

1 July 2020	ITEM: 5
Licensing Committee	
Review of the Licensing Act 2003 – Statement of Licensing Policy	
Wards and communities affected: All	Key Decision: Key
Report of: Paul Adams, Licensing Manager	
Accountable Assistant Director: Leigh Nicholson, Interim Assistant Director Planning, Transport and Public Protection	
Accountable Director: Andrew Millard, Corporate Director of Place	
This report is: Public	

Executive Summary

The Licensing Act 2003 requires Local Councils to review their Statement of Licensing Policy every five years. A reviewed policy has been produced for consideration of this committee in preparation for consultation.

1. Recommendation(s)

- 1.1 Agree for the reviewed statement of Licensing Policy to go out to consultation.**
- 1.2 That after consultation, relevant responses are reported to the Licensing Committee for consideration.**
- 1.3 If no relevant responses are received during consultation then for a recommendation to be made to full council for the adoption of the policy.**

2. Introduction and Background

- 2.1** The Licensing Act 2003 required the Council as a Licensing Authority to produce a Statement of Licensing Policy. The legislation further requires the Council to review, determine and publish its Policy with respect to the exercise of its licensing functions every five years.
- 2.2** In compliance with the requirement to review the policy, a draft of the reviewed Statement of Licensing Policy has been prepared and is attached as **Appendix 1**

2.3 As part of this review interested parties will be consulted with including licence holders and their representatives, and the public.

3. Issues, Options and Analysis of Options

3.1 The Council as a Licensing Authority is obliged to have a statement of Local Licensing Policy in place. The current Policy expired on 6th January 2014. It is therefore imperative that the Council adopts a reviewed Policy as soon as possible.

3.2 The reviewed policy has included the legislative changes in the following areas:

- The introduction of the Home Office as a Responsible Authority
- The introduction of the right to work checks
- The updating of the application procedures

4. Reasons for Recommendation

4.1 Adoption of the policy is a Full Council function,

4.2 This policy must be consulted upon as part of the review process. If there are relevant representations made this committee will have an opportunity to consider those before referral to Full Council for adoption..

5. Consultation (including Overview and Scrutiny, if applicable)

5.1 Consultation on the reviewed draft policy will be undertaken. All premises licensed under the Licensing Act 2003 by Thurrock Council will be written to inviting them to view the draft policy, and to make any comments in writing to the Licensing Department.

5.2 Consultation will also been undertaken with other stakeholders and with Responsible Authorities, including police; fire and rescue; trading standards; health and safety; Home Office (immigration) planning; public health and environmental health.

5.3 The draft policy will also been published on the Council's website for comments.

5.4 The consultation period will run for 6 weeks.

6. Impact on corporate policies, priorities, performance and community impact

6.1 This review will ensure the licensing service continues to be cost recovery where possible.

7. Implications

7.1 Financial

Implications verified by: **Rosie Hurst**
Interim Senior Management Accountant.

There are no financial implications for Thurrock Council.

7.2 Legal

Implications verified by: **Simon Scrowther**
Principal Lawyer

The granting of Licences is a legal function of the authority and the adoption of a revised Statement of Licensing Policy a statutory requirement under the Licensing Act 2003. The final policy will need to be adopted by Full Council. This review will bring the policy in line with all recent changes to legislation and statutory guidance

7.3 Diversity and Equality

Implications verified by: **Becky Price**
Team Manager, Community Development and Equalities

A Community and Equality Impact Assessment has been undertaken and there are no there are no Diversity and Equality Implications at this stage..

7.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

- None

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- Licensing Act 2003
- Guidance issued under section 182 of the Licensing Act 2003

9. Appendices to the report

- Appendix 1 – Reviewed Statement of Licensing Policy.

Report Author:

Paul Adams

Licensing Manager

Licensing Team, Public Protection

Public Protection

Statement of Licensing Policy

Made under Section 5 of the Licensing Act 2003

DRAFT 2020 version....

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Should you require further information please contact:
Licensing Department, Civic Offices, New Road, Grays, Essex, RM17 6SL.
Email: licensing@thurrock.gov.uk, Telephone: 01375 652 187



STATEMENT OF LICENSING POLICY

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A Profile of Thurrock

Thurrock has a long and celebrated history; having played a vital role in the defense of the region, the capital and the realm.

Situated within the heart of the Thames Gateway in South Essex, just to the East of London, this thriving borough encompasses huge swathes of green belt country, with 18 miles (29km) of Thames frontage. The area's unique riverside location and vast natural resources is the key to its past and future development, growth and success.

