

Corporate Support Services

**A Guide for applicants for licences
under the Licensing Act 2003
on completion of Operating Schedules**

Issued: January 2005

Epping Forest District Council

Introduction

Licensing Authorities are required by the Licensing Act 2003 to publish a statement of their licensing policy every three years. This guidance does not form any part of that policy and is separate from it.

Where representations are made about applications for premises licences and a hearing is held, the Licensing Authority will not simply follow the requirements of this guide, but will consider each case on its merits, taking into account the evidence presented to it at the hearing.

The main purpose of this guide is to enable applicants to be aware of the likely requirements of the responsible authorities.

The 2003 Act requires the Licensing Authority to carry out its various licensing functions so as to promote the following four licensing objectives:

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

Applicants must address these objectives in the operating schedule, accompanying their application. The Licensing Authority cannot consider applications where the objectives have not been satisfactorily addressed. The guidance in this document cannot be exhaustive, premises and events vary enormously, and it is the responsibility of the applicant to consider and implement measures to achieve compliance with the licensing objectives. 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.

We will offer as much advice and guidance to applicants, as resources permit and applicants are encouraged to discuss their operating schedules with officers before formally submitting their application.

The Licensing Authority will also endeavour to negotiate with applicants and/or mediate between applicants and others who may make representation, to achieve a satisfactory outcome for all involved. However, both the Licensing Authority and the applicant need to be mindful of the time constraints placed upon the application and determination process.

As outlined in our licensing policy statement the Licensing Authority will discharge its licensing functions separately from its functions as the local planning authority, however, applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned.

Applicants know their premises best and will be expected to address all aspects of the licensing objectives to the individual style and characteristics of their premises and events.

The selection of any control measures 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, we consider such documentation to be good practice and a useful tool in the instruction and training of staff, as well as a sound basis for review by the licence holder.

Additional measures may be necessary on an occasional or specific basis such as when a special event (e.g. a popular live band) or promotion (e.g. during major sporting occasions) is planned, which is intended to, or likely to attract larger audiences and/or audiences of a different nature, and which can have a significant impact on the achievement of the licensing objectives. The Licensing Authority would expect that the applicant makes reference in the operating schedule, where applicable, to such occasions and the additional measures that are planned in order to achieve the licensing objectives.

We consider the effective and responsible management of the premises, instruction, training and supervision of staff and the adoption of best practice to be amongst the most essential control measures for the achievement of all the licensing objectives. For this reason, we would expect that they be specifically considered and addressed within an applicant's operating schedule.

The prevention of crime and disorder

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.

When addressing the issue of crime and disorder, the applicant must demonstrate that those factors that impact on crime and disorder have been considered. These specifically include:

- underage drinking;
- drunkenness on premises;
- public drunkenness
- drugs;
- violence
- anti-social behaviour.

The following examples are given to assist applicants and are considered to be amongst the most essential that applicants should take account of their operating schedule, where appropriate:

- effective and responsible management of premises
- training and supervision of staff;
- adoption of best practice guidance (e.g. Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit and other voluntary codes of practice);
- acceptance of accredited 'proof of age' cards and/or photocard driving licences with photographs;
- provision of effective CCTV in and around premises;
- employment of Security Industry Authority licensed doorstaff;
- provision of toughened or plastic glasses;
- bottle bans
- provision of secure, deposit boxes for confiscated items (sin bins);
- provision of other security measures, such as lighting, outside premises
- membership of local 'Pubwatch' schemes or similar organisations.

Within the operating schedule for premises from which alcohol will be sold, a Premises Supervisor must be designated ('Designated Premises Supervisor' or 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.

Certain temporary events are not required to be licensed but can be notified to the local authority using the Temporary Event Notice procedure. However, depending on the nature and location of such events, these can have serious crime and disorder implications. Organisers of these events are encouraged to submit their notification as soon as reasonably practicable to enable the Police and Licensing Authority to work with them to identify and reduce the risk of crime and disorder from occurring, and should note that the Police may raise objections to the event if they consider that problems may result.

Public Safety

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

- the occupancy capacity of the premises;
- proposed measures to reduce the risk of fire and the risk of spread of fire;
- the age, design and layout of the premises, including means of escape in the event of fire;
- fire safety signs and notices;
- emergency lighting;
- fire detection and warning systems;
- fire-fighting equipment and training;
- the nature of the activities to be provided, in particular the sale or supply of alcohol, and including whether those activities are of a temporary or permanent nature;
- the hours of operation;
- the make up of those attending the premises (e.g. age, disability);
- the use of special effects such as lasers or pyrotechnics.

