changing/Update revision

Other, please list:

-
-

Step 2: Scoping – what are you assessing?

What is the title of your service/strategy/policy/project?

Buckinghamshire Council Taxi and Private Hire Licensing Policy

What is the aim of your service/strategy/policy/project?

The Council's taxi and private hire licensing policy is an important document that demonstrates the Council's commitment to securing public safety, provides clarity for applicants and licence holders, assists decision making, facilitates enforcement activities and helps safeguard against legal challenge. The creation of Buckinghamshire Council presents an opportunity to create a new policy that incorporates the new statutory taxi and private hire vehicle standards, promotes the highest possible standards to secure public safety, supports the Council's key priorities of protecting the vulnerable and improving the environment and promotes the local economy. A new policy has been prepared with a view to adoption and implementation in 2021.

The purpose of licensing private hire and hackney carriage (taxi) operations is to ensure that the travelling public are provided with a safe and accessible means of transport. Public safety should always be the primary consideration when making licence decisions concerning the licensing of drivers, vehicles and operators. The Council's taxi and private hire licensing policy plays an integral part in both securing and demonstrating the Council's commitment to this important objective.

The creation of Buckinghamshire Council has brought together four separate licensing authorities, each formerly designated to administer the licensing arrangements in respect of private hire and hackney carriage operations. To support this licensing function, each former District adopted distinct policies, procedures, fee structures, conditions and Byelaws.



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Legal advice provided prior to vesting day, confirmed that in accordance with the provisions of the Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008 (SI 2008/2867) (“the 2008 Regulations”), while licensing functions are now administered by Buckinghamshire Council, the functions and systems of the former District Councils continue to apply to the respective geographic areas of the former Councils. As a consequence, until such time as the new Council exercises its discretion to amalgamate these areas, the local licensing arrangements will continue to apply in the geographic areas of the former Districts.

Legal opinion further confirmed that Buckinghamshire Council was not required to have new unified policies in place to cover its geographical area immediately for vesting day. However, it is clearly desirable that Buckinghamshire Council moves to align policies and procedures in respect of taxi and private hire licensing matters. It is important that decision making is consistent and drivers, vehicles and operators are held to the same standards across the Council and, as far as possible, that they are subject to the same fee and tariff levels.

Who does/will it have an impact on? E.g. public, visitors, staff, members, partners?

The purpose of licensing private hire and hackney carriage (taxi) operations is to ensure that the travelling public are provided with a safe and accessible means of transport. Public safety should always be the primary consideration when making licence decisions concerning the licensing of drivers, vehicles and operators. The Council’s taxi and private hire licensing policy plays an integral part in both securing and demonstrating the Council’s commitment to this important objective. Taxis provide a source of transport to a wide range of residents including vulnerable adults and children as well as disabled people. The new Policy will impact the travelling public and the existing taxi licensing trade. Staff working within the Licensing Service will need training on the new policy requirements and associated back office processes at the point of implementation to ensure that it is applied consistently.

Will there be an impact on any other functions, services or policies? If so, please provide more detail

The Policy has been benchmarked against the Council’s developing Climate Change & Air Quality Strategy. Environmental aspirations are reflected within the taxi and private hire licensing policy in relation to the reduction of vehicle emissions and the development of a less environmentally polluting taxi fleet over time.

Are there any potential barriers to implementing changes to your service/strategy/policy/project?

Taxi and private hire licensing is governed by statute and some Policy changes are the result of statutory requirements which means that there is limited opportunity for change in these areas. Policy changes generally require public consultation. The Licensing Committee agreed that the draft Policy should go out for public consultation on the 9th November 2020. Consultation feedback has been considered and incorporated where prior to the Licensing Committee making a decision as to whether to recommend adoption of the Policy to Full Council.

Step 3: Information gathering – what do you need to know about your customers and making a judgement about impacts



Equality Impact Assessment (EqIA) Screening Template

What data do you already have about your service users, or the people your policy or strategy will have an impact on, that is broken down by equality strand?

Age/Disability:

Any decision on the retention or removal of hackney carriage zones will likely influence the provision of wheelchair accessible vehicles (WAVs) for the travelling public. The legacy district areas currently have different requirements in relation to vehicle specifications and wheelchair accessible vehicles:

Current vehicle specification:

Vehicle type	Aylesbury	Wycombe	Chiltern	South Bucks
Hackney Carriage	Purpose built (black or white 'London cab' type or similar), all must be WAVs	Saloon car, hatchback car or other suitable vehicle. All new licensed vehicles must be WAVs	Saloon car, hatchback car or other suitable vehicle. All new licensed vehicles must be WAVs	Saloon car, hatchback car or other suitable vehicle. All new licensed vehicles must be WAVs

Current wheelchair accessible vehicles by type:

% or vehicles that are WAVS	Aylesbury	Wycombe	Chiltern	South Bucks
Hackney Carriage	100%	48.3%	1.4%	1.2%
Private Hire Vehicle	4.4%	6.7%	1.4%	1.25%

In England in 2019, 16% of all licensed vehicles were wheelchair accessible. 58% of all hackney carriages were wheelchair accessible while 2% of private hire vehicles were wheelchair accessible.