Thurrock's economy has historically been driven by the presence of several large sectors - transport, logistics, port functions and retail account for a substantial part of the current economic landscape.

Thurrock has been considered a gateway between Britain and the rest of the world for decades and this still holds true today - DP World's presence in the borough is testimony to that.

Alongside these areas of peace and beauty, Thurrock is also home to one of the largest shopping complexes in Europe. All of this is just 40 minutes from the heart of The City.

Thurrock is the largest regeneration area in the UK. This status brings many opportunities but also some significant challenges - 30,000 new jobs and 30,000 new homes by 2037. There are six major growth hubs at Purfleet, Lakeside and West Thurrock, Grays, Tilbury, London Gateway and Thames Enterprise Park

In 2018 our population was estimated at 172,500 in 68,266 dwellings. Over 30 different languages are currently spoken and this number is also expected to rise. The council recognises the benefits of a diverse community and the potential impact of these trends on shaping the future of Thurrock.

Whilst Thurrock's ranking in deprivation has improved, but inequalities exist in parts of Tilbury, Belhus, Chadwell, Ockendon and West Thurrock with the gap biggest in health, crime, education and employment.

Thurrock Unitary Council was formed in the 1998 local government review. There are 20 electoral wards and 49 seats on the Council. Ordinarily, Members serve for a mandate of four years.

The Council has operated the Leader-Cabinet model of governance since May 2000 and the Cabinet formally assumed new executive powers in June 2002.

The Council has appointed a Licensing Committee that, together with its Sub-Committees, will carry out duties in line with the licensing function. Our approach to area governance is a key part of our decision making structure.

The Council has a Chief Executive and three corporate directors. Each corporate director works with a team of directors and heads of service who have responsibility for the day-to-day management of services and contribute to the strategic direction of the Council. Reporting to the Director of Place, the **Head of Public Protection** is charged with managing the Licensing Service, which includes administering the licensing function.

Shaping Thurrock (the area's LSP) was launched in January 2002. The Council has a genuine and well-established commitment to partnership working and the LSP is developing as an effective umbrella for the various partnerships with an interest in the well being of the people of Thurrock.

THURROCK COUNCIL STATEMENT OF LICENSING POLICY

1.0 INTRODUCTION

Introduction

- 1.1 Thurrock Council is the Licensing Authority under the Licensing Act 2003 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 and the provision of regulated entertainment and late night refreshment.
- 1.2 When assessing applications, the Licensing Authority should be satisfied that the measures proposed in the applicant's operating schedule aim to promote the four licensing objectives. Bold type refers to matters that the Licensing Authority would normally expect to see addressed in the applicant's operating schedule, where appropriate. Passages of text that are not in bold are provided to assist applicants to understand what the Licensing Authority is seeking to achieve, the factors that influence the promotion of the licensing objectives and the control measures that could be implemented by the applicant to achieve that outcome.
- 1.3 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 promotion of the licensing objectives nor can this policy detail all the control measures that may be appropriate.

The Licensing Objectives

- 1.4 The 2003 Act requires the Licensing Authority to carry out its various licensing functions so as to promote the four licensing objectives. These are:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 1.5 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 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.

Statement of Licensing Policy

- 1.6 The 2003 Act further requires that the Licensing Authority publishes a 'Statement of Licensing Policy' which sets out the policies the Licensing Authority will generally apply to promote the licensing objectives when making decisions on applications made under the Act.
- 1.7 This 'Statement of Licensing Policy' has been prepared in accordance with the provisions of the 2003 Act and having regard to the guidance issued under Section 182 of the Act. It has been drafted in partnership with the Essex Joint Licensing Officers' Forum and the Thurrock Community Safety Partnership.
- 1.8 This Policy Statement takes effect on **7th January 2014** 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 6th January 2019**.

Consultation

- 1.9 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.
- 1.10 In reviewing this Policy Statement, the Licensing Authority consulted widely. Along with the statutory consultees (the Chief Police Officer for the District and the Essex County Fire and Rescue Service), the views of existing licence holders, businesses, voluntary groups and residents were also taken into account. Due consideration was given to the views of all those who responded to that consultation process.

A list of consultees can be found **at Appendix 8**.

