

Licensing Policy Statement

Licensing Act 2003

February 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**
 - **Fire and Rescue Authority**
 - **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**
 - **Local residents and businesses**
 - **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**

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 effectively 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 and the data shows a clear link between the premises concerned and the data presented. This will promote the health and wellbeing of communities through reducing the harm caused by alcohol.

Public participation

- 2.9 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.
- 2.10 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.
- 2.11 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.

2.12 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

2.13 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.

2.14 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.

2.15 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

2.16 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.

2.17 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.

- 2.18 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

- 2.19 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.

- 2.20 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

- 2.21 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.
- 2.22 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.
- 2.23 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.
- 2.24 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.
- 2.25 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

- 2.26 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.
- 2.27 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.
- 2.28 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.
- 2.29 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.

2.30 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

2.31 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 & rescue authority, child protection agencies, local businesses, residents and others.

2.32 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

- 2.33 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.

- 2.34 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.
- 2.35 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

- 2.36 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 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, linked to an adverse affect on the promotion of the licensing objectives, 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 are encouraged 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. Breaches of condition in and of themselves are an offence under Section 136 of the Licensing Act and on summary conviction can lead to an unlimited fine and/or up to 6 months in prison.
- 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)

[Fire safety risk assessments small and medium places of assembly](#) (up to 300 people)

[Fire safety risk assessments large places of assembly](#) (over 300 people)

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 variation applications, decision concerning conditions will be confined to the subject matter of the application as per case law ([Taylor vs Manchester City Council \[2012\]](#)). In practice this means that conditions will not be imposed in response to a variation application that do not relate to the application sought.
- 3.24 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.
- 3.25 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

- 3.26 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.
- 3.27 Applicants are expected to demonstrate in their operating schedule how they intend to promote the crime prevention objective in relation to the licensable activities provided. 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.
- 3.28 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.
- 3.29 Applicants are encouraged to discuss the crime prevention procedures and arrangements with the Licensing Authority and the police before making an application.

3.30 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.

3.31 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.

3.32 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

- 3.33 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 or number of employees, must have a record of a suitable and sufficient fire risk assessment.

- 3.34 Depending on the individual circumstances, control measures proposed in an operating schedule may include:
- a) **Permitted 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 exits.** 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) **Arson.** Arson is a common cause of fire at licensed premises. The location, accessibility and volume of waste are all factors that need to be considered. Large volumes of easily accessible waste stored in close proximity increase the risk of arson attack.
- i) **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 reduced 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 Control of Noise at Work Regulations (2005) require employers to reduce risks to health and safety from noise at work. While the regulations do not apply where people are not at work, the general duties under the Health & Safety at Work Act may apply. For further information see the HSE, [“Noise at work A brief guide to controlling the risks”](#).

The prevention of public nuisance

- 3.35 Public nuisance relates to the negative effects of nuisances including noise, light, odour, dust and litter affecting, or likely to affect, at least a few separate households 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.

- 3.36 In considering all licence applications, the Licensing Authority will consider whether the measures proposed to deal with the potential for public nuisance 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.
- 3.37 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 the **Council's schedule of model conditions**,

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 nuisance 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 public nuisance 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

- 3.38 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.

- 3.39 **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.
- 3.40 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.
- 3.41 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.

3.42 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.

3.43 **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.

3.44 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.

- 3.45 When deciding whether to limit the access of children to premises, the Licensing Authority will judge each application on its own merits.
- 3.46 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.
- 3.47 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.
- 3.48 The 'Responsible Authority' in respect to the protection of children is the [Buckinghamshire Safeguarding Children's Partnership](#).
- 3.49 **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.
- 3.50 **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.

- 3.51 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.
- 3.52 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.
- 3.53 **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.
- 3.54 **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](#).
- 3.55 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.
- 3.56 **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.

3.57 **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

3.58 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

3.59 The street drinking of alcohol has found to be associated with crime and disorder and anti-social behaviour in certain areas of Buckinghamshire. Street drinking can also be associated with public nuisance. To help tackle the issue 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](#).

- 3.60 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.
- 3.61 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.
- 3.62 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. Licensed premises selling alcohol where there is a demonstrable link between the alcohol sales and a failure to adopt appropriate measures to promote the licensing objectives are likely to be subject to enforcement action, which may include a formal review of the premises licence.

Large events

- 3.63 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.
- 3.64 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.
- 3.65 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 planning and controls
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

3.66 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.

3.67 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, the environmental protection team 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)

- 3.68 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.
- 3.69 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.
- 3.70 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.
- 3.71 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

3.72 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.

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 Night 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.

Minor variation. A small change to a premises licence or club premises certificate that could not impact adversely on any of the four licensing objectives. Further guidance is available [here](#).

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 – 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 considering the application.	All cases	
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