The following examples of control measures are considered to be amongst the most essential that applicants should consider taking account of in their operating schedules:

- risk assessments (for both health and safety and fire) prepared by competent people;
- 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;
- 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, Safety in Pubs published by the BBPA);
- provision of effective CCTV in and around premises;
- provision of toughened or plastic glasses;
- implementation of crowd management measures;
- regular testing (and certification where appropriate) of procedures, appliances, systems etc. pertinent to safety.

The occupancy capacity for premises, and events is considered to be an essential factor in the achievement of this licensing objective, (except in respect of premises licensed for the consumption of food and/or alcohol off the premises). We will expect the issue of occupancy capacity to be considered and addressed, where necessary and in most instances, will agree a maximum occupancy capacity, based on the applicant's assessment within their operating schedule.

The design and layout of premises are important in determining capacity, as is the availability and size of exits within recommended travel distances. Other factors should also be considered when assessing the appropriate capacity for premises or events. These include:

- 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 age of the customers;
- 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.

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. We recognise 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.

These measures may not be appropriate for all premises or events at all times, but may be necessary on an occasional or specific basis, with others, when the factors that impact on public safety vary.

Prevention of Public Nuisance

When addressing the issue of prevention of public nuisance, the applicant must demonstrate that those factors that impact on the likelihood of public nuisance have been considered. These may include:

- the location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices and places of worship;
- the hours of operation, particularly between 22.00 and 07.00;
- the nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises;
- the design and layout of premises and in particular the presence of noise limiting features;
- the occupancy capacity of the premises;
- the availability of public transport;
- a wind down period between the end of the licensable activities and closure of the premises;
- last admission time.

The following examples of control measures are considered to be amongst the most essential that applicants should take account of in their operating schedules:

- effective and responsible management of premises;
- appropriate instruction, training and supervision of those employed or engaged to prevent public nuisance;
- 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);
- installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices;
- management of people, including staff, and traffic (including queuing) arriving and leaving premises;
- liaison with public transport providers;
- siting of external lighting, including security lighting;
- management arrangements for collection and disposal of litter, in and around the premises;
- effective ventilation systems to prevent nuisance from odour.

As previously stated, these and other measures may be necessary on an occasional or specific basis, when the factors that impact on public nuisance vary.

The Protection of Children From Harm

The protection of children from harm includes the protection of children from moral, psychological and physical harm. This may include 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. This vulnerability includes their susceptibility to suggestion, peer group influences, inappropriate example, and the unpredictability of their age and the lack of understanding of danger. For the purposes of this guidance, children are defined as persons under the age of 18.

Access to licensed premises for children will be subject to the licensee's discretion, any special controls identified by the applicant in their operating schedule and any condition included in the licence or club premises certificate. The Licensing Authority, generally, considers that children should have free access to licensed premises of all kinds including those selling alcohol on the premises, but there will be no conditions imposed requiring that children be admitted to a licensed premises.

When addressing the issue of protecting children from harm, the applicant must demonstrate that those factors that impact on harm to children have been considered. Premises and events that must pay particular attention to the need to protect children are those where:

- children may be able to purchase, acquire or consume alcohol;
- children may be exposed to drugs, drug taking or drug dealing
- children may be exposed to gambling;
- children may be exposed to activities of an adult or sexual nature, including premises where age restricted films are shown;
- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises;
- events aimed specifically at children, where children are likely to be unaccompanied.

The following examples of control measures are considered to be amongst the most essential that applicants should take account of in their operating schedules:

- effective and responsible management of premises;
- provision of a sufficient number of people 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. In the case of events or activities specifically for children, applicants will need to specify the ratio of supervising adults to children;
- adoption of best practice guidance;
- limitations on the hours when children may be present, in all or parts of the premises;
- limitations or exclusions 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 photocard driving licences with photographs;
- premises that have Internet access facilities must have adequate control settings put in place so that web sites that are not suitable for use by children are permanently blocked.

As previously stated, these and other measures may be necessary on an occasional or specific basis, when the factors that impact on the protection of children from harm vary.

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 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 Authority itself. 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.

If considered appropriate, the Licensing Authority may require that adult supervisors be checked for suitability to work with children.

List of Responsible authorities in respect of licences issued by Epping Forest District Council

PLEASE NOTE: British Waterways, Environment Agency and Health & Safety Executive need only be consulted if they are the responsible authority for the premises to be licensed.