Links to other Strategies

- 1.11 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, tourism and economic development, to ensure the proper co-ordination and integration of the aims and actions of these policies. Review and amendment of these strategies will be considered for their impact on this statement of licensing policy.
- 1.12 Further, arrangements will be made for the Licensing Committee to receive reports, when appropriate, on the needs of the local tourist economy to ensure that these are reflected in their considerations. The Licensing Committee will also be appraised of the local employment situation and the need for new investment and employment, where appropriate.
- 1.13 To ensure proper integration with the Council's planning policies, the Licensing Committee will provide reports to the Planning Committee, where appropriate, on the situation regarding licensed premises in the area,

including the general impact of alcohol-related crime and disorder, to enable the Planning Committee to have regard to such matters when making its decisions.

- 1.14 The Licensing authority recognises its responsibilities under appropriate equal opportunities legislation. The impact of this policy will be monitored through the Council's Equal Opportunities Policy.

Regulated Entertainment

- 1.15 Having regard to the Council's Cultural Strategy and the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified in 1976, a diverse provision of cultural activities is welcomed for the benefit of communities. The Licensing Authority will monitor the licensing of regulated entertainment, especially with regard to live music and dancing, theatrical performances, circuses, etc. to ensure that such events are promoted without unreasonable restrictions being imposed, which would discourage such events. The Licensing Authority will need to balance the natural concern to prevent disturbance in neighbourhoods with the wider cultural benefits, particularly the cultural benefits for children.

Applications

- 1.16 When considering applications, the Licensing Authority will have regard to:
- the Licensing Act 2003 and the licensing objectives
 - Government guidance issued under Section 182 of the Licensing Act 2003 (as revised)
 - any supporting regulations
 - this statement of licensing policy
- 1.17 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.
- 1.18 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, the Council's licensing functions will be discharged separately from the Council's functions as the local planning authority. **However, it is recommended that 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, such as building control approval, and applicants are expected to ensure that such permissions are obtained where necessary.)

- 1.19 Where a licence holder wishes to amend the licence, in most cases an application for variation can be made, rather than an application for a new premises licence. This would include:
- varying the hours during which a licensable activity is permitted
 - adding or removing licensable activities
 - amending, adding or removing conditions within a licence
 - altering any aspect of the layout of the premises which is shown on the plan. The Licensing Authority will consider whether there is any likely impact on the promotion of the licensing objectives when deciding whether there is a need for an application to vary in relation to features which are not required to be shown on the plan but have, nevertheless, been included.
- 1.20 An application for a Minor Variation may be considered for minor changes to the structure or layout of a premises; small adjustments to licensing hours; removal of out of date, irrelevant or unenforceable conditions or adding certain licensable activities.
- 1.21 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 genuinely aggrieved by a positive decision in favour of a local authority application by the licensing authority may be entitled to appeal to the Magistrates' Court and thereby receive an independent review of any decision made.
- 1.22 In all cases, applicants and those making representation in respect of applications to the Licensing Authority have a right of appeal to the Magistrates' Court against the decisions of the Licensing Authority.
- 1.23 Supporting information which provides applicants with the details of the application process, having regard to the Licensing Act 2003, the regulations, statutory guidance and local practice and procedures, may be found in **Appendix 4** of the Supplementary Information. Every effort will be made to keep the application process as simple as possible. Help will be given to all applicants, particularly those from voluntary groups.

Representations

- 1.24 The Licensing Authority, the Chief Officer of Police, the Fire Authority, the Enforcing Authority for health and safety purposes, the local planning authority, the authority responsible for minimising or preventing the risk of pollution, the local health body, and the Child Protection 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.
- 1.25 Any other person, including any individual, body or business entitled to make representation, may also comment on an application, regardless of their

geographic proximity to the premises to which the application relates. Any other person can make the representation or they may ask for a representative to make it on their behalf.. Members of the Licensing Authority may also make representations as interested parties. 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. The representation must not be frivolous or vexatious, and in the case of reviews, in addition, not repetitious.

- 1.26 It is only when relevant representations are received that the Licensing Authority may hold a hearing. It will pay particular attention at any hearing whether to impose extra conditions in addition to any which may already be included in the operating schedule, with a view to promoting the objectives.
- 1.27 Where no representations are received, the application must be granted on the terms sought by the applicant.

Conditions

- 1.28 Licensing is about the regulation of licensable activities at licensed premises, qualifying clubs and temporary events and the people who manage them or hold personal licences within the terms of the 2003 Act. Where relevant representations are made, the Licensing Authority will seek to make objective judgements as to whether conditions may need to be attached to various authorisations and others in possession of relevant authorisations, to secure achievement of the licensing objectives. 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 and will cover matters that are within the control of individual licensees.
- 1.29 The Licensing Authority acknowledges that the licensing function cannot be used for the general control of 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 holding the licence, certificate or authorisation concerned. These include:
- planning controls
 - positive measures to create a safe and clean town environment in partnership with local businesses, transport operators and other departments of the local authority
 - the provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols
 - powers of local authorities to designate places where restrictions on public drinking apply
 - police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices

- the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk
 - the confiscation of alcohol from children and adults in designated areas
 - police and/or local authority powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance
 - the power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question
- 1.30 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.
- 1.31 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 premises, in order to avoid the imposition of disproportionate and other burdensome conditions on those premises. Standard conditions will therefore be avoided and no condition will be imposed that cannot be shown to be appropriate for the promotion of the licensing objectives.

