



# **Brentwood Borough Council Statement of Licensing Policy**

**Made under Section 5 of the Licensing Act 2003**

## **FOREWORD**

It is nearly eighteen years since the Licensing Act 2003 came into force and just over sixteen years since publication of the Councils' first Statement of Licensing Policy. During this time the Policy has been reviewed and re-published three times and has evolved to incorporate best practice by taking account of various changes in legislation, codes of practice and statutory guidance.

This is the fifth Statement of Licensing Policy to be issued and explains how the Council, acting in its capacity as the Licensing Authority, will seek to balance increased leisure opportunities with the protection that local residents and communities need and expect.

The change in licensing law that was implemented in full in 2005 took place at a time when many were concerned about the amount of alcohol being consumed and the antisocial behaviour that often went with it. The Licensing Authority recognises its key role in dealing with such issues and by working with our partner organisations has achieved some notable successes in this area. Whilst it is accepted that the majority of the public are well behaved and responsible, we must not let a minority of badly behaved and inconsiderate individuals spoil life for the majority.

The Licensing Authority recognises how important the leisure and entertainment industry is to the economic and social wellbeing of the Borough and well-run businesses are assured of the support of the Authority. The Council welcomes applications for new leisure developments that are well planned and where issues such as crime and disorder, transport and public safety have been considered early in the planning process.

The Council works proactively in partnership with the responsible authorities and other agencies to promote the four licensing objectives and to provide training and assistance where appropriate to local businesses and individuals. However, the Licensing Authority has demonstrated on a number of occasions that it will not hesitate in dealing firmly where problems of anti-social behaviour fuelled by excess alcohol and other issues, such as the sale of alcohol to minors, exist.

This Policy will be kept under regular review, and it will no doubt change over a period of time to reflect local issues and circumstances. The Licensing Authority will seek through the licensing process and the decisions it takes, to make Brentwood a safe and welcoming place for residents and visitors to live and visit.

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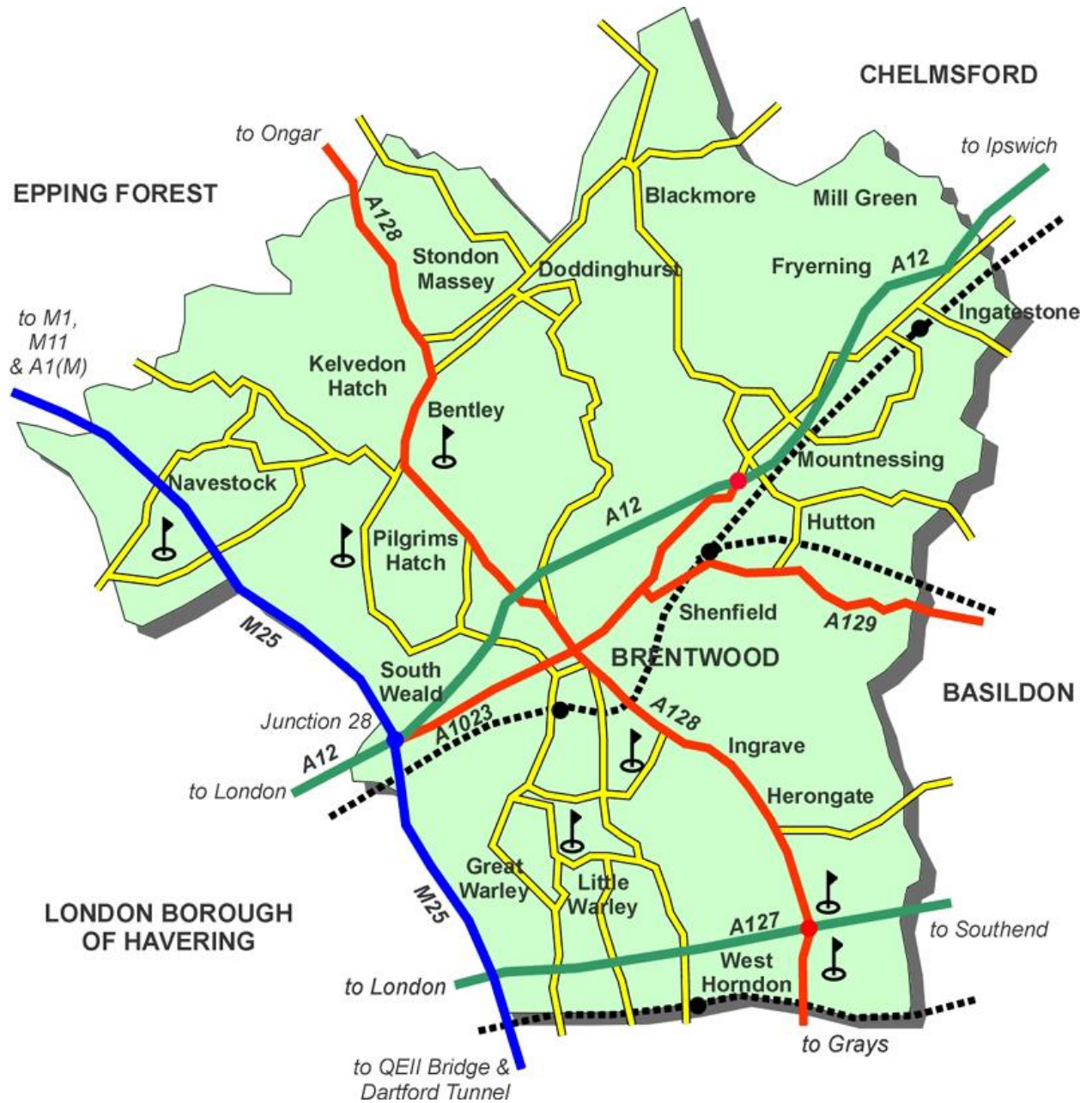
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## ABOUT BRENTWOOD



## **PREFACE**

The Borough of Brentwood is situated in the southwest of Essex and is a pleasant, busy town conveniently situated for London and the surrounding countryside and villages. Brentwood has a good mix of shops, schools, businesses and recreational facilities.

The Borough is located within the Metropolitan Green Belt, with the heart of the Town only minutes away from pleasant woods, commons and rights of way.

Apart from its urban heart, the Borough of Brentwood has about 3,000 acres (about 1,215 hectares) of woodland, three country parks, a large amount of farmland and a number of very attractive villages within its borders, yet it is only 18 miles from London.

Road and rail connections are excellent with the M25, A12 and A127 trunk roads within the Borough and convenient, fast rail links with London and East Anglia.

Stansted, City and Southend airports are each within 30 to 40 minutes' drive away, with Heathrow and Gatwick airports not much more. The Dartford Tunnel/Queen Elizabeth II Bridge and Tilbury Docks are also within easy reach. To the east, Harwich and Felixstowe are 90 minutes away via the A12 road. Such assets give the Borough of Brentwood a superior locational advantage much appreciated by local residents and businesses.

The Borough of Brentwood includes the parishes of Blackmore Hook End and Wyatts Green, Doddinghurst, Herongate and Ingrave, Ingatestone and Fryerning, Kelvedon Hatch Mountnessing, Navestock, Stondon Massey and West Horndon. These parishes vary in size and comprise a number of attractive villages and landscapes with many important and historic buildings. Within the Borough as a whole there are more than 500 buildings listed for their historical and architectural importance.

The Borough has a total area of around 15,315 hectares and a population of approximately 73,600 (based on the 2011 Census).

The Borough is subject to considerable pressure for development for both housing and employment and increasingly for leisure and recreational purposes.

Much of Brentwood's housing is owner-occupied, the majority of which has been built since 1945. Much of the older housing has been renovated and there are few areas of poor-quality housing in the Borough, although there is a need for significantly more low cost, affordable housing.

Employment within the Borough is very much concentrated in the service sector, which is mainly located in Brentwood Town Centre, Brentwood Station area and Warley Business Park. There are however, seven industrial estates and numerous other smaller enterprises scattered throughout the Borough. Notwithstanding this, over 50% of the resident workforce commutes out of the Borough to work, particularly into London.

The main shopping area is Brentwood Town Centre, with many multiples including Marks and Spencer, Boots and Sainsbury's represented. Shenfield and Ingatestone are smaller, but nevertheless important shopping centres serving local needs and there are a number of smaller shopping parades and village centres around the Borough.

The Town Centre is also an historic centre with three designated Conservation Areas, incorporating several Listed Buildings and an Ancient Monument - the St Thomas a Becket Chapel. Elsewhere in the Borough there are eleven (11) Conservation Areas.

Less than 20% of the Borough is built up. Brentwood itself has a well landscaped character, which reduces the impact of the urban environment.

There are a number of important green wedges reaching into the built-up area, two of which extend right into the centre of the town Hartswood/Shenfield Common, and Brentwood School/Merrymeade Park. Thriftwood is also an extensive woodland area within the Town. In addition, the well landscaped areas like Hutton Mount, Hartswood and the Homesteads add to this sylvan character.

Within the rural area of the Borough, there are three sites of Special Scientific Interest. There is a variety of both public and private sports and recreational facilities in the Borough, including the multi-functional Brentwood Centre and International Hall at Pilgrims Hatch.

## **1.0 Introduction**

- 1.1 Brentwood Borough Council is the Licensing Authority under the Licensing Act 2003 (the Act), and is responsible for granting premises licences, club premises certificates, temporary events notices and personal licences in the Borough in respect of the sale and/or supply of alcohol, the provision of regulated entertainment and late-night refreshment.
- 1.2 For the purposes of this policy document, when carrying out functions required by the Licensing Act 2003, Brentwood Borough Council will be referred to as "the Licensing Authority", otherwise Brentwood Borough Council will be referred to as "the Council". All references to the Act contained within this policy relate to the Licensing Act 2003 as amended.
- 1.3 When assessing applications, the Licensing Authority must be satisfied that the measures proposed in the applicant's operating schedule aim to meet the four licensing objectives. Paragraphs 18 to 24 of this policy address matters that the Authority would normally expect to be considered by applicants in their operating schedule and provide sample control measures that applicants may wish to include to ensure adequate promotion of the Licensing Objectives. These control measures are examples and are by no means exhaustive.
- 1.4 However, it should be recognised that this policy covers a wide variety of premises and activities carried on in them including theatres, cinemas, restaurants, pubs, nightclubs, private members clubs, village halls and community centres, as well as off-licences and late-night food premises and vehicles selling hot food or hot drink after 11p.m. For this reason, this policy cannot detail all the factors that influence the achievement of the licensing objectives nor can this policy detail all the control measures that may be appropriate.
- 1.5 Nothing in this Statement of Policy should be regarded or interpreted as an indication that any requirement of law may be over-ridden; each application will be considered and treated on its own merits.
- 1.6 Applicants are encouraged to read this policy prior to submitting any application for a Premises Licence, Club Premises Certificate or Temporary Event Notice.

## **2.0 The Licensing Objectives**

- 2.1 The 2003 Act requires the Licensing Authority to carry out its various licensing functions so as to promote the four licensing objectives. These are:-
  - a) The Prevention of crime and Disorder
  - b) The Prevention of Public Nuisance
  - c) Public safety
  - d) The Protection of Children from Harm

These objectives must be promoted at all times by applicants and licence holders and are the only matters that this Authority is permitted to have regard to in carrying out its functions, including when assessing applications for the variety of permissions provided for by the Act.

- 2.2 In respect of each of the four licensing objectives, applicants will need to provide evidence to the Licensing Authority that suitable and sufficient measures, as detailed in their operating schedule, will be implemented and maintained, relevant to the individual style and characteristics of their premises and events. Reference will need to be made as to whether additional measures will be taken on an occasional or specific basis such as when a special event or promotion is planned, which is intended to, or likely to attract, larger audiences.