<p>Epping Forest District Council Civic Offices High Street Epping Essex CM16 4BZ Att; Mrs K Tuckey- Licensing Unit Tel: 01992 564034 Email: ktuckey@eppingforestdc.gov.uk</p>	<p>Health & Safety Unit Civic Offices High Street Epping Essex CM16 4BZ Steve Harcher tel:01992 564058 Email: sharcher@eppingforestdc.gov.uk</p>
<p>Harlow Police Station The High Harlow Essex CM20 1HG Att: Peter Jones Tel:01279 625405 Email: peter.jones@essex.pnn.police.uk</p>	<p>Head of Child Protection (Licensing Applications) Essex County Council PO Box 297 County Hall Chelmsford Essex CM1 1YS licenceapplications@essexcc.gov.uk</p>
<p>Essex Fire & Rescue Service Harlow & Epping Community Command Harlow Service Delivery Point Fourth Avenue Harlow Essex CM20 1DU Att : Community Commander Tel : 01279 420841 Email: he.command@essex-fire.gov.uk</p>	<p>Health & Safety Executive Wren House Hedgerows Business Park Colchester Road Springfield Chelmsford Essex CM2 5PF Att: Richard Bulmer Tel: 01245 706221 Fax: 01245 706222 Email: Richard.Bulmer@hse.gov.uk</p>
<p>David Baker Planning Services Civic Offices High street Epping Essex CM16 4BZ Tel: 01992 564514 Email: dbaker@eppingforestdc.gov.uk</p>	<p>Trading Standards New Dukes Way Office 2 Beaufort Road Dukes Park Industrial Estate Chelmsford Essex CM2 6PS Att : Sue Carroll Tel : 01245 341800 Email : TSInformationAndBusinessSupportTeam@essexcc.gov.uk</p>
<p>Pollution & Public Health Unit Civic Offices High Street Epping Essex CM16 4BZ Sue Stranders Tel:01992 564197 Email: sslanders@eppingforestdc.gov.uk</p>	<p>Environment Agency External Relations Apollo Court 2 Bishops Sq Hatfield Herts AL10 9EX Att: Miss J Sampson tel: 01707 632301 Fax:01707 632610 Email : jenny.sampson@environment-agency.gov.uk</p>

Glossary

Designated Premises Supervisor (DPS)	A personal license holder who is named on the premises licence as the DPS and has day to day responsibility for the running of the premises. Only one premises supervisor can be listed on any premises licence.
Interested Party	<ul style="list-style-type: none"> • a person living in the vicinity of the premises, • a body representing persons who live in that vicinity, • a person involved in a business in that vicinity, • a body representing persons involved in such businesses.
Licensable Activities	<ul style="list-style-type: none"> • the sale by retail of alcohol; • the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club; • the provision of regulated entertainment; and • the provision of late night refreshment.
Licensing Authority	Epping Forest District Council
Licensing Objectives	<ul style="list-style-type: none"> • the prevention of crime and disorder • public safety • the prevention of public nuisance • the protection of children from harm
Licensing Policy	A policy published under the Licensing Act 2003 and reviewed at least every three years.
Occupancy capacity	The maximum number of persons including staff allowed in a premises at any one time
Personal Licence	A licence held by a person issued under the Licensing Act 2003 and renewable every ten years
Premises Licence	A licence issued for a premises which authorises the premises to be used for one or more licensable activities.
Proof of Age Card	An authenticated photocard having the holders age on it, examples are the Essex BITE card and the Citizens Card
Representation	<p>Among other things relevant representations are:</p> <ul style="list-style-type: none"> • about the likely effect of the grant of the premises licence on the promotion of the licensing objectives, • made by an interested party or responsible authority within the period prescribed and have not been withdrawn, and are not frivolous or vexatious.
Responsible Authority	<p>(a) the chief officer of police for any police area in which the premises are situated,</p> <p>(b) the fire authority for any area in which the premises are situated,</p> <p>(c) the enforcing authority within the meaning given by section 18 of the Health and Safety at Work etc. Act 1974 for any area in which the premises are situated,</p> <p>(d) 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,</p> <p>(e) 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,</p> <p>(f) a body which—</p> <p>(i) 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</p> <p>(ii) is recognised by the licensing authority for that area for the purposes of this section as being competent to advise it on such matters,</p> <p>(g) any licensing authority (other than the relevant licensing authority) in whose area part of the premises is situated,</p> <p>(h) in relation to a vessel—</p> <p>(i) 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,</p> <p>(ii) the Environment Agency,</p> <p>(iii) the British Waterways Board, or</p> <p>(iv) the Secretary of State,</p> <p>(i) a person prescribed for the purposes of this subsection.</p>

Security Industries Authority (SIA)	The SIA is a body set up under the Private Security Industry Act 2001 and will issue licences to people working in different sectors of the security industry. This includes door staff, all of whom must be licensed by the SIA by 28 th February 2005.
Temporary Event Notice	A notice informing the Licensing Authority of permitted temporary activities for which no authorisation as such is required. The system involves notification of an event to the Licensing Authority and the Police and is subject to fulfilling certain conditions.
The Act	The Licensing Act 2003