Delegation of Functions

- 1.32 With the exception of the approval and review of its Licensing Policy, 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. The Licensing Committee will receive regular reports regarding licences determined by officers under delegated powers, in order to maintain an overview of the general situation.

Details of delegation of powers are shown in **Appendix 6** of the supplementary information.

The Need for Licensed Premises

- 1.33 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 off-licence. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy.

Cumulative Impact of a Concentration of Licensed Premises

- 1.34 “Cumulative impact” means 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 in developing its licensing policy statement.
- 1.35 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 may not be attributable to any individual premises.
- 1.36 The Licensing Authority should only adopt a special policy on cumulative impact if there is evidence that a significant number of licensed premises concentrated in one area is resulting in unacceptable levels of crime and disorder or public nuisance.
- 1.37 The Licensing Authority, having regard to the evidence currently available, considers that there is no particular part of the borough causing a cumulative impact on any of the licensing objectives.
- 1.38 However, the cumulative impact of licensed premises in a particular area may, at a future time, on representation from residents or businesses or a responsible authority, trigger the consideration of whether any additional licences or substantial variations to existing licences, to increase such aspects as capacity or operating hours, would lead to an unacceptable saturation in an area. The onus will be on the objector to provide evidence that additional licences or the variation of existing licences will produce the cumulative impact claimed.

Advice and Guidance

- 1.39 The Licensing Authority recognises the valuable cultural, social and business importance that premises and events requiring a licence under the Licensing Act provide and welcomes the diversity of activities that are provided by licence holders.
- 1.40 Pre-application discussions 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.
- 1.41 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 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.

- 1.42 The details of various organisations, trade associations and reference literature that an applicant may find useful in preparing an operating schedule and running a safe premises/event may be found in **Appendices 1 and 3** of the supplementary information.

Reviews

- 1.43 Where possible and appropriate any responsible authority will give early warning to licence holders of any concerns about problems identified at premises and of the need for improvement.
- 1.44 Responsible authorities and/or persons who live or are involved in a business in the relevant Licensing Area can trigger a review of a premises licence. However, such reviews should, where possible, be supported by evidence to be presented to the Licensing Authority.
- 1.45 No more than one review from persons who live or are involved in a business in the relevant Licensing Area will be normally permitted within any 12 month period on similar grounds except in exceptional and compelling circumstances.

Enforcement

- 1.46 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 Council has adopted the Government's Enforcement Concordat designed to ensure effective and efficient public protection services. Specifically, the Council is committed to accord with the principles of good enforcement practice by carrying out its regulatory functions in a fair, open and consistent manner.
- 1.47 The Enforcement Concordat is based on the principles that businesses should:
- receive clear explanations from enforcers of what they need to do and by when
 - have opportunities to resolve differences before enforcement action is taken - unless immediate action is needed
 - receive an explanation of their rights of appeal
- 1.48 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. The Licensing Authority has set clear standards of service and performance that the public and businesses can expect. In particular, a licensing enforcement policy has been created that explains how the Council will undertake its role as Licensing Authority and how the principles of effective enforcement will be achieved. This policy is freely available from the Licensing Section, as are details of the Council's corporate complaints procedures. These documents can also be viewed on the Council's website: www.thurrock.gov.uk

- 1.49 The Licensing Authority has established an enforcement protocol with Essex Police, Essex County Fire and Rescue Service and Thurrock Council Trading Standards on enforcement issues. This protocol provides for the targeting of resources towards high-risk premises and activities that require greater attention, while providing a lighter touch in respect of low risk premises that are well operated.

2.0 LICENSING OBJECTIVES

- 2.1 The following sections set out the Licensing Authority's Policy relating specifically to the four licensing objectives:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

- 2.2 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 and the examples given will not be applicable in all cases. **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.** Pre-application discussions with the Responsible Authorities are encouraged to assist applicants to develop their operating schedule.

- 2.3 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 and the examples given will not be applicable in all cases. 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.