### **3.0 Statement of Licensing Policy**

- 3.1 The 2003 Act, further requires that the Licensing Authority publishes a 'Statement of Licensing Policy' that sets out the policies the Licensing Authority will generally apply to promote the licensing objectives when making decisions on applications made under the Act.
- 3.2 This 'Statement of Licensing Policy' has been prepared in accordance with the provisions of the 2003 Act and having regard to the revised Guidance issued under Section 182 of the Act. It was originally drafted in partnership with the Essex Joint Licensing Officers Forum, Brentwood Crime and Disorder Reduction Partnership and the Brentwood Drug and Alcohol Reference Group. These partnerships provide links to the Essex Chief Executives Association, who will maintain a strategic overview of all issues associated with the Licensing Act 2003.
- 3.3 The Policy Statement takes effect on 19 December 2024 and will remain in force for a period of not more than five years. It will be subject to regular review and further consultation prior to 18 December 2029.
- 3.4 When making and publishing its policy, the Licensing Authority must have regard to the Secretary of State's Guidance, as amended. The Licensing Authority may depart from this Licensing Policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the Licensing Objectives and if this situation arises the Licensing Authority will give full reasons for doing so.
- 3.5 It is possible that during a consultation period, or soon after publication of a policy, the statutory guidance issued by the Secretary of State may be subject to revision leading to some temporary inconsistencies between the two documents. In such circumstances, the Licensing Authority will have regard to the revised guidance as well as its licensing policy.

### **4.0 Consultation**

- 4.1 There are a number of groups who have a stake in the leisure industry, including providers, customers, residents and enforcers, all of whom have views and concerns that require consideration as part of the licensing function and promotion of the licensing objectives.
- 4.2 In reviewing this Policy Statement, the Licensing Authority consulted widely.



- 4.3 Along with the statutory consultees (including the Chief Police Officer for the Borough, the Essex County Fire and Rescue Service and persons/bodies representative of existing licence holders) the views of Borough Councillors, Local MPs and MEPs, Town and Parish Councils, bodies representing various minority groups and disabled people were also sought. Due consideration was given to the views of all those who responded to the consultation process.

A list of consultees can be found at Appendix D.

## **5.0 Links to Other Strategies**

- 5.1 In preparing this Statement of Licensing Policy, the Licensing Authority has had regard to and consulted those involved in its local strategies on crime prevention, planning, transport, culture, equality and diversity, tourism and regeneration, to ensure the proper co-ordination and integration of the aims and actions of these strategies. Review and amendment of these strategies will be considered for their impact on this Statement of Licensing Policy.
- 5.2 The Council recognises its responsibilities under the Race Relations Act, 1976, as amended by the Race Relations (Amendment) Act, 2000, the Equality Act 2006, the Disability Discrimination Act 2005 and other related legislation. The impact of this policy on race relations, equality issues and disabled people will be monitored through the Council's equality and diversity policies and strategies, and the Licensing Authority will take these responsibilities into account when dealing with applications.

## **6.0 Regulated Entertainment**

- 6.1 Having regard to the Council's Corporate Strategy 2025, leisure and entertainment activities are welcomed for the benefit of communities. The Licensing Authority will monitor the licensing of regulated entertainment, especially with regard to live and recorded music and dancing, theatrical performances, etc, to ensure that such events are promoted without unreasonable restrictions being imposed, which may discourage such events. The Licensing Authority will need to balance the natural concern to prevent disturbance in neighbourhoods with the wider cultural benefits, particularly where they relate to children. Advice and guidance on this matter will be sought from appropriate services within the Council but will also include outside forums where appropriate.
- 6.2 Certain forms of entertainment have been deregulated by the Government under a variety of legislative changes. The Licensing Authority supports the ability for local residents and business to enjoy the freedoms brought about by these changes. It will work with other agencies to ensure that entertainment giving rise to concern is addressed by the appropriate authority and in the appropriate manner.
- 6.3 Particularly with regard to deregulated live and recorded music the licensing authority will consider removal of the exemption where it is shown that a public nuisance is being caused.

## 7.0 Applications

- 7.1 When considering applications, the Licensing Authority will have regard to:-
- (a) The Licensing Act 2003 and the licensing objectives.
  - (b) Government guidance issued under Section 182 of the Licensing Act 2003 (as revised)
  - (c) Any supporting regulations.
  - (d) This Statement of Licensing Policy.
- 7.2 This does not, however, undermine the rights of any person to apply under the 2003 Act for a variety of permissions and have the application considered on its individual merits, nor does it override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the 2003 Act.
- 7.3 When the Licensing Authority is considering any application, it will avoid duplication with other regulatory regimes, so far as possible, and does not intend to use the licensing regime to achieve outcomes that can be achieved by other legislation. In particular, its licensing functions will be discharged separately from the Authority's functions as the local planning authority. **However, applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned.** (Other permissions may be applicable to licensed premises and applicants are expected to ensure that such permissions are obtained where necessary).
- 7.4 The Licensing authority recognises that in some circumstances, longer licensing hours may help to avoid concentrations of customers leaving premises simultaneously, which may reduce the potential for disorder. It is also recognised that overly restrictive hours may inhibit the development of the nighttime economy that is important for investment, employment and tourism. When determining applications before a licensing sub-committee, the Authority will seek to balance these factors against the requirement to promote the four licensing objectives and the amenity of local residents.
- 7.5 When one part of the Council seeks a premises licence from the Licensing Authority, the Licensing Committee and its officers will consider the matter from an entirely neutral standpoint. If relevant representations are made, for example, by local residents or the Police, they will be considered fairly by the committee. Those making representations who are aggrieved by a positive decision in favour of a Local Authority application by the Licensing Authority will be entitled to appeal to the Magistrates' Court and thereby receive an independent review of any decision made.
- 7.6 In all cases, applicants and those making representations in respect of applications to the Licensing Authority have a right of appeal to the Magistrates' Court against the decisions of the Licensing Authority.
- 7.7 Appendix A provides applicants with the details of the application process, having regard to the Licensing Act 2003, as amended, the regulations, statutory guidance and local practice and procedures. It should be noted that an incomplete or

incorrect application will not be accepted but will be returned with an explanation of why it is incomplete or incorrect.

7.8 An application will only be deemed to be properly submitted if it has been given by one of the following methods:-

- (a) Sent to the Licensing Authority by electronic means through the online application section of the Council Website
- (b) By post and sent to the address shown below:-

Brentwood Borough Council  
Town Hall Ingrave Rd Brentwood Essex  
CM15 8AY

- (c) Delivered in person to the above address during normal office opening hours.

## **8.0 Temporary Events**

8.1 Certain temporary events are not required to be licensed but must be notified to the Licensing Authority using the Temporary Event Notice procedure. However, depending on the nature and location of such events, these can have serious crime and disorder implications. Organisers of these events are encouraged to submit their notification as soon as reasonably practicable to enable the Police and the Licensing Authority to work with them to identify and reduce the risk of crime and disorder, (see Appendix A for details regarding the application process and timescales for the submission of Temporary Event Notices).

## **9.0 Minor Variations**

9.1 Applications for Minor Variations will be considered in respect of minor changes to the plan structure or layout of the premises, small changes to the licensing hours, the removal or addition of conditions, where appropriate, the removal or addition of licensable activities (where permitted by legislation) and any other minor matter. In all cases they will be permitted only where it is considered that there will be no adverse impact on promotion of the licensing objectives.

9.2 A simplified process will be adopted for minor variations, whereby the Licensing Authority will consult with any relevant responsible authority as it may determine to be appropriate in the context of the application. Whilst the Licensing Authority will consider all applications on their individual merit, it will be normal practice to refuse an application in favour of a full variation, should any representations be received unless agreement can be reached that satisfies the representation. However, in the absence of any representation the minor variation would normally be granted provided that it is considered that in so doing there is no likelihood of any adverse impact on the licensing objectives.

## **10.0 Representations**

- 10.1 The Chief Officer of Police, the Fire and Rescue Authority, the Enforcing Authority for health and safety purposes, the Local Planning Authority, the authority responsible for Environmental Health, the local weights and measures (Trading Standards) authority, the director of Public Health, the Child Protection Authority, Home Office (Immigration Enforcement) and this Licensing Authority are all known as 'Responsible Authorities'. These responsible authorities may make representations on applications, so far as they relate to the promotion of the four licensing objectives, and request reviews once licences have been granted.
- 10.2 Any other person i.e. (but not exhaustively) Local residents and businesses, in the vicinity of the premises subject to the application, or their representatives, are free to raise relevant representations. Members of the Licensing Authority may also make representations as an individual. A representation would only be relevant if it relates to the effect of the grant of the licence on the promotion of at least one of the four licensing objectives. In addition, the representation must not be frivolous or vexatious, and in the case of reviews not repetitious.
- 10.3 When a Member of the Licensing Authority makes representation, this should normally be made as an individual member of the public unless they have specifically been asked by an individual(s) to make representation on their behalf. In such cases, representation may be made as a Member of the Council; however, it should be made clear, who and how many residents are being represented.
- 10.4 Where a representation is made, the Licensing Authority will determine whether it is relevant to one or more of the licensing objectives.
- 10.5 Representations are only considered relevant if they relate specifically to the likely effect of the grant of the licence on one or more of the licensing objectives at, or in the immediate vicinity of the premises and if they are not frivolous or vexatious.
- 10.6 Representations that are not relevant will be rejected; however, where time permits the author will be advised as to why the representation is considered invalid and given opportunity to make a relevant representation.
- 10.7 Where relevant representations are made, the Licensing Authority must provide copies of those representations to the applicant. Representations cannot be made anonymously.
- 10.8 In exceptional circumstances a person making representation may be reluctant for their personal details to be disclosed to the applicant due to fears of intimidation or violence. Where the Licensing Authority considers that a person making a valid representation has a genuine and well-founded fear in relation to disclosure of their personal details, their name and address will still be required by the Licensing Authority but may be withheld from the copy of the representation sent to the applicant.
- 10.9 Where no relevant representations are received, the Licensing Authority **must** grant the licence or certificate as applied for subject only to conditions that are consistent with the operating schedule and any mandatory conditions as may be prescribed under provision of the Licensing Act or any amendment to it.

## **11.0 Conditions**

- 11.1 Licensing is about the appropriate control of licensed premises, qualifying clubs, temporary events and the people who manage them or hold personal licences within the terms of the 2003 Act.
- 11.2 In order to minimise representations, to fully consider all relevant matters relating to promotion of the licensing objectives and to reduce the requirement for hearings, it is advised that applicants for the grant or variation of a premises licence or club premises certificate should consult with responsible authorities (in particular with the Police and Environmental Health) before finalising their operating schedules.
- 11.3 Where relevant representations are made, the Licensing Authority will seek to make objective judgments as to whether conditions may need to be attached to various authorisations in order to secure promotion of the licensing objectives.
- 11.4 Any conditions arising from the operating schedule or as a result of representations will primarily focus on the direct impact of the activities taking place at licensed premises on those attending the premises and members of the public living, working or otherwise engaged in normal activity in the area concerned. These conditions will cover matters that are within the control of individual licensees and others with relevant responsibilities.
- 11.5 The Licensing Authority acknowledges that the licensing function cannot be used for the general control of nuisance or the anti-social behaviour of individuals once they are beyond the direct control of the licensee of any premises concerned. However, other mechanisms may be utilised, where appropriate, to tackle unruly or unlawful behaviour of consumers when beyond the control of the individual club or business that holds the licence, certificate or authorisation concerned. These include:
- a) Planning controls
  - b) Positive measures to create a clean and safe environment in partnership with local businesses, transport operators and other departments of the local authority
  - c) The provision of CCTV surveillance in Town Centres
  - d) Availability of taxi ranks
  - e) Provision of public conveniences
  - f) Street cleaning and litter patrols
  - g) Powers of the local authority to designate parts of the local authority area as places where alcohol may not be consumed publicly
  - h) Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices
  - i) The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk
  - j) The confiscation of alcohol from children and adults in designated areas
  - k) Police and/or local authority powers to close down instantly for up to 24 hours any licensed premises or temporary event on grounds of disorder or noise emanating from the premises causing a nuisance

- l) The power of the Police, other responsible authorities or individuals to seek a review of a premises licence or club premises certificate
- m) Action under the Violent Crime Reduction Act 2006
- n) Anti-Social behaviour powers

11.6 If an applicant volunteers a prohibition or restriction in their operating schedule because their own risk assessment has determined such prohibition or restriction to be appropriate, such volunteered prohibitions or restrictions will become conditions attached to the licence, or certificate and will be enforceable as such.