In Buckinghamshire in 2019 7.2 % of all licensed vehicles were wheelchair accessible 24.7% of all hackney carriages were wheelchair accessible and 4.5% of private hire vehicles were wheelchair accessible.

As a benchmark, according to the Disabled Persons Transport Advisory Committee (DPTAC), a proportion of less than 25% WAVs within the fleet would be unlikely to meet the necessary levels of service. A mixed fleet of WAVs and other vehicle types is most likely to meet the needs of disabled passengers.

The Policy also contains a section on the approach on licensed vehicles transporting assistance dogs.

Race:



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Nationally those from BAME backgrounds make up a large percentage of the total number of taxi drivers with those from White and Asian/Asian British, making up 42% and 40% of drivers respectively in 2018/19 (Taxi and Private Hire Vehicle Statistics 2019: England). 25% of taxi drivers working in England in 2018/19 were non-UK nationals. These trends are likely to be broadly reflected within the Buckinghamshire Council area taxi trade. In 2016 BAME people made up 14% of the working age population and people from BAME backgrounds are disproportionately represented within the taxi trade when compared to this figure. Government statistics (Ethnicity facts and figures Gov.uk) show that those from Asian backgrounds are more likely to be employed in the distribution, hotels and restaurants sectors and that people living in Asian (or Other) ethnic group households are most likely to be living in persistent low income (less than 60% of the UK's median average income for 3 out of 4 years, this was £28k for a couple with no children in 2016-17). The median annual earnings in the UK in April 2019 for taxi and cab drivers and chauffeurs was £21,167 per annum (ONS: Employee earnings in the UK:2019).

The implementation of the new Policy will require a review of the fees and charges for the taxi licensing service and existing fees will likely change as a result of the additional requirements placed on the Service by the new statutory taxi and private hire vehicle standards and by other Policy changes. Changes made within the Policy that increase the work required within Licensing Services will be reflected in the licensing fees charged to the trade and could result in increases in the fees charged for some services. However, this must be balanced alongside the overriding Policy objective of protecting public safety. Case law judgments indicate that Licensing Committee's should not take financial considerations into account when reaching taxi licence decisions and that the over-riding objective must be public safety. This is of relevance here and means that whilst the Council may be mindful of fee impacts on the taxi trade, this cannot take precedence in decision making.

It is not currently possible to provide an indication of the financial impact that these policy changes may have on the taxi trade ahead of the approval and adoption of the Policy but this should be kept under review as the decision making process continues. Most changes to taxi licensing fees and charges also require public consultation and as such any proposed changes to the existing charging structures will be presented to Licensing (Regulatory) Committee to review ahead of a further public consultation process. It is proposed that this separate report will come forward subsequent to the approval process for the Policy itself.

It is currently proposed that some of the Policy changes are delayed to enable the existing licensed trade to plan and prepare for them. This recognises the need to balance the possible cumulative financial impacts on the taxi trade as well as the need to promote the highest possible standards to secure public safety, including through the incorporation of the new statutory taxi and private hire vehicle standards into the Policy. A key area where changes are proposed that may result in financial impacts on the existing licensed trade is vehicle age limits and an emissions policy. The Policy states the intention to delay the implement of these changes for the existing licensed taxi trade enabling them an opportunity to plan and prepare for a change in fleet (where necessary).

Once the new Policy is adopted a single maximum hackney carriage tariff will be set for the Buckinghamshire Council area. Currently the tariffs vary across the legacy district council areas and the tariffs in the Aylesbury area are some of the lowest in England. The setting of a single maximum tariff should provide greater uniformity and parity for the travelling public and may also be beneficial



Equality Impact Assessment (EqIA) Screening Template

to some members of the existing hackney carriage trade where tariffs are currently lower than other areas.

A percentage of those working within the taxi trade as drivers speak English as a second language. Consultation responses indicate that 60% of hackney carriage and private hire drivers do not have English as their first language. All licensed taxi and private hire drivers are expected to be able to speak, understand and read English, so that they can communicate freely and clearly with passengers and officials, including in stressful and emergency situations. Drivers also need to be able to follow instructions or directions from passengers and be able to identify and report situations where there may be safeguarding concerns about a passenger.