- 2.4 **The selection of control measures, referred to in 2.3 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. Documented risk assessments can prove a useful tool in the instruction and training of staff, as well as a sound basis for review by the licence holder, (e.g. when making application for variation or in response to changing circumstances/conditions at the premises).

- 2.5 Additional measures may be necessary on an occasional or specific basis such as when a special event or promotion is planned (e.g. popular live band or during major sporting occasions), 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 should be made in an applicant's operating schedule, where applicable, to such occasions and the additional measures that are planned in order to promote the licensing objectives.**

- 2.6 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 important control measures for the promotion of all the licensing objectives. **For this reason, these elements should be specifically considered and addressed within an applicant's operating schedule.**
- 2.7 In addition, the occupancy capacity for premises, and events as appropriate, is also considered to be an important factor in the promotion of the four licensing objectives, (except in respect of premises licensed for the consumption of food and/or alcohol off the premises). **The Licensing Authority expects the issue of occupancy capacity to be considered and addressed, where necessary, within an applicant's operating schedule and, in appropriate instances, will agree a maximum occupancy capacity, based on the applicant's assessment within their operating schedule.**
- 2.8 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 factors may include:
- the nature of the premises or event
 - the nature of the licensable activities being provided
 - the provision or removal of such items as temporary structures, such as a stage, or furniture
 - the number of staff available to supervise customers both ordinarily and in the event of an emergency
 - the customer age profile
 - the attendance by customers with disabilities, or whose first language is not English
 - availability of suitable and sufficient sanitary accommodation
 - nature and provision of facilities for ventilation
- 2.9 The agreement to a capacity for premises or events should not be interpreted as a requirement to also provide permanent monitoring arrangements such as doorstaff, attendance clickers or maintenance of attendance records. The Licensing Authority recognises that the person in charge at the premises can often readily assess the capacity of 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.**
- 2.10 The licensing authority will consider applications for minor variations to premises licences, providing 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.

3.0 PREVENTION OF CRIME AND DISORDER

3.1 Thurrock Council is committed to further improving the quality of life for the people of Thurrock by continuing to reduce crime and the fear of crime.

3.2 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 Thurrock Council, Essex Police, and others to consider crime and disorder reduction in the exercise of all their duties. The Licensing Act 2003 reinforces this duty for local authorities.

3.3 The promotion of the licensing objective, to prevent crime and disorder, places a responsibility on licence holders to become key partners in promoting 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.**

3.4 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 factors may include:

- Underage drinking
- Drunkenness on premises
- Public drunkenness
- Drugs
- Violent behaviour
- Anti-social behaviour
- Theft of Alcohol

3.5 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. The list is not exhaustive and the examples given will not be applicable in all cases:

- Effective and responsible management of premises
- Documented staff training
- Supervision of staff
- Number of personal licence holders present
- Adoption of best practice guidance (e.g. Safer Clubbing, the Government's Alcohol Harm Reduction Strategy 'Safe. Sensible. Social.' and other voluntary codes of practice, including those relating to drinks promotions e.g. The Point of Sale Promotions published by BBPA, Security in Design published by BBPA and Drugs and Pubs, published by BBPA)
- Acceptance of accredited 'proof of age' cards e.g. PASS, locally approved 'proof of age' cards and/or 'new type' driving licences with photographs and/or passports

- Adoption of a 'Challenge 25' policy whereby an approved ID must be produced to prove the customer is over 18 years of age
- Provision of effective CCTV in and around premises with the retention of images for a suitable period
- Design and seating layout
- Employment of Security Industry Authority licensed doorstaff
- Provision of toughened or plastic drinking vessels
- Provision of secure, deposit boxes for confiscated items ('sin bins')
- Provision of litterbins and other security measures, such as lighting, outside premises
- Membership of local 'Pubwatch' schemes or similar organisations

Pre-application discussions with the Responsible Authorities are encouraged to assist applicants to develop their operating schedule.

3.6 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' (DPS)). The Licensing Authority will normally expect the 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.

3.7 Certain temporary events are not required to be licensed but can be notified to the Licensing Authority, Essex Police and Environmental Health using the Temporary Event Notice procedure. However, depending on the nature and location of such events, these can have serious implications on all four licensing objectives. Although the legislation requires a minimum of ten working days' notice to be given (five working days notice in the case of Late Temporary Event Notices), organisers of these events are encouraged to submit their notification as soon as reasonably practicable to enable the Police, Environmental Health and the Licensing Authority to work with them to identify and reduce the risk to the licensing objectives.

Please see **Appendix 4** of the supplementary information for details regarding the application process and timescales for the submission of Temporary Event Notices.