11.7 The Licensing Authority recognises that all applications should be considered on an individual basis and any condition attached to such a licence will be tailored to each individual premise, in order to avoid the imposition of disproportionate and other burdensome conditions on those premises. Although the Licensing Authority may maintain a pool of conditions which may be produced to assist applicants and others, standard or blanket conditions, other than mandatory conditions, will be avoided and no condition will be imposed that cannot be shown to be appropriate and proportionate for the promotion of the licensing objectives.

### **Duplication**

11.8 Duplication caused by licence conditions for matters that are dealt with by other legislation, for example health and safety at work or fire safety, will be avoided. Conditions will only be attached to the grant of any licence or certificate that are appropriate for the promotion of the licensing objectives if they are not already provided for in other legislation. However, certain safety legislation includes exemptions because it is assumed that licensing controls will provide the necessary coverage, in such cases, conditions may be imposed.

## **12.0 Delegation of Functions**

12.1 With the exception of the approval and review of its Licensing Policy and consideration of various general discretionary powers, such as Cumulative Impact Policy (CIP), Late Night Levy and Early Morning Restriction Orders (EMRO), decisions on licensing matters will be taken in accordance with an approved scheme of delegation aimed at underlining the principles of timely, efficient and effective decision-making.

Details of delegation of powers are shown in Appendix E of the supplementary information.

## **13.0 The Need for Licensed Premises**

13.1 There can be confusion about the difference between “need” and the “cumulative impact” of premises on the licensing objectives. “Need” concerns the commercial demand for another pub or restaurant or hotel. This is not a matter for a licensing authority in discharging its licensing functions or for its Statement of Licensing Policy.

## **14.0 Cumulative Impact of a Concentration of Licensed Premises**

- 14.1 "Cumulative impact" refers to the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a licensing authority to consider when reviewing its Licensing Policy Statement.
- 14.2 The Licensing Authority acknowledges that a concentration of licensed premises in a particular area can result in an increased number of people walking through or congregating in streets during the night with the potential impact of an increase in crime, anti-social behaviour, noise pollution and other disturbance to residents, together with an increase in littering or fouling. In such cases the amenity of local residents can be placed under severe pressure, but this may not be attributable to any individual premises.
- 14.3 The Licensing Authority will only adopt a special policy on cumulative impact if there is evidence that a significant number of licensed premises concentrated in one area are resulting in unacceptable levels of crime and disorder or public nuisance.
- 14.4 However, the cumulative impact of licensed premises in a particular area may be considered at any time, should significant evidence become available of general alcohol related crime or disorder that cannot be associated with any one individual premises. A request of this nature may take the form of a representation from residents or businesses or a responsible authority and this will, trigger the consideration of whether any additional licences or variations to existing licences, to increase such aspects as capacity or operating hours, would lead to an unacceptable saturation in an area. In such cases, the Licensing Authority will follow the procedure set out in the Secretary of State's Guidance to determine whether a special policy covering cumulative impact should be incorporated in the Statement of Licensing Policy.
- 14.5 If a 'special policy' were to be created it would take the form of a presumption that applications for both new and variations to premises licences, club premises certificates and Temporary Event Notices would be refused if relevant representations were received. In order to rebut this presumption, an applicant would need to address the issues raised in the representations by means of their operating schedule and demonstrate that the operation of their business will not add to the cumulative impact of the area.
- 14.6 The existence of a 'special policy' does not mean that a responsible authority, resident or 'other person' need not make representations about any application, as if no representations are received the application must be granted by the Licensing Authority on the terms applied for under due process of law. If representations are received, the licensing sub-committee will consider if there are any grounds to justify a departure from its special policy in the individual circumstances of the application.
- 14.7 The Licensing Authority, having regard to current evidence and being aware of other measures that are available to the Local Authority and Police to address such issues, considers that there is no particular part of the Borough causing a cumulative impact on any of the licensing objectives at this time. This position is kept under constant review and therefore, should it be considered at a future time that it

would be appropriate to introduce a special policy the reasons will be published and full consultation undertaken in accordance with the requirements of the Act.

## **15.0 Advice and Guidance**

- 15.1 The Licensing Authority recognises the valuable cultural, social and business importance that premises and events requiring a licence under the Licensing Act 2003, as amended, provide and welcomes the diversity of activities that are provided by licence holders. In respect of new businesses and developments involving licensable activities, the Licensing Authority welcomes an early opportunity to offer advice and guidance whether before or after planning permission has been sought. At this stage, it is often easier and more cost effective to integrate issues such as crime and disorder, transport and public safety into the early design stages. With regard to existing businesses, discussions prior to submitting an application under the Licensing Act 2003, will be encouraged to assist applicants to develop their operating schedule. The Licensing Authority, Essex Police and/or Essex County Fire and Rescue Service will offer as much advice and guidance to applicants as resources permit.
- 15.2 The Licensing Authority will also seek to liaise with applicants and/or mediate between applicants and others who may make representations, to achieve a satisfactory outcome for all involved, wherever possible and where resources permit. Where an applicant considers that mediation and liaison may be likely or probable, it is recommended that the applicant discuss his proposal with the Licensing Authority's Licensing Section and those from whom they think representations are likely prior to submitting their application. Once an application has been lodged, there are statutory timescales imposed upon the application and determination process, which restrict the opportunity for such discussions, liaison and mediation.

## **16.0 Reviews**

- 16.1 Where possible and appropriate the Licensing Authority or other responsible authorities will give early warning to licence holders of any concerns about problems identified at premises and of the need for improvement.
- 16.2 Responsible authorities' businesses or any other person can trigger a review of a premises licence, but an evidentiary basis would be required to be presented to the Licensing Authority. The review application and any representations made relating to that application must be relevant to the promotion of the licensing objectives and must not be frivolous, vexatious or repetitive.
- 16.3 In stating that a review may not be repetitive this means that no more than one review from individuals will normally be permitted within any 12-month period on similar grounds in respect of the same licensed premises, except in exceptional and compelling circumstances.
- 16.4 There is no appeal against the decision of the Licensing Authority to reject any application for a review other than by way of a Judicial Review.



- 16.5 This Authority will not consider anonymous representations; however, the Licensing Authority accepts that in exceptional circumstances, a member of the public may not wish to provide their personal details to the licence or certificate holder. In those circumstances the member of the public might consider providing the relevant Responsible Authority with details of how they consider the licensing objectives are being undermined so that the Responsible Authority can consider whether it is appropriate for it to apply for a review.

## 17.0 Enforcement

- 17.1 The Council delivers a wide range of enforcement services aimed at safeguarding the environment and the community and at providing a 'level playing field' on which businesses can fairly trade. The administration and enforcement of the licensing regime is one of these services. The Licensing Authority has adopted an enforcement policy, which aims to promote the principles of openness, helpfulness, proportionality, consistency, targeting, transparency and accountability, having been designed to ensure effective and efficient public protection services.
- 17.2 The Licensing Authority recognises the interests of both citizens and businesses and will work closely, with partners, to assist licence holders to comply with the law and the four licensing objectives it seeks to promote. However, proportionate but firm action will be taken against those who commit serious offences or consistently break the law.

## 18.0 Licensing Objectives

- 18.1 The following sections set out the Licensing Authority's Policy relating specifically to the four licensing objectives:
- (a) The Prevention of Crime and Disorder.
  - (b) Public Safety.
  - (c) The Prevention of Public Nuisance.
  - (d) The Protection of Children from Harm.
- 18.2 In each section relating to the objectives, the Licensing Authority has defined its intended outcome (in bold type). Each section then lists the influencing factors on the achievement of that objective but, because of the wide variety of premises and activities to which this policy applies, the lists provided are not exhaustive. **Applicants should know their premises best and will be expected to address all aspects relevant to the individual style and characteristics of their premises and events.**
- 18.3 Further, in each section, a list of possible control measures is provided, to be of assistance to applicants, but again is not intended to be an exhaustive list. Many control measures achieve more than one objective but have not necessarily been listed under each objective. Similarly, applicants will not be required to mention a control measure more than once in their operating schedule.

- 18.4 **The selection of control measures, referred to in 18.3 above, should be based upon a risk assessment of the premises, events, activities and the customers expected to attend (e.g. their age, number, etc.).** Whilst the Licensing Authority cannot require such risk assessments to be documented, (other than where required by other legislation), it considers such documentation to be good practice and a useful tool in the instruction and training of staff, as well as a sound basis for review by the licence holder, in the event of him/her wishing to make application for variation or in response to changing circumstances/conditions at the premises.
- 18.5 Additional measures may be necessary on an occasional or specific basis such as when a special event (e.g. popular live band) or promotion (e.g. during major sporting occasions) is planned, which is intended to, or likely to attract larger audiences and/or audiences of a different nature, and which can have a significant impact on the achievement of the licensing objectives. **Reference must be made in an applicant's operating schedule, where applicable, to such occasions and the additional measures that are planned in order to achieve the licensing objectives.**
- 18.6 The Licensing Authority considers the effective and responsible management of the premises, instruction, training and supervision of staff and the adoption of best practice to be amongst the most essential control measures for the achievement of all the licensing objectives. **For this reason, these elements should be specifically considered and addressed within an applicant's operating schedule.**
- 18.7 In addition, the occupancy capacity for premises, and events as appropriate, is also considered to be an essential factor in the achievement of the four licensing objectives, (except in respect of premises licensed exclusively for the consumption of food and/or alcohol off the premises). **The Licensing Authority will expect the issue of occupancy capacity to be considered and addressed, where necessary, within an applicant's operating schedule and, in most instances, will agree a maximum occupancy capacity, based on the applicant's assessment within their operating schedule.**
- 18.8 The design and layout of premises are important in determining capacity, as is the availability and size of exits within recommended travel distances. Other factors should also be considered when assessing the appropriate capacity for premises or events. These include:-
- (a) The nature of the premises or event.
  - (b) The nature of the licensable activities being provided.
  - (c) The provision or removal of such items as temporary structures, such as a stage, or furniture.
  - (d) The number of staff available to supervise customers both ordinarily and in the event of an emergency.
  - (e) The age of the customers.
  - (f) The attendance by customers with disabilities, or whose first language is not English.
  - (g) The availability of suitable and sufficient sanitary accommodation.
  - (h) The nature and provision of facilities for ventilation.
- 18.9 The Licensing Authority will consider applications for minor variations to premises

licences, provided that the Authority is satisfied that the variation will not adversely impact on the licensing objectives and the Licensing Authority will consult with Responsible Authorities whom they deem necessary to make such assessment.