From July 2020 this is also a requirement within the new DFT taxi and private hire vehicle standards. The Policy requires that drivers must undertake an assessment of their English language communication skills. Whilst the legacy district policies have previously required a good standard of English language, this has been assessed in different ways and with different levels of rigour. The Policy proposes the implementation of a single test with a consistent pass mark and requires that all drivers must pass the test. Existing drivers who have not previously taken this assessment will be required to take and pass it within 12 months from the date of implementation of the Policy. If they have not passed the assessment criteria by this date (or provided evidence of a suitable alternative qualification), the Council will not be able to renew their licence until they have done so. The delayed implementation of this requirement is designed to give the existing taxi trade time to plan and prepare for this change and to enable them to access English language support and training where required. Applicants that do not meet the required pass mark will be signposted to the Council's ESOL adult learning provision.

Rural isolation

Taxis play a role in the provision of transport for those living in rural and semi-rural areas of Buckinghamshire where access to public transport service provision can be poor. The Policy recommendation is to remove existing legacy district council area hackney carriage and private hire zones enabling taxi and private hire vehicles to operate freely across the Buckinghamshire Council area. This may positively increase provision and the availability of taxis for these areas, or may not impact it at all. It is not considered that this will create a negative impact.

Gender re-assignment: N/A

Religion or belief: N/A

Sex: N/A

Sexual orientation: N/A

Pregnancy and maternity: N/A

Marriage & Civil Partnership: N/A

Do you need any further information broken down by equality strand to inform this EqIA?

Yes



Equality Impact Assessment (EqIA) Screening Template

X No

If yes, list here with actions to help you gather data for the improvement plan in Step 5

Is there any potential for direct or indirect discrimination?

Yes

X No

If yes, please provide more detail on how you will monitor/overcome this

Conclusion:

There is the potential for the implementation of the Policy, if adopted as currently proposed, to disproportionately affect some groups.

Nationally the taxi trade are disproportionately from BAME backgrounds and likely to be on lower incomes. The implementation of the new Policy will require a review of the fees and charges (as well as tariffs) for the taxi licensing service and existing fees will likely change as a result of the additional requirements placed on the Service by the new statutory taxi and private hire vehicle standards and by other Policy changes. However, any possible financial impacts must be balanced alongside the overriding Policy objective of protecting public safety. Case law judgements indicate that Licensing Committees should not take financial considerations into account when reaching taxi licence decisions and that the over-riding objective must be public safety. This is of relevance here and means that whilst the Council may be mindful of financial impacts on the taxi trade, this cannot take precedence in decision making.

Changes proposed may affect disabled passengers as a decision on the retention or removal of hackney carriage zones will likely influence the provision of wheelchair accessible vehicles (WAVs) for the travelling public. This may be advantageous in some legacy areas where provision has been historically low but this will be dependent on market forces, following removal of the existing zones, and will need to be kept under review to determine whether further Policy intervention may be required in the future.

The Taxi and Private Hire Licensing Policy was approved by Full Council on the 24th February 2021 and is due to be implemented from the 6th September 2021. The EQIA position will continue to be reviewed and updated at regular intervals as the Policy progresses towards implementation and enabling steps and decisions are taken.



Equality Impact Assessment (EqIA) Screening Template

Step 4: Improvement plan – what are you going to change?

Issue	Action	Performance target (what difference will it make)	Lead Officer	Achieved
English language testing	Delayed implementation date and ESOL provision available	Provide existing drivers with time to prepare for change in requirements and to seek support and learning aids if needed	Lindsey Vallis	Approved by Full Council February 2021
Provision of WAVs across legacy district areas	Removal of hackney carriage zones	Hackney carriage WAVs able to travel and work across the whole Buckinghamshire Council area should enable better provision in some areas	Lindsey Vallis	Approved by Full Council February 2021
Introduction of new vehicle age limits, emission policy	Delayed implementation dates	Enable the existing taxi trade to plan and prepare for changes to fleet	Lindsey Vallis	Approved by Full Council February 2021
Differing levels of hackney carriage tariffs between legacy district areas	Review and reset of hackney carriage tariffs	Parity and consistency for the taxi trade and the travelling public. Increase earning potential in some areas where tariffs are currently very low	Lindsey Vallis	Currently on forward plan for Executive Decision to advertise proposed tariffs.

EqIA approved by: Martin Dickman

Date: 7th June 2021

Next review date: 31st July 2021

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