4.0 PUBLIC SAFETY

4.1 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.**

- 4.2 When addressing the issue of public safety, an applicant should demonstrate that those factors that impact on the standards of public safety have been considered. These factors may include:
- the occupancy capacity of the premises
 - the age, design and layout of the premises, including means of escape in the event of fire
 - 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
 - the hours of operation (differentiating the hours of opening from the hours when licensable activities are provided, if different)
 - customer profile (e.g. age, disability)
 - the use of special effects such as lasers, pyrotechnics, smoke machines, foam machines, etc.
- 4.3 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. The list is not exhaustive and the examples given will not be applicable in all cases.
- Suitable and sufficient risk assessments
 - Effective and responsible management of premises
 - Provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons
 - Employment of Security Industry Authority licensed doorstaff
 - Appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and patrons
 - Adoption of best practice guidance (e.g. Guide to Fire Precautions in Existing Places of Entertainment and Like Premises, The Event Safety Guide)
 - Provision of effective CCTV in and around premises
 - Provision of toughened or plastic drinking vessels
 - Implementation of crowd management measures
 - Proof of regular testing (and certification where appropriate) of procedures, appliances, systems etc. pertinent to safety

Pre-application discussions with the Responsible Authorities are encouraged to assist applicants to develop their operating schedule.

5.0 PREVENTION OF PUBLIC NUISANCE

- 5.1 Licensed premises have a significant potential to adversely impact 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.
- 5.2 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.

- 5.3 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 relevant representations have been received. Conversely, premises with demonstrable effective measures planned to prevent public nuisance, may be suitable for longer opening hours.
- 5.4 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.
- 5.5 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.**
- 5.6 When addressing the issue of prevention of public nuisance, the applicant should demonstrate that those factors that impact on the likelihood of public nuisance have been considered. These factors may include:
- the location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices and places of worship
 - the hours of opening, particularly between 23.00 and 07.00
 - the nature of activities to be provided, including whether those activities are of a temporary or permanent nature, whether they are to be held inside or outside premises and their audibility at noise sensitive premises
 - the design and layout of premises and in particular the presence of noise limiting features
 - provision of facilities for smokers in line with Health Act 2006
 - the occupancy capacity of the premises
 - the availability of public transport
 - 'wind down period' between the end of the licensable activities and closure of the premises
 - last admission time
 - measures for orderly and safe dispersal of customers
- 5.7 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. The list is not exhaustive and the examples given will not be applicable in all cases:
- Effective and responsible management of premises
 - Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance, e.g. to ensure customers leave quietly
 - Control of operating hours for all or parts (e.g. garden areas) of premises, including such matters as deliveries
 - Adoption of best practice guidance (e.g. Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by Institute of Acoustics, Licensed Property: Noise, published by BBPA)

- Installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices
- Management of people, including staff, and traffic (and resulting queues) arriving and leaving premises, including dispersal policies
- Liaison with public transport providers
- Siting of external lighting, including security lighting
- Management arrangements for collection and disposal of litter including smoking-related litter
- Effective ventilation systems to prevent nuisance from odour
- Siting of smoking areas in relation to adjoining residential areas
- Details of dispersal policy for customers leaving the venue.

Pre-application discussions with the Responsible Authorities are encouraged to assist applicants to develop their operating schedule.

6.0 PROTECTION OF CHILDREN FROM HARM

- 6.1 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.
- 6.2 The general relaxation in the 2003 Act 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.
- 6.3 The protection of children from harm includes the protection of children from moral, psychological and physical harm and 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 topless bar staff, striptease, lap, table or pole dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language. This vulnerability includes their susceptibility to suggestion, peer group influences, inappropriate example, the unpredictability of their age and the lack of understanding of danger.
- 6.4 Premises which are classed as Sexual Entertainment Venues are separately licensed under the Local Government (Miscellaneous Provisions) Act 1982 and are subject to additional regulation to protect children from harm.
- 6.5 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. 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.