- 18.10 The agreement to a capacity for premises or events should not be interpreted as a requirement to also provide permanent monitoring arrangements such as door staff, attendance clickers or maintenance of attendance records. The Licensing Authority recognises that the person in charge of the premises can often readily assess the occupancy level of the premises without resort to such measures. **However, where the capacity is likely to be reached (such as on known busy evenings) and particularly where a special event or promotion is planned, the applicant will be expected to detail the additional arrangements that will be put in place to ensure that the capacity of the premises is not exceeded.**

## **19.0 Prevention of Crime & Disorder**

- 19.1 Brentwood Borough Council, through its Corporate Strategy is committed to further improving the quality of life for the people of the Borough of Brentwood by continuing to reduce crime and the fear of crime.
- 19.2 Section 17 of the Crime and Disorder Act 1998 introduced a wide range of measures for preventing crime and disorder and imposed a duty on Brentwood Borough Council, Essex Police, Essex County Council and others to consider crime and disorder reduction in the exercise of all their duties. The Licensing Act 2003, as amended, reinforces this duty for local authorities.
- 19.3 The promotion of the licensing objective, to prevent crime and disorder, places a responsibility on licence holders to become key partners in achieving this objective. **Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of their premises, relevant to the individual style and characteristics of their premises and events.**
- 19.4 When addressing the issue of crime and disorder, the applicant should demonstrate that those factors that impact on crime and disorder have been considered. These may include:-
- (a) Underage drinking.
  - (b) Drunkenness on premises.
  - (c) Public drunkenness.
  - (d) Drugs.
  - (e) Violent behaviour.
  - (f) Anti-social behaviour.

### **Control Measures Relating to Crime and Disorder**

- 19.5 The following examples of control measures are given to assist applicants who

may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:-

- (a) Effective and responsible management of premises.
- (b) Training and supervision of staff.
- (c) Adoption of best practice guidance (e.g. Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit and other voluntary codes of practice, "Security in Design", "Drugs and Pubs" which are published by the British Beer and Pub Association [BBPA])
- (d) Acceptance of accredited 'proof of age' cards e.g. PASS, locally approved 'proof of age' cards, e.g. 'Prove It' and/or 'new type' driving licences with photographs.
- (e) Provision of effective CCTV in and around premises.
- (f) Employment of Security Industry Authority licensed door staff. (g) Provision of toughened or plastic drinking vessels.
- (h) Provision of secure deposit boxes for confiscated items ('sin bins').
- (i) Provision of litterbins and other security measures, such as lighting, Outside premises.
- (j) Membership of local 'Pubwatch' schemes or similar organisations.
- (k) Use of specialist equipment such as a High Frequency Deterrent Device known as a 'Mosquito Device' in order to deter and drive away congregations of young person's outside premises.

## **20.0 Designated Premises Supervisor [DPS]**

- 20.1 Within the operating schedule for premises from which alcohol will be sold, with the exception of qualifying community premises, a Premises Supervisor must be designated ("Designated Premises Supervisor") and such person must be in possession of a current Personal Licence. The Licensing Authority will normally expect the Designated Premises Supervisor [DPS] to have been given the day-to-day responsibility for running the premises by the premises licence holder and, as such, would normally be present on the licensed premises on a regular basis. In addition to the DPS holding a personal licence, the Licensing Authority would strongly encourage the DPS to undergo additional training and to have experience commensurate with the nature and style of entertainment provided and the capacity of the premises.
- 20.2 The Act does not require a DPS or any other Personal Licence Holder to be present on the premises at all times when alcohol is sold. However, the DPS and the Premises Licence Holder remain responsible for the premises at all times and have a duty to comply with the terms of the Licensing Act and any conditions, including the matters set out in the premises' Operating Schedule, in order to promote the Licensing Objectives. To that end, the Licensing Authority will be mindful of the Guidance issued by the Secretary of State, which recommends that a Personal Licence Holder/DPS gives specific written authorisations to those individuals they are authorising to retail alcohol. Although written authorisation is not a requirement of the Act and the Designated Premises Supervisor/Personal Licence Holder remain ultimately responsible for ensuring compliance with the Act and licensing conditions, this action could assist in demonstrating due diligence should any issues arise with regard to enforcement. The Licensing Authority will therefore expect that where the Personal Licence Holder/DPS does not have the premises under their immediate day to day control, written authorisations will be issued to staff acting on their behalf.

such authorisations being made available for inspection by a responsible Officer of the Licensing Authority or the Police upon request.

## **21.0 Public Safety**

- 21.1 The Licensing Authority is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. **To this end, applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety, relevant to the individual style and characteristics of their premises and events.**

When addressing the issue of public safety, an applicant must demonstrate that those factors that impact on the standards of public safety have been considered. These may include:-

- (a) The occupancy capacity of the premises.
- (b) The age, design and layout of the premises, including means of escape in the event of fire.
- (c) The nature of the licensable activities to be provided, in particular the sale or supply of alcohol, and/or the provision of music and dancing and including whether those activities are of a temporary or permanent nature
- (d) The hours of operation (differentiating between the hours of opening from the hours when licensable activities are provided, if these are different)
- (e) The Customer profile (e.g. age, disability)
- (f) The use of special effects such as lasers, pyrotechnics, smoke machines, foam machines, etc.
- (g) Compliance with the Disability Discrimination Act etc.

### **Control Measures Relating to Public safety**

- 21.2 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:-

- (a) Suitable and sufficient risk assessments.
- (b) Effective and responsible management of premises.
- (c) Provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons.
- (d) Appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and patrons.
- (e) Adoption of best practice guidance (e.g. Guide to Fire Precautions in Existing Places of Entertainment and Like Premises, The Event Safety Guide, Safety in Pubs published by the BBPA).
- (f) Provision of effective CCTV in and around premises.
- (g) Provision of toughened or plastic drinking vessels.

- (h) Implementation of crowd management measures.
- (i) Proof of regular testing (and certification where appropriate) of procedures, appliances, systems etc., pertinent to safety.

## **22.0 Prevention of Public Nuisance**

- 22.1 Licensed premises have a significant potential to impact adversely on communities through public nuisances that arise from their operation. The Licensing Authority wishes to maintain and protect the amenity of residents and other businesses from the consequence of the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.
- 22.2 The Licensing Authority intends to interpret “public nuisance” in its widest sense, and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.
- 22.3 Applicants need to be clear that the Licensing Authority will normally apply stricter conditions, including controls on licensing hours, where licensed premises are in residential areas and where relevant representations have been received. Conversely, premises for which it can be demonstrated have effective measures planned to prevent public nuisance, may be suitable for 24-hour opening.
- 22.4 In the case of shops, stores and supermarkets selling alcohol, the Licensing Authority will normally permit the hours during which alcohol is sold to match the normal trading hours during which other sales take place, unless there are exceptional reasons relating to disturbance or disorder.
- 22.5 **Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance, relevant to the individual style and characteristics of their premises and events.**
- 22.6 When addressing the issue of prevention of public nuisance, the applicant must demonstrate that those factors that impact on the likelihood of public nuisance have been considered. These may include:-
  - (a) The location of premises and proximity to residential and other noise Sensitive premises, such as hospitals, hospices and places of worship.
  - (b) The hours of opening, particularly between 23.00 and 07.00.
  - (c) The nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises.
  - (d) The design and layout of premises and in particular the presence of noise limiting features.
  - (e) The occupancy capacity of the premises.
  - (f) The availability of public transport.
  - (g) A 'wind down period' between the end of the licensable activities and closure of the premises.
  - (h) A last admission time.

## **Control Measures Relating to Public Nuisance**

22.7 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:-

- (a) Effective and responsible management of premises.
- (b) Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance, e.g. to ensure customers leave quietly.
- (c) Control of operating hours for all or parts (e.g. garden areas) of premises, including such matters as deliveries and collections.
- (d) Adoption of best practice guidance (e.g. Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by the Institute of Acoustics, Licensed Property: Noise, published by BBPA).
- (e) Installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices.
- (f) Management of people, including staff, and traffic (and resulting queues) arriving and leaving premises.
- (g) Liaison with public transport providers.
- (h) Sighting of external lighting, including security lighting.
- (i) Management arrangements for collection and disposal of litter including the provision of appropriate receptacles.
- (j) Clearly showing the name of the premises on all disposable packaging used for takeaway food and/or hot drinks.
- (k) Effective ventilation systems to prevent nuisance from odour.
- (l) Use of specialist equipment such as a High Frequency Deterrent Device known as a 'Mosquito Device' in order to deter and drive away congregations of young person's outside premises.
- (m) Siting of smoking areas in relation to adjoining residential premises
- (n) Details of dispersal policy for customers leaving the venue

## **23.0 Protection of Children from Harm**

23.1 The protection of children from harm is a most important issue. It is hoped that family friendly premises will thrive, but the risk of harm to children remains a paramount consideration when determining applications.

23.2 The general relaxation in the Licensing Act 2003 giving accompanied children greater access to licensed premises is a positive step, aimed at bringing about a social change in family friendly leisure. Clearly this relaxation places additional responsibilities upon licence holders. However, it is also recognised that parents and others accompanying children also have responsibilities.

23.3 The protection of children from harm includes the protection of children from moral, psychological and physical harm.

23.4 In relation to the exhibition of films, or transmission of programmes or videos, this includes the protection of children from exposure to strong language and sexual expletives. In certain circumstances children are more vulnerable and their needs

will require special consideration. Examples would include nude or semi-nude activity, performances involving feigned violence, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language. This vulnerability includes susceptibility to suggestion, peer group influences etc due to the unpredictability of their age and reduced understanding of danger. This applies to premises licensed under the Licensing Act 2003, only and not licensed sexual entertainment venues (SEV's) which are regulated separately.

- 23.5 The Licensing Authority considers that, on the one hand, there should be no presumption of giving children access or, on the other hand, no presumption of preventing their access to licensed premises unless this is necessary for the prevention of physical, moral or psychological harm to them. The Licensing Authority has no intention of imposing conditions requiring the admission of children and where no licensing restriction is necessary, admission of children will remain entirely a matter for the discretion of the individual licensee or club, or person who has given a Temporary Event Notice.
- 23.6 **Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to protect children from harm, relevant to the individual style and characteristics of their premises and events.**
- 23.7 Whilst children may be adequately protected from harm by the action taken to protect adults, they may also need special consideration, and no policy can anticipate every situation. When addressing the issue of protecting children from harm, the applicant must demonstrate that those factors that impact on harm to children have been considered. Areas that will give particular concern in respect of children include:-
- (a) Where entertainment or services of an adult or sexual nature are commonly provided;
  - (b) Where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking;
  - (c) Where requirements for proof of age cards or other age identification to combat the purchase of alcohol by minors is not the norm;
  - (d) With a known association with drug taking or dealing;
  - (e) Where there is a strong element of gambling on the premises, and
  - (f) Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

#### **Control Measures Relating to the Protection of Children from Harm**

- 23.8 The following examples of control measures are given to assist applicants and are considered to be amongst the most essential that applicants should take account of in their operating schedule, having regard to their particular type of premises and/or activities:-
- (a) Effective and responsible management of premises.
  - (b) Provision of a sufficient number of people employed or engaged to secure the protection of children from harm.
  - (c) Appropriate instruction, training and supervision of those employed or



- engaged to secure the protection of children from harm.
- (d) Adoption of best practice guidance (Public Places Charter, The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks).
- (e) Limitations on the hours when children may be present in all or parts of the premises.
- (f) Limitations or exclusions by age when certain activities are taking place (e.g. feigned or actual sexual acts or fetishism, etc.).
- (g) Imposition of requirements for children to be accompanied by an adult.
- (h) Measures to ensure children do not purchase, acquire or consume alcohol.
- (i) Measures to ensure children are not exposed to incidences of violence or disorder.
- (j) Limitations on the parts of premises to which children might be given access.