6.6 **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.**

6.7 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 should demonstrate that those factors that impact on harm to children have been considered. Areas that will give particular concern in respect of children include:

- where entertainment or services of an adult or sexual nature are commonly provided
- 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
- with a known association with drug taking or dealing
- where there is a strong element of gambling on the premises, and
- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

6.7 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. The list is not exhaustive and the examples given will not be applicable in all cases:

- Effective and responsible management of premises
- Employment of Security Industry Authority licensed doorstaff
- Provision of a sufficient number of people employed or engaged to secure the protection of children from harm
- Appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm
- Adoption of best practice guidance (Public Places Charter, The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks)
- Limitations on the hours when children may be present, in all or parts of the premises
- Limitations or exclusions by age when certain activities are taking place
- Imposition of requirements for children to be accompanied by an adult
- Acceptance of accredited 'proof of age' cards and/or 'new type' driving licences with photographs
- Measures to ensure children do not purchase, acquire or consume alcohol (e.g. 'Challenge 25' scheme)
- Measures to ensure children are not exposed to incidences of violence or disorder
- Appropriate siting and supervision of Amusements with Prizes machines

These examples can be adopted in any combination. Pre-application discussions with the Responsible Authorities are encouraged to assist applicants to develop their operating schedule.

- 6.8 **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 Licensing Authority. 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.**
- 6.9 If considered appropriate, the Licensing Authority may require that some adult supervisors undergo an enhanced Criminal Records Bureau check to ascertain that there is no known impediment to their working with children and young persons. In appropriate cases, the Licensing Authority may also attach conditions relating to searches carried out on children and young persons.
- 6.10 The Licensing Authority will rarely impose complete bans on access to premises by children. However, in exceptional circumstances, conditions restricting access or excluding children completely may be considered necessary.

Thurrock Council resolved this Policy on the **23rd October 2013 in accordance with our obligations under the Licensing Act 2003. The policy takes effect on 7th January 2014.**

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APPENDIX 1

REFERENCES TO GUIDES AND BEST PRACTICE

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

APPENDIX 2
CONTACT DETAILS FOR RELEVANT RESPONSIBLE AUTHORITIES

<u>RESPONSIBLE AUTHORITY</u>	<u>ADDRESS</u>	<u>OTHER CONTACT DETAILS (where applicable)</u>
Licensing Authority	Licensing Department Thurrock Council Civic Offices New Road Grays Essex RM17 6SL	licensing@thurrock.gov.uk 01375 652 187
Police Licensing	Licensing Department (Alcohol) Essex Police Blyths Meadow Braintree Essex CM7 3DJ	licensing.applications@essex.police.uk phone 101, or 01245 452 035 if outside Essex
Local Fire Authority	Essex Fire Authority Thurrock & Brentwood Community Command Fire Station Hogg Lane Grays Essex RM17 5QS	southwestgroupsdp@essex-fire.gov.uk 01376 576707
Public Health	Director of Public Health Thurrock Council Civic Office New Road Grays RM17 6SL	FAO: Director of Public Health publichealth@thurrock.gov.uk
Local Weights & Measures Authority	Trading Standards Department Thurrock Council Civic Offices New Road Grays Essex RM17 6SL	FAO: Trading Standards Team Trading.standards@thurrock.gov.uk 01375 652 477
Local Authority with responsibility for Environmental Health	Environmental Protection Department Thurrock Council Civic Offices New Road Grays Essex RM17 6SL	FAO: Environmental Protection Team Environmental.health@thurrock.gov.uk 01375 652 417

Local Planning Authority	Planning Department Thurrock Council Civic Offices New Road Grays Essex RM17 6SL	FAO: Development Management Development.management@thurrock.gov.uk 01375 652 415
Local Authority with responsibility for Health and Safety	Health and Safety Department Thurrock Council Civic Offices New Road Grays Essex RM17 6SL	FAO: Health and Safety Department healthandsafety@thurrock.gov.uk 01375 652 413
Body responsible or interested in the protection of children from harm	Children and Family Services Thurrock Council Civic Offices New Road Grays Essex RM17 6SL	FAO: Brian Relph (Strategic Lead QA, Reviewing and PSW)
Home Office (Immigration Enforcement)	Alcohol Licensing Team Lunar House 40 Wellesley Road Croydon CR9 2BY	alcohol@homeoffice.gsi.gov.uk

APPENDIX 3
CONTACT DETAILS AND USEFUL ADDRESSES

1. Arts Council England
14 Great Peter Street
London
SW1P 3NQ

Tel: 0845 300 6200
Email: enquiries@artscouncil.org.uk
Web: www.artscouncil.org.uk
2. Association of Licensed Multiple Retailers
9b Walpole Court
Ealing Studios
London W5 5ED

Tel: 020 8579 2080
Email: info@almr.org.uk
Web: www.almr.org.uk
3. British Beer & Pub Association
Market Towers
1 Nine Elms Lane
London
SW8 5NQ

Tel: 020 7627 9191
Email: web@beerandpub.com
Web: www.beerandpub.com
4. British Board of Film Classification
3 Soho Square
London
W1D 3HD