These examples can be adopted in any combination.

## **24.0 Film Exhibitions**

- 24.1 **In the case of film exhibitions, the Licensing Authority will expect licence and certificate holders and those who have given notice of a Temporary Event within the terms of the 2003 Act to implement measures that restrict children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or the Council. In the case of a film exhibition that has not been classified, the Licensing Authority will expect the licensee to conduct an assessment of the suitability of the film for exhibition to children and to implement measures that restrict viewing by children if necessary.**
- 24.2 If considered appropriate, the Licensing Authority may require that adult supervisors be checked for suitability to work with children.
- 24.3 The Licensing Authority will rarely impose complete bans on access to children. However, in exceptional circumstances, conditions restricting access or excluding children completely may be considered necessary.

## **25.0 Events and Event Risk Assessments**

- 25.1 Organisers of larger events, events for 'one off' special occasions and/or any event that may lead to concern over addressing or promoting any licensing objective are advised to seek early advice from the Council licensing team or Safety Advisory Group (SAG). This will ensure that bona fide events, including those for charitable purposes may be considered and advice given at an early stage so as to ensure that all risks are identified and measures may be put in place to permit a successful event with minimal risk to the safety of the public and the other objectives of the Act.
- 25.2 It should be noted that currently neither Disc Jockeys nor events promoters are licensed or regulated in any way. Whilst it is not suggested that there is a general

concern over such persons, there have been documented cases of issues that have breached the licensing objectives. The adequate control of persons providing a service of this type under the terms of a Premises Licence or other authorisation issued under the Act is the responsibility of the licence holder. In order that the licence holder may maintain full control of such events and minimise the risks in relation to the breach of any licensing objective, applicants are encouraged to complete both pre and post event risk assessments. Either the Licensing Authority or Essex Police would be pleased to advise in this respect.

## **26.0 Suspension of Premises Licences**

- 26.1 The licence holder is responsible for ensuring that the annual licence fee is paid in full by the due date. Under measures imposed by the Police Reform and Social Responsibility Act 2012, failure to pay the annual fee in respect of a Premises Licence or Club Premises Certificate will result in suspension of the licence or certificate.
- 26.2 If a licence or certificate is suspended due to an unpaid annual fee, this will mean that licensable activity will not be lawfully permitted until such time as the fee is paid and the licence or certificate has been reinstated, in writing, by the Licensing Authority.

## **27.0 Smoking – Health Act 2007**

- 27.1 As from 1 July 2007, it became illegal in England to smoke in virtually all enclosed public places and workplaces. The ban includes offices, factories, shops, pubs, clubs, bars, restaurants and public transport.
- 27.2 Businesses are required to display signs containing prescribed information at the entrance to any premises. Further information is available from the department of health at [www.smokefreeengland.co.uk](http://www.smokefreeengland.co.uk).
- 27.3 One of the results of the Health Act is that customers wishing to smoke are often attracted to premises that have a 'beer garden' or designated outdoor smoking areas. This can lead to more consumption of alcohol outside of licensed premises. Although smoking is not a licensable activity, it may clearly at times be associated with a licensable activity, namely the sale of alcohol and may therefore be viewed as an area that requires consideration of possible control measures in the interests of avoiding a public nuisance.
- 27.4 There may be occasions where licensees are required (following representation or application for a review) to control areas and/or hours for such activity and/or have conditions imposed upon their licence if this is deemed appropriate and proportionate in promoting one or more of the licensing objectives and in particular the prevention of public nuisance.

## **APPENDIX A**

### **APPLICATION PROCESS**

**Applications for all licences should be made to the following address:**

Licensing Department  
Brentwood Borough Council  
Town Hall  
Ingrave Road  
Brentwood  
Essex  
CM15 8AY

Alternatively, applications can be submitted online at [www.brentwood.gov.uk](http://www.brentwood.gov.uk)

### **Electronic Applications**

- ♦ The EU Service Directive is intended to develop a single market for services by breaking down barriers to cross border trade within the EU and making it easier for service providers within scope to set up businesses or offer their services in other EU countries. In light of the changes to the law regarding the EU Services Directive for online applications the Licensing Authority will accept online and electronic applications, however all relevant documents must be supplied together with the appropriate fee. All hard copy applications will be treated in line with the relevant regulations and all applications and relevant documentation must continue to be submitted in their entirety and not in stages to avoid the potential for any errors.
- ♦ Where applications have been submitted online through GOV.UK or the Authority's own facility, the Licensing Authority is responsible for sending copies of the application to the Responsible Authorities for consultation. However, if any part of the application is submitted in writing, the applicant must send copies of these parts to the Responsible Authorities.
- ♦ Any advertising requirements must still be met whether the application is submitted electronically or in writing and this remains the responsibility of the applicant.
- ♦ This Authority will continue to assist the applicant in correcting any minor factual errors in their applications. However, the Licensing Authority shall not consider errors to fall within this category which, if permitted could potentially breach relevant regulations nor errors which could result in changes to consultation dates. The interpretation of obvious factual errors shall rest with the Licensing Authority.

## **PERSONAL LICENCE**

### **New Applications**

- ♦ To apply for a new Personal Licence, applicants must be over 18 years of age and will need to complete an application form and send it to the Licensing Authority together with two passport photographs (one of which must be certified as a true likeness), the original of the applicant's licensing qualification, proof of a right to work in the UK a criminal conviction certificate, or a criminal record certificate, or the results of subject access search on the police national computer by National Intelligence Service, a declaration by the applicant that either he has not been convicted of a relevant offence or a foreign relevant offence or that he has been convicted of a relevant offence or a foreign offence accompanied by details of the nature and date of the conviction and any sentence imposed on him in respect of it and the appropriate licence fee. The criminal checks must not be more than 1 calendar month old when the application is received.

### **Renewals**

- The Government has removed the requirement for personal licence holders to renew their licence. Any licence with an expiry date is still valid.

## **PREMISES LICENCE/CLUB CERTIFICATES**

To apply for a Premises Licence/Club Premises Certificate under the provisions of Section 17/71 of the Licensing Act 2003. It should be noted that the forms are prescribed forms issued by the Government.

The application form must be completed in BLACK INK. Please read the instructions and guidance notes before completing the form. When submitting the application, the following must be enclosed,

- The appropriate application fee, if any. Please note the fee for a Premises Licence/Club Certificate is payable annually on the anniversary of the granting of the application. Non payment of this fee will be treated by the Licensing Authority as a serious matter and will result in the suspension of the licence.
- A plan of the premises at a scale of 1:100 which complies with the Regulations as detailed in the information sheet supplied by the Licensing Authority.
- If alcohol is to be sold, the consent form completed by the proposed Designated Premises Supervisor.
- Proof of a Right to Work in the UK [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships]

It is a requirement that copies of the application and supporting documentation are sent to the Responsible Authorities for consultation:

- Essex Police
- Essex Fire and Rescue Service
- Health and Safety Enforcing Authority
- Trading Standards
- Area Child Protection Committee
- Planning Authority
- Environmental Health (Noise Pollution)
- Licensing Authority
- Health Body
- Home Office (Immigration Enforcement)

This must be done on the same day that the application is given to the Licensing Authority. The contact addresses are detailed in Appendix C of this document.

The application must be advertised by publishing a notice in a local newspaper on at least one occasion during the period of ten working days after the day on which the application was given to the Licensing Authority. The published notice must contain the prescribed information as detailed in the information sheet supplied by the Licensing Authority.

Additionally, a notice must be displayed prominently at or on the premises to which the application relates where it can be conveniently read from the exterior of the premises. This notice must be in the prescribed format on pale blue paper and contain the required information. It must be displayed for a period of no less than 28 consecutive days starting on the day after the day on which the application was given to the Licensing Authority. To assist applicants, a template for the notice is included on the Council's website.

Failure to comply with any of the above requirements will mean that the application is not valid and cannot be considered.

## **Variations**

Applications to vary a premises licence or club certificate should be made on the prescribed form and the same process for new applications regarding advertisements and notification of Responsible Authorities must be completed.

### **Minor Variations**

- Minor variations will generally fall into the following four categories:
  - i) Minor changes to the structure or layout of a premises;
  - ii) Small adjustments to licensing hours;
  - iii) The removal of out of date, irrelevant or unenforceable conditions or addition of volunteered conditions; and
  - iv) The addition of certain licensable activities.

However variations to:

- extend licensing hours for the sale or supply of alcohol for consumption on or off the premises between the hours of 23.00 and 07.00; or
- to increase the amount of time on any day during which alcohol may be sold or supplied for consumption on or off the premises

are excluded from the minor variations process and must be treated as full variations in all cases.

- Applications to reduce licensing hours for the sale of alcohol or to move (without increasing) the licensed hours between 07.00 and 23.00 will be normally classed as minor variations.
- It is strongly recommended that applicants for variations discuss their proposals with the Licensing Authority to ensure the correct application is made.

Applications for minor variations must be made on the prescribed form and be accompanied by the statutory fee and amended plans (if applicable).

The application must be advertised on a white A4 notice at the premises, and contain basic details such as a brief description of the proposed variation; name of the applicant or club; address of the premises; and date by which any interested party may make representations. This notice must remain on the premises for the consultation period of 10 working days. To assist applicants, a template for the notice is included on the Council's website.

During the consultation period, the Licensing Authority will consider the application and may consult with any of the Responsible Authorities.

### **Variation of Premises Licence (Designated Premises Supervisor)**

- ♦ An application to vary a premises licence where there has been a change of the designated premises supervisor must be in the prescribed form and accompanied by the premises licence; a form of consent in the prescribed form given by the individual whom the applicant wishes to have specified in the premises licence as the premises supervisor; the fee.
- ♦ A copy of the application and all accompanying documents must also be sent to the police.

### **Transfer of Premises Licence**

- ♦ An application to transfer the premises licence where there has been a change of the licence holder must be in the prescribed form and accompanied by the premises licence; a form of consent in the prescribed form given by the exiting premises licence holder; Proof of a Right to Work in the UK [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships]; the fee.
- ♦ A copy of the application and all accompanying documents must also be sent to the police and the Home Office.

### **Club Premises Certificate**

- ♦ The process of applying for a Club Premises Certificate and / or for variation to that Certificate is similar to that for a Premises Licence except that, because there is no 'sale of alcohol' involved, only a 'supply' that is managed by or on behalf of the club, neither a Designated Premises Supervisor nor a Personal Licence Holder is required.

### **Temporary Event Notice (TEN)**

- ♦ The Licensing Act 2003 provides for certain occasions when small, occasional events (no more than 499 people at a time and lasting no more than 168 hours) do not need a licence providing that a minimum of 10 working days notice is given to the Police, Environmental Health Team and Licensing Authority. The aim of the system of Temporary Event Notices (TENs) is to minimise the regulatory burden on such events, many of which will be run by community groups.

The process involves sending notification of an event, in the form of a Temporary Event Notice (TEN), to the Police, Environmental Health Team and Council in whose area the event is being held at least 10 working days before the day on which the event begins. The Council will issue an acknowledgement if the TEN is valid. Essex Police and Thurrock Council's Environmental Health Team can object to a TEN if the event is likely to undermine the licensing objectives. Where Essex Police or the Environmental Health Team submit an objection to the notice, the licensing authority will hold a hearing to consider the objection.

Licensing authorities will be given discretion to apply existing licence conditions to a TEN if there are objections from Essex Police or the Council's Environmental Health Team.