Tel: 020 7440 1570
Email: helpline@bbfc.co.uk
Web: www.bbfc.co.uk
5. British Institute of Innkeeping
Wessex House
80 Park Street
Camberley
Surrey
GU15 3PT

Tel: 01276 684449
Email: reception@bii.org
Web: www.bii.org
6. Equality & Human Rights Commission
Fleetbank House
2-6 Salisbury Square
London
EC4Y 8JX

Tel: 020 3117 0235
Email:
Web: www.equalityhumanrights.com

7. Essex Chamber of Commerce
South Essex Office
845 London Road
Westcliff-on-Sea
SS0 9SZ
Tel: 01206 765 277
Email: info@essexchambers.co.uk
Web: www.essexchambers.co.uk
8. Drug and Alcohol Action Team (DAAT)
Thurrock Council
Civic Offices
New Road
Grays
Essex
RM17 6SL
Tel: 01375 652 652
Email: publicprotection@thurrock.gov.uk
Web: www.thurrock.gov.uk
9. Equality and Diversity
Thurrock Council
Civic Offices
New Road
Grays
Essex
RM17 6SL
Tel: 01375 652 085
Email: diversity@thurrock.gov.uk
Web: www.thurrock.gov.uk
10. Equity
Guild House
Upper Martins Lane
London
WC2H 9EG
Tel: 020 7379 6000
Email: info@equity.org.uk
Web: www.equity.org.uk
11. Institute of Acoustics
77a St Peters Street
St Albans
Hertfordshire
AL1 3BN
Tel: 01727 848195
Email: ioa@ioa.org.uk
Web: www.ioa.org.uk
12. Musicians Union
60-62 Clapham Road
London
SW9 0JJ
Tel: 020 7840 5537
Email: eastsoutheast@musiciansunion.org.uk
Web: www.musiciansunion.org.uk
13. Security Industry Authority
PO Box 8
Newcastle upon Tyne
NE82 6YX
Tel: 08702 430 100
Email: info@the-sia.org.uk
Web: www.the-sia.org.uk
15. The Portman Group
Tel: 020 7907 3700

7-10 Chandos Street
Cavendish Square
London
W1G 9DG

Email: info@portmangroup.co.uk

Web: www.portmangroup.org.uk

APPENDIX 4 **APPLICATION PROCESS**

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

Licensing Department
Thurrock Council
Civic Offices
New Road
Grays
Essex
RM17 6SL

Alternatively, applications can be submitted online at www.thurrock.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, 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

- ◆ To apply to renew a Personal Licence, applicants will need to complete an application form and send it to the Licensing Authority who issued the original personal licence together with two passport photographs (one of which must be certified as a true likeness), 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 since the application for a personal licence 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.

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.

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 2** 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 in the application pack.

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. 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.

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 Protection 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 Service 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 Protection Team can object to a TEN if the event is likely to undermine the licensing objectives. Where Essex Police or the Environmental Protection 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 Protection 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 Service 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 Protection 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)

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 -
 - Ⓐ of a size equal or larger than A4;
 - Ⓑ of a pale blue colour;
 - Ⓒ 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;

- ④ the date by which an interested party or responsible authority may make representations to the licensing authority;
- ⑤ that representations shall be made in writing;
- ⑥ 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 5 **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

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 Interested Party 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.

Provision under which hearing is held	Period of time in which hearing must be held	Persons to whom notices must be sent
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	20 working days beginning	The club holding the club

club premises certificate	with the day after the end of the period for making representations.	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 6

DELEGATION OF POWERS

- Full details of the Council's Constitution can be found on the Council web site www.thurrock.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 and Chaired by either the Chairman or Vice Chairman 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 Principal Licensing Officer 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.

APPENDIX 7

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 1st 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.

APPENDIX 8 **CONSULTEES**

The following bodies were consulted on this policy prior to it being adopted:

- All premises licensed in Thurrock under the Licensing Act 2003
- Relevant Authorities under the Licensing Act 2003
- British Beer and Pub Association
- Punch Taverns Plc
- Mitchells & Butlers Leisure Retail Ltd
- Association of Licensed Multiple Retailers
- British Institute of Innkeeping
- Business Link for Essex
- Equality & Human Rights Commission
- Thurrock Council Drug & Alcohol Action Team
- Thurrock Council Equality & Diversity
- Musicians Union
- Security Industry Authority
- The Portman Group
- Thurrock Council Community Safety Partnership
- Thurrock Citizens Advice Bureau
- Thurrock Council for Voluntary Service
- Essex Chamber of Commerce

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