Activities that can be covered by a Temporary Event Notice are:

- **Provision of regulated entertainment**
- **Sale by retail of alcohol**
- **The supply of alcohol by or on behalf of a club**
- **Provision of late night refreshment**

To ensure TENs benefit small events only, they are subject to certain limitations. These are:

No more than 499 people (including staff/organisers) attending at any one time.

An individual is limited to giving 5 TENs in a calendar year, unless they are a personal licence holder, in which case they can give 50.

A limit of 15 temporary event notices may be given in respect of any particular premises in a calendar year.

An event may last no longer than 168 hours.

The maximum aggregate duration of the periods covered by temporary event notices at any individual premises is 21 days.

Organisers of TEN's are strongly advised to contact the Licensing Authority, the Environmental Health Service and Essex Police for advice at the earliest opportunity when planning events, to avoid any unnecessary objections being made that may arise from misunderstandings or confusion as to what is being proposed.

### **Late Temporary Event Notices (Late TEN)**

The Licensing Act 2003 allows event organisers to submit up to 10 "late notices" per year if they hold a personal licence and 2 "late notices" if they do not hold a personal licence. These "late notices" can be submitted to the Licensing Authority, Essex Police and the Environmental Health Team between 5 and 9 working days before the event. However, the Secretary of State's Guidance states that "They should not be used save in exceptional circumstances". It should be noted that if either the Police or the Council's Environmental Health team submits an objections to a late notice the Council will issue



a counter notice prohibiting licensable activities for the duration of the TEN. Late TENs are included within the maximum allowance for a premises and person.

It should be noted that giving a Temporary Event Notice does not relieve the premises user from any requirement, under planning law, for appropriate planning permission where it is required. (Please contact the Planning Department to seek further guidance)

### **Removal Of Designated Premises Supervisor**

Where an individual wishes to cease being the Designated Premises Supervisor in respect of a Premises Licence he or she may give the Licensing Authority notice to that effect, the notice to be in writing together with the documentation required for the particular type of notice being given and detailed in the Guidance Notes.

Within 48 hours of the notice being served upon the Licensing Authority, the individual must [unless he or she is the Premises Licence holder] serve a copy of the notice and another notice requiring the Premises Licence holder to send the Premises Licence to the Licensing Authority. The Premises Licence holder must comply with this request within 14 days of that notice.

Provided that the proper notices are served and documentation supplied within the specified timescales, the Licensing Authority will no longer treat that individual as the Designated Premises Supervisor.

### **Provisional Grant Applications**

The Licensing Act 2003, as amended, permits the granting of Provisional Licences to allow applications to be accepted for the grant of a Premises Licence where the actual premises has not been built or where works are necessary to be carried out to bring the building into use for any purposes covered by the Act. Guidance notes will be available for those persons wishing to make this type of application and may be obtained from the Licensing Authority upon request.

### **Interim Authority Notices**

Should a Premises Licence lapse due to the death, incapacity or insolvency of the licence holder, then an application may be made to the Licensing Authority for an Interim Authority Notice to enable the premises to continue to trade pending a transfer application being made. This may be made in paper format or electronically.

An application may be submitted by a Personal Representative, a person holding a Power of Attorney or an Insolvency Practitioner.

As soon as the Interim Authority Notice is given, the Premises Licence will be reinstated as from that time and the person who gave the notice will be considered to be the holder of the Premises Licence.

The Premises Licence will lapse after a period of 28 days unless a copy of the notice has been given to the Chief Officer of Police or a Transfer application has been submitted to the Licensing Authority.

If no representation is received, the application will be processed by Officers of the Licensing Authority.

If the Chief Officer of Police wishes to object to the transfer on the grounds of the Crime and Disorder Licensing Objective he must, before the end of the second working day following the day of receiving the notice, give notice to the Licensing Authority stating the reasons for this decision and, unless the representation is withdrawn, a Hearing will be arranged in accordance with the procedure set out above.

There is nothing to prevent the person giving the Interim Authority Notice from making a transfer application if it is made during the Interim Authority period or if the application for the Interim Authority application is rejected or withdrawn or if the licence lapses again at the time of rejection or withdrawal.

In certain circumstances, the Interim Authority Notice may be cancelled if the Crime and Disorder objective is being undermined and the Act provides the procedure which must be followed in this event.

### **Reinstatement Of Licence**

The Act provides that an application for the reinstatement of a licence following the events set out in the paragraph above can be made when the Interim Authority Licence ceases to have effect when it is cancelled or withdrawn. The application must be made no later than Twenty Eight days after the licence has lapsed and where an application for transfer has been made.

## **CONDITIONS ATTACHED TO PREMISES LICENCES AND CLUB PREMISES CERTIFICATES**

The following mandatory conditions will be attached to Premises Licences where applicable.

### All Premises Licences which authorise the sale or supply of alcohol:

1. No supply of alcohol may be made under this licence
  - a) At a time when there is no designated premises supervisor in respect of it or,
  - b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.
3. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

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

### Where the Premises Licence authorises the sale or supply for consumption **on** the premises, the following mandatory conditions will also apply:

1. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
4. The responsible person shall ensure that:
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml; and
  - (b) customers are made aware of the availability of these measures.

Where a Premises Licence has a condition requiring the presence of door staff, the following mandatory condition will apply:

Only individuals licensed by the Security Industry Authority may be used at the premises to guard against:

- a) Unauthorised access or occupation (e.g. through door supervision), or
- b) Outbreaks of disorder, or
- c) Damage

Where a Premises Licence authorises the exhibition of films, the following mandatory condition will apply:

The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendations made

- a) By the British Board of Film Classification (BBFC) where the film has been classified by that Board, or
- b) By the Licensing Authority where no classification certificate has been granted by the BBFC, or, where the licensing authority has notified the licence holder that section 20 (3) (b) (74 (3)9b) for clubs) of the Licensing Act 2003 applies to the film.

The following conditions will apply to Club Premises Certificates which authorise the sale or supply of alcohol:

1. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
4. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

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

5. The responsible person shall ensure that:
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely

closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

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

Where a Club Premises Certificate authorises the exhibition of films, the following mandatory condition will apply:

1. Where the film classification body is specified in the certificate, unless subsection (3) (b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
2. Where -
  - a. the film classification body is not specified in the certificate, or
  - b. the relevant licensing authority has notified the club which holds the certificate that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

Conditions may also be added to Premises Licences and Club Premises Certificates in line with the operating schedule submitted by the applicant and mediation with the Responsible Authorities. The Licensing Sub-Committee may also attach conditions following a hearing.

### **ADVERTISEMENT OF APPLICATIONS**

In the case of an application for a Premises Licence under Section 17, for a Provisional Statement under Section 29, to vary a Premises Licence under Section 34, for a Club Premises Certificate under Section 84, the person making the application shall advertise the application, in both cases in a prescribed format and contain the appropriate information. The format of advertisement and information to be included is:—

- (A) For a period of no less than 28 consecutive days, starting on the day after the day on which the application was given to the relevant licensing authority, by displaying a notice:
  - (i) which is -
    - (a) of a size equal or larger than A4;
    - (b) of a pale blue colour;
    - (c) printed legibly in black, in a font of a size equal to or larger than 16.
  - (ii) In all cases, prominently at or on the premises to which the application relates, where it can be conveniently read from the exterior of the premises, covering an area exceeding 50m square, a further notice in the same form and subjected to the same requirements, every 50m along the external perimeter of the premises abutting any highway; and
- (B) By publishing a notice:

- (i) in a local newspaper, or, if there is none, in a local newsletter, circular or similar document, circulating in the vicinity of the premises;
- (ii) on at least one occasion during the period of ten working days, starting on the day after the day on which the application was given to the relevant licensing authority.

In the case of an application for a Premises Licence - Section 17, or a Club Premises Certificate - Section 71, the notices shall contain a statement of the relevant licensable activities or relevant qualifying club activities, as the case may require, which is proposed will be carried on or from the premises.

- (i) In the case of an application for a Provisional Statement, the necessary notices:
  - Ⓐ shall state that representatives are restricted after the issue of a Provisional Statement; and
  - Ⓑ where known, may state the relevant licensable activities which it is proposed will be carried out on or from the premises.
- (ii) In the case of an application to vary a Premises Licence or a Club Premises Certificate, the required notices shall briefly describe the proposed variation.
- (iii) In all cases the required notices shall state:
  - Ⓐ the name of the applicant or club;
  - Ⓑ the postal address of the premises or club premises, if any; or if there is not postal address for the premises, a description of those premises sufficient to enable the location and extent of the premises to be identified;
  - Ⓒ the postal address and, where applicable, the worldwide web address where the register of the licensing authority is kept and where and when the record of the application may be inspected;
  - Ⓓ the date by which a other person or responsible authority may make representations to the licensing authority;
  - Ⓔ that representations shall be made in writing;
  - Ⓕ that it is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence (level 5 on the standard scale).

### **Advertisement Of Applications By The Licensing Authority**

The Licensing Act 2003 (Premises Licences and Club Premises Certificates) (Amendment) Regulations 2012, which came into effect on 25 April 2012 introduced a new requirement for a Licensing Authority to advertise, by way of a notice of its website, all applications for Premises licences under section 12, for provisional statements under section 29, variation of

a premises licence under section 34 (except where the only variation sought is the inclusion of an alternative licence condition), for club premises certificate under section 71 or to vary a club premises certificate under section 84. This notice must remain on the website for a period no less than 28 consecutive days starting on the day after the day on which the application was given to the relevant licensing authority

## **APPENDIX B**

### **OBJECTIONS/REPRESENTATIONS/REVIEWS/HEARINGS/APPEALS**

#### **Who can make representations or seek reviews?**

'Other Persons' and 'Responsible Authorities' may make 'relevant representations' in respect of applications made for the grant or variation of a Premises Licence or Club Premises Certificate and may seek a review of licences and certificates granted.

#### **'Other Persons' are defined as: -**

- ♦ a member of the relevant licensing authority (elected Councillors);
- ♦ any person;
- ♦ a body representing any persons;
- ♦ any person involved in a business;
- ♦ a body representing any person involved in such businesses.

#### **'Responsible Authority' is defined as any of the following: -**

- ♦ the chief officer of Police;
- ♦ the Fire Authority;
- ♦ the enforcing authority for Health and Safety at Work;
- ♦ the local planning authority;
- ♦ the local authority responsible for environmental health;
- ♦ the body that represents those who are responsible for, or interested in, matters relating to the protection from harm
- ♦ the local weights and measures authority (Trading Standards);
- ♦ a navigation authority, the Environment Agency, or the British Waterway Board in relation to a vessel.
- ♦ the Licensing Authority
- ♦ the local Health Body
- ♦ Home Office Alcohol Licensing Team

#### **What are relevant representations?**

#### **'Relevant representations' is the term used for comments and objections that: -**

- ♦ are about the likely effect of the grant of the premises licence or premises certificate on the promotion of the licensing objectives;
- ♦ are made by 'any person' or 'Responsible Authority' within the prescribed period and have not have been withdrawn;



- ♦ in the opinion of the Licensing Authority, are not frivolous or vexatious; and in the case of a review, repetitious.
- ♦ if they relate to the identity of the proposed premises supervisor, are made by the chief officer of Police and include a statement that his/her designation would undermine the crime prevention objective.

The terms 'frivolous' and 'vexatious' have their normal meanings.

In the case of a review of a premises licence or certificate, a representation will be repetitious if: -

- (a) it is identical or substantially similar to: -
  - ♦ grounds in an earlier application for review made in respect of the same premises and already determined, or
  - ♦ representations considered by the Licensing Authority in granting the premises licence or certificate, or
  - ♦ representations which would have been considered except they were excluded representations following a provisional statement, and
- (b) a reasonable interval has not elapsed since the earlier application for review or grant of the licence or certificate.

### **Time Limits on Representations**

Any person or a responsible authority making representations to a relevant licensing authority may make these representations:—

- (A) In the case of a review of previous licence following a closure order, at any time up to and including seven days, starting on the day after the day on which the authority received the notice under Section 165(4) of the Licensing Act 2003, in relation to the closure order and any extension to it.
- (B) In the case of a Summary Review or Minor Variation at any time up to 10 days, starting on the day after the application was made.
- (C) In any other case, at any time during a period of 28 consecutive days, starting on the day after the day on which the application to which it relates was given to the authority by the applicant.

### **Reviews**

The Licensing Authority must hold a hearing to review a premises licence or club premises certificate where either: -

- ♦ representations are made in the prescribed form by a Responsible Authority or Other persons seeking a review of the licence or certificate on one or more of the licensing objectives; or

- ♦ a Magistrate's Court issues a notice under section 165 (4) of the Act, following consideration of a Closure Order issued by the police in respect of the licensed premises.

## **Hearings**

A hearing must be held within a prescribed period of time where relevant representations are made in respect of any licensing application or issue of a Temporary Event Notice and notices must be sent to each party informing them of the date.

The table below lists those provisions, the timescales within which hearings have to be held and those persons to whom notices must be given.

<b>Provision under which hearing is held</b>	<b>Period of time in which hearing must be held</b>	<b>Persons to whom notices must be sent</b>
Application for premises licence	20 working days beginning with the day after the end of the period for making representations.	Applicant. Persons who have made relevant representations.
Application for a provisional statement	20 working days beginning with the day after the end of the period for making representations.	Applicant. Persons who have made relevant representations.
Application to vary premises licence	20 working days beginning with the day after the end of the period for making representations.	Holder of premises licence. Persons who have made relevant representations.
Application to vary premises licence to change DPS	20 working days beginning with the day after the end of the period for making representations.	Holder of premises licence. Chief of police Proposed Designated Premises Supervisor
Application for transfer of premises licence	20 working days beginning with the day after the end of the period for making representations.	Applicant. Chief of police Holder of premises licence.
Cancellation of interim authority notice	5 working days beginning with the day after the end of the period for making representations.	Applicant. Chief of police
Application for review of premises licence	20 working days beginning with the day after the end of the period for making representations.	Holder of premises licence. Persons who have made relevant representations. Applicant.
Application for club premises certificate	20 working days beginning with the day after the end of the period for making representations.	Applicant (the club). Persons who have made relevant representations.
Application to vary club premises certificate	20 working days beginning with the day after the end of the period for making representations.	Applicant (the club). Persons who have made relevant representations.

Application for review of club premises certificate	20 working days beginning with the day after the end of the period for making representations.	The club holding the club premises certificate. Persons who have made relevant representations. Applicant.
Counter notice following Police/environmental health objection to a Standard TEN	7 days beginning with the day after the end of the period for making representations.	The premises user. Chief of police Environmental Health
Counter notice following Police/Environmental Health objection to a Late TEN	No provision for hearing	The premises user. Chief of police Environmental Health
Application for grant of personal licence	20 working days beginning with the day after the end of the period for making representations.	Applicant. Chief of police
Application for renewal of personal licence	20 working days beginning with the day after the end of the period for making representations.	Applicant. Chief of police
Convictions coming to light after grant or renewal of personal licence	20 working days beginning with the day after the end of the period for making representations.	Holder of personal licence. Chief of police
Review of premises licence following closure order	10 working days beginning with the day after the day the Licensing Authority receives the court notice.	Holder of premises licence. Chief of police

### **Appeals Against Decisions**

Any person aggrieved by the decision of the Licensing Committee can appeal to the Magistrates' Court within 21 days of the written decision notice.

## **APPENDIX C**

### **RESPONSIBLE AUTHORITIES**

The following contact details for the Responsible Authorities under the Licensing Act 2003 are provided for the service of premises and club applications and to enable pre-application discussions to take place.

#### **Licensing Authority**

Brentwood Borough Council, Town Hall, Ingrave Road, Brentwood, Essex CM15 8AY  
Email: [licensing@brentwood.gov.uk](mailto:licensing@brentwood.gov.uk)

#### **Essex Police**

Licensing Department (alcohol), Essex Police, PO Box 2, Braintree Police Station CM2 6DA  
Email: [licensing.applications@essex.police.uk](mailto:licensing.applications@essex.police.uk)  
Phone 101, or 01245 452035 if outside Essex.

#### **Essex County Fire & Rescue Service**

Basildon & Brentwood SDP, Fire Station, Broadmayne, Basildon, Essex SS14 1EH  
Email: [southwestgroupsdp@essex-fire.gov.uk](mailto:southwestgroupsdp@essex-fire.gov.uk)

#### **Planning Authority**

Brentwood Borough Council, Town Hall, Ingrave Road, Brentwood, Essex CM15 8AY  
Email: [planning@brentwood.gov.uk](mailto:planning@brentwood.gov.uk)

#### **Health & Safety Team\***

Brentwood Borough Council, Town Hall, Ingrave Road, Brentwood, Essex CM15 8AY  
Email: [hoehpps@brentwood.gov.uk](mailto:hoehpps@brentwood.gov.uk)

#### **Pollution Team**

Brentwood Borough Council, Town Hall, Ingrave Road, Brentwood, Essex CM15 8AY  
Email: [hoehpps@brentwood.gov.uk](mailto:hoehpps@brentwood.gov.uk)

#### **Trading Standards**

Information and Business Support Team, Essex Trading Standards, CG32, County Hall, Market Road, Chelmsford, CM1 1QH.  
Email: [ESHbsnewdukesway@essex.gov.uk](mailto:ESHbsnewdukesway@essex.gov.uk)

#### **Childrens Safeguarding Service**

Licensing Applications, Child Safeguarding Service, 70 Duke Street, County Hall, Chelmsford, CM1 1JP.  
Email: [licenceapplications@essex.gov.uk](mailto:licenceapplications@essex.gov.uk)

#### **Public Health Team**

Licensing Officer, Public Health, E2, County Hall, Chelmsford, CM1 1LX.  
Email: [public.healthteam@nhs.net](mailto:public.healthteam@nhs.net)

#### **Home Office(Immigration Enforcement)**

IE Licensing Compliance Team (IELCT), 2 Ruskin Square (Floor 6), Dingwall Road, Croydon, CR0 2WF  
Email: [IE.licensing.applications@homeoffice.gov.uk](mailto:IE.licensing.applications@homeoffice.gov.uk)

**ANNEX D**  
**LIST OF CONSULTEES**

<b>Licensing (Alcohol) Consultations</b>	
<b>General Consultees</b>	
Chief Of Police (Brentwood)	
Chief of Fire Service (Brentwood)	
Information Commissioners Office	
Institute of Licensing	
British Beer and Pub Association	
All Premises Licence Holders with premises in this Borough	
All known Brewery Chains	
All Personal Licence Holders Licensed by the Borough	
All Brentwood Borough Councillors	
<b>Alcohol Related Charities</b>	
Alcohol Concern	
Resolve	
Mind	
Alcohol Research UK	
Alcohol Research UK	
The National Association for Children Of Alcoholics	
Drink Aware	
Lifeline	
Alcoholics Anonymous (GB) Ltd	
BIIAB	
<b>Parish Councils</b>	
Blackmore, Hook End & Wyatts Green	
Doddinghurst	
Herongate and Ingrave	
Ingatestone & Fryerning	
Kelvedon Hatch	
Mountnessing	
Navestock	
Stondon Massey	
West Horndon	

## **APPENDIX E**

### **DELEGATION OF POWERS**

Full details of the Council's Constitution can be found on the Council web site [www.brentwood.gov.uk](http://www.brentwood.gov.uk) and the terms and references and the delegation of functions of the Licensing Committee are described in full.

In respect of responsibilities under the Licensing Act 2003, the Council has delegated all aspects of licensing under the Act, other than the approval and publishing of a Licensing Policy Statement that will be approved by a full Council.

The Council will establish one or more panels, each consisting of three members of the Licensing Committee to deal with matters relating to licence for activities in accordance with any regulations made under the Licensing Act 2003.

#### **Delegation of Function**

The Licensing Manager is empowered to:

- Deal with all aspects of the Licensing Act 2003, where no representations or objections have been made by interested parties and responsibilities;
- Grant or refuse all minor variation applications.
- Determine representations in relation to Temporary Event Notices, where all parties agree that a Licensing Hearing is not necessary.

## **APPENDIX F**

### **REFERENCES TO GUIDES AND BEST PRACTICE**

- |   |  |   |
|---|--|---|
| ⇒ | Guidance issued under Section 182 of the Licensing Act 2003  | <a href="http://www.gov.uk">www.gov.uk</a>  |
| ⇒ | Government's Enforcement Concordat   | <a href="http://www.cabinet-office.gov.uk">www.cabinet-office.gov.uk</a>  |
| ⇒ | Safer Clubbing   | <a href="http://www.drugs.gov.uk">www.drugs.gov.uk</a>  |
| ⇒ | The National Alcohol Harm Reduction Strategy Toolkit   | <a href="http://www.hms0.gov.uk">www.hms0.gov.uk</a>  |
| ⇒ | The Point of Sale Promotions   | <a href="http://www.beerandpub.com">www.beerandpub.com</a>  |
| ⇒ | Security in Design   | <a href="http://www.beerandpub.com">www.beerandpub.com</a>  |
| ⇒ | Drugs and Pubs   | <a href="http://www.beerandpub.com">www.beerandpub.com</a>  |
| ⇒ | Fire Safety Risk Assessment Guides:<br>Guide 6 – Small and Medium Places of Assembly<br>Guide 7 – Large Places of Assembly<br>Guide 9 – Open Air Events and Venues | <a href="https://www.gov.uk/workplace-fire-safety-your-responsibilities/fire-risk-assessments">https://www.gov.uk/workplace-fire-safety-your-responsibilities/fire-risk-assessments</a> |
| ⇒ | The Event Safety Guide   | <a href="http://www.hse.gov.uk">www.hse.gov.uk</a>  |
| ⇒ | Good Practice Guide on the Control of Noise from Pubs and Clubs  | <a href="http://www.ioa.org.uk">www.ioa.org.uk</a>  |
| ⇒ | Licensed Property: Noise   | <a href="http://www.beerandpub.com">www.beerandpub.com</a>  |
| ⇒ | The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks<br>The Retailer Alert Bulletin                                       | <a href="http://www.portman.group.org.uk">www.portman.group.org.uk</a>  |
| ⇒ | British Institute of Innkeepers<br>Best Practice Qualification<br>Door Supervisors<br>Personal Licence Holders<br>Other Bar Staff                                  | <a href="http://www.bii.org">www.bii.org</a>  |



## **APPENDIX G**

### **CONTACT DETAILS AND USEFUL ADDRESSES**

- |   |  |
|---|--|
| 1. Arts Council England<br>Bloomsbury Street<br>Bloomsbury<br>London<br>WC1B 3HF                          | Tel: 0845 300 6200<br>Email: <a href="mailto:enquiries@artscouncil.org.uk">enquiries@artscouncil.org.uk</a><br>Web: <a href="http://www.artscouncil.org.uk">www.artscouncil.org.uk</a> |
| 2. Association of Licensed Multiple Retailers<br>10 Bloomsbury Way<br>6th Floor<br>London WC1A 2SL        | Tel: 020 8579 2080<br>Email: <a href="mailto:info@almr.org.uk">info@almr.org.uk</a><br>Web: <a href="http://www.almr.org.uk">www.almr.org.uk</a>                                       |
| 3. British Beer & Pub Association<br>Ground Floor<br>61 Queen Street<br>London<br>EC4R 1EB                | Tel: 020 7627 9191<br>Email: <a href="mailto:contact@beerandpub.com">contact@beerandpub.com</a><br>Web: <a href="http://www.beerandpub.com">www.beerandpub.com</a>                     |
| 4. British Board of Film Classification<br>3 Soho Square<br>London<br>W1D 3HD                             | Tel: 020 7440 1570<br>Email: <a href="mailto:helpline@bbfc.co.uk">helpline@bbfc.co.uk</a><br>Web: <a href="http://www.bbfc.co.uk">www.bbfc.co.uk</a>                                   |
| 5. British Institute of Innkeeping<br>Infor House<br>1 Lakeside Road<br>Farnborough, GU14 6XP             | Tel: 01276 684449<br>Email: <a href="mailto:reception@bii.org">reception@bii.org</a><br>Web: <a href="http://www.bii.org">www.bii.org</a>  |
| 6. Equality & Human Rights Commission<br>Fleetbank House<br>2-6 Salisbury Square<br>London<br>EC4Y 8JX    | Tel: 020 7832 7800<br>Email:<br>Web: <a href="http://www.equalityhumanrights.com">www.equalityhumanrights.com</a>  |
| 7. Essex Chamber of Commerce<br>South Essex Office<br>34a Star Lane,<br>Great Wakering,<br>Essex. SS3 0FF | Tel: 01702 560 100<br>Email: <a href="mailto:info@essexchambers.co.uk">info@essexchambers.co.uk</a><br>Web: <a href="http://www.essexchambers.co.uk">www.essexchambers.co.uk</a>       |
| 8. Equity<br>Guild House<br>Upper Martins Lane<br>London<br>WC2H 9EG                                      | Tel: 020 7379 6000<br>Email: <a href="mailto:info@equity.org.uk">info@equity.org.uk</a><br>Web: <a href="http://www.equity.org.uk">www.equity.org.uk</a>                               |

- |     |   |  |
|-----|---|--|
| 9.  | Institute of Acoustics<br>1974-2020, Silbury Court<br>406 Silbury Boulevard<br>Milton Keynes, MK9 2AF | Tel: 0300 999 9675<br>Email: <a href="mailto:ioa@ioa.org.uk">ioa@ioa.org.uk</a><br>Web: <a href="http://www.ioa.org.uk">www.ioa.org.uk</a>   |
| 10. | Musicians Union<br>60-62 Clapham Road<br>London<br>SW9 0JJ  | Tel: 020 7840 5537<br>Email: <a href="mailto:eastsoutheast@theMU.org">eastsoutheast@theMU.org</a><br>Web: <a href="http://www.musiciansunion.org.uk">www.musiciansunion.org.uk</a> |
| 11. | Security Industry Authority<br>PO Box 74957<br>London<br>E14 1UG<br>United Kingdom                    | Tel: 0300 123 9298<br>Email: <a href="mailto:info@the-sia.org.uk">info@the-sia.org.uk</a><br>Web: <a href="http://SecurityIndustryAuthority">Security Industry Authority</a>       |
| 12. | The Portman Group<br>Millbank Tower<br>21-24 Millbank<br>London SW1P 4QP                              | Tel: 07730 525 701<br>Email: <a href="mailto:info@portmangroup.org.uk">info@portmangroup.org.uk</a><br>Web: <a href="http://www.portmangroup.org.uk">www.portmangroup.org.uk</a>   |

## **APPENDIX H**

### **GLOSSARY OF TERMINOLOGY (as used in the Licensing Act 2003 (the Act) and subsequent legislation)**

#### **ANY PERSON**

Is defined as:

- i) a member of the relevant licensing authority (elected councillors);
- ii) any person;
- iii) a body representing any person;
- iv) a person involved in a business;
- v) a body representing any persons involved in such businesses;

#### **CHILD**

Is defined as:

- An individual aged less than 16 years of age.
- A child is unaccompanied if he is not in the company of an individual aged 18 years or over.

#### **ENTERTAINMENT FACILITIES**

- Please see 'Live Music Act 2012'

#### **EXEMPT REGULATED ENTERTAINMENT**

The Live Music Act 2012 and the Licensing Act 2003 (descriptions of Entertainment) (Amendment) Order 2013 made changes to certain types of regulated entertainment which would no longer need a licence providing certain conditions are met.

No licence is required for the following activities providing they take place between **08:00 – 23:00** on any day:

- ❖ **a performance of a play** in the presence of any audience of no more than 500 people;
- ❖ **an indoor sporting event** in the presence of any audience of no more than 1,000 people;
- ❖ **most performances of dance** in the presence of any audience of no more than 500 people;
- ❖ **live music** where the live music comprises:
  - a performance of **unamplified live music**;
  - a performance of **live amplified music in a workplace** with an audience of no more than 200 people; or
  - **a performance of live music on licensed premises** which takes place in the presence of an audience of no more than 200 people, provided that a number of important conditions are satisfied.

**Performances of dance** which are “relevant entertainment” under the Local Government (Miscellaneous Provisions) Act 1982 do not become exempt under the 2013 Order regardless of the size of the audience or the time of day. “Relevant entertainment” is defined under the 1982 Act as a live performance or live display of nudity that, ignoring financial gain, can be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience.

Authorisation for the **performance of dance** under the 2003 Act will be needed for “relevant entertainment” where:

- ❖ the premises are not licensed as a sex entertainment venue under the 1982 Act; and
- ❖ relevant entertainment has been provided at those premises on no more than 11 occasions in any 12 month period, with none of those occasions lasting longer than 24 hours or taking place within a month of any such occasion.

➤ See also **LIVE MUSIC ACT 2012 & REGULATED ENTERTAINMENT**

### **HOT FOOD OR HOT DRINK**

Is defined as:

- Food or drink supplied on or from any premises is “hot” for the purposes of Schedule 2 to the Act if the food or drink, or any part of it:
  - i) before it is supplied, is heated on the premises or elsewhere for the purpose of enabling it to be consumed at a temperature above the ambient air temperature and, at the time of supply, is above that temperature; or
  - ii) after it is supplied, may be heated on the premises for the purpose of enabling it to be consumed at a temperature above the ambient air temperature.

### **INTERESTED PARTY**

- Please see ‘**ANY PERSON**’

### **LICENSABLE ACTIVITIES AND QUALIFYING CLUB ACTIVITIES**

- Are defined in the Licensing Act as:
  - i) the sale by retail of alcohol;
  - ii) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
  - iii) the provision of **REGULATED ENTERTAINMENT**
  - iv) the provision of **LATE NIGHT REFRESHMENT**
- For those purposes the following licensable activities are also qualifying club activities:
  - i) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club for consumption on the premises where the supply takes place;
  - ii) the sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place
  - iii) the provision of regulated entertainment where that provision is by or on behalf of a club for members of the club or members of the club and their guests.

### **LIVE MUSIC ACT**

The Live Music Act 2012 took effect on 1<sup>st</sup> October 2012 and removed the following as licensable activities:

- Provision of facilities for making music
- Provision of facilities for dancing

- Entertainment of a similar description to provision of facilities for making music or dancing.

The Act also disapplies live music related conditions if the following conditions are met:

- a) there is a premises licence or club premises certificate in place authorising the sale or supply of alcohol for consumption on the premises;
- b) the premises are open for the sale or supply of alcohol for consumption on the premises;
- c) live music is taking place between 8am and 11pm;
- d) if the live music is amplified, there are no more than 200 people in the audience.

Live **amplified** music also ceases to be classed as regulated entertainment if the above criteria are met.

The Live Music Act 2012 has also created a general exemption that live **unamplified** music shall not be classed as regulated entertainment anywhere, regardless of audience size if it takes place between 8am and 11pm.

## OTHER PERSON

- See '**ANY PERSON**'

## PROVISION OF LATE NIGHT REFRESHMENT

Is defined as:

- The provision of hot food refreshment or hot drink to members of the public, or a section of the public, on or from any premises, whether for consumption on or off the premises between 11:00pm and 05:00am, or;
- At any time between those hours when members of the public, or a section of the public, are admitted to any premises, a person supplies, or holds himself willing to supply, hot food or hot drink to any persons, or to persons of a particular description, on or from those premises, whether for consumption on or off the premises.

## REGULATED ENTERTAINMENT

➤ Is defined as:

- a) A performance of a play
- b) An exhibition of film
- c) An indoor sporting event
- d) A boxing or wrestling entertainment
- e) A performance of live music
- f) Any playing of recorded music
- g) A performance of dance
- h) Entertainment of a similar description to that falling within paragraph e), f) or g) where the entertainment takes place in the presence of an audience and is provided for the purpose, or for purposes which include the purpose, of entertaining that audience. Any reference to an audience includes a reference to spectators. This definition is subject to Part 3 of Schedule 1 to the Licensing Act 2003 (interpretation).
- i) The first condition is that the entertainment is provided:
  - (a) to any extent for members of the public or a section of the public

- (b) exclusively for members of a club which is a qualifying club in relation to the provision of regulated entertainment, or for members of such a club and their guests.
- (c) in any case not falling within paragraph (a) or (b), for consideration and with a view to a profit
- j) The second condition is that the premises on which the entertainment is provided are made available for that purpose, or for purposes which include the purpose, of enabling the entertainment concerned to take place.

The following activities are examples of entertainment which are not licensable:

- Education – teaching students to perform music or to dance;
- Activities which involve participation as acts of worship in a religious context;
- Activities that take place in places of public religious worship;
- The demonstration of a product – for example, a guitar – in a music shop;
- The rehearsal of a play or performance of music for a private audience where no charge is made with a view to making a profit (including raising money for charity);
- Games played in pubs, youth clubs etc. (e.g. pool, darts, table tennis and billiards);
- Stand-up comedy.

- See also **LIVE MUSIC ACT**
- See also **EXEMPT REGULATED ENTERTAINMENT**

## **RESPONSIBLE AUTHORITY**

- Is defined as:
  - i) the Chief Officer of Police for any Police area in which the premises are situated;
  - ii) the Fire Authority for any area in which the premises are situated;
  - iii) the enforcing authority within the meaning given by section 118 of the Health and Safety at Work etc Act 1974 for any area in which the premises are situated;
  - iv) the local planning authority within the meaning given by the Town and Country Planning Act 1990 (c.8) for any area in which the premises are situated;
  - v) the local authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health;
  - vi) a body which:
    - a) represents those who, in relation to any such area, are responsible for or interested in, matters relating to the protection of children from harm, and
    - b) is recognised by the Licensing Authority for that area for the purposes of this section as being competent to advise it on such matters;
  - vii) the local Weights and Measures Authority;
  - viii) any Licensing Authority (other than the relevant Licensing Authority) in whose area part of the premises is situated;
  - ix) in relation to a vessel:
    - a) a navigation authority (within the meaning of section 221(1) of the Water Resources Act 1991 (c.57)) having functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is, or is proposed to be, navigated at a time when it is used for licensable activities
    - b) the Environment Agency
    - c) the British Waterways Board, or

- d) the Secretary of State
- e) a person prescribed for the purpose of this subsection.

In April 2012 the following were added as Responsible Authorities:

- x) the Licensing Authority
- xi) Local Health Body

In April 2017 the following were added as Responsible Authorities:

- xii) Home Office

### **TEMPORARY EVENT**

➤ Is defined as:

The use of premises for one or more of the licensable activities during a period not exceeding 168 hours usually where a premises licence not covering the licensable activity is not in place. Limited to events involving not more than 499 people.